VENEZUELA-COUNTRY REPORT

by

Mrs. Raizabel Méndez,
Technical Coordinator, Post-graduate Program on Intellectual Property,
Faculty of Legal and Political Science,
University of Los Andés, Mérida*

Introduction

Graduate teaching in Intellectual Property in Latin American universities is recent. Studies leading to specialist or Master's degrees in the area are concentrated in Venezuela, Colombia, and Peru. Without a doubt, the development of qualified human resources knowledgeable about the protection of intellectual rights—basic for stimulating, promoting and administrating this continent's technological development processes and for carrying out international obligations derived from the different subregional, regional and world integration agreements—has been enriched with the opening of the master's degree at the Universidad de La Habana.

Programs at the Universidad de Buenos Aires and the different courses and special programs found in different master's programs in Economic Law, Competitive Law and other related areas have in particular contributed to this scenario. In the same way, the Diploma in Rights of Authors and Neighboring Rights for university professors in Latin America at the Venezuelan Universidad de Los Andes have planted an important seed in educators to accommodate the increasing demand in courses, seminars and programs at the undergraduate and graduate levels in Latin America.

1. A Brief Description of the Origin and Function of Intellectual Property Studies (IPS).

At the beginning of 1995, the Universidad de Los Andes, Faculty of Legal and Political Sciences, opened a specialization program in Intellectual Property (IPS). This was the first experience of this type in Latin America. The program's objective was to

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* This document was prepared by Raiza Andrade, Director of the Graduate Program in Intellectual Property, Faculty of Legal and Political Sciences, Universidad de Los Andes, Mérida, Venezuela and Raizabel Méndez, Technical Coordinator of the Intellectual Property Consulting and Project Unit of the Graduate Program in Intellectual Property for International Conference on Intellectual Property Education and Training.

gain better knowledge of intellectual property problems stemming from the growing complexity of world wide integrating processes.

Given that the program has produced specialists who have worked in different intellectual property offices in the region, this graduate program, of multidisciplinary and interdisciplinary character, has had a great impact at the national and Latin American level.

The graduate program is modular. Its curriculum design is directed toward excellence under the concept of flexibility in academic programming. Since beginning in 1995, the program content has not remained the same for any of the six cohorts. In accordance with the institution's annual evaluation and the emergence of new needs in an area which moves at the speed of the changes operating within the framework of globalization and technological development, the Specialization incorporates and unincorporates programming content according to these demands.

The professorial staff is international and highly qualified with most students coming from Venezuela. Students, however, from countries such as Bolivia, Cuba, Peru, Ecuador and Colombia count on the possibility of graduates studies in Intellectual Property with scholarships from the World Intellectual Property Organization (WIPO).

Since its founding, IPS has carried out productive work in pursuit of its mission. That is, IPS is oriented towards specializing professional from diverse disciplines and countries in different areas of Intellectual Property, capable of carrying out high level of technical and legal work in government organizations in the private and public sector or in professional freelancing or consulting.

From the first cohort of 26 students, 76% graduated, 60% with Honorable Mention and or Publication Honors for their final work. From the 1996 class of 25 students, 67% have already graduated and more than 50% with Honorable Mention and Publication Honors. The third cohort of 16 students is currently in the process of discussing their respective thesis. It is worth mentioning that more than 50% have presented their thesis projects and have had it approved.

Up to 2001, more than 97 students have attended regular course work in the Specialization.

The selection process is by credentials and the passing of a required leveling pregraduate course before beginning normal yearly activities.

The graduate program has two funding sources. One is from the regular Universidad de Los Andes budget for graduate programs. The other is from interests

from a trust administered by the Gran Mariscal de Ayacucho Foundation. This money has allowed for strengthening the programs infrastructure, its own large building which is independent from the physical university infrastructure and a specialized library with approximately 900 volumes.

2. Intellectual Property Studies Links

Many institutions and organizations maintain relations with IPS. In the first place, IPS receives support from the World Intellectual Property Organization (WIPO) with respect to scholarships, the Ministry of Production and Commerce, the Independent Intellectual Property Service (IIPS) and the National Council for Science and Technology Research (Conicit). In addition, it is part of a Spanish American network (RAMLEDA), UNITWIN/UNESCO Program. At the same time, it works with such organizations as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Interamerican Institute for Author Rights (IIDA), the Regional Center for Developing the Latin American Book (CERLALC), the Secretary for Central American Economic Integration and the Organization of American States (OAS) among others.

Recently it has become part of the Alfa Network for Intellectual Property whose coordinating office is the Industrial Rights Institute at the Universidad de Santiago de Compostela.

Links with governments and regional Andean offices, interaction with consulting activities, and its future projection as the main node in an international network, the College of the Americas (OLAM), the Interamercian Network in Intellectual Property, all represent an interesting vision for creating graduate programs which are flexible, modern and oriented towards satisfying the need to develop qualified human resources within the framework of globalization.

With respect to related material, IPS' most important program is the International Diploma in Rights of Authors and Neighboring Rights for Latin American university professors.

This diploma is co-managed with the International Institute for Author Rights (IIDA) under the academic coordination of Dr. Ricardo Antequera Parilli and IPS coordination. It is sponsored by WIPO, SIECA, CERLALC, and the OAS. IPS has received in its first two callings for students, a total of 27 international students from all the Latin American countries. As a result, 30 courses have been opened for undergraduates and graduates in Costa Rica, Peru, Argentina, Uruguay, Ecuador, Chile, Cuba, Panama, El Salvador, Guatemala, Nicaragua, Brazil and Venezuela.

3. The Model of Management and Organization, Research and Extension

The organizational model is flexible and is based on a non hierarchical relation, in the design of functions and tasks by objectives. It operates under a learning organizational concept with high employee and worker participation and coordination in the management of its respective areas whether they are academic or administrative.

The high sensitivity of the area in relation to economic, scientific and technological dynamics of change promoted in the context of globalization, puts forth the need to tighten relations between teaching, research and consulting, technical assistance and dissemination activities.

Accordingly in 1996, with a philosophical organization and future vision, the Intellectual Property Consulting and Projects Unit (Un©oPPi) with a dual objective was born. On the one hand, it was designed to give proactive consulting as well as professional experience to a group selected on the basis of excellence from students of different cohorts in the graduate program of Intellectual Property, who concluded their academic development within the framework of the specialization. On the other hand, it would initiate them in the development of specific research in addition to concluding their graduate work.

Un©oPPi is an important seed the Intellectual Property Graduate Program has planted. It will permit permanent contrasting with the outside area related to the protection of intellectual rights. This point of reference guarantees the betterment of our educational service and a continual revision of our curriculum to better the academic program and to adapt it to the true needs of the sector. It constitutes a true laboratory to test the quality of our graduates. It is a seedling for high quality human resources that, as has been shown, is distributed world wide in private, governmental, national and international offices related to Intellectual Property. It is a thematic source for research projects and graduate works. As such, it is a space for generating ideas and financial and human resources to put forth the pioneer work in our continent in the Intellectual Property Specialization (IPS), one of the paradigmatic programs in the Faculty of Legal and Political Sciences at the Universidad de Los Andes.

To date, its first book "*Temas Marcarios*" has been published and constitutes the academic product of developed doctrinal experience by a team of consultants/researchers. In the two years, more than 1,500 projects of Hierarchy Resource have been put before the Ministry of Industry and Commerce in Venezuela (Today's Ministry of Production and Commerce). This multidisciplinary team made up of professors, students and graduates of the program is a unique experience in this country and Latin America.

At present, this group constitutes a research team which puts forth projects related to the analysis of the Decision 486 of the Andean Community Commission, the Compiling and Analysis of Andean Justice Court Jurisprudence, Industrial Penal Law and other related studies.

Extension activity is continual. A group of consultants has given conferences in technological institutes, colleges and university schools in Venezuela. At present, they are working on an agreement to give service in the area of intellectual rights to small and medium-size industries in Merida State, Venezuela.

4. A Philosophy of the Future

Throughout the centuries, universities have been occupied and preoccupied with developing professionals that society needs through the development of scientific and technical research and the diffusion processes of culture. The university is a critical and neutral place that can and should be found at the forefront of moral and intellectual solidarity because the demands of new times are crucial and no longer postponeable. They are also the natural source from which human resources spring that will dynamize the economic and social system framed by the growing globalization of world economies. Given internationalization, universities are globalized and should modify their interactive mechanisms with the social, economic, and political reality that contains it. They should make themselves multiple and diverse. They should learn to unlearn to introduce changes that permit carrying out their mission of critical consciousness.

The university itself constitutes a strategic value to face the deep transformation that this paradigmatic transitional time demands. It must "turn to oneself" to assimilate the need for change and identify the new spaces of action. It must demand the holistic encounter of these two polarities represented by the universal character of knowledge and the particular needs of the country, the region or the same discipline.

Educational systems should be sufficiently flexible to adapt to these changes and maintain programs and activities for development, information, updating, and permanent student, teacher and researcher practice on a continuing basis for those who shape and for university professionals and consulting and technical assistance to understand and learn about the needs of the surroundings. This way they respond efficiently and timely and oriented towards solving general and specific problems. In this complex process, preparing qualified human resources to defend intellectual rights that the process itself generates is imperative.

The Universidad de Los Andes, conscious of this reality, has begun to rethink itself in order to face the new millennium with adequate structures that will permit responding

to society's demands where knowledge has fallen on the fundamental motor of development. This way it will find itself capable of carrying out the two directions contemplated in its mission: the search for truth and obtaining answers to solve social problems. As an educational institution it is obliged to transform itself into a germinator of ideas, of innovations that are bent towards bettering the quality of life of the population and that impacts the areas of production, of managing the services, in addition to responding to the preservation of intellectual right of authors of products, processes and innovating services that it generates. It is obligated to promote differences, the relaxation and creative thought as its true reason for being.

At the university, autonomy, creativity, and innovation converge in the context of a new turbulent era that follow the paradigmatic transition processes. This situation demands the development of at least three fundamental areas: the linking of the university and its surroundings, the quality of teaching and of research with its subsequent guarantee of protection of intellectual rights of the same institution and of the members that constitute its community more than the creation of strategic units to face the new university management that looks towards the twenty-first century.

Just as Federico Mayor points out, the university of the new century should be open and dynamic to participate in the architecture of the future and as such, learn to do, to live together, to learn, to unlearn, to be and to dare.

The graduate program in Intellectual Property (IPS) and the Intellectual Property Consulting and Projects Unit constitute two important steps toward carrying out some of these goals.