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# The Role of the World Organization "WIPO" in Promoting Intellectual Property Rights

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## Abstract

This study sheds light on intellectual property as a human right for creative development, allowing innovators and workers in various jobs and businesses to unleash their creative works, ensure their innovations and encourage them to communicate in a stimulating manner. The study discusses the concept of intellectual property, its types and importance. It also provides definitions of conventions and organizations concerned in this regard the most important of which is WIPO and its role in supporting and protecting human rights by protecting innovations and businesses worldwide as works of a universal character relevant for all humanity.

**Keywords:** Intellectual Property, Intellectual Property Protection, WIPO.



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## Introduction

Intellectual property in its origin is the discovery of new information that has not been addressed and put forward on the ground, but it is an idea that occurred to the mind of the author or the world, put it on paper and then discussed it in public. Thus, it became an enlightening product of humanity.

The realization of new ideas, and the adoption of innovative technologies, continuously depend on sustainable competitive advantages on the protection of intellectual property, which represents a new science. As a subject, intellectual property protection is an important topic for countries around the world. Intellectual production is comparable to and even exceeds material production because the progress reached by peoples in the world in all fields is ascribed to scientists, writers, thinkers and authors.

### A. The Objective of the Study

The study aims to identify the importance of intellectual property, through which the cultures of nations crystallize and their civilizations are built, thanks to the faculty of the human mind that Almighty God has bestowed upon them to get out of darkness, backwardness and ignorance to light, brightness and insight. Intellectual production is as important as material production as it works to endorse and establish the foundations and roots for all kinds of progress and development. Intellectual production is a blessing for all of humanity and is not limited to a certain country. Therefore, the benefit pervades all mankind, as we cannot differentiate between thinkers and scholars no matter what their shape, color, or language are. Their affiliation is their belief, as long as their intellectual creativity is in the interest of humanity. This requires focusing on the role and ownership of this intellectual production, as well as what the World Organization (WIPO) does towards achieving those objectives.

### B. Study Problem

The study seeks to shed light on the following questions:

1. What is the concept of intellectual property?
2. What are the organizations and agreements concerned with the protection of intellectual property?
3. What is the role of WIPO's support for intellectual property?

### C. Study Hypothesis

The study is based on the hypothesis that: The WIPO has an important positive role in promoting and protecting intellectual property through many measures at the international level.

### D. Study Structure

Alongside an introduction and a conclusion, this study includes two sections the first of which focuses on the concept of intellectual property in general by defining it and the history of its establishment. This section also discusses the importance of intellectual property, its objectives and the conditions for its protection. The second section sheds light on WIPO and its role in protecting intellectual property rights by defining the organization, its activities and its role in supporting and promoting intellectual property.

## The Conceptual Framework for the Concept of Intellectual Property

### A. The Concept of Intellectual Property

The importance of intellectual property emerged after the establishment of the industrial revolution and the accompanying innovations, inventions and technological development. The Paris Convention for the Protection of Industrial Property held in 1883 is considered the first agreement concerned with industrial property rights. The reason for this is due to the fact that many inventors used to present their inventions in international and official exhibitions in order to hold licenses or deal with investors who visit these exhibitions. But the issue came when many innovators started to realize that the inventions they presented were being copied and reproduced, which discouraged them from continuing to display their intellectual output without a guarantee that they could secure them. As a result, the nations had a meeting to negotiate a deal known as (the Paris Agreement on Industrial Property Rights). This agreement contained numerous clauses concerning industrial property rights (patents and trademarks), but it did not penalize nations that disregarded those rules (Al-Tarawneh, 2005).

Towards the end of the seventeenth century, changes in the way trade law was organized led to the primary intellectual property push. Previously, the law's authority over printing firms and the kinds of works published at the time dictated how many books might be circulated (Bently & Sherman, 2022).



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Intellectual property rights are one of the highest forms of property rights thanks to the connection of these rights with the most precious thing that a person can have, which is the mind of creativity and intellectual manifestations. The subject of intellectual property acquires great importance in terms of being related to a sensitive and serious issue. The importance of this topic is heightened by the increasing developments in the fields of information technology and innovations, which results in the emergence of new and sophisticated means of exchanging knowledge in easy and effective ways. States are paying increased attention to this area of policy as a result of the substantial financial contributions that intellectual property makes as well as the significant role that it plays in promoting the global economy (Saudi, 2020).

Intellectual property is defined as: a right that responds to a tangible thing, whether it is movable or real estate. However, the modern development allowed the emergence of mental or intellectual rights in addition to real and personal rights. Intellectual property includes a person's authority over an immaterial thing, which is the fruit of his/her imagination and thought. This means that the fruit of his/her intellectual activity, which is not a new concept as it began with the beginning of the civilizational creations of the first mankind. Each nation distinguished itself from the rest by adopting a distinctly civilized attitude. As a result, every nation develops its own distinctive writing style. Some persons stood out from the crowd because they were experts in a particular field (Khawadjia, 2922).

On the other hand, intellectual property is defined as the manifestation of a collection of legal rights conferred on a specific person over immaterial objects that are the consequence of that person's ideas and creative effort (Abdel Sadiq, 002007). Another way to define it is as a group of legal protections for human knowledge and creativity that include copyrights, patents, trademarks, industrial models, geographical indications, and other types of intellectual property (Maraqa, 2008).

Another definition of it emphasizes people's moral and financial rights in the unique ideas or innovations they develop, which are used, benefited from, and exploited in the expansion and improvement of life (Omar, 2010). The following categories apply to intellectual property: (Al-Eidouni, 2010).

- **Industrial Property:** It includes all inventions (patents), trademarks, industrial models, trade names and titles.
- **Literary and Artistic Property:** This includes a collection of literary and artistic works such as novels, poems, plays, films, musical compositions, drawings, paintings, photographs, statues, engineering designs, the rights of record producers and also the rights of broadcasters.

**B. Intellectual Property (Importance, Objectives and Protection Conditions)**

Innovation and creativity are of paramount importance as they drive economic growth and create new jobs and industries. Intellectual property rights, in turn, are essential as inventors, artists, scientists and companies invest a lot of time, money, energy and thinking about developing their innovations and creativity. To encourage the aforementioned parties to do so, they must be given the opportunity to achieve an equitable return on their investments by protecting their intellectual property. Intellectual property rights such as copyright, patents and trademarks can be seen as guaranteeing creators the right to benefit from their work or recover what they have employed in an innovation by giving them control over how their property is used (WIPO, 2020).

a) Encouraging creators by acknowledging their work and giving them the right to benefit from the work or authorizing others to benefit from it, which leads to support for creativity and progress.
b) Ensuring fair competition and safeguarding against intellectual piracy, whether done so directly by stealing the author's work or through indirect, electronic or other means (Ethical Work Charter Committee, 2010). It is crucial to note that there are numerous treaties and accords that safeguard intellectual property and emphasize the importance of upholding those rights as well as verifying their protection and use. The most significant of them can be listed as follows: (Ongun, 2002).

- The Paris Convention for the Protection of Industrial Intellectual Property of 1883, as amended in 1967.
- Berne Charter for the Protection of Literary and Artistic Rights in 1886 and then the Paris Act in 1971 (Al-Jilali, 2012).
- Madrid Agreement for the International Registration of Trademarks in 1891, amended in 1989.
- Madrid Convention to limit the illegal use of geographical indications in 1891.
- The Hague Convention on the International Deposit of Industrial Designs in 1925, amended in 1934, and the decision supplementing it in 1960.
- Universal Copyright Convention (UNESCO 1952).



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- The Nice Agreement for the International Classification of Goods and Services for the Purpose of Registering Marks in 1957.
- Lisbon Convention for the Protection of Assets and International Registration in 1958 and amended during 1967 and 1979.
- The Rome Convention for the Protection of Producers of Phonograms and the Broadcasting Organization of 1961.
- International treaties for cooperation on patents in 1970.
- Geneva Convention for the Protection of Unlawful Copying of Photographic Producers in 1971.
- The Vienna Convention for the International Classification of Components of Marks in 1973.
- Amendment in 1980 to the Copyright Act of 1975 to provide protection for copyright and software.
- The International Software Protection Act of 1985 provides for a reciprocity clause.
- Washington Treaty on the rights of ownership of integrated circuits in 1989.
- Trademark Law Treaty and IPO 1994.
- Agreement on Measures Related to the Effect of Trade on Intellectual Property Rights TRIPS 1994.
- Treaty for the Protection of Performances and Phonograms and Lippo 1996.
- Budapest International Convention on Combating Information Crimes of 2001 (Esaidani,2015, p. 5).
- The Beijing Treaty on Audiovisual Performances did not enter into force 2012.
- Marrakesh Treaty to Facilitate Access to Published Works for Persons with Disabilities in 2013 (WIPO, 2016).

These agreements demonstrated the significance of combining these works for their owners and acquiring those rights consciously without harming them or attempting to steal them in other ways.

## The Role of the World Organization (WIPO) in the Promotion of Intellectual Property

### A. The Establishment of (WIPO) and its Objectives

The roots of the world organization (WIPO) date back to 1883 after there became an urgent need to achieve international protection of intellectual property, especially after foreigners refrained from participating in the World Exhibition of Inventions, which was held in Vienna in 1873 for fear of stealing their ideas and exploiting them commercially in other countries. The year 1883 witnessed the birth of the "Paris Convention for the Protection of Industrial Property", which is the major international treaty aimed at helping the citizens of a country to obtain Protection of their intellectual creations in other countries in the form of industrial property rights, defined as follows: inventions, trademarks, industrial models).

The Paris Convention entered into force in 1884, with a number of members of 14 countries, as it reached in 1886 to the international arena, through the conclusion of the Berne Convention for the Protection of Literary and Artistic Property, which was aimed at assisting citizens of its member states in obtaining international protection in controlling their innovative works, and receiving money for their use. Examples of such works include: novels, short stories, poetry and plays; songs, operas, musicals, drawings, paintings, sculptures and architectural works. As with the Paris Convention, the Berne Convention established an International Bureau to carry out administrative functions. In 1893, these two offices joined forces to form an international organization called the "United International Bureaux for the Protection of Intellectual Property" known by its abbreviation "BIRPI", a small organization based in Bern, Switzerland, which preceded the existence of the World Intellectual Property Organization as we know it today (Zain El-Din, 2004).

It is worth noting that the increasing importance of intellectual property, led to a change in the structure and form of the "BIRPI Organization", in 1960. This organization moved from the city of Bern to the city of Geneva, to be closer than the United Nations and other international organizations in this city. After a decade, the BIRPI organization changed to become the WIPO Organization following the entry into force of the Convention of establishing the Organization. In the midst of this change, it underwent structural and administrative adjustments and enjoyed high honesty and responsibility towards Member States. In 1974, WIPO became a specialized agency in the United Nations system, tasked with managing intellectual property affairs recognized by the countries of the United Nations, and the work and competencies of WIPO have expanded. Through its admission into a cooperation agreement with the World Trade Organization, it encompassed the control of world trade (Arab society for intellectual property, 2023).



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### B. WIPO's Objectives

Through its 193 member states and general secretariat, the organization collaborates with several international organizations to conduct various work programs in order to accomplish a number of objectives, including: (ibid).

- Coordination of national legislation and procedures related to intellectual property.
- Providing appropriate services to applicants applying for industrial property rights.
- The exchange of intellectual property information with a high level of fluidity.
- Providing legal and technical assistance to developing countries and other countries.
- Facilitate the settlement of disputes over private intellectual property.
- Seeking to organize information technology as a tool for storing, accessing and using valuable information related to intellectual property.
- Seeking to support actions aimed at facilitating the effective protection of intellectual property around the world. According to the financial report for the year 2019, the registration revenues, sales, and publications of the Organization accounted for approximately 95% of the Organization's expenses, with the remaining 15% coming from Member State contributions. It should be noted that in order to carry out these goals and duties, the Organization must finance its costs from these sources (WIPO, 2019).

### C. The Main Tasks and Programs of the Organization (WIPO) at the International Level

WIPO's mission is to support, promote, innovate, disseminate, use and adequately protect the works of human thought, within the framework of international cooperation to achieve progress at the economic, cultural and social levels of humankind in general. This is done to strike a balance between two competing interests: first, to encourage innovation globally by protecting inventors' material and ethical interests; and second, to ensure that everyone can benefit from the various social, cultural, and economic advantages that come from these innovations globally (WIPO, 2023).

FAO emphasizes that achieving adequate protection of intellectual property and innovation go hand in hand, as people cannot be motivated to create and innovate without protecting their intellectual rights, and companies cannot be pushed to invest in R&D without protecting their innovations from being violated by others. The organization believes that the path towards creativity, innovation and the development of new solutions inevitably passes through the establishment of a global legal system that guarantees the protection of intellectual property rights from any infringement, for the benefit of all. On the one hand, rights holders benefit from the fruits of their achievements, and societies benefit from their creativity and innovation on the other.

Article 4 / paragraphs (1, 2, 3 and 4) of the Convention Establishing the World Intellectual Property Organization state that The Organization's goals include harmonizing national laws governing the protection of intellectual property and fostering cooperation among its members in this area. The Organization also has an arbitration and mediation center entrusted with the task of settling international intellectual property disputes. This is operationalised by resorting to an impartial panel of international legal experts specialized in the field, thus enabling disputants to avoid recourse to the courts and the complexities of litigation procedures before them.

## The Role of the Organization (WIPO) in Supporting Intellectual Property Globally

### A. The Cooperative Framework of the Organization with International Organizations

**First:** Cooperation with the World Intellectual Property Organization (WIPO) with relevant international organizations:

The World Intellectual Property Organization cooperates at the international level with all relevant international organizations Intellectual property issues, given the role of these organizations in assisting WIPO in providing effective protection of intellectual property. Among these organizations are:

- Cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO): The latter is a UN organization that serves as a hub for exchanging ideas for the transmission of information and knowledge. Additionally, it promotes greater international collaboration among its 193 signatories by assisting member governments in building and enhancing institutional and human capacity (Zawani, 2013).
- UNESCO and WIPO jointly administer the Rome Convention for the Protection of Producers of Phonograms and Broadcasting Organizations of 1961, as well as the Brussels Convention on the Distribution of Programme-Carrying Signals Transmitted by Satellite of 1974, as well as the Convention for the Protection of Producers of Registered Works against Unauthorized Duplication of Their Registered



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Works signed in Geneva on 29/10/1971. UNESCO works in the administration of the Global Agreement on Copyright adopted on 06/09/1952 in accordance with the Geneva Convention 1952 and amended in Paris on 24/ 07/1971 and thr Madrid Agreement of 1979 for the Avoidance of Double Taxation of Copyright but it did not enter into force. On the other hand, it is worth mentioning the role played by UNESCO in many of the issues raised in the field of intellectual property, the most important of which is the issue of human genes. UNESCO issued a universal declaration that is an ethical charter on human genes and human rights, which stressed the importance of the relevant applications and practices to be conducted within the framework of respect for human dignity, as is the case with human cloning. These joint efforts resulted in the signing in Paris in Paris 1998 on the Additional Protocol by 12 States concerning the prohibition of human cloning (Fouda, 2003).

- WIPO Cooperation with the World Trade Organization (WTO): The close relationship between the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO) is reflected in the entry into force of the Agreement concluded between them in 1996, and the Agreement provides for cooperation for the implementation of the TRIPS Agreement, particularly with regard to the communication of laws and regulations and the communication of emblems of States and intergovernmental organizations and the provision of legal and technical assistance and technical cooperation to developing countries (Kanaan, 1982).
- Cooperation with regional offices: The organization began to cooperate with those offices, including the Arab Society for Intellectual Property, in order to develop laws governing intellectual property activities. To promote this field on an international scale, Mr. Talal Abu-Ghazaleh contributed to conducting intensive communication since 1984 with the organization's employees to establish the Arab Society for Industrial Property. The city of Munich in Germany was chosen as a center for this as it is a hub of scientific research centers, which took a new name entitled: Arab Society for Intellectual Property (ASIP) since 1993. The Academy aims to support and develop the protection of property in the Arab countries by encouraging the development of laws governing activities in this field, as well as raising awareness of the need to provide adequate protection among those concerned in the Arab countries and unifying Arab legislation in this context. It is also done by developing charters in line with the provisions of the Paris Convention of 1883 and related to royal protection charters (Arab Society for intellectual property, 2023).
- WIPO's cooperation with the European Intellectual Property Office: The European Office is the executive body of the European Patent Organization, which was established under the "European Patent Convention" in 1972. The Office works to represent European countries and provide a harmonized approach to the protection of inventions, as well as the impact of this model extends to be inclusive of many European patent systems and granting protection in many contracting countries, through a single procedure for granting patents, with an emphasis on supporting competition and encouraging innovation within Europe. The World Intellectual Property Authority provides the necessary support to ensure the effective protection of intellectual property. In order to further develop an international patent system and better support innovation in the international economy, the European Patent Office (EPO) and the World Intellectual Property Organization (WIPO) have agreed on comprehensive technical cooperation programs with a view to improving the PCT procedural framework. The aim of this is to increase their use in patent applicants. The cooperation intends to increase information accessibility while also enhancing the quality and effectiveness of the patent process, including patent research and classification (25) supported by private innovation programs for enterprises, universities and all research institutions.

**B. The Organization's Global Services in Supporting Intellectual Property**

The organization plays an important role in the protection and promotion of intellectual property at the global level, through the cooperative frameworks, terms of reference and tasks it provides that consolidate these rights on the one hand and works to provide the appropriate means for their development on the other. It is possible to refer to the most important services that it provides within the framework of supporting and promoting Intellectual property by drawing international intellectual property rules. The organization works to provide a global multilateral forum for policies in which governments, business community and civil society meet in order to address the most important changing intellectual property issues. Members of WIPO and non-governmental organizations meet periodically in WIPO committees concerned with copyright, patent law, trademark law, industrial designs, geographical indications, genetic resources and traditional knowledge. In addition, they negotiate amendments and new regulations to guarantee the efficient operation of the global intellectual property system to foster creativity and innovation, and they make sure that multilingualism among the WIPO staff members. Consequently, they may efficiently and successfully assist the committees' work (WIPO, 2023). The Organization also provides global



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services for the protection of intellectual property across borders, based on the text of Article IV of the Convention, which emphasized support for measures aimed at facilitating the process of intellectual property protection in the world, as well as to harmonize domestic legislation in this regard. Innovators and companies need easy and effective ways to protect those inventions, trademarks and designs, such as the PCT system, the Madrid, Hague and Lisbon Regulations that allow applicants to file a single international patent application, or a single international application for the registration of a trademark, industrial design or appellation of origin. The application is effective in any country that is a member of the relevant registration system. A comprehensive range of dispute resolution services, including those for online domain names, are also provided by the renowned Arbitration and Mediation Center as an affordable alternative to costly legal proceedings (WIPO, 2013). With its expertise, knowledge, ideas, and analyses in global policy discussions on these issues and the pursuit of workable answers to them, WIPO also promotes the quest for technology solutions to numerous humanitarian concerns like climate change, public health, and food security. In order to harness intellectual property for the benefit of all humanity, WIPO therefore fostered global collaborations by creating a collaborative foundation (WIPO, 2023). Additionally, WIPO cooperates with all States seeking legal and technical assistance in the area of intellectual property, and it gathers and disseminates data on the protection of intellectual property. This provides an important platform for States to preserve those contributions and rights that are provided by the Organization. By offering these nations efficient means of transferring technology, the Organization helps developing nations attain industrial output, which is a prerequisite for their development (Fouda, 2003).

Under the direction of a permanent committee made up of 57 countries, many of which are industrialized nations, industrial property-related permanent development cooperation initiatives have been established. This aspires to promote activities and innovations, especially at the technological level, in order to support the development process in developing countries. These initiatives include setting up seminars and talking about the concerns that developing nations should specifically address when negotiating and signing contracts with the owners of patents or technology licenses.

Kanaan (1982) notes that other initiatives include creating collections of international patent documents including details on the newest technologies and model laws on inventions, trademarks, industrial designs, and appellations of origin produced specifically for emerging nations. WIPO hosts one or more seminars every year for representatives of developing nations to attend free of charge in order to learn more about and discuss current challenges.

## Conclusion

Since its inception, the World Intellectual Property Organization (WIPO) has played a significant role in the area of international cooperation for the protection of intellectual property through its collaboration with nations and with numerous other global institutions that focus some of their efforts on the protection of intellectual property, such as UNESCO and the World Trade Organization. This role also entails communication with specialized regional offices, all in order to coordinate and unify international protection standards and to apply the content of international agreements in the field of intellectual property. Accordingly, the study concluded a set of the conclusions are:

1) WIPO actively promotes and protects intellectual property, particularly by assisting international cooperation programs, which is crucial in light of the relevant international agreements that have been reached.
2) Despite the fact that emerging nations have limited resources and capabilities, the World Intellectual Property Organization (WIPO) demonstrates significant interest in these nations.
3) A significant incentive given to creators directly is to increase the volume of active international involvement in the World Intellectual Property Organization (WIPO), which will result in a broader guarantee and protection for their creations.

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