



Dear Delegates,

It is a pleasure to welcome you to the 2014 Montessori Model United Nations Conference.

The following pages intend to guide you in the research of the topics that will be debated at MMUN 2014 in committee sessions. Please note this guide only provides the basis for your investigation. It is your responsibility to find as much information necessary on the topics and how they relate to the country you represent. Such information should help you write your Position Paper, where you need to cite the references in the text and finally list all references in the Modern Language Association (MLA) format.

The more information and understanding you acquire on the two topics, the more you will be able to influence the Resolution writing process through debates [formal and informal caucuses], and the MMUN experience as a whole. Please feel free to contact us if and when you face challenges in your research or formatting your Position Papers.

We encourage you to learn all you can about your topics first and then study your country with regard to the two selected topics. Please remember that both committee members need to be well versed and ready to debate both topics.

Enjoy researching and writing your Position Papers.

We look forward to seeing you at the Conference!

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UN Legal

The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the U.N. Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.

Source: <http://www.un.org/en/ga/sixth/>

Intellectual Property Rights



inspiring youth
to
create a better world

In her novel *A Single Shard*, American author Linda Sue Park writes about an orphaned boy in 12th century Korea who encounters a moral dilemma related to intellectual property rights. The boy is an apprentice to a ceramic potter who dreams of receiving a job making pottery for the royal family. One afternoon, the boy oversees another ceramic potter in the village using a new technique that enables him to make his pottery more efficiently and with more beautiful details. The ceramic potter invented the technique and did not intend to share his idea with anyone else, especially other ceramic potters with whom he competes for business. In this sense, the technique was the other potter's intellectual property.

After seeing and learning about the new technique, the boy struggles to decide whether he should tell his master to help him earn more money and, hopefully, impress the royal family. Since the other ceramic potter used his intelligence and experience to invent the new technique for his own benefit, the boy worries it would be unfair for his master to use the technique as if it was his own without giving any credit or payment to the other potter.

Topic Background

The term intellectual property rights refer to the ownership of ideas, creations, inventions, and artistic works.ⁱ When it comes to international intellectual property rights, there are two different types of intellectual property: “industrial property” and “copyright”.ⁱⁱ

The type of intellectual property called “copyright” involves artistic creations like music, novels, paintings, movies, photography, etc.ⁱⁱⁱ A musical artist who writes a popular song can have ownership over that song through the form of a copyright. After the artist creates the song, he or she can apply for a copyright for that song. If he or she successfully obtains a copyright, then he or she officially owns the song. The musical artist can share or sell the song to other musical artists and allow them to legally perform the song.

The type of intellectual property called “industrial property” is a very broad category that includes practical products people can use to accomplish things.^{iv} Just as copyrights protect artistic creations, trademarks and patents protect industrial property. Examples of industrial property include but are not limited to:

- New medications that do a better job of helping people with illnesses
- New medical equipment that allows doctors to perform surgery more safely
- New designs for car engines that reduce gas emissions
- New agricultural methods that allow farmers to plant and harvest crops more efficiently
- New social networking sites that allow people across the world to communicate with one another

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Most countries have laws to regulate intellectual property. However, a country's laws are only enforceable and effective within the country's borders.^v If a scientist obtains a patent to protect an invention in Brazil, the patent only protects his invention in Brazil and has no effect in other countries. In order to protect the invention in other countries, the scientist would have to apply for a patent in each of those different countries. The procedures for apply for copyrights, trademarks, and patents are often different. For instance, the process for applying for a copyright in Canada might be different than the process for applying for a copyright in China. Language barriers present additional challenges for individuals wishing to protect their inventions and creations in foreign countries. These inconsistencies make it complicated for individuals to protect their ideas in the international community since scientists, artists, and inventors are not always experts in international law. This is where the United Nations and other international organizations can help.

Past Actions

Every country is free to craft its own laws for intellectual property based on its unique culture and economic needs. Each government has the ability to decide to what extent it wants to protect the ideas of foreign nationals. Beginning mostly in the 19th century, countries began to establish international treaties granting their citizens reciprocal protection of ideas, creations, and inventions.^{vi} These treaties often play an important part in multilateral international agreements that provide some degree of consistency and harmony in international intellectual property law. Some of the most important international agreements concerning intellectual property law include^{vii}:

- The Berne Convention for the Protection of Literary and Artistic Works of 1886 (last revised in 1971)
- The Universal Copyright Convention of 1952 (last revised in 1971)
- The Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations of 1961
- The TRIPs Agreement of 1994
- The WIPO Copyright Treaty of 1996
- The WIPO Performances and Phonograms Treaty of 1996

These treaties do not directly assign or protect property rights, but they require participating nations to adapt their national laws to certain minimum standards. The treaties also require participating nations to protect inventions and ideas originating from other participating nations according to how they protect ideas and inventions from their own citizens.^{viii} For instance, if the United Kingdom and Spain were both participants in a treaty, Spain would be obligated to protect inventions from the United Kingdom the same way it would protect Spanish inventions.

In addition to international treaties, the establishment of the World Intellectual Property Organization in 1967, a UN agency referred to as "WIPO", was another major benchmark in terms of international collaboration over intellectual property.^{ix} WIPO is headquartered in Geneva, Switzerland and consists of 185 member states. The mission of WIPO is to make it easier for individuals to obtain international protection for their creations, to improve treaties and legal frameworks to match the evolving needs of the international community, to help

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governments exchange information through free databases, and to perform research about how intellectual property rights support economic and social development.



Possible Solutions

The current treaties and international organizations represent significant advancement in international intellectual property law. However, there are still opportunities for the international community to improve the way it approaches intellectual property. New innovations and ideas are crucial for the international community tackling various economic and social problems. Improving the organizations and multilateral agreements that regulate intellectual property is one way to establish a solid foundation for individuals working to find solutions to pressing problems and contribute to economic and social development.

One major topic of debate is how to assist developing countries build their intellectual property laws and how to increase their participation in multilateral treaties.^x As developing countries build their economies, it is necessary for them to modernize their legal systems. If developing countries are not integrated into multilateral treaties, then individuals in post-industrial countries like the United States, Japan, and the United Kingdom can exploit inventions and ideas from individuals in developing countries since there is no foundation of reciprocal protection without participation in treaties.^{xi}

Improving laws and treaties concerning intellectual property is a task the international community must constantly pay attention to since technological and economic changes constantly create new challenges and areas for potential improvement. Intellectual property is intricately linked to the creation of innovative ideas that could spur desperately need social and economic development around the world.

Further Research

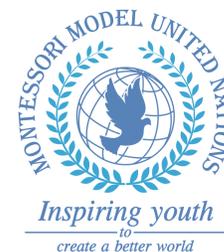
Guiding Questions

- How are intellectual property rights treated in your country?
- Is your country a party to any of the treaties on intellectual property rights?
- What types of national laws does your country have concerning intellectual property?
- What does your country have to lose or gain by increasing the participation of developing countries in multinational treaties?

Research Sources

- The WIPO website homepage: <http://www.wipo.int/portal/index.html.en>
- WIPO administered treaties: <http://www.wipo.int/treaties/en/>
- *The ABC of Copyright*:
http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf
- *Integrating Intellectual Property Rights and Development Policy*:
http://www.iprcommission.org/papers/pdfs/final_report/ciprfullfinal.pdf
- Chapter 1 of the *WIPO Intellectual Property Handbook*: <http://www.wipo.int/export/sites/www/about-ip/en/iprm/pdf/ch1.pdf>

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ⁱ*World Intellectual Property Organization: About WIPO*. 18 August 2012 <<http://www.wipo.int/about-ip/en/>>

ⁱⁱ*World Intellectual Property Organization: About WIPO*. 18 August 2012 <<http://www.wipo.int/about-ip/en/>>

ⁱⁱⁱ*World Intellectual Property Organization: About WIPO*. 18 August 2012 <<http://www.wipo.int/about-ip/en/>>

^{iv}*World Intellectual Property Organization: About WIPO*. 18 August 2012 <<http://www.wipo.int/about-ip/en/>>

^v*The ABC of Copyright*. UNESCO: Culture Sector, 2010. 18 August 2012 <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf>

^{vi}*The ABC of Copyright*. UNESCO: Culture Sector, 2010. 18 August 2012 <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf>

^{vii}*The ABC of Copyright*. UNESCO: Culture Sector, 2010. 18 August 2012 <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf>

^{viii}*The ABC of Copyright*. UNESCO: Culture Sector, 2010. 18 August 2012 <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf>

^{ix}*World Intellectual Property Organization: About WIPO*. 18 August 2012 <<http://www.wipo.int/about-ip/en/>>

^x*Integrating Intellectual Property Rights and Development Policy*. Commission on Intellectual Property Rights, 2002. 18 August 2012 <http://www.iprcommission.org/papers/pdfs/final_report/ciprfullfinal.pdf>

^{xi}*Integrating Intellectual Property Rights and Development Policy*. Commission on Intellectual Property Rights, 2002. 18 August 2012 <http://www.iprcommission.org/papers/pdfs/final_report/ciprfullfinal.pdf>

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