



WIPO & the Public Domain: the Development Agenda and Access to Content

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Standing Committee on Copyright and Related Rights

SCCR 17 (25-29 May 2009):

Limitations and Exceptions

- Informative session
- Study on L&E for educational activities
- Questionnaire on L&E (education, archives, disabled persons and digital technology)
- Visually-Impaired Persons Stakeholder Platform





WIPO Development Agenda (DA)

Development Agenda process

- commenced WIPO General Assembly 2004 – proposal submitted by Brazil and Argentina and supported by a number of other countries
 - to mainstream the “development dimension” into all of WIPO’s substantive and technical assistance activities and processes
- “Friends of Development”
 - 14 countries + other developing and least developed countries
 - multiple agendas (patents, trademarks, copyright, WIPO governance)





WIPO Development Agenda

- **45 Recommendations adopted by WIPO General Assembly** (10/07) (6 clusters), www.wipo.int/ip-development/en/agenda/recommendations.html
 - A) Technical Assistance and Capacity Building
 - B) Norm-Setting, Flexibilities, Public Policy and Public Domain
 - C) Technology Transfer, Information and Communication Technologies and Access to Knowledge
 - D) Assessment, Evaluation and Impact Studies
 - E) Institutional Matters Including Mandate and Governance
 - F) Others
- Work proceeding under new **Committee on IP and Development (CDIP)** (next meeting 27/04-01/05), http://www.wipo.int/meetings/en/details.jsp?meeting_id=17382



The Public Domain

- “16. Consider the preservation of the public domain within WIPO’s normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.”
- “20. To promote norm-setting activities related to IP that support a robust public domain in WIPO’s Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.”





Copyright and Development

- “19. To initiate discussions on how, within WIPO’s mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.”
- “23. To consider how to better promote pro-competitive intellectual property licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs.”





Copyright and Development

- “24. To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).”
- “27. Facilitating IP-related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of IP-related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical IP-related strategies to use ICT for economic, social and cultural development.”





Relevant WIPO activities

- WIPO Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights (2005),
www.wipo.int/meetings/en/doc_details.jsp?doc_id=52829
- WIPO Guide on Managing Intellectual Property for Museums (08/2007)
http://www.wipo.int/copyright/en/museums_ip/guide.html
- WIPO Information Seminar on Rights Management Information (09/2007),
www.wipo.int/meetings/en/2007/sem_cr_ge/





Relevant WIPO activities

- WIPO International Workshop on Digital Preservation and Copyright (7/2008),
www.wipo.int/meetings/en/2008/cr_wk_ge/
- WIPO Regional Meetings on IPR and Software in the 21st Century (2007 - 2009)
- WIPO Workshop on Digital Identifiers and IPRs: Enabling Access to Content (IGF, 12/2008)





Implementing the WIPO DA: the Public Domain

- ***Scoping study on Copyright and Related Rights and the Public Domain (2009).***
- Illustrative comparison of national legislation that directly, or indirectly, defines the public domain (as far as copyright is concerned)
- Survey of initiatives and tools, technical and legal, which facilitate access, use, identification and location of public domain material
- Recommendations for further work to be undertaken by WIPO.





Implementing the WIPO DA: the Public Domain

- ***Second Survey of National Legislation on Voluntary Registration Systems for Copyright and Related Rights***
 - operational requirements for “digital” registration;
 - orphan works;
 - registered public domain subject matter;
 - broader scope
- ***Survey of Private Copyright Documentation Systems and Practices***
 - Collective Management Organizations (works, authors databases)
 - Private registries (eg Registered Commons, SafeCreative, CreativeCommons.net)





Implementing the WIPO DA: new and old licensing

- ***Organization of a Global Meeting on Emerging Licensing Issues in the Copyright Area (2010)***
- Describe and analyze different copyright licensing practices
- Examine compatibility between traditional copyright licenses and emerging ones.

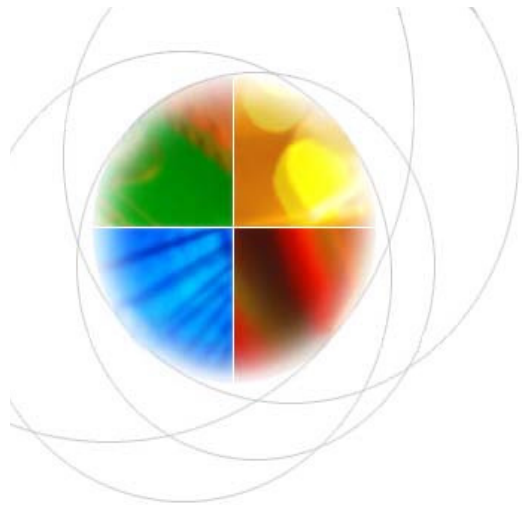




Implementing the WIPO DA: Public Policies for Creation & Access to Content

- ***Research Project on Using Copyright to Promote Access to Information and Creative Content***
 - Survey of public policies and strategies, including (but not limited to) IPR legislation, to develop and make content available
 - Three Strategic areas:
 - education and research;
 - software development practices;
 - e-information services (including Public Sector Information)





<http://www.wipo.int/copyright>

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