

Intellectual Property and Development

Background

Development was the central concern of world leaders when they met in 2000 to approve the Millennium Declaration from which derived the UN Millennium Development Goals. The shift in the world economy in the recent decades - from being predominantly based on raw materials and industrial production to one on knowledge and information technology – has significantly raised the importance of intellectual property. Intellectual property aspects have been in the focus of the international cooperation in the framework of the World Intellectual Property Organization (WIPO). The international trade regime institutionalized in the World Trade Organization (WTO) transformed intellectual property rights, in the form of the Agreement on Trade Related Intellectual Property Rights (TRIPS), into a key part of the Uruguay Round conclusions. The TRIPS Agreement established minimum standards of protection of intellectual property rights to be observed by all member States of WTO. Flexibilities built in this agreement, have been further elaborated in the Doha Declaration on Public Health, which addresses the concerns of developing countries, with no or insufficient manufacturing capacity of relevant pharmaceutical products.

A nation's wealth today is determined by the size of its knowledge economy, manifesting itself in the form of intellectual property. This is evident from the portfolios of many multinational corporations, which contain a large portion of intellectual property assets. By contrast, very few developing countries can measure their wealth in terms of intellectual property assets. Indeed, the gap between industrialized, developing and least developed countries has become more apparent in the context of the knowledge based economy.

Opportunities and Constraints

Developing countries face several challenges in the development of intellectual property assets and in the implementation of the TRIPS Agreement. Constrained, as many of them are, by infrastructural problems, weak scientific and technological base, as well as laws that needed to be updated to conform with their international obligations, many developing countries, with the assistance of international organizations and donors are developing strategies and national institutions to overcome these constraints. It has also become apparent that a country, which guarantees intellectual property rights protection, is more likely to create a conducive climate for accelerated economic growth, many developing countries are putting in place appropriate laws that safeguard these rights.

Institutions

Within the United Nations system, intellectual property rights protection and promotion has been the mandate of the World Intellectual Property Organization (WIPO). WIPO administers the fundamental treaties on intellectual property such as the Paris Convention on the Protection of Industrial Property, dealing, *inter alia*, with patents and

trademarks, the Berne Convention for the Protection of Literary and Artistic Works, the Madrid Agreement and Protocol dealing with the international registration of trademarks, treaties relating to patent and trademark classifications and other treaties establishing or managing global protection regimes. WIPO's Patent Cooperation Treaty has become very significant for international filing of patents amongst parties to the treaty. In an attempt to assist the realization of the creative and innovative potential of developing countries, WIPO has developed assistance programs, which focus on strengthening and upgrading intellectual property institutions, as well as making use of IP for creating wealth and enhancing their competitiveness.

Issues

With the establishment of WTO, WIPO entered into a collaborative agreement with that Organization, under which WIPO undertook to assist developing countries make their laws compatible with their obligations under the TRIPS Agreement. The United Nations Conference on Trade and Development (UNCTAD) also deals with issues related to intellectual property.

Each of the three organizations has a development dimension within their areas of competence. By bringing these three Geneva-based organizations, most concerned with the issues of intellectual property, development and trade together, the Economic and Social Council (ECOSOC) intends to further raise awareness of the linkages, between intellectual property, trade and development. This forum will allow the discussion of policy directions, priority areas, strategies and deliverables.

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