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The World Trade Organization

Committee: The World Trade Organization (WTO)

Topic B: The Protection of Intellectual Property Rights

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I. Committee Background

The World Trade Organization (WTO) is an intergovernmental organization that regulates international trade. Its main purpose is to ensure the smooth and free flow of trade between nations, which includes increasing trading opportunities, facilitating negotiations and upholding trade agreements. It was established in Geneva, Switzerland on January 1st, 1995 and has henceforth gained 164 member countries. Its predecessor is the General Agreement on Tariffs and Trade (GATT) which was inaugurated in 1948; it is considered a failed attempt at creating an international trading organization. Currently, the WTO is working on the Doha Development Agenda (DDA), which is a series of 21 subjects regarding commerce negotiations and agreements. It was officially launched in Doha, Qatar in November 2001. Its prime objective is to improve the intercontinental trading system by lowering barriers and instituting new rules to preserve trade policies. Over the past 20 years, the WTO has strengthened the foundations of the trade system, deepened commerce integration through stricter rules and nether barriers, broadened cooperation with other international organizations, enhanced public outreach, increased participation and expanded its membership (About WTO, WTO, 2018).

II. Topic information

A) History of Topic

Intellectual property rights are entitlements that are granted for the creation of ideas. They allow owners and creators of brands, inventions, and pieces of art to benefit from their own vision. The purpose of intellectual property rights is to encourage people to create inventions and at the same time promote economic growth (What is Intellectual Property?, WIPO, 2016). Without the protection of these rights, businesses and individuals would not receive the full benefits for their creations. Artistic works, designs, symbols, phrases, words, inventions as well as discoveries can all be categorized as intellectual property. The purpose of the policy of protecting intellectual property was to give credit where it was supposed to in order to establish an advanced society. However, many economists persuasively claim that property rights must be updated and must represent the relationship between all parties in order to be more effective. According to the Foundation of Economic Education (FEE), the application of property rights must be monitored, furthermore, the possession of these rights shall be strengthened in order to keep up with the ever-changing world (Rothbard, FEE, 2017).

The Intellectual Property Law secures and enforces legal rights for inventions, designs and artistic works (HG Legal Resources, 2016). The protection of intellectual rights began in the Paris Convention in 1833. There, there was an international agreement that helped creators protect their inventions even if these were used in other nations. In 1886, at a Berne Convention, there was also the presence of an international accordance agreed upon by writers that would protect all literary and artistic works from being copied or reproduced without permission. In 1891, at a Madrid Convention, the agreements done in Berne and Paris were combined to create

the United International Bureaux for the Protection of Intellectual Property. Eventually, this became the World Intellectual Property Organization (WIPO), an office of the United Nations (A Brief History, WIPO, 2018).

Businesses, governments, and international organizations are continuously trying to protect intellectual property rights since they provide enormous help to national economies. This is for the reason many businesses rely on the enforcement of copyright and trademarks. Likewise, customers use intellectual property rights to assure that what they are purchasing is a safe and a quality-tested-product (NI Business Info, 2018). When having an idea for a service or good, there will always be people who will want to replicate the same concept to benefit themselves. Therefore, it is essential to protect merchandise and services since competitors can use the idea to take away business shares, which can result in a loss of profit and slow growth. Using licenses, trademarks or copyrights to cover different areas of the intellectual property can be remarkably useful to prevent competitors or any other company from using an already created concept. Not only can an inventor protect an idea, but they can also offer customers something new, different and unique (What is Intellectual Property?, WIPO, 2016).

Intellectual property is divided into three main areas: copyrights, trademarks and, patents. Copyright is an international right that applies to various types of art; like literature or creative pieces. Copyright allows a creator to take legal action against any act of plagiarism or infringement. Trademarks can be names, designs or icons that represent an organization or business. The Madrid System provides a facility to submit trademarks applications to many nations at the same time. Finally, patents; these apply to inventions, innovations and industrial processes. Patents are given by governments and permit the right to manufacture the invention, sell it or use it. Similar to trademarks, patents are registered at a national level with an appointed government body (UKCS, 2018).

According to the World Intellectual Property Organization (WIPO), Intellectual Protection Laws are divided into three main areas: first, the International Protection of Inventions which is provided under a system called the PCT; a worldwide system which consists of filling-out a charter application where you apply for protection of an invention in a certain amount of member countries throughout the world. Second, the International Protection of Trademarks which is given under the Madrid System. This system is a procedure that registers a trademark in various countries which are part of the Madrid System. Last, a system under the Hague Agreement which is named the International Protection of Industrial Designs. As the International Protection of Inventions, the creator has to fill-out an application with the International Bureau of WIPO, this will guarantee the owner of the industrial design and the possibility to have the plan protected in numerous nations. These three rights are protected under WIPO (What is Intellectual Property?, WIPO, 2016).

B) Current Issues

South Korea: This nation has been working with the World Trade Organization since 1995, and it is working to incorporate intellectual property protection into its national laws. Currently, the country is part of various agreements, this includes the Paris Convention, the Berne Convention, the Madrid Protocol and the Patent Cooperation Treaty (Republic of Korea, WIPO, 2018). According to the Korean Intellectual Property Office, it was not until 1977 that a national Trademark Act was established. The Korean Intellectual Property Office aims to contribute to industrial growth and promote the advancement of technology by protecting ownership of inventions. Registering intellectual property rights for patents, designs, trademarks, copyrights and new creations are crucial in this nation. South Korea is separated into two different centers: the Copyright Bureau which manages copyright and the Korean Intellectual Property Office which oversees intellectual property rights application (KIPO, 2018).

Pakistan: Before 2005, Pakistan had little to no protection nor management of intellectual property, which leads to international criticism since much of the world's pirate movies and music were produced in the country. In 2007, the government created the Intellectual Property Organization of Pakistan. The organization was mainly made to protect all intellectual property produced in Pakistan, as well as to protect businesses whose intellectual property rights were violated. In April 2009, the lack of protection of intellectual property was still an ongoing issue which later leads to the partnering up of the Center for International Private Enterprise (CIPE) with the Pakistan Software Houses Association (PSHA). This partnership was made to petition the government to enact legislation that provides better protection for intellectual property. Currently, Pakistan is a member of the following intellectual property agreements: the Paris Convention for the Protection of Industrial Property, the Convention Establishing the World Intellectual Property Organization and the Berne Convention for the Protection of Literary and Artistic Works (Pakistan, WIPO, 2018, 2018).

Germany: This country has been a member of the World Intellectual Property Organization since 1970. The German Association for the Protection of Intellectual Property (GRUR) is a consortium that was founded in 1891 and is completely devoted to the protection of intellectual property. The nation has been making significant efforts in the enforcement and application of intellectual property rights. This is mostly because copyright infringements have increased over the past twenty years. Moreover, the country is also a member of the major intellectual property agreements; these include: the Berne Convention for the International Protection of all the Artistic Works, the Paris Convention for all the Industrial Property, the Universal Copyright Convention, the Patent Cooperation Treaty, the Brussels Satellite Convention and the Geneva Phonograms Convention (Germany, WIPO, 2018, 2018).

Canada: The Canadian Intellectual Property Office (CIPO) is a special operating agency that is responsible for the administration and processing of almost all intellectual property within the country. The main purpose of the CIPO organization is to increase awareness, expand knowledge and deliver high quality and timely intellectual property services to customers. Intellectual property in Canada is governed under six main fragments of federal legislation: The Patent Act, The Trade-marks Act, The Copyright Act, The Industrial Design Act, The Integrated Circuit Topography Act, and The Plant Breeders' Rights Act. In June 2016, Canada became the 20th country to sign the Marrakesh Treaty which was created by the World Intellectual Property Organization. The Marrakesh Treaty allows blind or visually impaired Canadian to publish and protect literature (Canada, WIPO, 2018, 2018).

China: Intellectual property is a huge concern for companies and businesses operating in this nation. China has been making efforts to fully protect and enforce intellectual property rights. In comparison to other countries, its intellectual property rights protection system is quite young. From the end of the 1970s, China has been creating laws and regulation regarding intellectual property rights protection and has been participating in international activities aiming to strengthen international exchange and intellectual property rights. On December 1984, the Chinese government submitted an instrument of accession to the Paris Convention for the Protection of Industrial Property. Later on, in March 1985, it signed the convention and became a member state. On October 1992, the Chinese government also became a state member of the Berne Convention and the Universal Copyright Convention (China, WIPO, 2018, 2018).

United Kingdom: Enforcing property and copyright dispensation is crucial for the economy of the United Kingdom (UK). Since the early 1900s, the UK has been establishing numerous laws regarding intellectual property including the Law Property Act of 1925, the Land Charges Act of 1972 and the Appointment of Trustees Act of

1996. Every new intellectual property claim is recorded in the Land Registry. This registry is the database where every land or intellectual property ownership claim is held for both England and Wales. The UK is a member nation of the World Intellectual Property Organization, therefore, it is part of international agreements such as the Berne Convention, the Paris Convention, the Universal Copyright Convention, the Geneva Phonograms Convention and the Patent Cooperation Treaty. Each one with its own purposes and responsibilities. According to the UK Copyright Service, the United Kingdom has many different forms of intellectual property rights that are accessible, each with different levels of protection and periods of continuation (UKCCS, 2018).

C) UN Action

According to the Universal Declaration of Human Rights, "everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." Therefore, the United Nations has been promoting a safe environment for creators. The United Nations has been trusted with the enforcement and protection of intellectual property which includes trademarks, patents, and copyrights. That is why, the United Nations, with the purpose of enforcing intellectual property rights, opened the World Intellectual Property Organization (WIPO) on July 14th, 1967. WIPO is one of 17 agencies of the United Nations that aims to encourage creativity in the working place and strengthen the stability of intellectual property rights around the globe (What is Intellectual Property?, WIPO, 2016). While it has made a lot of progress in ensuring intellectual property rights, the UN believes that it still needs to do more. The Director-General of WIPO stated that intellectual property rights community had three major obstacles for the future. First, the administration of the large demand for intellectual property rights applications, the movement of cultural content to the Internet and basic technological media, and the promotion of the intellectual property rights system in developing

countries for the encouragement of creativity and the protection of inventions (UN News Centre, 2011).

III. Conclusion

To sum up, the lack of protection of intellectual property rights is an issue that will continue incrementing over time if appropriate laws and regulations are not put into action by nations. Intellectual property rights are benefits that are given to individuals or corporations for the creation of their own ideas. Protecting intellectual property rights is a matter of extreme importance since it allows individuals and groups to protect their own plans and enables originators to receive the full benefit of their inventions. The main purpose of intellectual property rights is to encourage people to create their own new inventions and at the same time promote economic growth. With the creation of the World Intellectual Property Organization (WIPO) and more efforts done by the United Nations, the protection of intellectual property rights has been secured in developed nations. Unfortunately, it is still an ongoing issue in developing countries and nations with internal conflicts.

IV. Essential Questions

1. What are intellectual property rights?
2. What has your country done to protect intellectual property rights?
3. What is the United Nations doing to address this issue?
4. Are there any international laws or agreements that protect intellectual property rights?

5. How do intellectual property rights encourage creativity and stimulate economic growth?
6. What are the consequences of violating intellectual property rights in your country?
7. What other international organizations are working in order to ensure that intellectual property rights are protected? Is your nation collaborating with any of these organizations? If so, which ones is it working with?
8. What is the World Intellectual Property Organization? How does it help with intellectual property rights? Is your delegation a member of this organization?

V. Resources

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