



Computer & Communications Industry Association

General Statement Delivered at the 50th Session of the Assemblies of WIPO, 2nd October 2012

Mr. Chairman, as this is the first time that the Computer & Communications Industry Association has taken the floor, we congratulate you and your vice-chairs upon your election, and thank the Secretariat for their hard work on the Assemblies.

CCIA is a trade association whose members represent a broad cross-section of the information and communications technology (ICT) industries to whom the international Intellectual property system is critical.

In many ways it has been a difficult year for WIPO; the agency's image has been undermined, thanks to multiple incidents of sanctions countries receiving technical assistance behind the back of the member-states - and UN sanctions monitoring mechanisms - and ongoing allegations of vote buying through abuse of the hiring process.

We have heard it said that the interest in these issues is limited in Geneva, and a tiny minority of countries. The private sector doesn't see anything which publicly damages WIPO's credibility as unimportant, Mr. Chairman. Quite the contrary.

We've also heard that these are isolated incidents. Whether or not that's true is very difficult to assess since WIPO's accountability, transparency, and governance mechanisms are not fit for purpose in the 21st century.

That's the bad news.

The good news is that these Assemblies can change that through agreement on an initial package of reforms. Developing countries, Mr. Chairman, have been leading in this area, to their great credit; most recently in document CDIP/9/16. We are very glad to hear the concerns of developed countries this morning. We look forward to hearing more detailed proposals and we welcome those we have heard so far.

Mr. Chairman, CCIA believes solving problems is more important than complaining or assessing blame. From an industry perspective here are a few of the most important issues and potential solutions:

1. **Publish a lot more of what is now confidential - and vet it better.**
The default in entire areas is secrecy. This should be reversed:
 - a. All meetings organised by, or with, WIPO should be published on WIPO's website, updated as they develop. There is a continuing stream of examples where the details of major meetings are not published in full - or at all.



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- b. Details about WIPO's technical assistance should be public. Right now, the entire process of legislative technical assistance is kept confidential. CCIA can understand countries not wanting to be named as asking for advice, but we don't understand the rest of the secrecy.
- c. All reports in the nature of checks and balances should be public. All of this information - including the work of the Ombudsman, auditors, and independent audit oversight processes should be publicly available, the only redactions being for reasons that are best practice elsewhere in the public and private sector. One concrete example, in the Independent Audit Oversight Charter up for approval this week in document WO/GA/41/10: paragraph 21 says:
 - “All investigation reports, drafts, materials, findings, conclusions and recommendations are fully confidential, unless disclosure is authorized by the Director, IAOD or the Director General.”

Mr. Chairman, this is the exact opposite of what's needed. It should all be published, with redactions in line with best practice in public and private institutions.

- d. Create an impartial, independent, transparent and balanced peer review process for WIPO's reports and published analysis. This, Mr. Chairman, would be 100% benefit with 0% downside.

- 2. **The Secretariat should recommit itself to impartiality, balance, and a demand-driven approach.** Here are just a few examples of why:
 - a. Recently the “National IP Strategies Framework” was launched by WIPO without consultation and a broad cross-section of industry see it as unbalanced. The idea behind this project is excellent; it shouldn't be undermined out-of-the-gate. WIPO should start over - and involve everyone from the outset this time.
 - b. The “African IP Summit” in 2011, co-organised by WIPO, was cancelled after NGOs worldwide objected to its completely unbalanced agenda.
 - c. Last year the Secretariat decided that it should hold meetings about enforcement of copyright by Internet intermediaries; two of the three meetings it organised were largely one-sided opportunities for the tiny minority of countries with “three strikes” laws to promote them.

We would like to emphasise that the Secretariat are overwhelmingly professional, hard working people who care about this Organisation and its mission - but who are trapped in antique procedures and policies. They deserve better.



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3. **WIPO's relationship with non-governmental stakeholders should be upgraded.** We accept that states get to vote and propose, and we get to observe, advise, and comment. That leaves room for plenty of improvement from where we are today. We wish to stress that all non-governmental stakeholders *must* be treated equally, and the objective should be more engagement from more stakeholders, not special rights for any one group. Any result other than equality would be less legitimate and produce less sustainable and balanced outcomes. The idea of some kind of event to bring innovators to the Assemblies is an interesting one, Mr. Chairman, but it is a one-off event when what's needed is a paradigm shift. Our proposal is that Member States ask WIPO to start engaging non-governmental stakeholders on a global, inclusive, collaborative and transparent basis about our needs, and report back to the next Assemblies. I can assure this House, Mr. Chairman, WIPO will get lots of feedback; we aren't a shy group, as everyone knows!

3. **Overhaul the Budget and Financial Reporting Processes:** These are cumbersome and the related documents so hard to work they routinely hide more than they reveal. The key related committees should be open to observers, too.

4. **Adopt best practices with respect to development spending, reporting, and evaluation mechanisms.** The best road to this destination is not to be found through inventing new definitions of what development spending is or new processes to evaluate its effectiveness but by adopting best practices from the UN's development agencies and those of member-states' and the private-sector. Why reinvent the wheel?

WIPO is too important for reform to wait. We have spoken to many industry stakeholders worldwide and there is wide agreement that improvements can be made. There are many differences of view on the substance of IP policy, but that need not frustrate agreement on transparency, accountability, and good governance.

Mr. Chairman, we all need this organisation to be as innovative as the legal framework it administers is intended to foster. We are committed to helping WIPO to reach that standard.

Thank you for the opportunity to be heard today Mr. Chairman.