

TO
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WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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Asia-Pacific Economic Cooperation (APEC)
Association of the Southeast Asian Nations (ASEAN)
Eurasian Economic Commission (EEC)
European Commission (EC)
Organisation for Economic Co-operation
and Development (OECD)
Organization of American States (OAS)

United Nations Office of the High Commissioner for Human Rights (OHCHR)
United Nations Conference on Trade and Development (UNCTAD)
United Nations Development Programme (UNDP)
United Nations Educational, Scientific and
Cultural Organization (UNESCO)
World Health Organization (WHO)
World Trade Organization (WTO)

INTERNATIONAL GUIDELINES ON INTELLECTUAL PROPERTY RIGHTS



It is an exciting time, particularly in the knowledge-based economy where entrepreneurship, ingenuity and creativity lead the world, and we believe that Intellectual Property Rights are the key to fostering global competitiveness.

We write as a coalition of 85 free market think tanks, advocacy groups, and organizations from 51 countries. The undersigned organizations represent millions of people through both national and international advocacy or engage in rigorous research and educational work on intellectual property rights. We would like to share with you our strong support for all types of intellectual property, by providing you with the following information and guidelines that our respective organizations look to when we consider intellectual property.

Rule of Law, Property, and a Transparent Political Environment are the Foundation of Fair and Prosperous Societies

Without the existence of rule of law, transparency, and an independent judiciary, it is not possible to administer a just society. Without the proper infrastructure to ensure democratic governance, property – including intellectual property – cannot be secured. As a result, individuals are less likely to create and develop IP due to uncertainty in the validity of the rights attached. As a result, economic and political instability can develop, which diminishes confidence in government.

Intellectual Property Rights are Affirmed in International Treaties as a Human Right

Article 27 of the Universal Declaration of Human Rights of 1948 states that “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.”

Intellectual Property Rights Promote Free Speech and Expression

Strong IP rights go hand in hand with free speech as creators vigorously defend their ability to create works of their choosing, free from censorship.

By affording innovators and creators the ability to support themselves, IP rights promote free expression unencumbered by government. And by incentivizing creators and innovators to create and distribute knowledge, inventions and creative works, we foster access to knowledge and culture for all.

Intellectual Property Rights are Integral to Consumer Protection and Global Security

IP rights protect consumers by enabling them to make educated choices about the safety, reliability, and effectiveness of their purchases. The protection of IP rights is also vital to global security by preventing counterfeit parts, which compromise the reliability of equipment and the safety of military personnel, from entering defense supply chains.

Strong Intellectual Property Rights and Contractual Freedom Promote Free and Competitive Markets

Without property rights there can be no free markets, as it is clear rules of ownership that enable parties to exercise their right to contract. Once IP rights are secure, innovators and creators have the flexibility to enter into a wide range of contractual relationships to reach consumers, capitalizing on and responding to changes in technology and consumer demand.

IP rights support free and competitive markets by leaving decisions to willing buyers and sellers. Decisions regarding what gets made and purchased are left to the market, rather than allowing government to put a thumb on the scale and pick winners and losers. Clearly-defined property rights allow innovators and creators to devise business models that best serve consumers, foster competition, and benefit the economy as a whole.

Intellectual Property Rights are Vital to Economic Competitiveness

IP rights create jobs and fuel economic growth, turning intangible assets into exclusive property that can be traded in the marketplace. WIPO has found that in both the United States and European Union (EU), IP intensive industries support tens of millions of jobs and contribute trillions of dollars to annual GDP. For example, In the EU IP intensive jobs contribute 26% of employment and 39% of GDP. Numerous studies have found that countries that have strong protection for IP also perform strongly in economic indicators such as Household Income, Gross Domestic Product and Foreign Direct Investment. In fact, countries that have strong IP protection have up to thirteen times higher GDP than those that do not. Analyses of Latin America, Asia and Europe have all shown that as countries increase intellectual property protections, so too does foreign investment increase.

Intellectual Property Rights Must Be Protected Through Effective IP Provisions in Trade Agreements

Far too many governments look the other way when it comes to the theft of IP. The lure of market access should be used as an incentive to convince trading partners that they should increase their protection of IP rights.

By harmonizing and strengthening IP standards, trade agreements allow local innovative and creative industries to flourish by putting them on equal footing with foreign industries. Therefore, strong IP protections are integral to all trade agreement negotiations.

Intellectual Property Rights Must Be Respected and Protected on the Internet

The Internet is an incredible platform for innovation, creativity and commerce enabling widespread distribution of ideas and information. However, IP theft online is a persistent and growing problem.

Protecting IP and Internet freedom are both critically important and complementary; they are not mutually exclusive. A truly free Internet, like any truly free community, is one where people can engage in legitimate activities safely, and where bad actors are held accountable.

Conclusion

We encourage you to consider these guidelines as you review and discuss new and existing treaties, laws and regulations governing IP. Advanced societies have long understood that by protecting the proprietary rights of artists, authors, entrepreneurs, innovators, and inventors, they were promoting the greater public welfare. The continued protection of these fundamental rights is essential to global innovation, creativity and competitiveness.

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