

WIPO



A/34/16

ORIGINAL: English

DATE: September 29, 1999

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**ASSEMBLIES OF THE MEMBER STATES OF WIPO**

**Thirty-Fourth Series of Meetings  
Geneva, September 20 to 29, 1999**

GENERAL REPORT

*adopted by the Assemblies*

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## INTRODUCTION

1. This General Report records the deliberations and decisions of the following 21 Assemblies and other bodies of the Member States of WIPO:

- (1) WIPO General Assembly, twenty-fourth (14th ordinary) session
- (2) WIPO Conference, seventeenth (14th ordinary) session
- (3) WIPO Coordination Committee, forty-fourth (30th ordinary) session
- (4) Paris Union Assembly, twenty-ninth (14th ordinary) session
- (5) Paris Union Conference of Representatives, twenty-sixth (14th ordinary) session
- (6) Paris Union Executive Committee, thirty-sixth (35th ordinary) session
- (7) Berne Union Assembly, twenty-fifth (14th ordinary) session
- (8) Berne Union Conference of Representatives, nineteenth (14th ordinary) session
- (9) Berne Union Executive Committee, forty-second (30th ordinary) session
- (10) Madrid Union Assembly, thirty-first (13th ordinary) session
- (11) Hague Union Assembly, eighteenth (12th ordinary) session
- (12) Hague Union Conference of Representatives, eighteenth (12th ordinary) session
- (13) Nice Union Assembly, eighteenth (14th ordinary) session
- (14) Nice Union Conference of Representatives, seventeenth (14th ordinary) session
- (15) Lisbon Union Assembly, fifteenth (13th ordinary) session
- (16) Lisbon Union Council, twenty-second (20th ordinary) session
- (17) Locarno Union Assembly, eighteenth (13th ordinary) session
- (18) IPC [International Patent Classification] Union Assembly, seventeenth (12th ordinary) session
- (19) PCT [Patent Cooperation Treaty] Union Assembly, twenty-seventh (12th ordinary) session
- (20) Budapest Union Assembly, fifteenth (10th ordinary) session
- (21) Vienna Union Assembly, eleventh (8th ordinary) session

meeting in Geneva from September 20 to 29, 1999, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies (hereinafter referred to as “the joint meeting(s)” and “the Assemblies of the Member States,” respectively).

2. In addition to this General Report, separate Reports have been drawn up on the sessions of the General Assembly (WO/GA/24/12), WIPO Conference (WO/CF/17/2), WIPO Coordination Committee (WO/CC/44/2), Paris Union Assembly (P/A/29/1), Paris Union Conference of Representatives (P/CR/26/1), Paris Union Executive Committee (P/EC/36/1), Berne Union Assembly (B/A/25/2), Berne Union Conference of Representatives (B/CR/19/1), Berne Union Executive Committee (B/EC/42/1), Madrid Union Assembly (MM/A/31/3), Hague Union Assembly (H/A/18/2), Hague Conference of Representatives (H/CR/18/1), Nice Union Assembly (N/A/18/1), Nice Union Conference of Representatives (N/CR/17/1), Lisbon Union Assembly (LI/A/15/1), Lisbon Union Council (LI/C/22/1), Locarno Union Assembly (LO/A/18/1), IPC Union Assembly (IPC/A/17/2), PCT Union Assembly (PCT/A/27/4), Budapest Union Assembly (BP/A/15/1) and the Vienna Union Assembly (VA/A/11/1).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 20, 1999, is set forth in document A/34/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/34/1 Prov.3) were presided over by the following Chairs:

Items 1, 2 and 3	Mr. Luis Gallegos-Chiriboga (Ecuador), outgoing Vice-Chair of the General Assembly
Items 4, 5, 6, 8, 9, 10, 15, 16, 17, 19, 20, 21, 24 and 25	Mr. Marino Porzio (Chile), Chair of the General Assembly
Items 23 and 26	Mr. Ian Heath (Australia), Vice-Chair of the General Assembly
Items 7 and 18	Mr. José Graça Aranha (Brazil), Chair of the WIPO Conference
Item 11	Mr. José Lopez Calvo (Spain), Chair of the IPC Union Assembly
Item 12	Ms. América Néstar Santos Riveras (Cuba), Chair of the Madrid Union Assembly
Item 13	Mr. Lucien Van Boxstael (Belgium), Vice Chair of the Hague Union Assembly
Item 14	Mr. Jorge Amigo Castañeda (Mexico), Chair of the PCT Union Assembly
Item 22	Mr. M. K. Kaw (India), Chair of the Berne Union Assembly
Item 27	Mr. Christian-Claude Beke Dassys (Côte d'Ivoire), Chair of the WIPO Coordination Committee

- Item 28: The Chairman (or, in his absence, a Vice-Chairman, or, in the absence of the Chairman and both Vice-Chairmen, an *ad hoc* Chairman) of one of the 21 Governing Bodies concerned, that is, for the General Report, the Report of the WIPO General Assembly, Mr. Marino Porzio (Chile); the Report of the WIPO Conference, Mr. Karl Flittner (Germany); the Report of the WIPO Coordination Committee, Mr. Karl Flittner (Germany); the Reports of the Paris Union Assembly and Conference of Representatives, Mr. Karl Flittner (Germany); the Report of the Paris Union Executive Committee, Mr. Karl Flittner (Germany); the Report of the Berne Union Executive Committee, Mr. Moses F. Ekpo (Nigeria); the Reports of the Berne Union Assembly and Conference of Representatives, Mr. Tolesh Erdenovich Kaudyrov (Kazakhstan); Reports of the Madrid Union Assembly and Hague Union Assembly, Mrs. América Néstar Santos Riveras (Cuba); the Report of the Hague Union Conference of Representatives, Mr. Umar Hadi (Indonesia); the Reports of the Nice Union Assembly and Conference of Representatives, Lisbon Union Assembly and Council, Mr. Amor Bouhnik (Algeria); the Report of the Vienna Union Assembly, Mr. John Malcolm Spence (Trinidad and Tobago); the Reports of the Locarno Union Assembly, IPC Union Assembly and Budapest Union Assembly, Mr. Yunus Lengeranli (Turkey); the Report of the PCT Union Assembly, Mr. Sarkis Khantardjian (Armenia)
- Item 29: Mr. Marino Porzio (Chile), Chair of the WIPO General Assembly.

5. An index of interventions by delegations of States, regional groups and representatives of intergovernmental organizations and non-governmental organizations mentioned in this report is reproduced as an Annex. The list of participants will appear in document A/34/INF/3.

#### ITEM 1 OF THE CONSOLIDATED AGENDA:

##### OPENING OF THE SESSIONS

6. The thirty-fourth series of meetings of the Assemblies and other bodies of the Member States of WIPO was convened by the Director General of WIPO, Dr. Kamil Idris (hereinafter referred to as “the Director General”).

7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 21 bodies concerned by the outgoing Vice-Chair of the General Assembly, Mr. Luis Gallegos-Chiriboga (Ecuador).

#### ITEM 2 OF THE CONSOLIDATED AGENDA:

##### ADOPTION OF THE AGENDA

8. The Delegation of Paraguay, speaking on behalf of the Latin American and Caribbean Group, proposed postponing the discussion on agenda item 10, (Joint Resolution Concerning Provisions on the Protection of Well-Known Marks), until the end, after agenda item 27 (Staff Matters), as they wished to analyze and consider the issue in detail.

9. The Delegation of Portugal made a proposal to bring agenda item 21 (Use of Portuguese as a Working Language of WIPO) forward and consider it between item 5 (Accounts for the 1996-1997 Biennium; Interim Financial Statement for 1998; Arrears in Contributions as of July 1, 1999) and item 6 (Draft Program and Budget for the 2000-2001 Biennium) due to the budgetary considerations.

10. After taking into consideration the statements above, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/34/1 Prov.3 (hereinafter referred to in this document and in the documents listed in paragraph 2 above as the "Consolidated Agenda").

#### ITEM 3 OF THE CONSOLIDATED AGENDA:

##### ELECTION OF THE OFFICERS

11. Discussions were based on document A/34/INF/1 Rev.

12. Informal consultations among the Group Coordinators were undertaken by the outgoing Vice-Chair of the WIPO General Assembly, Mr. Luis Gallegos-Chiriboga (Ecuador), in respect of the election of the officers of the WIPO General Assembly, WIPO Conference and WIPO Coordination Committee. As a result of those consultations, the officers of the WIPO General Assembly were elected by the WIPO General Assembly on September 20, 1999, the officers of the WIPO Conference were elected by the WIPO Conference on September 21, 1999, and the officers of the WIPO Coordination Committee were elected by the WIPO Coordination Committee on September 21, 1999.

13. The informal consultations mentioned in the previous paragraph were continued in respect of the officers of the other 18 Assemblies and other bodies, resulting in a proposal for the election of other officers that was presented by the newly-elected Chair of the WIPO General Assembly, Mr. Marino Porzio (Chile). On the basis of the said proposal, each of the 18 Assemblies and other bodies elected its officers on September 24, 1999.

14. The list of the officers elected for the 21 Assemblies and other bodies appears in document A/34/INF/4.

ITEM 4 OF THE CONSOLIDATED AGENDA:

PROGRAM PERFORMANCE IN 1998

Opening Speech by the Chair of the General Assembly

15. I should like to begin by thanking each and every one of the Delegates here present for the very generous support that you have given me for my election to the Chair. This election is a tribute to my country, Chile, and one which is a great honor to us. The Government of Chile has been a member of WIPO for many years and is party to various Treaties administered by the Organization. We also participate in the activities of this body with interest and enthusiasm. Having been elected to Chair this General Assembly is a further commitment to us with the objectives of this Organization.

16. From a personal perspective, this election is a great honor, which I accept with pride and also with great humility. I cannot fail to recall that for almost 20 years I was an official at WIPO, and for eight years served as Deputy Director General. So to be called upon at this point to Chair the main political body of this Organization is undoubtedly a privilege and also a great responsibility.

17. This Assembly is facing the major challenge of considering the program of the World Intellectual Property Organization for the Biennium that will constitute the end of this Century and the beginning of a new Millennium. Of course, this is not simply a question of a date on the calendar, it covers a whole range of expectations and changes, particularly in the fields of policy, science, technology, economics, culture, etc. Without any shadow of doubt, all of this is going to have a major impact on the work and the policies of this Institution. For the last ten years the world has been preparing for the new Century, and this has given rise to both apprehension and expectation. WIPO has also been very much involved in major changes: two years ago the Organization elected a great Director General who has demonstrated that he has a great vision for the future and with extraordinary intelligence and ability; he has rapidly changed this Organization, moving forward, modernizing it, in order to enable it to meet the challenges of the years to come.

18. WIPO is at present in a pivotal position to provide significant cooperation in the directions which should be taken in order to solve the many problems now confronting many countries. The solution of these problems will inevitably prove to be vital in the early years of the coming Century. These solutions must be modern, economic and appropriate, in order to resolve economic, social, demographic, scientific and developmental issues in an integrated fashion, in order to allow countries to continue to move forward in the path of progress.

19. The globalization that we witness today has given rise to a great internationalization in production and trade of goods and services, and has shown us the market interdependence that has obliged us to look at intellectual property with new eyes. Indeed, the institutions involved in intellectual property must change if they are to continue to provide the services that are expected from them in a world fundamentally different to the one that existed when these institutions were created.

20. Intellectual property as it has been developed through many of its institutions, at the time of the industrial revolution, in the middle of the 19<sup>th</sup> Century is now, more than ever, facing a revolution that is based on information technology development. The tangible



changes produced by this technology have given rise to new industrial and commercial activities mainly in the areas of services which will have a decisive influence in many of the traditional institutions of intellectual property.

21. Perhaps the key feature of the era we are embarking on is the dynamism, the speed of change. This is a challenge in many areas of intellectual property and particularly for this Organization which is based on a legal tradition that cannot always provide answers as quickly as new technology reacts. In order to illustrate these words let us simply look at the conference recently convened by WIPO on Electronic Commerce. I take this opportunity to congratulate Dr. Idris for his vision in convening this important conference in a fairly short space of time, and for his courage in taking up this area of such great interest both to commercial and industrial sectors and the future of intellectual property. We hope most sincerely that this conference on electronic commerce will be only the first of others which will enable us all to take up the challenges that we need to face for the coming Century. I venture to hope that these conferences will address issues that will contribute to resolving, at least in some small measure, the problems that the developing countries are facing and also enable us to increase the welfare and the well-being of mankind in terms of intellectual property.

22. We have a fairly lengthy agenda ahead of us and I very much hope that with your help, and that of the Delegations of Australia and the Russian Federation as Vice-Chairs, and the contributions of all Delegations, we will be able to deal with the Agenda, and to carefully examine all the items in order to reach decisions that will provide a very useful mandate for the Director General and the Secretariat.

23. Honorable delegates before we proceed to agenda item number 4, I wish to report and bring to the attention of the General Assembly the result of the consultations initiated by the Director General with the Group Coordinators with regard to the naming of the main buildings of WIPO after two former Directors General of the Organization. The proposal of the Director General to name the tower building, this building after Arpad Bogsch and the other building currently known as the BIRPI building after the late Georg H.C. Bodenhausen was accepted. I understand that at the Reception this evening the Director General will offer to all Delegates, Dr. and Mrs. Bogsch will be invited as well as the children of the late Mr. Georg H.C. Bodenhausen.

24. The Chairman, noting the lengthy agenda and in the interest of working efficiently, indicated that it had been agreed with the Spokesmen of the Regional Groups that oral statements should be limited to no more than seven minutes. Written statements should be submitted to the Secretariat, and any delegations that did not wish to take the floor could submit written statements which would be reflected in the report as if they had been given in the plenary. Almost all delegations which spoke also filed written statements with the Secretariat.

25. Discussions were based on document A/34/6.

26. In introducing the document, the Secretariat recalled that the program and budget for the 1998-99 biennium was WIPO's first results-based program and budget. An evaluation of program performance was a crucial element of the transparency and accountability necessary to implement a results-based program and budget successfully. The report on program performance in 1998 utilized performance indicators to assess the extent to which the expected results had been achieved, or progress made in their achievement; it identified the

main factors that had affected the realization of the objectives of the program, and presented a mid-term assessment of the overall prospects for attaining the program objectives by the end of the biennium. The report was therefore unlike the former "Activities Reports" which simply listed the activities that had been undertaken. Noting that the report was only the first step in the development in WIPO of the new process of program performance evaluation, the Secretariat invited comments or suggestions on how best to further develop both the assessment and the presentation of program performance.

27. The delegations of the following 69 States, 4 intergovernmental organizations and 4 international non-governmental organizations made statements; Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Burkina Faso, Canada, Central African Republic, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Egypt, Finland, Gambia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Italy, Jamaica, Japan, Jordan, Kenya, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Nigeria, Norway, Pakistan, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Swaziland, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Uganda, United States of America, United Republic of Tanzania, Uruguay, Viet Nam, Zambia and Zimbabwe; African Intellectual Property Organization (OAPI), African Regional Industrial Property Organization (ARIPO), European Patent Organization (EPO), Organization of African Unity (OAU); Ibero-Latin-America Federation of Performers (FILAI), Ibero-American Organization of Copyright (LATINAUTOR), International Federation of Industrial Property Attorneys (FICPI) and International Federation of Reproduction Rights Organizations (IFRRO).

28. The delegations which made statements commended the Director General and the Secretariat for the high quality of the documents submitted, which they found concise, clear and comprehensive.

29. The Delegation of Indonesia, speaking on behalf of the Asian Group, stated that the Asian Group fully supported the Director General's efforts to ensure that the transformation process in WIPO was carried out according to the principles of transparency and accountability. The Asian Group commended the efforts of the Director General and the Secretariat in implementing the 1998-99 program and budget, noting the difficulties encountered, including a reorganization and a new budgeting system, increased workloads and growing demands for greater transparency and better services. While expressing appreciation for the efforts to strengthen coordination between Member States, the Secretariat and users, and the promotion of consensus-building, it also expressed the view that active participation of developing countries could still be further increased and broadened. WIPO's cooperation for development activities had generated results of benefit to a large number of Asian countries. Nationally-Focused Action Plans (NFAPs) were found to be very fruitful and were thus expected to be continued. The Asian Group welcomed the enhanced structure of the WIPO Worldwide Academy and its creative activities, which facilitated meeting the increasing needs of developing countries for human resources development. Moreover, the Asian Group considered WIPO's assistance in the area of TRIPS implementation to be very helpful, and appreciated the various activities devoted to such important issues as traditional knowledge, biotechnology, biological diversity and folklore. It was especially appreciative of the special attention devoted by WIPO to the needs of the least developed countries (LDCs). The 1998-99 biennium was thus a good start for WIPO to embrace the challenges ahead, for strengthening the foundation for its future work and for heightening the awareness of the importance of intellectual property. The Asian Group noted that the rapid pace of

globalization and development of new technology were accelerating the demand for improvements in the international intellectual property system. At the same time, as most developing countries were still facing existing challenges of building legal, technical and institutional infrastructures, it was important to continue, maintain and further improve the activities of the Organization, particularly in the area of cooperation for development. The Asian Group reaffirmed its full support to the draft program and budget for the 2000-2001 biennium, and particularly welcomed the activities of great concern to the developing countries, including the protection of traditional knowledge, understanding the dimensions of intellectual property protection as applied to biotechnology and biological diversity, protection of folklore and its preservation and commercial enhancement, and the intellectual property implications of electronic commerce. The Asian Group again drew attention to the concern over the issue of protection of handicrafts; it was of the view that the need for a suitable mechanism and agreed norms for the protection of handicraft was shared by the developing countries. The Asian Group expressed concern about the need to expand and increase assistance related to the implementation of the TRIPS Agreement, which was still widely shared by the developing countries. While expecting further assistance to modernize its intellectual property systems and to support its legislative efforts, the Asian Group invited the Secretariat to initiate a series of studies on the implication of the implementation of the TRIPS Agreement for social, cultural, economic and technological development in the developing countries. The Asian Group concluded by reaffirming its full support to the Director General and the Secretariat in their efforts to ensure a successful transformation of WIPO to enhance its ability to face the challenges of the next millennium.

30. The Delegation of Sweden welcomed the very clear and precise report on WIPO's program performance in 1998. It expressed its appreciation for the amplitude and quality of the tasks accomplished and the efficiency with which they were carried out, which reflected WIPO's commitment to transparency and accountability. It congratulated WIPO for its excellent achievements during the period under review. The delegation appreciated that, in the program performance report, performance indicators were used for the first time to assess the extent to which expected results had been achieved, which clearly responded to its requests, made on previous occasions, for more in-depth analysis of results achieved in relation to their goals and objectives. The delegation appreciated very much both the structure and substance of the report. Noting that it was WIPO's first program performance report, the delegation considered that it could be further developed to improve understanding of the relationship between performance indicators and results achieved; the inclusion of costs as performance indicators would improve the possibility of evaluating the performance of each sub-program. The delegation highlighted the financial and manpower contributions of the Government of Sweden over the years to WIPO's cooperation for development programs. For instance, in August, it arranged jointly with WIPO a copyright course in Stockholm for twenty participants from developing countries, and was annually running a course on industrial property for ten participants from developing countries. The delegation affirmed its readiness to continue with such activities also in the future. It described its contributions in the area of patent information services by providing state-of-the-art searches, and search and examination of patent applications under WIPO's International Cooperation in the Search and Examination of Inventions (ICSEI) program; financing for the continuation of this service was currently under discussion with the Swedish International Development Agency (SIDA). The delegation announced that the Swedish Patent and Registration Office, the Spanish Patent and Trademark Office and the European Patent Office had signed this year an agreement forming a partnership for international search of PCT patent applications, in order to harmonize international search procedures and fees between the three offices; this should be of great value to the users of the PCT. The delegation said that it also appreciated the various

activities in the copyright sector, in particular the work carried out in the Standing Committee on Copyright; a successful outcome of the on-going negotiations on the protection of audio-visual performances was of vital importance. In addition, the delegation placed on record its appreciation of the establishment of new units in WIPO, in particular the Copyright Collective Management Division. Furthermore, the delegation had great expectations concerning future development of the WIPONET, such as for instance, in the field of electronic commerce.

31. The Delegation of Cuba congratulated the Director General and the [Secretariat](#) on the excellent results achieved during the period under review, especially the increase in cooperation for development and the contribution to the training of the human resources of many countries. It also welcomed the achievement of ever-greater incorporation of intellectual property in economic, technological and commercial strategy, and in decision-making processes in general, which in turn was reflected in the strengthening of national systems and in greater awareness in the various sectors of the country. The delegation pointed out that, of the tasks carried out by the Organization, Cuba attached particular importance to the subjects of folklore and traditional knowledge, and also to electronic commerce, which was why it supported their inclusion as work priorities for the 2000-2001 biennium. It further congratulated WIPO on the successful organization of the Diplomatic Conference for the Adoption of the Geneva Act of the Hague Agreement. The delegation expressed its confidence that the challenges of the new program would be satisfactorily met thanks to the leadership and strategic vision shown by the Organization and its Director General and staff, all of whom contributed decisively to its realization.

32. The Delegation of Egypt welcomed the report on the program performance in 1998 and noted that, in spite of the limited time frame and the several changes in the Organization, there were many positive accomplishments, including ensuring effectiveness and transparency in the Organization's activities. The delegation especially appreciated the able leadership of the Director General and the efforts of the Secretariat in developing news goals and accelerating their achievement. The delegation welcomed the activities concerning cooperation for development, especially those aimed at enhancing and developing methods of protection of intellectual property at both local and regional levels, responding to the needs of developing countries in connection with the implementation of the TRIPS Agreement, and meeting the challenges resulting from the use of new information technologies. It welcomed in particular the joint WIPO-WTO initiative of technical cooperation for developing countries in relation to the TRIPS Agreement. The delegation appreciated the extensive cooperation with WIPO, including the training of a number of Egyptian officials both at the WIPO Academy and in the various training sessions organized by WIPO in Geneva or elsewhere, consultations about possibilities of cooperation in various fields, including training of local authorities concerned with the protection of intellectual property, and advice from the Secretariat as regards modification of Egyptian legislation or the drafting of new legislation in various intellectual property fields. Egypt adhered to the Trademark Law Treaty in 1999, and was considering accession to other WIPO conventions, including the PCT. Recognizing the importance of improving public knowledge about intellectual property and the obligations under the TRIPS Agreement, the Egyptian Ministry of Foreign Affairs published a "white book" in Arabic explaining the TRIPS Agreement. Since the field of intellectual property was new to the Arab region, the delegation requested continuation of WIPO's support to Arab countries, including training of government officials, providing modern technical equipment, and assistance in establishing national legislation. This would support the protection of copyright, would enhance economic, social and cultural development, and create a suitable environment to attract foreign investment. The delegation reiterated its earlier request

concerning the establishment of a system to follow-up the activities of WIPO's technical cooperation with developing countries, in order to maximize the benefits of those activities. It also requested that more emphasis be put on the enforcement of intellectual property, to assist developing countries in meeting their obligations under the TRIPS Agreement. In this context, the delegation noted that a symposium would be held shortly in Cairo, involving the judiciary, customs and police authorities, to consider how to meet Egypt's obligations under various intellectual property conventions and especially under the TRIPS Agreement. The delegation stated that electronic commerce had become an important issue, and it would make a detailed statement on this matter under the appropriate Agenda Item.

33. The Delegation of Georgia complimented the Secretariat for the excellent documentation concerning program performance in 1998, which not only summarized the results achieved in 1998, but also defined future strategies and programs. The delegation stated that this new approach of clearly inter-relating program objectives, activities, expected results, and financial resources reflected WIPO's evolution to modern organizational principles, management and accountability. Among WIPO's many programs, the delegation highlighted Main Program 12 "Global Information Network and Intellectual Property Information Services." The development of the global WIPONET would greatly increase the level of intellectual property information services among participating countries, especially among the concerned patent offices and various scientific, industrial and commercial establishments. In this regard, the Georgian Patent Office was undertaking extensive development of its local area network of some 80 workstations, and equipping the patent library with more than 3,000 CD-ROMs containing patent information. Last year, the Georgian Patent Office actively used the Internet and on-line services for patent searching, and stated that various information would be obtained on its own Web site. The Office was participating in the development of common CD-ROM products for the CIS countries, and had created its own CD-ROM containing Georgian patent information. In the near future, it expected optical discs to replace paper carriers. The delegation noted the usefulness of establishing a consultative committee between the Patent Office and producer organizations, which it planned to pursue. In June 1998, by Presidential Decree, the Georgian Patent Office was transformed into the National Intellectual Property Center ("Sakpatenti"), an autonomous legal entity with self-financing status and wide functions, whose Director General is appointed by the President of Georgia. In the first half of 1999, the Parliament of Georgia adopted five laws proposed by Sakpatenti, namely, the Patent Law of Georgia, the Law on Trademarks, the Law on Appellations of Origin and Geographical Indications, the Law on Topographies of Integrated Circuits, and the Border Measures Law Related to Intellectual Property. Also a separate Law on Copyright and Neighboring Rights was enacted. The above-mentioned laws, which were deemed to be in conformity with the provisions of the TRIPS Agreement, were reviewed by various entities including WIPO prior to their enactment, and the delegation expressed its gratitude for assistance received in this regard. These laws also paved the way for Georgia's accession to the World Trade Organization, expected to be considered in October 1999. Moreover, the Sakpatenti prepared the Agreement on Preventing the Use of False Trademarks and Geographical Indications and on Preventive Measures signed in Minsk last June 1999, by the CIS countries.

34. The Delegation of Morocco noted that since the last meeting of the Assemblies, Morocco had ratified the Patent Cooperation Treaty, the Madrid Protocol and the 1960 Act of the Hague Agreement. Conscious of the importance of intellectual property and its role in economic and social development, Morocco was currently studying the possibility of adhering to other WIPO treaties. A number of important events and meetings had taken place in Morocco over the past year, including the regional consultation of Arab countries on

broadcasting organizations and the protection of databases, held at Rabat in June 1999, and the WIPO regional consultation on electronic commerce and intellectual property held in July, 1999. In the framework of its program of cooperation with WIPO, Morocco had pursued its intellectual property public awareness campaign with activities involving public officials, business managers, judges, university lecturers and students, which had resulted in a noticeable increase in the number of intellectual property titles deposited. In keeping with the great importance of bilateral cooperation, the Moroccan Industrial Property Office maintained good relations with the *Institut national de la propriété industrielle* of France, the Spanish Patent and Trademark Office and the European Patent Office, all of whom the delegation thanked for their technical assistance. At the regional level, in cooperation with WIPO, Morocco had pursued a training program for officials of industrial property offices from Arab and francophone countries. Morocco intended to expand its intellectual property training activities and wished to benefit from WIPO support in the establishment of a modern center devoted to training trainers from Morocco as well as Arab and African countries. Morocco would welcome support from developed countries with experience in this domain. The delegation reported that over the past year, the Moroccan Industrial Property Office had developed an industrial property and business information system, SIPIC, that allowed the electronic management of industrial property titles, international marks designating Morocco, and information about individuals and legal entities entered on local registries. This system reinforced the decentralization of the filing of trademarks, industrial designs and models and refusals to regional offices, and facilitated the diffusion of information about intellectual property to the business community. The Office planned to expand this system to patent searches, and was consequently engaged in consultations with INPI and the Tunisian Institute of Industrial Property (INNORPI); it would welcome WIPO's assistance and support in this endeavor.

35. The Delegation of India expressed its appreciation for the way that the Director General had brought a dynamism to WIPO that enabled it to meet both the current and emerging requirements of developing countries, particularly in new areas such as the protection of bio-diversity, traditional knowledge and folklore. As reflected in the Director General's visit to India in February 1999, his forward-looking leadership had focussed attention on these issues while also strengthening efforts to protect more traditional intellectual property. The delegation expressed its satisfaction with the draft program and budget for the next biennium with its focus on facing the intellectual property challenges in the next century, especially in areas such as indigenous knowledge, folklore, bio-resources and electronic commerce, for which the developing countries would require assistance, notably in drafting legislation and in human resources development. WIPO could contribute greatly to building the knowledge required to protect intellectual property in the new fields. The delegation of India welcomed WIPO's ongoing initiatives aimed at assisting developing countries to comply with the calendar for legislative changes stipulated by the TRIPS Agreement. It expressed appreciation for WIPO's efforts to create greater awareness of the importance of intellectual property rights. In this regard, WIPO's Asian Regional Seminar on Intellectual Property Rights in the field of traditional medicine, held in New Delhi in 1998, had highlighted intellectual property issues inherent in bio-diversity and in traditional knowledge and medicinal practices. The July 1999 Forum on Intellectual Property Issues in the Next Millennium had focussed attention on additional emerging issues to be addressed such as the modernization of intellectual property systems and national offices, the protection of new emerging knowledge bases, and the sharing of the benefits of traditional knowledge with the communities that possess it. The WIPONET would make a significant contribution in this direction. Further seminars in India in November 1999, on the PCT and patenting of bio-technology inventions were of real relevance. The delegation reported that Indian

industry had welcomed India's adherence to the Paris Convention and the Patent Cooperation Treaty; encouraged by this, the Government was examining other conventions such as the Budapest Treaty and the Madrid Agreement. With WIPO's assistance, India was in the process of modernizing its industrial property administration, with projects to modernize the Patent Information Service and the Trademarks registration services. Initiatives were also underway to modernize the legislation on industrial property, to be in conformity with the TRIPS Agreement and international practices and to meet the needs of Indian industry and inventors, while also safeguarding the public interest, national security, biodiversity and traditional knowledge. In the critically important Standing Committee on Information Technologies, which India had chaired, it would be important to endeavor to make the intellectual property system adaptable to the synergies offered by the WIPONET. The delegation reported that India's many recent measures to strengthen the enforcement of intellectual property rights, particularly for copyright and related rights, were now bearing fruit in a marked decline in piracy. With the assistance of WIPO, India was also organizing regular seminars and workshops aimed at generating the public awareness and vigilance that are the best guarantees for the enforcement of intellectual property laws. The delegation commended WIPO for its work in human resource development, and expressed the hope that the Organization would pay even greater attention to the development of well-informed and articulate professional groups of intellectual property experts in the future. WIPO's distance learning program was an important encouragement for the study of intellectual property rights and should link with distance learning institutions in developing countries in order to expand its reach. The delegation also thanked WIPO for its help in modernizing India's copyright administration. In conclusion, the delegation stated that the intellectual property regime should be tuned to be responsive to the challenges of the next millennium, with WIPO's continuing assistance.

36. The Delegation of Pakistan congratulated the Director General for the laudable program implementation in 1998, noting that there had been a veritable revolution in the Organization, which had moved beyond focussing only on intellectual property protection and was now also addressing many broader challenges. In this regard, the delegation mentioned the work of the new Standing Committees, the efforts to make more effective use of information technology, and the activities of the WIPO Worldwide Academy. WIPO had also demonstrated a sustained commitment to cooperation for development, which benefited from support at the highest levels in the Organization. The delegation stated that Pakistan was modernizing its intellectual property legislation and enforcement procedures in order to meet the requirements of the TRIPS Agreement and, with WIPO's assistance, was also modernizing and automating its intellectual property offices. It was in the process of undertaking a three-tiered strategic approach to intellectual property protection consisting of greater coordination among its intellectual property offices, the creation of a national authority to provide strategic direction in the field of intellectual property, and measures to demystify intellectual property issues in Pakistan aimed at academics, researchers, officials and members of civil society. The delegation concluded by stating that the Director General's forthcoming visit to Pakistan would provide a greater impetus to these measures.

37. The Delegation of the Republic of Korea expressed its satisfaction with WIPO's programs and activities. The introduction of advanced information technologies by WIPO would offer ample opportunities to develop intellectual property rights systems through the WIPO website, WIPO Worldwide Academy, WIPO's Intellectual Property Digital Libraries and the PCT automation project, and the establishment of the WIPONET would enable Member States to accelerate the development of their IPR systems through exchanging intellectual property information. The delegation invited WIPO to pay particular attention to

the different conditions between developed and developing countries, and to make it possible for all Member States to share the benefits of information technologies and thereby build infrastructure to establish a truly global intellectual property community. The delegation spoke favorably of WIPO's cooperation for developing countries which had contributed to developing their IPR systems in conformity with the TRIPS Agreement and other international standards, the valuable human resource development work of the WIPO Worldwide Academy, the progress made in the Standing Committees, and the efforts to streamline WIPO's operational and financial structures. The delegation stated its hope that reforming WIPO's complicated structures would not be injurious to the Member States; all interests and opinions must be fully reviewed and addressed. Within the Republic of Korea, the Korean Industrial Property Office (KIPO) had moved into a new state-of-the-art building. The KIPOnet system, operating since January, was making intellectual property rights administration almost paperless in all phases, including the processing of applications, examination and registration. At present, 73 percent of applications were being made on-line through KIPOnet. KIPO was working to connect KIPOnet to other Offices, including WIPO, and was ready to assist other countries interested in developing similar systems. The delegation reported on KIPO's considerable progress in improving its administration of the trademark, design, patent and utility model laws. At the international level, KIPO had been appointed as an International Searching and Preliminary Examining Authority (ISA/IPEA) under the Patent Cooperation Treaty and would assume those functions later this year. In 1999, the Republic of Korea had become party to the Nice and Strasbourg Agreements. The delegation concluded by encouraging WIPO to focus on strengthening cooperation between all Member States in order to meet the challenges of the eve of the new millennium, such as the Internet, electronic commerce and biotechnology.

38. The Delegation of Senegal expressed its satisfaction with the excellent work of WIPO and in this regard made particular note of the development of the WIPONET, the PCT automation project, technical cooperation devoted to implementation of the TRIPS Agreement, the protection of intellectual property in electronic commerce, and the work of the WIPO Worldwide Academy in human resource development. Senegal had benefited greatly from its cooperation with WIPO, and the delegation wished to thank the Director General and his colleagues. Senegal was very satisfied with the Organization's activities carried out during the period under consideration, and WIPO could count on its full support in realizing its mission of developing intellectual property throughout the world.

39. The Delegation of Finland welcomed WIPO's increased focus on transparency and results-oriented planning, and appreciated the activities undertaken and planned to meet the challenges of the next millennium. It noted the successful conclusion of the diplomatic conference which led to the adoption of a new Act for the Hague Agreement Concerning the International Deposit of Industrial Designs, which would provide enterprises and industries with an effective and geographically wide international design registration system, and remove barriers which had restricted the geographical coverage of the Hague Agreement. The delegation noted that the Standing Committee on the Law of Patents was finalizing its work concerning the Patent Law Treaty; it welcomed the diplomatic conference scheduled for the Spring of 2000, and hoped that in time the harmonization in this field could also extend to substantive issues. The delegation supported WIPO's work in electronic commerce. Regarding the Standing Committee on Trademarks, Geographical Indications and Industrial Designs, the delegation supported the recommendations adopted in June on well-known marks. The activities under Main Program 12, and particularly WIPONET, were stressed as a key element for a globally networked intellectual property community. In the area of copyright and related rights, the delegation emphasized the importance of the adoption of a



new instrument on audiovisual performances, as well as the work towards a treaty on the rights of broadcasting organizations, and the efforts to harmonize the protection of databases. The digital agenda of WIPO was a timely strategy, significant for effective on-line protection of copyright and related rights, for the development of electronic commerce and for economic activities in the networked environment. The challenges were global, and WIPO was the global tool of its Member States to establish the necessary new rules and practices in the field of intellectual property.

40. The Delegation of Switzerland expressed its satisfaction that WIPO was a leader in the United Nations system in successfully undertaking a bold management revolution under the leadership of the Director General. Regarding the report on program performance in 1998, the delegation expressed its particular appreciation for the clarity with which the principal results of Main Programs 02 to 18 had been presented in parallel with the selected performance indicators. In adopting results-based budgeting, WIPO had demonstrated its large capacity for innovation and its pioneering spirit. The approach that had been taken to reporting results would lead to even greater efficiency for the Organization based on greater transparency. The delegation congratulated WIPO for having achieved overall the expected results for 1998. Among WIPO's many successes, the delegation highlighted the dynamic role of the WIPO Worldwide Academy and the creation of a distance learning system. Bearing in mind that the 21<sup>st</sup> Century would be that of knowledge-based economies, with the intellectual property protection systems their principal engine, Switzerland attached great importance to and supported WIPO's work with developing countries, least developed countries and countries in transition. The delegation supported WIPO's activities aimed at revitalizing treaties in the areas of copyright and neighboring rights, and industrial property, and Switzerland would review its own copyright legislation to take account of the new treaties. In the current review of industrial design legislation, the Swiss authorities would take into account the new Act of the Hague Agreement with a view to enabling Switzerland to ratify it. Switzerland was also following closely work underway on the Patent Law Treaty and potential developments in the field of geographic indications. Aware, like WIPO, of the importance of the relationship between genetic resources and intellectual property, Switzerland had made a proposal for "Draft Guidelines on Access and Benefit Sharing Regarding the Utilization of Genetic Resources" for the meeting of experts to be held in Costa Rica from October 4 to 8, 1999, pursuant to the Convention on Biological Diversity. The draft Guidelines were intended as a code of conduct for the partners involved in the use of genetic resources. The delegation welcomed WIPO's initiatives in such new and complex matters as domain names and electronic commerce. Switzerland's active participation in WIPO meetings demonstrated not only its interest in such topics, but also its desire to see WIPO take the leading role.

41. The Delegation of The former Yugoslav Republic of Macedonia indicated that its Government had launched a new program to attract foreign direct investment, with special importance given to the protection of industrial property. To encourage innovation, the Industrial Property Protection Office had started the process of establishing Innovation Centers and Technology Watch Centers, in cooperation with WIPO, EPO and the Government of Luxembourg. To modernize the Office, new computer equipment had been installed, and assistance from WIPO and EPO was anticipated for the supply of software, in order to make the information system available for the employees of the Office, inventors and research institutions. To promote the protection of industrial property, the participation of Macedonian inventors in world exhibitions of innovations was encouraged, and the Prime Minister awarded a diploma and financial award to the holder of the best Macedonian patent. New laws had been enacted on copyright and related rights, on broadcasting activities and on

culture. The Ministry of Culture, which exercises permanent supervision in the field of copyright and related rights, had focussed on the unauthorized broadcasting and re-broadcasting, and had turned its attention now to unauthorized distribution of phonograms and videograms as well as computer programs. Technical assistance from WIPO was beneficial in the continuing education of judges and employees of the Industrial Property Office, and in supporting the development of intellectual property in the country. The former Yugoslav Republic of Macedonia was expanding its bilateral cooperation, and looked forward to a greatly expanded and strengthened relationship with WIPO.

42. The Delegation of Austria congratulated the Director General on the achievements in re-organizing WIPO and on the increased transparency in the management of the Organization. It welcomed the approach of accountable program management reflected in the program performance report, including quantifiable indicators to evaluate the activities undertaken to implement the program. The delegation appreciated that WIPO was taking full advantage of new information and telecommunications technologies to face the challenges of globalization, and in that context, noted the establishment of the Standing Committee on Information Technologies, the automation of PCT and the creation of WIPONET. It was satisfied with the emphasis placed on Main Program 08 (Human Resource Development), and mentioned that an inter-regional training course on industrial property themes had just been concluded in Vienna. The delegation emphasized Austria's commitment to play an active part in supporting WIPO's Cooperation for Development Program. It observed that in the spring of 1999, the Austrian Patent Office had celebrated its first centennial, and thanked the Director General for his visit to Austria on that occasion. During the current year, Austria ratified the Madrid Protocol and the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks. The delegation noted that far-reaching amendments to the Austrian Trademark Act had been passed by Parliament, which included introducing regulations on the protection of well known marks, and implementing European Union regulations concerning the protection of geographical indications and measures against counterfeit goods. Liberalization efforts were under way regarding access to the profession of Patent Attorney. Applications for industrial property rights were increasing, with a 10 percent increase for trademarks, and the trend was expected to continue. The delegation affirmed its full support for the activities of WIPO.

43. The Delegation of the United States of America congratulated the Director General in his efforts to lead the Organization in an increasingly modern and transparent manner, which it saw as good first steps in moving forward towards developing an Organization which is accountable and responsive to the needs of its primary constituency, the Member States, and the delegation anticipated further progress in this direction. The delegation was encouraged by many major developments since the last meeting of the Assemblies, and cited as an example the recent conclusion of the New Act of the Hague Agreement Concerning the International Registration of Industrial Designs. The delegation was encouraged by the outcome of that, and said that it would recommend to President Clinton that he submit the Treaty to the Senate for its advice and consent on ratification in the near future. The delegation believed that this new Act represented an improvement in international intellectual property protection which would benefit industrial designers throughout the world. Similar progress was anticipated in the areas of patent law harmonization and PCT simplification during the next biennium. The delegation also hoped that the international community would soon enjoy the benefits of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The United States of America had recently deposited with the Director General the instruments of ratification to those treaties. The delegation strongly encouraged the remaining Member States to join those treaties so that all might gain from the progress in

that area. The delegation referred to the recent WIPO International Conference on Electronic Commerce as very successful. The delegation credited strong intellectual property laws and enforcement for much of the economic development of the United States of America during its 223 year history. It applauded WIPO's programs in the area of legislative and enforcement training. It noted that, with respect to the forthcoming expiration of the transition period provided to developing country Members of the World Trade Organization, the role of WIPO would become increasingly important in assisting Member States to meet their international obligations, and thereby provide a framework in which investment in intellectual property would flourish, and sustainable economic development would follow. The delegation stressed that the United States of America had long considered WIPO a valuable and integral part of the United Nations system. It looked forward to working with the Director General and the Secretariat, especially with respect to a focused approach to WIPO's role in the promotion of international intellectual property. With regard to program performance in 1998, the delegation thanked the Secretariat for the comprehensive document which provided a big step towards increased transparency, and noted the improved clarity of the performance indicators as compared to the document presented to the Program and Budget Committee in April 1999. The delegation said that the next report would benefit from additional work to focus and further clarify the performance indicators, to provide more results-oriented measures. It noted that the United States Government uses a "balanced scorecard" in measuring program performance, and suggested that such an approach could be useful in providing information on a transparent, result-oriented approach to implementing programs.

44. The Delegation of Japan thanked the Director General and the Secretariat for their wide-ranging efforts in the field of intellectual property, and praised WIPO's activities under the effective leadership of the Director General. The delegation appreciated the utilization of the PCT Union surplus to finance PCT fee reduction, and encouraged the International Bureau to continue to pay further attention to the convenience of PCT users and make efforts to secure the accountability and transparency of the use of the PCT surplus and the management of the reserve funds. The delegation observed that the establishment, protection and utilization of intellectual property rights were in the process of rapid globalization. Cooperation was underway thanks to the efforts of WIPO and due to the trilateral cooperation between the USPTO, EPO and JPO. With the implementation of the TRIPS Agreement by most developing countries in January 2000, over 90 percent of the world's population would be subject to common rules concerning intellectual property rights. Japan wished to make a positive contribution together with other nations in setting common global standards, and to make Japan's IP system an example for the world to follow. In creating a global patent system and extending more adequate protection to intellectual property rights on an international scale through the harmonization of the world's copyright systems, the delegation said that it wanted to see WIPO deal effectively with four subjects. First, PLT negotiations on procedural harmonization should move more expeditiously, and should be successfully concluded at the diplomatic conference next year. The delegation expressed the hope that there would be subsequent progress in more substantive harmonization such as the adoption of first-to-file and early publication systems under the initiative of WIPO. Second, regarding WIPO's contribution to the implementation of the TRIPS Agreement, the delegation noted that the next round of WTO negotiations would be launched in November. If a global patent system was to be created, the first-to-file and early publication systems had to be adopted worldwide. The delegation noted that this revision of TRIPS was expected to increase the level of protection of intellectual property rights on an international scale. Japan hoped that the countries concerned would implement the TRIPS Agreement by January 2000 and that review of the Agreement would start through the cooperation between WIPO and WTO for the sake of developing countries. Third, to ensure effective enforcement of intellectual

property rights, a comprehensive policy of IPR enforcement should be developed as measures against counterfeiting in the Advisory Committee on Enforcement of Industrial Property Rights, which would meet in the 2000-2001 biennium. Fourth, regarding the promotion of establishing international rules in the field of copyright, Japan attached great importance to ratification and implementation of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Japan had undertaken necessary amendments to the Copyright law this year to comply with the new WIPO treaties, and was considering the prompt ratification of the WCT. Japan had been actively participating in the negotiations and hoped for prompt, constructive development of a proposed Protocol concerning Audiovisual Performances and a proposed new treaty concerning Protection of the Rights of Broadcasting Organizations. Concerning WIPO's endeavors in promoting computerization such as PCT automation, WIPONET, IPDL, and others, the delegation offered to cooperate in contributing JPO's experience with its paperless system, electronic filing, as well as its experience from the Trilateral network. Noting that established intellectual property systems were indispensable for economic growth in developing countries, the delegation also referred to activities undertaken via the JPO/WIPO Trust Fund, such as dispatching officials to and receiving trainees from developing countries. It also indicated that the Japan Copyright Office (JCO) had substantially increased the budget for the APACE (Asia-Pacific Copyright Systems Enhancement) Program established in cooperation with WIPO since 1993. The delegation noted that JPO and JCO would also like to activate personnel exchange programs with WIPO. The delegation of Japan reiterated its desire that WIPO take an active part in the creation of a global patent system, the development of a legal framework including the PCT and the PLT, the development of infrastructure including WIPONET, and in providing assistance to developing nations. With recent digitization, networking and dramatic increases in electronic commerce, the protection of intellectual property rights on an international scale had become increasingly important. The delegation looked forward to the continued activity and contribution of WIPO under the strong initiative of its Director General, and said that it was ready to support WIPO with Japan's creative ideas.

45. The Delegation of Norway stated that this year's meeting of the Assemblies, being the last in the millennium, was truly a historical moment. Throughout this century, the intellectual property field had grown from a highly specialized area of concern to few outside the ranks of experts, to be considered today one of the main pillars of national and international trade and economic growth. To retain this role of intellectual property, the delegation considered that it would be of the utmost importance that WIPO and national and regional intellectual property Offices manage to keep their focus on the customer's needs and expectations. WIPO's contact and communication with Member States, national Offices and the private sector had to be constantly developed and assessed for WIPO to further enhance its ability to quickly adjust the Organization to the ever-changing demands of the customers. The delegation said that it was very satisfied with the new management tools that WIPO had put in use, including the new way of defining main results achieved and performance indicators. This contributed to a large extent to good transparency and gave Member States a much better understanding of the work of the Organization and an improved framework for following up on the work of the Organization. The above-mentioned challenges for the future were in full compliance with the vision and strategic direction of WIPO as put forward in document A/34/3. During the Director General's visit to Oslo last spring, there were discussions regarding the contribution of the Norwegian Patent Office to fulfilling that vision and strategy, and it was agreed to elaborate a joint study on how intellectual property rights could help small and medium sized enterprises, recognizing that such a study could be of general interest to many Member States as the dominance of SMEs among Norwegian industries and their lack of awareness of industrial property rights was a typical feature in

many countries. The delegation planned to take a more active part in the very important cooperation for development programs of WIPO and would discuss that shortly with WIPO. The delegation honored the Director General for the excellent work performed in 1998, and stated that it was confident that the Organization would have a prosperous future.

46. The Delegation of Denmark congratulated the Director General on his efforts in modernizing and mobilizing the Organization, and making it more efficient and transparent so that WIPO stands stronger in facing current and future tasks. The delegation supported this effort and believed that work should continue along those lines. It also appreciated the work done by WIPO on a global scale and considered it particularly important to create awareness and strengthen the knowledge of intellectual property rights, which were of immense economic and social importance all over the world. The delegation was very pleased with the good and transparent over-all picture given in the performance work underway to reach the goals, and suggested for future improvement that expenses for main programs and subprograms should be more clearly specified. The delegation noted that its Office was now named the Danish Patent and Trademark Office. This Office had implemented a new information technology system but had been disappointed that much correction and adjustment had been required to make it function as intended, and some areas still required attention. The Danish Patent Act was being brought in, in accordance with the EU Directive on Biotechnology, and the Industrial Design Act was being reviewed with a view to modernize it and implement the corresponding EU Directive. Regarding industrial designs, the delegation expressed satisfaction with the Diplomatic Conference concerning the Hague Agreement, and was considering the most appropriate time for ratification. In the field of trademarks, all applications filed after January 1, 1999, were being handled in accordance with the same registration procedure as in OHIM; while it was too early to evaluate the effect of the change, the number of applications had increased. Regarding cooperation for development, the delegation stated that its Office had received two trainees through WIPO's training program. The delegation was looking forward to receive the visit of the Director General next November. Regarding the future work of WIPO, the delegation considered that the focus should be maintained on: revising the different treaties to lead to further efficiency; concluding the PLT; continued efforts towards WIPO's constitutional reform and work to find a more efficient structure within the system; and continued development of intellectual property, with assistance provided to the countries that need it, so that they too can provide the protection that intellectual property rights owners are entitled to.

47. The Delegation of Croatia reported that its Parliament had passed five new laws in the field of industrial property, which would be applied as of January 1, 2000, namely, the Patent Law, Trademark Law, Industrial Designs Law, Law on the Protection of Geographical Indications, and Law on the Protection of Layout-Designs of Integrated Circuits; it also adopted a Law of Amendments of the Copyright and Related Rights Law. Assistance in drafting these new laws was furnished by WIPO and the national intellectual property Offices of Germany, the United States of America, Austria and Hungary, for which the delegation offered its thanks. Focusing on the new Patent Law, the delegation stated that it provided three ways for a patent to be granted in Croatia. The first way was the traditional full examination procedure, resulting in a "normal patent"; the procedure was performed by the Croatian Intellectual Property Office in cooperation with the elected Offices, such as the Austrian Patent Office. The second way, introduced by the new Patent Law, was a legal registration system whereby the applicant would request grant of the patent without examination. If after publication there was no request for a full examination, the Office would grant a "consensual patent" with a duration of not more than ten years; however, if there was opposition or assertion of rights, a substantive examination would be required. The

third way for a patent to be granted under the new Patent Law involved the possibility of acceptance by the Office of the results of a substantive examination performed by elected Offices, which, by virtue of Article 16 or 32 of the Patent Cooperation Treaty, had the status of International Searching Authority or International Preliminary Examining Authority, provided that there was an agreement with the Office concerned. The Croatian Intellectual Property Office had sought such cooperation agreements with eleven Offices, and had already received positive responses from eight of them. The delegation stated that the 6<sup>th</sup> edition of the International Patent Classification had been published in the Croatian language. The Croatian Intellectual Property Office participated actively in the series of symposia organized by WIPO concerning intellectual property and Industrial Property Offices of the Countries in Transition, which had been held in Berlin, Dubrovnik, and Kishinev. The delegation related that the Office now employed one hundred persons, had extended its premises, and was up-grading its information technology capacities with the assistance of WIPO. The development of the Office would ensure better cooperation with other national and regional intellectual property Offices and with WIPO, whose contribution to the functioning and development of the world intellectual property system was much appreciated. The delegation observed that intellectual property had been protected in Croatia for more than a century, and that the intellectual property system would undoubtedly contribute to greater development in the future, at both national and global levels.

48. The Delegation of Burkina Faso noted with satisfaction that the detailed description of WIPO's activities in the documents before the Assemblies corresponded fully with the Organization's objective of promoting the protection of intellectual property throughout the world in cooperation with States and in collaboration with other international organizations. The delegation also congratulated the Director General and his team for their excellent work on rationalization of resources and institutional reform. The adoption of a long-term strategy on the use of the budget surplus and the reserve funds would be an element of a modern and efficient management system, based on transparency, accountability and consultation, that would meet the needs of all member States. The delegation welcomed the creation of the Least-Developed Countries Unit as well as the use of part of the budgetary surplus to help developing countries participate in the activities of WIPO. The adoption of rules and principles for the selection of Directors General was a great accomplishment. Moreover, the restructuring of the Committees, the appointment of competent senior officials and the creation of the Policy Advisory Commission and the Industry Advisory Commission were significant steps in the development of the Organization. The delegation encouraged the continuation of the reform process. The delegation reported that cooperation between WIPO and Burkina Faso had grown over the past year through material and training support for the modernization of its Offices responsible for the administration of industrial property and copyright, the organization of national seminars and regional consultations in Burkina Faso, and the participation of Burkina Faso's officials in a variety of seminars about intellectual property. These activities had made intellectual property rights better known to a wide spectrum of persons active in the country's economy. Burkina Faso had ratified the WIPO Performances and Phonograms Treaty and the WIPO Copyright Treaty in July 1999. In September 1998, Burkina Faso had adopted a law on copyright, neighboring rights and rights related to expressions of folklore in order to bring its copyright act into conformity with international treaties and the TRIPS Agreement. Burkina Faso looked forward to closer cooperation with WIPO, in particular through support for public awareness raising activities, collective management activities, long-term scholarships, strengthening the industrial property and copyright administrations, awareness raising about the TRIPS Agreement, implementation of evaluation mechanisms to determine the impact of intellectual property on the national economy, and support for the fight against counterfeiting and piracy. The

delegation concluded by thanking the Director General, the Secretariat, and the States which had provided their support to technical cooperation projects.

49. The Delegation of Portugal, having examined the report on program performance in 1998, agreed fully with the Director General's conclusion that the objectives contained in the 1998-1999 program and budget will be attained. Nevertheless, in light of spectacular new technological developments, especially in information technology, it would be necessary to intensify cooperation between WIPO and national intellectual property Offices, particularly under sub-programs 06.2 and 07.2. The delegation reported that the Portuguese Industrial Property Office had been restructured to resemble a public enterprise in order to provide it with greater flexibility, and to facilitate the dissemination of information about intellectual property to industry and the private sector, especially to small enterprises. The delegation encouraged WIPO to pursue its activities in cooperation for development and emphasized that the Organization should contribute to meeting the needs of all member States, particularly the most needy. In this respect, the Portuguese Industrial Property Office would be happy to provide assistance. Turning to the memorandum on accounts for the 1996-97 biennium, and the interim 1998 financial statement, the delegation observed that WIPO was in good financial health and in this respect stood out in the United Nations family. The delegation noted that WIPO was thus in a position to support proposals linked to developing intellectual property throughout the world, such as the use of Portuguese in the Organization.

50. The Delegation of Hungary noted the very considerable accomplishments during 1998, and welcomed the clear evaluation of the program performance according to the results-based programming and budgeting principle. The delegation highlighted the achievements in the realization of the main and strategic programs of the Organization where several new areas of work were addressed and performed successfully. The delegation congratulated the Director General and the Organization for the success of the diplomatic conference for the adoption of the new Act of the Hague Agreement Concerning the International Deposit of Industrial Designs. In the field of legislation in Hungary, the delegation mentioned the on-going re-codification of intellectual property laws, the ratification by Hungary in 1998 of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, the adoption of the new Hungarian Copyright Law which entered into force on September 1, 1999, and the planned reform of the law on the protection of industrial designs. The delegation reported that the most significant development in the period under review was the decision of the Administrative Council of the European Patent Organization inviting Hungary to join the European Patent Convention with effect on July 1, 2002. There were ever increasing numbers of patent applications and trademark applications of foreign origin, with over 40,000 foreign patent applications, received mostly under the PCT. In cooperation with WIPO, activities for wider dissemination of information and promotion of better public awareness of intellectual property were undertaken, and the information policy was improved using the Internet and electronic publications. The delegation expressed its gratitude to WIPO for co-organizing, with the Hungarian Patent Office in October 1998 in Budapest, the International Symposium on the Internet, Electronic Commerce and Intellectual Property, and the PCT Seminar in March 1999. The delegation affirmed its readiness to cooperate with WIPO in other fields of challenges of the new millennium.

51. The Delegation of Germany fully acknowledged the achievements of WIPO in the past, and congratulated the Director General and his team on the successful restructuring of the Organization. It welcomed the setting of clear objectives, and the means to assess success or failure of measures taken and, as necessary, to take corrective actions. Given the rapidly progressing globalization of business life, effective commitment to the worldwide

development of intellectual property law was more important than ever. WIPO had now laid the foundations for even greater efficiency, not only in terms of the new management structure but also the increased expansion of information technology for the benefit of Member States and intensified cooperation for development through the WIPO Worldwide Academy. The further expansion of this course was evident in the new program and budget, which the Government of Germany supported. The delegation added that further steps to reach an even higher degree of transparency might be possible and should be taken. The delegation welcomed the consultation process with high-ranking personalities and experts through the Policy Advisory Commission and the Industry Advisory Commission. It also stressed that the Standing Committees would have decisive roles in accomplishing WIPO's many tasks, and the delegation would do what it could to help ensure that the Standing Committee fulfilled their expectations. The delegation added that it was particularly pleased with the results of the diplomatic conference for the adoption of the New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs in June-July 1999, which contained all necessary provisions for the adherence of countries, like the United States of America and Japan, which carry out a substantive examination prior to the grant of a design right. For designers around the world, this enlarged registration system would become more attractive. The delegation stated that WIPO once again had shown its capacity to deal effectively with new developments in intellectual property law.

52. The Delegation of Uruguay appreciated the quality of the program performance report for 1998, and spoke on the activities of the National Directorate of Industrial Property during the 1998-1999 period, including the national process for the modernization of the industrial property system on the basis of a policy of quality with predetermined, measurable objectives in an overall strategic plan which also incorporated the vision of WIPO, pointing out the areas in which the process had achieved its objective. On institutional matters, the Uruguayan Office had been engaged in intense activity aimed at producing a streamlined, reliable and efficient management concept with which to achieve levels of management quality consistent with international standards, having recently been awarded ISO 9000 certification in the field of trademarks. In the field of patents, the delegation mentioned the restructuring that had been going on with a view to providing actual and potential users with a more efficient service, and also the project, supported by WIPO, for advising and assisting innovative smaller businesses, researchers and inventors. The Office was working together with the University of the Republic and with the National Council of Scientific and Technological Research on the promotion of patenting in Uruguay and the use of knowledge to contribute to new technology in the production sector, and ultimately technological expansion and national development. In the field of norm-setting, work was in progress on the drafting of laws and regulations to effect compliance with new international requirements. In September 1998, a Trademark Law had been enacted, representing advanced legislation in the field of distinctive signs and allowing for the future protection of as yet unimaginable signs. The regulation of trademark procedures had been worked on in such a way as to provide for easier filing of applications. The delegation stated that, even though the Trademark Law Treaty had not yet been ratified, the new provisions were fully consistent with it. It also mentioned the approval during the current year of a new set of provisions for the protection of inventions, which incorporated the Strasbourg, Nice, Locarno and Vienna Classifications in national legislation, pointing out that, while Uruguay had been applying certain classifications such as the Nice Classification since 1983, it had not in fact acceded to any of those treaties. On matters of public awareness, the delegation mentioned that the Office had, in pursuance of its role in the progressive creation of an industrial property culture, drawn up a medium-term strategic plan for reaching out to various sectors of the public. It acknowledged the valuable cooperation of WIPO in the implementation of the Office's plan to ensure that public awareness products



reached prospective users to the greatest extent possible consistent with the required levels of quality. In the field of technical cooperation, the delegation mentioned the projects that were going on or envisaged in conjunction with France's National Institute of Industrial Property, the Office for Harmonization in the Internal Market (Trademarks and Designs) and the European Patent Office. It mentioned that development work was going on in cooperation with WIPO on new data systems with a view to the creation of a computer infrastructure suited to the challenges of the twenty-first century.

53. The Delegation of Bangladesh congratulated the Director General for presenting the program and budget for 2000-2001, supported by the delegation, which correctly reflected emerging trends in intellectual property and identified the challenges and opportunities for the next millennium. The delegation called attention to the questions of whether developments, involving technological advancement, information and communication technologies, biotechnology and genetic engineering, and electronic commerce would exacerbate the gaps between rich and poor countries, and who would control the intellectual property of those inventions. The delegation observed that Internet access was concentrated among OECD countries, while South Asia, which had 23 percent of the world's population, had less than 1 percent of the world's Internet users. These imbalances and inequalities should be reduced, so that the global communication revolution would become truly global, with special attention given to the needs of the LDCs. The delegation observed that the TRIPS Agreement had added new dimensions to the intellectual property regime, and was an instrument not only for protecting technological innovations but also to ensure transfer and dissemination of technology for the mutual benefit of producers and users. The needs of LDCs in the implementation of the Agreement, including extensive changes in their national legislation systems, should be given special attention under Sub-program 6.1. The WIPO High Level International Roundtable for the LDCs to be held in September 1999 should look at such issues and recommend a WIPO program of work. Since the work of the Least-Developed Countries Unit was challenging and manifold, the delegation considered that its resources and manpower should be strengthened. Noting that the recent WIPO Sub-regional Forum for Intellectual Property Cooperation Among the SAARC Member Countries had, *inter alia*, recommended to establish the SAARC Intellectual Property Net, the delegation encouraged WIPO to continue to support the process of building that. Since the TRIPS Agreement was due for review in 1999, the delegation suggested that WIPO should initiate a study to find out possible economic, social and cultural impacts of the TRIPS Agreement on the developing countries and the LDCs. The study should propose options for reviewing the Agreement, including possibilities of additional rules for LDCs and the development of rules for protection of works of folklore in line with the UNESCO Model Law of 1998. The review might also include examination of the relationship among the TRIPS Agreement, the Convention on Biological Diversity and the FAO International Undertaking on Plant Genetic Resources. As the existing intellectual property system did not appear to provide adequate protection to tradition-based creativity and innovation of local communities in developing countries, the delegation was pleased to see that WIPO had recently began exploring ways to protect that, and it suggested that a suitable mechanism on traditional knowledge and folklore should be established by WIPO, as recommended in the WIPO-UNESCO regional consultations, to facilitate the process of evolving a legal protection for folklore, traditional knowledge and handicrafts.

54. The Delegation of Jordan expressed its gratitude to the Director General and the Secretariat for the activities of the Organization in 1998, and for their efforts in implementing the Organization's goals and strategies throughout the world, especially for the continuous and sustained assistance to developing Arab countries through training, symposia and

specialized workshops. The delegation emphasized the importance that Jordan attached to the protection of the intellectual property of inventors, intellectuals, producers and authors as well as the protection of copyright and related rights. Like all developing countries, Jordan had benefited from the Organization's assistance in the revision of existing legislation and the formulation of proposed modifications to new legislation in order to comply with international conventions, like the Berne Convention to which Jordan had adhered in 1999, and the TRIPS Agreement, in the modernization of the administration of industrial property, and in the development of human resources. The delegation reported that in August 1999, his Royal Highness King Abdullah II had directed the Government to accelerate the preparation of intellectual property legislation to comply with the obligations under the TRIPS Agreement, in order to facilitate Jordan's accession to the WTO. Revisions had been made to the Patent Law, the Trademarks Law, the Publications Law and the Protection of Copyright Law, which had been submitted to the King for his approval. To support the implementation and enforcement of the new legislation, Jordan was looking to WIPO for assistance for: the establishment in Jordan of an intellectual property training center for the Arab region; the establishment of a Chair of copyright and neighboring rights at the Jordanian University; assistance of WIPO experts in the formulation of implementing rules and procedures for the Copyright Law; training through scholarships and workshops for officials in a wide variety of professions dealing with the administration and enforcement of intellectual property rights; and technical and technological assistance for the Office of the Protection of Copyright. The delegation concluded by supporting the statement made by the delegation of Indonesia on behalf of the Asian Group.

55. The Delegation of Kenya thanked the Director General for his visionary leadership and the positive direction he was giving the Organization. Kenya placed great importance on the role of intellectual property rights in social and economic development. Since 1989, it had updated its legal machinery in order to improve registration and enforcement of rights, the delegation expressed its thanks to WIPO for its assistance in a number of fields. Short and long term training had been offered to staff of the Kenya Industrial Property Office (KIPO) and of the Copyright Office, most recently in training courses provided by WIPO in conjunction with the Offices of Sweden, Benelux, Germany and the EPO; the delegation expressed its thanks to those Offices. It expressed its appreciation to WIPO for organizing a seminar on the Madrid system for trademark registration in Kenya in February 1999, and for organizing regional consultations on the issues of protection for databases and the protection of the rights of broadcasting organizations. The delegation was also grateful for WIPO's expert assistance with the KIPO computerization project and planned for the Copyright Office. It also welcomed the support for the ARIPO Project on Information Technology Development, the Internet domain name process and the assistance to developing countries regarding electronic commerce. Kenya had hosted the WIPO African Sub-Regional Symposium on International Standards for Protecting Intellectual Property in the Digital Age and the WIPO Regional Consultation on Electronic Commerce and Intellectual Property held in Mombasa in July. The delegation supported the report of the Permanent Committee on Cooperation for Development Related to Intellectual Property, and appreciated the extremely useful work of the WIPO Worldwide Academy, including its distance learning program, which holds great promise to train significant numbers of intellectual property administrators and educators; the delegation suggested that collaboration between the Academy and other training institutions could expand its reach even farther. The delegation thanked WIPO for the establishment of the Least-Developed Countries Unit and the Infrastructure and Innovation Promotion Section, as well as for its examination of the protection of traditional and indigenous knowledge. The delegation reported that Kenya was putting significant effort into implementing the TRIPS Agreement, and it specifically mentioned the Industrial

Property Bill, which was currently before Parliament, and the Copyright Bill, which will be tabled later in 1999. With regard to other agenda items, the delegation stated that it supported: the work of the Standing Committee on the Law of Trademarks, Geographical Indications and Industrial Designs; the designation of Switzerland as Auditor; the inclusion of Portuguese as a working language of WIPO; admission of INTERPOL and the Patent Office of the Cooperation Council for the Arab States of the Gulf as observers; approval of the draft program and budget for the 2000-2001 biennium including reduced Member State contributions and PCT fees; amendment of Article 9(3) of the WIPO Convention; instituting an International Day for Intellectual Property; and WIPO's activities undertaken in cooperation with the World Trade Organization.

56. The Delegation of the Democratic People's Republic of Korea recalled with satisfaction the reform measures that had been launched at the March 1998 sessions of the WIPO Assemblies. It made particular mention of the measures to simplify WIPO's administrative structure and to make the Organization more effective, the creation of a unitary contribution system that had allowed for the reduction of contributions and a consequent increase in the number of Member States, the greater use of information technology and of the Internet, PCT automation and the WIPONET project. The delegation emphasized the particular importance of WIPO's cooperation for development activities and, in particular, the training activities including the WIPO Worldwide Academy, and the advisory services in legislative drafting. The delegation observed that the objectives of the program and budget were essentially achieved, and these positive results could not have been achieved without the leadership of the Director General. The program performance document for 1998 was unprecedented in terms of transparency and accountability. The delegation observed that on the eve of the 21<sup>st</sup> century, with increasing demands for intellectual property registration and new domains for intellectual property activity, WIPO was called upon to bridge the unequal capacities of WIPO Member States to make use of modern technology for the administration of intellectual property. It reported on a wide variety of activities undertaken under the leadership of Great Leader Comrade Kim Jong Il to promote science and technology and inventive activity in the Democratic People's Republic of Korea. These included the establishment of offices for inventions and trademarks, the adoption of laws on inventions, on trademarks, and on industrial designs, and the modernization of the systems for administering those, thus providing a solid basis for future activities in the field of intellectual property. The delegation looked forward to closer cooperation with WIPO in the future.

57. The Delegation of Lithuania, speaking on behalf of the Group of Central European and Baltic States, as well as on its own behalf, supported the transparency and accountability reflected in the program performance report, and welcomed both the form and content of that report. It underscored that results-based budgeting provided important linkages between objectives, activities, expected results and input resources, which provided a good basis for ensuring more effective functioning of the Organization for the future. It welcomed the inclusion of the newest information technology in WIPO's work. The delegation considered the activities under Main Program 07, and particularly the sub-section on the modernization of the intellectual property system and implementation of the TRIPS Agreement, as invaluable for the countries in its Group. It thanked the Director General and the Secretariat for the work already undertaken, and looked forward to fruitful cooperation with WIPO in the future.

58. The Delegation of China congratulated the Director General for his leadership in implementing so well the Organization's programs in 1998. It considered that WIPO would have an even greater role to play in the 21<sup>st</sup> Century, and would attain more remarkable

achievements. The delegation supported the series of reforms that the Director General had undertaken to further improve WIPO's efficiency and vitality. The delegation mentioned the successful visit of the Director General to China early in 1999, and the private talks he had had with President Jiang Zemin; the visit promoted the good cooperation between China and WIPO, which would be further developed. The delegation noted that China had made important progress in 1998 in its intellectual property undertakings with the strong support of the Government. Patent applications in China were increasing and totaled 860,000 as of December 1998, with 120,000 new applications received in 1998, of which 25,000 were foreign and more than 10,000 had come through PCT designations. The State Intellectual Property Office developed and promulgated an "Implementation Program for Model Projects on the Promotion of the Industrialization of Patented Technologies," with 34 Model Projects chosen. China continued its efforts against acts of passing of patents, with 2,086 cases investigated and handled in 1998. A second revision of the Patent Law had been submitted to the State Council for its consideration. The delegation stated that great progress had been made in the automation of its patent administration. In the field of trademarks, China received over 150,000 applications in 1998, with 130,000 being domestic, and 18,000 being foreign. There were over 10,000 territorial extensions under the Madrid Agreement. With over 10,000 marks registered in China in 1998, a total of 970,000 registered marks were in force in China by the end of 1998. Nearly 30,000 cases of illegal use of trademarks were investigated and handled in 1998. The possible revision of the Trademark Law was being considered, and an international seminar on the main issues involved was held in cooperation with WIPO. In 1998, there were 1,208 cases concerning copyright piracy investigated and handled, with the confiscation of pirated products, including books, software and audio-visual recordings. China's copyright administrations also strengthened their efforts in 1998 in building awareness of copyright. In March 1999, China deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants (UPOV), and an awareness campaign was conducted regarding protection of new varieties of plants. China continued its work on intellectual property training and education, with three seminars held jointly with WIPO since the inauguration of the China Intellectual Property Training Center in April 1998. The delegation expressed its appreciation for WIPO's efforts in promoting the development of the international intellectual property system and in providing technical assistance to developing countries. The delegation requested that WIPO increase its resources in: finding ways and means by which the intellectual property system could address the challenges of the 21<sup>st</sup> century marked by information and knowledge-based economies; providing more technical assistance to developing countries, including China; and recruiting more staff from the developing countries, at all levels within WIPO. The delegation observed that President Jiang Zemin had stated that the strengthening and continuous promotion of knowledge innovation and technological innovation were key to vitalizing China through science and education and technological innovation of the whole society. This would require the development of a national technological innovation system to provide effective intellectual property safeguards and incentives for the transformation of technological innovation and scientific and technological achievements into productivity. The delegation stated that it would like to continue and strengthen cooperation with WIPO, as well as with its Member States in furthering the development of intellectual property protection in China and the international intellectual property system as a whole. The delegation added that the Hong Kong Special Administrative Region of China had continued to develop its intellectual property system, focussing on legal policy, registration and law enforcement, and undertaking various public education activities concerning the problem of piracy and promoting a culture that creativity is wealth.

59. The Delegation of Slovakia, referring to the “Vision and Strategic Direction of WIPO” given in document A/34/3, noted that we are continuously witnessing a permanent process of rapid and dynamic development of new technologies and human creativity, and this process goes hand in hand with globalization of intellectual property protection. WIPO’s role in this development is irreplaceable, and Slovakia continued to support the global strategy for development of the intellectual property system successfully carried out by WIPO with support from Slovakia now and in the future. WIPO was fulfilling this task in close cooperation with its Member States, other international organizations such as the WTO and the United Nations, regional intergovernmental organizations, the non-governmental sector and others. To continue in this process, WIPO had to launch a vast transformation process. The new issues of protecting intellectual property rights, especially linked with the digital economy and Internet domain names, called for a new and intensive harmonization of various legal disciplines and provided an indispensable catalyst of WIPO’s new policy agenda directed towards globalization. The delegation commended WIPO’s knowledge and services, which was invaluable to Member States. The main priority of the Industrial Property Office involved the process of preparation to join the European Patent Convention, as of July 1, 2002; that accession would require intensive harmonization of national legislation, with work initiated, in cooperation with the EPO, on recodification of the Law on Inventions, Industrial Designs and Rationalization Proposals. There would also be changes in the structure of the Industrial Property Office. A public awareness program would be provided for the public, inventors, industries, academic circles and the business community to enhance awareness about the importance of protecting intellectual property rights. The delegation expressed thanks for the continuous support of the European Patent Office within the framework of the Regional Industrial Property Programme, including participation at seminars, national legislation harmonization, exchange of patent information, and unification of the common software for processing patent and trademark applications. In addition to harmonizing its national laws with those of the European Community, Slovakia was fulfilling its obligations under the TRIPS Agreement. The delegation noted that Slovakia was very keen to participate actively in WIPO’s many activities, through acceding to further treaties, participating in the activities of the Worldwide Academy, providing training and organizing seminars, including an international seminar about Future Challenges In Intellectual Property in cooperation with Comenius University in Bratislava, in the organization of which WIPO’s assistance would be appreciated.

60. The Delegation of Liberia noted that 1998 had witnessed a series of stimulating global intellectual property activities. It thanked the Director General for the technical assistance provided, involving various WIPO symposia attended by its staff, and the provision of a WIPO consultant who assisted with the drafting for enactment of a new industrial property law for Liberia. The delegation recalled that, at the prior session of the Assemblies of WIPO, it had been agreed that the budget surplus of 16.5 million Swiss francs would be used to promote the global intellectual property development policy, with a focus on the specific needs and requirements of the least developed countries. The delegation noted that the benefits from this decision had been limited. The delegation suggested that the symposia and programs intended for developing countries had not been proportionate to the development level of those countries, since some countries were much more developed than others. As a result, the less developed countries were disadvantaged. The delegation requested that programs and assistance offered by WIPO should be commensurate with the beneficiary country’s intellectual property development needs; to achieve this, the delegation suggested that WIPO appoint regional consultants to identify needs for each intellectual property Office, and give the necessary consultancy and training to its staff. The delegation also proposed that intellectual property offices should be empowered to acquire the automation needed to

enhance their efficiency. The delegation noted that, even with the political will to do so, bringing intellectual property laws into conformity with the obligations of the TRIPS Agreement continues to remain a very difficult task for certain developing countries. The delegation felt that for WIPO to utilize its full potential, WIPO should give specific consideration to developing the capacities of all intellectual property Offices, in order to make maximum progress in entering the new millennium.

61. The Delegation of the United Republic of Tanzania congratulated the Chairman upon his election to the Chair. It recalled with great appreciation his personal commitment when he was Deputy Director General of WIPO. The delegation further congratulated the two Vice-Chairs also elected. Secondly, it commended the Secretariat for its excellent accomplishments, under the wise and dynamic leadership of the Director General, and expressed its gratitude to WIPO for various assistance received in the form of training, awareness-building and equipment. The delegation cited, as an example, the on-going training of a number of its government's officials following the WIPO Worldwide Academy distance learning course on intellectual property through ARIPO. The delegation also mentioned that participants from the private sector were waiting to participate in the Academy's training activities. Since several government officials and private sector representatives have already benefited in various intellectual property awareness-building activities organized under WIPO programs, the effects and outcome of those activities were already being felt nationwide in the United Republic of Tanzania, with newspapers and other media carrying a number of articles, feature stories and interviews on various issues concerning intellectual property. In October 1999, Tanzania in cooperation with WIPO would hold copyright awareness seminars to focus on, among other matters, the benefits of the new Copyright and Neighboring Rights Act only recently adopted. The delegation also announced that its country recently joined the PCT, the Madrid Agreement and the Nice Agreement, and had also joined the Harare and Banjul Protocol within the framework of ARIPO. National legislations were under review to accommodate those new developments. As its country is an LDC, the delegation expressed its appreciation over the establishment of the Least Developed Countries Unit within the Secretariat. The delegation considered this development as indicative of the commitment of the Secretariat in bringing about a more uniform global intellectual property protection system, which the delegation welcomed and hoped to be able to utilize it to the fullest. The delegation looked forward to an enhanced cooperation in WIPO's future development programs.

62. The Delegation of South Africa expressed its appreciation for the assistance provided by WIPO during 1998, and commended the Director General and the Secretariat for the excellent results of their work as presented in document A/34/6. The delegation stated that during the period under review, South Africa had kept pace with its international obligations in the field of intellectual property while remaining abreast of developments in this dynamic area. The process of legislative review in South Africa, which had constantly taken into account the requirements of the TRIPS Agreement, was almost complete. The issue of enforcement of intellectual property rights had been a focal point, with particular attention placed on issues relating to counterfeit products in the country. The implementation of the Counterfeit Goods Act was nearing completion, and cooperation with law enforcement agencies and the Justice Department had been firmly established. The delegation announced that preliminary arrangements had been made for key personnel from police services and Customs and Excise to receive training from WIPO, following a workshop organized for all concerned parties in November 1998 on the implementation of the Counterfeit Goods Act. South Africa became the 100<sup>th</sup> PCT member State in March 1999, and a very successful WIPO seminar was held, also in March 1999, to acquaint users with the PCT system, and further such seminars were

planned. A draft Bill on the Protection of Indigenous Knowledge was currently in the parliamentary process. In this connection, following a symposium on the protection of folklore jointly organized with WIPO in March 1999, in Pretoria, the delegation urged WIPO to consider establishing a standing committee to study this important area. Proposed amendments to the Regulations under the Copyright Act, concerning reprographic rights in respect of educational institutions, were discussed in a workshop held last December 1998. The delegation announced that South Africa had initiated the process towards ratification of the following: WIPO Copyright Treaty, Madrid Protocol, WIPO Performances and Phonograms Treaty, Trademark Law Treaty, Patent Law Treaty, Hague Agreement, and Nairobi Treaty. The delegation indicated that a symposium on geographical indications was held in cooperation with WIPO in September 1999 in Cape Town. Regional consultations on electronic commerce had also taken place in Cape Town, and the delegation stated that the work being undertaken by WIPO in this area was especially helpful. The delegation noted that the South African Patent and Trademarks Office had provided WIPO training on intellectual property to staff from the Offices of a number of African countries. At the same time, South African officials had received training from the WIPO Worldwide Academy. The Office was developing its information technology systems to ensure Y2K compliance and to be fully automated by December 2000. WIPO assistance had been requested to assist the Office in establishing its Web site, and it was intended to enable intellectual property searches to be conducted on the Internet.

63. The Delegation of Algeria noted that the results of program performance in 1998 had met its overall expectations. In the year since the last Assemblies, Algeria had decided to ratify the Patent Cooperation Treaty and was finalizing preparations to deposit its instrument of accession. Algeria had also signed the new Act of the Hague Agreement and looked forward to becoming party to it. Algeria had participated in the various Standing Committees and was preparing to attend the upcoming diplomatic conference on the Patent Law Treaty. The Algerian authorities had been reviewing their legislation with the aim of bringing it into conformity with the TRIPS Agreement and were grateful for the invaluable assistance offered by WIPO in this connection. The delegation observed that, as a variety of vital interests had become interdependent with industrial property, it was necessary to look beyond purely protectionary measures. For that reason, the *Institut algérien de propriété industrielle* closely followed activities related to industrial property and paid particular attention to innovation, as evidenced by the Algerian National Day of Innovation on December 7 of each year. The delegation hoped that WIPO would envisage contributing to the establishment of bodies specifically mandated to promote innovation.

64. The Delegation of Uganda stated that the well-prepared report on program performance in 1998 was a clear testimony of the excellent work carried out by the Director General. The delegation appreciated the transparency of the report in showing both achievements and the constraints encountered in implementing programs. Uganda had benefited from the cooperation for development programs and, as an LDC, appreciated the establishment of the Least-Developed Countries Unit within the Secretariat to deal with specific problems of LDCs related to implementation of the TRIPS Agreement by 2006. The delegation indicated its support for the WIPO Worldwide Academy, which had expanded the scope of beneficiaries of its programs to include non-traditional partners. The delegation noted with satisfaction that policy-makers, lawmakers, judges and other officials were now being targeted as participants in seminars, symposia and other training activities; this was a move in the right direction in building greater awareness of intellectual property. The delegation acknowledged its gratitude for the Secretariat's prompt response to its requests for technical assistance. It stated that the lack of appropriate infrastructure was hampering Uganda's active

participation in developments ushered in by modern information technology, and expressed the hope that the Secretariat would be able to provide assistance in this respect. The delegation added that the East African region had reactivated East African cooperation recently, and was looking forward to the creation of a forum on intellectual property. The delegation wished to see the Secretariat provide suitable assistance in this regard.

65. The Delegation of Indonesia noted that WIPO, under the Director General's leadership, had contributed to the development of the intellectual property system in all its Member States, and that Indonesia had benefited from WIPO's assistance, especially with regard to the strategic steps taken by Indonesia to meet its obligations under the TRIPS Agreement. Indonesia's existing intellectual property legislation had been amended and new laws on industrial design, lay-out design of integrated circuits, trade secrets and plant varieties had been drafted; WIPO's legal assistance would be required in drafting the implementing regulations. Automation of the Indonesia Intellectual Property Office had progressed well, with staff trained and IP registration would be decentralized to IP regional offices. Enforcement activities were being coordinated, with training provided to judges, prosecutors, customs and police officials. The Office had promoted public awareness, especially to convince investors and researchers to have their inventions patented and to develop a common perception regarding the scope of well-known marks.

66. The Delegation of Nigeria said that it was very satisfied with WIPO's program performance for 1998. The strategies and policies adopted by the Organization provided adequate mechanisms for executing its programs for the benefit of Member States. The delegation commended WIPO's use of the media to raise public awareness and understanding of the importance of intellectual property. WIPO's human resources development program had helped strengthen capacity building in developing countries, and had brought enormous benefits to them, including Nigeria. Nigeria had recently hosted the WIPO Africa Regional Workshop on Intellectual Property Teaching in Abuja, which had resulted in the establishment of a new NGO, the African Intellectual Property Teachers Association. The delegation emphasized that national legislators must be assisted with their understanding of intellectual property issues, and called upon WIPO to intensify its efforts in this regard through study tours and seminars. It expressed satisfaction with WIPO's progress on the protection of audiovisual rights for performers, and of the rights of broadcasting organizations. The delegation requested that work continue on creating an international regime for the protection of expressions of folklore. The delegation supported the use of Portuguese as a working language in WIPO. It concluded by paying tribute to the dedication and commitment of members of the WIPO Secretariat.

67. The Delegation of Mexico congratulated the Director General and the Secretariat on the strategic vision with which the Organization was being transformed. More specifically it mentioned that, at the present time, the majority of Member States of WIPO, mainly developing countries, were working hard on the modernization of their intellectual property systems with a view to achieving full compliance with multilateral treaties. In that context it recommended that WIPO explore the possibility of streamlining its processes for approval of the resources for cooperation in support of such efforts. The delegation provided information on certain activities that the Government of Mexico had undertaken with a view to the modernization of its intellectual property system, and said that since the end of 1994 there had been full legislative compliance with commitments made in multilateral fora. The delegation said that Mexico was at present engaged in a rapid process of institution-building which had manifested itself in the establishment of an industrial property institution that was modern, totally self-sufficient in terms of management and with assets and resources of its own. That



had made it possible to expand its budget by 200 percent in relation to 1998. The delegation said that the Mexican Institute of Industrial Property had in the current year operated on a budget of close to 20 million dollars with a staff strength of 650 officials, and that in addition a parallel expansion program was being undertaken involving an investment of close to 15 million dollars.

68. The Delegation of Trinidad and Tobago emphasized the great value of international cooperation for the optimum use of the international intellectual property system, and appreciated the readiness of WIPO to provide assistance to Member States, like Trinidad and Tobago, seeking to modernize their national system. The delegation pointed out that the small island developing States of the Caribbean had taken note of this example, and were cooperating with each other to find ways of encouraging the protection and use of intellectual property in the region. Trinidad and Tobago was pleased with having co-hosted with WIPO the first regional training course in the area of trademarks in November 1998 and a regional seminar on the new WIPO Copyright Treaties in March 1999. It had also received WIPO's fact-finding mission preparing for the discussions on the protection of traditional knowledge and folklore, which it considered was a particularly important area. The delegation re-iterated its offer to co-host with WIPO a regional meeting on the legal protection of folklore. Recognizing that encouraging creativity requires not only legal protection, but also the assurance that the results of collective activity could be effectively managed and the associated copyrights enforced, the delegation noted that an investigation had begun, again with the assistance of WIPO, into the feasibility of establishing a regional Collective Management Agency. The delegation re-iterated its offer to host such a regional Agency which, staffed by citizens of the region pooling their resources could ensure a reduction of overhead costs and improve the returns due to the creators. Trinidad and Tobago had recently received officials from another Caribbean State to share with them the experiences in modernizing its intellectual property system, and said that it could offer significant assistance to other Member States who wished to make similar adjustments. The delegation noted that the intelligent use of the international intellectual property system as a development tool must now urgently take a more central position. It therefore supported the strategic direction of WIPO proposed by the Director General. The quality of the professional expertise within the Secretariat and in WIPO's Member States could make a major contribution to its achievement. The delegation gave great credit to the Director General and the Secretariat for constantly implementing changes successfully and at the same time improving the quality of its output.

69. The Delegation of Ghana congratulated the Director General for his dynamic vision and leadership and WIPO's commitment to be relevant to the present requirements and developments. Intellectual property was an indispensable tool for social, economic, technological and cultural development. Therefore the delegation placed on record its appreciation for the continued assistance received from WIPO in the modernization of its Intellectual Property Office, upgrading of human resources and the modernization of its intellectual property legislation to bring it in line with the relevant international agreements. The delegation noted that Ghana had benefited from seminars, symposia and workshops organized during the year in review. It applauded the extension of development cooperation activities to new target groups such as the Parliament, the judiciary, customs and police departments, academia, R&D institutions, the media, commerce and industry, legislative draftsmen and traditional knowledge owners, as that would increase awareness about intellectual property issues and facilitate implementation of intellectual property laws. The delegation considered WIPO's assistance in respect of the TRIPS Agreement as invaluable for developing countries, and called for more human resource development, especially more

long-term training for intellectual property officials. The delegation thanked the Secretariat for assistance provided in the revision of existing legislation and drafting of new laws for industrial designs, layout designs of integrated circuits, geographical indications, new plant varieties protection, and protection against acts of unfair competition. In this regard, it announced the expected adoption of the new Copyright Bill by the end of 1999, and that Ghana was in the process of ratifying the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. Ghana had recently welcomed a delegation from the West African sub-region to study its copyright system, and would be pleased to share its experience with other delegations. The delegation expressed its satisfaction with the program performance in 1998, and noted that WIPO promises to be one of the leading international organizations in the new millennium.

70. The Delegation of Lesotho stated that it was overwhelmed by the achievements of the Secretariat in 1998 as contained in document A/34/6. Intellectual property could no longer be seen as a purely legal and academic issue; rather, intellectual property was an important tool to foster development. The delegation was therefore pleased with the Director General's vision to demystify intellectual property, which it felt would benefit society, especially at the grassroots level, as well as with his initiatives concerning emerging global intellectual property issues, especially fact-finding regarding traditional knowledge, which the delegation believed should be used for the benefit of indigenous peoples. The delegation underscored that the emergence of globalization had brought new opportunities to countries, but in order to benefit from them, countries must have in place effective intellectual property systems. The delegation therefore appreciated WIPO's assistance provided to Lesotho in implementation of the obligations of the TRIPS Agreement, in the form of human resource development, and assistance with the preparation of new national legislation. The delegation congratulated the Director General for the establishment of the WIPO Worldwide Academy, which had introduced tailor-made programs geared towards the needs of the international community, especially the developing countries; its activities expanded beyond the traditional intellectual property community to encompass all stakeholders. The new program for WIPONET was appreciated as it would provide developing countries with needed information in a timely manner, to be disseminated to local R&D institutions; the success of the pilot projects conducted with OAPI and ARIPO could thus have a major impact on economic development of Member States. The delegation congratulated the Director General for his systematic, revolutionary and strategic management of WIPO.

71. The Delegation of Jamaica commended WIPO for its continued commitment to development cooperation in Jamaica and noted that over the past year, WIPO activities in Caribbean countries had been intensive and extensive. In its efforts to create a mature intellectual property system, Jamaica had benefited significantly from WIPO training courses around the world and had participated in seminars covering a wide variety of subjects including both traditional intellectual property issues and non-traditional ones, such as the legal protection of folklore and indigenous material, as well as new concerns arising from advances of digital technology. The delegation underscored its interest in all of these areas and noted that Jamaica was particularly keen on the converging issues of electronic commerce, information technologies and intellectual property. It noted also that Jamaica was privileged to be the Chairman of the Regional Committee on E-Commerce and IP that was formed by a resolution of Caribbean Ministers adopted at the June 1999 WIPO Ministerial Meeting on intellectual property for Caribbean countries hosted by Jamaica. Jamaica looked forward to achieving compliance with the TRIPS Agreement and was engaged in a process of legislative reform. In this connection, the delegation expressed gratitude for WIPO's assistance through advice on the revision of old laws and the enactment of new legislation. In

July 1999, a new Trademarks Act, a Copyright Amendment Act and a new Layout Designs Topographics Act had been passed. The delegation announced that Jamaica's instruments of accession to the Paris Convention and the Brussels Convention would arrive in Geneva later that day. Jamaica indicated its interest in acceding to the successful Patent Cooperation Treaty shortly. In recognition of importance of the preservation and protection of copyright and related rights in the digital environment, Jamaica was also preparing to accede to the two 1996 WIPO Internet treaties. The delegation expressed its gratitude to WIPO for its provision of assistance such as missions, focussed studies and visits to intellectual property offices, which were particularly suited to the needs of the Jamaican intellectual property system. The delegation emphasized the importance of continued partnership with WIPO through the Nationally-Focussed Action Plan as Jamaica prepared to re-structure and streamline its intellectual property administration. It suggested that further technical assistance would be critical to achieving greater efficiencies in intellectual property administration through the application of information technologies and, very importantly, through human resource development. It commended the Director General and the Secretariat for the new initiatives in developing the WIPONET project and the far-reaching WIPO Worldwide Academy. Jamaica looked forward to continued cooperation with the WIPO Worldwide Academy and foresaw that support for doctoral studies for suitably qualified candidates from developing countries would be a natural progression of the Academy's mandate that would address the increasing demands for a strong intellectual property knowledge base and cadre of intellectual property professionals in developing countries. Speaking for Jamaica and other Caribbean countries, the delegation thanked WIPO for the fora offered by the WIPO Ministerial Level Meeting on Intellectual Property held in Jamaica in June, the Regional Roundtable on Collective Management of Copyright, and the regional consultation on electronic commerce and intellectual property. The Ministerial Level Meeting resulted in the adoption of seven resolutions by Caribbean ministers concerning WIPO collaboration on matters including establishing a regional system for collective management of copyright, electronic commerce and intellectual property, the legal protection of folklore, the preparation of studies on different concerns in intellectual property and development cooperation in the training and use of regional experts. These resolutions were recorded in document WIPO/IP/MBY/99/5. The delegation also commended WIPO for the creation of the Divisions for Copyright Collective Management, Economic Analysis Forecast and Research, and Global Intellectual Property Issues, whose support would be key to the Caribbean countries achieving many of the objectives contained in the ministerial resolutions. Jamaica regarded the convergence of intellectual property and information technology as a unique opportunity afforded at the close of this century for developing countries to leapfrog in economic development. The delegation emphasized Jamaica's commitment to the promotion and protection of intellectual property.

72. The Delegation of Italy recalled the very successful visit of the Director General to Italy in September 1998 during which he had been able to obtain first-hand knowledge of the Italian economy, industry and academic community and hold important discussions at the highest political levels. The visit had revealed a full convergence of views about many matters, including the implications of intellectual property for contemporary life in all countries, and that in the context of globalization, the principal challenges of the future pertain to the environment and intellectual property. It would therefore be urgent to develop on a global scale the culture of intellectual property that was now unfortunately confined to a minority. Italy therefore supported fully the efforts of the WIPO Worldwide Academy for training intellectual property trainers, especially for developing countries. The delegation reported that a cooperation agreement with WIPO on training for those countries of the Mediterranean basin that have close links to Italy was under preparation. In respect of the

development of a culture of intellectual property, the delegation affirmed Italy's support for initiatives by WIPO and other organizations to create greater public awareness of intellectual property by measures that were appropriately adapted to the wide variety of cultures and traditions of countries throughout the world. This endeavor would be an effective means of combating counterfeiting and piracy. Italy, for its part, was in the process of negotiating agreements with many countries aimed at effective forms of cooperation in the fight against piracy and counterfeiting. The delegation of Italy observed that the success of the recent International Conference on Electronic Commerce was yet another acknowledgement of the growing influence of intellectual property on international trade, and of the close connection between WIPO and WTO. The delegation concluded by observing that, under the leadership of the Director General, WIPO was certainly destined to increase its importance and the role that it plays in the United Nations family.

73. The Delegation of Costa Rica congratulated the Director General on the constructive work that he had done in his administration and on the presentation of the program performance report which gave a clear and substantial account of objectives and results across the range of the Organization's activities. It also praised and supported the vision with which the Director General was conducting WIPO and the strategy laid down for its future guidance. The delegation highlighted the importance that WIPO accorded to legal-technical assistance and cooperation for the benefit of developing countries, and the momentum that had been imparted to the WIPO Worldwide Academy in the context of a broader commitment to human resources development. It expressed its appreciation of the recent visit of Deputy Director General Castelo, the previous July, in the course of which he had enlarged on activities undertaken and also coordinated future projects of local scope with various local authorities. The delegation mentioned Costa Rica's accession to the PCT, which made it the fourth Latin American country to become party to the Treaty, and announced that the Legislative Assembly already had before it a package of new intellectual property legislation, including three WIPO treaties.

74. The Delegation of Dominica pointed out that Dominica had just recently become a Member State of WIPO, as well as a party to the PCT, Paris and Berne Conventions and the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. It stated that, with the growth of technology and information systems making the world a global village, it was imperative for all countries to address issues of intellectual property, to ensure general economic growth and sustainable development. This was particularly true for small island developing countries. The delegation underscored the personal involvement of the Director General in intellectual property issues concerning Dominica among other Caribbean Community (CARICOM) States. The delegation stated its confidence in WIPO's continued assistance in the areas of institution building and modernization, which were necessary not only for compliance with the obligations of the TRIPS Agreement but also to ensure economic development and social stability. The delegation thanked WIPO for organizing an advisory mission to Dominica, and for technical assistance provided, especially in respect to drafting and implementing new national legislation in the past two years in the areas of: layout designs and topographies of integrated circuits; industrial designs; marks, collective marks and trade names; patents; unfair competition; protection of new varieties of plants; copyright and geographical indications. The delegation expressed its hope that WIPO would continue to assist Dominica in the future, especially in the areas of equipment, software development and training of human resources, as Dominica moved towards setting up a modern and efficient system of intellectual property administration.

75. The Delegation of Argentina spoke of the efforts made in recent years to develop its legislation in the intellectual property field and to improve its institutional ability to administer that legislation. It announced the imminent ratification of the WIPO Performances and Phonograms Treaty and WIPO Copyright Treaty, and emphasized the great importance of the work that WIPO was doing on Internet domain names. The delegation expressed its appreciation of WIPO's cooperation activities with its country, and especially the seminars that had taken place in the course of the current year. It regarded as being of fundamental importance to developing countries that WIPO should continue its cooperative activities with the WTO. The delegation commended the Director General on the results achieved during the period under review. It emphasized the importance and interest that it attached to the Policy and Industry Advisory Commissions, considering their creation to have provided an innovative forum for discussion and management within the Organization which should be developed. It mentioned that Dr. Carlos Menem, the President of the Argentine Republic, hoped to continue to contribute to the work of the Policy Advisory Commission even after the end of his term of office as President. The delegation emphasized the importance of WIPO's current cooperative activity in connection with the Convention on Biological Diversity.

76. The Delegation of Australia congratulated the Director General and the Secretariat, on the excellent work performed by WIPO over the last year, and noted with pleasure the continued progress towards improved planning, budgeting and program delivery. Such progress was important for the Organization to continue delivering effective services to its members, particularly in light of the rapidly changing international intellectual property environment. In an increasingly knowledge-based and globalized world, the need to have a cost-effective system for intellectual property protection was paramount. In this respect the role of WIPO in operating the PCT and the Madrid Protocol, and, making progress towards greater harmonization of intellectual property through activities like the PLT, could not be underestimated. The delegation applauded WIPO's work in these fields to date and encouraged its continuation. The delegation also recognized the vital role WIPO was playing in strengthening the protection of intellectual property through its extensive technical co-operation program. Australia had been pleased to be involved in such co-operation by participation in activities undertaken by WIPO. Additionally, Australia had been active within fora such as Asia Pacific Economic Cooperation (APEC), and bilaterally, particularly with countries from the Asia-Pacific region. This activity was directed towards fostering IP development through various training courses and assistance to ensure legislation was consistent with the provisions in the TRIPS Agreement. To be effective, the delegation believed that such co-operation activities needed to be well planned and co-ordinated, with clear objectives, to target areas of specific need and to take into account the individual circumstances of the recipient. The delegation reaffirmed Australia's commitment to continue working with WIPO in the field of technical co-operation. In this respect WIPO and Australia would jointly be hosting a regional forum Strategic Management of Intellectual Property in the 21<sup>st</sup> Century to be held in Sydney, Australia in March 2000, which should be of interest to all countries in the Asia-Pacific region. During the last year, Australia had continued to improve its intellectual property system. In February significant changes were announced to the registration system for industrial designs, to implement a system that is cost-effective, responsive to users' needs and better protects designers' creations against copying. In the area of copyright, Australia had two bills before Parliament: the Digital Agenda Bill would update Australia's copyright law to meet the challenges posed by new communications technology, and the Electronic Transaction Bill would allow electronic communications to satisfy existing legal requirements for writing, signature, document production and the retention of documents. Following on from significant price reductions equivalent to 23 percent of revenue in 1998, Australia's Intellectual Property Office had

continued to improve the services offered to its customers. Currently it was undertaking trials of electronic filing for both trade marks and patents, and had upgraded its home page with access now available to published patent specifications data. Reflecting the growing importance of knowledge based industry to economic and social development, the Australian Government was placing increased emphasis on intellectual property protection. An independent review of the impact of Australia's intellectual property legislation on competition and Australia's business was due to report on June 30, 2000, and was consistent with the Government policy of fostering a competitive environment for Australian industry. As part of reviewing and formulating government policies that impact on the contribution of innovation to economic development, the Australian Government would hold a high level Summit in February next year, to draw together senior business, academic and government leaders; one of the six key themes of the summit would be managing intellectual property. The delegation added that Australia had also changed the requirements for professional practice in patents, trade marks and designs, and government agencies were currently collaborating with Australian tertiary institutions to enhance teaching in professional practice, with this teaching expected to be made available electronically in the next year or so. The delegation reaffirmed Australia's commitment to WIPO's goals and activities and the ongoing process and reform, and looked forward to continued co-operation with WIPO to ensure the development of a strong cost-effective intellectual property system around the world.

77. The Delegation of Bahrain welcomed the report presented by the Director General and noted the great role that WIPO had played and continued to play in supporting the developing countries and the least developed countries in the various and complex fields of intellectual property, which was of great interest in all countries. The delegation suggested that WIPO establish a mechanism to deal with the subject of electronic commerce, and methods for protecting the rights of all parties participating in electronic commerce, and thereby prepare for the third millennium. The delegation was confident that WIPO would spare no efforts in this respect, noting the great efforts by WIPO in promoting knowledge of intellectual property rights protection and in assisting many countries to amend their laws to comply with the TRIPS Agreement of the World Trade Organization.

78. The Delegation of Canada expressed its appreciation to WIPO--a key international agency--for its on-going efforts and achievements. The delegation commended WIPO for conducting a number of key initiatives. Activities were streamlined through having standing committees dealing with patents; trademarks, geographical indications and industrial designs; copyright and related rights; information technologies; and technical cooperation. Canada considered essential the new thrust for full transparency and accountability based on solid management approaches and practices, along with results-based budgeting and increased effectiveness and efficiency, all critical for WIPO to maintain its leadership role into the new millennium. Canada had participated actively in WIPO's initiatives regarding the Internet domain name system and regarding the resolution on well-known marks to be put before the Assembly. The delegation noted that Canada was also closely involved in work on the new Patent Law Treaty, highlighted by its chairing the Standing Committee on Patent Law, and hoped that the diplomatic conference on this issue next year would be a success, and later lead to progress on more substantive matters. Enhancing PCT Regulations was key to the development of an effective international patent system, and the delegation favored continued efforts to link the PLT and the PCT. Canada supported fact-finding missions on intellectual property issues for indigenous peoples, which needed clarification. WIPO continued important work on non-original databases, audiovisual performances and broadcasting rights. Implementing information technologies, through WIPONET and IPDL, both at WIPO and in Offices around the world, was critical for the economies of both industrialized and developing

countries. The delegation pointed to the success of the recent WIPO Conference on Electronic Commerce and Intellectual Property, and the need to pursue work in this area; it thanked the Director General for his participation in the OECD Ministerial Meeting in Ottawa in October 1998 on the same subject. It also noted the important work of the WIPO Worldwide Academy in its Internet-based courses and in its technical cooperation activities. The delegation observed that, in conjunction with WIPO, Canada had completed the third component of a three-year pilot providing a specialized training course on the management of trademark operations and information services, for Latin American and Caribbean participants. Within Canada, the Canadian Intellectual Property Office (CIPO) had developed a client service focus, to ensure that its products and services were cost-effective and supported innovation and the knowledge-based economy of Canada, and in which information technology was effectively used. CIPO's Canadian Patent Database, launched on the Internet in November 1998, provided access to over 75 years of patent descriptions and images allowing searches, retrievals and studies of over 1.4 million documents. The Canadian Trademarks Database was similarly on-line. Electronic filing of trademarks via "Strategis," Industry Canada's Web site, was now operational in Canada. Canada's experience with automation convinced it of the importance of information technologies in assisting WIPO in meeting its international mandate. Amendments to the Patent Rules and the Trademark Regulations had been made, and announced for the Industrial Designs Rules, to facilitate electronic commerce transactions with CIPO. Regulations had also been approved with a view to completing implementation of the 1997 amendments to the Copyright Act. Canada was active in various regional fora, including negotiations for a Free Trade Area of the Americas and in the Asia-Pacific Economic Cooperation Group. The delegation was pleased that Canada was a recognized International Depository Authority under the Budapest Treaty. The delegation offered Canada's continued support for the work of WIPO in promoting greater awareness, use and protection of intellectual property, and in the development and consolidation of sound management principles and practices.

79. The Delegation of the Central African Republic commended the volume and quality of work carried out by WIPO in 1998. In looking to the future, it highlighted the importance of continuing to provide technical legal assistance to developing countries for the implementation of the TRIPS Agreement, the human resources development work of the WIPO Worldwide Academy, the creation of the WIPONET and the PCT automation, the opening of WIPO's Information Center, and the strengthening of cooperation between WIPO and the LDCs through the Least-Developed Countries Unit. The Central African Republic had benefited from a wide range of WIPO's activities, including having its officials attend several seminars during 1999. Moreover, with WIPO's support, the Central African Republic had hosted the first WIPO/WTO Joint Symposium on the TRIPS Agreement for the sub-Saharan francophone countries of Africa. Soon members of the managerial staff of the Central African Republic's Industrial Property Office would participate in courses offered by the WIPO Worldwide Academy. The delegation reported that the Central African Republic had created a national committee that would recommend measures necessary to bring the country's laws and regulations into conformity with the TRIPS Agreement. The delegation concluded by praising the Director General's leadership of the Organization and reiterating its support for WIPO's activities.

80. The Delegation of Chile said that it was only by promoting the participation of all WIPO members in its decisions that the Organization could be strengthened and its action reaffirmed. Transparency and participation therefore had to be the pillars of management. It expressed its full support for the program and budget for 2000-2001, in which every action was directed towards concrete, measurable results. The delegation considered that

institutional unity had to be one of the guiding principles of WIPO management, and it congratulated the Director General on having imposed such management criteria. It attached strategic importance to plans for cooperation for development, and especially to the WIPO Worldwide Academy, as fundamental instruments with which the Organization would achieve its objectives. The delegation highlighted the importance of the Standing Committees to the progressive development of law. The delegation supported the WIPONET initiative, with its extraordinary potential for communication and dissemination, and all the activities directed towards the establishment of intellectual property digital libraries, which were very useful for improving the infrastructure available to national offices.

81. The Delegation of Côte d'Ivoire approved the program implementation in 1998, noting the clarity and transparency with which it was presented in the program performance report. The delegation observed that the Director General had impressed upon WIPO a remarkable impetus to make intellectual property an effective instrument of economic and social development. Côte d'Ivoire had made the protection and promotion of industrial property a strategic pillar of its industrial policy, the most tangible reflection being the creation in early 1999, of an autonomous public establishment, which was its national structure responsible for liaison with the African Intellectual Property Organization (OAPI) and was especially concerned with promoting public awareness of industrial property among the participants in the national economy and the public. The delegation thanked WIPO for its valuable contribution to the modernization of the Ivorian industrial property office involving equipment supplied and training for members of its managerial staff. The delegation also noted that Côte d'Ivoire had benefited in 1998 from legislative drafting assistance in connection with the revision of the Bangui Agreement, seminars organized in the country, and participation in regional seminars and in WIPO's Permanent Committees. It welcomed the progress achieved in the WIPONET project, which offered great promise as an instrument for popularization and training regarding intellectual property, and to which Côte d'Ivoire would have access by the end of the year through OAPI. The delegation also expressed its satisfaction that some of its principal concerns, such as the protection of traditional knowledge and folklore, the promotion of geographic indications and support for centers of invention and innovation, had been reflected in the draft program and budget for the next biennium. It appreciated the exemplary cooperation and all the support that WIPO had extended to developing countries.

82. The Delegation of the Czech Republic expressed its great satisfaction with the results and progress achieved by WIPO during 1998. It also expressed its support for the WIPO draft program and budget for 2000-2001. The delegation emphasized the particular importance that it attached to further automation of the PCT, Madrid and Hague systems and the development of the Global Information Network, as well as activities related to enforcement, dispute resolution and electronic commerce. The delegation stated that in early 1999, the European Patent Organization had invited the Czech Republic to accede to the European Patent Convention with effect from July 1, 2002. Amendments to several laws on industrial property protection had been submitted to Parliament in August and were expected to enter into force in January 2000. One of the main objectives of the patent law amendments included meeting the prerequisites for that accession, and introducing supplementary protection certificates for pharmaceuticals and plant protection products in accordance with relevant European Union legislation. New provisions had also been made for the enforcement of industrial property rights. The provision of patent and trademark information services continued to be improved. The delegation added that the Czech Republic had finalized drafting a completely new and modern copyright law which would comply with the Berne and Rome Conventions, the TRIPS Agreement and the two WIPO copyright treaties of 1996, and would enable the Czech



Republic to become party to those 1996 treaties. Among the features of the copyright bill were a catalogue of the rights of authors, performing artists and holders of related rights, measures to balance the rights of copyright holders with the interests of users of protected works, protection of computer software and databases, rights of lending and leasing, extended periods of protection, and a *sui generis* right for database makers. The bill also included provision for the technical protection of works of art and the provision of electronic information, provided greater enforcement possibilities for rights holders, and strengthened collective management of rights. The delegation emphasized the importance that Czech authorities attached to combating counterfeiting and piracy, and it reported on various legislative and administrative measures taken to that end. The delegation stated that the Czech Republic was looking forward to participating in further cooperation with WIPO.

83. The Delegation of the Gambia congratulated the Director General for his dynamism and good leadership, and commended him for the substance and form of the program performance report, and for the transparency and accountability reflected therein. It expressed its appreciation for WIPO's efforts in promoting the development of the intellectual property system. In 1998, Gambia had hosted a symposium on the implementation of the TRIPS Agreement by Least Developed Countries by the year 2006, and also participated in a seminar in Mombasa, Kenya on electronic commerce. Gambia was in the process of amending and updating its intellectual property laws within the perspective of the TRIPS Agreement. The delegation said that it would like to receive more assistance from WIPO in the area of capacity building and human resource development. It welcomed the WIPONET project which offered the opportunity for linking up WIPO with its Member States, thereby facilitating communication and dissemination of information among them. The delegation reaffirmed its continued support and cooperation with WIPO.

84. The Delegation of Madagascar supported and expressed its full satisfaction with the presentation of the report on program performance in 1998. It congratulated the Director General for his initiative and the transparency and vision that he had demonstrated. The delegation expressed its deep gratitude to the Director General and the Secretariat for the enormous progress made in the various main programs. It supported the draft program and budget for the 2000-2001 biennium. The delegation appreciated the importance attached to the preservation and enhancement of the value of natural resources, which corresponded fully with the concerns of Madagascar, whose National Environmental Program, launched five years ago, reflected the country's enormous potential in this regard. At present, the Malagasy Industrial Property Office (OMAPI) was working towards establishing a national strategy regarding global intellectual property issues, including the implementation of the TRIPS Agreement. In addition, the delegation appreciated the strengthening of the training program and the cooperation for development with developing countries which encouraged and promoted dynamism in the Offices of Member States. Through OMAPI, Madagascar had proposed a national program in support of the promotion of intellectual property ("PROAPI") for the period 2000-2005, and looked for WIPO's support in implementing that program. With regard to document WO/GA/24/5, the delegation encouraged a strengthened cooperation between WIPO and the World Trade Organization. The delegation appreciated the various activities undertaken by WIPO in support of developing countries, especially the joint WIPO-WTO initiative for the implementation of the TRIPS Agreement. The assistance was also extended to least developed countries, and the delegation considered that WIPO should intensify its cooperation efforts directed towards those that were Member States of WIPO and still in the process of accession to the WTO, in order that they might benefit fully from all technical assistance activities.

85. The Delegation of Malawi stated that it was satisfied with the program performance for 1998, with the progress made towards achievement of the expected results being highly commendable in light of the constraints encountered. The delegation commended the Director General for the clear format in which the program and budget had been presented, as that would greatly facilitate Member States' assessment of WIPO's progress towards achieving its objectives, by examining the performance indicators for the various programs. The delegation emphasized that in the new century, there would be a significant if not unprecedented demand for WIPO's services, due to the challenges and opportunities posed by new and emerging issues, such as the Global Information Network, the impact of electronic commerce on intellectual property, and assistance to developing countries regarding implementation of TRIPS Agreement obligations. The delegation fully supported the moderate increase of 8.1 percent in the WIPO budget as this would enable WIPO to assist Member States, especially developing country Member States, in their efforts to formulate responses to such challenges. As developing and least developed countries were still trying to meet their obligations under the TRIPS Agreement, it was vital to increase technical assistance to those countries in all areas of WIPO's activities, and to avoid their marginalization in the new information technology-based global economy. The delegation therefore welcomed WIPO's program for the WIPONET and the establishment of the Least-Developed Countries Unit. The delegation supported the proposed reduction in PCT fees and in contributions from Member States, and said that the use of surpluses generated from the PCT for the wider objective of strengthening the global protection and enforcement of intellectual property should be seriously considered in the formulation of a long term approach to this subject. The delegation expressed its profound gratitude to WIPO for the various forms of technical assistance provided, and assured its continued cooperation, support and participation in WIPO's various programs, especially in the areas of WIPONET, PCT automation, IPDL's, human resource development, strengthening of intellectual property infrastructure, and implementation of the TRIPS Agreement.

86. The Delegation of Malaysia expressed its deep appreciation to WIPO for the considerable assistance it received in the form of expert advisory missions, training, attachment programs, documentation and legal-technical advice. Malaysia had benefited tremendously from this assistance, especially in terms of human resources development and strengthening of its intellectual property system, including timely implementation of the TRIPS Agreement. Malaysia was committed to the provision of strong intellectual property protection and recognized its critical role in the success of electronic commerce and general economic well-being. Thus Malaysia had launched in 1996 the Multimedia Super Corridor (MSC) to leapfrog the country into the information age and lead it into the digital economy. Since then the Government enacted various laws to meet the more urgent and immediate needs of electronic commerce, including the need for verification and authentication of electronic messages, the legality of electronic documents and transactions, and the protection of intellectual property rights over the digital environment. Its copyright law was amended not only to support the MSC, but also to conform with the WIPO Copyright Treaty and the WIPO Performances and Phonogram Treaty, both of which were under consideration by the Government for accession before the end of 1999, and to make Malaysia more globally competitive. In the area of patents, the delegation indicated that it expected Government approval soon for joining the PCT. The delegation also indicated that, with thanks for WIPO's assistance, amendment of existing intellectual property laws (Trade Marks Act 1976, Patents Act 1983 and Copyright Act 1987), and the drafting of new laws (Layout Designs of Integrated Circuits Act, Geographical Indications Act and the Plant Varieties Act) to comply with the TRIPS Agreement had progressed significantly, and were expected to reach Parliament by October 1999. Enforcement of intellectual property rights had also been

stepped up; among the most recent initiatives in this regard was the establishment of a special Copyright Task Force to ensure adequate copyright protection, and concerted and substantial enforcement actions to contain piracy. As recommended by that task force, the Optical Disc (Licensing and Control) legislation to establish a licensing and regulatory framework for manufacturing copyright works for commercial purposes in the form of optical discs is under preparation for the October 1999 session of Parliament. The delegation concluded by expressing its hope for continued close cooperation between Malaysia and WIPO.

87. The Delegation of Mali congratulated the Director General and the Secretariat for the accomplishments reflected in the report on program performance in 1998, and it thanked WIPO for the continuing support provided to Mali in human resources development and the provision of intellectual property information and computer equipment for Malian administrative services. Other elements of this support included the recent WIPO study mission on traditional knowledge, innovation and culture; the upcoming regional seminar in Mali on the implementation of the TRIPS Agreement, intended for customs and police officers, chambers of commerce and industry; and the agreement between the Malian Radio and Television Broadcasting Office and WIPO for the broadcast of a film on inventors as a source of wealth. In the future, Mali would welcome WIPO's support for the introduction of a module on the teaching of intellectual property at the University of Mali, the training of at least five intellectual property trainers, the organization of a regional seminar, and the participation of a senior Malian official in the program of the WIPO Academy. In keeping with the importance that the Director General attached to demystification of intellectual property, Mali proposed that WIPO prepare audiovisual material about the intellectual property system in the languages most commonly used in the various geographic regions. This would be the best way to promote intellectual property throughout the world because such material would enable inventors, and especially the holders of traditional knowledge, particularly in developing countries, to benefit more from their knowledge. The delegation recalled that the Organization of African Unity, at its Heads of State Conference held earlier in the year at Algiers, had contributed to the promotion of intellectual property by making September 13<sup>th</sup> the African Day of Technology and Intellectual Property. The delegation supported the new directions envisaged in the program and budget for 2000-2001, particularly in regard to the programs for cooperation for development and the WIPO Worldwide Academy. Mali believed in the future of intellectual property, and the delegation stated that it fully supported the Director General and the Secretariat in the accomplishment of their mission of placing the intellectual property system at the service of all of humanity.

88. The Delegation of Mauritania thanked the Director General for the dynamism that he had brought to WIPO. The excellent results achieved to date and the ongoing progress were testimony to the competence and devotion of the Director General and his officials in carrying out the various programs to the satisfaction of the Member States, in particular the developing countries. Mauritania appreciated greatly the assistance that WIPO had provided in promoting use of intellectual property in a variety of fields of national activity, and it looked forward to further cooperation in establishing a national intellectual property system that would meet its economic and social development needs.

89. The Delegation of Poland expressed its satisfaction with the scope, quality and variety of activities undertaken by WIPO in 1998, and in particular with those directed to strengthening the legal and administrative intellectual property infrastructure, the computerization of intellectual property administration, the promotion of inventions and innovation and the enforcement of intellectual property rights. It also welcomed the re-orientation and focussing of WIPO activities to new topics emerging from recent

technological developments, and offered its support for WIPO's planned activities in connection with Internet domain names, the establishment of a global information network, the expanded use of information technology and issues related to intellectual property and electronic commerce. The delegation observed that the new system of Standing Committees and Advisory Commissions seemed to serve WIPO's needs better than the previous system, and thereby contributed to enhancing the intellectual property protection system worldwide. Nevertheless, the new challenges, scope and volume of WIPO's activities called for further organizational changes, and from this perspective the delegation welcomed the constitutional reform proposed. The delegation also supported the overall financial framework of the draft budget for the 2000-2001 biennium, agreed with the proposed budget increase which it considered was justified, and welcomed the proposed reduction in Member State contributions. It noted with satisfaction the continued growth in the number of PCT applications. The proposed reductions in PCT fees was welcomed as a measure that would benefit users of the PCT system and increase its popularity in Poland, but the delegation suggested that a decrease in fees of more than the proposed 13 percent should be considered. As regards industrial property developments in Poland, the delegation reported that the level of protection offered by the Polish industrial property law had been found satisfactory by the European Commission following a review carried out in the context of negotiations aimed at Poland's accession to the European Union. The registration activities of the Polish Patent Office continued to increase, both with the PCT and Madrid systems. With the assistance of the European Union and the European Patent Office, computerization of the Polish Patent Office and enlargement of its building were well advanced.

90. The Delegation of Romania fully approved the contents of the program performance report for 1998, which provided a transparent and precise evaluation of programs. The delegation expressed its full satisfaction with the execution of the biennium program, which reflected the modern vision brought by the Director General to his successful restructuring of the Organization. In the period since the last Assemblies, Romania has continued working on the reform of its intellectual property legislation with the aim of harmonizing it with that of the European Union. Romania had also worked toward adherence to additional intellectual property conventions, such as the Budapest Treaty, and had adopted a law on new plant varieties, which provided a system of *sui generis* protection. In July 1999, Romania had signed the new Act of the Hague Agreement and was currently preparing amendments to its industrial design legislation that would enable rapid ratification. The delegation reported that Romania was also revising its patent and industrial design legislation in order to ensure its conformity with the TRIPS Agreement and European Community standards. Particular attention was being given to the protection of biotechnological inventions and to the creation of supplementary protection certificates for pharmaceutical and phyto-pharmaceutical products. Romania was pleased to have been invited, along with seven other Central European countries, to adhere to the European Patent Convention as of 2002. The delegation expressed its interest in the work on the draft Patent Law Treaty and current developments concerning electronic commerce. It hoped for closer cooperation between Romania and WIPO in all fields of intellectual property.

91. The Delegation of the Russian Federation commended the Director General for the extensive and efficient work that had been carried out within a relatively short period of time and expressed its appreciation for the presentation of the 1998 program implementation results, which allowed for a more detailed consideration of the results of activities as well as more precise assessment of them. The delegation suggested that in future an additional subdivision of costs by sub-programs could be made in order to more accurately evaluate the implementation of the most important activities. The delegation stated that the Russian

Federation was particularly interested in activities aimed at the creation of the Global Information Network-WIPONET, automation of the PCT, development cooperation with certain countries in Eastern Europe and Asia, development of human resources, and the WIPO Worldwide Academy. The delegation welcomed assistance rendered by WIPO to countries in transition, which took the form of legal advice, preparation of comments on draft intellectual property laws and evaluation of their conformity with the provisions of the TRIPS Agreement. The delegation also requested that the earlier practice of organizing in Moscow a training course on intellectual property for participants from CIS member States and developing countries be revived. Finally, the delegation emphasized the great positive impact of the recent visit to Moscow by the Director General this February, and expressed willingness to further advance cooperation between the Russian Federation and WIPO on the basis of a program of cooperation to be concluded in future between the two parties.

92. The Delegation of Sierra Leone pointed out that the concerns of the least developed countries were different from those of the more developed countries. The continued interest in the intellectual property system would depend on the benefits of the system to economic, social and cultural development in its country. The delegation noted a shift in the overall strategy of WIPO under the leadership of the Director General, towards exploitation of intellectual property and to practical use of the system as a catalyst for economic growth, as reflected in the program. It believed that this change in strategy would help Sierra Leone and other developing countries to leapfrog into the modern economic arena, with the focus on enhanced information technology assisting in this endeavor. The delegation appreciated WIPO's initiatives for WIPONET and distance learning as a means to achieve a wider dissemination of the wealth of technological information and of information on the intellectual property system and its potential economic benefits. It stated that Sierra Leone had benefited from training and other public awareness raising activities for legal practitioners, lecturers, business people, law makers and media people. The delegation added that, to meet its obligations under the TRIPS Agreement, it would need assistance in modernization of the infrastructure needed to manage its intellectual property system. More human resources training would be essential, including for judges, customs and police officers, and officials in the intellectual property Office. The delegation noted that Sierra Leone had recently acceded to the Madrid Agreement, and would shortly be acceding to the Madrid Protocol. The officials of its Office would thus be dealing with those international systems, and the added dimension of electronic commerce. The delegation emphasized that the least developed countries such as Sierra Leone needed all possible assistance so that they could participate in and benefit from the fast pace of change in intellectual property matters.

93. The Delegation of Spain emphasized the important role that intellectual property had as the driving and energizing force of the economy in a complex environment, and expressed praise for the intense activity that the Organization had carried on during the period under review in response to the challenges arising in an ever-more globalized international context. It highlighted the experience and action of the Spanish Patent and Trademark Office (SPTO) as an International Searching Authority under the PCT, which had reaffirmed its growing influence with the renewal of the agreement with WIPO. It also mentioned that the cooperation agreement between the EPO, the SPTO and the Swedish Patent and Registration Office, signed on February 10, 1999, had institutionalized a stable system of cooperation and coordination. In the same context of integration and harmonization, the delegation announced the ratification of the Trademark Law Treaty and Regulations, which would modernize and streamline procedures, and the preparation of a draft Trademark Law. With regard to data systems, the delegation said that the databases at the disposal of the SPTO had been added to in the course of the year, and that the Office had continued to work on its Internet presence

and on the system of electronic publication of patents. It drew attention to the enhanced international presence of Spain both in the form of greater participation in WIPO and in the EPO and European Union framework. With regard to the TRIPS Agreement, Spain continued to collaborate with the WTO in matters of training and in the study of the issues necessary for the adaptation and adjustment of all aspects of the implementation of Spanish intellectual property provisions to the principles and provisions of the Agreement. The delegation mentioned that, in the course of 1999, Spain had renewed and expanded its contacts with international organizations on matters of cooperation, having already laid down the future programs for coordinated action in pursuance of its firm decision to improve cooperation with Latin America, and was extending the range of its cooperation to other geographical areas such as the Southern Mediterranean and the countries of Eastern Europe. The delegation emphasized that the dynamism of intellectual property, subject as it was to an intensive process of globalization, would require more and more effort to be made by all those actively involved. As far as copyright and related rights were concerned, the delegation noted that the development of communication networks was paralleled by a greater risk to content, which could be effectively transmitted via digital networks which themselves were subject to protection by copyright and related rights. The delegation expressed its wish that performers in audiovisual works might also benefit from the advantages that the Internet treaties gave to authors and music performers for the exploitation of their protected works and performances. It acknowledged WIPO's skill in realizing that the exploitation by network of content did not require only the grant of appropriate rights to the owners, and acknowledged that there were a number of areas in which substantial analytical work had to be done on the circumstances in which the transfer of protected content took place. The delegation commended WIPO for the analytical work that it had accomplished, and offered its fullest collaboration. It also expressed praise for the recent International Conference on Electronic Commerce and Intellectual Property, and on the work done on technical cooperation issues.

94. The Delegation of Sri Lanka congratulated the Director General and the Secretariat for the excellent accomplishments successfully executed during the period under review. The Organization had truly become dynamic, practical and result-oriented. The delegation expressed its gratitude to WIPO for the assistance and cooperation extended to developing countries in general, and to Sri Lanka in particular, in the modernization of their intellectual property systems. The delegation pointed out that the new intellectual property program in Sri Lanka concentrated on establishing a workable and practical environment conducive to creative activity, and for using intellectual property as a useful instrument of economic and technological development. Its main features included: an updated legal framework, with all efforts being made for meeting the requirements of the TRIPS Agreement by its deadline; reorganizing the National Intellectual Property Administration including gradual introduction of automated support and training of its staff in the new technological environment; awareness-building not only among present and prospective users but also among the general public; teaching of intellectual property law in law schools, and introducing advanced courses for practicing lawyers; streamlining enforcement mechanisms; and promotion of regional cooperation particularly in the Asia-Pacific region and the South Asian Association for Regional Cooperation (SAARC) region. In the implementation of this program, the delegation stressed the encouraging and far-reaching assistance provided by WIPO, and expressed its appreciation for the very productive cooperation extended to Sri Lanka in the promotion of cooperation within the Asia-Pacific region and the SAARC region, which it expected to continue and be strengthened. The delegation affirmed the readiness of Sri Lanka to extend its full cooperation to WIPO in all its excellent, far-sighted, practical and result-orientated activities.

95. The Delegation of Swaziland congratulated the Director General for the excellent implementation of WIPO's programs during the two years that he had been in office. The delegation expressed its satisfaction with both the 1998-1999 and the 2000-2001 program and budgets. It mentioned specifically the benefits it had enjoyed from participation in the WIPO Worldwide Academy's workshops and distance learning, and the legal advisory assistance received in respect of the TRIPS Agreement. The delegation expressed its wish to receive assistance in computerization at the national IP Office and in the training of recently recruited staff. The delegation supported the request of the delegation of Portugal for adopting Portuguese as a working language in WIPO.

96. The Delegation of Viet Nam noted that the effective work of the Secretariat, under the Director General's leadership had led to many achievements. The delegation emphasized the growing importance of intellectual property for social and economic development, technology transfer, international trade and investment, and was an indispensable issue in bilateral and multi-lateral trade negotiations. Aware of the role of intellectual property for industrialization and modernization, the Government had been taking continued steps to strengthen the intellectual property system in Viet Nam in the areas of its legal framework, management, administration and enforcement, both in regard to the needs of protection of intellectual property rights and to satisfy the requirements under the TRIPS Agreement. The delegation reported that new legislation had been enacted concerning administrative measures against violations in the field of intellectual property, and had been drafted concerning protection against unfair competition, amendment to detailed regulations concerning industrial property, court procedures for handling of intellectual property cases, and customs and border controls of import and export in respect of intellectual property. It noted that significant results regarding enforcement had been achieved through better coordination between the competent authorities in Viet Nam, with greater emphasis on the role of the courts. Viet Nam had adopted a long-term strategy for the development of its intellectual property system, with main targets to be achieved by 2010. The major problems it must deal with were with respect to human resources and intellectual property infrastructure, which caused problems of backlog of applications. The delegation stressed the importance of international cooperation, especially in respect to its activities with WIPO, ASEAN, APEC, EPO, Japan, France, Thailand, Australia and Switzerland, and stated that Viet Nam was taking steps to prepare for negotiations for WTO accession. Viet Nam had received effective technical assistance from WIPO, EU, Japan and France. The delegation expressed its deep gratitude to WIPO for its technical assistance, extensive human resource training, and provision of documentation and equipment, and also thanked all countries that provided cooperation and assistance, Viet Nam looked forward to making its intellectual property system effective and able to contribute to the country's development and its integration with the world community.

97. The Delegation of Zambia paid tribute to the Director General's efforts to rebuild WIPO into an organization of benefit to least developed countries through improved intellectual property systems which, if used effectively, could be an essential tool for attracting foreign direct investment and technology transfer. The establishment of the Least-Developed Countries Unit, the effective marketing activities of the WIPO Worldwide Academy and the targeted communication strategies were signs of the good corporate identity of the Organization. It also expressed satisfaction over WIPO's awareness-building activities, particularly linking intellectual property and economic development, which had received wide interest and support among the private sector, academia and the general public in Zambia. The delegation supported more efforts in this direction and endorsed the proposal by the delegations of Algeria and of China for institutionalizing an international day for intellectual property as a way of increasing public awareness of WIPO. The delegation also reiterated its

strong support for the assistance being provided by WIPO to LDCs, especially to modernize their intellectual property systems as they prepared for the implementation of the TRIPS Agreement.

98. The Delegation of Zimbabwe joined other delegations in commending the Director General and the entire Secretariat for the very satisfactory program performance in 1998. The delegation stated that Zimbabwe in particular, and the whole African region in general, had benefited considerably from WIPO training in all fields of intellectual property. It singled out the WIPO Worldwide Academy and the WIPONET for their contribution to demystifying intellectual property and bringing it closer to the grassroots level. The delegation supported WIPO's present efforts regarding indigenous knowledge and means of empowering communities. The delegation mentioned three important and very successful recent events: the TRIPS Implementation Conference organized by WIPO in conjunction with Zimbabwe and held in Victoria Falls, which emphasized the urgency associated with the TRIPS Agreement; the Harare Conference for Parliamentarians, Journalists, Businesspersons and Researchers; and the National Exhibition of Inventions and Innovations, which Zimbabwe hoped to make an annual event, and in which WIPO's rapid assistance had been much appreciated. The delegation also expressed its gratitude to the Director General for his extremely successful visit in June 1999 to Zimbabwe and to ARIPO Headquarters. The delegation expressed Zimbabwe's great appreciation for the recently approved Nationally-Focused Action Plan which would solve Zimbabwe's long-standing problems in the field of copyright. The delegation concluded by expressing its deep gratitude for the technical and financial assistance received by ARIPO from WIPO.

99. The Representative of the African Intellectual Property Organization (OAPI) congratulated the Director General and his team for the quantity and the quality of the activities carried out by WIPO in so short a period to support the efficient use of the intellectual property system in its Member States. OAPI had recently been instructed by its Board of Directors to provide more assistance to its member States to combat technological under-development. This reflected the vital necessity for developing countries in general, and those of Africa in particular, to create conditions favorable to the judicious use of the opportunities offered by science and technology. Intellectual property was more than ever important because it aimed at creating favorable conditions for effective use of these new opportunities. WIPO's role in this was very important in making intellectual property a true engine of development, and WIPO was continually providing support to facilitate access for all to technical information. The representative welcomed the close cooperation that had developed between WIPO and OAPI, which was well illustrated by the technical assistance that WIPO had provided for the computer system of OAPI and its member States through a pilot project for the global information network, WIPONET. The equipment had been recently received and OAPI's Internet site launched. Completion of this project would enable OAPI to maintain a round-the-clock presence on the Internet and offer a wide variety of Internet-based services to its member States and partners. It was eloquent testimony to the Director General's commitment to exploiting the opportunities offered by technological progress to enable intellectual property to contribute to the technological development of Member States. The representative also mentioned other areas of cooperation with WIPO, including upgrading of telecommunications equipment at OAPI's headquarters, the activities of the WIPO Worldwide Academy, and the assistance provided and requested in connection with the Bangui Agreement. OAPI had established a special service devoted to reinforcing the protection of literary and artistic property and cultural heritage, and in this regard the representative expressed the hope that WIPO would expand its WIPONET pilot project to include collective management Offices. OAPI also hoped that WIPO and UNESCO would



assist it with measures to help its member States protect and benefit from their cultural heritage. The representative reported that the Organization of African Unity had decided that September 13 of each year would be the African Technology and Intellectual Property Day. It concluded by expressing thanks to WIPO and the organizations (ARIPO, INPI France, INTA and UPOV) with whom it enjoyed excellent working relations.

100. The Representative of the African Regional Industrial Property Organization (ARIPO) recalled with appreciation the very close involvement of the Chairman when he was Deputy Director General of WIPO in the early and formative years of ARIPO, and expressed its gratitude for all the assistance provided by WIPO through his efforts. With respect to the report on program performance for 1998, the representative noted that while the program and budget for the period under review had been approved only in March 1998, the results achieved in 1998 were outstanding in their diversity, comprehensiveness and quality. It highlighted its satisfaction in particular with the program of cooperation for development. The establishment of the Least-Developed Countries Unit was especially welcome as the majority of ARIPO's member States were LDCs. The representative also appreciated the new Infrastructure and Innovation Promotion Division. The representative noted that an agreement was signed in May 1999, between the WIPO Worldwide Academy and ARIPO on provision of essential training through distance learning methods and a training program of special target groups in ARIPO member States and potential member States, and establishment of a Regional Training Center at ARIPO. Following the Director General's visit to ARIPO, a WIPO mission had been undertaken to follow up on implementation of that agreement. As concerns the WIPONET, the representative thanked the Director General for involving ARIPO (together with OAPI) in the pilot project of the WIPONET, which was in the final stages of preparation. That project would pave the way for a WIPO Regionally-Focused Action Plan for ARIPO countries to create a database of IP rights at ARIPO and link it on-line with all ARIPO member States. The WIPONET project would also make it possible for the EPO to automate ARIPO's administrative procedures with the POLITE project. The cooperation for development and WIPONET progress would both provide long-term benefits to ARIPO and its member States, and were exactly what was needed at the threshold of the new millennium. The representative also mentioned that ARIPO would join the OAU and OAPI in celebrating the African Technology and Intellectual Property Day on September 13<sup>th</sup> of each year.

101. The Representative of the Organization of African Unity (OAU) expressed its satisfaction for the excellent way in which the program had been implemented in 1998. The program performance report was clear and transparent in describing not only achievements, but also obstacles encountered, and thus would provide a good basis from which to adjust strategies to achieve even greater effectiveness in the future. Among the numerous accomplishments during 1998, the representative noted with satisfaction the growth in cooperation between the OAU and its member States with WIPO. In addition to the variety of WIPO activities in Africa already mentioned by the African national delegates, WIPO's cooperation with the OAU had involved the awarding of medals to the best African inventors, with the aim of stimulating creativity and innovation in Africa, and training for members of the OAU's managerial staff both in the WIPO Worldwide Academy and in introductory intellectual property courses. The representative paid tribute to the Director General for having honored fully the undertakings that he had made in presenting his program and for having done so with the fullest transparency, sense of responsibility and respect for the regional and social balance necessary for the good functioning of WIPO. The representative of the OAU noted that in order to emphasize the importance of promoting intellectual property in Africa, the Heads of State Conference of the OAU, held in July 1999 in Algiers,

had decided that September 13<sup>th</sup> each year would be celebrated as the African Technology and Intellectual Property Day. The representative suggested that this day might also be celebrated worldwide under the auspices of WIPO.

102. The Representative of the European Patent Organization (EPO) emphasized its cooperation with WIPO, noting the close relations with WIPO in several important fields including the PCT, development of the patent system, and technical cooperation activities. As the sole supranational PCT authority, EPO played an important role as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA). In 1998, EPO produced 39,136 international search reports, or 58.4 percent of the total output of the ISAs. And for international preliminary examining work, EPO handled 26,592 cases, or 55.2 percent of all PCT demands. The representative noted that only about 10 percent of PCT receiving Offices had not yet designated EPO as either ISA or IPEA. As a result, almost 50 percent of EPO's international searches in 1998 were for applications from non-European Patent Convention States, and figures were similar for international preliminary examining work, which underscored the importance of EPO's work within the framework of PCT. The representative stated that there was a need for increased cooperation between ISAs and IPEAs in order to achieve optimum homogeneity, uniform and consistently high quality standards, and to benefit from synergy. A Partnership Agreement had been concluded between EPO and the Swedish and the Spanish Offices, which formed the basis for organizing the work of the three Offices as ISAs. Under the Agreement, the three Offices retained their legal and organizational independence and respective areas of competence, however, their search work would be strengthened and harmonized, while introducing a unitary fee structure. The partnership would seek an agreement with WIPO to put the relations of the three Offices with WIPO on a uniform footing. The representative considered the partnership a landmark for international patent cooperation, which might prompt further concentration of the work of other international authorities. The representative stated that EPO had established technical cooperation medium term plans of activities with Mexico, Argentina, Brazil, Morocco, Tunisia, ARIPO and South Africa, as well as with the ASEAN countries. Bilateral activities in Central and Eastern Europe were integrated in the RIPP Program, while for the CIS countries and Mongolia, under the ICON Program, particular attention was paid to supporting and promoting the Eurasian Patent System. EPO also had special relations with the Russian Agency for Patents and Trademarks. Under a bilateral program with China, EPOQUE technology was now operational at the Chinese State Intellectual Property Office. Also during 1998 and 1999, EPO had developed its relations with the Offices of Morocco and Tunisia, and increased contacts with the Gulf countries. EPO was also implementing several cooperation projects for the European Commission, for China and for Eastern European countries, while discussions for Latin American, CIS and ASEAN countries were being finalized. EPO was currently developing a tool for the administration of small to medium sized Offices, called POLITE, and had offered to involve WIPO in this. In the area of training, EPO continued to work with the WIPO Worldwide Academy, with five seminars carried out in 1999. The representative added that EPO was very interested in WIPO's distance learning project, and would study ways in which EPO could support and participate in it.

103. The Representative of the Ibero-American Organization of Copyright (LATINAUTOR) expressed its admiration for the Director General for the pace and leadership that he had successfully given to the Organization. As it was the first time that LATINAUTOR was involved with WIPO since its admission as an observer in 1997, the representative said that its organization had the twofold aim, on the one hand, of harmonizing, representing and administering, and effectively aligning with the digital era, the rich artistic and musical

repertoire of Latin America with a view to assuring it of the recognition and respect of partners and major users, and on the other hand, of strengthening the system of collective management of copyright on the Latin American continent where, in spite of the efforts of authors' societies and the cooperation agreements of WIPO and CISAC, collective management continued to be no more than a pending issue. The representative confirmed that it would endeavor to promote complete observance of the national treatment principle enshrined in the Berne Convention and written into the TRIPS Agreement, and applauded the Director General's decision to create the new Copyright Collective Management Division. Both in its aims and in its undertakings, LATINAUTOR declared itself entirely committed to the activity of WIPO, both in the field of normative promotion and in that of international cooperation in pursuance of the clear-sighted vision of both sectors shown by the Director General in the program and budget for 2000-2001. With regard to the promotion of treaty provisions, it promised to support the campaign for the promotion of the new WIPO treaties, the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty, as essential instruments with which to face up to the impact of digital technology, and expressed its gratitude the ideologue behind them, Dr. Mihály Ficsor. On the subject of the WIPO cooperation program, LATINAUTOR mentioned its own twofold role, that of cooperating partner and that of recipient of the valuable and essential cooperation provided by WIPO.

104. The Representative of the International Federation of Industrial Property Attorneys (FICPI) expressed its appreciation for the continued efforts of WIPO to make the intellectual property systems it administered as user friendly as possible. It noted the central role established for WIPO by the Director General in the development of intellectual property systems, and stressed the importance of maintaining equal and uniform access to intellectual property systems as they continue to develop. The PCT, Madrid and Hague systems ensured that this goal was met and avoided the potential for geographical imbalance that might result from unduly centralized systems. The representative welcomed that the steps taken by WIPO to facilitate enforcement of intellectual property rights through the WIPO Mediation and Arbitration Center, and WIPO's involvement in electronic commerce. The representative identified effective enforcement as the cornerstone for building respect for intellectual property rights, and noted that the innovative approaches taken by WIPO were very helpful. The representative congratulated WIPO in reaching out to users through its advisory committees, and encouraged an expansion of this function by providing a forum for NGOs in which they might contribute to development of long-term policy issues, rather than simply reacting to proposals generated from within the Organization. It welcomed the establishment of the WIPO Worldwide Academy and suggested the enhanced involvement of practitioners in providing practical training for professionals to help them meet the needs of their local communities. The representative recalled that FICPI, with initial assistance from WIPO, EPO and the Australian Intellectual Property Office had successfully established such programs in South East Asia and more recently in Europe, together with a student exchange program. It affirmed FICPI's full readiness to work with the Academy and other organizations to extend this activity to other regions, particularly Latin America, the Caribbean and Southern Africa. The representative expressed its continued support for WIPO's activities and added that it wanted to remain fully involved in those; it also offered its assistance in the ongoing development of intellectual property.

105. The Representative of the International Federation of Reproduction Rights Organisations (IFRRO) expressed its satisfaction that cooperation for the implementation of the TRIPS Agreement was taking place on all continents, notably in the recent regional seminars on reprography held in Buenos Aires and Lomé. The representative considered the cooperation between WIPO, governments and the private sector as fruitful. In its view, while

good legislation was a prerequisite, management and enforcement were needed to realize the benefits of copyright. In this regard, the representative warmly welcomed the establishment of the Copyright Collective Management Division. The members of IFRRO wished to cooperate with WIPO in the digital network environment. They had been building online licensing mechanisms both nationally and regionally, and wished to share their experience with similar initiatives on all continents. By doing so, they hoped to help electronic commerce with creations protected by copyright to start to boost the benefits for both the creators and the users. The representative looked forward to a global rights protection and licensing network, and considered that WIPO's contribution, through the WIPONET, could help developing countries participate in this endeavor right from the beginning.

106. The Representative of the Ibero-Latin-American Federation of Performers (FILAIIE) thanked the Director General for his extraordinary drive and the strategic vision with which he was committing the Organization to the full development of intellectual property. It expressed the request that, following the path that had been mapped out, the WIPO Worldwide Academy might be given the benefit of the leading intellects in the field of intellectual property. The representative emphasized that the absolute empowerment of intellectual property had to be achieved, in its two areas of industrial property and of copyright and neighboring rights, by means of the essential strengthening of the management of performers' rights, since performers, like authors, generally came up against serious difficulties when they had to negotiate and defend their rights on their own. FILAIIE reaffirmed of its unswerving willingness to broaden and strengthen its cooperative and collaborative relations with WIPO in the promotion and enforcement of the rights of performers at the global level, and made an appeal to Member States to accede to the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty as soon as possible, thereby demonstrating their genuine willingness to apply the rights of performers.

107. The Director General thanked all the delegations for the tremendous support received from them, and for their guidance and encouragement. He assured them that the staff of the Secretariat would certainly be motivated to hear about the support they had given and the positive attitude from the Member States, who were the owners of the Organization, from the various governmental and non-governmental organizations represented, from the private sector, from industry and from the civil society. The Director General emphasized that, in the spirit of total transparency, all the remarks, comments and proposals had been carefully noted and would certainly guide the Organization in its vision and strategic direction. The Director General also encouraged all the delegates to continue the constructive dialogue, and added: "correct us when we fail and applaud us when we prevail." The Director General emphasized that this great Organization should continue to be placed in the center of technological developments, so that the vision that intellectual property should be for all by the next Century, which was just a couple of months ahead, should be realized and materialize. And all delegations should also continue to believe that intellectual property should be used as a major source of economic growth and worth creation.

108. The Assemblies of the Member States of WIPO approved the contents of document A/34/6.

ITEM 5 OF THE CONSOLIDATED AGENDA:

ACCOUNTS FOR THE 1996-97 BIENNIUM; INTERIM FINANCIAL  
STATEMENT FOR 1998; ARREARS IN CONTRIBUTIONS  
AS OF JULY 1, 1999

109. Discussions were based on document A/34/7 and A/34/8.

110. With regard to the English version of document A/34/8, in which figures were missing due to a text-processing error, the Secretariat indicated that contribution payments had been received between July 1, 1999, and September 15, 1999, from the following countries: Angola, Cambodia, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Ethiopia, France, India, Israel, Italy, Libyan Arab Jamahiriya, Mexico, Netherlands, Oman, Panama, Portugal, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Syrian Arab Republic and Uruguay; those payments were reflected in the English corrigendum document A/34/8 Corr. The Secretariat also announced that, since September 15, 1999, Ukraine now had no arrears.

111. The Assemblies of the Member States of WIPO approved the accounts for the 1996-1997 biennium, approved the repayment of the Working Capital Fund of the FRT Union, noted the interim financial statement for 1998, and noted the status of the payment of contributions as of September 21, 1999.

ITEM 6 OF THE CONSOLIDATED AGENDA:

PROGRAM AND BUDGET FOR 2000-2001; VISION AND  
STRATEGIC DIRECTION OF WIPO

112. The Secretariat introduced the proposed Program and Budget for 2000-2001 as presented in document A/34/2. It was noted that the Program and Budget was based on a global intellectual property development strategy for the next millennium, including four priorities. First, meeting the increasing demand in PCT applications and the potential for the growth under the Madrid and Hague Systems; second, the need for WIPO to assist developing countries in meeting their obligations under the TRIPS Agreement; third, implementing important programs such as the codification of intellectual property law, the global information network and electronic commerce; and fourth, increasing efficiency throughout the Secretariat by making extensive use of information technologies and improved management practices. Compared to the current biennium, the budget reflected an increase from 378.9 to 409.7 million Swiss francs or 8.1 percent. Income was projected to increase from 391.8 to 409.9 million Swiss francs or 4.6 percent. The income projection included a reduction in the level of Member States contributions of 10 percent and average PCT fees of 13 percent. The cumulative effect of this and the two earlier PCT fee reductions in 1998 and 1999 resulted in a total reduction of 29.2 percent. Looking to the challenges ahead and the increased demand for services from WIPO, it was emphasized that budgetary discipline had been observed. The proposed program and budget had been reviewed by the Program and Budget Committee during its first session from April 26 to 28, 1999. The Committee had recommended to the Assemblies the approval of the program and budget, including the proposed reduction of the contributions of Member States and had recommended to the

Assembly of the PCT to adopt the proposed fee reduction as outlined in document A/34/5. It was noted that the Joint Inspection Unit of the United Nations system had emphasized in a recent report the leadership role of WIPO and its Member States in introducing result-based budgeting. Specifically, it was noted that WIPO was the only organization in the United Nations system to use all elements of the result-based budgeting approach. Details on the report of the Joint Inspection Unit were provided for information in the addendum to document GA/24/3. The Secretariat also recalled that the Program and Budget Committee had been provided with a document entitled "Policy on reserve funds and surpluses." The Secretariat had not asked for a decision on the proposals, but had intended to provoke discussion and solicit comments from Member States. A number of countries had expressed an interest in providing suggestions and proposals following the meeting of the Committee. It had been the intention that such contributions would be elaborated by a small group of financial experts to ensure that the proposed arrangements were founded on solid and professional justifications. Moreover, the Director General had noted during the meeting of the Committee that the date of decision on this issue should remain open to provide sufficient time for consultations. The Secretariat noted that consultations had been held between Member States following the meeting of the Committee. The Assemblies were informed that the Secretariat intended to convene a small group of financial experts prior to the end of this year. Finally, it was noted that, if the necessary progress would be achieved, it appeared possible to present detailed proposals to a meeting of the Program and Budget Committee in the first half of the year 2000.

113. The Delegation from the Islamic Republic of Iran said that institution and capacity-building were essential for developing countries. In spite of the progress already achieved, partly thanks to the work of WIPO Academy and other sectors of the Organization, it would be necessary to take further steps in the establishment of long-term programs, including university courses for experts from developing countries. The delegation indicated that the acceptance of intellectual property obligations by developing countries was driven by the potential advantage of realizing transfers of technological know-how and the trade liberalization of goods and services. The delegation stated that a State party to the WIPO-administered conventions should explicitly accept the commitment to remove any trade barriers relating to intellectual property, and proposed that the International Bureau should address this issue in future proposals. On the issue of cooperation between WIPO and the WTO for the implementation of the TRIPS Agreement, the delegation proposed that the Director General of WIPO create a joint task force whose aim should be to facilitate the accession of the States that are not yet members of the WTO. The delegation also suggested the creation of a working group to conduct several studies, with the cooperation of other relevant organizations, on the evaluation of the trade, economic, scientific and social implications of the TRIPS Agreement for developing countries. The delegation also suggested, in regard with promotion of inventions and innovation, that in collaboration with UNESCO a common study should be conducted to explore the reasons of the developing countries weaknesses in this regard as the first step. Finally, the delegation requested the establishment as soon as possible of a standing committee to deal with the problem of handicrafts and hand-made products. It recalled that this proposal had initially been made by the delegation of the Islamic Republic of Iran and subsequently seconded by the Asian Group in the meeting of the Program and Budget Committee in April 1999.

114. The Delegation of Ecuador thanked the Secretariat for its continuing support to the establishment of the Information Network of the Geneva Diplomatic Community, which included the placement of 45 systems, hoping that over the next two year, the remaining missions would be connected.

115. The Delegation of Uganda, speaking on behalf of the African Group, noted that in recent years intellectual property had become increasingly relevant in such diverse areas as trade, health, culture, investments and scientific and technological progress. The delegation commended the Director General and the International Bureau for the well-presented and user-friendly program and budget document, and WIPO in its task of maintaining and increasing respect for intellectual property worldwide. The Organization had a formidable task ahead, particularly when considering that appropriate intellectual property protection could contribute to the economic, social and cultural progress of the world's diverse populations. It was noted that the African Group position, as stated during the Program and Budget Committee meeting in April 1999, remained the same, i.e., one of total commitment and support of the Director General's program. This program had well-defined objectives, strategies, activities and performance indicators, and had been prepared in a spirit of transparency and accountability. The creation of the Office of Internal Oversight and Productivity and its role to promote efficiency in the use of resources was commended. The Secretariat needed to be adequately equipped to deal with the challenges posed by new forms of intellectual property issues. The Secretariat had adopted a balanced approach in putting together a program, which captured the interest of all Member States, and was bold enough to reflect the dynamic changes facing the Organization. The African Group was convinced that WIPO had a very important role to play in ensuring that Africa was not totally left behind in the race for rapid development in information technology and trade globalization. The delegation attached great importance to Program 06 of the Program and Budget for 2000-2001 as it dealt with cooperation with developing countries. The proposed increase in resources for Program 06 was appreciated. While past efforts to promote international and regional cooperation in intellectual property were appreciated, the Secretariat was urged to facilitate the participation of more experts in the various standing committees by making available adequate funding. The delegation expressed its concern about the decision of the International Bureau to reduce by half the number of participants from Africa for the forthcoming meeting of the Standing Committee on Copyright and Neighboring Rights, scheduled for November 1999, and asked for the decision to be revised. The delegation noted that traditional knowledge systems were part of the cultural heritage of mankind and noted with appreciation the Secretariat's initiative of creating a division for global intellectual property issues. WIPO was requested to continue to provide technical assistance in terms of training, awareness-building and documentation of oral history. The delegation proposed the establishment of a standing committee on traditional knowledge and folklore as an initial step in starting dialogue. With reference to the recent seminar on electronic commerce, the delegation noted that active participation in electronic commerce required the availability of technical infrastructure. The disparities between developed and developing countries in the level of access to computers and the Internet were enormous. One of the biggest challenges facing developing countries today was the lack of modernized infrastructure in the telecommunications industry. The delegation noted that Bulgaria had more Internet hosts than all the least developed countries in Africa combined. It urged the Secretariat to play its role in diminishing the existing marginalization in this area, if necessary, by working closely with relevant international bodies such as the International Telecommunication Union. The African Group recognized the important role WIPO was playing in assisting developing countries to implement the TRIPS Agreement. It particularly appreciated the close cooperation between WIPO and the WTO in this matter. The delegation also commended initiatives of establishing a least developed countries unit within the Organization and a high level inter-regional round table on intellectual property for least developed countries. Finally, the African Group appreciated the manner in which the Director General was steering the Secretariat into the new millennium. The Group subscribed to his vision of building a

knowledge-based community where intellectual property would be the main driving force for development.

116. The Delegation of Ukraine thanked the Director General and the International Bureau for the excellent documentation. The Organization had developed during the last two years, retaining its best traditions of professionalism and competence while extending its work to cover modern communication technologies and improving and making its management more effective despite the challenges and difficulties facing it. The delegation viewed the Program and Budget for 2000-2001 as the logical continuation of the work already done in overhauling the Organization, reforming it, making it more effective and more able to satisfy the requirements and needs of its Member States. The delegation fully supported the program and budget, which was very detailed and balanced. The delegation welcomed further cooperation under Programs 07 and 08. It expressed regret that sometimes WIPO events clashed and suggested that conflicts in dates should be avoided. The delegation reported on the recent adoption in Ukraine of a law on the protection of geographical indications, which was seen as a step forward in the setting up of a stronger legal basis for the protection of intellectual property rights. A regional CIS agreement on geographical indications was also signed and will be sent to the Ukrainian parliament for ratification. It was noted that the delegation would welcome a WIPO mission to the Ukraine to provide specific expertise on intellectual property protection and offered to host of a regional symposium on the protection of geographical indications in the first half of the year 2000. The delegation remarked on the activities of the Institute of Intellectual Property and Copyright, which provided training to legal specialists and to various bodies responsible for the implementation and protection of intellectual property rights. The delegation expressed interest in receiving access to distance-learning as part of the work done by the WIPO Worldwide Academy and requested that a program of professional training for specialists in Ukraine be drawn up. The establishment of bodies to collectively manage copyright and neighboring rights should be considered. Ukraine needed to make the most effective use of the possibilities offered by modern systems of protection of intellectual property. The delegation requested the Secretariat to support Ukraine in carrying out research on these issues, in the expectation that the results would be interesting and useful to other countries with economies in transition.

117. The Delegation of Japan, speaking on behalf of Group B, noted the trust and confidence placed by Group B in the Director General and the Secretariat and congratulated them on the proposed Program and Budget for 2000-2001, which was perceived as a significant advance in the development of greater transparency and improved targeting of WIPO programs. It welcomed, in particular, the increased emphasis on program results with the development of performance indicators. The delegation noted that the program and budget outlined significant initiatives to achieve an effective improvement in intellectual property development around the world. This included the use of information technology as the driving force behind WIPO programs to modernize and strengthen the global intellectual property system and the use of training and other means to assist countries in establishing or modernizing their intellectual property systems. Initiatives to further development of the global intellectual property systems were highlighted, including the exploration of issues such as electronic commerce, traditional knowledge, biotechnology and biodiversity. The delegation stressed the importance to support with concrete action a process of empowerment of intellectual property culture, particularly in universities, research institutes and scientific organizations, in order to bridge the gap between science and enterprise. The delegation noted that the vast majority of Group B countries supported to the Program and Budget for 2000-2001 in the context of a prudent management for the medium term. The role of WIPO was emphasized to ensure the availability of resources to bring the intellectual property



regimes of Member States into the TRIPS Agreement. The delegation stressed the need to ensure effective management of the development assistance. While recognizing the improvement achieved in the budget process and enhanced transparency, the delegation outlined a number of objectives. First, in light of the significant investments proposed for the 2000-2001 biennium, the delegation called for prudent financial management and cost containment strategies for the next budget process covering the biennium 2002-2003. Second, the delegation recommended reviewing the budget procedures to allow for earlier and on-going involvement of Member States in the budget preparation process. Third, the development of a four-year financial forecast was proposed to assist Member States in the budget process, including the use of surplus and special reserve funds. Fourth, applying appropriate management practices were recommended to ensure that outcomes would meet objectives within the budget period. Fifth, it was proposed to identify ways to better target technical assistance to meet recipients needs and ensure that effective practical outcomes were achieved. Sixth, it was recommended to target areas for efficiency savings and to utilize such savings either to support priority activities such as enhanced technical assistance programs for developing countries or to return such savings to the users of fee-based systems. Seventh, and finally, it was proposed to improve program management by providing further clarification of program responsibilities within the Secretariat through the budget framework. The delegation noted that the realization of these objectives necessitated the implementation of an improved budget process. As a first step, Group B therefore proposed the establishment of a small working group composed of Member States representatives, working in close collaboration with the Secretariat, with the aim of making recommendations for further reforms, including the implementation of modern financial management and accounting practices. It was recommended that the outcome of the working group should be presented to the next session of the General Assemblies.

118. The Delegation of Paraguay, speaking on behalf of the Member States of the Latin American and Caribbean group, attached great importance to the proposed Program and Budget for 2000-2001. The delegation believed that in view of the new challenges, WIPO should focus more on its implementation than on its budgetary consequences. The increased number of ratification of agreements by Member States, the entry into force of new agreements, the increasing demand of patent registration services and the expected increase in requests for cooperation under the TRIPS Agreement were reasons for assuming that WIPO needed to grow in order to meet its responsibilities. In addition, the delegation pointed out new issues which would need to be addressed such as electronic commerce, biotechnology, the possibility of protecting expressions of folklore, traditional knowledge, biodiversity or the protection of handicrafts. The delegation stated that GRULAC supported firmly the Program and Budget for 2000-2001, which included a moderate increase of 8.1 percent. This increase, it was noted, did not imply any increase in the contributions of Member States, nor did it mean higher costs for the users of the services provided by the Organization. The delegation expressed its hope that the transparency that prevailed during the consultations on the preparation of the program and budget would continue as the budget was implemented. The delegation requested the Secretariat to provide adequate funding for country experts to attend the forthcoming meeting on biodiversity. The delegation also proposed the establishment of a standing committee on biodiversity and traditional knowledge and supported to further the protection of expressions of folklore and traditional knowledge, as well as the protection of handicrafts. The delegation expressed the concern of the Group for ensuring proper funding for the participation of national experts from developing countries in the committees of WIPO. It was stated that the committees were mechanisms for policy definition and decision-making and participation was essential to take properly into account the needs of the countries. Specifically, the needs of least developed countries and island states. The

delegation also noted with appreciation the document on the strategic vision of WIPO, which would guide the future of the Organization. It was recommended to establish an appropriate consultation mechanism between the International Bureau and Member States for the preparation of such documents. The delegation expressed its vision of the Organization as a forum to promote and develop investment, transfer of technology and international cooperation to the benefit of all countries, developing and developed.

119. The Delegation of Tunisia endorsed the statement made on behalf of the African group. The delegation said that the draft Program and Budget for 2000-2001 emphasized the determination of the Secretariat to offer the best possible cooperation with Member States. It noted the enhancement of the role of regional bureaus in promoting development and that the modernization of the administration of the intellectual property system was a way to promote economic development in developing countries. It supported the draft program and budget which was considered very clear, complete and logically consistent. Tunisia needed to modernize and update its legislation on industrial property so as to bring it into line with the requirements of the TRIPS Agreement. Accordingly, four laws (patents, trademarks, industrial designs and industrial models), with their accompanying regulations for implementation, had been prepared and it was hoped that they could be brought fully into force at the beginning of the year 2000. In addition, Tunisia was revising its legislation to prepare for accession to certain treaties administered by WIPO such as the PCT, the new Act of the Hague Agreement and the Madrid Protocol for the international registration of trademarks. The delegation said that WIPO's assistance had been extremely useful in strengthening the structures responsible for dealing with intellectual property in developing countries. It requested the approval of a pilot project for Tunisia and Morocco to facilitate access to patent databases, to be implemented together with INPI France. The delegation also asked for assistance in setting up a center to support innovation activities by encouraging researchers and inventors to take advantage of current technology available in patent documents. Other assistance should focus on providing training in industrial property and the setting up of a computerized network within the framework of WIPONET. The delegation expressed concern about the growing imbalance between developing and developed countries. It welcomed the importance that the Secretariat had attached to the establishment of a global approach to intellectual property compatible with sustainable development. The delegation stressed the need to integrate economic development with cultural heritage into the national cultural, economic and social development strategies, as this would be a requisite for sustainable development. Tunisia was willing, in accordance with the recommendation of the Afro-Arab Symposium in Tunis in November 1998, to house the headquarters of the Afro-Arab Center for the Protection of Folklore when the time came.

120. The Delegation of Indonesia, speaking on behalf of the Asian Group, fully supported the Program and Budget for 2000-2001. It requested that activities relating to handicrafts and innovative and creative expressions should be included under Main Program 11 of the draft program and budget (either under sub-program 11.1 or 11.3). Such activities could be implemented jointly with the programs on development of industrial property law, copyright and related rights and cooperation with developing countries. Activities should include a feasibility study on the use of intellectual property law and practice to protect handicrafts and innovative and creative expressions thereof; inclusion of the issue of the protection of handicrafts in the yearly round table on traditional knowledge and the protection of folklore; an advisory service on the protection of handicrafts; and the establishment of an ad hoc committee of experts, eventually a standing committee on handicrafts and the innovative and creative expressions thereof.

121. The Delegation of the United States of America expressed its concern about the proposed Program and Budget for 2000-2001. The delegation associated itself with Group B with regard to the objectives put forward for adjusting the budget process. The delegation argued that projected revenue was driving the budget process, as it seemed that programs were developed based on available revenue. Such a system did not impose discipline on program development that resulted in the establishment of priorities and ensured efficiency. The delegation stated that WIPO's budget should only be as large as that was necessary to accomplish its mission. Once expenditure levels were approved, revenue streams, particularly from the PCT and the Madrid systems, should be utilized to adjust fees and avoid the generation of surpluses. It was strongly felt that the needs of the Member States should be met in an efficient and cost-effective manner. The delegation added that the current budget process, while increasingly transparent, could benefit from additional adjustments. The delegation stated that the United States disassociated itself from consensus on the adoption of the proposed Program and Budget for the 2000-2001 biennium. The delegation explained that this decision was taken in light of the very large increases in the WIPO budget over the last two biennia, which had established a large enough base for the Organization to operate effectively during the next biennia without another substantial budget increase. While the need for an increase in Program 13 (Patent Cooperation Treaty (PCT) system) was accepted in view of the increases in PCT filing in excess of 20 percent in each of the last several years, the delegation believed that increases in other areas of the budget were neither warranted nor justified. With regard to the PCT, the delegation noted that WIPO had an established policy for adjusting budgeted income and expenditures when the amounts were less than forecasted. The delegation noted a sharp increase in income even with the approved fee reduction that took effect on January 1, 1998, and the 10 percent reduction in Member States contribution in 1999. Furthermore, it was noted that the budget for the 2000-2001 biennium included projections that some 90 percent of the income would be derived from fees under the PCT, Madrid, Hague Systems and UPOV, with a major portion of 75 percent coming from the PCT. The delegation believed that there could be a risk on excessive dependence on PCT income as that income was driven by the economic situation globally and in the individual countries. It was noted that PCT activities in the United States had been steadily increasing over the years and the forecast did not include significant changes in the filing of PCT applications. It was further noted that the funds in the PCT Union Reserve Fund represented only 16.8 million Swiss francs or about 5.5 percent of the biennial budget. The delegation suggested that the funds in the PCT Union Reserve Fund should be held to 8 percent of the biennial budget or about 25 million Swiss francs to provide for a suitable buffer should unforeseen changes in PCT activities occur. Excess surpluses in the PCT Union Reserve Fund beyond that 8 percent should then be used to reduce PCT fees. It was argued that the proposed arrangement of reducing PCT fees by the amount in excess of the 8 percent reserve level would provide an economic benefit to PCT customers.

122. The Delegation of Pakistan endorsed the proposed Program and Budget for 2000-2001. In addition, the delegation commented on the proposals made by Group B indicating that some of the proposed measures were already being applied by the Secretariat, like better targeting for technical assistance activities or further clarification of responsibilities within the Secretariat. Conversely, the delegation did not understand the comments asking for earlier and greater involvement of Member States, or the specific proposal for setting-up a small working group of Member States representatives to work closely with the International Bureau in the budget preparation. The delegation recalled that there were a number of informal consultations during the budget preparation exercise with ample opportunity to comment on the successive budget drafts. The delegation felt at that time that most of the concerns expressed by the Member States, if not all, were adequately addressed by the

International Bureau. The delegation stated that the relationship between the proposed working group, the Secretariat and the Program and Budget Committee was unclear, and could result in further delays in the budget process. The delegation also expressed its disappointment with one key delegation not being able to join the consensus in endorsing the program and budget. The delegation suggested that the Program and Budget Committee would be ill advised if it were to take a narrow view of the whole budget exercise, considering it merely a question of balancing various accounts. By contrast, the delegation said that once agreed that this Organization has certain very fundamental tasks to fulfill, not the least of which is getting developing countries to prepare for meeting their TRIPS obligations, it should not be micromanaged, with the risk of hampering its operations. With reference to the strategic vision of WIPO, the delegation considered the document a very thoughtful and deserving close consideration by the Assemblies. The vision statement of the Director General did provide the basis for achieving clarity on the challenges the organization faced and the manner in which it could respond to these challenges. The delegation agreed with the observation in paragraph 7 of the memorandum that: "Given its increasing global relevance, the intellectual property system cannot continue to evolve as an issue limited in scope and focused mainly on maintaining and developing intellectual property rights protection. The more intellectual property becomes central to economic growth and wealth creation, the greater will be the challenge of developing the international intellectual property system in a way that it be instrumental to social and economic development." This instrumentalist view of intellectual property was considered absolutely correct in the view of the delegation, as intellectual property needed to be seen as an instrument for achieving broad developmental goals rather than as an end in itself. The delegation also agreed with the description of the challenges facing WIPO, as contained in the annex of the document. The process of globalization and the emergence of new technologies imposed a number of demands on the Organization, especially for harmonization of intellectual property norms, including its adaptation to a fast-changing technological environment. The delegation added that a particular challenge the Organization may need to address was the manner in which intellectual property regimes contributed to narrowing the knowledge and technology gap that existed between the developed and the developing countries. The delegation agreed that the process of demystification was important. Several measures at the national level could be envisaged in this regard. Some other measures, however, should be implemented in Geneva, including more structured and intensive briefings on intellectual property matters for the Geneva-based delegations to ensure proper understanding on intellectual property issues as a contribution to the process of demystification. Furthermore, in regard to synergies between WIPO and other Organizations, the delegation agreed that the Secretariat needed to work together with other international organizations, while Member States should ensure that other organizations did not duplicate the work of WIPO, and that WIPO retained its leading role in regard to norm-setting on intellectual property issues, including emerging issues such as those pertaining to electronic commerce. The delegation concurred that a streamlining of the governance structure of WIPO would contribute to improve the inter-governmental dialogue and looked forward for future consultations on this matter. In regard to intellectual property law developments, the delegation supported the observation contained in paragraph 45 of the document paper on the need to balance the rights of intellectual property owners with the legitimate interests of the public. Finally, the delegation requested further clarification at some appropriate occasion of certain ideas contained in the document; for example, in paragraph 43 where it was mentioned that the International Bureau would propose initiatives that would facilitate the creation of comprehensive intellectual property institutions at the national and regional levels; in paragraph 44, that the Secretariat was developing a policy framework to cooperate closely with the scientific community; and in paragraph 59 that, in

order to enhance market-driven transfer of technology, the Secretariat would assist developing countries to participate more effectively in the intellectual property marketplace.

123. The Delegation of France noted the ever-increasing role of intellectual property in economic development, assertion that it coupled with the increasing number of Member States of WIPO and its Unions. The delegation said that WIPO had gained a strategic role as some 20 percent in world trade was intellectual property related, and may likely increase to 50 percent in the future. The delegation welcomed the success of the recent Diplomatic Conference on the Hague Agreement and hoped that the forthcoming conference on patent law would also be fully successful. The delegation recalled that WIPO's vocation was to control the evolution of the legal framework in the field of intellectual property. It also highlighted the need to reconcile the interests of public authorities, notably sovereign States, and international organizations in the development of electronic commerce and the Internet. Developments in electronic commerce should balance the interests of public authorities, States and international organizations; with regard to electronic commerce, the delegation of France would see advantages if the Secretariat were to define precise guidelines which could become the position of its members if a treaty on matters connected with electronic commerce and the development of a future information society were developed. The delegation also appreciated the role of the Secretariat on cooperation for development and technical assistance programs, mainly for developing countries, so these countries may have better access to these new information technologies. The delegation noted however that the development of WIPO's role imposed obligations of stringency, notably in the budgetary and financial fields. The Organization currently had a staff of more than 800, operated on a biennial budget of over 400 million Swiss francs and had an operating surplus of about 110 to 120 million francs. In the opinion of France, therefore, a study should be undertaken under the auspices of the Secretariat, following the direction shown by the Director General towards greater transparency, on the one hand to promote budgetary and financial planning that was suited to the specific needs of the Organization and allowed control to be exercised over the flow of income and expenditure, and on the other hand to incorporate the necessary tools of modern management. That effort to achieve greater stringency was necessary in order that WIPO might, in the years to come, play to the full the role incumbent on it; the delegation expressed its full confidence in the Secretariat to lead the Organization in the right direction.

124. The Delegation of India welcomed the strategic direction outlined by the Secretariat in meeting challenges posed by globalization and emerging technologies. The delegation also stated its interest for active participation in programs relating to cooperation with developing countries, human resources development, modernization and development of intellectual property offices, global information network, and intellectual property information services. In this line the delegation offered its active support to regional and sub-regional efforts aimed at the execution of technical information network projects, development of digital databases, assistance in education and training for officials dealing with intellectual property, distance education programs, enhanced awareness on the value of intellectual property, and exchange of information and cooperation in modernizing intellectual property systems and administrations.

125. The Delegation of Lithuania, speaking on behalf of the Central European and Baltic States Group, stated its support for the proposed Program and Budget for the 2000-2001 biennium, which was seen as proposing a good combination of resources for all the programs under implementation by the Secretariat and with proper attention being given to addressing the specific needs of Member States in advancing their intellectual property protection capabilities. The delegation welcomed the objectives set out in Main Program 07 on

Cooperation with Certain Countries in Europe and in Asia, supported the continuation in the implementation of specific projects and other long-term efforts in enhancing the use of information technologies, as reflected in the document "Vision and strategic directions of WIPO," and supported the proposed reductions in the contributions of Member States and in PCT fees.

126. The Delegation of Argentina seconded the statement made on behalf of the Latin American and Caribbean Group concerning the proposed program and budget. The delegation said that document A/34/3 on the strategic vision was one of the most important documents for this session of the Assemblies, being a very rich document, full of new concepts and highlighting major challenges facing WIPO. The delegation of Argentina agreed that the development of intellectual property systems had a dual dimension, namely protection of intellectual property rights and the promotion of creative activities. Furthermore, intellectual property had many facets, including legal, technical, economic, social, cultural, administrative, commercial and even political ones, and all these facets needed to be provided with an adequate response to the challenges they posed. Paragraph 56 was particularly inspiring, highlighting the need to quantify the impact of intellectual property on the countries gross national product. The delegation said that if the International Bureau were to prepare a document on this subject, it could become a very useful tool for governments. The delegation hoped that the document on the strategic vision would be open for further consultations, so that its broad lines could be defined more accurately to reach conclusions suitable to all Member States.

127. The Delegation of Hungary endorsed the statement made by the delegation of Lithuania speaking on behalf of the Central European and Baltic States Group, in supporting the proposed Program and Budget. In addition, the delegation expressed its interest for sub-program 02.4, on strategic research and analysis, and declared that it would welcome working documents or interim reports that could be made available, giving more information on this program. Concerning Program 03, the delegation was very pleased with the objectives envisaged in sub-program 03.4 on electronic commerce. The delegation offered the availability of its national authorities to host a conference addressing electronic commerce and intellectual property issues in 2001. Concerning sub-program 07.2, the delegation expressed its support for a more intensive exchange of national experience and suggested fact-finding investigations of the national promotion systems and the distribution of the results of this service to Member States. The delegation expressed its interest in Program 08 on the WIPO Academy, particularly in reference to the implementation of the distance-learning program, since a long-distance learning project was being started in Hungary. Concerning sub-program 09.2, the delegation supported the objectives of this program and suggested to include, in addition, the undertaking of further measures to improve the international protection of geographical indications. On Program 12, the delegation expressed the readiness of its national authorities to cooperate in the relevant pilot projects of WIPONET hoping that it could contribute efficiently to the establishment of a system which would be operational as soon as possible. Finally, on sub-program 14.1, the delegation suggested the development of a database for the retrospective search of international registrations under the Hague System, which at present was not available.

128. The Delegation of Kyrgyzstan welcomed the proposed Program and Budget for the 2000-2001 biennium, which it supported and considered transparent and well-prepared. The delegation stated that the intellectual property system in Kyrgyzstan was developing very energetically within the framework of ten laws and twelve international agreements. The delegation emphasized the importance of WIPO cooperation in the development of this legal

system. The delegation noted that Kyrgyzstan had acceded this year to the Berne Convention, and had participated in a WIPO-sponsored regional seminar on copyright and neighboring rights in Central Asia. The delegation believed that the organization of regional seminars, symposia and courses for officials from countries with economies in transition is particularly important for the development of intellectual property rights protection in those countries. The delegation referred to the successful holding this year in Kishinev of the WIPO Symposium for countries in transition and suggested to host the next meeting in Kyrgyzstan in 2000. The delegation recalled that Kyrgyzstan became a member of the WTO in December 1998, and therefore had to comply with the provisions under the TRIPS Agreement. To this end, the delegation said that their country experts needed to be trained. The holding of WIPO seminars with participation of government officials would therefore be very timely, and the delegation urged WIPO to hold a regional seminar in Kyrgyzstan with the participation of representatives from law-enforcement bodies. The delegation welcomed current work on adopting a new legal instrument on audio-visual performances and it supported the work being done on cable broadcasting, as well as other types of broadcasting. The delegation also noted the importance of document A/34/3 on the vision and strategy of the Organization.

129. The Delegation of Sudan welcomed and endorsed the proposed draft Program and Budget for the 2000-2001 biennium. The delegation noted with appreciation the increased interest accorded by the draft Program and Budget to developing countries, including the least developed countries. This was made particularly clear in Programs 06 and 08, dealing with cooperation with developing countries and the Worldwide Academy, respectively. The delegation also approved the efforts made by the Secretariat to reduce contributions of Member States and PCT fees. The delegation was looking forward to receiving further assistance in establishing and improving its intellectual property system, as a continuation of the assistance already received in this direction. The delegation hoped that increased opportunities for training of government officials would be provided, and that study tools would also be made available to help Member States to better implement intellectual property protection. The delegation stated its appreciation for the high performance of the Secretariat over the past year.

130. The Delegation of the People's Republic of China endorsed the proposed Program and Budget. It believed that the document was of high quality and transparency, focusing on effectiveness and in the provision of high quality and effective services to Member States. On reducing PCT fees the delegation agreed, although it said that due attention should be given to adequately funding technical assistance to developing countries, including training and human resources development.

131. The Delegation of Brazil expressed its support to the proposed Program and Budget for the 2000-2001 biennium and appreciated the efforts towards greater transparency and accountability. The delegation said that the fundamental cornerstone of WIPO activities was the gradual development of the protection of intellectual property as a whole, together with cooperation for development for attaining it, noting that the proposed Program and Budget reflected adequately those challenges. Specifically, it emphasized some programs of particular interest to developing countries, such as the progress towards greater practical understanding of issues in relation to patenting of biotechnology, and intellectual property aspects of the Convention on Biological Diversity. It was said that the development of these issues at WIPO would also be relevant to provide inputs in other fora, such as the said Convention and the World Trade Organization. In this connection, Brazil, following the Latin American and the Caribbean Group, supported the establishment of a Standing Committee on Biological Diversity and Traditional Knowledge. The delegation said that the progress in

identifying and clarifying needs for new and adapted forms of protection for expressions of folklore was an area where both developing and developed countries shared their interests, as a large number of countries would be interested in the protection of their culture. It also considered that the program for the modernization of the intellectual property system and implementation of the TRIPS Agreement was highly beneficial for developing countries in need of modernizing their intellectual property national legislation. In view of the end of the transition period for implementing the TRIPS Agreement by developing countries, it would be important to have WIPO activities even more enhanced, particularly in term of human resources and training. In this connection, the Brazilian Government and the new administration of the National Institute of Industrial Property (INPI) gave great importance to the project for the modernization and strengthening of INPI with added emphasis on the training of the staff of the institute in the areas of patents and trademarks. Concerning the reduction of PCT fees, the delegation considered that this would be highly beneficial for the users of the patent system who sought patent protection overseas. Concerning the increase in the use of the Portuguese language at WIPO, the delegation supported the proposal of the International Bureau to undertake a study on the various implications of the wider use of Portuguese in this Organization, as well as the use of Portuguese as a working language in all training activities involving Portuguese-speaking countries at WIPO Training Courses. Finally, the delegation reiterated that the Program and Budget reflected the important role of cooperation for development, area where the Secretariat had been very successful in the past, expecting that this goal would be maintained in the coming biennium.

132. The Delegation of Thailand fully endorsed the Program and the Budget for the biennium 2000-2001. Furthermore, the delegation expressed its satisfaction with the Program and Budget, considering that it attained a good balance in reducing the cost to Member States and users of the registration systems, while increasing resources to carry out the programs of the Secretariat. In this regard, the delegation said that unless the Secretariat was provided with adequate financial resources, enhancement of intellectual property protection would receive only a lip service from Member States. The delegation was also concerned with what it perceived as a discrimination, namely the differential treatment regarding the right owners in the developed part of the world and those in the developing part of the world. The delegation said that although rights accrue all over the world, right owners in the developing countries were not really in the position to enforce their rights in the developed part of the world because of the costs of courts of justice, attorneys' fees, and other expenses involved, such as travelling expenses. The delegation concluded by emphasizing these challenges in intellectual property protection and their view that the Program and Budget was flexible enough to meet them.

133. The Delegation of Canada was very encouraged by the Program and Budget for the biennium 2000-2001 as it had been greatly improved and displayed a much greater degree of transparency and better targeting for WIPO's programs than in the past. The delegation noted that prudent financial management was a much better guarantee to obtain real benefits in delivering concrete development assistance. The delegation believed that effectiveness actually increased as expenditures were managed on a results-oriented basis and costs contained according to very specific priorities and clear delivery mechanisms. Costs containment could be seen as a critical component of any successful financial strategy, and it should not be considered as a barrier to actually undertaking more effective and better programming. The delegation was convinced of the importance of Members States involvement in the early stages of the budgeting process. An overall strategic plan based on four-year forecasts was seen by the delegation as a critical tool to enable better management and governance of any programming system. This strategic plan could only be effective if it



included surpluses as well as special reserves. Finally, the delegation wished to encourage the Secretariat to develop the terms of reference for the creation of a small working group on budget matters, as already proposed by Group B.

134. The Delegation of the Russian Federation stated its support for the WIPO budget for the biennium 2000-2001 and the specific programs related to countries with economies in transition. At the long term the delegation supports an increase in the Organization's activities in accordance with the needs of its Member States and within planned resources. The delegation also expressed its interest in participating in any working group related to further improvements of budgeting practices at the International Bureau.

135. The Delegation of Nigeria endorsed the statement made on behalf of the African Group. The delegation believed that the budget increases in the various areas of WIPO programs were not only justified, but necessary for achieving the Organization's goals and meeting the needs of Member States, particularly developing countries. The delegation said that WIPO must assist developing countries build their capacities by ensuring that it continues to support international programs on intellectual property in those countries. He said that there must be equal representation of all regions in all WIPO Standing Committees. All of these, the delegation added, would assist developing countries bring up their intellectual property systems to standards that would contribute to international trade. The delegation was of the opinion that unless these demands were met, WIPO could lose its focus, which is principally to empower developing countries develop and build their economies. Besides, the capacity of developing countries to implement TRIPS would be greatly handicapped and limited.

136. The Delegation of Guinea endorsed the statement made on behalf of the Africa Group. It considered that the draft Program and Budget was an expression of the unrelenting resolve of the Secretariat in working to consolidate and reinforce national capacities in developing countries, to promote international cooperation through development and modernization of administrations and through the efficient use of intellectual property. A comparative study of the biennial activities for 1998-1999 and for 2000-2001 demonstrated that the Secretariat was working very effectively in modernizing intellectual property systems. The delegation approved particularly Program 06 on cooperation with developing countries, as it promotes sectoral programs in order to improve institutional capacity in various Member States, alleviating their lack of material infrastructure. The delegation expressed its sensitivity towards budgetary resources that could be made available for development cooperation. The delegation was also sensitive to the work done by the Organization to provide assistance to promote knowledge of intellectual property in countries such as Guinea; WIPO had trained officials and conducted programs to modernize national systems for administering industrial property. The delegation hoped that the Secretariat would provide support for a national project concerning the promotion of small and medium-scale enterprises. This project had been initiated as part of a national program on small and medium-scale enterprises. Finally, the delegation reiterated the invitation that its government had made to the Director General of WIPO to visit the country.

137. The Delegation of Egypt endorsed the statement made on behalf of the African Group and expressed its full support for the proposed Program and Budget for the biennium 2000-2001. The delegation appreciated the Secretariat for having taken due account of the concerns expressed by developing countries, which represent the majority of Member States of WIPO. The delegation of Egypt said that the proposed increase in the budget by eight percent was acceptable, especially if the importance of the activities to be undertaken by WIPO over the next biennium was taken into account, and since that increase did not lead to

any further burdens for the Member States. Further, the delegation said that the Secretariat should be concentrating its activities in providing technical assistance to developing countries in certain areas, such as the implementation of the TRIPS Agreement as well as in providing further assistance in the field of electronic commerce. The delegation believed that the objection raised by one of the major developed countries to the increase in the Organization's budget was unsubstantiated and expressed its hope that that delegation would take due account of the agreements made within the WTO, including an increase in the WTO's budget by 5 percent.

138. The Delegation of Japan, speaking on behalf of Group B, expressed its conformity with the proposal made by the Asian Group on developing a feasibility study on the issue of handicrafts, with two conditions: first, that the modality, ways and means of this feasibility study should be further discussed among Member States and, second, that this feasibility study should not have any additional financial implications to the proposed budget of WIPO.

139. The Delegation of the Azerbaijani Republic endorsed the strategic vision of WIPO and proposed Program and Budget for 2000-2001, including the proposed reduction in PCT fees. The delegation noted the high quality of the documents provided by the Secretariat, and supported the objectives set for Program 07, hoping that the International Bureau will continue assisting the country in improving intellectual property protection.

140. The Delegation of Barbados expressed its full support for the proposed Program and Budget 2000-2001, which it considered as a well balanced mix of activities to address the new challenges faced by intellectual property in the information age. The delegation also thanked WIPO for the continuous support Barbados had received on technical assistance from the Organization and hoped that the nationally focussed action plan on Barbados for the next biennium will assist the country in further developing its intellectual property system.

141. The representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that the program and budget of WIPO for 2000-2001 included the basic elements which would enable WIPO to carry out its mission in the information society. The development of the digital society was bringing about great changes in our societies in terms of the way goods and services are distributed and intellectual property rights were administered. The increasing expansion of multimedia digital communications networks put intellectual property rights at the heart of the major concerns facing individual Member States and on the organization of international relations, which WIPO would have to help regulate, for the benefit of the entire international community. In promoting intellectual property rights and in trying to deal with the new and emerging challenges facing the Organization, the legitimate rights of right holders should be preserved to enable them to provide our societies with the goods and services needed. Appropriate mechanisms should be adopted to ensure that knowledge and know-how are fairly shared between nations, taking into account the divergent situations in their social reality. The program and budget rightly committed the Secretariat to seek, in cooperation with Member States, and in partnership with civil society, rules and regulations that would help achieving a fair and equitable distribution of goods and services through the use of intellectual property rights. The representative of UNESCO particularly welcomed Program 11, which covered the possible development of traditional knowledge, biodiversity, expressions of folklore and electronic commerce as related to cultural heritage, adding to UNESCO's activities on these issues. Protecting and promoting traditional knowledge, handicrafts and traditional types of artistic impression as part of traditional organization of society were especially important in view of the development of very open digital communications networks. In this connection,

during 1998-1999, combined WIPO and UNESCO Regional consultations in Africa, Latin America, the Arab States, the Caribbean and the Asia and Pacific region showed the extent to which developing countries attach importance to protecting their identity and to promoting knowledge, understanding and enjoyment of cultural traditions for social and economic reasons. Developing countries had expressed the hope that UNESCO and WIPO would increase legal and technical assistance and give support in organizing regional cooperation about how to ensure legal protection for their traditional popular cultures, an approach which should not only be supported by developing countries but also by the industrialized nations. The representative of UNESCO also stressed that the adoption of the WIPO budget would help WIPO and UNESCO continue to cooperate fruitfully in this respect, so as to further the protection of intellectual property rights, which is a prerequisite for economic and cultural development.

142. The Director General acknowledged the comments and concrete suggestions laid down by delegations in order to improve the vision and the strategic direction of WIPO. He provided the following reflections on the previous interventions. First, it was clarified that establishment of working groups, task forces, or standing committees had significant financial and staff implications. Member States should therefore be aware of this fact when proposals were made about establishing any kind of such groups, like for example the proposal made by Group B on a working group in support of the preparation of the program and budget. Secondly, the Director General reiterated that the Organization was Member State driven, with Member States laying the direction and framework of the activities. However, he requested Member States from abstaining in the micro-management of the organization, among other reasons to prevent the politicization of the Secretariat, endangering the credibility and integrity of the International Bureau. Thirdly, on the issue of handicrafts, there were various proposals calling for a deeper analysis of the issue. The International Bureau noted that such study could be undertaken, although with unavoidable financial implications. In addition, the Director General pointed out that whether Member States may find relevance in Program 11, or in sub-program 06 of the Program and Budget to the issue of handicraft, the Secretariat would have the necessary mandate and coverage to do in-depth analysis of this important project. By contrast, if Member States were calling for a regime outside the so-called traditional knowledge, it might be possible to find within the framework of the WTO either a possible use of geographical indications to protect handicraft, or a possible use of fast-track inexpensive industrial design regimes for protection of handicrafts. As another possibility, Member States might wish to consider certification marks or certificates of origin, protection of which seemed not to be required under the TRIPS Agreement. In view of these various possible avenues, the Secretariat requested Member States to allow for enough flexibility while such study was underway. Fourthly, the Secretariat noted the proposal reiterated in this meeting on the establishment of a standing committee on biotechnology and related issues. To ensure that the International Bureau gave sufficient attention to this project, Member States were reminded about the report of the Standing Committee on the Law of Patents that took place in Geneva from September 6 to 14, 1999. Paragraph 208 of that report (see document SCP/3/11) stated that “recognizing the importance of biological and genetic resources, the Standing Committee on Patents invites the International Bureau to include on the agenda of the Working Group on Biotechnological Inventions, to be convened by WIPO in November 1999, the issue of protection of biological and genetic resources. The Standing Committee on the Law of Patents further invites the International Bureau to take steps to convene a separate meeting involving a larger number of Member States early in 2000, to consider that issue.” The Secretariat advised to hold the working group in November to study this issue critically, and subsequently, early next year, the meeting on biotechnology, without prejudging whether a separate Standing Committee was needed. Finally, the Secretariat

thanked the Delegations for their very concrete and interesting comments on the paper on the vision and the strategic direction of WIPO, urging those delegations who have not yet provided their comments to communicate them either in writing or orally, in order to use the feedback of the Member States in determining whether the strategic direction of the Secretariat is in line with the vision of Member States.

143. The Chairman of the General Assembly noted the approval granted by Member States to Agenda item 6 and deemed approved the proposed Program and Budget for 2000-2001, as contained in A/34/2 and its revised Annex 10. Concerning document A/34/3 on the strategic vision of WIPO, the Chairman noted that, in addition to those comments offered by delegations under Agenda item 6, the strategic vision of WIPO and the leadership role of the Director General had also been commended by most delegations taking the floor on Agenda item 4 (program evaluation). The Chairman noted with satisfaction the increasing convergence of criteria among the delegations concerning needs and priorities, as well as the synchrony of these criteria with the thrust of the document on WIPO's strategic vision. On behalf of the General Assembly, the Chairman congratulated the Director General for the sharing of his vision, strengthening the Organization for the benefit of all its Member States.

144. The Assemblies of the Member States of WIPO and the Unions administered by WIPO, approved and adopted the Program and Budget for the 2000-2001 Biennium as contained in documents A/34/2 and A/34/2 Rev., and noted with satisfaction the content of document A/34/3 "Vision and Strategic Direction of WIPO."

#### ITEM 7 OF THE CONSOLIDATED AGENDA:

##### AMENDMENT OF ARTICLE 9(3) OF THE WIPO CONVENTION

145. Discussions were based on document A/34/4.

146. Following the introduction of document A/34/4 by the Secretariat, the Delegations of Cuba, Japan on behalf of Group B, Jordan, Lithuania on behalf of the Group of Central European and Baltic States, Paraguay on behalf of the Group of Latin American and Caribbean countries, the Philippines and Uganda on behalf of the African Group welcomed and supported the proposed amendment to Article 9(3) of the Convention Establishing the World Intellectual Property Organization (the WIPO Convention) as set out in paragraph 12 of document A/34/4.

147. The Delegation of Japan, speaking on behalf of Group B, stated that the Group had a further proposal in connection with the implementation of the decision to amend the WIPO Convention. More time was needed, however, in order to obtain consensus among all States concerned on that other proposal. Group B therefore requested that the agenda item be retained and reconsidered at next year's meeting of Assemblies of Member States.

148. The Assemblies of the Paris Union and the Berne Union, and the WIPO Conference unanimously adopted the proposed amendment to Article 9(3) of the WIPO Convention set out in paragraph 12 of document A/34/4.

ITEM 8 OF THE CONSOLIDATED AGENDA:

CONSTITUTIONAL REFORM

149. Discussions were based on document A/34/9.

150. The Delegation of Japan, speaking on behalf of Group B, expressed support for the practice of the unitary contribution system and its formalization at an appropriate time in the future. It welcomed the initiative to simplify the governance structure of WIPO, which was very complex and somewhat outdated. The Group favored further exploration and discussion of Option I (“Streamlining the Twenty-One Governing Bodies”). Further clarification and discussion were needed, however, on the consequences of the reforms, such as their impact on matters concerning the right to vote, chairmanship and financial implications. Particular attention should also be given to the wider and longer-term perspective and to the fundamental question of the nature or type of organization that the Member States wished WIPO to be. In conclusion, the Group requested that the Director General and the Secretariat continue to study the question of reform and also have consultations with all the Member States.

151. The Delegation of Paraguay, speaking on behalf of the Group of Latin American and Caribbean countries, shared many of the views expressed by Group B, and proposed the establishment by the WIPO Assembly of a working group, similar to that established for the amendment of Article 9(3) of the WIPO Convention, to study the different proposals. The working group should be given the mandate of considering constitutional reform.

152. The Delegation of the Russian Federation supported the practice of the unitary contribution system but favored further study and discussions on the simplification of the Organization’s structure before taking a final decision on that issue.

153. The Delegation of Lithuania, speaking on behalf of the Group of Central European and Baltic States, stated that the unitary contribution system had been very efficient and satisfactory. It supported the proposal to initiate the amendments of the different WIPO treaties to formalize the unitary contribution system and the new contribution classes. The Group also expressed support for Option I in respect of the simplification of the governance structure of WIPO. In line with Group B and the Group of Latin American and Caribbean countries, the Group of Central European and Baltic States considered that the issue required further study and consultations. The Group also supported the inclusion of the issue of the periodicity of ordinary sessions of the Assemblies and other bodies in the process initiated to review the administrative provisions of the various treaties, with a view to their amendment.

154. The Delegation of Japan, speaking on behalf of Group B, pointed out some difficulties in relation to Option II (“The Creation of a Unitary Assembly, the WIPO General Assembly”). These included the difference of financial management between Unions financed by contributions and Unions financed by fees, and restriction of the right to vote of States that were not Members of a particular Union at the time the decision concerning that Union was taken.

155. The Delegation of Colombia expressed its full support for constitutional reform and argued that different reasons justified such a reform. First, modifications to WIPO treaties, reflecting practices adopted on a provisional basis, such as the unitary contribution system,

had become common practice and needed to be formalized; second, simplification of the governance structure of WIPO was needed; third, a unified financial and budgetary system was necessary; fourth was the need to improve WIPO's management in order to involve all members in the Organization's decision-making activities; and finally, the delegation pointed to the need to update and modernize procedures in order to allow the Organization to face new challenges. For those reasons, the delegation of Colombia favored the reform of the entire structure of the Organization and considered that Option II should be carefully examined within the context of a working group. It also proposed an examination of whether the creation of an executive committee or administrative board that would provide advice to the Director General and prepare the work of the Assemblies would be desirable. The functions of that administrative board could be of a similar nature to those of WIPO's Coordination Committee or corresponding bodies in other UN specialized agencies. Endorsing the position of the Group of Latin American and Caribbean countries, the delegation of Colombia stressed the need for a more clearly defined schedule and a time frame for conclusion of consultations on constitutional reform.

156. The Delegation of the Netherlands, referring to WIPO's contribution system, observed that the two criteria applied were the ability and the willingness to pay. It requested that WIPO, during the discussions for reform, consider following the criteria used in the United Nations, based only on the principle of the ability to pay. The delegation also suggested that WIPO follow the United Nations scale of contributions. This would allow adjustments in the scale of contributions without repeatedly amending the WIPO Convention.

157. The Delegation of Uganda, speaking on behalf of the African Group, applauded the initiative taken by the Director General to propose the constitutional reform of WIPO. The Group expressed support for the unified financial and budgetary system and reiterated the need to improve the management structure of WIPO. It also recommended that the Assembly give the Director General a mandate to establish a working group that would consider the necessary reforms and would report to the Assemblies in the year 2000. The African Group proposed that the composition of the working group be left open-ended in order to enable participation of all interested Member States.

158. The Chair stated that there was consensus in approach to the issues under consideration. In respect of the unitary contribution system, general approval for the practice had been expressed. As regards the governance structure of WIPO, there was general agreement that it was outdated and had little relation to the contemporary needs of WIPO. This explained the overwhelming support for the establishment of a working group to study and discuss further the different proposals for constitutional reform, including the points raised during the discussions by various delegations.

159. The WIPO General Assembly recommended that the Director General establish a working group that would consider and study proposals concerning constitutional reform and would report on its progress to the Assemblies of Member States in 2000.

#### ITEM 9 OF THE CONSOLIDATED AGENDA:

#### DIPLOMATIC CONFERENCE ON THE PROPOSED PATENT LAW TREATY

160. Discussions were based upon document A/34/14.

161. The International Bureau stated that, since the mailing of that document, the Standing Committee on the Law of Patents (“SCP”) had, at its third session, held from September 6 to 14, 1999, unanimously adopted the entirety of the amended text of the draft Patent Law Treaty (“PLT”), which will form the basis for a “basic proposal” that will be presented for discussion at the Diplomatic Conference for the Adoption of the PLT to be held from May 11 to June 2, 2000. As no other proposal for the venue of the Diplomatic Conference had been received since the mailing of document A/34/14, the venue would be Geneva, as stated in paragraph 4 of that document.

162. The Delegation of Portugal acknowledged the work on the draft PLT and the preparatory work for the Diplomatic Conference already achieved by WIPO. The delegation questioned, however, whether it might be premature to set the dates for a Diplomatic Conference, since many issues in respect of the PLT remained unresolved. It believed that the SCP should resolve these issues before dates are set for a Diplomatic Conference, so that a shorter Diplomatic Conference could be held. The delegation of Spain supported this view, and added that a step by step approach would be appropriate, followed by a Diplomatic Conference as soon as a general consensus on the pending issues could be reached.

163. The Delegations of Cuba, Canada, Japan, Lithuania (speaking on behalf of the Central European and Baltic countries), Colombia, Switzerland, France, the United States of America, Denmark, India, Italy, South Africa, Sweden, Dominica, Austria, Australia, Ghana, Morocco, Bangladesh, China, Kenya, Burundi and Senegal expressed their support for the PLT, and for holding a Diplomatic Conference as proposed in document A/34/14. The Delegation of Cuba regretted that no agreement had been reached in the Standing Committee on the Law of Patents regarding a fee reduction for individual inventors and for inventors from developing countries.

164. In addition, the Delegations of Canada, Japan, Switzerland, France, Italy, Sweden, Austria, Australia and China expressed the wish that the PLT would be seen as a first step, and that further discussions on harmonization of patent law, in particular involving substantive issues, would resume after the Diplomatic Conference.

165. The Delegation of Colombia, supported by the Delegation of Kenya, expressed the hope that its proposal concerning issues related to biological and genetic resources submitted at the third session of the SCP would be given full consideration.

166. The Delegation of Cuba, supported by the Delegations of Ghana, Morocco, Burundi and Senegal, expressed the hope that WIPO would offer financial assistance to developing countries in order to enable a maximum number of countries to participate in the Diplomatic Conference. In addition to their support for the statement by the Delegation of Cuba, the Delegations of Dominica and Bangladesh mentioned the importance of funding for least developed countries and for small island developing countries.

167. The Delegation of Liberia supported the holding of the Diplomatic Conference as proposed, as an important means of reviewing substantive issues of the Organization. It further endorsed the proposals of other delegations in favor of the least developed countries.

168. The Director General clarified that, under Main Program 09, limited funding for the participation of officials from developing countries was available. The decision on which

countries would benefit from such assistance would be taken in close cooperation with the regional coordinators.

169. The Assembly took note of the information contained in document A/34/14, and approved the holding of a Diplomatic Conference for the Adoption of the PLT, to be held in Geneva from May 11 to June 2, 2000.

ITEM 10 OF THE CONSOLIDATED AGENDA:

PROPOSED JOINT RESOLUTION CONCERNING PROVISIONS ON THE  
PROTECTION OF WELL-KNOWN MARKS

170. Discussions were originally based on document A/34/13.

171. The Chair stated that, during informal negotiations over the past week, it became clear that the following proposed text could form the basis of discussions:

*Joint Recommendation*

The Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization (WIPO),

*Taking into account* the provisions of the Paris Convention for the Protection of Industrial Property relative to the protection of well-known marks;

*Recommend* that each Member State may consider the use of any of the provisions adopted by the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) at its Second Session, Second Part, as guidelines for the protection for well-known marks;

*It is further recommended* to each Member State of the Paris Union or of WIPO which is also a member of a regional intergovernmental organization that has competence in the area of registration of trademarks, to bring to the attention of that organization the possibility of protecting well-known marks in accordance, *mutatis mutandis*, with the provisions contained herein.

172. The Delegation of Paraguay, speaking on behalf of the Latin American and Caribbean Group, supported the text of the Joint Recommendation, as an additional element to the highest level of protection for well-known marks. It considered that the provisions adopted by the Standing Committee on Trademarks would be useful in assuring recognition and protection of well-known marks. As some delegations of its Group had expressed objections to the content of specific provisions, as referred in paragraph 8 of document A/34/13, the delegation requested that these be reflected in the Report of the General Assembly. The countries which did not join the consensus in the Standing Committee on Trademarks with respect to particular provisions are enumerated in paragraph 8 of document A/34/13.



173. The Delegation of Indonesia, speaking on behalf of the Asian Group, stated that its Group could support the amended Joint Recommendation. However, as many delegations still had reservations on specific provisions, it hoped that the Joint Recommendation could be reviewed at an appropriate time in the future to address these concerns.

174. The Delegation of Uganda, speaking on behalf of the African Group, stated that, while the proposed Joint Recommendation addressed some of its concerns, the Group supported the proposed text in the spirit of compromise.

175. The Delegation of Japan, speaking on behalf of Group B, stated that adoption of the Joint Recommendation was a significant step in the protection of well-known marks, and that its Group supported the text as suggested.

176. The Delegation of Lithuania, speaking on behalf of the Central European and Baltic States Group, supported the Joint Recommendation as contained in the document.

177. The Delegation of China stated that it supported, in principle, the Joint Recommendation.

178. The Delegation of Argentina stated that it could join the consensus on the basis of the proposed compromise. The delegation did not consider the work of the Standing Committee on the Law of Trademarks to have been satisfactory, as the provisions had been adopted with a large number of reservations. It mentioned that, from a technical point of view, in addition to the problems caused to it by Article 5(2), on which it had expressed a reservation, it considered that Article 6 (conflicting domain names) would have benefited from further consideration in additional sessions of the Committee. It considered that the expression “an essential part” in Article 6(1) could conflict with usual practices in the legitimate use of Internet domain names. The delegation considered that, from a legal point of view, no process whose purpose was to develop international provisions within the ambit of WIPO, or the provisions deriving therefrom, should establish links binding the Member States of the Organization to other conventions, agreements or treaties that were not under its jurisdiction, or with other intergovernmental organizations. Such links might seriously endanger the international legal responsibility of WIPO Member States, as well as create a legal insecurity generating the opposite results to those intended. The delegation of Argentina said that it subscribed to the concept expounded by another delegation in the course of the Assemblies’ debates, to the effect that the creation of *de facto* norms should be avoided. In that connection it considered that, with regard to the “flexibility” proposals outlined in main program 09 of the 1998-1999 Program and Budget, and also other proposals regarding the progressive development of law, should be carefully studied, which required an exercise of debate and reflection. It considered that the Director General was aware of that set of concerns, as he had included in the document on the “Vision and Strategic Direction of WIPO” the subject of the progressive development of law as one of the possible responses to the challenges to be faced by the Organization in the coming millennium. The delegation added that such approaches require permanent transparency of the negotiation and decision-making processes, as well as a clear vision of the objectives. In this respect, the delegation reiterated the need for the WIPO General Assembly to define a mechanism, open to all Member States, within which the progressive development of law could be studied and discussed in order to reach solutions acceptable to all.

179. The Delegation of Spain recognized the importance of protection of well-known marks. Although it had difficulties with Article 4(1)(b) of the provisions, it could join the consensus concerning the Joint Recommendation.

180. The Delegation of Japan recalled that the provisions on well-known marks had been discussed for over five years by experts, and that industry circles needed to protect well-known marks. The delegation regretted that the original Joint Resolution was not adopted, but joined the consensus to contribute to the protection of well-known marks.

181. The Delegation of the Philippines maintained its reservations, in particular with respect to Articles 2(2)(d), 2(3)(a)(I), 3(1), 4(1)(a) to (d), 4(3), 4(4), 4(6) and 6, and requested that the provisions be reviewed by the Standing Committee to improve their clarity.

182. The International Bureau read out a statement submitted by the Delegation of Sweden, which welcomed the Joint Recommendation and considered it important. It noted that the provisions had the nature of a non-binding recommendation and, in general, supported its contents. However, the delegation could not support Article 2(2)(b), which stated that a mark shall be considered to be a well-known mark if it is well known in one relevant sector of the public, as defined in an earlier provision. The delegation preferred that this provision would use the word “may” instead of “shall”. In addition, Sweden was not able, under its present legislation, to implement Article 6(2), requiring cancellation or transfer of a domain name, since its courts could not oblige the entity that registers domain names to carry out a transfer at this time.

183. The General Assembly and the Assembly of the Paris Union approved the following Joint Recommendation by consensus:

*Joint Recommendation*

The Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization (WIPO),

*Taking into account* the provisions of the Paris Convention for the Protection of Industrial Property relative to the protection of well-known marks;

*Recommend* that each Member State may consider the use of any of the provisions adopted by the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) at its Second Session, Second Part, as guidelines for the protection for well-known marks;

*It is further recommended* to each Member State of the Paris Union or of WIPO which is also a member of a regional intergovernmental organization that has competence in the area of registration of trademarks, to bring to the attention of that organization the possibility of protecting well-known marks in accordance, *mutatis mutandis*, with the provisions contained herein.

*Article 1*

*Definitions*

For the purposes of these Provisions:

(i) “Member State” means a State member of the Paris Union for the Protection of Industrial Property and/or of the World Intellectual Property Organization;

(ii) “Office” means any agency entrusted by a Member State with the registration of marks;

(iii) “competent authority” means an administrative, judicial or quasi-judicial authority of a Member State which is competent for determining whether a mark is a well-known mark, or for enforcing the protection of well-known marks;

(iv) “business identifier” means any sign used to identify a business of a natural person, a legal person, an organization or an association;

(v) “domain name” means an alphanumeric string that corresponds to a numerical address on the Internet.

PART I  
DETERMINATION OF WELL-KNOWN MARKS

*Article 2*

*Determination of Whether a Mark is a  
Well-Known Mark in a Member State*

(1) [*Factors for Consideration*] (a) In determining whether a mark is a well-known mark, the competent authority shall take into account any circumstances from which it may be inferred that the mark is well known.

(b) In particular, the competent authority shall consider information submitted to it with respect to factors from which it may be inferred that the mark is, or is not, well known, including, but not limited to, information concerning the following:

1. the degree of knowledge or recognition of the mark in the relevant sector of the public;
2. the duration, extent and geographical area of any use of the mark;
3. the duration, extent and geographical area of any promotion of the mark, including advertising or publicity and the presentation, at fairs or exhibitions, of the goods and/or services to which the mark applies;

4. the duration and geographical area of any registrations, and/or any applications for registration, of the mark, to the extent that they reflect use or recognition of the mark;

5. the record of successful enforcement of rights in the mark, in particular, the extent to which the mark was recognized as well known by competent authorities;

6. the value associated with the mark.

(c) The above factors, which are guidelines to assist the competent authority to determine whether the mark is a well-known mark, are not pre-conditions for reaching that determination. Rather, the determination in each case will depend upon the particular circumstances of that case. In some cases all of the factors may be relevant. In other cases some of the factors may be relevant. In still other cases none of the factors may be relevant, and the decision may be based on additional factors that are not listed in subparagraph (b), above. Such additional factors may be relevant, alone, or in combination with one or more of the factors listed in subparagraph (b), above.

(2) [*Relevant Sector of the Public*] (a) Relevant sectors of the public shall include, but shall not necessarily be limited to:

(i) actual and/or potential consumers of the type of goods and/or services to which the mark applies;

(ii) persons involved in channels of distribution of the type of goods and/or services to which the mark applies;

(iii) business circles dealing with the type of goods and/or services to which the mark applies.

(b) Where a mark is determined to be well known in at least one relevant sector of the public in a Member State, the mark shall be considered by the Member State to be a well-known mark.

(c) Where a mark is determined to be known in at least one relevant sector of the public in a Member State, the mark may be considered by the Member State to be a well-known mark.

(d) A Member State may determine that a mark is a well-known mark, even if the mark is not well known or, if the Member State applies subparagraph (c), known, in any relevant sector of the public of the Member State.

(3) [*Factors Which Shall Not Be Required*] (a) A Member State shall not require, as a condition for determining whether a mark is a well-known mark:

(i) that the mark has been used in, or that the mark has been registered or that an application for registration of the mark has been filed in or in respect of, the Member State;

(ii) that the mark is well known in, or that the mark has been registered or that an application for registration of the mark has been filed in or in respect of, any jurisdiction other than the Member State; or

(iii) that the mark is well known by the public at large in the Member State.

(b) Notwithstanding subparagraph (a)(ii), a Member State may, for the purpose of applying paragraph (2)(d), require that the mark be well known in one or more jurisdictions other than the Member State.

## PART II SCOPE OF PROTECTION

### *Article 3 Protection of Well-Known Marks; Bad Faith*

(1) [*Protection of Well-Known Marks*] A Member State shall protect a well-known mark against conflicting marks, business identifiers and domain names, at least with effect from the time when the mark has become well known in the Member State.

(2) [*Consideration of Bad Faith*] Bad faith may be considered as one factor among others in assessing competing interests in applying Part II of these Provisions.

### *Article 4 Conflicting Marks*

(1) [*Conflicting Marks*] (a) A mark shall be deemed to be in conflict with a well-known mark where that mark, or an essential part thereof, constitutes a reproduction, an imitation, a translation, or a transliteration, liable to create confusion, of the well-known mark, if the mark, or an essential part thereof, is used, is the subject of an application for registration, or is registered, in respect of goods and/or services which are identical or similar to the goods and/or services to which the well-known mark applies.

(b) Irrespective of the goods and/or services for which a mark is used, is the subject of an application for registration, or is registered, that mark shall be deemed to be in conflict with a well-known mark where the mark, or an essential part thereof, constitutes a reproduction, an imitation, a translation, or a transliteration of the well-known mark, and where at least one of the following conditions is fulfilled:

(i) the use of that mark would indicate a connection between the goods and/or services for which the mark is used, is the subject of an application for registration, or is registered, and the owner of the well-known mark, and would be likely to damage his interests;

(ii) the use of that mark is likely to impair or dilute in an unfair manner the distinctive character of the well-known mark;

(iii) the use of that mark would take unfair advantage of the distinctive character of the well-known mark.

(c) Notwithstanding Article 2(3)(a)(iii), for the purpose of applying paragraph (1)(b)(ii) and (iii), a Member State may require that the well-known mark be well known by the public at large.

(d) Notwithstanding paragraphs (2) to (4), a Member State shall not be required to apply:

(i) paragraph (1)(a) to determine whether a mark is in conflict with a well-known mark, if the mark was used or registered, or an application for its registration was filed, in or in respect of the Member State, in respect of goods and/or services which are identical or similar to the goods and/or services to which the well-known mark applies, before the well-known mark became well known in the Member State;

(ii) paragraph (1)(b) to determine whether a mark is in conflict with a well-known mark, to the extent that the mark was used, was the subject of an application for registration, or was registered, in or in respect of the Member State for particular goods and/or services, before the well-known mark became well known in the Member State;

except where the mark has been used or registered, or the application for its registration has been filed, in bad faith.

(2) [*Opposition Procedures*] If the applicable law allows third parties to oppose the registration of a mark, a conflict with a well-known mark under paragraph (1)(a) shall constitute a ground for opposition.

(3) [*Invalidation Procedures*] (a) The owner of a well-known mark shall be entitled to request, during a period which shall not be less than five years beginning from the date on which the fact of registration was made known to the public by the Office, the invalidation, by a decision of the competent authority, of the registration of a mark which is in conflict with the well-known mark.

(b) If the registration of a mark may be invalidated by a competent authority on its own initiative, a conflict with a well-known mark shall, during a period which shall not be less than five years beginning from the date on which the fact of registration was made known to the public by the Office, be a ground for such invalidation.

(4) [*Prohibition of Use*] The owner of a well-known mark shall be entitled to request the prohibition, by a decision of the competent authority, of the use of a mark which is in conflict with the well-known mark. Such request shall be admissible for a period which shall not be less than five years beginning from the time the owner of the well-known mark had knowledge of the use of the conflicting mark.

(5) [*No Time Limit in Case of Registration or Use in Bad Faith*] (a) Notwithstanding paragraph (3), a Member State may not prescribe any time limit for requesting the invalidation of the registration of a mark which is in conflict with a well-known mark if the conflicting mark was registered in bad faith.

(b) Notwithstanding paragraph (4), a Member State may not prescribe any time limit for requesting the prohibition of the use of a mark which is in conflict with a well-known mark if the conflicting mark was used in bad faith.

(c) In determining bad faith for the purposes of this paragraph, the competent authority shall take into consideration whether the person who obtained the registration of or used the mark which is in conflict with a well-known mark had, at the time when the mark was used or registered, or the application for its registration was filed, knowledge of, or reason to know of, the well-known mark.

(6) [*No Time Limit in Case of Registration Without Use*] Notwithstanding paragraph (3), a Member State may not prescribe any time limit for requesting the invalidation of the registration of a mark which is in conflict with a well-known mark, if that mark was registered, but never used.

#### *Article 5* *Conflicting Business Identifiers*

(1) [*Conflicting Business Identifiers*] (a) A business identifier shall be deemed to be in conflict with a well-known mark where that business identifier, or an essential part thereof, constitutes a reproduction, an imitation, a translation, or a transliteration of the well-known mark, and where at least one of the following conditions is fulfilled:

(i) the use of the business identifier would indicate a connection between the business for which it is used and the owner of the well-known mark, and would be likely to damage his interests;

(ii) the use of the business identifier is likely to impair or dilute in an unfair manner the distinctive character of the well-known mark;

(iii) the use of the business identifier would take unfair advantage of the distinctive character of the well-known mark.

(b) Notwithstanding Article 2(3)(iii), for the purposes of applying paragraph (1)(a)(ii) and (iii), a Member State may require that the well-known mark be well known to the public at large.

(c) A Member State shall not be required to apply subparagraph (a) to determine whether a business identifier is in conflict with a well-known mark if that business identifier was used or registered, or an application for its registration was filed, in or in respect of the Member State, before the well-known mark became well known in or in respect of the Member State, except where the business identifier was used or registered, or the application for its registration was filed, in bad faith.

(2) [*Prohibition of Use*] The owner of a well-known mark shall be entitled to request the prohibition, by a decision of the competent authority, of the use of a business identifier which is in conflict with the well-known mark. Such request shall be admissible for a period

which shall not be less than five years beginning from the time the owner of the well-known mark had knowledge of the use of the conflicting business identifier.

(3) [*No Time Limit in Case of Registration or Use in Bad Faith*] (a) Notwithstanding paragraph (2), a Member State may not prescribe any time limit for requesting the prohibition of the use of a business identifier which is in conflict with a well-known mark if the conflicting business identifier was used in bad faith.

(b) In determining bad faith for the purposes of this paragraph, the competent authority shall consider whether the person who obtained the registration of or used the business identifier which is in conflict with a well-known mark had, at the time when the business identifier was used or registered, or the application for its registration was filed, knowledge of, or reason to know of, the well-known mark.

#### *Article 6*

#### *Conflicting Domain Names*

(1) [*Conflicting Domain Names*] A domain name shall be deemed to be in conflict with a well-known mark at least where that domain name, or an essential part thereof, constitutes a reproduction, an imitation, a translation, or a transliteration of the well-known mark, and the domain name has been registered or used in bad faith.

(2) [*Cancellation; Transfer*] The owner of a well-known mark shall be entitled to request, by a decision of the competent authority, that the registrant of the conflicting domain name cancel the registration, or transfer it to the owner of the well-known mark.

#### ITEM 11 OF THE CONSOLIDATED AGENDA:

##### REFORM OF THE INTERNATIONAL PATENT CLASSIFICATION (IPC)

184. See the report of the session of the IPC Union Assembly (document IPC/A/17/2).

#### ITEM 12 OF THE CONSOLIDATED AGENDA:

##### MATTERS CONCERNING THE MADRID UNION

185. See the report of the session of the Madrid Union Assembly (document MM/A/31/3).



ITEM 13 OF THE CONSOLIDATED AGENDA:  
MATTERS CONCERNING THE HAGUE UNION

186. See the report of the session of the Hague Union Assembly (document H/A/18/2).

ITEM 14 OF THE CONSOLIDATED AGENDA:  
MATTERS CONCERNING THE PCT UNION

187. See the report of the session of the PCT Union Assembly (document PCT/A/27/4).

ITEM 15 OF THE CONSOLIDATED AGENDA:  
WIPO INTERNET DOMAIN NAME PROCESS

188. See the report of the session of the WIPO General Assembly (document WO/GA/24/12).

ITEM 16 OF THE CONSOLIDATED AGENDA:  
ELECTRONIC COMMERCE

189. See the report of the session of the WIPO General Assembly (document WO/GA/24/12).

ITEM 17 OF THE CONSOLIDATED AGENDA:  
POLICY ADVISORY COMMISSION AND  
INDUSTRY ADVISORY COMMISSION

190. See the report of the session of the WIPO General Assembly (document WO/GA/24/12).

ITEM 18 OF THE CONSOLIDATED AGENDA:  
REPORT OF THE PERMANENT COMMITTEE ON COOPERATION FOR  
DEVELOPMENT RELATED TO INTELLECTUAL PROPERTY (PCIPD)

191. See the report of the session of the WIPO Conference (document WO/CF/17/2).

ITEM 19 OF THE CONSOLIDATED AGENDA:

RESOLUTIONS AND DECISIONS OF THE UNITED NATIONS, THE  
ADMINISTRATIVE COMMITTEE ON COORDINATION AND  
THE JOINT INSPECTION UNIT

192. See the report of the session of the WIPO General Assembly  
(document WO/GA/24/12).

ITEM 20 OF THE CONSOLIDATED AGENDA:

PROPOSAL CONCERNING A WORLD INTELLECTUAL PROPERTY DAY

193. See the report of the session of the WIPO General Assembly  
(document WO/GA/24/12).

ITEM 21 OF THE CONSOLIDATED AGENDA:

USE OF PORTUGUESE AS A WORKING LANGUAGE OF WIPO

194. See the report of the session of the WIPO General Assembly  
(document WO/GA/24/12).

ITEM 22 OF THE CONSOLIDATED AGENDA:

ESTABLISHMENT OF OFFICIAL TEXTS OF THE BERNE CONVENTION  
IN THE CHINESE LANGUAGE

195. See the report of the session of the Berne Union Assembly (document B/A/25/2).

ITEM 23 OF THE CONSOLIDATED AGENDA:

DESIGNATION OF THE AUDITOR

196. Discussions were based on document A/34/11.

197. The Chairman expressed the thanks of all concerned to the Swiss authorities for the auditing work they had undertaken in the past and for their readiness to continue to assume the tasks of auditor, which was much appreciated by WIPO.

198. On the advice of the WIPO Coordination Committee, the WIPO General Assembly and the Assemblies of the Paris, Berne, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT and Vienna Unions renewed, up to and including the year 2003, the

designation of Switzerland as auditor of the accounts of WIPO, of the Unions administered by WIPO, and of the accounts of technical assistance projects executed by WIPO and financed, in particular, by UNDP.

ITEM 24 OF THE CONSOLIDATED AGENDA:

COMPOSITION OF THE WIPO COORDINATION COMMITTEE;  
ELECTION OF THE MEMBERS OF THE EXECUTIVE COMMITTEES  
OF THE PARIS AND BERNE UNIONS AND DESIGNATION OF THE *AD HOC*  
MEMBERS OF THE WIPO COORDINATION COMMITTEE

199. Discussions were based on documents A/34/12 and A/34/15 Rev.

200. In summarizing the results of the consultations under this item, the Chair stated that it had been impossible to achieve an agreed solution for the composition of the Coordination Committee and the distribution of new seats. As a consequence, it had been agreed, exceptionally, that the composition of the Coordination Committee would remain at 72 members from the close of the present Assemblies to the close of the next ordinary sessions of the Assemblies. He hoped that in the next ordinary sessions of the Assemblies, the existing and new vacancies would be successfully filled. As the work of the Coordination Committee was essential, the decision proposed was dictated by political expediency. The Chair invited the Secretariat to read the text prepared in the meetings of the regional coordinators that reflected the pragmatic approach in the above-mentioned agreement. The text of the agreed statement is set out in the next paragraph:

201. Owing to lack of time, the Assembly of the Paris Union, the Assembly of the Berne Union and the WIPO Conference were unable to conclude consideration of the election of members of the Paris Union Executive Committee, the Berne Union Executive Committee and the *ad hoc* members of the Coordination Committee, respectively. In consequence, the Assembly of the Paris Union, the Assembly of the Berne Union and the WIPO Conference decided, on an exceptional basis, that the WIPO Coordination Committee to serve from the close of the present sessions of the Assemblies to the close of the next ordinary sessions of the Assemblies should retain its present composition of 72 members.

As a result,

(i) the Paris Union Assembly unanimously elected the following States as *ordinary* members of the *Paris Union Executive Committee*: Algeria, Australia, Austria, Belgium, Brazil, Burundi, China, Colombia, Costa Rica, Cuba, Denmark, France, Ghana, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Portugal, Russian Federation, Singapore, Slovakia, Spain, Sri Lanka, Swaziland, The former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United States of America, Uruguay, Venezuela (36);

(ii) the Berne Union Assembly unanimously elected the following States as *ordinary* members of the *Berne Union Executive Committee*: Argentina, Bangladesh, Bulgaria, Canada, Chile, Côte d'Ivoire, Ecuador, Egypt, Finland, Germany, Greece, Guatemala, Guinea, Iceland, Jamaica, Kyrgyzstan, Mexico, Netherlands, Nigeria, Norway, Pakistan, Paraguay, Philippines, Republic of Korea, Senegal, Slovenia, South Africa, Sweden, Trinidad and Tobago, United Kingdom, United Republic of Tanzania (31);

(iii) the WIPO Conference unanimously designated the following States as *ad hoc* members of the *WIPO Coordination Committee*: Angola, Brunei Darussalam, Nepal, Yemen (4);

(iv) The WIPO Conference and the Assemblies of the Paris and Berne Unions noted that Switzerland would continue to be an *ex officio* ordinary member of the *Paris Union Executive Committee* and of the *Berne Union Executive Committee*.

As a consequence, the WIPO Coordination Committee is composed of the following States: Algeria, Angola (*ad hoc*), Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Brunei Darussalam (*ad hoc*), Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Denmark, Ecuador, Egypt, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mexico, Nepal (*ad hoc*), Netherlands, Nigeria, Norway, Pakistan, Paraguay, Philippines, Portugal, Republic of Korea, Russian Federation, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland (*ex-officio*), The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen (*ad hoc*) (72).

202. The Chair concluded by indicating that it would be desirable that the item of the composition of the Coordination Committee and the election of members be the subject of further consultations between the Member States and be examined further in order to find a suitable solution in the future. He expressed the hope that the process of constitutional reform, which Member States had agreed to initiate, would be one of the means through which a lasting solution could be found to the question of the composition of the Coordination Committee.

203. The Assembly of the Paris Union, the Assembly of the Berne Union and the WIPO Conference adopted the agreed text in paragraph 201, above.

#### ITEM 25 OF THE CONSOLIDATED AGENDA:

#### COOPERATION WITH THE WORLD TRADE ORGANIZATION

204. See the report of the session of the WIPO General Assembly (document WO/GA/24/12).

ITEM 26 OF THE CONSOLIDATED AGENDA:

ADMISSION OF OBSERVERS

205. The consideration of this item was based on document A/34/10 Rev.

Admission of Intergovernmental Organizations as Observers

206. The Assemblies of the Member States, each as far as it is concerned, decided to grant observer status to the International Criminal Police Organization (INTERPOL) and to the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office).

Admission of International Non-Governmental Organizations as Observers

207. The Assemblies of the Member States, each as far as it is concerned, decided to grant observer status to the following 17 international non-governmental organizations: the Actors, Interpreting Artists Committee (CSAI); the Asia & Pacific Internet Association (APIA); the Association *européenne des éditeurs de journaux* (ENPA); the Association *européenne pour la protection des oeuvres et services cryptés* (AEPOC); the Central and Eastern European Copyright Alliance (CEECA); the Digital Media Association (DIMA); the Digital Video Broadcasting (DVB); the European Film Companies Alliance (EFCA); the European Publishers Council (EPC); the Interactive Software Federation of Europe (ISFE); the International Air Transport Association (IATA); the International Commission of Jurists (ICJ); the International DOI Foundation (IDF); the Scandinavian Patent Attorney Society (PS); the Software & Information Industry Association (SIIA); The World Conservation Union (IUCN); and the World Self Medication Industry (WSMI).

208. The Assemblies of the Member States, each as far as it is concerned, decided to include the Digital Video Broadcasting (DVB) in the category of international non-governmental organizations “concerned with more than one field of intellectual property,” the DVB having been previously included by the Assemblies in the category of international non-governmental organizations “essentially concerned with copyright and neighboring rights.”

209. The Assemblies of the Member States, each as far as it is concerned, decided to withdraw the permission to the World Federation of Music Schools (WFMS) to attend, as an observer in its capacity as a non-governmental organization, meetings of the Assemblies. The Assemblies further requested the Secretariat of WIPO to prepare the necessary documents for submission to the Assemblies to consider the application of the WFMS to be admitted as an observer in the capacity of an intergovernmental organization.

ITEM 27 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

210. See the report of the session of the WIPO Coordination Committee (document WO/CC/44/2).

ITEM 28 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORT AND OF THE INDIVIDUAL REPORTS OF EACH GOVERNING BODY

*211. This General Report was unanimously adopted by the Assemblies and other Bodies of the Member States of WIPO concerned on September 29, 1999.*

*212. Each of the 21 Assemblies and other Bodies of the Member States of WIPO unanimously adopted the separate report concerning its session, at a separate meeting of the Assemblies and other Bodies of the Member States of WIPO concerned, on September 29, 1999.*

ITEM 29 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

213. The Delegation of Paraguay, speaking on behalf of the Latin American and Caribbean Group, and its own behalf, expressed warmest gratitude to the Chair for having directed all the difficult debates in such a brilliant way. He added that through the qualities of the Chair as a leader and negotiator, the interests of all Member States were served. The delegation and GRULAC also wished to express their most sincere thanks to Dr. Kamil Idris, Director General of WIPO, and to his staff especially, for the preparation for and magnificent culmination of the work of these Assemblies.

214. The Delegation of Uganda, speaking on behalf of the African group and on its own behalf fully concurred with the Delegation from Paraguay in its tribute to the Chair. The Chair had done an exemplary job in guiding all the deliberations in the preceding days as his wisdom and persuasive powers made it possible for all Member States to reach a consensus, even when differences occurred, and this made the work of the Coordinators much easier. On behalf of the African region, the delegation also expressed the high esteem the region has for the Director General and his wonderful staff.

215. The Delegation of Indonesia, speaking on behalf of the Asian Group, and on its own behalf, wished to join with the other speakers in congratulating the Chair and all other distinguished officers involved in the Assemblies, for the successful conclusion to the meeting. The hard work of the Director General and his team at the International Bureau had been greatly appreciated. Appreciation was also expressed to the interpreters and translators for their excellent services.

216. The Delegation of Japan, speaking on behalf of Group B, and on its own behalf also wished to associate himself with the various speakers and thank the Chair for his excellent handling of this year's Assemblies. He felt that all the delegates had a real sense of participation and all discussions were transparent and fair which he very much appreciated. The hard work of the Director General and his staff who had enabled the successful conclusion of the Assemblies was much appreciated and it demonstrated that Group Bs trust in the Director General and his staff has been justified.

217. The Delegation of Lithuania, speaking on behalf of the Group of Central European and Baltic States thanked the Chair for his excellent efforts in so effectively guiding the Assemblies to a successful conclusion. The Director General and his staff were thanked for the excellent preparatory work that had gone into the Assemblies. The documentation and the effective intermediation of Mr. Francis Gurry and interpreters in ensuring the successful end to the Session were also appreciated. The cooperation of the Group Coordinators and through them the Regional Groups had ensured a very rewarding experience.

218. The Delegation of the Russian Federation, on behalf of the Central Asian, Caucasus and Eastern European Countries wished to associate themselves with the very high expressions of gratitude expressed to the Chair. It further stated that this session had shown that in spite of approaches that were not always identical to problems, it had been possible to find the best and most constructive solutions to the items on the Agenda. This success would not have been possible without the efforts of the Director General and his staff. Significant progress in the realization of the Program which had seemed to be an unobtainable dream had become a reality and progress in the preparation of documents in the Russian language in both quality and quantity were appreciated. Congratulations were due to everyone for the successful work, including the interpreters who had made valuable contributions to the success of the meeting.

219. The Delegation of China also conveyed their sincere thanks to the Chair and noted his experience and skill in presiding over the meeting. The delegation also thanked the Director General and his staff for their great efforts to ensure the success of this meeting which had reflected the principles of the reform, guaranteeing future success of the work.

220. The Chair of the WIPO General Assembly made the following statement:

“I would like to express my most sincere thanks for your kind words to me as your Chair. You did me a great honor in electing me, you did a great honor to my country Chile as well, and if we have successfully completed our work it is not thanks to the Chair, but thanks to all of you and to those who made statements, to those who did not make them, because you came here and expressed your interest in the work of our organization which in the final analysis is of interest to us all.

“I should like to pass on all of the thanks you have expressed to the Director General Dr. Kamil Idris and to the Secretariat because it was thanks to his and their help and the very well prepared documents that have enormously facilitated our work.

Without that the work would have been impossible and we would not have successfully concluded these sessions so I thank and congratulate him.

“Finally I would like to congratulate the interpreters who have been so patient in helping us, sometimes beyond the normal working day. Without them it would have been impossible to conclude this session successfully. With that I close this session. For those going home to their capitals I wish you a safe journey, and I wish all those staying in Geneva all the best.”

[Annex follows]



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<sup>1</sup> On behalf of the Asian Group

<sup>2</sup> On behalf of Group "B"

<sup>3</sup> On behalf of the Group of Central European and Baltic States

<sup>4</sup> On behalf of the Latin American and Caribbean Group (GRULAC)

<sup>5</sup> On behalf of the Central Asian, Caucasus and Eastern European Countries

<sup>6</sup> On behalf of the African Group