

**IPA in Conversation with ...
Francis Gurry**

Director General, World Intellectual Property Organisation

**Intellectual Property and international cooperation:
Past, present, future
Part 1, Wednesday, July 15 2020
Transcript**

Hugo Setzer: Welcome everyone to another of our interviews as part of our IPA in conversation with interview series, where we are looking at the impact of the COVID pandemic on publishers around the world. Today, I'm really honored to welcome a very special guest to this interview series - Mr. Francis Gurry, Director-General of the World Intellectual Property Organization. Francis, thank you so much for joining us.

Francis Gurry: It's a pleasure, Hugo. It's always wonderful to cooperate with you personally, we've had such great cooperation during your time at the helm of IPA, but also with IPA which is a much respected, a deeply respected member of the WIPO community.

Hugo Setzer: Thank you, Francis, for those words. Just to make a brief introduction of Mr. Gurry. Mr. Gurry holds law degrees from the University of Melbourne, a PhD from the University of Cambridge and is an honorary professor of and holds honorary doctorates from universities in a wide range of countries. He's also an author of a number of publications, one of which has become standard legal texts in the UK and is published by Oxford University Press as *Gurry on Breach of Confidence*. Mr. Gurry's term as Director General of WIPO is coming to an end in September after 12 very successful years of leading the most influential international organization in relation to copyright. Francis, I have a set of questions here we are the International publishing community very eager to know your insights about many things. Allow me to start

Please

Hugo Setzer: Francis, what would you say have your have been your biggest achievements during your time at WIPO?

Francis Gurry: Well, Hugo, let me say at the outset that everything that has been achieved in the last 12 years has been a collective effort, and I really mean that. It's been one of the lessons for me. So we have highly professional, dedicated staff at WIPO, they have all made

fantastic contributions. But not only that, I think all of the stakeholders, the member states first of all, and all the other stakeholders, such as IPA. International Cooperation works only when everyone is doing their bit. So, I would preface any achievements by saying they're a collective effort and they really are. It doesn't work otherwise. I think there are several categories. One, obviously we've tried to change the shape of the organization so we built a new administrative building for five hundred people, a new conference hall for nine hundred people, and both of those are very successful buildings, they're very much appreciated by the users. And we've paid for them also in that period. We have a very sound financial basis for the organization and that's particularly important as we are dependent for our revenue on services delivered direct to the private sector. It is very important as we come into the economic disruption and depression of the COVID-19 pandemic and we're in a good position to weather that storm so that's very good.

Then there have been a lot of changes to the management. The organisation has embraced the digital transformation. Everything is done on electronic systems and that enabled us to go out during the lockdown relatively easily without any interruption to our service delivery. So, that has been a great development, I think, in the course the last 12 years.

Then when we look more broadly there's of course the Marrakesh Treaty, the Beijing Treaty, there was also a new revision of the Lisbon Agreement on geographical indications and they have all been very positive developments, not without controversy, and we can discuss that, but very positive developments overall, I think.

And then there has been attempt to engage the private sector to a much greater extent. One of the salient examples of that, shining examples of that is the Accessible Books Consortium which really makes the Marrakesh treaty work and here I record once again our gratitude to the publishers and to IPA. Your fantastic support for the Accessible Books Consortium. I think we have all have reason to be proud of what's been achieved there. A repertoire of over 600,000 books in accessible formats. The accessible ebooks charter, the accessibility charter being embraced more and more by publishers. Thank you for your efforts, Hugo, personally, and for IPAs efforts in taking this forward.

And it's very important because I think we'll talk a little bit about the changing nature of multilateralism at some stage and one of the changes I think that has to come is coming and has to come either is a way of accommodating the various stakeholders beyond state actors to a much greater extent because this is where the assets are, this is where the experience is, where the expertise is. So, that (is what) we've done with the Accessible Books Consortium (but) also in another area, WIPO research, to accelerate drug discovery in the area of neglected tropical diseases and malaria and tuberculosis. And that's great so that is a truly international organization.

Hugo Setzer: Thank You, Francis. Those are really astonishing achievements and I especially liked, and I think that's very generous of you to acknowledge and to recognize the team effort, and but of course it was led by you. Also you have mentioned the importance of cooperation, I should have said this a while ago as well, but I didn't, but for us at IPA, and for me personally, it has been also a great honor and a privilege and a pleasure to work with WIPO and especially with you, Francis. So, thank you for that.

I think some of the things you have mentioned can lead us very nicely to our next question which is around one of the very important treaties during your tenure, Francis. WIPO Member States approved the Marrakesh treaty which has been a catalyzer for even more born accessible books to be made available. As you know accessibility has been a priority for our industry for many years, even before the treaty. With your support WIPO has successfully contributed to the implementation of this treaty through the Accessible Books Consortium with a strong engagement of our industry and other stakeholders how do you look at the treaty, the work leading up to its adoption, and its implementation?

Francis Gurry: So, Hugo, look I think the end result is a fantastic achievement and a fantastic achievement by all of the entities that we've been talking about. It's a collective achievement. It was not a given. It was not something that we could have taken for granted. In fact, as you know, it was quite controversial in the making and that's because, of course, it got mixed up with other agendas and this is always the problem, which prevents us from having high integrity policy making processes when you get these collateral issues that keep coming in. Of course, the big issue out there was the view of some, if not many, that the international copyright system needed to be (rebalanced) and that we had been doing a lot of work on reinforcement of rights and now we needed to focus on exceptions and limitations. Now, I think that that is unfortunate in so far as we've had an ideological debate, and I think we need to be very practical. That debate has taken place at the same time as the great digital transformation of the world, which has had an immediate and profound effect, and you know better than I, on all of the creative industries and all the content industries and all of the actors in that. In that context, to single out one side of the value chain or one part of the value chain has created difficulties because it's meant that it has been more difficult to get other elements of the value chain involved with sympathy. So, that's my personal view, that we really need to and, (it's) certainly not against exceptions and limitations, that part of the balance copyright system but there are many actors in the copyright system and if we're looking at publishing we have to look at authors, publishers, libraries, other distributors and consumers. There are a lot of people involved and not just look at one set of interests, because if we look at one set of interests it makes it more difficult. So that was one of the difficulties with Marrakech. Nevertheless, at the end of the day, people recognized that here was something which was a very worthy cause and everyone was able to get behind that cause, that is ending the book famine and making books available in accessible formats. The cause was indisputable and a rallying point. Then I think the other thing is, it's a specific treaty. You know it's easier to do a treaty on mercury levels in the ocean than on climate change. The more specific you are, the more people can get behind it and say okay we can deal with that. It's quantifiable. We can assess the impact. The more general it is, the more difficult it is for people to come to agreement internationally so that was another great success. In the third place, in the end all the stakeholders came behind us so we had you know the authors, the publishers, the libraries, members states, consumers and, of course, the movers of this, The World Blind Union and the various blind associations around the world. So it's a great example of a fantastic success internationally and I think it's worthwhile thinking of what the elements were because we need those successes internationally, heaven knows.

Hugo Setzer: I absolutely agree with you, Francis. I think it's, as you mentioned, a good example of international cooperation with all the different stakeholders. In my case I'm really

proud to be able to participate in collaborating in the Accessible Books Consortium because of the mission it has to bring more accessible books to the visually impaired community. As you mentioned we we need more of those good examples of what international cooperation can bring.

Now perhaps to another subject and another question. You are, Francis, of course familiar with IPA's work in copyright. But what do you think of what we do to protect and promote freedom to publish. What do you think freedom to publish means for for copyright?

Francis Gurry: Look I think it's fantastic you work on freedom to publish this is incredibly important this is fundamentally important for a healthy society. It's really wonderful what you're doing and what you have been doing. I think the two are very closely linked. Copyright is private property at the end of the day. You give, in theory, the author the right to be able to control the exploitation, for want of a better word, the commercial exploitation of his or her work. That of course is a great power that that you're giving and if you are operating under another system in which you are giving that power not to the individual author but to the state press, for example, and it's the state press that determines which authors will be published, then you're in a very different situation and the threat is always there that freedom to publish and freedom of expression is going to be limited in accordance with the particular ideological concerns and desires of faith, whichever state it is. So, the freedom of publishers and the freedom of authors is enabled and facilitated, not entirely, but it is also helped by the institution of copyright. It's extremely important. Now you work on freedom to publish. There could never be a more important time for this because we see so many difficulties in this world. Frankly speaking, at least speaking for myself, I don't understand what's going on you know. It's really quite quite difficult to know what exactly is happening. Now in those circumstances we really need people who are publishing works that can help us to understand what is going on in this very very distressed and turbulent and dangerous time. It's a very dangerous time we're living. So this is fundamental to the health of our society and to our capacity to be able to rise to the challenges. So, I congratulate you on that thank you

Hugo Setzer: Thank You, Francis. Those were really interesting insights, because, as you know, our two main pillars at IPA are copyright, on the one hand, and on the other, freedom to publish, because we also see that even with the best copyright system in place if you don't have the freedom to publish what you think is important that doesn't help a lot if you if you have the best copyright system, as you explained. And I agree with you that the information publishers publish that authors write and publishers publish to get a better understanding of this world that I agree with you, I sometimes also don't understand what's happening.

Francis Gurry: And let's not import forget also the extremely important function of curation that establishes form. I mean when you see the Wild West out there and fake news and all sorts of stuff out there, this function of curation and the trust and that we can place in a publisher as a reliable source of information that has integrity and that is authentic. It's a function that's becoming more important rather than less important

Hugo Setzer: Thank you for mentioning that Francis because we feel that's a very big responsibility also for for us. It's a very big part of of our job in publishing and it's also a very important responsibility. Thank you for for raising that. So, going back to your experience at

WIPO. What lessons could you share with us during that experience during those twelve years at the helm of WIPO?

Francis Gurry: Well I have mentioned already the importance of collaboration. That was a big lesson, frankly, for me, because I tend to be someone who does things on his own a bit. But I've never seen the idea that hasn't been improved by collaboration. So collaboration is what it's all about for an international organization whether that is within the staff, and I think we've made some progress there, or collaboration with all the various stakeholders. It's a big lesson for me and I think it's fundamental. I think the other big lesson for me is openness. The more I think about openness the more I see that it's, in my view, a key ingredient for a successful society. Now we're living in a world of closure. In many many respects. De-globalization, increasing tariffs worldwide, and let's not think that this is a phenomenon that's confined to one country. It's not, it's a worldwide phenomenon. These worldwide phenomena, these closures that we're seeing. There are explanations for it, you know globalization maybe went too far or was not the right sort of globalization etc etc. We know all of the all this but for me openness is a big key to success for any society. I think if you go back in history, you can find many many examples of that. Whether you're talking about the Arabic hadith, that's in the 9th century and in the 10th century, which were standards of openness. Where they were attracting scientists and engineers to come, and they ended up being the route of transmission of the classical works into Europe which was living in the so-called Dark Ages. They were great centres of openness, attracting people of all... I think if you look at the Silicon Valley now, one of the successes of Silicon Valley, which people are all the trying time trying to work out Silicon Valley was successful, one of them is openness. We've done statistical studies on this and you can see that the number of foreign inventors, or foreign persons amongst the inventors of the inventions coming out of Silicon Valley is twice the level in any other part of the United States. It's very very interesting. It was an open environment, and someone said it's a place where everyone feels at home. There are so many examples we could point to in history where I think openness has been an essential ingredient of success. What we've tried to do with WIPO also in the course of the last 12 years is to open it. Instead of being a closed building where people pass and wonder what on earth goes on inside that building, we've tried to open it in various ways, to all stakeholders. And it's a journey and there's a further distance to go but I think that's extremely important. So, openness is another really important lesson for me. And I think you can look at it also in terms of your own life journey. You're born and you're in a very small world and the world as you grow up and you realize oh there is something outside the family or there is this and there's something, there are actually other schools not just my school, and so on. So it's a continual voyage towards openness and I think the threats of closure that we're living now are extremely dangerous for us.

Hugo Setzer: Absolutely, I fully agree with you and I think I'm a witness personally of this openness I have also seen in WIPO under under your command. It's great, Francis, that you also mentioned collaboration and openness because that's a subject I would also like to discuss with you. However, our time is running out so if you agree we can continue to do a second part of this interview, because there are so many things still to be to be discussed. To all our viewers, please stay tuned for the second part of this captivating conversation with Mr. Francis Gurry, Director-General of the World Intellectual Property Organization.

Bye, now