

First Person

Francis Gurry

Director-General, WIPO



Dhillon Photographics

What are your priorities right now?

Our priorities relate to both the Organization and how the global intellectual property (IP) world is organizing itself. These relate to the emergence of global IP protection systems, global legal frameworks, and ensuring the World Intellectual Property Organization (WIPO) itself is a truly global organization in a process of continuous improvement and focuses on how IP can best stimulate innovation and creativity and contribute to market order.

Some of these are complicated because, for example, IP is generally (and historically) territorial in nature [in spite of harmonization, most aspects of copyright, trademarks and patents remain national rights granted on a national basis]. In turn, providing a global legal framework remains tricky. Multilaterally, we see a reduced capacity for agreement and we see this in many areas such as the negotiations in the context of the Doha Round of the World Trade Organization. Countries have resorted to bilateral or pluri-lateral legal agreements. This comes at a time when everyone in fact understands the importance of IP to the development of the global economy. IP rights allow the creators – or owners of patents, trademarks or copyrighted works – to benefit from their own work or investment in a creation. These rights are outlined

in Article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests resulting from authorship of any scientific, literary or artistic work.

IP performs several roles including the reduction of transaction costs in business. We need global agreements, for example, to support small and medium sized enterprise activity in the future.

We need to ask ourselves how do we configure WIPO to be a highly responsive service provider in such an environment? The world is moving very quickly but we also must adapt. For us the difficulty is one of hitting a moving target - but we don't want to influence the target - we must be neutral.

This seems a paradox: a growing need and reduced global capacity?

It's certainly a paradox to have reduced capacity when we need enhanced capacity. And there are extremely important additional factors. We have a global medium in terms of the Internet which has been very disruptive for the underlying business models of many markets, while at the same time presenting enormous opportunities, especially for the cultural industries. These business models are in the process

of reforming and an adjustment is taking place.

But some of the existing agreements are very old. Is the Berne Convention suitable for the digital world? It seems a fragile instrument to some people.

The Berne Convention¹ is a robust instrument. After all, not many treaties last for over a hundred years. Of course, it is under great stress but it is the implementation of its principles that have become much more difficult rather than the Convention itself. For example, in the need for simple, effective transactions of copyright. We need for example to have the capacity for a global digital licensing system, on a one click basis, to ease matters for everyone. Without this sort of approach, we will continue to have problems in the copyright world.

Surely in terms of the Internet factor we have major problems in the copyright area when it comes to discussing the digital world?

I still believe you have to have a common policy instrument. What we find in the digital environment is that it is not working in the same way as the analogue environment. But the

¹ The *Berne Convention for the Protection of Literary and Artistic Works* is the fundamental global treaty for global copyright and related rights. It originated in 1886 and was last amended in 1979. WIPO has sought to augment the Convention with other agreements involving copyright in the digital space.