

WIPO



AB/I/14
ORIGINAL: French
DATE: July 10, 1970

WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAU FOR THE PROTECTION OF INTELLECTUAL PROPERTY

GENEVA

BIRPI

ADMINISTRATIVE BODIES OF WIPO AND OF THE UNIONS ADMINISTERED BY WIPO AND BIRPI

First Series of Meetings
Geneva, September 21 to 29, 1970

ADMISSION OF OBSERVERS

Report by the Director of BIRPI

SUMMARY

This document deals with the admission of States, intergovernmental organizations, and international non-governmental organizations, as observers, to the meetings of the bodies of WIPO and of the Paris, Berne and Nice Unions. It contains suggestions on that subject.

The Present Document

1. The present document invites the eleven bodies which it is planned to establish in the course of the meetings convened for the period from September 21 to 29, 1970 (see document AB/I/1, paragraphs 5 to 32), to determine which States and which organizations they wish to invite in a general way to their sessions as observers, and to fix whatever special conditions each body may wish to provide for in this respect. At the same time (see paragraphs 3 and 4, below), the eleven bodies concerned are invited to take note of the provisions in the relevant Conventions and Agreement concerning the observer status of certain States in some of those bodies.

Provisions of the Draft General Rules of Procedure

2. Rule 8 of the Draft General Rules of Procedure (document AB/I/2, page 13) provides that the Director General "shall invite such States and intergovernmental organizations to be represented by observers /at the sessions of each body/ as are entitled to observer status under a treaty or agreement" (paragraph (1)). The same Rule further provides that "for the rest, each body shall decide, in a general way or for any particular session or meeting, which other States and organizations shall be invited to be represented by observers" (paragraph (2)).

Observer Status Based on Provisions in the Relevant Conventions and Agreement

3. The position, as far as the treaties or agreements conferring observer status are concerned, is the following:

- (i) The WIPO Convention provides that "States party to this Convention which are not members of any of the Unions shall be admitted to the meetings of the General Assembly as observers" (Article 6(5)) and that any Member State of WIPO which is not a member of the Coordination Committee "may be represented at the meetings of the Committee by observers having the right to take part in the debates but without the right to vote" (Article 8(7)).
- (ii) The Stockholm Act of the Paris Convention provides that "countries of the /Paris/ Union not members of the Assembly shall be admitted to the meetings of the latter as observers" (Article 13(6)) and that "countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers" (Article 14(9)).

- (iii) The Stockholm Act of the Berne Convention provides that "countries of the Berne Union not members of the Assembly shall be admitted to its meetings as observers" (Article 22(3)(g)) and that "countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers" (Article 23(9)).
- (iv) The Stockholm Act of the Nice Agreement provides that "countries of the Nice Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers" (Article 5(3)(g)).
- (v) There is no working agreement between the International Bureau (of WIPO) and other international organizations. There are, however, working agreements between BIRPI and a number of other inter-governmental organizations which provide that BIRPI shall invite the latter to its meetings on questions of common interest (see paragraph 15).

4. The WIPO General Assembly and Coordination Committee, the Assemblies and the Executive Committees of the Paris and Berne Unions, and the Assembly of the Nice Union, are invited, each in so far as it is concerned, to note that, in accordance with the provisions of the relevant Conventions and Agreement, the Director General will proceed as indicated in subparagraphs (i) to (iv) of the preceding paragraph.

Observer Status Not Based on Provisions in the Relevant Conventions and Agreement

5. To draw a parallel, in this connection, between the Assembly and the Conference of Representatives of the Paris Union, it is proposed that the Conference of Representatives of the Paris Union decide that the countries of the Paris Union not members of the Conference of Representatives of that Union be admitted to its meetings as observers. It is further proposed that the Conferences of Representatives of the Berne and Nice Unions make a similar decision as far as they are concerned.

6. The Conferences of Representatives of the Paris, Berne and Nice Unions are invited to make a decision on the proposal appearing in the preceding paragraph.

7. To allow every State to follow the work of a body--namely, the WIPO General Assembly--of which it will become a member when it ratifies or accedes to the WIPO Convention, it is proposed that any State which is a member of any of the Unions as defined in Article 2(vii) of the WIPO Convention and is not party to the WIPO Convention be admitted to the meetings of the General Assembly as an observer (see Article 6(2)(ix) of the WIPO Convention).

8. The WIPO General Assembly is invited to make a decision on the proposal appearing in the preceding paragraph.

9. To allow every State to follow the work of a body--namely, the WIPO Conference--of which it may become a member by ratifying or acceding to the WIPO Convention, it is proposed that any State which, under Article 5(1) or 5(2)(i) of the WIPO Convention, may become a member of WIPO (and is not already a member) be admitted to the meetings of the Conference as an observer (see Article 7(2)(v) of the WIPO Convention).

10. The WIPO Conference is invited to make a decision on the proposal appearing in the preceding paragraph.

11. To allow every Member State of WIPO which is not a member of the Paris Union to follow the work of the Assembly and of the Conference of Representatives of that Union, and thus facilitate that State's decision to become a member of the Paris Union, it is proposed that any Member State of WIPO which is not a member of the Paris Union be admitted to the meetings of the said Assembly and of the said Conference of Representatives as an observer (see Article 13(2)(a)(ix) of the Paris Convention (Stockholm) and Rule 8(2) of the Draft General Rules of Procedure of WIPO as incorporated in the Draft Rules of Procedure of the Paris Union Conference of Representatives). A similar proposal is made as regards

Member States of WIPO which are not members of the Berne Union (see Article 22(2)(a)(ix) of the Berne Convention (Stockholm) and Rule 8(2) of the Draft General Rules of Procedure of WIPO as incorporated in the Draft Rules of Procedure of the Berne Union Conference of Representatives).

12. The Assemblies and Conferences of Representatives of the Paris and Berne Unions are invited, each in so far as it is concerned, to make a decision on the proposal appearing in the preceding paragraph.

13. To allow every member State of the Paris Union which is not a member of the Nice Union to follow the work of the bodies of the latter Union and thus facilitate that State's decision to accede to the Nice Agreement, it is proposed that any State which is a member of the Paris Union but is not a member of the Nice Union be admitted to the meetings of the Assembly and of the Conference of Representatives of the Nice Union as an observer (see Article 5(2)(a)(vii) of the Nice Agreement (Stockholm)).

14. The Assembly and the Conference of Representatives of the Nice Union are invited to make a decision on the proposal appearing in the preceding paragraph.

Intergovernmental Organizations

15. BIRPI maintains relations on a regular basis with the intergovernmental organizations listed below. It is proposed, in view of the decisions to be taken in connection with this report, to list these organizations in three categories: A, B, and C. (Those organizations with which BIRPI has concluded working agreements are marked with an asterisk; the agreements provide in general that the organization concerned shall be invited to attend, as an observer, BIRPI meetings of interest to that organization.)

Category A (United Nations and Specialized Agencies)

United Nations (UN)*
United Nations Conference on Trade and
Development (UNCTAD)
United Nations Industrial Development
Organization (UNIDO)
International Labour Organisation (ILO)*
World Health Organization (WHO)*
United Nations Educational, Scientific and
Cultural Organization (UNESCO)*
General Agreement on Tariffs and Trade (GATT)*

Category B (Intergovernmental organizations specialized
in certain branches of industrial property)

International Patent Institute (IIB)
African and Malagasy Industrial Property
Office (OAMPI)
Intergovernmental Conference for the Setting Up
of a European System for the Grant of Patents
Benelux Trademark Office

Category C (Other intergovernmental organizations)
(on a worldwide scale):

International Institute for the Unification of
Private Law (UNIDROIT)
International Olive Oil Council (COI)*
International Vine and Wine Office (IWO)*

(regional):

Council of Europe (CE)*
Council for Mutual Economic Assistance (COMECON)
European Atomic Energy Community (EURATOM)
European Economic Community (EEC)
European Free Trade Association (EFTA)
Industrial Development Centre for Arab States (IDCAS)*
Latin American Free Trade Association (ALALC)*
Organization of American States (OAS)*
Permanent Secretariat of the General Treaty for
Central American Economic Integration

16. On the basis of the provisions of the relevant Conventions and Agreement permitting the WIPO General Assembly and Conference (Articles 6(2)(ix) and 7(2)(v) of the WIPO Convention) and the Assemblies of the Paris, Berne and Nice Unions (Articles 13(2)(a)(ix) of the Paris Convention (Stockholm), 22(2)(a)(ix) of the Berne Convention (Stockholm) and 5(2)(a)(vii) of the Nice Agreement (Stockholm)) to determine which intergovernmental organizations shall be admitted to their meetings as observers, on the basis also of Rule 8(2) of the Draft General Rules of Procedure incorporated in the Draft Rules of Procedure of the eleven bodies concerned, and having regard to established BIRPI practice and the working agreements concluded by BIRPI, it is now proposed that the following bodies decide to admit as observers to their meetings the intergovernmental organizations listed below (limitations, where applicable, are also mentioned):

(i) WIPO General Assembly: all organizations in Categories A and B would be invited to all meetings; any organization in Category C would be invited by the Director General for the discussion of those specific items on the agenda which, in his opinion, are of special and direct interest to that organization.

(ii) WIPO Conference: organizations in Categories A, B, and C would be invited to all meetings;

(iii) Coordination Committee: any organization in Categories A and B would be invited by the Director General for the discussion of such items on the agenda as he considers to be of special and direct interest to that organization; as a general rule, organizations in Category C would not be invited, but the Director General could, as an exception, invite any organization in Category C for the discussion of specific items on the agenda if, in his opinion, the presence of that organization is in the interest of the body concerned;

(iv) Assemblies and Conferences of Representatives of the Paris, Berne and Nice Unions: the same principles apply as under (i);

(v) Executive Committees of the Paris and Berne Unions: the same principles apply as under (iii).

17. The eleven bodies are invited, each in so far as it is concerned, to make a decision on the proposals appearing in the preceding paragraph.

International Non-Governmental Organizations

18. BIRPI maintains relations, based on practice established over the years, with the international non-governmental organizations listed below:

(i) Organizations essentially concerned with industrial property

Afro-Asian Organization for Economic Cooperation (AFRASEC)

Asian Patent Attorneys Association (APAA)

Committee of National Institutes of Patent Agents (CNIPA)

Council of European Industrial Federations (CIFE)

European Industrial Research Management Association (EIRMA)

Inter-American Association of Industrial Property (ASIPI)

International Association for the Protection of Industrial Property (IAPIP)

International Chamber of Commerce (ICC)

International Federation of Inventors' Associations (IFIA)

International Federation of Patent Agents (FICPI)

International League Against Unfair Competition (LICCD)

International Organization for Standardization (ISO)

Pacific Industrial Property Association (PIPA)

Union of European Patent Agents

Union of Industries of the European Community (UNICE)

(ii) Organizations essentially concerned with copyright and neighboring rights

Asian Broadcasting Union (ABU)

European Broadcasting Union (EBU)

International Alliance for Diffusion by Wire (AID)

International Bureau for Mechanical Reproduction (BIEM)

International Confederation of Societies of Authors and Composers (CISAC)

International Federation of Actors (IFA)

International Federation of Film Distributors' Associations (FIAD)

International Federation of Film Producers' Associations (FIAPF)

International Federation of Journalists (IFJ)

International Federation of Musicians (FIM)

International Federation of Newspaper Publishers (FIEJ)

International Federation of the Phonographic Industry (IFPI)

International Federation of Variety Artistes (IFVA)

International Hotel Association (IHA)

International Literary and Artistic Association (ALAI)

International Publishers Association (IPA)

International Radio and Television Organization (OIRT)

International Union of Cinematograph Exhibitors (UIEC)

International Writers Guild (IWG)

Internationale Gesellschaft für Urheberrecht (INTERGU) (International Copyright Society)

Union of National Radio and Television Organizations of Africa (URTNA)

19. On the basis of the provisions of the Conventions, Agreement, and Regulations referred to in paragraph 16 and having regard to established BIRPI practice, it is proposed that the following bodies decide to admit as observers to their meetings the international non-governmental organizations listed in the preceding paragraph in the following cases:

- (i) WIPO General Assembly: any organization would be invited by the Director General for the discussion of those specific items on the agenda which, in his opinion, are of special and direct interest to that organization;

- (ii) WIPO Conference: all organizations would be invited;
- (iii) Coordination Committee: no organization would be invited;
- (iv) Assemblies and Conferences of Representatives of the Paris, Berne and Nice Unions: as a general rule, no organization would be invited, but the Director General could, as an exception, invite any organization for the discussion of specific items on the agenda if, in his opinion, the presence of that organization is in the interest of the body concerned;
- (v) Executive Committees of the Paris and Berne Unions: the same principles apply as under (iv).

20. The eleven bodies are invited, each in so far as it is concerned, to make a decision on the proposals appearing in the preceding paragraph.

Additional Possibilities of Granting Observer Status

21. It should be noted that the decisions to be made in connection with paragraphs 5 to 20 of this document would leave each body entirely free to amend or supplement its decisions at a later date.

22. It should also be noted that this document deals only with decisions to be made "in a general way" and that, consequently, each body may decide "for any particular session or meeting" to grant observer status to a given organization even if that organization has not been invited in accordance with the decisions to be made on the basis of this document (see Rule 8(2) of the Draft General Rules of Procedure of WIPO).

23. Finally, it should be noted that this document deals only with the eleven bodies concerned and that, consequently, the question of observers at meetings of subsidiary bodies and ad hoc committees of experts is reserved (see Rules 12(3) and 48(4) of the Draft General Rules of Procedure of WIPO).

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