



WIPO's perspective and activities

CERN

Workshop on Open Source Software with TT Perspective

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World Intellectual Property Organization

- International Organization, specialized agency of the UN, headquarters in Geneva (CH)
- Mandate: to promote the protection of intellectual property rights worldwide, through a Member States' driven process
- Intellectual property : protects creations of the human mind, through patents, trademarks, copyright, industrial designs, and other rights
- 184 Member States, representing over 90 % of the world's countries



Key IP Issues

- Balance between protection and incentives for creation
- Development concerns
- High number of different OSS (and FSS) licenses
- The Value of Interoperability (e.g. public procurement; digital divide)
- Mixed platforms
- FOSS Vs Patent
- Standard setting

Perspectives and Approaches

- Norm-Setting
- Capacity Building
- Awareness Raising



Norm-Setting

- 1970s> Initial Consideration of the issue at WIPO;
- Model Law Provisions following a *sui generis* approach: covering 3 elements of software; similar to industrial designs; shorter term of protection; material reciprocity;
- 1985 UNESCO WIPO Group of Experts: breakthrough towards protection under Copyright;
- National legislation> 1991 EU Directive>1994 TRIPS Agreement> 1996 WCT (88 Members).

Norm-Setting

Protection granted:

- Scope: set of instructions in a language that computers understand in order to achieve a function (\neq hardware);
- 3 elements of software (i.e. source code, object code, preparatory material and manuals);
- Copyright (i.e. economic and moral), as literary works within the meaning of BC> similar to TRIPS;
- Exceptions (3-step test) developed at national and regional level: correction of errors; back- up copies; observe, study or test; decompilation in order to make a compatible program.
- Patent: Not part of the International standard but allowed under some national jurisdictions. Protection of the function versus expression. Same function different language does not conflict with copyright.

Capacity Building

- GDA (“Gestión de Derecho de Autor”): essential infrastructure built on OSS (e.g. Java; Cristal Report) for copyright voluntary registration systems in Latin America.
- WIPOCOS: database management tools built on OSS (e.g. FoxPro, OpenDocument) for collection and distribution of royalties of Collective Management Organization, mainly implemented in Africa.

Awareness Raising

- Membership of Free Software European Legal Network.
- Organization of Regional Conferences and Meetings:
e.g. Rwanda (2010) focused on E-Health procurement;
Costa Rica (2008) focused on Education; and Sri Lanka
(2007) focused on Crisis Management (e.g. SAHANA).
- Development Agenda (DA)

Awareness Raising (DA) (II)

IP and COMPETITION LAW

Organization of a Global Meeting on Emerging Copyright Licensing Modalities (November 4-5, 2010)

- Describe and analyze different copyright licensing practices
- Examine compatibility between traditional copyright licenses and emerging ones.

http://www.wipo.int/meetings/en/2010/wipo_cr_lic_ge_10/index.html

Awareness Raising (DA) (III)

IP, ICTs, THE DIGITAL DIVIDE AND ACCESS TO KNOWLEDGE

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;
 - Public Sector Information.



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

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