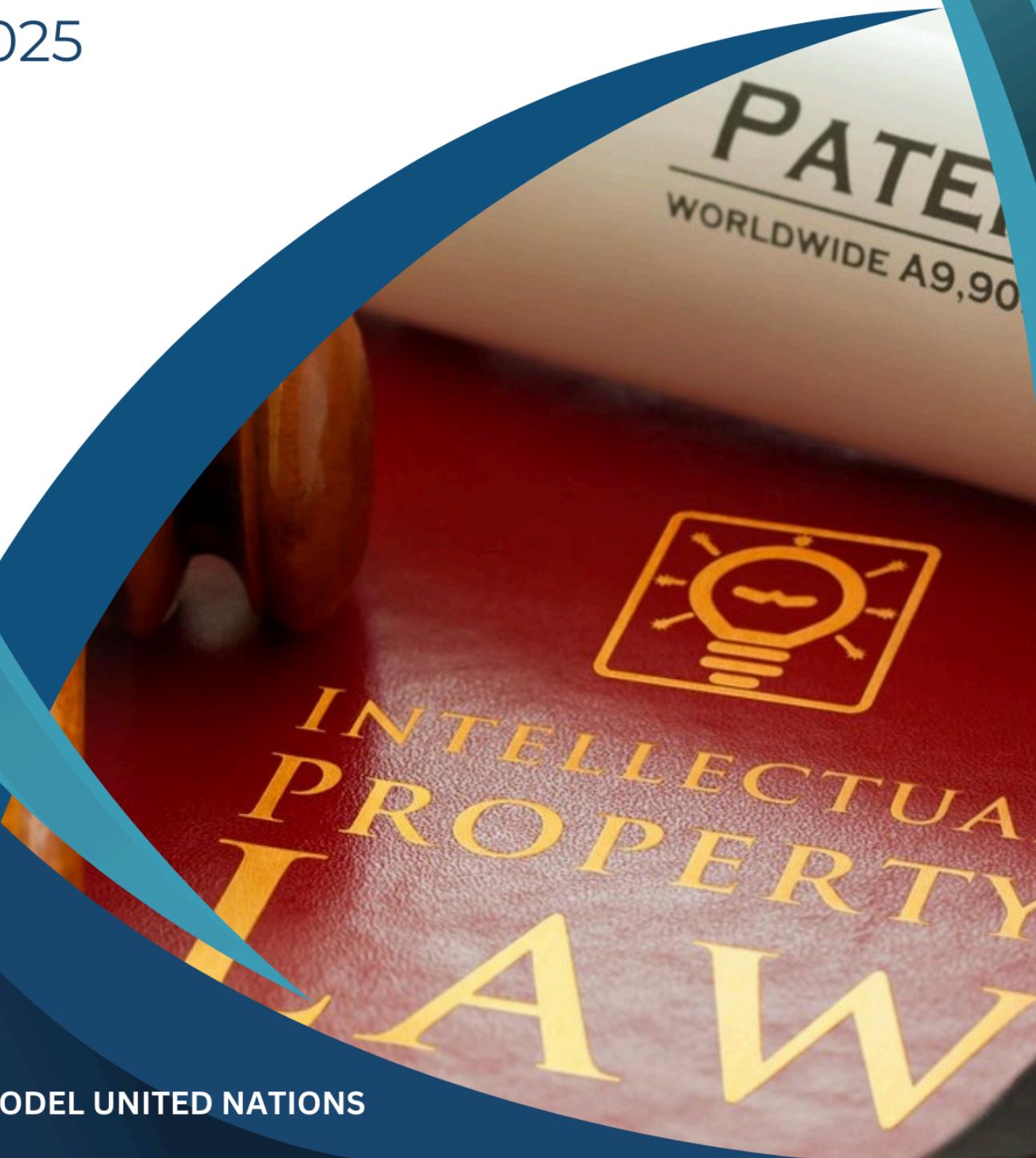




# WIPO

## STUDY GUIDE

2025



# World Intellectual Property General Assembly

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## Introduction to the Committee

The World Intellectual Property Organization (WIPO), a United Nations (UN) specialized agency, is dedicated to the promotion of innovation and creativity for the economic, social, and cultural development of all countries through a balanced and effective international IP system. In a world where the economic growth of nations is driven increasingly by the creativity and ingenuity of their people, effective IP systems – which create incentives for innovation, and structures for sharing the results – are key to unlocking this human potential. Intellectual property, once seen as a primarily technical matter for legal experts, is today a high priority for governments, businesses, researchers, academics, individual creators, and civil society. With this in Mind WIPO strives to create a world where IP assists in developing the world in terms of creativity, innovation, and technology.

WIPO engages in a variety of activities to further its goals. This includes:

- Administering multilateral treaties and working with Member States to support the evolution of the international legal framework for IP.
- Providing global IP services that make it easier and more cost-effective to obtain protection internationally for new inventions, brands, and designs; and providing arbitration, mediation, and other alternative dispute resolution services.
- Assisting governments and organizations in establishing national IP and innovation strategies, developing appropriate regulatory frameworks, and building the infrastructure and human capacity needed to harness the potential of IP for economic development.
- Developing technical platforms to facilitate work sharing among IP offices; and developing free databases of registered trademarks, designs, and the technological information contained in patents to facilitate access to knowledge.
- Building awareness, understanding, and respect for IP Working in partnership with the UN and other organizations to identify IP-based solutions to climate change, food security, public health, and other global challenges

WIPO offers a unique opportunity to explore how IP drives innovation and creativity across diverse sectors, from technology and healthcare to the arts. What sets this committee apart is its emphasis on IP as a tool not only for protecting innovation but also for addressing global challenges and fostering equitable development. This year's simulation at COMUN encourages delegates to delve into the transformative potential of IP in shaping a more inclusive, innovative, and sustainable future, something that often goes under-discussed but is relevant regardless.

Simulating WIPO's General Assembly (GA) aims to underscore the importance of collaboration and inclusivity in global policymaking. The GA format allows for the representation of a wider range of perspectives, reflecting the diverse interests of developed and developing nations alike. It also means delegates have the opportunity to explore debating under a broader mandate and explore a wider range of topics that they feel will be valuable to debate.

Through this committee, we hope to see delegates engage in meaningful dialogue, propose innovative solutions, and craft policies that strike a balance between incentivizing creativity and

ensuring accessibility. As chairs, we envision this simulation fostering a deeper understanding of IP's pivotal role in global development, while inspiring participants to think critically about its equitable and responsible use. This committee aspires to be a platform for forward-thinking ideas, collaborative debate, and impactful resolutions that reflect and recognise the transformative and destructive power of intellectual property.

## Committee Mandate

At COMUN 2025, the WIPO GA will be running an expanded mandate that will explore the application of IP across a variety of sectors and themes, as well as what the impacts, both positive and negative look like. However, despite being a simulation of the General Assembly of WIPO, the committee will not be focusing on aspects such as the financing and auditing of WIPO, but delegates can bring it up if they feel it is relevant to the topics being discussed, and can prove the same to the committee within the context of the topics being discussed. Delegates will be encouraged to do well research on a broad scope of sub-topics and themes. Because Intellectual Property in and of itself has a large amount of real-world application attached to it, delegates are also expected to be logic-oriented and craft solutions that are not only innovative but can also be realistically implemented in the status quo. Therefore it goes without saying that the WIPO GA will be heavily driven by a combination of research and application.

## Relevant Treaties, Conventions and Resolutions

### 1. Paris Convention for the Protection of Industrial Property (1883)

The Paris Convention is one of the earliest international treaties on intellectual property, focusing on patents, trademarks, and industrial designs. It establishes principles like national treatment, requiring member states to provide the same protection to foreign nationals as their citizens. It also introduces the right of priority, allowing applicants to claim the filing date of their original application when applying in other member states. This treaty has been instrumental in harmonizing IP laws across its 180 member states, facilitating international cooperation on industrial property protection.

### 2. Berne Convention for the Protection of Literary and Artistic Works (1886)

The Berne Convention is a landmark treaty in copyright law, ensuring automatic protection for literary and artistic works upon creation, without the need for registration. It mandates national treatment, ensuring that works originating in one member state receive the same protection in all others. The treaty also sets minimum standards for copyright duration, typically the life of the author plus 50 years, and introduces the concept of moral rights, protecting the integrity of an author's work. This convention has significantly advanced international copyright protection.

### **3. Madrid System for the International Registration of Marks (Madrid Agreement and Protocol, 1891 & 1989)**

The Madrid System simplifies the process of obtaining trademark protection in multiple countries. Through a single application filed with WIPO, trademark owners can secure rights in over 130 member states, saving time and costs. The system also provides centralized management for trademark renewals and modifications, while ensuring that national examination standards in each designated country are upheld. This is particularly useful for businesses seeking global trademark protection, as it streamlines the process while maintaining robust protections.

### **4. Hague Agreement Concerning the International Registration of Industrial Designs (1925)**

The Hague Agreement provides a unified procedure for the international registration of industrial designs. By enabling applicants to file a single application for protection in multiple countries, it reduces administrative burdens and costs. The agreement also ensures consistent recognition of industrial designs across its member states, supporting efforts to combat counterfeiting and fostering innovation by providing robust design protections on a global scale.

### **5. Trademark Law Treaty (TLT, 1994)**

The Trademark Law Treaty simplifies and standardizes the administrative procedures associated with trademark registration and management in member countries. It reduces the complexities of filing applications, renewing trademarks, and managing post-registration changes by limiting the requirements national offices can impose. This treaty facilitates smoother international trademark administration and ensures that businesses, particularly small and medium enterprises, face fewer barriers in navigating global trademark systems.

### **6. Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement (1995)**

The TRIPS Agreement integrates intellectual property rights into the multilateral trading system for the first time. It establishes minimum standards for the protection and enforcement of IP rights that all WTO members must meet, covering patents, copyrights, trademarks, and more. By incorporating provisions from the Paris and Berne Conventions, TRIPS strengthens global IP laws and ensures that these protections contribute to economic development. It also includes mechanisms for resolving disputes and allows developing countries extended timelines for compliance.

## **7. Patent Cooperation Treaty (PCT, 1970)**

The Patent Cooperation Treaty simplifies the process of seeking patent protection in multiple countries by enabling inventors to file a single international application. This streamlined system significantly reduces costs and administrative hurdles for applicants. It also provides an initial examination process to help applicants make informed decisions about pursuing patents in specific countries. The PCT is especially beneficial for innovators in less economically developed countries, offering improved access to the global patent system and fostering innovation worldwide.

## **8. WIPO Convention (1967)**

The WIPO Convention formally established the World Intellectual Property Organization as a specialized UN agency. WIPO serves as a global forum for discussions on IP policy, administers key treaties, and provides technical assistance to member states. It plays a crucial role in harmonizing IP laws and promoting cooperation among nations. Through its various programs and initiatives, WIPO fosters innovation and creativity by supporting the development of effective international IP systems.

## **9. Doha Declaration on TRIPS and Public Health (2001)**

Adopted during the WTO Ministerial Conference, the Doha Declaration reaffirms the right of WTO members to prioritize public health over patent protections. It allows member states, especially developing countries, to produce or import generic versions of patented medicines without infringing on IP laws during health crises. This declaration is a critical step in addressing global health inequities, ensuring access to affordable medicines, and balancing the protection of innovation with public welfare.

## **PRACTICE DEBATE 1: The Protection of Literary and Artistic Works in light of the proliferation of Generative Artificial Intelligence**

### **Introduction and Scope**

The emergence of Generative AI poses considerable challenges to current copyright legislation. Fundamental inquiries emerge concerning the creativity and ownership of works produced by AI. Is it possible for AI, without human intention or creativity, to genuinely "create" a work worthy of copyright safeguarding? If that's not the case, who owns the copyright? The creator of AI? The individual who initiates the AI?

In addition, the datasets employed to create these AI models frequently contain copyrighted content. Is this considered a violation of copyright? What measures can we take to guarantee that AI systems are developed ethically and responsibly, honouring the rights of original creators?

Ultimately, the extensive use of AI-generated content raises worries regarding its effect on human creators. Will AI replace human artists, authors, and musicians? What measures can we take to make certain that AI technologies serve to boost human creativity instead of supplanting it?

### **Case studies**

#### **THE CASE OF GETTY IMAGES (US) INC V STABILITY AI LTD**

Getty Images alleges that Stability AI improperly utilized millions of its copyrighted images to train the AI model, which subsequently creates images that could replicate or imitate Getty Images' copyrighted materials. This case is important as it examines the legal limits of AI-generated images and the possible effects on copyright legislation.

#### **THE NEW YORK TIMES' ACTION AGAINST OPENAI AND MICROSOFT**

The New York Times has filed a lawsuit against OpenAI and Microsoft, claiming that these companies illegally utilized copyrighted Times articles to train their extensive language models. This legal action seeks to set legal standards for the use of AI training data and copyright safeguards in the era of generative AI.

#### **THOMSON REUTERS' ACTION AGAINST ROSS INTELLIGENCE BASED ON ALLEGATIONS OF UNLAWFUL COPYING OF CONTENT FROM ITS LEGAL RESEARCH PLATFORM**

Thomson Reuters filed a lawsuit against ROSS Intelligence, claiming copyright violation. ROSS Intelligence, a legal research platform powered by AI, purportedly utilized copyrighted material from Thomson Reuters' Westlaw database to develop its AI model, possibly breaching copyright law. This case examines the legal limits of using AI training data and the possible effects on copyright safeguards in the era of AI.

## Questions to consider

1. How is the rise of AI technology reshaping industries and the role of human creators, and what are the positive and negative consequences for these sectors?
2. How can the concept of fair use in copyright law be adapted to account for the unique ways AI interacts with copyrighted material?
3. Should AI-generated works be recognized as "original" creations eligible for copyright protection, and what legal frameworks need to evolve to accommodate this issue?
4. What legal and technological strategies can be implemented to address potential copyright infringement caused by AI-generated content?
5. In an era where AI-generated works are increasingly prevalent, how can the rights and recognition of human creators be protected and maintained?

## Further Reading

- <https://bit.ly/4gbgP5T>
- <https://www.unesco.org/en/articles/recommendation-ethics-artificial-intelligence>
- <https://www.oecd.org/en/topics/policy-issues/artificial-intelligence.html>
- <https://www.wipo.int/portal/en/index.html>

## PRACTICE DEBATE 2: Restructuring Global Frameworks to Enhance Trademark Detection Mechanisms

### Introduction and Scope

In today's interconnected economy, restructuring global frameworks to enhance trademark detection mechanisms is increasingly vital. As the growth of counterfeit brands is exponential, businesses that expand internationally face significant risks that can dilute brand value and consumer trust. For effective trademark protection, rules and regulations must go beyond the registration stage - it requires effective monitoring and enforcement strategies to combat the unauthorized use of trademarks. The current international systems, such as the Madrid Protocol provide just a foundation for global trademark registration, yet given the scope of globalization there is a growing need to develop mechanisms for detecting and addressing infringements in real time.

The challenges surrounding trademark detection, especially in the digital landscape, have become increasingly multi-faceted due to the rapid proliferation of online marketplaces and social media platforms. This has led to the swift distribution of potentially infringing content, without checking its authenticity affecting the sales of original creators worldwide. These platforms moreover enable unauthorized sellers to reach customers directly, often with minimal oversight, complicating the enforcement of trademark rights. Due to the fast-paced environment of digital technology, it has become increasingly difficult to rely on manual oversights and implement reactive measures. This could lead to significant delays in identifying and responding to infringements that can harm brand integrity and customer trust.

Additionally, the lack of harmonization of trademark laws in different jurisdictions makes the problem worse. A business must navigate through a complex web of legal frameworks with distinct compliance mechanisms. This can pose a barrier to entry to business growth and innovation. This fragmentation often leaves gaps vulnerable to exploitation by infringers and has led to the prevalence of counterfeit products moving through borders.

Another significant challenge in trademark detection is the use of technology by infringers to escape detection. Counterfeitors are using advanced methods, such as online sales tactics, that mimic legitimate products making it difficult for consumers to distinguish between authentic goods and fakes. Moreover, the use of artificial intelligence and machine learning by these infringers allows them to adapt quickly to enforcement efforts, creating counterfeit listings that can bypass traditional monitoring methods. In addition, the anonymity provided by the internet enables individuals to operate in jurisdictions where law enforcement officials have limited power to enforce trademark laws, making it challenging for brand owners to pursue legal action.

The combination of these factors not only increases the prevalence of counterfeit goods in the market but also undermines consumer confidence in legitimate brands, ultimately harming the overall integrity of the marketplace.

## Case Studies

### KERING VS. ALIBABA

This case focuses on the challenges of trademark protection in the digital marketplace, particularly regarding online platforms' responsibilities in preventing counterfeit sales. Kering is a luxury goods company that took legal action against Alibaba for allowing the sale of counterfeit products that infringed on its trademarks. The case highlighted that online marketplaces must adopt measures to detect and prevent trademark infringements, through monitoring techniques. This case showed the need to restructure trademark detection mechanisms, particularly in e-commerce due to the rapid pace of online transactions and anonymous sellers.

### ADIDAS VS. PAYLESS SHOESOURCE

This case shows the importance of design elements in trademark protection and enforcement. Adidas, known for its iconic three-stripe design, sued Payless ShoeSource for selling shoes that featured a similar two-striped design. Adidas argues that this design could confuse consumers and dilute its brand identity. The court ruled in favor of Adidas highlighting the importance of global frameworks to provide clear guidelines on design similarities to prevent consumer confusion and uphold brand integrity.

### Questions to Consider

1. How can international treaties, including the Madrid Protocol, be reformed to improve the effectiveness of global trademark detection, enforcement, and dispute resolution, particularly in jurisdictions with varying legal frameworks and resources?
2. What is the potential of Artificial Intelligence and other advanced technologies in transforming trademark infringement detection processes, and how can these technologies be integrated into existing intellectual property enforcement systems without compromising fairness or due process?
3. How do discrepancies between national trademark laws and international trademark standards, particularly regarding the protection of well-known trademarks, impact global trademark enforcement, and what mechanisms can be introduced to reduce these conflicts and promote greater harmonization?
4. In what ways can governments, international organizations, and private sector entities collaborate to strengthen global trademark monitoring systems, and what specific actions should be taken to enhance information sharing, transparency, and accountability in the protection of intellectual property rights?
5. What innovative practices and policy reforms can national and regional trademark systems adopt to improve the registration, monitoring, and enforcement of trademarks, especially in response to the challenges posed by digital markets and cross-border infringement?

## Further Reading

- <https://trademarkroom.com/blog/item/global-trademark-infringement-detection-guide/>
- <https://www.liesegang-partner.com/knowhow/trademarks/introduction-to-trademark-law-basics-benefits-and-registration-process>
- <https://www.mfmac.com/insights/corporate/international-trade-mark-protection-a-general-guide-to-the-madrid-protocol/>
- <https://vakilsearch.com/blog/trademarking-in-the-digital-age-challenges/>
- <https://cosoza.or.tz/viewDownload.php?document=1>
- <https://blog.ipleaders.in/leading-international-instruments-related-to-intellectual-property-rights/>
- <https://fastercapital.com/content/Brand-protection-and-trademark--Trademark-Disputes--Case-Studies-and-Lessons-Learned.html>

## CONFERENCE: Intellectual Property Rights and Their Implications in LEDCs

### Introduction and Scope:

At the center of the debate surrounding Intellectual Property Rights (IPRs) is their double-sided nature. On one hand, they encourage innovation by giving creators exclusive rights to their work. On the other hand, their strict enforcement often blocks access to essential knowledge and technologies, which tends to disproportionately harm Less Economically Developed Countries (LEDCs). This tension highlights a broader global imbalance, where the benefits of IPRs are skewed to favour developed nations and multinational corporations over the developmental needs of LEDCs. However it is important to note that IP in and of itself isn't inherently good or bad, it's a neutral tool, and its effects depend on how it is used, and therein lies the fundamental issue that delegates need to address, which is how can LEDCs get the best out of IP whilst avoiding the worst.

IPRs give their holders a temporary exclusivity to "produce, distribute, license, and import a new technology," promoting research and development (R&D) and cultivating innovation within the private sector. However, they can significantly delay the widespread dissemination of technological innovations. The perceived tradeoff between the rate of innovation and the rate of transfer and dissemination of technologies remains a point of contention in the global debate. Finding a middle ground that protects private interests while allowing for the quick delivery of technologies that could contribute to the global public good is one of the main barriers to the effective use of resources across sectors like technology and medicine.

The rate and effectiveness of technology transfer are also impacted by IPRs. WIPO defines technology transfer as:

"a collaborative process that allows scientific findings, knowledge, and intellectual property to flow from creators, such as universities and research institutions, to public and private users."

As legal and policy tools, IPR measures can act as either incentives or barriers to accessing technologies crucial for addressing current global challenges. By creating incentives across the stages of technological development, diffusion, and implementation, IPRs directly influence how effectively technology is transferred within and across borders.

The question of how to best utilize the IPR system to facilitate technology transfer lies at the core of the disagreement between developed and developing countries. Developed nations argue that strengthening the IPR system in LEDCs and maintaining a robust international framework are the most effective ways to drive innovation and foster the dissemination of green and environmental technologies. They assert that strong IPR protections incentivize foreign direct investment (FDI) and private sector contributions while promoting innovation and knowledge sharing.

On the other hand, developing nations contend that differentiated IPR frameworks and flexible regulations are more effective for facilitating technology transfer. High costs associated with patented technologies often pose prohibitive challenges due to the financial constraints of many LEDCs. From their perspective, differentiated IPRs are crucial for developed countries to fulfil their

obligations in addressing global challenges such as climate change. Since adopting new technologies often generates significant social benefits (positive externalities), differentiated IPRs would essentially function like a subsidy, enabling broader access to innovations.

To better understand these issues, it's crucial to consider the link between intellectual property governance and global economic systems. IPRs don't operate in isolation—they're shaped by the geopolitical and economic systems they exist within. Unfortunately, LEDCs often tend to lack the institutional capacity or bargaining power needed to influence global IPR policies in ways that reflect their developmental needs. This imbalance only deepens existing inequalities and limits the potential for shared growth. Delegates need to explore why these imbalances exist as well as come up with realistic solutions to address them.

When thinking about IPR reform, Delegates need to balance protecting innovation with broader goals like sustainable development and global fairness. The challenge isn't just about changing existing rules—it's about building a global intellectual property system that values accessibility, inclusivity, and collaboration. At this critical moment, the international community must ask itself whether IPRs will remain barriers to progress or become tools for a more equitable future.

## Case Studies

The below Case studies explore a variety of situations in which LEDCs have been impacted both positively and negatively by IPR, and Delegates are expected to explore why IP has different impacts in different scenarios and explore issues such as the political, economic, and social situation in which the case study has been contextualized. Delegates should also be sure to be adequately researched on a variety of case studies and their consequences to better address the issues at hand.

### ETHIOPIAN TRADEMARKING INITIATIVE

The Ethiopian Trademarking Initiative was established to protect and promote the unique coffee varieties of Ethiopia, such as Sidama, Yirgacheffe, and Harar, through intellectual property (IP) rights. The initiative aimed to enhance the bargaining power of Ethiopian coffee exporters by trademarking these coffee brands, thereby increasing their visibility and value in the global market. A significant turning point was the public dispute with Starbucks over trademark claims, which garnered international attention and support from organizations like Oxfam America.

IP was utilized as a strategic tool to secure legal rights over the coffee names, allowing Ethiopian farmers to benefit from their unique products. The successful resolution of the Starbucks case, where the company eventually signed a licensing agreement, marked a crucial victory for the initiative and raised awareness of Ethiopian coffee on a global scale. It also helped to increase the quality of life of the farmers who grow the coffee, due to a 275% increase in coffee exports. And a reported increase in the prices of trademarked coffees by approximately 10% relative to non-trademarked varieties.

## **BIOPIRACY IN BRAZIL**

Brazil's rich biodiversity makes it a prime target for biopiracy, the unlawful exploitation and commercialization of natural resources and traditional knowledge for profit, without the consent of authorities or traditional communities. This illegal practice not only harms the communities dependent on these resources but also disturbs the delicate balance of plant and animal life. The most sought-after species are Amazonian frogs, macaws, snakes, and spiders.

Global companies have been collecting genetic material from plants and animals in biodiverse countries like Brazil, patenting it without recognizing the rights of local communities. As a result, these communities are left out of any benefits, whether economic, health-related, or social. This case study not only highlights the practical limitations of IPR but also acts as a poignant example of how IP can be used with malicious intent and actively work against stakeholders. Delegates must understand that in such cases, the complete eradication of such situations is impossible, as there will always be profit-driven companies looking for methods to maximise their profits. Instead, delegates should look to work around these issues and look for methods of minimising the damage caused when such events take place.

## **Questions to Consider**

1. What specific challenges do LEDCs encounter when integrating international IPR frameworks, such as the TRIPS Agreement, into their national laws, and how do these challenges hinder their economic development?
2. In what ways do IPRs limit access to essential technologies, including medicines and renewable energy solutions, for populations in LEDCs, and what are the implications for public health and sustainable development?
3. To what extent does the TRIPS Agreement balance the need for innovation incentives with the necessity of equitable access to technology for LEDCs, particularly in light of their unique developmental contexts?
4. What mechanisms can be implemented to facilitate effective technology transfer to LEDCs that address the financial constraints and structural barriers imposed by existing IPRs?
5. How can differentiated IPR systems be structured to meet the specific needs of LEDCs without compromising global innovation and intellectual property protection?
6. What role do multilateral organizations like WIPO play in aligning IPR frameworks with principles of equity and sustainable development, particularly for LEDCs?
7. How can LEDCs enhance their negotiating power in international forums to advocate for more flexible and inclusive global IPR policies that reflect their developmental priorities?

## Further Reading

- <https://www.eolss.net/sample-chapters/c04/E6-23-24.pdf>
- <https://core.ac.uk/download/pdf/217218685.pdf>
- [https://www.rand.org/content/dam/rand/pubs/technical\\_reports/2010/RAND\\_TR804.pdf](https://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR804.pdf)
- <https://agenciabrasil.ebc.com.br/en/geral/noticia/2022-04/study-finds-evidence-biopiracy-in-digenous-knowledge-brazil>
- [https://www.researchgate.net/publication/46457901\\_The\\_Effects\\_of\\_the\\_Coffee\\_Trademark\\_Initiative\\_and\\_Starbucks\\_Publicity\\_on\\_Export\\_Prices\\_of\\_Ethiopian\\_Coffee](https://www.researchgate.net/publication/46457901_The_Effects_of_the_Coffee_Trademark_Initiative_and_Starbucks_Publicity_on_Export_Prices_of_Ethiopian_Coffee)
- <https://unctad.org/news/intellectual-property-potential-game-changer-least-developed-countries>
- <https://www.eolss.net/sample-chapters/c04/E6-23-24.pdf>
- <https://lawclimateatlas.org/resources/intellectual-property-law-and-climate-change/>
- <https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1029&context=pubs>
- <https://www.gov.br/mma/pt-br/assuntos/biodiversidade-e-biomas>
- <https://news.un.org/pt/story/2024/10/1838456>
- <https://pmc.ncbi.nlm.nih.gov/articles/PMC7910072/>
- <https://www.sciencedirect.com/science/article/pii/S240584402309268X>

## **Message from the Chairs**

Dear Delegates,

The Head Table would like to warmly welcome you to the WIPO GA for COMUN 2025. We have identified that discussing a concept as broad and as impactful as Intellectual Property is crucial when it comes to unity in the global arena.

We expect delegates to come extensively researched for the practice debates and conference with plenty of research and use that research to branch out and discuss multiple viewpoints and subtopics. At WIPO, it is not enough to just talk about the issue at hand, you will need to propose unique and realistic solutions and use research and logic to explain why those solutions work. Don't be afraid to take risks, explore and refine your skills at the practice debates, and come to conference debate ready.

Keep in mind that the study guide is only the tip of the iceberg, WIPO discusses multiple issues and this study guide is but a fraction of those issues. We expect you to dive deep and bring us intriguing points of discussion to engage in healthy, constructive (and aggressive) debate. Most importantly, have fun along the way! WIPO is a new simulation at COMUN so feel free to explore and make the best of it.

Good luck and see you at conference!

Hrithick, Girinaath, and Sanjeev.