ACCESS TO KNOWLEDGE
IN THE AGE OF INTELLECTUAL PROPERTY

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The Emergence of the A2K Movement:
Reminiscences and Reflections
of a Developing-Country Delegate

Ahmed Abdel Latif

As long as lions do not have their historian, hunting stories and tales will always be
to the glory of the hunter.
—African proverb from Bernard Njonga, Le poulet de la discorde

Since their emergence on the international scene, developing countries have sought
to reform and adapt global rules regulating the generation and dissemination of
knowledge to take into consideration their specific socioeconomic circumstances
and levels of development. Their participation in what is now known as the access
to knowledge (A2K) movement is part of their effort to achieve this objective.

In this context, my assignment to the Permanent Mission of Egypt in Geneva
(2000–2004), which was to follow intellectual property (IP) issues, first at the
World Intellectual Property Organization (WIPO) and then also at the World Trade
Organization (WTO), led to my involvement in the formation of the A2K move-
ment. The following is thus an account of this process from the viewpoint of a
Geneva-based delegate of a developing country. It aims to be a contribution to the
narrative of the genesis of the A2K movement, rather than a definitive account of
a process in which many different actors, in particular academics and civil-society
activists, were also actively involved. This account focuses on developments and
initiatives that took place in Geneva-based international forums and organizations,
particularly at WIPO, that played an important structuring role in the emergence
of A2K as a movement and in the framing of A2K as a concept.

GLOBAL INTELLECTUAL PROPERTY DEBATES: A2K IN HISTORICAL CONTEXT
FROM THE PERSPECTIVE OF DEVELOPING COUNTRIES

Intellectual property rights have become the predominant framework for regulat-
ing the generation, dissemination, and use of knowledge. With the globalization
of intellectual property rights and the expansion of the scope in intellectual property protection, the main institutions involved in international deliberations and rule making on intellectual property issues, particularly the WTO and WIPO, have acquired unprecedented importance. It is thus not surprising that recent efforts by developing countries aiming at adapting and reforming rules regulating knowledge have been centered on these two organizations.

In this regard, it is important to recall that, already in the 1960s and 1970s, developing countries had sought to reform the main international conventions in the area of intellectual property, such as the Berne Convention for the Protection of Literary and Artistic Works (1886) on the protection of copyright and the Paris Convention on the Protection of Industrial Property (1883), with a view toward making these instruments more responsive to developing countries’ socioeconomic needs in terms of access to educational material, scientific knowledge, and technology. These attempts did not result in the expected reforms pursued by developing countries and have progressively fallen into oblivion.¹

The conclusion of the 1994 WTO Trade-Related Aspects of Intellectual Property Rights Agreement (the TRIPS Agreement) brought many of these concerns back to the surface, because for developing countries, it represented a landmark development in the process of strengthening intellectual property rights at the global level. TRIPS globalized new rules with an important bearing on the dissemination of knowledge, such as the extension of patent protection to pharmaceutical products and the protection of computer programs (software) by copyright. TRIPS also laid down minimum standards for the enforcement of intellectual property rights, and it came under the aegis of the WTO dispute settlement system, which could be used in cases of noncompliance, features that were lacking in existing intellectual property agreements under WIPO.² A powerful discourse accompanied the conclusion of TRIPS, arguing that strengthened intellectual property protection in developing countries would promote innovation and lead to increased flows of investment and technology transfers.³

Furthermore, after the adoption of TRIPS, developed countries quickly signaled their determination to pursue the establishment of new intellectual property standards further, beyond the minimum standards contained in the TRIPS Agreement (“TRIPS-plus” standards).

These TRIPS-plus standards promoted by developed countries resulted either from norm-setting activities in WIPO or from intellectual property chapters in bilateral and regional free-trade agreements,⁴ which often required adherence to WIPO instruments such as the 1996 Internet Treaties. These treaties strengthened copyright protection in the digital environment, establishing new obligations in an area that was not specifically addressed by the TRIPS Agreement. The 1999 WIPO
Digital Agenda promoted adherence to these treaties in the context of efforts to grapple with the challenges to traditional copyright protection brought by the Internet and information and communication technologies. The European Union, which had adopted a sui generis regime for the protection of nonoriginal databases, was pressing for the adoption of a similar regime of protection in the context of WIPO’s Standing Committee on Copyright and Related Rights.

Alongside this evolving landscape, a campaign for access to medicines emerged and gained significant momentum with the defeat of a lawsuit brought by thirty-nine pharmaceutical companies against the South African government in 1998, culminating with the adoption of the 2001 Doha Declaration on TRIPS and Public Health.

For many of the actors involved in this mobilization, including developing countries, this campaign was extremely effective in addressing the impact of the newly globalized intellectual property standards on public health and in firmly putting the issue of patents and access to medicines on the global agenda. It was often cited as exemplary in the way it framed the issue, attracted public attention, and forged a coalition made of developing countries (including Brazil, India, and the African Group) and of civil-society and nongovernmental organizations (NGOs) such as Médecins Sans Frontières (MSF), the Consumer Project on Technology (CPTech, now Knowledge Ecology International), and the Third World Network, in addition to public-health grassroots organizations in developing countries such as South Africa, Thailand, and Brazil.

During the access-to-medicines campaign, a collaboration developed between negotiators from developing countries, particularly Geneva-based ones, and several of the most active NGOs, which often provided these negotiators with information, legal analysis, and technical support. Developing countries, on the other hand, articulated positions that coincided with the public-policy concerns advanced by many of these NGOs. The achievement of a more development-oriented intellectual property system that would be supportive of public health was a common objective of both the developing countries and the NGOs representing civil-society consumers and patients. This convergence of interests and strategies was most effective in the deliberations leading to the adoption of the Doha Declaration.

In terms of its wording, the Doha Declaration on TRIPS and Public Health was a significant development in global deliberations on intellectual property because its formulations embodied a balanced approach to intellectual property protection that contrasted with the maximalist intellectual property discourse that was prevalent until that time. For many developing countries, this balanced and powerful message had a wider significance beyond the WTO, because it signaled the
importance of implementing intellectual property protection in a manner that is supportive of public-policy objectives.

Soon after the adoption of the Doha Declaration, the influential report of the UK Commission on Intellectual Property Rights (CIPR) was released in September 2002. The report underlined the need to achieve a more balanced international intellectual property system that would not be based on a “one size fits all” approach and that would take into consideration the different needs of countries, as well as their different levels of development. It emphasized that “access to books and learning materials is still a real problem in many developing countries.”

The report invited developing countries to improve access to copyrighted works and to achieve their goals for education and knowledge transfer by adopting measures fostering competition under copyright laws, as well as by maintaining or adopting broad exemptions for educational, research, and library uses in their national copyright laws.

The CIPR report had a significant impact in intellectual property and development circles for several reasons: the creation of the CIPR came at the initiative of a developed country, the United Kingdom; the commission’s membership included a number of prominent experts from both developing and developed countries, as well as representatives of industry and academia, and the commission’s report contained many recommendations that addressed pressing policy issues with which most countries, particularly developing countries, were confronted in international forums and processes.

More importantly, in terms of its content, the CIPR report captured very accurately a growing trend of opinion that distanced itself from both a maximalist discourse that promoted the absolute benefits of intellectual property and a discourse that was unequivocally critical of intellectual property as a matter of principle. It thus recognized both the benefits and costs of intellectual property protection, emphasizing the need to ensure that the costs do not outweigh the benefits, particularly for developing countries.

In many instances, the report echoed several of the criticisms lodged by developing countries against the international intellectual property system and the TRIPS Agreement. Furthermore, the report contained the first direct criticism of WIPO’s orientations to be advanced in international policy debates beyond specialized circles of intellectual property scholars and NGOs. In this regard, the report underlined that WIPO “should give explicit recognition to both the benefits and costs of IP protection” and “should act to integrate development objectives into its approach to the promotion of IP protection in developing countries.”

The publication of the CIPR report coincided with the launch by UNC-TAD (the United Nations Conference on Trade and Development) and the ICTSD
(International Centre for Trade and Sustainable Development) of the Bellagio Dialogues on Development and Intellectual Property Policy with the support of the Rockefeller Foundation. These dialogues also pointed to the need to integrate the development dimension in the setting of global intellectual property standards. The first of these dialogues, in 2002, identified various areas of concern for efforts directed toward achieving a more balanced and development-oriented intellectual property system, such as dealing with the danger of the further harmonization of intellectual property rights laws calibrated on the high standards being promoted by developed countries, the dangers posed by the promotion of TRIPS-plus standards, and the importance of building capacity for self-development in developing countries.

From 2002 to 2005, the Bellagio Dialogues brought together key intellectual property negotiators, experts, and representatives of civil society. Several of their recommendations, which converged with those of the CIPR report, influenced developments in global policy forums and deliberations on intellectual property.

More generally, the backlash against the “roaring” nineties and against the categorical assumptions and assertions about the absolute benefits of economic globalization was in full swing. A more nuanced discourse on globalization from the Global North and the Global South was emerging and gaining ground on the international scene.

FROM ACCESS TO MEDICINES TO A2K

All these developments induced a number of like-minded Geneva-based representatives of developing countries (from Argentina, Brazil, Egypt, and India) to believe that the debate should move beyond TRIPS and public health to address other substantive areas where global intellectual property rules had a significant impact on public-policy objectives of importance to developing countries, such as access to educational material and scientific knowledge. The copyright issue, for instance, had been the sleeping giant in the debate on intellectual property in the 1990s. Concerns had appeared regarding the impact of the WIPO Internet Treaties and the legislation implementing them—such as the U.S. Digital Millennium Copyright Act—on access to information and fair use in the digital environment.

A shared conviction emerged among them that the most effective way to mobilize on these issues was to replicate the elements that had proven successful in the access-to-medicines campaign, especially the focus on careful framing of the issue and on building a coalition that would include developing countries, as well as NGOs.

However, the prospects for such a mobilization seemed uncertain in 2002. The clusters of issues around knowledge and information lacked the emotional impact and sense of urgency that characterized the patents-and-medicines debate. Access
to medicines, particularly life-saving HIV drugs, is a matter of immediate human survival. It has a compelling humanitarian dimension that is more difficult to establish in issues relating to knowledge and information.

At the same time, many developing countries were wary of opening a new front that could be construed as a more general contestation of the international intellectual property system, in contrast with the more limited and pointed mobilization on the patents-and-medicines issue. Issue-based actions and mobilizations were more likely to succeed, in their experience, than a frontal and systematic opposition. Furthermore, deliberations were still taking place at the WTO on paragraph 6 of the Doha Declaration on TRIPS and Public Health concerning the situation of countries that lacked manufacturing capacities in the pharmaceutical sector.

With their limited capacities and expertise, many developing countries relied on their Geneva-based representatives to articulate their positions in many technical discussions relating to trade and intellectual property discussed in Geneva, and thus it was difficult for these countries to be engaged simultaneously in in-depth negotiations on intellectual property matters in different forums. In addition, many developing countries faced coordination problems, because they often had separate representations to the United Nations and the WTO, or even within the same mission, different persons were assigned to follow WTO TRIPS issues and UN agencies such as WIPO. With regard to NGOs, many of those involved in the access-to-medicines campaigns continued to focus mostly on the TRIPS and public-health issue and were still devoting much of their resources and organizational capabilities to it. Finally, while the WTO was clearly the forum in which to act on the issue of patents and medicines because the TRIPS Agreement had extended patent protection to pharmaceutical products, WIPO appeared to be the appropriate forum where the more general debate on the regulation of global knowledge was to be raised, particularly in view of the new intellectual property standards being advanced by developed countries at WIPO.

Indeed, discussions were taking place at WIPO on a new treaty to protect broadcasting organizations in the digital environment, as well as on a new treaty to harmonize substantive patent law. WIPO’s centrality in shaping the global intellectual property discourse, particularly in developing countries, was becoming manifest, as well as its role in the implementation of the TRIPS Agreement through its technical-assistance programs and legislative advice in the context of the 1995 WIPO-WTO agreement on technical cooperation, as well as the 1998 WIPO-WTO joint initiative on technical cooperation for developing countries and the 2001 joint initiative for least-developed countries.

At that time, WIPO was still perceived as a technical organization and was relatively unknown to the larger public and to many activists, academics, and
NGOs involved in intellectual property debates, which focused mostly on the
TRIPS Agreement. The majority of the recent literature on intellectual property
and development also had concentrated nearly entirely on the TRIPS Agreement
and its implications. Furthermore, there was some skepticism, including among
some experts and negotiators who had been involved in the TRIPS and public-
health negotiations, regarding the possibility of bringing any significant change or
reforms to WIPO. The organization was perceived as predominantly influenced by
developed countries and owners of intellectual property-rights, particularly in the
area of norm setting, a perception reinforced by the fact that WIPO derived nearly
90 percent of its revenues from the use by the private sector of its registration sys-
tems, most notably the Patent Cooperation Treaty.25

As for developing countries, while they had built expertise in engaging with
WTO and TRIPS issues, their knowledge of WIPO processes remain limited, as did
dtheir participation in the organization’s standard-setting activities.26 The linkages
between the discussions on TRIPS at the WTO and the deliberations at WIPO were
not evident for most of them. Few developing countries were actively engaged in
both forums.27

THE FORMATION OF THE A2K MOVEMENT

Some NGOs shared the views on the need to engage more actively in WIPO pro-
cesses.28 CPTech was one of them. In fall of 2002 and early 2003, discussions took
place between James Love, the director of CPTech, and a number of like-minded
Geneva based delegates from developing countries on the means to pursue such
a greater engagement. Love subsequently played an important role in providing
much-needed links between developing countries, civil-society groups, and aca-
demia based in the North, particularly in the United States, which had been mobi-
lized for a number of years on domestic issues relating to copyright, knowledge,
and information, in particular in the context of the implementation of the Digital
Millennium Copyright Act. CPTech started increasingly to focus its advocacy on
WIPO’s mission and role in order to raise public interest in its activities and its
approach to intellectual property protection. An important stage was set for the
coming together of the forces behind the A2K movement.

THE WORLD SUMMIT ON THE INFORMATION SOCIETY

However, there was still the need for opportunities that would act as a catalyst in
forging a new coalition on the regulation of knowledge. One of them came inad-
vertently in the form of the World Summit on the Information Society (WSIS).

In 2001, the United Nations General Assembly approved a proposal by the
International Telecommunications Union to hold the WSIS in two parts: the first part in Geneva in December 2003, and the second part in Tunisia in November 2005. The objective of the summit was to discuss the new challenges and opportunities created by the digital revolution and the role of information and communication technologies in improving living standards, achieving the UN Millennium Development Goals, and bridging the digital divide between countries and within societies.

The Geneva phase of the summit aimed at formulating the political vision to build the information society and the practical steps to achieve this objective. The Preparatory Committee convened on three occasions in preparation of this first phase (in July 2002, in February 2003, and in September, November, and December 2003).

A number of controversial issues started to appear in the deliberations of the Preparatory Committee, such as the role of the media, freedom of expression, Internet governance, and financing. After the February 2003 meeting, intellectual property also emerged as one of the divisive issues in the deliberations. Delegates with expertise in information and communication technologies who had been mostly representing developing countries in these meetings were ill-equipped to handle such controversial matters. This prompted the more active involvement of a number of Geneva-based missions from developing countries in the negotiations, particularly on intellectual property issues.

During the negotiations, developed countries and the private sector insisted that intellectual property protection is “essential in the Information Society” and that “existing IP regimes and international agreements should continuously provide this protection . . . thus promoting the necessary balance between owners and users of IP.” On the contrary, developing countries and many NGOs stressed that the continuous expansion in intellectual property protection could negatively affect creativity and the dissemination of information. In addition, they opposed the inclusion of language that claimed that international intellectual property agreements were “balanced” or “promoting the necessary balance,” particularly in view of the numerous criticisms made at the TRIPS Agreement discussions in this respect. After long and tortuous negotiations, a paragraph on intellectual property that represented a compromise formulation was included in the WSIS Geneva Declaration of Principles, the political declaration adopted by the summit. It states that: “IP protection is important to encourage innovation and creativity in the Information Society; similarly, the wide dissemination, diffusion, and sharing of knowledge is important to encourage innovation and creativity. Facilitating meaningful participation by all in intellectual property issues and knowledge sharing through full awareness and capacity building is a fundamental part of an inclusive Information Society.”
Intellectual property protection thus is described in this paragraph only as “important” in the information society, and not as “essential,” as first advocated by the developed countries and the private sector. In addition, placing intellectual property protection and the dissemination of knowledge on an equal footing implied, from the viewpoint of the developing countries and the NGOs, that intellectual property protection might not always necessarily achieve the dissemination of knowledge, particularly if it is not balanced and supportive of public-policy objectives.

As it is usually the case on intellectual property matters, Brazil was the most active developing country in these negotiations, particularly regarding the wording of the first sentence of the paragraph, where intellectual property and the dissemination of knowledge were placed on an equal standing. African countries were insistent on the references to participation and capacity building in the second sentence of the paragraph.

Apart from the issue of intellectual property, developing countries and many NGOs were also keen to raise the larger issue of access to information and knowledge in the context of the world summit. Ultimately, this issue was included in the WSIS Geneva Declaration in the section on principles governing the information society under the title “Access to information and knowledge.” This was the first time, to my knowledge, that the terms “access to information and knowledge” appeared in official UN documents as the result of negotiations between governments.

In this regard, the WSIS Geneva Declaration states that the “sharing and strengthening of global knowledge for development can be enhanced by removing barriers to equitable access to information . . . and by facilitating access to public domain information” (paragraph 25). The declaration further highlights that “a rich public domain is an essential element for the growth of the Information Society” (paragraph 26). It mentions that “access to information and knowledge can be promoted by increasing awareness among all stakeholders of the possibilities offered by different software models, including proprietary, open-source and free software” (paragraph 27). It also aspires to “promote universal access with equal opportunities for all to scientific knowledge and the creation and dissemination of scientific and technical information, including open access initiatives for scientific publishing” (paragraph 28).

Retrospectively, the WSIS appeared as a landmark development for the emerging A2K movement, because the movement succeeded, for the first time, in including A2K concerns in a major policy document that was endorsed by heads of state and governments. The references to the role of the public domain as a necessary element for the growth of the information society, to the importance of raising
awareness about the possibilities offered by different models of software, including free and open-source software, and to open-access initiatives in the area of scientific publication were groundbreaking from this perspective. These same elements would later be raised by developing countries and NGOs in WIPO.

The WSIS discussions reinforced the conviction of those in the nascent A2K movement that multilateral deliberations represented the most appropriate venue for them to reach relatively balanced formulations and views on intellectual property protection. Indeed, the multilateral setting provides developing countries with an equal opportunity to put forward their positions and points of view and to shape outcomes, in contrast, for instance, with bilateral or plurilateral processes such as the negotiation of free-trade agreements, where they are often faced with the overwhelming weight of developed countries, particularly in the economic and trade areas.

**ENGAGING WIPO**

In this regard, another event occurred in 2003 that was important in the formative stage of the A2K movement. A group of prominent public figures, scientists, and academics, including Nobel Prize winners Joseph Stiglitz, Sir John Sulston, and Harold Varmus, addressed an open letter to the director general of WIPO in July 2003 requesting him to convene a meeting in 2004 to examine new open, collaborative development models such as the Humane Genome Project and open academic and scientific journals. The letter stated that “these models provided evidence that one can achieve a high level of innovation in some areas of the modern economy without intellectual property protection, and indeed [that] excessive, unbalanced, or poorly designed intellectual property protections may be counter-productive.”

Commenting on the matter, a U.S. official was quoted in the media affirming that “open-source software runs counter to the mission of WIPO, which is to promote intellectual property rights,” adding that “to hold a meeting which has as its purpose to disclaim or waive such rights seems to us to be contrary to the goals of WIPO.” This comment triggered a strong reaction in the United States, particularly among academics and civil-society groups, because many open-source collaborative models use copyright. However, the incident equally shed light on the narrow manner in which WIPO’s mandate was construed by its single most influential member and the implications this carried for the organization’s activities and its approach to intellectual property, which it seemed to consider an end in itself, rather than a means to achieve the public-policy goals of the generation and dissemination of knowledge.

Shortly after, a meeting with the title “WIPO’s Work Programme and How to Involve Consumers” was organized by the Trans Atlantic Consumer Dialogue
Special Group on Intellectual Property, in Lisbon in October 2003. I was the only Geneva-based developing-country delegate participating in this meeting. The meeting was the first of its kind in recent years to address WIPO’s mandate and activities from the perspective of NGOs and consumers. Although this meeting did not attract the same media coverage as the letter previously mentioned, it signaled that WIPO’s activities and its narrow approach to intellectual property were beginning to become the subject of increased attention by civil-society groups and NGOs.

As a further reflection of this evolution, the first policy paper focusing exclusively on WIPO was published in 2003 by the Quaker United Nations Office in Geneva and the Quakers International Affairs Programme, based in Canada. The paper developed a number of views, building on the CIPR report and arguing that WIPO’s mandate should not be narrowly limited to the “promotion of IP,” as stated in the 1967 Stockholm Convention establishing it, but should be properly construed in the context of the 1974 agreement with the UN by virtue of which WIPO became a UN specialized agency. Under Article 1 of that agreement, the “UN recognized WIPO as its specialized agency with the responsibility for taking appropriate action in accordance with its basic instrument . . . to promote creative intellectual activity”—not intellectual property. The paper also emphasized that WIPO, as a UN agency, should fully integrate and mainstream the development dimension into its activities, as was done in the rest of the UN system.

In September 2003, the second UNCTAD-ICTSD Bellagio Dialogue on Development and Intellectual Property Policy identified a number of priority areas for the reformist intellectual property agenda, with a specific mention of one of WIPO’s initiatives, the WIPO Patent Agenda. It thus referred to “challenging the institutional framework in which intellectual property policy is developed . . . including opposition to moves to harmonize the patent regime, such as through WIPO’s Patent Agenda.” The meeting also addressed important priorities of the A2K movement, such as “supporting the consideration and development of complementary open models for promoting innovation and affordable access to technologies in developing countries, including open source and other collaborative approaches.”

By the end of 2003, NGOs and civil-society groups had begun to participate more actively in WIPO meetings. Until then, NGO representation in these meetings was almost exclusively limited to representatives of rights holders’ organizations that, in general, favored an increase in the levels of intellectual property protection standards. Public-interest NGOs and civil-society groups had been virtually absent from WIPO deliberations.

This period also witnessed an increased participation of developing countries in WIPO’s norm-setting discussions. The South Centre contributed to this
process when, beginning in 2002, it started to support developing countries in enhancing their participation in WIPO’s activities and in coordinating their positions.\textsuperscript{40} It did so by convening meetings where developing countries could prepare in advance for WIPO meetings and by providing analytical notes that highlighted the development and public-policy implications of WIPO’s deliberations, particularly in the area of standard setting, such as on patent harmonization and copyright.

After the Lisbon meeting in 2003, the Trans Atlantic Consumer Dialogue (TACD) convened another meeting, “Global Access to Essential Learning Tools,” in April 2004 in New York.\textsuperscript{41} The meeting included panels on access to textbooks, academic journals, and distance education and software.

I was invited to participate in this meeting, where I moderated the panel on access to textbooks. At that time, apart from being the Egyptian delegate to WIPO, I was coordinating the work of the African Group at WIPO, given that since January 2004, Egypt had assumed this responsibility, which rotates between the members of the group. This task involved presenting the positions of the African Group regarding issues discussed at WIPO. It also entailed assisting the group in building common positions, taking into consideration differences of views that might arise between countries in the group.


At the New York meeting, a side meeting on strategy took place that brought together key actors that had been active since 2003 in the WSIS and WIPO processes. While it was clear that a coalition was emerging on a number of issues relating to access to knowledge and information, the coalition still lacked a clear and distinctive identity. It had a fragmented constituency that was made up of a number of disparate groups with a focus on very specific issues that at first glance appeared to be not very much related to each other. These groups included opponents of greater protection for databases, advocacy groups promoting free and open-source software, groups advocating open-access initiatives in the area of scientific research journals, plus librarians, consumer organizations, and the visually impaired promoting greater use of exceptions and limitations to copyright, as well as groups promoting the public domain. In addition, a number of developing countries such as Brazil, India, Egypt, and South Africa were sympathetic to all or some of the demands advanced by these groups.

A conceptual framework was lacking to bring all these groups and issues together under a single banner. There was agreement among these actors that the issue of access was central and common in all their efforts and activities. Then the question arose: Access to what?
Several recurrent terms were discussed at the New York meeting, such as access to “information.” On my part, I made a strong plea for the exclusive use of the term “access to knowledge” instead, for several reasons.

First, at the conceptual level, knowledge, rather than information, is at the heart of the empowerment of individuals and societies. While information is certainly a prerequisite in the generation of knowledge, acquisition of knowledge remains the ultimate goal. Knowledge processes information to produce ideas, analysis, and skills that ideally should contribute to human progress and civilization.

Second, “access to knowledge” appeared as the appropriate response to the term “knowledge economy” that had been increasingly used, since the end of the 1990s, to describe the new, prevailing paradigm that reflected the changes in the global economy brought about by globalization and new technologies. Often this term was used to promote an expansion in the scope of intellectual property rights and to increase the levels of intellectual property protection. Thus, if the “knowledge economy” was the new paradigm in the global allocation of wealth and resources, then “access to knowledge” became the indispensable other side of the coin in order to make the economic globalization process underpinning the knowledge economy inclusive and equitable.

Third, for tactical considerations, I was concerned that the use of the term “information” would be strictly associated with the deliberations of the WSIS process and potentially could engulf the emerging coalition in the myriad controversial issues that had plagued the WSIS process, such as human rights (freedom of expression), media regulation, and privacy. While these issues are close to the concerns of the emerging A2K movement, they were not to be, in my opinion, the main focus of the advocacy efforts of the movement, because there were many other groups and communities, in particular human rights groups, that were mobilized around them. This doesn’t mean that the human rights dimension is not important in the framing of A2K. On the contrary, it is imperative to root the A2K concept deeper in the human rights regime and discourse, particularly in relation to economic and social rights such as the right to health, the right to education, and the “right to take part in cultural life and to enjoy the benefits of scientific progress and its applications.”

Finally, the term “access to knowledge” possesses a universal appeal and legitimacy that is powerful. While there might be differences about how to achieve access to knowledge, the goal would be difficult to oppose in itself. It embodies a positive agenda and is not only a “reaction” to trends in expanding intellectual property protection that the world had witnessed since the 1990s. This was a central consideration.

Indeed, previous efforts by developing countries to reform the intellectual property system had confronted it in a frontal manner, tried to act mainly from
within the intellectual property system itself, and were ultimately overtaken by the ability of the system to maintain the status quo. This had to be avoided. On the contrary, it was vital that the emerging A2K movement did not define itself exclusively in relation—and even less in opposition—to the intellectual property system, but rather that it would work at building a public-policy objective, such as had occurred in the case of public health, that the intellectual property system could be made to support. The rationale for this was reinforced by the fact that access to knowledge is a cross-sectoral issue by its very nature and affects many areas, such as science, education, research, and many other public-policy areas. Thus, it was important for the A2K movement to expand into the policy debates in relation to knowledge, education, science, and research, rather than become immediately and exclusively engulfed in the technical discussions of the intellectual property system.

These considerations in relation to intellectual property were also central for the inclusiveness of the movement and its capacity to reach different stakeholders, including, for instance, the private sector. It was clear from issues such as increased protection for databases, infringement liability for Internet service providers, and the digitalization of books that there was an important part of the technology industry, particularly in the United States, that shared some of the concerns of the A2K movement and that supported some of its proposals—on open standards, for instance.

However, beyond this initial framing of the A2K concept, its vitality was to be reflected in the extent to which other actors from academia, civil-society groups, and governments would participate in its further elaboration and development, thus ultimately participating in its wider ownership and diffusion, as well. The conceptualization of A2K would remain a work in progress, and the contours of its agenda should continue to evolve and adapt to the challenges raised by the issues in the globalization of knowledge.

Shortly after my plea for the term “access to knowledge” at the New York TACD meeting, the term became increasingly used as the single rallying cry of the movement. James Love then came up with the term “A2K” as a short brand name, which became central in the movement’s advocacy efforts.

**THE WIPO DEVELOPMENT AGENDA**

By mid-2004, it was clear that the momentum for seeking change in WIPO was gaining strength. NGOs were becoming increasingly active, particularly in the context of WIPO discussions on the broadcasting treaty. Developing-country participation in WIPO’s substantive debates had also increased significantly, particularly in relation to the proposed Substantive Patent Law Treaty, which raised a number
of concerns for developing countries in terms of its impact on the flexibilities they enjoyed under the TRIPS Agreement.46

However, it became increasingly apparent for a number of like-minded representatives of developing countries active in WIPO discussions that all these efforts remained fragmented. They started to realize that only a major policy initiative could bring change to WIPO and advance all these dispersed efforts. Such an initiative would go beyond these efforts to address specific standard-setting proposals for increased intellectual property protection being advanced at the organization. It would address in a systematic and comprehensive manner the organization’s culture in promoting intellectual property, particularly in the areas of norm setting and technical assistance.

On a substantive level, the initiative would seek to include many of the proposals and recommendations that had been put forward on WIPO since 2002, in particular, the CIPR report and the outcomes of the UNCTAD-ICTSD Bellagio Dialogues, this in addition to bringing to WIPO the global debate over ideas about intellectual property that was taking place outside of it and in which the A2K coalition had become an important actor.

On a procedural level, the initiative was also motivated by the desire to establish, for the first time in a long time, a grouping of like-minded representatives of developing countries at WIPO who shared the same perspective on intellectual property, rather than simply just belonging to the same geographical group.
Indeed, the initiative relied on geographical groups to steer the work of the organization in procedural and substantive matters. However, while these groups might be useful in a number of procedural matters, such as allocating the membership of bodies or electing officials or committee chairs, reliance on them in substantive matters often made less sense, because in many cases, countries within the same group had significantly diverging views on intellectual property. Indeed, it could be problematic for countries to reach common positions on substantive intellectual property negotiations at the international level if their national intellectual property laws differed significantly and did not grant the same level of intellectual property protection. This is the case, for example, in Latin and Central America, where the gap is particularly acute, for instance between countries that have adopted TRIPS-plus standards as a result of free-trade agreements concluded with developed countries such as the United States and other countries that have refrained from entering in such agreements. While the practice of having representatives of like-minded groups of developing countries coordinating on specific issues was current practice in the WTO TRIPS context, it was not the case at WIPO.

On their part, civil-society groups had done significant work since 2002 in preparing the ground through increased advocacy aimed at bringing WIPO into the wider public-policy debate.

The time was thus ripe for bringing such a new initiative forward. At the end of August 2004, Brazil and Argentina circulated the proposal for a development agenda for WIPO. Egypt joined them, with a group of other countries, to present this proposal at the session of the WIPO Assemblies in late September. Egypt’s adherence to this initiative came in continuity with its important contribution to efforts by developing countries to achieve a more development-friendly international trade and intellectual property system.

Indeed, in the 1980s, Egypt was among the developing countries that resisted the inclusion of intellectual property issues in the Uruguay Round of the General Agreement on Tariffs and Trade. During the round itself, in 1990, it joined a number of developing countries such as Bolivia, Colombia, Peru, Venezuela, Argentina, Brazil, Chile, China, Colombia, Cuba, Egypt, Nigeria, Peru, Tanzania, and Uruguay in submitting a developing-countries draft text for the intellectual property agreement that was under negotiation. Egypt was also among the developing countries that availed themselves of the possibility to use the Appendix of the Berne Convention for the Protection of Literary and Artistic Works (1971 Paris version), which provided—subject to just compensation to the rightful owner—“for the possibility of granting non-exclusive and non-transferable compulsory licensing in respect of (i) translation for the purpose of teaching, scholarship or research, and (ii) reproduction for use in
connection with systematic instructional activities, of works protected under the
Convention.”

In its national legislation implementing the TRIPS Agreement (Law 83 of 2002),
Egypt had incorporated many of the public-health-related flexibilities of the
agreement. And while it has concluded a number of free-trade agreements, such
as the EU-Egypt Association Agreement and the EU-EFTA Agreement, it has suc-
cceeded to a great extent in avoiding taking on new, extensive TRIPS-plus obliga-
tions with a bearing on public-policy objectives such as public health.

**A2K AND THE WIPO DEVELOPMENT AGENDA**

Although the WIPO Development Agenda initiative was not only about A2K,
A2K-related issues were clearly an important component of the proposals and
ideas that the initiative was seeking to advance. This was reflected in the original
document containing the development agenda proposal, which included key ele-
ments and concerns of the A2K movement such as:

- An indication that adding new layers of intellectual property protection to the
digital environment would obstruct the free flow of information and scuttle
efforts to set up new arrangements for promoting innovation and creativity
through initiatives such as the “Creative Commons.”
- An expression of concern at the ongoing controversy surrounding the use of
technological protection measures in the digital environment.
- A reference to the importance of safeguarding the exceptions and limitations
existing in the domestic laws of member states.
- A mention of the need to bear in mind the relevance of open-access models for
the promotion of innovation and creativity in order to tap into the develop-
ment potential offered by the digital environment and an invitation to WIPO to
consider undertaking activities with a view toward exploring the promise held
by open, collaborative projects to develop public goods, as exemplified by the
Human Genome Project and open-source software.
- A reference to the need to examine the potential development implications of
several of the provisions of the proposed Treaty on the Protection of Broad-
casting Organizations that the Standing Committee on Copyright and Related
Rights was currently discussing, taking into consideration the interests of con-
sumers and of the public at large.50

Before the WIPO Assemblies started, the A2K movement mobilized support
for this initiative. The South Centre published an analytical note emphasizing the
need to integrate development into WIPO activities and processes, thus supporting
the rationale for such an initiative.51
The TACD convened a “Future of WIPO” meeting in mid-September of 2004 in Geneva. The meeting included a number of prominent figures who had been at the forefront of efforts for a more balanced intellectual property system, particularly in the United States and the United Kingdom, such as Larry Lessig, Yochai Benkler, James Boyle, John Sulston, and Tim Hubbard. It also included leading activists such as Martin Khor and Richard Stallman. A Geneva-based delegate from Argentina also spoke at the meeting. A “Geneva Declaration on the Future of WIPO” was shortly launched, signed by leading figures from academia, NGOs, and civil society.

Of course, it was no coincidence that this meeting was held a few days before the WIPO Assemblies, which would examine the proposal for a development agenda. It reflected once more the close collaboration between developing countries and a number of NGOs that had become active in WIPO processes since 2003.

The few developing-country Geneva delegates who had been actively involved in efforts leading to the launch of the WIPO Development Agenda, including this author, were convinced that such an initiative on the part of developing countries in WIPO would have limited chances of success if it was not supported by civil-society groups from the North, which were capable of mobilizing public opinion and the media through their networks and advocacy in a manner that would have an impact in developed countries. At the same time, NGOs that had identified the reform of WIPO as a central part of their advocacy to achieve a more balanced and consumer-friendly intellectual property system saw in the WIPO Development Agenda a vehicle for moving forward their efforts in this area.

Consequently, in the same way that the original proposal for a development agenda incorporated key elements of the A2K agenda that were important to many NGOs and developing countries, the Geneva Declaration on the Future of the World Intellectual Property Organization lent its support to the WIPO Development Agenda proposal, stating that it “pointed in the right direction” and “created the first real opportunity to debate the future of WIPO.” Furthermore, it also addressed issues that primarily concerned developing countries, such as the call for a fundamental reform of WIPO’s technical assistance programs so as to enable developing countries to use to the full the flexibilities in the TRIPS Agreement to promote access to medicines for all.

The presence of NGOs from the South in these developments was weaker in comparison with that of the NGOs and civil-society groups from the North. However, this came as no surprise. Many groups in the South that are mobilized on issues of the environment, human rights, public health, and poverty alleviation were not that engaged or familiar with global debates on access to and ownership
of knowledge and even less so had means to mobilize around them. The notable exception was the Third World Network which was actively engaged in support of the WIPO Development Agenda through its advocacy efforts.56

It was also only natural that groups from the North had more experience in dealing with some of the issues of concern to the A2K movement, such as technological protection measures in the digital environment in view of the more advanced digital economies and legislations in developed countries. However, their experiences in this area were also useful for developing countries that were faced with obligations in this area through free-trade agreements or as a result of adherence to the WIPO Internet Treaties.

Thus, both the WIPO Development Agenda process and the A2K movement brought together developing countries, consumer-based civil-society groups, and NGOs, particularly from the North, in a mutually beneficial collaboration. This, of course, doesn’t necessarily mean that the importance for each one of them of their shared priorities is the same.

In this regard, the A2K concept could be compared to a coin. On one face, we find the “A2K for development” concerns of developing countries that seek flexibilities in intellectual property rules, while on the other, there are the “A2K for innovation and creativity” priorities lying beyond the traditional intellectual property system, in which consumers and NGOs are faced with high intellectual property standards in developed countries. Both are mutually relevant and important for each other, but each has a different emphasis. For instance, exceptions and limitations for educational purposes might be of greater importance to developing countries, given their vast educational needs. On the other hand, alternative innovation models and open collaborative projects, whose role and impact are still limited in developing countries, are more likely to be an immediate priority for consumer organizations in developed countries that seek alternatives to proprietary models of knowledge generation. There is thus a constant balance to be maintained within the A2K movement between these two faces of the coin. There is no doubt however, that both developing countries and NGOs, respectively as predominantly importers and consumers of knowledge goods, share the goal of achieving more balanced intellectual property and information and communication technology regimes that enable greater access to knowledge.

After the launch of the WIPO Development Agenda, CPTech organized two meetings in 2005 on the A2K treaty proposal, the first with the Third World Network and the International Federation of Library Associations, and the second with the TACD. By May 2005, the current draft A2K treaty was completed.57 Thus, by 2005, the A2K movement was fully formed and had come forward with a major norm-setting proposal, the draft A2K treaty.
By that time, I had left Geneva and had returned to Cairo to assume new professional obligations. I was struck upon my return to Egypt by the extent to which A2K and the WIPO Development Agenda, as well as the debates underpinning them, had remained confined to a number of specialized circles following intellectual property issues and to the Geneva multilateral setting. Important efforts needed to be made, particularly in the area of raising awareness, to bring a more extensive awareness of these debates to developing countries.

In this regard, a Regional Arab Dialogue on intellectual property and sustainable development was organized by the Bibliotheca Alexandrina, ICTSD and UNC-TAD in June 2005. As a follow-up to one of the recommendations of this dialogue, the Bibliotheca Alexandrina organized a regional seminar entitled “New Tools for the Dissemination of Knowledge and the Promotion of Creativity and Innovation: Global Developments and Regional Challenges” on September 7 and 8, 2006. This regional seminar adopted a number of recommendations to promote A2K in the Arab world, such as raising awareness about open collaboration and new tools for the dissemination of knowledge (the Creative Commons, open academic and scientific journals, and so on) and establishing a regional research agenda.

**FUTURE DIRECTIONS FOR THE A2K MOVEMENT**

While the emergence of the A2K movement involved a number of groups engaged in intellectual property debates, mostly in the North, as well as developing countries at the multilateral level in Geneva, the future growth and consolidation of the movement lies in its capacity to mobilize interest and support in the South, particularly among governments, civil-society groups, and academia. This is a long-term strategic priority for the A2K movement. It is thus imperative to continue raising awareness about the importance of A2K issues for developing countries and in developing countries.

In this regard, it is important to clarify that access to knowledge is not the antithesis of intellectual property. Developing countries can combine balanced intellectual property policies where they use creatively both intellectual property and open business models in some areas (such as in the creative industries) while also pursuing overall A2K policies and measures to address their vast educational needs and requirements for building scientific and technological capabilities. Many policies relevant to knowledge pursued by developing countries at the national level, such as in the areas of education, culture, intellectual property and information and communication technologies, and science and technology in general, could be framed and conceptualized in the context of the overall A2K paradigm and its objectives.
At the international level, there is still much that can be done in terms of mainstreaming A2K in policy positions adopted by developing countries in international forums, as well as in the diverse groupings to which they belong. Another pressing priority for the A2K movement at this level is to have a concrete impact on policy processes and deliberations in international processes and forums or face the risk of falling into irrelevance or of becoming a purely academic exercise.

In this regard, the proposal for work on exceptions and limitations made by a number of developing countries at the March 2008 session of WIPO’s Standing Committee on Copyright and Related Rights paves the way for a process of deliberations of significant importance, one in which the A2K movement should be fully engaged and which it should support. The proposal stems from the premise that often, developing countries have comparatively fewer exceptions and limitations for research, education, the visually impaired, and so in their national copyright laws, compared with developed countries, and make less use of them, although they might be more in need of them, given their vast needs for access to educational material. The proposal raises the possibility of elaborating an international instrument on exceptions and limitations that would provide normative guidance in this area and include a mandatory set of exceptions and limitations that would be common to all WIPO member states.

Another opportunity for the A2K movement lies in the implementation of the WIPO Development Agenda recommendations relating to access to knowledge. In effect, after two years of intense debates, in September and October 2007, the WIPO Assemblies adopted by consensus forty-five recommendations aiming at the establishment of a development agenda for WIPO. The assemblies established the Committee on Development and Intellectual Property to monitor the implementation of these recommendations. At the committee meetings held in March and July 2008, member states discussed the implementation of a number of recommendations, particularly those relating to intellectual property technical assistance.

The implementation of the recommendations relating to the strengthening of the public domain or to the consideration of open, collaborative models requires the identification of specific activities and concrete proposals to promote these issues in WIPO’s activities, such as through awareness raising (seminars, workshops, publications, and so on) legislative advice, or norm setting. The A2K movement should contribute to the identification of these activities and proposals and remain active in this implementation phase, because it might be even more critical than the phase of deliberations that took place from 2004 to 2007. It is the actual implementation of these recommendations that will determine the extent to which the WIPO Development Agenda will have been able to orient WIPO’s activities
toward a more balanced and development-oriented approach to intellectual property and toward promoting creativity and innovation beyond traditional intellectual property categories in a manner that effectively contributes to A2K.

Beyond WIPO, the A2K movement should carefully examine influencing other relevant policy processes and forums. In this regard, UNESCO, the United Nations Educational, Scientific, and Cultural Organization, can be an organization of significant importance for promoting access to knowledge. Until now, it has not been central in the preoccupations and advocacy of the A2K movement. In addition, the experience of UNESCO in concluding the Convention on Cultural Diversity in a relatively short period of time (2003 to 2005) might bear valuable lessons for the A2K movement.

The Internet Governance Forum (IGF) that resulted from the World Summit on the Information Society is another venue where the A2K movement has pursued its objectives and should continue to do so.

Beyond WIPO, UNESCO, and the IGF, another interesting possibility would be launching an A2K initiative at the UN General Assembly, the competent body for discussing all political, economic, and social issues at the UN, particularly issues that have a cross-sectoral nature and touch upon many areas of the UN’s work, such as development, education, culture, science, intellectual property, and so on. This step would be critical in the further diffusion and adoption of the A2K paradigm by the entire UN system, as has occurred in the past with other concepts, such as human development or sustainable development. Of course, this is a long-term process, and it requires an active role on the part of governments, as well as engagement and leadership from developing countries. The trajectory of the environmental movement from the first environmental summit in Stockholm in 1972 (where only a handful of heads of state and governments were present) to the Rio summit in 1992 (in which more than a hundred heads of state and governments participated) represents a valuable experience for the A2K movement to study for extracting the appropriate lessons.

Finally, it is of fundamental importance to generate empirical studies and academic work that further contribute to the advancement of the A2K paradigm and that underpin it. In this regard, the Yale Law School Information Society Project A2K conferences, starting in 2006, have played a valuable role in strengthening the links between the A2K movement and academia. Similarly, the A2K country studies (Brazil, China, Egypt, India, South Africa) commissioned by the Information Society Project will enrich A2K advocacy as well as raise awareness on A2K in developing countries.65
CONCLUSION

In its further development and growth, the A2K movement continues to confront the need to achieve a delicate balance. On the one hand, while the A2K movement emerged from an interaction with globalized intellectual property rules and processes, particularly at WIPO, it should go beyond these and engage with other national and international rules and processes in the areas of education, culture, human rights, the environment, and so on. This interaction could further enrich A2K conceptually, while at the same time, issues in these areas could benefit from being framed in A2K terms.

However, it is also equally important for the A2K movement to remain focused in its advocacy on the original set of issues that led to its emergence—the generation, dissemination, and use of knowledge and their regulation—and not to disperse itself in areas close to its concerns, but where other social actors and movements are already doing valuable and effective advocacy work. This consideration is essential, particularly for developing countries, because new challenges loom in the horizon in the form of proposals for higher enforcement standards or new enforcement agreements that could possibly be detrimental to the objectives of the A2K movement.66

NOTES

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4 See, for instance, David Vivas-Eugui, “Regional and Bilateral Agreements and a TRIPS-plus World: the Free Trade Area of the Americas (FTAA),” TRIPS Issues Papers 1 (2003), Quaker United Nations Office, Quaker International Affairs Programme, and the International Centre...

5 For the WIPO Digital Agenda, see http://www.wipo.int/copyright/en/digital_agenda.htm (last accessed March 13, 2009).


8 The Quaker United Nations Office in Geneva played a particularly important role in providing technical support to developing-country delegates, with the assistance of a number of legal experts.


10 Ibid., p. 102.

11 Ibid., p. 104.

12 For views on the report in the media, see http://www.iprcommission.org/graphic/views.htm (last accessed March 13, 2009).


16 Such as the Substantive Patent Law Treaty (SPLT) at WIPO.


18 For more on the impact of these meetings, see Joe Karaganis, The Bellagio Global Dialogues on Intellectual Property (New York: Social Science Research Council, 2006).


It is important to note, however, that a number of NGOs active in the access-to-medicines campaign had already started to raise questions about the extent to which WIPO’s technical assistance integrated the public-health flexibilities contained in the Doha Declaration on TRIPS and Public Health. See Médecins Sans Frontières, Consumer Project on Technology, Health Action International, and Oxfam, *Implementation of the Doha Declaration on the TRIPS Agreement and Public Health: Technical Assistance—How to Get It Right* (March 2002), available online at http://www.haiweb.org/campaign/access/ReportPostDoha.pdf (last accessed March 14, 2009).

The text of the agreement is available on-line at http://www.wto.org/english/tratop_e/trips_e/wtowip_e.htm (last accessed March 14, 2009).


See Abdel Latif, “Developing Country Coordination in International Intellectual Property Standard-Setting,” and Musungu and Dutfield, “Multilateral Agreements and a TRIPS-plus World.”

Countries that were involved included Argentina, Brazil, Egypt, and India.

These included the Center for International Environmental Law, the International Centre for Trade and Sustainable Development, the Quakers United Nations Office, and Third World Network.

The eight Millennium Development Goals, which range from halving extreme poverty to halting the spread of HIV/AIDS and providing universal primary education, were adopted in September 2000 at a meeting of world leaders in New York that endorsed the United Nations Millennium Declaration. This Declaration set out a series of time-bound targets—with a deadline of 2015—that have become known as the Millennium Development Goals. For more information, see http://www.un.org/millenniumgoals/bkgd.shtml (last accessed March 14, 2009).


The NGOs included CPTech, IP Justice, the Electronic Frontier Foundation, and others.


See Musungu and Dutfield, “Multilateral Agreements and a TRIPS-plus World.”


The South Centre is an intergovernmental organization of developing countries with headquarters in Geneva established by an intergovernmental agreement that came into force on July 31, 1995. The organization is intended to meet the need for the analysis of development problems and experience, as well as to provide the intellectual and policy support required by developing countries for collective and individual action, particularly in the international arena. For more information, see http://www.southcentre.org/index.php?option=com_content&view=id=1&Itemid=1 (last accessed March 14, 2009).


Article 15 (a) and (b) of the International Covenant on Economic, Social and Cultural Rights.

This indeed happened with the series of A2K conferences at Yale University starting in 2006.


For an elaboration on this issue, see Abdel Latif, “Developing Country Coordination in International Intellectual Property Standard-Setting,” p. 32.

These countries were Bolivia, Cuba, the Dominican Republic, Ecuador, South Africa, Egypt, Kenya, Iran, Peru, Sierra Leone, Tanzania, and Venezuela.


Ibid.

This has evolved since 2004 with the involvement of institutions from the South in A2K advocacy, such as the Fundação Getulio Vargas in Brazil and the Bibliotheca Alexandrina in Egypt.

The draft treaty is available on-line at http://www.cptech.org/a2k/a2k_treaty_may9.pdf (last accessed March 15, 2009).


For more information, see http://www.bibalex.org/a2k/Event/BAEventList.aspx (last accessed March 15, 2009).


Such as the G77, the Nonaligned Movement, the African Union, the New Economic Partnership for Africa (NEPAD), the League of Arab States, the Organization of the Islamic Conference (OIC), as well as the India-Brazil-South Africa forum (IBSA).


For the rationale and policy options to elaborate such an instrument, see P. Bernt Hugenholtz and Ruth L. Okediji, Conceiving an International Instrument on Limitations and Exceptions to Copyright (May 6, 2008), available on-line at http://www.soros.org/initiatives/information/articles_publications/publications/copyright_20080506/copyright_20080506.pdf (last accessed March 15, 2009).

Available at http://www.wipo.int/ip-development/en/agenda/recommendations.html (last accessed March 15, 2009). The forty-five recommendations are divided into six clusters: Cluster A—technical assistance and capacity building; Cluster B—norm setting, flexibilities, public policy, and the public domain; Cluster C—technology transfers, information and communication technology, and access to knowledge; Cluster D—assessments, evaluation, and impact studies; Cluster E—institutional matters, including mandates and governance; and Cluster F—other issues.
