

TACD

TRANS ATLANTIC DIALOGUE TRANSATLANTIQUE
CONSUMER DIALOGUE DES CONSOMMATEURS

Ambassador Rita Hayes
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Dear Ambassador

We are writing on behalf of the Special Group on Intellectual Property of the TransAtlantic Consumer Dialogue (TACD) to ask questions about the WIPO Work Program. TACD has 65 member organizations in the United States and Europe, and is a consultative forum to the the European Commission and the US Government.

We are writing to ask for information regarding the WIPO work program, and in particular, to obtain information on the number of meetings that WIPO holds each year. As you know, the USPTO has lodged objections to requests that WIPO hold a meeting on open collaborative development models to create public goods. One line of objection by USPTO is that WIPO does not have the resources or time to hold such a meeting. Another is that WIPO staff should not respond to NGO requests for meetings, and yet another is that every meeting should be part of the existing WIPO agenda. To better evaluate the problems facing WIPO, we would appreciate knowing the following:

1. How many meetings does WIPO hold or co-sponsor each year, and on which topics?
2. Please explain the member country review that approved the forthcoming WIPO event co-sponsored with the (industry-funded) IPI and USPTO: "Intellectual Property and International Public Health." The brochure for this event says "Following its conclusion, the conference proceedings will be published and a report with conclusions and recommendations for policy makers will be issued." How can the TACD work with WIPO to hold similar WIPO sanctioned events?

3. What does the WIPO work program say about open development models for medicine, software, network communications, journals, and other public goods? What procedure should TACD follow to hold a co-sponsored event on these topics?
4. What should TACD do to co-sponsor an event with WIPO on the issue of how to best protect the public domain and / or user interests in intellectual property policy? Specifically, would WIPO consider co-sponsorship of an event addressing the issue of limits to, or exceptions from, exclusive rights, in the areas of private copying, educational or non-commercial use, reverse engineering, research or experimentation, criticism, parody or similar topics such as the role of compulsory licensing in areas of market failure? And what type of member country participation and oversight is appropriate (in light of the IPI event and other such examples of co-sponsored events)?
5. Will WIPO consider co-sponsorship of an event to discuss how to better overcome the harmful effects of anti-competitive practices and abuses of intellectual property rights? If not, why not? Are the issues procedural, or is there any substantive limit to appropriate topics in such co-sponsored events?
6. What group or section in WIPO is responsible for making policy with regard to access to medicines? Can you explain the consultative process that WIPO has developed to address this topic? Can we work with WIPO to co-sponsor an event (with WIPO, other NGOs and member governments) on WIPO technical assistance in this area?

Thank you in advance for your help with these questions,

James Love, US co-chair, TACD Special Group on Intellectual Property
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