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Computer & Communications Industry Association

Intervention of CCIA Delivered at the 7th Session of the Advisory Committee on Enforcement of the World Intellectual Property Organisation

Thank you Mr. Chairman.

The Computer and Communications Industry Association's members represent a broad cross-section of the information and communications technology (ICT) industries, collectively generating more than \$200 billion in annual revenues.

Mr. Chairman, CCIA believes that enforcement of intellectual property rights is an essential part of the IP system. Enforcement can have profound positive effects, but like any public policy tool it can also have negative impacts if measures taken are not carefully crafted.

We are concerned that recent enforcement-related activities and events organized by the Secretariat have not benefited from a sufficient degree of transparency, and as a result these activities receive insufficient oversight by member-states.

For example, the quarterly bulletins of the *Building Respect for IP* programme indicate numerous WIPO-arranged meetings and conferences that do not appear on WIPO's website – or in the few instances where there is a reference, there is rarely much detail, even of regional meetings. Upon receiving word of these events and requesting agendas from the Secretariat, we have concluded that they often reflect imbalances, both in terms of the stakeholders presenting and in the subject matter.

Moreover, WIPO staff clearly often speak on enforcement-related matters upon invitation at events held by others, but rarely do we see publication of what was said or presented. Compounding this situation, the inadequate definition of what constitutes “development spending” at WIPO appears to result in travel and other costs incurred by the Secretariat related to meetings or events in developing countries being reported as ‘development related’, irrespective of what these meetings discuss or produce.

This lack of transparency and accountability extends to document WIPO/ACE/7/2, where we find a summary of activities related to enforcement without any meaningful detail about the content of the many meetings and events listed in the annex - and it appears there may be activities which were not included; it is hard to be sure.

Mr. Chairman, we do understand that WIPO is often asked by member-states to play a role in convening national-level meetings on enforcement, and that the



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Secretariat will thererfore not be in complete control of the content of these meetings. We think therefore that member-states should take action to ensure that the Secretariat has a framework to work within that will help it regain its impartiality.

For all these reasons we commend the following courses of action to the member-states:

1. Oblige the Secretariat to publish, in advance, full details as they evolve for all meetings related to enforcement activities (and frankly, all other meetings they have a role in organising),
2. Require WIPO to cease to lend its name to meetings convened by third parties which do not adhere to the obligations for balance required by a UN agency in general, and by, *inter alia*, specific mandates of the member states like the Development Agenda in particular;
3. Oblige WIPO to publish all speeches and presentations made by any member of the Secretariat at meetings WIPO is not involved in organizing.
4. Request that WIPO provide details of upcoming activities in the field of enforcement to the ACE for its review and fully take into account the views of the member-states in its continuing work on those activities.

Mr. Chairman, we hope that the member-states will help WIPO introduce more transparency into its enforcement-related activities and we believe everyone will be better off if this happens.

Thank you Mr. Chairman.