



## 30th High School Model United Nations (HSMUN)

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United Nations Educational, Scientific, Cultural Organization (UNESCO)



Email: [ksuhsmun2016@gmail.com](mailto:ksuhsmun2016@gmail.com)

*Delegates,*

It is a privilege to welcome you to this year's annual iteration of HSMUN orchestrated by Kennesaw State. I am **Travis Sonner**, and it is my task as the **Director** of UNESCO to foster a fun, challenging debate on the topics our committee faces. Now, I am the captain of KSU's collegiate Model UN team. I have had the honor of competing in three conferences including one where I won 'Best Delegate' as Canada on a trip to Münster, Germany. However, my history with Model UN started two years ago by volunteering to chair Kennesaw's HSMUN. In the past, I was an Assistant-Director for UNESCO, and in addition, I have also the experience of managing the International Atomic Energy Agency (IAEA) as the committee's Director. Regarding my education, this is my last semester at KSU earning a Bachelor of Science in Political Science. With that degree, it is my hope to apply for graduate school and pursue either a degree in law or a degree in urban planning/regional development.

Greetings, my name is **Hansel Enriquez**, and at KSU, I am a graduate level student studying International Policy Management. As an undergrad student, I earned a B.A. in Sociology concentrating on Gender and Sexuality with a minor in Communications from Georgia State. In UNESCO, I will assume the role of **Assistant Director**. My experiences in graduate school have led me to work on an analysis of the UN effort on climate change under initiatives for Sustainable Energy for All and the UN Framework Convention on Climate Change. I have worked alongside a major human rights organization- Amnesty International. This year, I am looking forward to my graduate course studies in Geneva, Switzerland where I will be studying within the Office of the High Commissioner for Human Rights, the UN High Commissioner for Refugees, and the World Trade Organization.

Hello there! Welcome to the 2016 HSMUN at Kennesaw State University! My name is **Raiyan Rahman** and I will be your **Chair** this year. As a freshman at Kennesaw State, this is my first year participating in KSU Model UN. Just under a year ago, I worked among HSMUN delegates in conference, so I am aware of the challenges and concerns regarding your positions. Not to brag, but in HSMUN I won awards for my position papers and guided my delegation to win the 'Best Delegation' award. My involved past activities in Model UN have greatly prepared me for my college Model UN journey. I look forward to using my experience as a delegate to generate smooth sailing for this committee as we edge closer to the conference. For my personal pursuit of knowledge, this is my second semester at KSU studying for a Bachelor of Science in Molecular and Cellular Biology. Armed with this knowledge, I hope to conduct research for the world and further go on to pursue a degree in Medical Studies.

Hello, I am **Reginald L. Williams II** and I am a senior in my last semester here at Kennesaw State. In UNESCO, I will serve as your **Rapporteur**. My major is International Affairs with a concentration in International Business, Economics, and Policy. During my time here at Kennesaw State, I have been a member of the Model African Union simulation team, the Model United Nations simulation team, and I am a member of the Executive Board of the African and African Diaspora Studies Student Organization. After graduation, I plan on pursuing a dual degree in Public Policy and Law. My goal is to have a career in public advocacy. My interests include studying the following: world history, pan-African studies, American foreign policy, international law, international organizations, and development.

## Conference Instruction and Prerogative

In committee, the delegates of UNESCO will be debating two topics. The dais expects that the delegates come prepared to discuss those topics in order to create resolutions. Resolutions are official, legal documents of the United Nations that are drafted in order to resolve important international issues. Each delegate is to role-play as their Member-State would act in real life to simulate the working environment of the UN. In order to effectively role-play as your state would, it helps to immerse yourself in the history, culture, and perspective of that Member-State, so without some level of research, you will be totally ineffective.

Below, are the topics for discussion.

- **Topic I: Media Accountability on a Global Scale**
- **Topic II: Protection of Intellectual Property Worldwide**

In each conference, delegates are responsible for producing a full, two page document called a *position paper*. Simply put, the paper will outline your Member-State's position on each of the two topics. On the first page, write about Topic I, and on the second page, write about Topic II. To break it down further, it helps to have three paragraphs per page on the lines of:

1. What is the history of the [Topic I / Topic II] in your Member-State?
2. What is the current status of [Topic I / Topic II] in your Member-State?
3. What are the plans of your Member-State to address [Topic I / Topic II]?

To write a successful position paper, please ask your instructors for help, reference KSU's HSMUN website, or turn to the internet for examples of position papers. Please cite your position papers in Chicago Manual of Style with footnotes on the bottom of each page. Use the internet to learn how to cite properly in Chicago Manual of Style. Resources you cite should be credible from trusted publishers and institutions. A well researched position paper may net you an award by the chair. Remember to turn your papers in on time, because late papers may not be graded or recognized for award. **There is a zero-tolerance policy on plagiarism. In UNESCO, papers of guilty delegates will be trashed with a score of zero, and delegates will be prohibited from any chance of winning an award.**

## **Topic I: Media Accountability on a Global Scale**

*"Democracy must be built through open societies that share information. When there is information, there is enlightenment. When there is debate, there are solutions. When there is no sharing of power, no rule of law, no accountability, there is abuse, corruption, subjugation and indignation." -- Atifete Jahjaga*

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### **Introduction**

In UNESCO's constitution, the freedom of information is located under Article I - Purposes and Functions.<sup>1</sup> There, it is written, that UNESCO's mission is to contribute to peace and security in the world by empowering people through education, scientific advancement, and cultural sharing. In order to achieve this objective, it is of ultimate importance that information is shared freely and ethically. "In 2015, UNESCO published a report titled World Trends in Freedom of Expression and Media Development stating,

*"Freedom of expression, and its corollaries of freedom of information and press freedom, applies to all media, including traditional print and broadcast media, as well as newer digital media."*<sup>2</sup>

To break that down, it is UNESCO's goal to facilitate the spread of technology that aids in the distribution of information such as electronics, print, telecommunications, internet, radio, and more. Newer media platforms like social media, search engines, the internet, and music videos are equally important. UNESCO seeks to encourage the use of media freely, and UNESCO has the ability to draft international resolutions to foster media freedom.

Media accountability can generally be understood as the idea that the media should act in the people's best interest. Due to the fact that the media is hugely influential on politics, society, and economics, the media is a source of power. Like all power, it is open for abuse. Abuse of the media can occur from either private enterprise or through government ownership. For example, a media corporation may selectively choose what to report or choose to fabricate lies in order to sponsor a political party resulting in serious corruption. On the other hand, the government may use the media to censor and control information by banning all private media distribution while only allowing their own government controlled sources to broadcast information. In both examples, the free flow of information is eroded. Central to media accountability are ideas like ethics, transparency, morality, and liberty.

Between citizens and their governments, media accountability is the essential link. For society, the media plays an indispensable role in empowering citizens to hold their government in check through social awareness. Accurate reporting enables the public to become informed, and through this system, the public can monitor government action. Media allows for the creation of a wide range of political discussion, because it creates a dialogue over contentious political issues. The media has the responsibility to reflect a wide range of voices - not just the voices of those in power. There is a need for dissenting opinions, political parties, actors in civil society, independent experts, and the voices of the average citizen, so those perspectives may be expressed and explored.<sup>3</sup>

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<sup>1</sup> "UNESCO Constitution," last modified Nov. 16, 1945. [http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> Iginio Gagliardone, Danit Gal, Thiago Alves Pinto, and Gabriela Martinez Sainz, "World Trends in Freedom of Expression and Media Development: Special Digital Focus 2015," accessed December 30, 2015, <http://unesdoc.unesco.org/images/0023/002349/234933e.pdf>, 18

<sup>3</sup> Katrin Voltmer, "The media, government accountability, and citizen engagement," accessed December 30, 2015 <http://www.hks.harvard.edu/fs/pnorris/Acrobat/WorldBankReport/Chapter%206%20Voltmer.pdf>, 3

The democratic role of the media means that it must have restrictions and obligations along with measures that makes the media independent from the government.<sup>4</sup> In other words, the media must have regulation to protect against private abuse, and it must have guaranteed freedoms from excessive government control.

### **Current Issues and Goals**

To elaborate on UNESCO's crusade to build a peaceful world based on the education and liberalism, the organization seeks to invest and expand Information and Communication Technologies (ICTs). For 2014-2021, UNESCO's strategies in building knowledgeable societies seek to:

*"...stimulate universality in content, technology, and processes, based on open technological standards and open licenses allowing for the free and legal sharing or crowd sourcing of information for effective collaboration and sustainable innovation at local, national and international levels."*<sup>5</sup>

As the world becomes increasingly tied together through globalization, so too, does our access to ICTs, but there are threats to the proliferation of knowledge. Matters such as government censorship, national firewalls, or corporate media monopolies, hinder efforts to build a transnational, worldwide society based on media freedom. Many developing states are importing enormous amounts of telecommunication technology to invest in their media infrastructure. Another example of a barrier to media freedom is the sheer cost of investing in the purchase of broadcast stations, cables, satellites, radio/microwave towers, etc. In this scenario, developing states suffer from the obstacle that expensive media infrastructure provides, and it is prudent to realize a solution between developed states who export the technology to developing states in need of these important components.

Another area UNESCO seeks to implement the both freedom of information and media accountability is the UN's Sustainable Development Goals (SDG). Sustainable development is a long term method of building a future. It is most concerned with secure, stable development in environmentalism, politics, society, and economics. This type of development is only possible with a well informed society with easy access to information from schooling, media freedom, and high ethical integrity from both the media and government. The adoption of the United Nations' SDG this past September of 2015 was crafted with UNESCO's active involvement; particularly, related to communication and information, UNESCO reaffirms the importance that freedom of expression, access to information, and knowledge play in sustainable development.<sup>6</sup> With consideration given to the evolving state of media and status of journalism worldwide, UNESCO's work towards media development contributes to Goal 16 of the SDG:

*"...promoting peaceful and inclusive societies, ensuring public access to information and protecting fundamental freedoms."*<sup>7</sup>

When a society grants its people access to public information, it greatly aids in remedying many social issues; particularly, the impoverished often lack access to information. Recently, in many European Member-States, access to the internet has been treated as guaranteed right of the people much like other utilities including water, electricity, or heating. Without access to digital media, the poor are unable to participate in society fully even for simple tasks

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<sup>4</sup> Ibid., 4

<sup>5</sup> Ibid., 27

<sup>6</sup> UNESCO and Sustainable Development Goals," UNESCO, accessed December 30, 2015, <http://en.unesco.org/sdgs>

<sup>7</sup> Ibid.

such as checking email, buying products, or school homework. In conjunction, UNESCO's work promoting universal access to information supports Goal 9,

*"...which focuses on building resilient infrastructure and fostering innovation, particularly through increasing access to information and communications technology."*<sup>8</sup>

However, other issues indicate that the private media cannot fulfill their ideal role in contributing to society. A common, intractable issue is the link between official government information and media reporting. Often, both journalists and government officials depend on the other to report information from insider sources. Problematically, the government can influence what the media reports by selectively releasing insider information that is politically expedient to those seeking power. At the same time, private media conglomerates seek to maximize profit by netting exclusive, sensational stories to increase their income. Here, a symbiotic relationship is created between the government and private media to the point where it undermines journalists' role as watchdogs.<sup>9</sup> Ethics, morals, and standards affect the quality of reporting, and in privately owned, profit driven media corporations, the incentive is not to report accurate news but to earn income.

For privately owned media, themes of conflict, deviance, and fear are presented in sensational news stories, so reports on overarching social issues are often biased or ignored instead of addressing important themes.<sup>10</sup> A criticism of Western journalism is that the privately owned media abuse their privileges by spreading misinformation. Misinformation is purposefully deceptive using tactics such as selective reporting, half-truths, and outright lying in order to manipulate the public perspective on reality. Because of the close relationship between the political figures and the private media, disinformation is often reported as politicians seek to damage the opposition's reputation. A misinformed public cannot make educated decisions, so misinformation, media bias, and corruption in the media fundamentally damage democracy. It is essential to hold the media to a high standard given the limited influence it has in the perception and worldview of citizens, which essentially affects citizen's ability to properly engage in the politics of their governments.

### **Committee Directive**

Remember, UNESCO's focus is to contribute to world peace by assisting in the pursuit of education, science, and culture. The purpose of education and science is to improve the lives of people by gaining knowledge. Vital to this effort are two ideas. First, there must be a general freedom to access information publically. Secondly, there needs to be a general freedom of the press, assembly, and of expression. These ideas are so fundamental to democracy that a true liberal democracy cannot exist without significant freedoms inherently based around information. Repeatedly, academic studies illustrate a strong correlation and causation between media freedom and democracy. Strong rule of law is required to protect the private media from the public government and to prevent the private media from controlling the public government. The quality of media must be strong, and important themes in media accountability are morals, ethics, and standards of reporting information. To create a virtuous civil society, the media must be held accountable for the information they choose to broadcast. Informed decision making is critical- especially for Member-States who suffer from extreme conditions brought on by poverty, corruption, or post-conflict environments.<sup>11</sup> On media accountability, an entity is holding the media to a specific standard.

It is the hope of the dais that the delegates in UNESCO will work cohesively to find a solution that collectively benefits all parties. Be aware that, as a delegate in the United Nations, you are expected to respect the

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid., 4

<sup>10</sup> Ibid., 5

<sup>11</sup> Ibid., 26

sovereignty of other Member-States in drafting resolutions. Keep in mind that not every Member-State is working towards the same goal of media accountability. Some Member-States reject basic assumptions of democracy including freedom of information and freedom of the press. It is the task of all delegates to overcome differences while staying in the character of their respective Member-State to formulate a solution.

Generally, delegates should seek to expand the availability to Information and Communications Technology (ICT) to developing states. Delegates should also deliberate on what standards they wish to implement for media accountability and on what level (local, national, international) those standards will be applied. Who will have the authority to enforce and create those standards? Will you allow private media to police their own behavior, or will you choose to have stronger government involvement in media accountability? Account for new, emerging media platforms such as the internet and social media. How does the internet influence government policy making? How do governments treat international media platforms such as the internet or social media

## **Topic II: Protection of Intellectual Property Worldwide**

*“Innovation is the specific instrument of entrepreneurship...*

*...the act that endows resources with a new capacity to create wealth.”— Peter F. Drucker*

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### **Introduction**

The primary conflict with intellectual property is the balance between freedom and restriction. On one hand, the creator should be rewarded for their original creation, because without financial incentives, there is less of a motivation to invent new things. Morally, the inventor should also be credited for their invention and be allowed to benefit from their hard work. Conversely, exclusive rights to intellectual property may hurt or disadvantage others. For example, if somebody invents a new medicine to combat cancer but restricts its production to only one pharmaceutical corporation, then the cost of the medicine will be expensive, because there is no competition on the market to create this medicine. The moral argument here is that society should be allowed to benefit from the free flow of intellect, innovation, and technology. On intellectual property, there is a fine line to be drawn to reward innovators, but at the same time, share the benefits of that creation to society.

The World Intellectual Property Organization (WIPO) defines intellectual property (IP) as “creations of the mind such as inventions, literary and artistic works, designs, trademarks, patents, copyrights, symbols, names, and images used in commerce.” WIPO aims to secure recognition and financial benefit to innovators through international law, rather than domestic regulations alone.<sup>4</sup> Due to this close relationship with IP regulations, most resolutions regarding IP involve WIPO.

IP can come in different forms. Broadly, they come in three forms: authorship, invention, and trade. Authors may receive protection on their IP in the form of copyright, and copyright can be used to protect computer programs, literature, art, film, music, and other works along the same vein. Inventors may be granted patents for their manufactured creations such as electronics, automobiles, chemical formulas, machine parts, and more. Finally, businesses benefit from trade protection, so they can continue to compete in order to make profit. It is possible for businesses to protect their goods with trademarks and trade secrets. Trademarks are markings, names, and symbols placed upon products to indicate where they originate, and this is used to signify the quality, origin, and make of the product. For example, a wine maker may stamp their name and logo on all their bottles in order to prevent imitators from attempting to defraud consumers with fake knock offs.

In Paris 1948, the United Nations ratified a document that would become the core of human values, the Universal Declaration of Human Rights. Clause 2 of Article 27 states that “Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the

author.”<sup>12</sup> Many interpretations of this, such as those used in UNESCO resolutions, involve protection of authors from persecution, going as far as calling it the ‘right to science and culture’ clause. As time went on, other variations emerged including the implications of Intellectual Property protection by a UNESCO agency, the World Intellectual Property Organization. Founded in 1967, the World Intellectual Property Organization focused on the creation portion of the clause that placed authority of use onto a single entity, such as an author, to protect the work from plagiarism.<sup>13</sup> The World Intellectual Property Organization, or WIPO, is a self-funding UN agency that promotes protection of Intellectual Property on an international level. They protect Intellectual Property, or IP, through registration systems that classify trademarks, copyrights, patents, and more in order to encourage international trade, provide legal assistance to content creators, and sustain innovation through financial incentives.<sup>14</sup> By allowing IP creators to earn money for their intellect, they encourage the intellectual to create IP.

By protecting Intellectual Property, we deliver a promise to bright minds everywhere; we promise that their labor will not go unrecognized, we promise that their innovation will support them, and we promise that mankind will enjoy the fruits of their discoveries. Protecting Intellectual Property is not just important for the creators, but for the people they create for. With such an interconnected world, advances in one Member State quickly diffuse quickly to every other, leading to faster development worldwide and great leaps in quality of life. Protection of IP protects the sciences and the arts; it protects what allows us to live and what makes living worthwhile. Exploitation of IP Protection legislation perverts the mission behind WIPO, and by extension UNESCO, and it must be dealt with accordingly. The preamble of the UNESCO Constitution affirms that the ‘unrestricted pursuit of objective truth’ must be achieved in order to gain a ‘more perfect knowledge.’<sup>15</sup> Current protection of IP is corruptible and must be supplemented in order to continue standing by UNESCO’s constitution.

## History

Several conventions regarding IP protection have occurred, beginning with the Berne Convention in 1886.<sup>16</sup> Named after the Swiss city in which it was held, the Berne Convention was one of the first international agreements on what the mandates of copyright enabled and disabled across borders.<sup>17</sup> Initially adopted by Western European States, this document enforced unconditional copyright agreements among all signatories involved and worked to establish minimum authorship rights including the right to perform, translate, and reproduce works. It also vaguely introduced the notion of Exceptions to Copyrights, or Fair Use.<sup>18</sup> However, for all its benefits, the Berne Convention was not without its faults. As technology advanced and societies adapted, the rise of Internet Piracy made it very clear that revisions to the century old document were necessary.

December 1996 saw WIPO Member States meet in Geneva, Switzerland to create a resolution that supplemented the widely adopted Berne Convention with updated wording, digital distribution rights, and stronger piracy penalties. Today, this resolution is known as the World Copyright Treaty.<sup>19</sup> Proponents cite the World Copyright Treaty as a model for modern IP protection, while critics believe it is worded too broadly to cover the

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<sup>12</sup> “The Universal Declaration of Human Rights,” *United Nations*, Accessed December 16, 2015, <http://www.un.org/en/universal-declaration-human-rights/index.html>

<sup>13</sup> “Policy Advisory Commission: World Intellectual Property Declaration,” *World Intellectual Property Organization*, Accessed December 16, 2015, [http://www.wipo.int/about-wipo/en/pac/ip\\_declaration.htm](http://www.wipo.int/about-wipo/en/pac/ip_declaration.htm)

<sup>14</sup> “Convention Establishing the World Intellectual Property Organization,” *World Intellectual Property Organization*, Accessed December 16, 2015. [http://www.wipo.int/treaties/en/text.jsp?file\\_id=283854](http://www.wipo.int/treaties/en/text.jsp?file_id=283854)

<sup>15</sup> “UNESCO Constitution,” *United Nations Educational, Scientific, and Cultural Organization*, Accessed December 16, 2015. [http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>16</sup> “Berne Convention for the Protection of Literary and Artistic Works,” *World Intellectual Property Organization*, Accessed December 16, 2015, <http://www.wipo.int/treaties/en/ip/berne/>

<sup>17</sup> *Ibid*

<sup>18</sup> “Summary of the Berne Convention for the Protection of Literary and Artistic Works,” *World Intellectual Property Organization*, Accessed December 16, 2015, [http://www.wipo.int/treaties/en/ip/berne/summary\\_berne.html](http://www.wipo.int/treaties/en/ip/berne/summary_berne.html)

<sup>19</sup> “WIPO World Copyright Treaty (WCT),” *World Intellectual Property Organization*, Accessed December 16, 2015, <http://www.wipo.int/treaties/en/ip/wct/>

wide variety of economic systems around the world. The Electronic Free Frontier, an NGO, claims that this broad wording allows corruption of legislation to occur.<sup>20</sup> The rapidly advancing technology sector is known to be difficult for resolutions to keep up with. For example, while DVDs are protected under the World Copyright Treaty, yet Blu-ray were not protected by International Law until WIPO processed their patents in late 2015.<sup>21</sup> In December 2014, Swedish authorities raided a server hub for the popular pirating website, Pirate Bay. However, complications occurred when the persecution clauses of the World Copyright Treaty were invoked. The Pirate Bay administrators were Swedish citizens and the Member-States who were pressing charges against them for their copyrights were not Sweden; the Swedish government charged the members for domestic crimes rather than international crimes. With such an interconnected world, websites that support IP theft are able to go unprosecuted simply by moving their operations to different locations.<sup>22</sup> The lack of unilateral agreement about how to punish pirates have allowed IP to be digitally stolen with little restriction.

While copyright terminology was being updated, the European Patent Organization was scrambling to make patent registration a more user friendly experience. Since registering IP for protection varied from Member State to Member State, they were concerned that the complexity would turn away content creators and allow a piracy foothold. As such, WIPO met in Geneva during June 2000 to standardize registration processes by creating the Patent Law Treaty. The Patent Law treaty allowed for a unified streamlined electronic form for patents and trademarks across all approving Member-States.<sup>23</sup>

As a side effect of globalization, companies were trading all sorts of materials internationally, including massive quantities of Intellectual Property. Intellectual Property became critical to International Trade. The IP definitions established by WIPO needed to be translated into a business sense so that any disputes regarding IP could be fought or defended in the World Trade Organization. The World Trade Organization, or WTO, is another specialized UNESCO agency whose mission is to set the rules for global trade so that it may run efficiently.<sup>24</sup> Knowledge quickly became a top selling good and needed protections accordingly; intangible items like book plots, film contents, software code, research data, and medicine formulas are all Intellectual Property that needed international trade rules. In January 1994, the World Trade Organization came together in Uruguay in order to discuss trade protections of Intellectual Property for the first time. Together, they established the Agreement on Trade-Related Aspects of Intellectual Property Rights, also known as the TRIPS Agreement. The TRIPS Agreement required all agreeing Member States to provide extensive automatic protections to IP while bolstering statements made in the Berne Convention.<sup>25</sup> It is seen as a cornerstone to IP protection since it established standards such as the minimum copyright time, expanded Fair Use terms, and defined computer software as literary works. Today, the TRIPS Agreement is one of the most comprehensive IP protection documents in existence, serving as the backbone in the WTO itself. In order to join the WTO and have access to the International Markets it offers, all Member States must abide the TRIPS Agreement and, by extension, the Berne Convention and its supplemental World Copyright Treaty. Through this incentive, UNESCO have even encouraged Member States like China and Russia to crack down on Intellectual Property violations in order to access larger markets.<sup>26</sup>

## Problems and Impacts

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<sup>20</sup> "Unintended Consequences: Twelve Years Under the DMCA," *Electronic Frontier Foundation: Defending Your Rights in a Digital World*, Last modified March 3, 2010, <https://www.eff.org/wp/unintended-consequences-under-dmca>

<sup>21</sup> George T. Willingmyre, "Current Topics in IPR Protection in the Context of Global Standard Setting Processes," *World Intellectual Property Organization*, Accessed December 16, 2015, [http://www.wipo.int/sme/en/documents/ip\\_standards2\\_fulltext.html](http://www.wipo.int/sme/en/documents/ip_standards2_fulltext.html)

<sup>22</sup> Scott Burger, "Eradication of Secondary Infringer's Safe Havens: The Need for a Multilateral Treaty Addressing Secondary Liability in Copyright Law," 18 *Michigan State International Law Review*, Accessed December 16, 2015, <http://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1009&context=ilr>

<sup>23</sup> "Patent Law Treaty (PLT)," *World Intellectual Property Organization*, Accessed December 16, 2015, <http://www.wipo.int/treaties/en/ip/plt/>

<sup>24</sup> "Overview," *World Trade Organization*, Accessed December 16, 2015, [https://www.wto.org/english/thewto\\_e/whatis\\_e/wto\\_dg\\_stat\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/wto_dg_stat_e.htm)

<sup>25</sup> "Agreement on Trade-Related Aspects of Intellectual Property Rights," *World Trade Organization*, Accessed December 16, 2015, [https://www.wto.org/english/tratop\\_e/trips\\_e/t\\_agm0\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm)

<sup>26</sup> "Members Accepting Amendments of the TRIPS Agreement," *World Trade Organization*, Accessed December 16, 2015, [https://www.wto.org/english/tratop\\_e/trips\\_e/amendment\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/amendment_e.htm)



Controversy surrounding the TRIPS Agreement arises from concerns that it is biased towards developed States and does little to protect developing States. Another controversy often raised is how medical and pharmaceutical patents inflate the cost of medicines that treat diseases, such as Malaria and AIDS, causing States to spend more on medicines that their citizens desperately require.<sup>27</sup> As such, the World Health Organization often discusses whether or not the impact of the TRIPS Agreement is beneficial to public health or a hindrance to aid.<sup>28</sup> Concerns about the power of medical patents run deep in UNESCO from both sides of the argument. While affirming that it is necessary to promote research, some say it requires more legislation to prevent overreach. In September 2015, a pharmaceutical company in the United States of America acquired the rights to a decades old HIV and cancer drug, Daraprim, which is included on the WHO's List of essential medicines.<sup>29</sup> Within weeks the company artificially inflated the cost of the drug by over 5000%, resulting in shortages across the globe.<sup>30</sup> Both critics and supporters of Medical IP protections cite these stories as issues that need to be tackled, though their method of resolutions differ.<sup>31</sup>

In Japan, Denmark, India, and the United States of America, the TRIPS Agreement and World Copyright Treaty has gone over well with major businesses, particularly in the entertainment and research sectors. Indian, Danish, and Japanese medical research firms say that their advancements could not have been funded without strict terms for ownership of research materials.<sup>32</sup> American pharmaceutical companies cite the financial gains made from selling to hospitals as the good reason to hire researchers. However, small businesses in these Member States say enforcement of these copyrights and patents for their businesses are still too difficult. In China, Ukraine, and Brazil, implementation of IP Protection is particularly difficult and often received with resistance, with Brazil going as far to disregard any patents and copyrights on material originating from the United States of America.<sup>33</sup>

With respect to the Berne Convention, Exceptions to Copyrights must be implemented to provide protection from unjust plagiarism charges. These exceptions are often called Fair Use, a term coined by the United States of America in 1841 to allocate a balance between the public and copyright holders. Though the Berne Convention created the ability for Fair Use, it also allowed each Member State to create their own definitions for what constitutes it as well. Article 13 of the TRIPS Agreement later clarified by mentioning that works may be used to long as they "do not unreasonably prejudice the legitimate interests of the rights holder" but specific universal requirements are still nonexistent.<sup>34</sup> Due to this, a wide variety of Fair Use regulations have arisen which cause a strain on IP protection. Studies in the last decade by the WIPO and the WTO have shown that Fair Use is beneficial to economies, providing roughly 17% the GDP of the United States of America.<sup>35</sup> July 2014 saw the United Kingdom revise legislation to allow additional protection to parodies and video game Lets Plays, which are often at the crosshairs for copyright infringement cases.<sup>36</sup> While its merits are affirmed, its terms remain vague and require extensive additions.

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<sup>27</sup> "Patent Situation in HIV/AIDS-related Drugs in 80 Countries," *World Health Organization*, Last modified January, 2000, <http://www.who.int/3by5/en/patentshivdrugs.pdf>

<sup>28</sup> Ibid.

<sup>29</sup> "WHO Model Lists of Essential Medicines," *World Health Organization*, Last modified August, 2015, <http://www.who.int/medicines/publications/essentialmedicines/en/>

<sup>30</sup> Andrew Pollack, "Turing Refuses to Lower Price of Toxoplasmosis Drug," *The New York Times*, Last modified November 24, 2015, <http://www.nytimes.com/2015/11/25/business/turing-refuses-to-lower-list-price-of-toxoplasmosis-drug.html>

<sup>31</sup> Anatole Krattiger, "Promoting Access to Medical Innovation," *World Intellectual Property Organization Magazine*, Last modified September 2013, [http://www.wipo.int/wipo\\_magazine/en/2013/05/article\\_0002.html](http://www.wipo.int/wipo_magazine/en/2013/05/article_0002.html)

<sup>32</sup> Ibid.

<sup>33</sup> "Provisional Measure No. 482, of 10 February 2010," *Subchiefa of Legal Affairs*, Accessed December 16, 2015, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2010/Mpv/482.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2010/Mpv/482.htm)

<sup>34</sup> "Agreement on Trade-Related Aspects of International Property Rights," *World Trade Organization*, Accessed December 16, 2015,

<sup>35</sup> "Fair Use Economy Represents One-Sixth of U.S. GDP," *Computer and Communications Industry Association*, Last modified September 12, 2007, [https://web.archive.org/web/20080415213601/www.cciainet.org/artmanager/publish/news/First-Ever\\_Economic\\_Study\\_Calculates\\_Dollar\\_Value\\_of.shtml](https://web.archive.org/web/20080415213601/www.cciainet.org/artmanager/publish/news/First-Ever_Economic_Study_Calculates_Dollar_Value_of.shtml)

<sup>36</sup> "The Copyright and Rights in Performances (Quotation and Parody) Regulations 2014," *National Archives*, Accessed December 16, 2015, <http://www.legislation.gov.uk/uksi/2014/2356/contents/made>

It is becoming increasingly clear that the methods needed to protect Intellectual Property is as varied as Intellect itself. IP protection impacts the lives of billions each and every day, from the blaring sounds of alarm clocks to the software this document was created in, and it is the duty of this committee to work out the details surrounding them as the world delves deeper into the legal caverns. Copyright activist groups such as Business Software Alliance and International Intellectual Property Alliance view Intellectual Property protection as the guardian of innovation, while Free Knowledge groups like Creative Commons and Electronic Frontier Foundation see it as the first of rampant capitalism.<sup>37</sup> Protection of IP is known to encourage innovation, creativity, and research by providing financial incentives to institutions that fund the spread of development. However, it is also used in less favorable ways intended to persuade smaller businesses and independent content creators to bow to the whim of larger, more powerful corporations. The United States of America in particular often see cases devised by Patent Holding Companies, or Patent Trolls, that unethically extort entrepreneurs of all backgrounds to hand over money or face a bitter legal battle regarding ownership of a Patent. These Patent Trolls rarely ever utilize the patents they acquire from bankrupting firms and instead focus their entire business model on exploiting legislation intended to provide IP Protection to advance the pursuit of knowledge.<sup>38</sup> Copyright Trolls and Trademark Trolls are also a common exploiter, but are significantly less damaging.

Digital Piracy remains one of the most persistent IP issues of this century. Entertainment creators and software companies claim that it is the source of their biggest economic losses, over \$30 Billion USD and \$63 Billion USD per year respectively.<sup>39</sup> Meanwhile, Free Culture Groups believe legal restrictions upon the flow of knowledge is inherently biased towards wealthier societies. Many Scientific Research groups exist solely because IP Protection allows them the ability to profit by selling their information to fund future research projects that employ millions of scientists worldwide. This, in turn, helps discover scientific data that propels humanity forward. However, at times they can also hold humanity back. 3-D Printers were actually created in 1981, but due to patent protections, they were unable to be improved upon until the protection expired.<sup>40</sup> Once the information was free to reproduce, technology corporations hired researchers to create more efficient models that have now begun to spearhead their own engineering revolution.

In 2007, WIPO adopted a Development Agenda containing clusters of projects and goals to be evaluated for merit as the agency moves forward. This agenda contains 45 recommendations regarding what topics and discussions involving IP's should lean towards.<sup>41</sup>

### **Committee Directives**

From the introduction of Copyright protection by the Berne Convention, to the World Copyright Treaty that enabled punishment of digital piracy, to the TRIPS Agreement which has opened the world to Fair Use policies, protection of Intellectual Property has come a long way. However, coverage of IP protection is still anything but perfect; it is the mission of this committee to come together and close off loopholes that allow for pirates to continue their operations and corrupt corporations to unethically abuse the powers we grant them.

Armed with this knowledge, how can this committee supplement current documents to detail IP Protection that works with developed states, developing states, and every state in between? What unified requirements for exceptions on copyrights, or Fair Use, can be agreed upon for international deployment? How can international

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<sup>37</sup> "WIPO Intellectual Property Handbook: Policy, Law, and Use," *World Intellectual Property Organization*, Accessed December 16, 2015, <http://www.wipo.int/about-ip/en/iprm/>

<sup>38</sup> Scott Burt, "It's Time to Stand Up to Patent Trolls!," *World Intellectual Property Organization Magazine*, Last modified February 2015, [http://www.wipo.int/wipo\\_magazine/en/2015/01/article\\_0002.html](http://www.wipo.int/wipo_magazine/en/2015/01/article_0002.html)

<sup>39</sup> "Shadow Market: 2011 BSA Global Software Piracy Study," *Business Software Alliance*, Last modified May 2012, [http://globalstudy.bsa.org/2011/downloads/study\\_pdf/2011\\_BSA\\_Piracy\\_Study-InBrief.pdf](http://globalstudy.bsa.org/2011/downloads/study_pdf/2011_BSA_Piracy_Study-InBrief.pdf)

<sup>40</sup> Sahiti Uppada, "Expiry of Patents in 3D Printing Markets to Decrease Product Costs and Increase Customer Orientation," *3DPrinting.com*, Last modified September 24, 2015, <http://3dprinting.com/news/expiry-of-patents-in-3d-printing-market-to-decrease-product-costs-and-increase-consumer-orientation/>

<sup>41</sup> "Development Agenda for WIPO," *World Intellectual Property Organization*, Accessed December 16, 2015, <http://www.wipo.int/ip-development/en/agenda/>

piracy be effectively punished? What can be done to prevent exploitation of IP Protection Regulation, both *by* Patent holders and *to* Patent holders?

## **Research Directory**

### **I. Media Accountability on a Global Scale**

#### **UNESCO Medium Term Strategy (2014-2021)**

<http://unesdoc.unesco.org/images/0022/002278/227860e.pdf>

This document outlines UNESCO's measurable goals, lists established progress, and identifies key targets. Use this to understand what has been done and what needs to be done on the subject of the media freedoms in the world.

#### **Freedom of Expression and Broadcast Regulation**

<http://unesdoc.unesco.org/images/0019/001916/191623e.pdf>

A paper on the duality of liberty vs. restriction on what can be broadcast in media. There is always a struggle between freedom and control of the media, and too much of any of the two diminishes the quality of media.

#### **Freedom of Expression, Access to Information, and Empowerment of People**

<http://unesdoc.unesco.org/images/0018/001803/180312e.pdf>

This work shows how freedom of information can work through multiple dimensions to improve the lives of the people through economics, government, politics, society, and more.

#### **Media and Good Governance**

<http://unesdoc.unesco.org/images/0014/001463/146311e.pdf>

Quality of media has a direct effect on the quality of government, and this theme is explored in depth in this book.

**Press Freedom and Development**

<http://unesdoc.unesco.org/images/0016/001618/161825e.pdf>

Since press freedom is extremely important, this book examines how media can influence poverty, development, and governance. In addition, the idea of sustainable development is only possible with high-quality journalism.

**Brave New Worlds (International Press Institute)**

[http://www.freemedia.at/fileadmin/resources/application/Brave\\_News\\_World\\_IPI\\_Poynter.pdf](http://www.freemedia.at/fileadmin/resources/application/Brave_News_World_IPI_Poynter.pdf)

This publication is from the IPI, a non-governmental organization, that acts as a watchdog monitoring the state of media, journalism, ethics, and accountability worldwide. This report is an analysis on the state of media's future.

**The New Media: The Press Freedom Dimension**

<http://www.wpfc.org/sites/default/files/NewMediaConf.pdf>

Co-Sponsored by UNESCO at the World Press Freedom Committee (a non-governmental organization), this document summarizes the discussions on various topics relating to media accountability.

## II. Protection of Intellectual Property Worldwide

**UN Universal Declaration of Human Rights**

<http://www.un.org/en/universal-declaration-human-rights/index.html>

The United Nations Universal Declaration of Human Rights, essential to any MUN delegate.

**UNESCO Constitution**

[http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

UNESCO Constitution, comprising everything this committee stands for.

**WIPO Database**

<http://www.wipo.int/reference/en/>

World's largest copyrighted database about copyrights

**Berne Convention**

<http://www.wipo.int/treaties/en/ip/berne/>

The Berne Convention that began the international scramble to protect Intellectual Property

**World Copyright Treaty**

<http://www.wipo.int/treaties/en/ip/wct/>

The international treaty that brought Intellectual Property into the digital age.

**The TRIPS Agreement**

[https://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm)

One of the most comprehensive international trade agreement ever devised.

**IP Conventions**

<http://www.wipo.int/treaties/en/>

Various Conventions of the past regarding Intellectual Property.

**How IP Disputes are handled in WIPO**

<http://www.wipo.int/services/en/index.html#disputes>

**WIPO Development Agenda**

<http://www.wipo.int/ip-development/en/agenda/>

Checklist for what should be remedied as WIPO moves forward.