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THE PRESIDENT OF THE  
REPUBLIC OF BULGARIA



WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

**INTERNATIONAL CONFERENCE ON  
INTELLECTUAL PROPERTY, THE INTERNET,  
ELECTRONIC COMMERCE AND TRADITIONAL KNOWLEDGE**

organized  
under the auspices of  
His Excellency Mr. Petar Stoyanov, President of the Republic of Bulgaria  
by  
the World Intellectual Property Organization (WIPO)  
in cooperation with  
the National Intellectual Property Association of Bulgaria

**Boyana Government Residence  
Sofia, May 29 to 31, 2001**

*Message by  
Mr. Xavier Michel, Permanent Observer,  
Ambassador of the International Organization of Francophonie (OIF)  
to the United Nations in Geneva*

Mr. President,  
Director General,  
Excellencies,  
Ladies and Gentlemen,

Allow me first to convey to you the warm greetings of the Secretary General of the International Organization of Francophonie, Mr. Boutros Boutros-Ghali, who greatly regrets being unable to join you. He has asked me to thank the President of the Republic of Bulgaria, Mr. Pétrar Stoyanov, personally for his invitation, and to renew to the Director General of WIPO, Mr. Kamil Idris, his sentiments of friendship and profound esteem. It is with great pleasure that I thus convey this double message.

I have to say that the International Organization of Francophonie is proud of the quality and closeness of its links with Bulgaria. It is likewise pleased with its profitable collaborative relations with WIPO.

Indeed it was thanks to the accession of Bulgaria, and also to that of Romania, at the beginning of the 1990s that the Francophone Community broadened its horizons to include Central Europe. Today eight countries of that region are party to our Organization, and a number of others propose to join the 55 States and Governments grouped within it. Thanks to the pioneering role of Bulgaria, francophone interests are now represented in all regions of the world. The Community is thus composed of a broad range of countries, from the poorest to the richest, and those in transition.

As for our collaboration with WIPO, it dates back further, but we wished to consolidate it by signing an ambitious cooperation agreement last year. As of now we have undertaken to reconcile our action programs more and concert our efforts better, notably in connection with the preparations for our next Ministerial Conference on Culture, which are to be made in Cotonou, Benin, in two weeks' time.

All this to say that I am happy to be in Sofia to attend this WIPO International Conference on Intellectual Property. You have chosen to conduct it under its main headings, from traditional knowledge to electronic commerce and the Internet. Under those headings there are some very topical questions and issues at stake which are at once legal, economic and cultural, and which are the subject of often impassioned debates between politicians, experts and above all representatives of the professional circles concerned.

The Francophone Community is also directly involved. It is involved as a community for dialogue and exchange through the medium of a common international language. It is involved as an area for creation and innovation in the interest of development. By virtue of its vocation, its aim is precisely to protect intellectual works. By virtue of its composition, more than others, it reflects the essence of international cultural and technical relations.

Indeed the ideal of the Francophone Community, like that of WIPO, feeds on the vitality and diversity of creation and of innovation throughout the world. We do have to cross a double hurdle, that of uniformization in a world that aspires to globalization, and even more importantly that of marginalization in a world that continues to inherently unequal.

The Francophone Community is not opposed to globalization, on the contrary: it is opposed to exclusion, to the inequalities that hamper the full participation of all people in the construction of a plural and mutually supportive world. We feel that, in this struggle for smoother development, for more balanced international relations, intellectual property is an instrument of the utmost importance.

Placing intellectual property at the service of real development, focused on cultural diversity, remote from abstract models and ethnocentric conceptions, presupposes that every country, every people, should fully master its capacity for creation and innovation. With that in mind, I should like briefly to draw your attention to five concerns that preside over our activity and appear to us as so many major issues for the international community to deal with.

It is in our view imperative first to reconcile the rights of the creator with those of the general public. Let us remember that both are fundamental rights written into the Universal Declaration of Human Rights and into the International Covenant on Economic, Social and Cultural Rights. Let us not forget either that respect for intellectual property derives from an international commitment that for more than a century has manifested itself in the treaties of WIPO, and since 1994 in the WTO's TRIPS Agreement (on the trade-related aspects of intellectual property rights).

So, as both human right and international commitment, clearly intellectual property is not at variance with the equally fundamental right of all people to participate in cultural life and benefit from scientific progress. The rights of the creator, both moral and economic, like those of the inventor, are of course the rights to be known, recognized and rewarded according to talent, regardless of origin. Equally, however, it is the undertaking to disclose the works and discoveries so that the public may have access to them. And above all, for countries of the South as for those of the North, it is a powerful inducement to create, to engage in research and to invent, for the benefit first and foremost of their peoples.

That is why we consider it equally imperative, today more than ever, to couple culture and economy. Both, for the Francophone Community, are not only inseparable but also of equal value. Intellectual property, especially seen from the angle of copyright and related rights, has consequently to be conceived as a nexus between creation and market, comparable to the one between the creator and his producer or distributor, or the one between a country's creativity and the vitality of its cultural industries.

This twofold cultural and economic function of intellectual property more often than not affords a guarantee of effectiveness and quality. For the Francophone Community it is not so much the means of preserving a heritage as that of developing and exploiting the cultural assets of its members through effective and selective promotion of their creative and innovative potential.

This interdependence of culture and the economy takes on its full meaning in the context of electronic commerce, but it applies also to the Internet and to traditional knowledge. In the Francophone Community, it has in addition a particular importance in the various fields of literary and artistic creation, and most specifically in that of music.

In all cases the main thing for us is to combine plurality and mutual supportiveness. Observance of intellectual property is above all a commitment to combat the isolation, marginalization or exclusion of the creator in the least fortunate countries. It is therefore an

undertaking to restore balance to business and promote the circulation of authors and their works, researchers and their research, inventors and their discoveries.

We here know what formidable will and energy the East and West needed in order to meet. But we know also that the North-South divide is becoming ever wider, that a new wall is going up, a digital wall between the “IT-rich” and the “IT-poor” of our planet. This unacceptable situation likewise calls for an expenditure of will and energy, and an effort of solidarity in favor of the countries of the South.

And that is indispensable especially in the intellectual property field, notably with respect to digital networks. Copyright is not a luxury for wealthy countries. The patent is not a privilege reserved for the industries of the North. Both are factors of development and creativity. Both are guarantees of independence and diversity. In this respect the campaign that the Francophone Community intends to carry on for the benefit of the many is based first and foremost on the requirement of solidarity.

In this North-South perspective we want to place emphasis once again on the importance of reconciling tradition and modernity. This fourth requirement of recognition of intellectual property at world level is undoubtedly the one that generates the most controversy.

It is nevertheless a question of firmly establishing intellectual property in time and in space. The challenge is indeed to adapt not only to international environment, including especially new information and communication technology, but also to actual local circumstances, notably with the respect to the heritage that is of collective origin.

Between traditional knowledge and the Internet there is a vast, but all-encompassing area for reflection and action with a view to harnessing intellectual property to serve development. Transcending the diversity of circumstances, a globalization of intellectual property that is desired and not undergone presupposes both the will to harmonize and the capacity for support on the part of legislation and practice.

It is in this context that we find our fifth requirement, namely that of favoring the content rather than the container. Regardless of the media and forms of creation, it is the work itself, or the invention, that has to be protected. Regardless of the legal or practical procedures for intellectual property protection, the aim of the Francophone Community is to allow every country or region to create, produce and innovate in order to participate actively in cultural, scientific and technical exchanges throughout the world.

To this end it strikes us as being critically important not only to adapt law and bring it up to date, but more importantly to assure it of respect and effective management, especially with regard to collective administration. There are indeed few States in the Francophone Community that are not party to the WIPO Conventions and the WTO Treaty in matters concerning intellectual property, with the exception of the two 1996 treaties, the focus of which is precisely on the digital age. There are moreover few that have not equipped themselves with a domestic legislation based on international standards.

However, there is a hiatus between these instruments and the use made of them by the countries of the South. The socio-economic circumstances of countries heavily dependent on imports is detrimental to the protection and just reward of creators. The holders of traditional knowledge find it difficult to face foreign competition. The results, apart from the actual

brain-drain, is so to speak an exodus of the soul and spirit of these peoples as their artists and researchers depart into exile.

In this respect the Internet and electronic commerce represent powerful tools for the promotion and dissemination of cultural and technical content originating in the South, including traditional knowledge, on condition however that it is protected against pillage and piracy and any other form of appropriation or expropriation. For, when all is said and done, respect for intellectual property is the best means of assuring the countries of the South of control over their works on their own territory.

These are the few reflections that I wanted to convey to you on the subject of the major areas of concern and the main requirements that underlie the Francophone Community's commitment to intellectual property. They are subjects that will provide material for the discussions of our Culture Ministers in Cotonou, where they will be preparing the forthcoming Summit of the Francophone Community, which is to be held in Beirut at the end of October, precisely on the central theme of "dialogue between cultures."

You may therefore rest assured that we shall be watching your work closely, and shall not fail to draw inspiration from it when drafting the program of the Francophone Community for the 2002-2003 biennium, with emphasis on ever-closer and profitable relations with WIPO.

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