



**WIPO**

**World Intellectual Property  
Organization**

President: Ana Paula Castillo Pineda

Moderator: Diego André Díaz Ruíz

Conference Officer: Pedro Villalpando Caamal



"Knowledge is power. Information is liberating.  
Education is the premise of progress."  
- Kofi Annan

Esteemed delegates,

It is an honor and a privilege to extend the warmest welcome to TOLMUN 2023. On behalf of Tecnológico de Monterrey and the Organizing Committee, we greet you and express our gratitude for being a part of our Model United Nations 2023.

TOLMUN has always been a unique opportunity for you, the leaders of tomorrow, to explore and address the most important and compelling global challenges of our time. Over the next few days, you will have the chance to represent different nations and play a crucial role in seeking solutions to complex international problems, harnessing the power of research and debate.

There is no doubt that the most significant aspect of a model is all of you, the delegates. Your enthusiasm for participation fosters a diplomatic and competitive environment. The best delegates are those who are committed to their goals, who advocate for their positions, and, above all, those who drive forward the ideas that will contribute to building a better world. We understand that debating and defending a position can be demanding, but your effort and willingness to do so make a difference.

The primary objective is for you to enrich yourselves with an experience that broadens your perspective on the world we live in. As delegates, you will develop diplomatic skills, make connections, and foster that much-needed spirit of global awareness in today's world. This experience will shape you as individuals and contribute to your academic and, more importantly, personal development. Although the challenges, stress, and debates may be demanding, we assure you that in the end, it will all be rewarding.

Never cease to participate, debate, listen, and, above all, learn.

On behalf of the entire organizing committee, thank you very much for your valuable participation in TOLMUN 2023. Good luck, delegates, and we wish you great success.

Sincerely,

**Juan Pablo Sánchez Saldívar**  
Secretario General

**Valeria Tapia Morales**  
Subsecretaria General



## WELCOME LETTER FROM THE CHAIR

Delegates, welcome to this TOLMUN 2023 model debate, specifically to the World Intellectual Property Organization. We are honored to share this time with you. We want you to give strength and impact to your words in this forum, being aware of the power and influence they carry. On this occasion, we are pleased to encourage you to take this as a model that goes beyond a simulation, since here we will talk about topics of outstanding relevance in today's society.

Let us remember that this is a model where we have the opportunity to meet and expose our different positions on issues of great importance to global development.

Delegates, this is an excellent opportunity to inform ourselves, to learn and most importantly, to make a significant change for all of us who feel powerless, helpless, dissatisfied and desperate with everything that is happening around us. We are gathered here with the mission to create solutions, to procure the respect of human rights, to raise awareness and show a pinch of solidarity and empathy in each one of the people present here. We urge all our delegates to participate actively with respect and tolerance.

Please do not let this be the only space to share our ideas and actions. Let us be the agents of change that our world needs. We hope that this model of the United Nations will strengthen your potential and desire to make a positive impact. We also invite you to reflect on the importance of the issues discussed here and to motivate others so that together we can make the world a better place to live.

We would like to thank you for having the initiative to be part of this event and be the new heroes of tomorrow. We wish you success in each of your participation.

Enjoy this debate and remember that real change starts with small actions.

Cordially,

President: Ana Paula Castillo  
Moderator: Diego André Díaz  
Conference Officer: Pedro Villalpando



## ABOUT THE COMMITTEE

The WIPO was established in 1883, as an answer for the need for international protection of Intellectual Property. The Paris Convention for the Protection of Industrial Property was born, as foreign investors were afraid of having their products stolen and commercialized in other countries. Then, in 1886, following the movement of Victor Hugo 's Association Littéraire et Artistique Internationale, the Bern Convention for the Protection of Literary and Artistic Works was agreed. Later in 1893, both of them combined to form the United International Bureaux for the Protection of Intellectual Property – best known by its French acronym, BIRPI, which is WIPO's immediate predecessor.

The World Intellectual Property Organization convention was signed in 1967 in Stockholm, coming into force in 1970 thus causing BIRPI to become WIPO, becoming part of the UN in 1974.

With 193 member states, WIPO determines the direction, budget and activities of the organization through decision making bodies. Member states and observers meet regularly in various WIPO committees, facing the challenge of negotiating the changes and new rules to ensure that the International IP system keeps up with the new world.

The Patent Cooperation Treaty is one of WIPO's biggest achievements. It is an international treaty that allows one to seek patent protection for an invention simultaneously in a large number of countries, without the need of filling several separate national or regional patent applications, filling one international instead.

Some other achievements of the World International Property Organization are the Arbitration and Mediation Center, which was established in 1994. This Center offers alternative dispute resolution services to help solve international commercial disputes between private parties. In 2007 the WIPO adopted the development agenda with the aim of ensuring that development issues are taken into consideration throughout the Organization's work.

Until the present day, the members of the committee are working towards the agenda to help governments, businesses and society realize the benefits of IP. Their mission is to lead the development of a balanced and effective international IP system that enables innovation and creativity for the benefit of all.



## References:

- World International Property Organization. WIPO: A brief history. (2023). Retrieved August 22, 2023, from wipo.int website: <https://www.wipo.int/about-wipo/en/history.html>



## **TOPIC A:**

### **Regulation of copyright on works derived from artificial intelligence.**

During the past few decades, the world has gone through a technological revolution that has led to many changes. Artificial intelligence combines computer science and robust datasets, to enable problem-solving. Many countries around the world have implemented AI on their platforms in order to find easy alternatives to solve issues that concern international development of each nation. As the time passes, things are becoming more complex as the use of artificial intelligence becomes more widespread, and as the machines get better at producing creative works, further blurring the distinction between work that is made by a human and that made by a computer.

The issue involves the regulation of copyright for works derived from AI. In this context, the question arises as to who should be considered the legitimate author of a work created by AI, also who would hold the intellectual property rights over it. As artificial intelligence becomes more sophisticated and capable of generating original content, such as music, art, literature, and other types of creations, there is uncertainty about whether AI should be recognized as a creator and rights holder, or if the rights should remain with the humans who designed and trained the AI.

This issue poses both legal and ethical challenges. Legally, copyrights often attribute ownership to human authors, which may not be machine-generated creations. Additionally identifying authorship of AI-generated works can be complex, as these creations are often based on algorithms and diverse data sets.

The creation of works using artificial intelligence could have very important implications for copyright law. Usually, the ownership of copyright in computer-generated works was not in question because the program was merely a tool that supported the creative process, very much like a pen and paper. Creative works qualify for copyright protection if they are original, with most definitions of originality requiring a human author.

Until the present day, the laws of many countries are not amenable to non-human copyright. Most jurisdictions, including Spain and Germany, state that only works created by a human can be protected by copyright. Another great example is the United States, where the Copyright Office has declared that it will “register an original work of authorship, provided that the work was created by a human being (Copyrightable Authorship, 2021).



From an ethical perspective, the debate arises regarding fairness and appropriate compensation. If AI-generated works are commercialized and generate income, how would that income be distributed among human creators, AI owners, and potentially other participants in the process? The question also arises as to whether attributing authorship to AI could degree the value and recognition of human creating work.

In virtue of the past arguments, the regulation of copyright for works derived from artificial intelligence raises legal and ethical questions about the definition of authorship, the allocation of rights, and fair compensation in an increasingly automated and technological environment.

Some things that the WIPO has been implementing are international dialogue in which they talk with experts on international forums to address issues related to intellectual property in the context of artificial intelligence, also they have update international agreements related to copyright and intellectual property, all this could be adapted to address the implication of artificial intelligence on creation and protection of works.

### **Key questions:**

1. What is the position of your delegation regarding the use of artificial intelligence?
2. How is your delegation being affected by Intellectual Property and Artificial Intelligence?
3. How is your delegation participating in the regulation of copyright derived from Artificial Intelligence?
4. Can works generated by artificial intelligence be protected in your delegation?
5. Which solution would your delegation propose to solve the problem that arises from the use of Artificial Intelligence?

### **References**

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## Topic B:

### **Appropriation of traditional cultural expressions in the fashion industry.**

Cultural appropriation can be defined as the act by a member of a dominant culture of taking a traditional cultural expression and repurposing it in a different context, without authorization, acknowledgement or compensation, in a way that causes harm to the traditional cultural expression holders (WIPO magazine, 2019).

Fashion designers sometimes take traditional cultural expressions and reuse them out of context in ways that disregard or misinterpret their cultural significance and thereby cause great harm to the holders of these expressions. With new trends quickly trickling down from high-fashion to fast-fashion, designers tend to embrace a multicultural vision and resort to exploring an increasingly diverse range of cultural influences to come up with a stream of fresh and novel styles. Unfortunately, this can have drastic cultural, social and economic consequences.

The Indigenous groups who wear traditional clothing do so because it is part of their identity and has more value than being merely decorative or useful. Furthermore, for many Indigenous people and local communities, making traditional clothes is a source of income; as such, cultural appropriation can wield a significant economic blow, undercutting the ability of communities to earn a living by displacing the sale of authentic products.

On the other hand, many other countries around the world discuss that not all forms of cultural borrowing are undesirable since they are in some way a source of inspiration for fellow artists and designers. Some delegations agree that people working in the fashion industry have a right of freedom and free expression. Therefore, a diversity of cultural influences is what makes fashion evolve and thrive, and a respectful interpretation of the world's cultures can allow all cultures to mutually enrich themselves and bring about genuine benefits to society.

Unfortunately, cultural appropriation is not universally defined by law. As a consequence, taking inspiration from indigenous communities can slip into harmful appropriation. Cultural expressions are extremely related to the intellectual property system. The WIPO document *The Protection of Traditional Cultural Expressions: Updated Draft Gap Analysis* offers a detailed examination of the shortcomings of IP law, particularly copyright, in effectively preventing the appropriation of traditional cultural expressions.



However, putting an end to cultural appropriation in fashion therefore requires a thorough examination of how IP law can be improved to better respond to the needs of the holders of traditional cultural expressions in terms of how their culture is represented by fashion designers. According to the *Article 31 of the United Nations Declaration on the Rights of Indigenous Peoples*, the international IP landscape could be changed to give Indigenous peoples the legal tools to effectively regulate their traditional cultural expressions. A balanced and effective international legal tool to offer intellectual property protection for traditional cultural expressions is now being negotiated by the WIPO IGC (United Nations, 2007).

### Key questions:

1. Are indigenous groups in your delegation being harmed by cultural appropriation? If so, how are their cultural expressions being protected?
2. How can your delegation improve the law system in order to find solutions that concern issues?
3. What role is the IP system holding in your delegation?
4. Which actions has your delegation taken in the past concerning this topic and what actions are being taken right now?

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## CONTACT

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NOTE: Delegates must send their position paper to this contact.

Deadline for revision: September 29th.

Deadline to accomplish the requirements: Before the first session on October 5th.