

# **WIPO'S DIRECTOR GENERAL CANDIDATES AND CIVIL SOCIETY ORGANIZATIONS MEETING**

**Geneva, April 15, 2008**

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## QUESTIONNAIRE

1. **What is your strategic vision for WIPO in addressing the challenges for IP regimes in the 21st century, for example, those elaborated by the European Patent Office (EPO) in “Scenarios for the Future Compendium”? The Compendium is available at <http://www.epo.org/topics/patentsystem/scenarios-for-the-future.html>**

Knowledge is no longer produced in isolation, but it is a highly cumulative, involving and linking innovation processes. **“Scenarios for the Future Compendium”** is an interesting and fruitful institutional exercise, in which relevant scenarios of a possible future can be used as tools to generate policy dialogue that encourage reflection; as well as to make informed decisions on the global Intellectual Property Rights (IP) map.

When we build IP scenarios, we deal with an interconnected diversity of driving forces, including political willpower. Maybe, a possible future scenario regarding IP could not present the most desirable outcome for all of the stakeholders at the time. This will not stop us from continuing working in the creation of consensus.

In our dynamic, complex world, created by a kaleidoscopic society that has the ability to adapt reflexively and critically about the same issue on several directions, WIPO should be much less likely to stand alone as a vertically integrated organization; but, by confronting key factors based upon technology, convergence, dialogue, inclusion; and, above all integration and coordination, Thus, making society, business, geopolitics and technology all balanced and even-handed conductive strings of an international IP System which can benefit both, developing and developed countries, on the basis of equality.

## **2. What would be your three topics priorities if elected as the DG?**

It is fundamental to rebuild the leadership, guidance, trustworthiness and international stature of the Organization. In pursuing this, WIPO shall also work using several channels of communication with all the stakeholders in the construction of a workable and effective global IP rights regime with strong universal agreed goals.

The WIPO Director General (DG) may promote the idea that, if a country fails to take the opportunities that science and technology represent, perhaps it will not be able to reach a successful modern economy. On this regard, WIPO should be aimed to revitalize clogged-up negotiations, the same as working together with Member States in constructing initiatives that benefit developed and developing countries.

## **3. How do you think Civil Society can be better integrated into WIPO processes, particularly awareness-raising, technical assistance and norm-setting activities? *For example, should Civil Society be given the regular opportunity to make submissions on substantive issues that WIPO would then disseminate to Member States and permanent observers?***

Size, scope and capacity of Civil Society have grown considerably over the past decade. Global interconnectivity has enabled Civil Society to easily reach people with their causes and views, producing wide debates, networking and interacting with like-minded stakeholders, multilateral bodies, governments, and other organizations, by holding and shaping the use of soft power.

In this sense, Civil Society is progressively more engaged in the IP debate and this interest is likely to contour the agenda of discussion focusing more on the public benefits of IP. This was principally the reason why, since 2002, some non governmental organizations (NGOs) are enabled to fully participate in all substantive discussions, as they have been extended observer status, enhancing greater awareness and understanding of the activities and services of the Organization.

However, it is quite important to continue searching mechanisms that can bring nearer Civil Society and Stakeholders, inside an inclusive International IP System, with the purpose that they see themselves, their worries and interests, fully represented.

**4. How can WIPO ensure that its norm-setting process are based on empirical evidence and an assessment of both negative and positive economic, environmental, social and human rights impacts?**

IP means the reward for something new that can be translated on progress for humankind. This is the reason why IP is a central piece of the global legal architecture. Any alteration may cause positive or negative reverberations. Nevertheless, we should always have in mind that IP is not necessary opposed to economic, environmental, social, and human rights.

The creation of a specialized taskforce inside WIPO advocated to the compilation of empirical information could be helpful to analyze such impacts. On the other hand, new IP strategies could be promoted by increasing participation in WIPO activities, encouraging organizations to come and talk about economic, environmental, social, and human rights impacts of IP rights. Moreover, WIPO is in favor and should promote the participation of Civil Society on an open evaluation about the impact of IP on diverse forums.

**5. How should WIPO mainstream the Development Agenda into all of its activities particularly grater emphasis on policy space, use of flexibilities in favour of sustainable development objectives, and access to knowledge, especially for least developed countries?**

The WIPO as a specialized agency of the United Nations is indebted to take into consideration the development-related goals of the United Nation's System, including those that have been crafted for least developed countries.

In this sense, the new development focus within WIPO is a direct result of the demand and dedicated participation applied by the Civil Society (2004 Geneva Declaration of the Future of WIPO) by fully integrating the Development Agenda in the all of the work programs.

The challenges of WIPO is to remind society that IP Rights have an extensive role to play on progress and in the public interest; since, as we know, there are many pressures impacting on IP Rights, such as political, economic, social, environmental, technological, and historical.

Member States should be guided to work together on a fair and balanced approach that will support the functioning and trustworthiness of the IP worldwide system. A long-term harmonization process of IP shall be aimed at. In doing this, WIPO must take into account the development and economic situation of each Member State.

**6. What would be your priority recommendation for implementation in each cluster of the WIPO Development Agenda and how would you implement it?**

The Committee of Development and IP has done an intense conciliation work, generating important agreements between Member States on its approved proposals regarding technical assistance, strength of capacities (a) norm-setting, flexibilities, public policy, public domain (b), technology transfer (c) assessment, evaluation and impact studies (d) institutional matters, mandate and governance (e) among others. Nevertheless, with the purpose of facilitating the implementation of these recommendations, the new DG should dedicate himself to carry out informal sessions and consultations between Member States to generate compromise solutions inside the ample variety of interests, and also keep negotiating the divergences by stimulating dialogue.

**7. What action would you undertake when countries express concern over the negative impact of IPRs in particular in such areas as education, libraries, access to medicines and to climate change technologies?**

To open appropriate channels among WIPO and Member States for the creation of a worldwide IP System that looks forward to produce major benefits for holders of rights and society in general. This will require the new DG to get involved with the leaders and representative sectors in the sense of promoting equilibrium and transparency; always being aware of balancing rights with responsibility on substantive intellectual property topics.

Although it is quite clear that a great number of international IP related forums have generated the possibility of study and analysis of IP areas, WIPO should remain as the main opportunity and focal point, where analysis, discussion and negotiation of IP matters shall be expressed and where the guiding principles of the IP matter shall be dictated.

**8. What benchmarks would you propose for yourself by whom Civil Society could hold you accountable during your term?**

As all the UN directorial guidelines and the Convention establishing the WIPO determines, the Organization has formal legal and accountable procedure rules and decision making-bodies and recognized competences; even though, the DG shall be open to the interests of Civil Society to bring it up to date when concerned.

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