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## **Answer on WIPO's key issues**

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## 1. Priorities and Strategic Vision for WIPO

I honestly do believe that WIPO is *the* essential platform for international cooperation in the field of Intellectual Property. Nevertheless, as an outsider one should be very careful with setting strict priorities.

In the wake of my extensive experience as a manager, director and entrepreneur I learned to cherish the effects of mind-mapping processes. To be successful it is crucial to involve - from very different angles - as much expert knowledge as possible with regards to an agenda-setting identifying the key aspects of internal and external organizational challenges.

A strong WIPO with its ample experiences is the basis for harmonizing the needs and interests of all stakeholders. Therefore we should be willing to trust WIPO more with regard to the effectiveness and efficiency it can provide in the field of Intellectual Property. To face the challenges of the upcoming years we will have to establish WIPO as a trust-mark.

One of the main tasks of the new Director General will be to find the right concepts and procedures to promote WIPO as the respectable and strong matrix-structured organization that can respond to these challenges, providing more empowerment for the key members of the managerial board related to Director General. The new WIPO will become a “sustainable continuously learning organization”, following the principles of Total Quality Management and Continuous Improvement. The former pyramidal style of management could therefore be replaced by a state-of-the-art inverted pyramid led by the Member States, insisting on initiatives and leadership with strong mechanisms for controlling the Director General and his team.

The new Director General of WIPO has to be a mediator harmonizing the various interests of the different stakeholders in order to get to a more dynamic and efficient institution. To support the Millennium Development Goals the new Director General has to be a creative and visionary politician, an organized manager of highest skills and last but not least willing to overcome obstacles in the implementation of new regulations and measures. A close and trustful cooperation with the representatives of the Member States is unavoidable in this regard.

## 2. WIPO's Development Agenda

When I participated as a representative of the International Federation of Inventor's Associations (IFIA) at the WIPO General Assembly in 2004, I expected more frequent activities concerning the Development Agenda. Nevertheless, as the Committee on Development and IP was finally established last year, the process has now commenced. I look forward to the acceleration of its work on the Agenda as I consider it to be crucial not to lose anymore time, and to start immediately with respective assessments country by country.

The fundamental task of WIPO and its key role at this time and in the future is to find the right concepts and procedures, to harmonize the differences we have in today's international IP system. A further improvement in harmonization of the well-known divergences is a necessity - not only concerning IP rights as patents, trademarks and copyrights, but also to find the right concepts and procedures for protection of traditional knowledge, genetic resources and folklore. WIPO has to be the key player and leader in that process.

We should not only rely on the experiences of other UN organizations as WTO and WHO but also on the experience of World Bank, OECD and IMF as natural partners for cooperation. Especially the cooperation among WIPO, WTO and World Bank should be understood as a proactive approach as basis for success of the further development in the complex field of IP.

With regards to the realization of the UN Millennium Declaration I would like to point out that one of WIPO's core development objectives is as written in the constitution "to support developing and least developed countries in their initiatives to maximize the use and effectiveness of IP as a tool for economic, social and cultural development". It is true, that according to the UN monitoring system, the goals are far away from being realized in their timeframe. WIPO's input to promote the MDGs is to find the right concepts and procedures to overcome the divergences we have in today's international IP protection system.

Even developed countries are challenged by the constant necessity to find solutions for a further development of IP matters as the three-lateral commission of EPO, USPTO and JPO shows. Obviously, the process of global harmonization of these issues is very complex and what we need is more

responsibility, flexibility, empathy and feeling for the interests of all Member States and other stakeholders.

### **3. Strengthening the Relationship between Member States and WIPO**

WIPO plays a specific role of protecting Intellectual Property as a specialized organization within the United Nations. A reform of WIPO can therefore not work by simply “copying” the approaches of other UN Agencies or international organizations. As a professor of Industrial Property Management and Management in the field of ITC matters, I suggest to introduce “organizational learning” approach and to emphasize close cooperation of the various departments to make best of the extensive experiences gathered in the past.

Mutual trust and respect are the basis for efficient and thriving business and political surroundings necessary to promote WIPO’s future development. Therefore the Director General should understand the interests of the inventors, the business communities, as well as procedures in administration.

The contribution of the Member States and their eagerness to revitalize legal and administrative procedures is crucial for WIPO’s success.

It is very important to get the norm-setting activities in WIPO Moreover, concerning the future development of norm-setting activities in WIPO back on track and back to pace. I therefore suggest that the Member States can ask WIPO in a resolution to make a draft proposal in debated questions using WIPO’s concentrated expert knowledge, where an agreement cannot be achieved by simply discussing draft initiatives from particular Member States.

WIPO should always propose the broadest option, taking into account the benefit of all stakeholders. Member States will make the best choice by carefully analyzing, further developing and adapting these proposals in the interest of all stakeholders. This will strengthen the position of the Member States.

## **4. Changing the organizational structure and culture of WIPO**

When I will be honored with the trust to be elected Director General I will do everything in my capacity to promote WIPO as respectable and strong matrix structured organization that will respond to all challenges. In the wake of my extensive experience as a manager, director and entrepreneur I learned that the best way to discover the roots of internal problems and conflicts in an organization is a mind-mapping and brainstorming process of all affected team members. This way most difficulties can be eliminated and work can be brought back to efficiency by a careful and open-minded mediation. Key factors are trust in the staff, motivation among the staff and listening about ideas for further development of the organization from the staff and Member States' input as they will be always the driving forces of the organization for WIPO we will furthermore have to encourage.

One of the main challenges will be to overcome the different perceptions of the developing and developed countries. A fair enough geographical representation of the staff of WIPO might be a step towards a better mutual understanding.

Another often debated challenge is the one concerning experts in IP matters in the executive level of the Secretariat of WIPO. WIPO has a broad basis of human capacity and so I am confident that a right approach to the HR management can strengthen WIPO from within.

Concerning the moral standards, I agree fully with the UN Secretary General Ban Ki-Moon who emphasized last year that all UN employees must possess the highest standards of integrity and ethical behavior. If WIPO shall be a "trustmark", this has to start from within.

## **5. Norm-setting activities of WIPO**

WIPO's central challenge is the delay in the norm-setting procedures. Member States have to participate in the organization and structural development of necessary new laws and regulations. If they don't do that, international cooperation is in serious hazard. It is the key task for the representatives of the

Member States the committees to find solution, suitable for all. It cannot be accepted that national interests block global development on a permanent basis.

WIPO is not a self-purpose organization. WIPO is constructed from and with the Member States. They have the right and the obligation to provide appropriate visions and strategies for further development in the norm-setting activities.

Setting international norms closes the gap of different interpretations and interests. We need a new structure: affordable, efficient and cost-effective; simple procedures for protection; stimulative, rewardable, “just-in-time” granted protection rights; strong cooperation, taking into account different social and economic environment in developing IP systems in LDC’s; the strongest possible connection between various research and development institutions and industry, and - simple IPR litigation system with uniformed criteria in and out the borders of member states.

Protecting traditional knowledge is one of the biggest challenges for WIPO and for the whole global community. The awareness for the necessity for protection of traditional knowledge, genetic resources and traditional cultural expressions is greater than ever before. These issues are not only affecting the field of IP, but they affect also areas of human rights, preservation of cultural heritage, environmental protection and the preservation of biodiversity. WIPO has already created a voluntary fond to ensure that indigenous people are financially in a position to present their views on the developing of procedures for “protection”, as well as for “preservation” of their IP rights.

With special attention to the traditional knowledge, I propose a “country by country” or even better a “region by region” approach to find the right approach for the protection of traditional knowledge for each country or region. After coming to terms with a solution for certain regions or countries in which the indigenous people “posses” these rights, the IGC shall begin to separate the processes (Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources) in order to identify the best answer for each of these complex questions.

Using management tools like the Delphi-Technique will help to develop relevant alternatives for each of the processed items, using “sui generis” or “lex specialis” ways.

If Member States can agree upon the results, these alternatives shall be discussed and adopted by WIPO. WIPO can then help to prepare treaties or conventions, passing the process of choosing the right alternatives and preparing rules for execution, connection and assistance over their implementation and enforcement.

## **6. The Dilemma of the Developing and Developed Countries**

One of the fundamental challenges for IP experts, state administration and WIPO today is to find the right concepts and procedures, to harmonize the divergent interests we have in the international IP protection system. WIPO has to play a key role in that process. The harmonization is a necessity - not only concerning IPR as patents, trademarks and copyright, but also to find the right concepts, principles and procedures for the protection of traditional knowledge, genetic resources and folklore.

We do have divergent interests and qualms in the world of global IP. Let me give you an example of what I do have in mind: On the one hand, today, plenty of LDCs are in a certain way scared about future strategies in the field of IP and the impact on their population. This concerns for example the question of the protection of their Intellectual Property, as well as high licensing prices for necessary technologies and other facilities regarding development and social welfare, if we think about medications or treatments. On the other hand, those countries being on the strong inventors and implementers sides do have a vital interest in the protection and commercial use of their creative capacities. It is their due right to ask for an efficient system regulating and mediating these divergent interests.

I do believe that developing countries should have the same degree of flexibility in the implementation of IPRs, as the developed countries had when they were on the similar level of development. Nevertheless, we should be sensible towards the "allowable degree of flexibility" in the process of implementation of the IPRs. I have some ideas directed towards right pricing, licensing and technology transfer circumstances among the countries and companies originating from different levels of technological and economic development.

## **7. Personal Record of Success**

You will find detailed information on my professional career on the webpage.

At several point in my career I found myself in a position to initiate and manage reforms. As manager of automation department in a company with 1.760 employees, I had to adapt a “Low Cost Automation Unit” to world standards. Yugoslavia was known for its variety of nationalities, languages and its complicated system of decision-making. In this challenging environment I was a member of the Board of External economic affairs in the Macedonian Chamber of Economy and a delegate from my Republic in the Federal Chamber of Economy in Belgrade, working on the complex process of harmonization of efforts towards flexible automation and robotizing of the Yugoslav industry.

In 1993, I became the first Director General of the Macedonian State Industrial Property protection Office. My duty was to establish the Office and to organize the transformation of IP rights from Yugoslav to Macedonian jurisdiction. During my tenure, I used to participate in many discussions and working bodies of WIPO. So I became Chairman of the Executive Committee of Paris Union, Chairman of the Assembly of Locarno Union and Chairman of the Assembly of Nice Union. As a Member of the International Jury of the World Exhibition of Industrial Researches in Brussels I had very sensible engagements being involved in resolving international “conflicts” in order to direct right development agenda for the inventors’ association of about 50 countries. Being Member of the Executive Committee of the International Federation of Inventors’ Associations I also participated in the Working Group for PCT Reforms in Geneva.

I was a founder of Berin Intellectual Property Agency, as of today one of the largest company of this kind on the Balkans.

At present I am an Ambassador of Macedonia in Germany. It is particularly challenging diplomatic post at the moment, as big issues like the Membership in NATO and the European Union are on the Agenda. This task requires a lot of mediation and lobbying in order to reach the aspired goals.

As you can see from the facts mentioned above, I posses the needed qualifications for the post of Director General of WIPO.



## 8. Future developments of Intellectual Property

If we look at the newest review of the PCT applications before WIPO we obtain an impression about the future of technological development. Among the 20 top filing companies, six are coming from the USA, six from Japan and three from Germany. Almost all of them are filing applications in the following technological fields: telecommunications (10.5%), information technology (10.1%) and pharmaceuticals (9.3%). The fastest growing technology areas are nuclear engineering (24.5% increase) and telecommunications (15.5%). Obviously, the IP is moving to the field of searching for additional energetic resources, further development of information technology (nanotechnologies), telecommunications and pharmaceuticals, as well as environmental protection and preservation.

I am supportive of the increasing numbers of patent applications coming to WIPO from developing countries. We witness economical and technological improvement of countries like Korea and China, as well as India, South Africa, Brazil, Mexico, Malaysia, Egypt, Saudi Arabia and Colombia. Still, there are many developing and LD countries which are still struggling with patenting of their inventions.

From a strictly economical point of view the key goal is growth of the shareholder value. Patents are widely used as a financial tool to achieve this objective. With regard to the permanently increasing volumes of patent applications, various forms of rationalization of the system have to occur, there is a tendency to mutual recognition of harmonizing patent rights.

Ensuring technology and knowledge as common goods while acknowledging the legitimacy of innovation is a very sensible topic. The patent system relies on technology, and new forms of knowledge search and classification emerge. Complex new technologies based on a highly cumulative innovation process are seen as a key to solving systemic problems such as climate change, and the diffusion of technology in these fields is of paramount importance. The IP needs of these new technologies clash more and more often with the needs of classic, discrete technologies. At the end, the patent system responds to the speed, interdisciplinary and complex nature of the new technologies by abandoning the one-size-fits-all model: the former patent regime still applies to classic technologies, while the new ones use other forms of IP protection, such as the license of rights.

Once again, WIPO must adapt to these developments to avoid its stakeholders looking for other solutions.

WIPO is at a critical turning point. It is therefore essential that the new Director General is experienced in the matter of intellectual property and he knows the origins of creation, as well as the process of commercialization of IP products. This is the only way to understand the necessities of all involved parties and to bring WIPO and its Member States to the desired success.