



Wipo Worldwide Acadamy : A Model Worth Needed For India At National Level

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Introduction

Nature opposes vacuum and it does not play the game of dice .Every person, place, or thing is wisely put in this universe and has the potentiality to actualize itself. World Intellectual Property Right Organization Seems to be the incarnation of Mother Nature in the 20th century and its one of the important wing i.e. the WIPO World Wide Academy seems to be its power to make things actualize their potential. Intellectual Property is one of those areas where international community has worked together for a long time and in the last 20 years there has been remarkable progress in this collaboration.¹ The main aim of WIPO is “to promote through international cooperation the creation, dissemination, use and protection of works of the human mind for the economic, cultural and social progress of all mankind.”² After TRIPS Agreement, the scope of IP education and training has considerably enhanced with many IP reforms at the international sphere. It is beyond doubt that WIPO is the mother Organization for delivering IP education and training, worldwide and its most important arm i.e. WIPO Academy is the key player performing that role well .In his statement, while releasing the WIPO Academy Education and Training portfolio 2014 ,the Director General of WIPO Dr. Francis Gurry said “in order to bring meaningful participation by every country in the international IP system , there is a need to work on four main areas i.e. national IP and innovation strategies; development- oriented regulatory frameworks; institutional and technical infrastructure; capacity building.³ This paper presents appraisal of the evolving role of WIPO Academy and need of IP education and training for India at national level and recommend a similar institution on WIPO Academy Model. The first section describes the WIPO academy’s establishment purpose. The second section explains why teaching of IP is important and for whom? The third section describes the place of WIPO Academy in WIPO development Agenda. The fourth section provides briefly the details of various programs of WIPO academy .The Fifth section shows the need for WIPO Academy like institution at National Level which could be

¹ Statement of Director General WIPO Dr. Francis Gurry, WIPO Academy Education and Training Program Portfolio 2014

² WIPO Mission and Activities from WIPO Intellectual Property Handbook, WIPO publication no. 489

³ Statement of Director General WIPO Dr. Francis Gurry, WIPO Academy Education and Training Program Portfolio 2014

National IP Academy as part of IP INDIA and is possible State IP Academies. The last section of the paper concludes with philosophical interpretation of IPRs and the prospective role of National IP Academy for India.

Need for IP education and Training

Technology has brought the international community together and innovation is the key to run the global economy.⁴ A study showed that more than 80 % of the assets of private corporations in United States of America consist of intangible assets which show the magnitude of the changes that have taken place in the ever expanding relationships between IP and world economy.⁵ This is true for other developed and developing nations also. Moreover IPRs premises are widening, so it is very essential to harness the potential of those who are underdeveloped by bringing reforms in the IP legislations. Where developed nations like United States are known for their conventional IP rights like Patents, Copy rights, Trademarks etc. there are developing and under developed nations who have recognized their potentials in some new areas of IPRs e.g. a country called Moldova has exploited its potential through Plant Breeders rights and is known worldwide as “Orchard of Soviet Union”. Similarly, Traditional knowledge and folklore has the capacity to revolutionize the economies of many small nations like Fiji, Tonga, Samoa as well as the big nations like India who has a long history of carrying valuable traditional knowledge with itself. It is now a well admitted fact that intellectual property is the key area for overall development of any society including its economic, social and cultural aspect. It is therefore, imperative to have clear understanding of the intellectual property system by all those who are any how associated with creative and innovative endeavor from policy makers and business executives to educators and archivists, as well as artists and inventors themselves.⁶ The increasing importance of IP on the national and International sphere has also had impact on the way IP is taught and on the content of what is taught.⁷ The demand for IP education and Training has been raised especially in developing and least developed economies when World Intellectual Property Right Organization concluded the Trade related aspects of Intellectual Property Rights (TRIPS) Agreement in 1994. As per WIPO is concerned, the agreement between WTO and WIPO on Technical Assistance in 1996 increased the responsibility of WIPO to impart IP education and training worldwide. This is perhaps one of the reasons for the establishment of WIPO Academy in year 1998. Today , in the ever changing arena of IP rights with the pace of development and also when WIPO itself has concluded more than 50 treaties , there is imperative need to teach these valuable rights to the wider audience including inventors ,creators , students both law and non law students ,policy makers , entrepreneurs ,business executives, lawyers, government officials of IP institutions, teachers of IP and civil society at large .

⁴ Introductory part from book ‘International Intellectual Property Rights in the Integrated World Economy’ by Frederick Abbot ,Dr. Francis Gurry, Thomas Cottier

⁵ Kamil Idris IP-A Power Tool for Economic Growth, chapter 3, “Intellectual Property knowledge and Wealth creation”

⁶ Ibid

⁷ Recent changes in IP education from book “Teaching of Intellectual property- Principles and Methods “by Yo Takagi Larry All Man and Mpazi A Sinjela

WIPO Academy in WIPO Development Agenda

WIPO Development Agenda came into being in the year 2007 with its 45 recommendations organized in six clusters and also Committee on Intellectual Property for Development was formed to review the progress of WIPO Development Agenda from time to time. Though WIPO Academy was established a few years earlier than the year of Development agenda, but it got its true recognition from the WIPO Development Agenda especially the first part i.e. Cluster A “ Technical Assistance and Capacity Building”.⁸ The Cluster carried 14 recommendations from R1 to R14 aiming at demand driven, country specific and development oriented Technical Assistance and Capacity building Programs. The WIPO Development Agenda ensures that development considerations form an integral part of WIPO’s work.⁹ The recommendations which directly relates to IP Training and Education are following:

Recommendation 3- Increase human and financial allocation for technical assistance programs in WIPO for promoting a, inter alia, development-oriented intellectual property culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on intellectual property.

Recommendation 10- To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.¹⁰(WIPO Source 2007)

There is also another important recommendation under this cluster that specifies the importance of WIPO Academy which is “to strengthen national capacity for protection of domestic creations, innovations and inventions” (NO.11). The Importance of this recommendation lies in the fact that WIPO Academy is also required to insist the nations to have National Academies or Institutions in their own country which works on similar lines. Further Training and Education does not mean only a technical assistance but it is also related to assessment, evaluation and impact studies particularly, in post secondary education institutions, government and other public policy making institutions.¹¹ So it is necessary to have the properly designed training and education activities for the proper enforcement of intellectual property rights. This is what the recommendation 45 says “to approach intellectual property enforcement in the context of broader social context and especially development oriented concerns”.¹²

WIPO Academy’s Mandate and its Key programs

⁸ WIPO Development Agenda document available at <<http://www.wipo.int/ip-development/en/agenda>>

⁹ Ibid

¹⁰ Ibid

¹¹ J.de Beer, C. Oguamanam - Intellectual Property Training and Education : A Development Perspective

¹² Ibid

The mandate of the WIPO Academy is to help the developing nations ,under developed nations and nations whose economy is in transition in capacity building in intellectual property targeting wide range of audience including public officials , policy makers ,lawyers ,judges ,students, diplomats etc.¹³To fulfill its mandate, WIPO Academy provides education and training opportunities in five key areas which are the professional development program, the distance learning program, the academic institution program, the summer schools and the WIPO-WTO colloquia and symposium .It also provides intensive courses like Intensive course on IP and Business enterprises.¹⁴The Academy's Programs are designed in such a way that it should fulfill the different purposes keeping in mind the different set of audience. Each program of the Academy is required to fulfill four strategic goals which includes international dimensions that reflects WIPO's broad membership; an inclusive approach in accommodating the unique cultural, economic and linguistics needs of member countries; in depth instruction that capitalizes on WIPO's extensive resources and experts and an interdisciplinary character that is enriched by perspectives from law, economics, science and technology and more (Takagi and Sinjela 2007).¹⁵ Let us discuss all these programs one by one:

Distance Learning Program –This Program is a key Program intended to make IPR as a mass right .This program aims at making the knowledge of IP accessible to all, irrespective of geographical locations. It offers every year's three general courses and more than ten advanced courses. These courses are accessible online in multiple languages to anyone desiring general or advance knowledge of IP related issues.¹⁶This Program is taught by more than 100 tutors from all around the world .This was the first program of WIPO Academy launched in the year 1999.This is very cost effective program of the WIPO Academy and is available to wider public. The instructional design of the courses is based on Open University pattern where learners are required to remember, understand, analyze and evaluate. The learning technique is called the Bloom method which is a cognitive behavioral psychology. Since its inception this program has imparted education to more than 1 Million from more than 186 countries.¹⁷

Summer Schools-The WIPO summer schools aim at providing in depth knowledge of intellectual property and explain the role of WIPO of being administrator of IP and providing global IP services.¹⁸ This is face to face lecture program where the experts of IP impart education and training to the students .Participants are taught various aspects of IP rights and ,including the international nature of IP rights and the relation between IPRs and other disciplines. All the summer schools share almost same duration, curriculum and format.¹⁹ Here the target audience is the undergraduates, senior graduates from any disciplines and the professionals from different fields. Presently, there are more than 20 WIPO summer Schools being held across the world covering all the seven Continents.

¹³ Preface from WIPO Academy Education and Training Program Portfolio 2015

¹⁴ Ibid

¹⁵ Teaching of Intellectual Property Rights –Principles and Methods by Yo Takagi ,Larry All Man and Mpazi A.Sinjela

¹⁶ Ibid

¹⁷Distance Learning Program of WIPO Academy from WIPO Academy Education and Training Portfolio 2021

¹⁸ Summer School Program of WIPO Academy from WIPO Academy Education and Training Portfolio2021

¹⁹ Ibid

Academic Institution program –This program aims to provide access to higher IP education to all qualified individuals and to generate skilled human resource who could take Global IP education and training ahead. This program offers Joint Master Degree on IP in cooperation with Institutions in Asia, Europe, Africa, Middle East, Pacific, and Latin America.²⁰ Some of these Programs are also organized in collaboration with the regional or the national IP institution e.g. Master Degree in IP jointly provided by WIPO, Africa University and ARIPO, Mutare, Zimbabwe. The curriculum of the program is jointly developed by WIPO and the partner institutions.²¹ Presently there are nine joint Master degree programs run by the Academy around the World fulfilling the different needs and purposes accordingly.

Professional Development Program- This program aims at providing the professional expertise in IP to the participants especially from the developing countries, least developed countries and the countries with economies in transition.²² The courses are organized with number of partner institutions including the regional and national IP offices.²³

Colloquium for Teachers-This Program is jointly organized by the World Intellectual Property Right Organization and the international trade body World Trade Organization .This program is being held every year at Geneva, Switzerland and intended to provide specialized IP knowledge and discusses IP teaching methodologies. This program also includes visit to WIPO and WTO libraries.²⁴

National IP Academy : Need of the hour

The role plaid by WIPO Academy since its establishment is really remarkable .In 20 years of his establishment it has imparted effective IP education and training to high number and the diverse range of people .WIPO Academy has done exceptionally well in making interdisciplinary approach to the teaching and education of IP which is very essential for holistic understanding of Intellectual property rights.²⁵ The key programs with different objectives and different target audience has been a great success so far. As per India's concern The Union Cabinet has approved the National Intellectual Property Rights (IPR) Policy on 12th May, 2016 that shall lay the future roadmap for IPRs in India. The Policy recognizes the abundance of creative and innovative energies that flow in India, and the need to tap into and channelize these energies towards a better and brighter future for all. The National IPR Policy is a vision document that encompasses and brings to a single platform all IPRs. It views IPRs holistically, taking into account all inter-linkages and thus aims to create and exploit synergies between all forms of intellectual property (IP), concerned statutes and agencies. It sets in place an institutional mechanism for implementation, monitoring and review. It aims to incorporate and adapt global best

²⁰ Academic Institution program of WIPO Academy from WIPO Academy Education and Training Portfolio 2021

²¹ Ibid

²² Professional Development program of WIPO Academy from WIPO Academy Education and Training Program Portfolio 2021

²³ Ibid

²⁴ Colloquia for Teachers from WIPO Academy Education and Training Program Portfolio 2021

²⁵ J.de Beer, C. Oguamanam - Intellectual Property Training and Education : A Development Perspective

practices to the Indian scenario.²⁶ To fulfill the aim set under the national IP Policy 2016 we need a WIPO Academy like institution at National level which could be a National IP Academy or with some other name and if possible the interlinked State IP Academies too. The existing structure Rajiv Gandhi Institute of Intellectual Property Management (RGNIIPM) at present though performing the similar function but still its role needs to be enhanced. Further RGNIIPM is situated at Nagpur which should either be at Mumbai or Delhi from where it could actually perform its role in imparting IP education and training in a better way.

Conclusion

It is the intellect that makes man the best creation of the nature and it is through his intellect that he has been able to advance his self from secluded life of nomad to the modern integrated global society. It is with the use of his intellect that he has been able to solve his day to day problems with his creativity and innovations. The Prime Minister of India in his several statements has already said that the India with its 1.3 billion Population indicates 1.3 billion Possibilities and this is nothing but it authenticates the need for a system to exploit the intellect of 1.3 billion Indians. In order to fulfill the motto of IPR Policy 2016 titled "Creative India; Innovative India: रचनात्मक भारत; अभिनव भारत", we need a dynamic and all inclusive model like WIPO World Wide academy and further we could also take reference to Singaporean Model Of IP Academy linked with IP office of Singapore. It has linked the Academy with a wide range of institutions. Similarly India's approach should be all inclusive.

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²⁶ National IPR Policy 2016< <https://dpiit.gov.in/policies-rules-and-acts/policies/national-ipr-policy>>

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