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Multilateral Institutions and the Recontextualization of Political Marketing:

**How the World Intellectual Property Organization's Outreach
Efforts Reflect Changing Audiences**

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MSc in Global Media and Communications

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Multilateral Institutions and the Recontextualization of Political Marketing:

How the World Intellectual Property Organization's Outreach Efforts Reflect Changing Audiences

Sandra Bangasser

ABSTRACT

The World Intellectual Property Organization (WIPO) is a specialized United Nations agency that focuses on the arbitration of intellectual property rights at an international level. In addition to member states, which are WIPO's primary audience, observer organizations consisting of a variety of non-profit organizations also participate in WIPO deliberations in order to reflect a variety of viewpoints on intellectual property rights issues. Because of digital media, debates on the appropriate balance between the use of copyright to incentivize innovation and the ability to access information have galvanized attention on issue of copyright and on WIPO. This has led to changes in the makeup WIPO's audiences, in which a greater number of civil society organizations attend and participate at WIPO meetings. Changes in WIPO outreach efforts reflect the influence of this increase in public attention on WIPO and copyright in that WIPO's image has shifted from that of a technical organization to that of a political entity. By comparing interviews with WIPO personnel and a range of observer organizations, this study will analyze the question of how WIPO marketing efforts relate to changes in the makeup of its audiences. Through the recontextualization of political marketing theory, this study argues that WIPO's marketing efforts demonstrate a move from a propaganda model towards a political marketing model in response to changing audiences and increased public attention. Despite this shift, WIPO marketing efforts face challenges in targeting and segmentation, and in market competition stemming from competing products and brands in the polity of multilateral institutions and international law.

1. INTRODUCTION

The World Intellectual Property Organization (WIPO) was established in 1967 as a specialized agency of the United Nations to arbitrate intellectual property rights issues (WIPO About, n.d.). The Berne Convention for the Protection of Literary and Artistic Works of 1886 and the Paris Convention for the Protection of Industrial Property of 1883 are the foundation for WIPO's mandate as a multilateral institution that promotes intellectual property rights (Matthews, 2002, p. 10). Additionally, WIPO provides fees-based technical assistance on intellectual property issues for member states. Currently, there are 184 member states, which are the primary audience of WIPO (WIPO About, n.d.). In addition to member states, observer organizations consisting of non-profit organizations (NGOs) are permitted to attend and speak at meetings. These NGOs range from industry groups, to civil society organizations to telecommunications organizations.

According to Mansell and Steinmueller (2000, p. 312), WIPO's agenda has been reflective of an international regulatory trajectory toward increasingly strong intellectual property rights. Since the 1970s, industry groups have been vocal at WIPO about issues like the increase in piracy of copyrighted material, and developed countries have attempted to strengthen intellectual property conventions to combat piracy and counterfeiting (Matthews, 2002, p. 11). The 1994 WTO-sponsored TRIPS agreement, and the 1996 WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) have attracted criticism for putting developing countries in a difficult position by standardizing intellectual property protection measures without adequately addressing the economic and technical differences between developed and developing countries (Correa, 2000, p. 5). In these accords, nations are permitted to adopt stronger protectionist rules, however they are not permitted to adopt rules below the norms set by the treaty (Samuelson, 2003b, p. 1). Because these agreements have been reflective of strong copyright interests of industry groups and developed countries, WIPO has attracted criticism for its role in enabling a maximalist approach to international copyright norm-setting.

Copyright protects the expression of an idea by allowing rights holders to maintain rights over works for a period of time (Lessig, 2006, pp. 171-183). The question of how to balance the ability to access information with the incentivization for creative works and innovations has always been central in establishing and revising intellectual property rights norms (Lessig, 2004, p. 266). Digital media have changed the information production and

distribution landscape, which has galvanized this copyright debate and attracted new interest groups, while threatening others. Vaidhyathan (2005, p. 123) argues that digital media have "exponentially expanded the power of individuals to master their own media spaces and manipulate texts and images in ways that seem to signal an age of 'semiotic democracy.'" At the same time, losses are being felt in industries whose traditional business models center on monetization through copying and distributing media such as the recording or newspaper industries (Shirky, 2008).

Debates about copyright and balance have become influential in changing the makeup of a significant part of WIPO's audience: observer organizations. An increasing number of civil society organizations have focused their attention on WIPO. Civil society can be defined as a "non-state and non-business sector and is typically formed by non-governmental and non-profit initiatives" (Hintz, 2005, p. 244). Until around 2001, alternative points of view, for example from civil society organizations, were absent at WIPO or were badly outnumbered by other influential industry stakeholders (Matthews, 2006). According to Boyle (2004, p. 9), the participation of civil society organizations at WIPO is critical because, "When intellectual property implicates everything from access to essential medicines and free speech to education and online privacy, it cannot be made according to the assumptions of a narrow coterie of lawyers and industry groups." Many civil society groups do not argue against the concept of copyright, but for the protection of access to information from unnecessarily strong copyright (Kapczynski, 2008).

Political marketing theory is often associated with electoral processes in democratic polities, however in this study, a political marketing framework will be used to recontextualize the role of WIPO as a political entity in a competitive political arena, with multiple audiences and markets for its product. The WIPO Outreach Department and the Small and Medium Enterprises Department were established between 1999 and 2001 to improve promotional efforts ranging from the dissemination of educational materials, to news about WIPO events, to promoting the annual World Intellectual Property Day, which was also started in 2001. Through empirical research consisting of interviews with WIPO personnel and observer organizations, political marketing theory will be used to analyze how changes in WIPO's audiences relate to WIPO's marketing strategy. This study focuses on political marketing and WIPO outreach efforts, however the themes addressed in this study touch upon broader ideas of the continued relevancy and efficacy of WIPO as a multilateral institution in an increasingly interconnected world. In this study, I argue that WIPO as a

political actor, has been affected by the increase in attention on copyright issues, specifically in the increased participation of civil society organizations. WIPO has been forced to respond to audiences through marketing and outreach efforts, but still faces challenges in targeting and segmentation, and market competition in the form of not only competing products but also competing plurilateral fora.

2. LITERATURE REVIEW

THEORETICAL OVERVIEW

Defining Political Marketing

The concept of political marketing will be used to analyze how WIPO promotes awareness of copyright and other intellectual property issues to audiences, and how audiences view this outreach strategy. Political marketing theory is a cross-disciplinary concept combining political science and marketing, which stems from the use of economic framework to analyze politics by economists like Downs and Schumpeter (Mayhew, 1997, p. 67). Political marketing theory is frequently used in the context of electoral politics. Political marketing differs from commercial marketing in the goal of gaining political ground, for example through winning an election, versus gaining in profitability (Newman & Perloff, 2004, p. 19). Newman (1999, p. xiii) defines political marketing as, "The analysis, development, execution, and management of strategic campaigns by candidates, political parties, governments, lobbyists and interest groups that seek to drive public opinion, advance their own ideologies, win elections, and pass legislation and referenda in response to the needs and wants of selected people and groups in a society." Other theoretical approaches related to the study of audiences like media effects or behavioral research are also means to evaluate media impact however, these approaches will not be addressed here (Hall, 1980; Street, 2005, p. 19).

In this study, the theory of political marketing will be recontextualized to analyze WIPO as multilateral institution and political actor that operates in a political arena. In political marketing, actors can include not only politicians and political parties, but also non-party actors like public organizations, pressure groups, and even terrorist organizations (McNair, 1995, pp. 7-10). Newman's definition encompasses a range of actors like lobbyists and interest groups, and a range of activities for example advancing an ideology or referenda, which relate to WIPO as part of a polity outside the electoral paradigm. In this study, political marketing will be summarized as how political actors, interest groups, and stakeholders seek to reflect their own ideologies and drive the opinions of audiences, in order to direct policy agendas and establish norms.

In analyzing WIPO's outreach strategy in the context of political marketing, it is necessary to analyze the qualities that signify a political actor. Swanson and Mancini (1999) argue that in contemporary democracies an increasing number of groups attempt to participate and compete for social capital and resources. They describe this effect as a version of Dahl's view of 'polyarchy' in which various groups that were not necessarily key political actors, like interest groups, conglomerates, and media organizations, compete with each other and with other political entities like political parties (Swanson & Mancini, 1999, p. 9). Graber's case study of the United States Internal Revenue Service (IRS) is an example of a political actor, outside the rubric of politicians and parties. In this scenario, the IRS Commissioner testified before Congress, stating that the public's perception of the efficiency of the IRS is a crucial element in maintaining voluntary compliance (Kaufman 1981, quoted in Graber, 1992, p. 240). The IRS is not an entity that directly relates to elections campaigns; U.S. citizens would have to pay taxes to the IRS regardless of what the public thinks about the agency. However, in focusing on public perception, this demonstrates concern with image, reputation and audience opinion that influence the agency's efficacy. Thus the definition of a political actor can be applied to a broad spectrum of political entities.

The Product

A 'product' in the context of marketing, can be defined as goods, services, information or ideas (Kotler, 2003, p. 407). The four P's – product, pricing, promotion and place – also apply to political marketing, however political marketing is different from commercial marketing not only in its political context but also because the product can be intangible, such as ideas, values or reputation (Lees-Marshment, 2003, p. 90; Street, 2003, p. 87). Issues like beliefs, emotions and conflict, are distinguishing elements that are also part of politics but not necessarily part of the commercial sector (Kotler & Kotler, 1999, p. 6). According to Schumpeter, a politician "seeks power by 'selling' the public a product that it wants" (Corner & Pels, 2003, p. 87). The product in the context of political marketing can also be the behavior and reputation based on leadership, membership, staff, activities, and symbols such as logos, of the political actor (Lees-Marshment & Lilleker, 2001, p. 5). Reputation can also be described as the product or 'substance' which is promoted, and upon which sales of services depend (Scammell, 1999, p. 727).

When the product is not an object but a concept, influencing the audience's perception of that idea is important in establishing product credibility and desirability through

not only image and reputation, but also through value definition (Lees-Marshment & Lilleker, 2005, p. 401). Butler and Collins (1999) emphasize creating product value for consumers by defining, developing and delivering values through political marketing in order to appeal to target audiences like voters. They divide political marketing theory into 'structural characteristics,' and 'process characteristics' (Butler & Collins, 1999, pp. 56-71). Structural characteristics include the organization, the product and the market. Organization characteristics relate to the resource base, possible negative perceptions of marketing, and the use of volunteers. The product refers to the person, party or ideology, and the loyalty and mutability of a product. The market refers to the electorate or audience, as well as to regulations, the social and ideological affirmation of voting, and counterconsumers who vote to prevent a candidate from winning. Process characteristics include value defining, developing and delivering. Value defining emphasizes how organizations establish core values, leaders and candidates. Value developing relates to how values are communicated, and the use of audience feedback through the use of polls for example. Value delivering reflects how politicians or parties deliver their purported values to audiences (Butler & Collins, 1999). This model emphasizes how product value is established in an electoral polity, where value is "the reason to buy" a product (Butler & Collins, 1999, p. 57). In this study, the structural characteristics are particularly relevant in defining how WIPO's outreach efforts relate to political marketing.

Propaganda Versus Political Marketing

There is some confluence between the concepts of propaganda and political marketing. It is important to address the concept of propaganda in order to analyze the extent to which WIPO, outreach efforts fit within the paradigm of political marketing. According to Street (2001, p. 110), there is much disagreement and confusion about the differences between propaganda and political marketing. Lasswell defines propaganda as, "The management of collective attitudes by the manipulation of significant symbols," and that "such significant symbols are paraphernalia employed in expressing the attitudes and they are also capable of being employed to reaffirm or redefine attitudes" (1927, quoted in Graham, 2005, p. 4). Some theorists argue that propaganda is similar to political marketing (Rose 1967, quoted in Scammell, 1995, p. 5), or that political marketing is not a distinct concept but an amalgam of marketing and propaganda (O'Shaughnessy, 1999, p. 735). O'Shaughnessy (1999, p. 725) for example, argues that propaganda is more apt in describing political communication than political marketing in that consumerism and politics

share only 'superficial' similarities. Street (2001, p. 110) argues against the negative connotation of propaganda as being manipulative in that propaganda can be viewed as a legitimate state activity. For example, public service announcements about health and safety issues, like wearing a seatbelt or warnings against the risks of drugs can be considered state propaganda. To Street (2001, p. 110), "This type of propaganda is legitimate in a way that promoting the party political interest of those who manage it is not." Thus, the perceived intent behind a campaign can connote propaganda.

Despite the claims of confluence between propaganda and political marketing, propaganda differs from political marketing in its didactic style, unidirectional flow of information and inability to conform to public opinion (O'Shaughnessy, 1999, pp. 726-8). Political marketing also differs from propaganda by focusing on the consumer. According to Scammell (1995, p. 9), unlike the role of the product in political marketing, in propaganda the product is 'sacrosanct' and not consumer-oriented, and public opinion is in turn malleable to that product. Thus, the role of the audience in informing a campaign is an essential element in delineating political marketing from propaganda in that a successful marketing campaign may push a product like an ideology, but is at the same time responsive to audience opinion.

The Market: Political Marketing Audiences

In applying a political marketing framework outside an electoral paradigm, it is necessary to define the political marketing audiences in order to analyze how WIPO directs its promotional materials. The definition of marketing by the Chartered Institute of Marketing emphasizes the centrality of the customer in that marketing is "the management process responsible for identifying, anticipating and satisfying customer requirements profitably" (Chartered Institute of Marketing, n.d.). According to Blumler and Gurevich (2005, p. 109), audiences can be analyzed in terms of structure, modes of reception and role. In terms of structure in commercial marketing, the audience consists of consumers who buy or do not buy the product. In political marketing audiences are often described as consumers, buyers, citizen-consumers, voters or public opinion (Scammell, 2003; Roka, 1999, p. 507; Schweiger & Adami, 1999, p. 353). As analogous consumers, this audience receives and reacts to, or buys or does not buy, the message being delivered in the political arena. In terms of role, political marketing audiences such as voters, have the role of voting for a politician or party and thereby validating or reacting against a political marketing strategy.

Market segmentation and targeting are also used in both commercial and political marketing to position a product, and relate to the concept of modes of reception (Butler & Collins, 1999, pp. 58-62; Blumler & Gurevich, 2005, p. 109). WIPO's audiences, ranging from member states, to observer organizations, to interested publics, present a challenge in targeting and market segmentation. Targeting and segmentation are closely linked in that segmentation is the division of audiences based on "tastes, preferences, interests, needs" and that these segments then require different modes of persuasive appeals for a successful campaign (Gandy, 2001, p. 145). The segmentation of audiences involves modifying communications strategies to target different sub groups (Maark, 1995, pp. 31-37). To Dalhgren and Gurevich (2005, p. 382), digital information and audience fragmentation has also led to a "growth of other forms of political communication among a wide variety of civic groups, movements and NGOs." Because of digital information like the Internet, channels of communication between political parties and audiences have changed, and markets have become more fragmented, thus the need for segmentation and targeting is critical for a successful marketing campaign (Curran & Gurevich, 2005, p. 110).

Market Competition: Media and Control of the Product

Media in political marketing theory are frequently positioned as a Habermasian link between citizens and the government where media inform citizens about political actors and simultaneously provide feedback from the public (McNair, 1995, pp. 18-22). Alternatively, media are portrayed in a constructivist role because politicians can only reach mass voter audiences via mass media (Street, 2005, p. 26). To McNair (1995, p. 47), the media do more than just report and analyze, but instead are part of the political process as the intermediary between politicians or parties and the public. In focusing on the impact or the effects of media, much research has been done on assessing public knowledge about political issues, or the influence of news media coverage of political issues (Graber, 2005). To Qualter (1991, p. 154), a "crucial weakness in the real world of democracy is the lack of adequate or accurate information." Like voters, the target audiences of an election, the audiences of a multilateral institution should ideally be knowledgeable about issues in order to make informed decisions.

Digital media like the Internet have shifted the distinct lines between the public, mass media and political entities. Because of digital media, new media news outlets like Weblogs

(blogs) can serve as niche news sources for interested audiences as well as intermediaries between politics and publics. Benkler (2006) argues that because of Internet Communications Technologies (ICTs) there has been a shift from a mass-mediated public sphere to a 'networked public sphere,' based on the potential for greater participation in media. Bennett (2001, p. 8) similarly argues that the "capacity to transform time, space, costs, and the very roles of information producers and consumers also enables the rapid adaptation and transformation of political organizations, and the creation of new sorts of power relationships." Because of ICTs, audiences and media sources can potentially converge, where instead of a structured dialectical flow between political entities, media and the public, members of the public can fulfil a dual role as audience and media intermediary.

Political branding and information management relate to how political entities manage and control public perception of their marketing message. Political branding is closely linked to political marketing and the management of information about a product. A brand is a "distinguishing name and/or symbol (such as a logo, trademark, or package design) intended to identify the goods or services of either one seller or a group of sellers, and to differentiate those goods or services from those of competitors" (Aaker, 1991, p. 7). Political branding is the decision-making process of how a consumer makes a choice about a product based on the product's importance to the consumer, its emotional appeal, and whether it is identified with the norms of a group (Schweiger & Adami, 1999, p. 349). Brand positioning is, "The act of designing the company's offering and image to occupy a distinctive place in the mind of the target market" (Kotler & Keller, 2006, p. 310). In addition to promoting individual politicians as brand representatives, political branding can apply to ideas. A proposal or concept like copyright can be branded in order to gain acceptance among politicians and the public.

The concept of information management also relates to how political marketing and other forms of public communication are managed and controlled by organizations, and in the case of this study, multilateral institutions. According to McNair (1995, p. 149), information management can be defined as activities that are "designed to control or manipulate the flow of information from institutions of government, to the public sphere beyond." Information can therefore be a means to manage public opinion (McNair, 1995, p. 149). Downs wrote about the impact of 'imperfect information' in the context of political parties and voters, emphasizing the costs incurred by lack of voter knowledge about party policies, and a party's lack of knowledge about voters (1957, in Street, 2003, p. 88). This

lack of knowledge about voters can harm the ability of a party to attain votes and the equivalent of a bigger market share. Keck and Sikkink's (1998) description of 'information politics' similarly argues that media power is demonstrated through control of information. According to Keck and Sikkink (1998, p. 19), "Nonstate actors gain influence by serving as alternate sources of information." They argue from the perspective of activist organizations in that framing issues, for example in terms of right and wrong, can be a persuasive use of media (Keck & Sikkink, 1998, pp. 19-20). The ideas of brand management and information management share similar goals of positioning a product or idea and reaching out to target audiences, while fending off competition in the form of alternative products or brands.

Although frame analysis and tangential concepts like agenda setting will not be analyzed at this time, these concepts also relate to the broader idea of control of information in political marketing campaigns (Corner & Pels, 2003, p. 10). Additionally, it should be noted that there are similarities between political marketing and other concepts like relationship marketing and public sector marketing, which also relate to the marketing of intangibilities such as financial services, or human rights causes (Scammell, 1995). However, since WIPO is not a non-profit institution, and it does not fit criteria such as reliance on volunteers, these theories will not be addressed here (Scammell, 1995, p. 11).

Critiques of Political Marketing Theory

Critiques of political marketing theory help to establish the strengths and weaknesses in using this theory to explore a broader range of political subject matter effectively, specifically its applicability to the context of multilateral institutions. The field of political marketing is often narrowly focused on a "populist view of democracy" where the "aim of democracy is the satisfaction of the interest of individual citizens and public interest is defined as the sum of individual interest" (Scammell, 1995, p. 17). Curran and Gurevich (2005, p. 386) argue that the high frequency of research focusing on "the media and citizens, election campaigns, political journalism, public information and the perception of politicians," implies that the theoretical model of political communication is flawed by its limited subject matter, and that this field of research should be expanded. Scammell (1999, p. 718) defines political marketing as a tool for the analysis of "party and voter behavior." However, in narrowing this focus to "party and voter behavior," other political actors and forms of political communication are ignored. For example, analysis of policy formulation, the influence of interest groups or political marketing in different political environments may not

reflect populist democratic models, but may still reflect the complex relationships between political power and audiences (Graber, 2005, p. 495). Some theorists like Street (2005) emphasize election-specific indicators in their interpretation of political marketing, like the centrality of the political candidate's image, the influence of professional political consultants, and the 'permanent campaign' however, some of these issues are well-covered in analysis of electoral politics but are less directly relevant in other paradigms.

While much political marketing research focuses on the audience as voters, Newman (1999, p. xiii) defines audiences of political marketing campaigns in a broader context of "selected people and groups in a society." Graber (2005, p. 479) similarly argues that message senders as well as receivers can include not only politicians but also journalists, members of interest groups, or private, unorganized citizens. The category of interest groups as audiences relates to the focus on multilateral institutions. An interest group can be defined as "any group that, on the basis of one or more shared attitudes, makes certain claims upon other groups in the society for the establishment, maintenance or enhancement of forms of behavior that are implied by the shared attitudes" (Truman 1971, quoted in Cigler & Loomis, 1991, p. 29). In the context of multilateral institutions, institutions do not report to an electorate but instead have audiences of member states and interest groups, like industry organizations or civil society organizations. In the context of WIPO, interests groups like civil society organizations have become an increasingly vocal presence, and represent another type of political marketing audience.

Context: WIPO and Copyright

WIPO outreach materials get sent to member state intellectual property offices to be distributed, translated and incorporated into national intellectual property strategies (EM, Appendix 1). Materials also get sent to observer organizations, and WIPO maintains a website with most of this outreach material freely accessible (WIPO Public Outreach, n.d.). For example, the materials sent to observer organizations for the 2008 World Intellectual Property Day include: a letter from the Director General about the theme, 'Respect Innovation,' a poster, bookmarks, postcards and a CD with these for reproduction, an informational booklet about marketing strategies to promote IPR awareness, a booklet for students about the arts and copyright, and a DVD of an interview with a Kenyan film director discussing how piracy threatens his business. The graphics on these products include the

phrase, 'Respect Innovation' in the six official languages of WIPO (Arabic, Chinese, English, French, Russian Spanish) and a mascot consisting of an abstract, personified light bulb.

Other examples of marketing materials include the *WIPO Magazine*, a bimonthly review of intellectual property-related news. The 2008 May/June issue for example, contains stories on climate change technologies, digitizing traditional culture, and pictures from various 2008 World Intellectual Property Day events, for example a photo from India of an elephant preparing to stomp on pirated DVDs or CDs. The website offers a large amount of outreach information in addition to bureaucratic information, including access to *WIPO Magazine* archives dating back to 1998, and Web videos with musicians, inventors and artists about how IPR have benefited their work (WIPO Public Outreach, n.d.). Additionally, the Small and Medium-Sized Enterprises (SMEs) Division offers its own materials and animated site to address small business owners (WIPO Small and Medium-Sized Enterprises, n.d.). Other forms of outreach also include the WIPO Academy, and seminars held around the world to encourage intellectual property rights awareness and training. This study will focus on reactions to the efforts of the WIPO Outreach department, specifically in the interpretation of media focusing on copyright, such as promotional materials for the 2008 World Intellectual Property Day and *WIPO Magazine*.

Since the passage of the World Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) in 1996, significant copyright episodes at WIPO include the Broadcasting Treaty negotiations which began in 2004, which focused on stronger copyright for broadcasters, and the Development Agenda which was put forth by Argentina and Brazil in 2004 and included a call for an Access to Knowledge Treaty to push against excessively strong copyright for developing countries (31st Session Geneva, 2004). The indefinite deferral of the Broadcasting Treaty is an example of how civil society observer organizations' involvement helped to block consensus on a treaty. This treaty was viewed as controversial in part because of the precariously broad definition used to define online broadcasting as any combination of 'sounds and images;' a definition that could negatively impact the public domain online (Broadcasting Treaty, n.d.). The establishment of the Development Agenda also reflects a shift from a strong IPR trajectory by establishing 45 recommendations addressing the issue of balance in relation to developing country concerns (WIPO Development Agenda, n.d.). Some developing countries, for example Brazil and Argentina, have been very influential in challenging strong copyright views at WIPO. However, because of time and resource limitations, this study will focus on civil society organizations and

industry organizations and their views on WIPO outreach. Additionally, while other intellectual property topics like patents and trademarks are also dealt with at WIPO, this study focuses on the promotion of copyright and interest groups related to copyright because of digital information and its role in galvanizing WIPO audiences.

CONCEPTUAL FRAMEWORK

Political marketing theory will be used to analyze WIPO's outreach strategy for the promotion of copyright by comparing and contrasting the points of view of WIPO representatives and members of WIPO's audience. Butler and Collins' (1999, pp. 57-71) conceptual framework of the structural characteristics of political marketing will be used as a starting point for the analysis of interview data. In adapting this framework to analyze the data in this study, the focus will be on structural characteristics: the organization, the product, and the market, where 'the market' reflects both audiences and the marketplace in terms of competing products and brands (McNair, 1995, pp. 7, 52). The process characteristics, 'value development' and 'value delivery' that reflect audience response and feedback will be incorporated into this study's conceptual framework, however the process characteristics which focus internal organizational processes like 'value defining,' will not be emphasized in this study because of the external focus of this research. Additionally, the concepts of political branding and information management will be incorporated into this conceptual framework to further address audience reaction to the efficacy of WIPO's political marketing strategy (see Table 1).

Table 1: Political Marketing Framework:

Political Marketing Category	Definition
The Organization	Resource base, perception of marketing
The Product	Audience feedback, ideology, relevancy, mutability, value developing
Marketing Audiences	Defining audiences, segmenting and targeting, value delivering
Market Competition	Control of information and product, competing products, brand positioning

There is a lack of research in how the concepts of political marketing can apply to scenarios that are political in nature but outside the typical research paradigm of electoral politics in democratic political systems. Firstly, in recontextualizing political marketing theory, I argue that what constitutes 'political' can be applied outside electoral politics to include

multilateral institutions, and the political rubric of international fora. Secondly, this theoretical framework will be used to analyze how audiences have affected WIPO's outreach strategy and how control of information and image affect the perceived efficacy of WIPO in the area of copyright arbitration. The increase in interest of civil society groups, and other interest groups is a change for WIPO. How WIPO deals with this change relates to the broader idea of WIPO's responsiveness and relevancy as an international institution.

RESEARCH OBJECTIVES

The purpose of this study will be to analyze the question: *How do marketing efforts by the World Intellectual Property Organization (WIPO) relate to changes in the makeup of its audiences?*

To answer this question, this study will compare WIPO personnel views with WIPO audience responses about WIPO's marketing strategy. This analysis will address how audiences view WIPO's political marketing strategy, how WIPO's promotion of the idea of copyright relates to political marketing theory, and how audience opinions on WIPO outreach relate to the larger role of WIPO as an international norm-setting institution. The hypothesis of this study is that changes in WIPO's audiences, particularly the increase in civil society organization interest, have influenced WIPO's outreach strategy, forcing WIPO to adopt a more responsive, political marketing approach to outreach and promotion in order to attempt to communicate with a wider variety of audiences. Despite this shift toward political marketing, there is still a disconnect between audience segments and WIPO outreach and promotion which can embolden market competition in the context of both competing products and other political fora, and weaken WIPO's position in the international arena.

3. RESEARCH DESIGN AND METHODOLOGY

RESEARCH STRATEGY

The method of depth interviewing was chosen in order to analyze how WIPO personnel view WIPO's marketing strategy, in comparison to the views of other members of WIPO's political marketing audiences. Depth interviews are usually one-to-one interviews, based on a semi-structured set of questions that allow the interviewer to direct the interview while maintaining a conversational tone with the interviewee (Gaskell, 2000, p. 45). The goal of this type of qualitative interviewing technique is to understand the worldview of respondents by exploring a range of opinions, and how individuals represent issues through discourse (Gaskell, 2000, pp. 39-41). A thematic interview process was used, where the theoretical framework served as a starting point for the structure of the interviews. Other research methods like surveying were not chosen because the goal of this study is to gain depth information about stakeholder viewpoints and the rationale behind those viewpoints. Content analysis and critical discourse analysis were also not chosen because the purpose of this study is to focus viewpoints, not the analysis of content. However, these methods would be useful for further analysis of WIPO marketing and promotional materials, or civil society promotional materials that counter WIPO outreach efforts in future research.

METHODS AND PROCEDURES

Sampling

The interviewees are grouped into four categories: WIPO Personnel, Civil Society Observer Organizations, Industry Observer Organizations, and Member States (Appendix 1). First, background research on WIPO, copyright, and political marketing theory was done to establish the themes to be addressed in the interview questions, and to locate individuals for interviews. The interviewee selection strategy was to contact representatives from the list of dozens of WIPO observer organizations including civil society organizations, industry organizations, in addition to member states representatives (WIPO Observer Organizations, n.d.). The selection of interviewees was based on a mixed strategy of contacting 'critical cases,' who are individuals directly connected to the research question, and convenience sampling, which is a selection of relevant interviewees based on access, time and resource limitations (Flick, 2002, pp. 69-70). WIPO outreach personnel were considered critical cases

in terms of sampling, and so WIPO headquarters was contacted via email, requesting further information about arranging interviews with personnel. EM in the WIPO Outreach Department acted as a 'gatekeeper' interviewee by assisting in scheduling interviews with her colleague MI, and the WIPO copyright lawyers, CC and VL (Appendix 1)(Odendaht & Show, 2002, p. 307).

Research on WIPO stakeholders was conducted to find a sample that represented a diverse group of stakeholders. Many interviewees were contacted through the 'snowball' sampling process, where recommendations from interviewees led to locating and arranging interviews with other individuals in their professional or social network (Warren, 2002, p. 87). Twelve of the 15 interviews were set up through this networking method. Approximately, 14 additional organizations including the U.K. Intellectual Property Office and Canadian Copyright Office (both WIPO member states), were contacted via a combination of email and cold calling but declined to be interviewed or failed to respond to an interview request. Thus, this sample of interviews represents a convenience sample because the interview sample was achieved primarily through networking.

This strategy can have the drawback of being unrepresentative of a diversity of opinion due to contacting individuals who may share similar viewpoints (Flick, 2002, pp. 69-70). However, for this study, this method was the most effective way to contact potential interviewees. Additionally, because of resource limitations and language barriers, the sample was selected from American, Canadian, United Kingdom and European-based organizations. Further research would benefit from a greater number of interviews reflecting not only more member states, but also stakeholder organizations from outside North America, the U.K. and Europe, for example stakeholders from Brazil or Argentina.

Interview Guides

Two interview guides were created, which indicated topics to be covered and the general sequence of questions in the interviews (Kvale, 1996, p. 129). The first interview guide was used for personnel at WIPO (Appendix 2.1). The second interview guide was used for observer group interviewees (Appendix 2.2). The interview guides were mapped out according to thematic interview methodology in that though there is some variation in questions based on the context of the interviewee's role and organization, the overarching themes are the same (Kvale, 1996, p. 129). Both interview guides also established ethical

guidelines, such as explaining the purpose of the project, how interviews and transcripts would be used, and determining how the interviewee preferred to be referred to within the study, for example only using the first name for some degree of anonymity. The interview guides did evolve after the first few interviews, from emphasizing changing audiences in a broad sense, to focusing more directly on civil society organizations, after the first interviewees expressed unexpectedly strong views on the significance of civil society organizations.

Interview Process

Five interviews were conducted in person, and were recorded onto cassette tape. The face-to-face interviews were conducted with U.K.-based interviewees, and with some WIPO personnel at WIPO headquarters in Geneva, Switzerland. The rest of the interviews were conducted through the computer-based phone service Skype, where respondents phoned or spoke online via Skype. These interviews were recorded through a Quicktime-based computer program, Call Recorder. All interview recordings were then transcribed to facilitate analysis. Interviewees were given the option of reviewing copies of their transcripts. One interviewee requested some omissions in her transcript, however those omissions had a very limited bearing on the results of this study.

When conducting the interviews, the interviewer attempted to remain neutral order to enable the interviewee to feel comfortable, and to avoid leading or influencing the interviewee's responses (Berger, 1998, p. 61). Additionally, interviewees were given the option of anonymity to facilitate open and honest communication. Almost all interviewees gave permission to use their name and organizational role, with the exception of the U.S. Government official (UO) who requested anonymity due to the political nature of this research topic. The interviews lasted from 30 to 75 minutes, with the most common interview length at approximately 60 minutes.

Thematic Coding

Thematic analysis was chosen as the method with which to analyze the interview data. Thematic coding is based on developing a theory-driven code to analyze interviews and validate the thematic framework (Boyatzis, 1998, pp. 29, 33). The thematic coding is based on the political marketing framework established in the theoretical research phase of this

project with the categories: the organization, the product, market audiences, and market competition (see Table 1). The interview transcripts were then coded and analyzed according to this framework (Appendix 4).

While thematic coding can provide insight into the relationship between theory and empirical research, some drawbacks of this approach include the possibility of projection or cultural bias on the part of the researcher, and lower inter-rater reliability due to the subjective nature of coding qualitative data (Boyatzis, 1998, p. 35). Additionally, in segmenting and coding interview data, it is possible to use data out of context, which could misconstrue results (Coffey & Atkinson, 1996, p. 52). However, the benefit of coding is that it provides a way to systematically link thematic categories together and identify key concepts and patterns within interview data to enable analysis (Coffey & Atkinson, 1996, pp. 26-7).

Depth Interview Limitations

The depth interview process has some limitations, such as the possibility of miscommunication between the interviewer and interviewee. For example, miscommunications can include the interviewer's lack of understanding 'local' language or terms, the reliance of an interviewee's account on events that happened at another time and place, subjects that go unmentioned because they are taken for granted, or the omission of relevant information that may seem too sensitive or political (Gaskell, 2000, p. 44). In conducting the interviews in this study, one communications challenge was navigating the tension between the interviewee's openness and personal opinion with their concern about their responsibility to accurately reflect their organization's views. For example, some interviewees provided information 'off the record' which was therefore not included in the results for ethical reasons.

Additionally, some interviewees expressed concern about how they might be quoted, and one interviewee did specify that certain comments within her transcript should not be used. While these omissions had little impact on the key points used in this study, for future research, blanket anonymity for names may be advisable in order to encourage productive interviews with less concern about potential damage to reputation, and less chance for omission of important information. Finally, the use of phone and computer-based interviews was less than ideal in that face-to-face interviews facilitate rapport, trust and conversational flow (Gaskell, 2000, pp. 45-6). In this study, the face-to-face interviews did flow in a more

conversational way, and it was more difficult to establish quick rapport over the phone with some interviewees. Subsequently, phone and computer-based interviews were frequently more factual in tone and shorter in length.

4. RESULTS AND INTERPRETATION OF DATA

Based on the theoretical research and thematic coding process described in the previous sections, the interview data were analyzed according to the framework: the organization, the product, marketing audiences, and market competition (Appendix 4). Within the interview data, thematic patterns emerged such as a disconnect between WIPO personnel and civil society organizations regarding the relevancy and adaptability of WIPO outreach materials, frustration at bureaucratic stagnation by industry organizations, and political competition in the form of competing sources of information and competing fora for intellectual property norm-setting.

THE ORGANIZATION

Resource Base

The establishment of the WIPO Outreach Department and the Small and Medium Enterprises division reflect a growing awareness at WIPO of attention from audiences other than member states and stalwart industry groups. The WIPO Outreach Department was established around 1998-99 (MI, WIPO). According to MI, its purpose was to 'demystify' intellectual property:

We were under the impression – it was the correct impression, that people thought that IP was just for lawyers and that normal person on the street or even a businessperson wouldn't really know what copyright and patents and trademarks were all about. (MI, WIPO)

According to MI, the goal for WIPO outreach is neither to promote WIPO as a brand, nor to promote specific policies, but to promote awareness about intellectual property rights. According to EM, their marketing strategy is to provide tools and guidelines that countries can use and adapt to fit their respective needs: 'We can't come up with ideal projects which

would work everywhere in the world. So we're providing kind of broad ideas or outlines or materials.' (EM, WIPO)

The Internet and digital media were impetuses for the increase in attention on copyright as a legal as well as social issue, and subsequently on the role that WIPO plays in norm-setting. According to EM:

Ten years ago, WIPO was - it had a very different image.... We used to be perceived as being just a quiet little technical organization full of lawyers full of experts... and the member states were y'know negotiating these big treaties and they needed to get the small print right.... Very much because of the Internet, suddenly everybody could copy or get anything and the rules were being challenged in a big way ... IP became controversial! And suddenly WIPO, who was never used to dealing in these terms, was finding itself in the limelight. (EM, WIPO)

JB of the industry observer organization, the International Publishers Association, stated a similar viewpoint:

The role of WIPO has changed in that it used to be a technical organization and it's now becoming a political organization. In doing so, its works, its target audience has shifted. Suddenly the general public is interested in their work. Compare it to another organization, which sits, physically right next to [WIPO] which is the International Telecommunications Union, founded about the same time but still, by and large, completely outside of the public interest. (JB, IPA)

The unexpectedness of this attention reflects the role of digital media in challenging copyright norms, and also reflects a shift in WIPO's awareness of itself from that of an inward-looking, technical organization, to a politicized organization with an image, reputation and a variety of audiences, from member states, to interest groups, to the general public.

Perception of Marketing

Within the organization, there has been some internal resistance to addressing public opinion through marketing efforts, however, EM argues there has been a shift in the organizational culture toward recognition of WIPO as a political entity that has to be more

aware and responsive to public opinion. EM states: 'Overall it's a cultural change within WIPO and yeah, we didn't have any choice really, *we had to change!*' (EM, WIPO)

The Small and Medium Enterprises (SME) Division was started with a similar mandate to the Outreach Department, to inform SMEs about intellectual property rights. GJ's explanation of why the SME division was created similarly reflects a culture shift toward a political marketing approach: 'It was becoming politically important to send this message out to small and medium enterprises that IP system [sic] is not only meant for the big fish.' (GJ, WIPO).

GJ's explanation refers to attempts to dilute the negative presumption that WIPO caters too much toward the interests of 'big fish' - powerful industry groups, and developed countries, and that this issue can be addressed on a marketing and informational level.

It should also be noted with regard to the organization, several interviewees (ER, PB, UO) commented on internal managerial struggles within WIPO, for example regarding controversy around the 2007 resignation of the Director General Kamil Idris and incoming Director General Francis Gurry (Associated Press, 2007; New, 2008). However, due to the scope of this study, internal organizational issues will not be explored at this time.

THE PRODUCT

Audience Feedback and Value

WIPO's outreach efforts reflect a political marketing product in the promotion of concepts like copyright, and because audience feedback is taken into account (McNair, 1995). According to EM and MI, the WIPO outreach strategy has changed over time because of some negative audience feedback. This change in marketing strategy reflects a shift from a propaganda model toward a political marketing model. According to EM:

One of the problems that we had in the past in terms of communications and outreach is we tended to just say the same things, we tended to tell people, y'know, "Intellectual property is good for you, we should respect it, intellectual property is good for developing countries," and it didn't have much impact a lot of the time. I think it was very one-sided. (EM, WIPO)

According to EM and MI, much work has been put into making the *WIPO Magazine*, materials like booklets on copyright targeted at students, and the website more relevant both in terms of appearance, content, and online accessibility. According to EM:

We had a huge number of hits last year on some article written about hydrogen fuel cell technology which we covered from a sort of patent-type angle Loads of people found this article because they'd been doing research on climate change or on fuel cell technology or whatever and ended up reading a WIPO Magazine article which brought out the IP side of things which, that's obviously like a very good thing as far as we're concerned in terms of reaching audiences. (EM, WIPO)

Unlike the unidirectional flow of propaganda (O'Shaughnessy, 1999), WIPO's outreach strategy reflects a political marketing model in the acknowledgement of audience feedback through follow-up surveys, and indirectly through blogs and other sources of outside opinion. MI and EM describe how surveys have been conducted on what member states look for in outreach materials:

Most of them [member state IP offices] did say they would like to continue to see more videos and more publications produced by WIPO; most of them were really really interested in learning how to do outreach themselves and on sharing their experiences with others. (MI, WIPO)

Additionally, MI and EM refer to blogs like IP Kat and IP Watch as other caveats of public opinion about WIPO. MI describes reaction to a 2007 booklet on copyright targeted at students and included in the 2008 World IP Day materials:

In the blogs, although some people did criticize WIPO for this effort, I think they would have criticized anything that didn't say, y'know everything should be free to use on the Internet. Some of the blogs who are sometimes quite anti-WIPO and anti-IP said ok, it was a fair effort, they did include 'x'-number of pages on the public domain and that was good. So that's good. (MI, WIPO)

MI's comment connotes defensiveness and concern about the image and reputation of WIPO in public discourse, particularly in the evaluative phrase, "So that's good." For a topic like copyright and intellectual property rights in general, blogs represent a media niche where

information can be accessed by interested audiences. Mass media, like television news, for example is an impractical resource for detailed information on WIPO treaty negotiations.

Propaganda Versus Political Marketing

Different aspects of WIPO's outreach efforts are viewed as more propagandistic than others by civil society organizations. GH argues that WIPO marketing materials are propagandistic because of the absence of any reflection on current debates about copyright:

I think it is just not balanced and not reflective of the academic discourse that's out there about international copyright law....There was a huge body of disagreement about some of the things that came out of the 1996 Diplomatic Conferences. It's documented in a number of places. But some of that is missing unfortunately, in some of the official guides. (GH, EFF)

PB describes hearing about World Intellectual Property Day for the first time, two years ago:

I said, "Oh, World IP Day? I think we need a World Knowledge Commons Day too," because it's very strange to make a party for only one side of the story. (PB, IP Justice)

PB's statement also echoes the unidirectional impression of this marketing material reflecting selective information about copyright (Street, 2001, p. 109). TH also argues that World IP Day marketing materials come across as unrepresentative of other views and events at WIPO, and irrelevant to her organization:

Their propaganda remains their propaganda. I mean it will only make a difference to us when the organization changes its position and kind of reforms itself, and then they start producing materials that are not just promoting one position, but are promoting a more balanced view of copyright. (TH, eIFL)

To TH, World IP Day materials evince old criticisms of WIPO's one-sidedness on IPR issues.

Relevancy and Mutability

The control of image involves message composition, message salience, and message credibility (Lees-Marshment & Lilleker, 2005, p. 401). To civil society observer representatives like PB and GH, the promotion of World IP Day is neither credible nor salient, though other industry representatives like ER view this material as relevant not to observer organizations but to other audiences. To ER, World IP Day is international, but also targeted at developing countries, to encourage support for intellectual property enforcement and knowledge:

When they're [World IP Day events] done in developing countries WIPO pays for them....There's a greater concentration of that in developing countries because the perception is, and I think correctly, that educating, doing education in those countries on IP is probably more needed. (ER, NABA)

Additionally, despite some views about World IP Day promotional materials as propagandistic, civil society audiences as well as industry organizations view the *WIPO Magazine* and other WIPO marketing materials including the website, as more salient and thus more reflective of political marketing. Frequently distributed materials like the magazine reflect a concerted shift by the outreach department to create marketing materials that are more adaptable and relevant to audiences. TH acknowledges changes in the *WIPO Magazine*:

It's a reasonably interesting read and that's something they've been working on in the last few years and they certainly have improved. They never had anything like that, and I mean...it's still pretty much from the protection viewpoint, but you can see that they're making an effort. (TH, eIFL)

To TH, the *WIPO Magazine* represents a more relevant product because of its adaptability, demonstrated through changes in its look and tone from didactic to more readable in recent years.

MARKETING AUDIENCES

Changing Audiences

A common theme amongst most interviewees from WIPO lawyers, to the U.S. Government official, to observer groups was the impact of civil society organizations at WIPO in recent years at copyright meetings and treaty negotiations. Observer organization respondents like PB and GH, view their increased involvement at WIPO as a response to how their concerns about intellectual property were being ignored. GH states that a major reason EFF became involved at WIPO was in response to the Digital Millennium Copyright Act (DMCA), the U.S. implementation of the 1996 WIPO Internet treaties, which has been criticized for reasons including permitting unrestricted use of digital rights management technologies and the criminalization of circumvention measures (Samuelson, 2003a). ML, on the other hand, views WIPO as a forum for Creative Commons' approach to licensing:

The way that we operate is really to create a voluntary alternative and show that a different world is possible I guess, and WIPO is one venue for kind of showing the results of that and our work in progress. (ML, CC)

According to TH, civil society observer organizations often support developing countries' concerns about strong copyright, and there now seems to be as many civil society organizations as industry organizations. She states:

When there's a debate and the observers are making their statements it will be like 50/50 supporting industrialized countries, supporting developing countries. Even sometimes it's even more.... Most of the interventions are supporting the developing countries and supporting calls for reform or supporting the Development Agenda and so that really...has an impact on what happens in the room. (TH, eIFL)

SVL, of the industry organizations, ALAI and ATRIP, disagrees about the significance of civil society observer organizations:

It's difficult to really ascertain the real influence....They have the right to speak but their influence depends on the quality of what they say and whether their arguments are convincing to the member states or not. (SVL, ALAI/ATRIP)

MI stresses that member states are the principle target audience for marketing materials, however, a question among some industry observer organizations is how involved should newer, civil society audiences be in WIPO matters. According to ER of the North American Broadcasters Association (NABA):

You'll have all these organizations that are really representing the same point of view but they have multiplied themselves into clones of each other and then it looks like there's 15 organizations in this viewpoint....I think it is a good thing to have it [NGO participation], but I think it's poorly managed and it's got out of hand.....It wastes a lot of time, [and] it may not always be clear to some of the less sophisticated players at WIPO that this isn't the majority viewpoint among NGOs. (ER, NABA)

The member state representative, UO, and industry observer representatives, ER and JB, argue the observer audience balance has shifted too far in the direction of civil society organizations, which has contributed to a sense of bureaucratic stagnation.

Segmenting and Targeting

One of the biggest challenges for WIPO outreach has been targeting and segmentation of multiple audiences. WIPO's primary audience is member states because they are decision-makers; the observer organizations can participate but cannot vote on issues. However, observer organizations are influential in that NGOs can wield influence by communicating with member state delegates. EM expresses awareness and exasperation at the broad audience of member states, and the difficulty in segmenting and targeting this market:

In the past we've tried to narrow it down and...focus on encouraging businesses to use the IP system....But of course then what do you do you immediately kind of leave out in the cold all the people who are interested in copyright all the national patent offices around the world...or you leave out the creators, the musicians, the filmmakers and this, that and the other. (EM, WIPO)

To EM, WIPO audiences consist of not just the member state offices, but members of the public like musicians and filmmakers. Subsequently, the scale of these audiences makes segmentation and targeting extremely difficult due to language and budgetary issues. CC, a copyright lawyer for WIPO, states:

The issues have become more complex also, involving a broader range of interests.... You have not only the traditional broadcasting companies but you have all the telecom companies you have a broad range of new players who were not there before. (CC, WIPO)

According to MI:

We respond to the requests from member states.... They all have different needs...with regards to intellectual property. So they in turn are also influenced by - whether it's lawyers or companies or civil society NGOs in their countries. So all of those decisions influence us. (MI, WIPO)

In addition to member state IP offices, observer organizations also receive outreach materials from WIPO, though some interviewees question this product value. JB of the International Publishers Association (IPA), argues: 'We're not the target audience. It's like preaching to the converted. We don't need to be one of the recipients of their material.' (JB, IPA).

To PB of IP Justice, the materials that are sent are not necessarily the information she needs. When researching the Development Agenda developments, PB refers to using the WIPO website for information:

I just try to figure [it] out; try to go through all their amendments and stuff and try to organize a little bit; I'm intending to put a wiki online and so everyone can see stuff in there because it's so big, and I think it's a big problem for all of us because there are 45 proposals on the desk at the moment. (PB, IP Justice)

While IP Justice receives outreach materials, and PB uses the website to research the Development Agenda, she lacks accessible information about current WIPO issues.

MARKET COMPETITION

Media and Control of the Product

WIPO faces market competition in the form of competing ideas and information online that can overshadow and adapt WIPO's political marketing products. According to interviewees from civil society organizations (GH, CD, PB, TH), WIPO's control over the accessibility and relevancy of information is lacking. The ability to control the message and to use feedback from audiences to modify a marketing campaign is critical in the success of a marketing campaign and in managing public opinion (McNair, 1995, p. 149). The increased interest of niche media actors has created an alternative media link between audiences and WIPO. The use of blogs to write about WIPO meetings in real time is one example of how NGOs have been able to translate WIPO information and news into accessible and adaptable products. GH describes how the Electronic Frontiers Foundation (EFF) started the 'blogging WIPO campaign' during the Broadcasting Treaty negotiations from 2004 to 2007. In this campaign, EFF attendees would summarize and comment on WIPO meetings while they were happening. In addition to EFF, other organizations like Third World Network have also blogged about WIPO meetings and events, beginning in 2004 with news about the call for the Development Agenda to the latest General Assembly meeting in 2007 (Third World Network Blog on WIPO, n.d.). These updates have been posted on various websites like EFF and Boing Boing (Hinz, 2008; Doctorow, 2004). According to GH:

When we started participating...it would routinely take five months to get the notes of a meeting....There was also in fairness, a concern that sometimes the information had been um perhaps tailored to appear in official documents and was less reflective of some of the dynamics of the actual meeting, so that what people were left with five months later if they could read the 230 or 240 page report, was perhaps not an accurate reflection of what was actually being discussed. (GH, EFF)

This use of new media reflects Benkler's (2006, p. 212) concept of the 'networked public sphere' in which the "practical elimination of communications costs" through ICTs has enabled individuals or groups to establish networks, and act as "participants in the public sphere as opposed to its passive readers, listeners or viewers." The use of blogs in this case, is not only as a news source, but as a surrogate information source for what WIPO is simultaneously presenting in reports online and in its magazine articles at a slower pace.

This appropriation of information can be described as a form of 'indirect counter marketing' in that WIPO news and information are being redistributed and refined by alternative media sources stemming primarily from civil society organizations. The concept of counter marketing is frequently referred to in the context of ads to prevent people from smoking cigarettes or in ads promoting one soda as being unlike a competing brand (Hicks, 2002). In this case, counter marketing is indirect because the intent is not to replace or confront WIPO's political marketing product (Hicks, 2002, p. 48). TH describes blogging about meetings as an initial 'culture shock' to WIPO:

We can very quickly publicize the positions of the member states. So if you have a member state that's making a really good position, taking a really good position on something, well we can tell everyone, see, this is great. Or conversely and usually it's the other way around is how it's used is when you get a member state that's coming out with a really bad position. (TH, eIFL)

GH describes this blogging campaign as a 'public service,' by providing information both in a public forum, and in a readable and timely fashion:

We've had emails from people around the world, groups who are watching our blog posts and who tell us that, y'know we're the only source of information they get, they've transcribed the information we've provided. All of our notes have been made available to the public domain with a specific goal of trying to get information out and about for people who knew what was being discussed and could see what the country representative had said. (GH, EFF)

CD who was part of the blogging circle for EFF during the Broadcast Treaty negotiations, describes how this use of new media encountered some initial resistance from member state delegates and from WIPO personnel, but eventually the blogging campaign garnered acceptance:

The delegation from a Pacific Rim nation came up to me and said, "We just got shuffled into the WIPO world in a departmental shuffle, we have no idea what's going on here. We tried to read the Secretariat's report and it was just impenetrable so we read yours, so now we know, this is how we briefed ourselves." So we're the official stenographers and we're the official historians! (CD, Formerly EFF)

The live-blogging of these meetings reached audiences ranging from those interested in EFF, to members of the public via well-known blogs, to member state delegations.

Hintz (2005, p. 244) argues that many civil society organizations utilize third sector media by virtue of being excluded from mainstream media like commercial or public sector media, so the use of new media like blogs targeting niche audiences is not a new phenomenon. However, this use of media does represent a form of political marketing competition in this context. Unlike the civil society interviewees, ER views this form of blogging as a means to overstate one side of the debate and manipulate audiences:

Many of the other civil societies have started at a grass roots approach getting mobilized in, sort of, the man-on-the-street.... One of the dangers there is, it [a blogger] really isn't an expert, you know, you're dealing with people who sort of blog on the Net with limited information, or who knows what their viewpoint is.... We can be accused of being biased or having self interest and everything else, but I mean clearly, when one of these major [industry] organizations speaks, it is a well thought out statement. (ER, NABA)

According to ER the use of new media by civil society organizations creates the impression that they are more representative of public opinion than an organization like NABA who has one delegate at WIPO and a limited Web presence, but represents many broadcasting organizations. Despite perceptions of bias, new media campaigns represent competition to WIPO's political marketing strategy, in that this use of media can act as a surrogate information source about WIPO and issues involving WIPO meetings and events, through its consumer appeal based on relevancy and accessibility for interested audiences. The U.S. Government official also refers to his own use of informational blogs during recent WIPO proceedings:

During the recent meeting at WIPO concerning the new Director General, we were following the proceedings online through a third party website that had very accurate and very up to date information. (UO, U.S. Government)

UO declined to name the site he referenced, however his comments demonstrate that audiences for this form of accessible and rapidly updated information are not limited to only like-minded individuals or built-in civil society audiences; this information as an indirect

counter marketing product can cross organizational and ideological lines because it represents a relevant and mutable product, with greater product value (Butler & Collins, 1999). In acting as a source for WIPO information, sites like EFF and Third World Network are not attempting to compete directly with WIPO, however their market positioning and ability to deliver value enables these sites to fill an information gap in the market.

Brand Competition

It can be argued that the concept of branding an idea like copyright or on a larger scale, of WIPO as an organization, is inapplicable because of WIPO's built-in audience of member states. UO argues that WIPO does not need to promote itself because those who work in the field of intellectual property are aware of WIPO:

I'd be surprised if there's any significant number of people in the field of intellectual property who aren't familiar with WIPO. So y'know it's hard to ever say that more information is bad, I'm just not aware that it's particularly needed in that respect.
(UO, U.S. Government)

However, the concept of branding relates to the perceived relevancy and efficacy of the organization in relation to competition. According to Johansen (2005, p. 97), "The marketing of a 'product' is affected not only by the strength of its brand in comparison with its competitors, but also by the overall standing of the whole class of products and their sector." As a political marketing entity, WIPO also faces market competition in terms of other fora for intellectual property norm-setting. According to JB, the perception of WIPO's efficacy is reflected in this type of competition:

WIPO has become a politicized organization.... If you think, "Where should I have an enforcement treaty, well, should I have it in WIPO?," then the obvious question is, "Is it going to move forward there?" If the answer is no, then you're not going to do it there. So, ACTA [Anti-Counterfeiting Trade Agreement] is a symptom of the malaise of WIPO in that it has become impotent. (JB, IPA)

Some civil society observer groups also argue that WIPO faces a threat of 'forum shopping' where WIPO is ignored in favor of plurilateral treaties like ACTA, in which the U.S. and a handful of other developed nations pushed for stronger intellectual property rights (Gross,

2008). According to PB, WIPO can potentially become less relevant because increased audience diversity has made norm-setting more challenging for some industry groups and member states:

I think it's getting...more irrelevant by this forum shopping behavior of the industrialized states, but I think it indeed becomes a little bit more relevant for us through the Development Agenda and because we can participate in the negotiations.
(PB, IP Justice)

TH views WIPO as important for its relatively democratic nature that enables NGOs to participate. However, TH is concerned about competing fora based on her experience during the Development Agenda negotiations in 2007:

On the night that the recommendations for the Development Agenda were agreed...we'd been negotiating the Development Agenda and going on for nearly three years and it was very tough.... At sort of ten o'clock one Friday evening, after like really tough negotiations they came back into the room and they had agreed on the recommendations. And I looked around the room and there wasn't one single industry representative there, so they'd left. (TH, eIFL)

TH implies a lack of interest in the Development Agenda by industry observer organizations because this agenda reflects a break from strong copyright policy. According to Scammel (2007, p. 177), "A brand is defined as the 'psychological representation' of a product or organization" and possesses symbolic, not tangible value. Brand dilution occurs when "consumers no longer associate a brand with a specific product or highly similar products or start thinking less favorably about the brand" (Kotler & Keller, 2006, p. 286). Like blogging, alternative fora do not represent a new phenomenon in the arena of international law. However, in the political marketing context of multilateral institutions, these examples represent two forms of market competition that can dilute WIPO's political brand and threaten WIPO's distinctive position in the marketplace (Kotler & Kotler, 2006, p. 310).

5. Conclusion

This study addresses the question, how does the marketing of copyright by WIPO relate to changes in the makeup of its audiences? The results of this study support the hypothesis that WIPO's changing audiences have influenced WIPO's outreach strategy, forcing WIPO to adopt a political marketing approach. The interview data with WIPO personnel indicate a transition from an internally focused and propagandistic model of outreach to a political marketing model in the increased awareness and concern about audiences, though this view is not necessarily consistent throughout the organization. The question of organizational culture and internal communication cannot be fully explored in this study, but would be relevant for future research. Further research could also be done regarding other aspects of IPR including patents and trademarks, and also on a broader selection of NGOs, for example organizations from developing countries.

WIPO audiences have become more numerous and diverse, specifically in the case of civil society organizations, though member states are still viewed as WIPO's primary audience by observer organizations and WIPO personnel. However, both civil society observer organizations and industry observer organizations view the use of new media like blogs used primarily by civil society organizations in this context, as effective tools in increasing influence at WIPO and with the broader public. While new, vocal audiences have encouraged a shift towards a political marketing approach within the WIPO outreach and SMEs divisions, WIPO's marketing strategy does not fully reflect the breadth of audiences due to challenges in targeting and segmentation. Thus, groups outside the key audience of member states have been able to fill a gap in the market of information, reinterpreting WIPO information through actions like blogging, and therefore WIPO has faced competition in informational control and media influence. In using blogs as a more accessible, mutable and timely news source for WIPO information, this indirect counter marketing strategy reaches audiences ranging from delegations from developing countries to interested publics, augmenting influence through product value and positioning.

WIPO's mandate is to promote the use of intellectual property rights for economic development, but as Lessig argues (2004, p. 266), "Whoever said that WIPO's exclusive aim was to 'promote' intellectual property maximally?" By responding to a more diverse audience, specifically with the inclusion of civil society organizations in policy debates, WIPO has the potential to better represent public opinion, but also risks losing the confidence of industry

groups or member states whose priorities may conflict with those of civil society organizations. In the broader picture, WIPO, along with other multilateral institutions from the World Trade Organization to NATO (the North Atlantic Treaty Organization), face a question of how to maintain relevancy in norm-setting and arbitration when interest groups are becoming greater in number, more diverse in perspective, and more vocal. WIPO's move toward a political marketing strategy and its growing awareness of its audiences reflect a shift in awareness of WIPO not only as a technical organization but as a political actor that must maintain its position in a competitive political arena. A political marketing strategy is not a panacea for multilateral institutions seeking to maintain relevancy in the face of competition from other fora like plurilateral negotiations like ACTA. However, approaching outreach from a political marketing perspective entails addressing audience concerns, for example the inaccessibility and delay of WIPO reports, that can hamper the ability of audiences to be fully informed. According to Graber (1992, p. 1), media and control of information are at the heart of politics. By improving external communications in ways that not only offer educational material about intellectual property, but also offer more accessible information about WIPO issues, WIPO can maintain stronger information management control and better control of its market position and political brand.

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