

Assemblies of the Member States of WIPO
Fifty-First Series of Meetings
Geneva, Switzerland
September 23 to October 2, 2013
Opening Statement of the United States of America

Thank you, Madam Chairman.

The United States congratulates you on your election as chair the General Assembly, and also congratulates your two vice chairs. We are confident that you will ably guide our discussions throughout this meeting.

We also thank the Secretariat for the timely presentation and comprehensiveness of the documents.

The United States fully endorses the statement delivered earlier by Belgium on behalf of Group B.

Normative Work

The United States welcomes the adoption of the Marrakesh Treaty, which will enhance access to copyrighted works for visually impaired and print-disabled persons in the United States and around the world. In April 2012, President Obama expressed the commitment of the United States to a treaty that “ensures that copyright is not a barrier to equal access to information, culture, and education for persons with print disabilities.” The successful conclusion of the Diplomatic Conference at Marrakesh was a major step forward to achieve that objective. The United States, which is in the process of implementing the treaty, looks forward to the entry into force of the Marrakesh Treaty at the earliest possible time.

While it is clear that Member States came together in a truly collaborative manner to resolve the significant differences in the VIP debate and pave the way to Marrakesh, the same, unfortunately cannot be said about the discussions in the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge, and Folklore. This is not to say that we are unwilling to continue the discussions, but rather, that we recognize the need to first identify principles and objectives that all Members can coalesce around. Despite the diligent efforts of the IGC, it is abundantly clear that Members are far from agreement on even the most fundamental provisions in the texts. Only after reaching agreement on objectives and principles and fundamental provisions of the texts will Members be able to consider other challenging issues in the texts, such as administration of interests, exceptions and limitations, exercise of interests, transitional measures and consistency with the general legal framework.

Madam Chairman, the United States would like to reiterate its oft-stated position that consideration of a Diplomatic Conference is premature.

Thus Madam Chairman, the United States opposes any General Assembly decision that would set any specific timeframe or date for a Diplomatic Conference on any of the three IGC draft texts.

WIPO Forum 2013

The United States congratulates the Secretariat for organizing the WIPO Forum 2013: From Inspiration to Innovation: The Game Changers. If you will recall, the United States voiced its strong support during the General Assembly in October 2012 for the creation of a forum that would provide an opportunity for business leaders to share their insights on, and visions for, the global IP system. We sincerely hope that all delegations will attend the event tomorrow afternoon. We also encourage the Secretariat to make this an annual occurrence.

U.S. Highlights on IP

The Patent Law Treaties Implementation Act of 2012, legislation containing implementing provisions for two WIPO treaties - (1) the Patent Law Treaty (PLT) and (2) the Geneva Act of the Hague Agreement - was signed into law by President Obama on December 18, 2012. Just a few days ago, on September 18, 2013, I deposited the instrument of ratification for the PLT. On December 18, 2013 the PLT provisions of the Patent Law Treaties Implementation Act of 2013 will become effective and the United States will become a member of the Patent Law Treaty, increasing the number of Contracting Parties to 36. The Treaty will benefit not only U.S. patent applicants and patentees, but also those of all PLT Contracting Parties looking to protect their inventions, efficiently and cost-effectively.

Moreover, the USPTO has been actively working on proposed rules associated with U.S. membership to the Geneva Act of the Hague Agreement. The United States has made significant progress in the implementation process and draft USPTO rules are currently working their way through the governmental review process. We are hopeful we will be able to deposit the United States' instruments of ratification with the Director General early next year. We would like to thank WIPO for its collaborative efforts in working with the United States in preparation for U.S. membership to the Hague Agreement.

Lastly, the first-inventor-to-file provisions of the Leahy-Smith America Invents Act went into effect on March 16, 2013. Implementation of this provision was the last major component of the iterative reforms set forth in the AIA.

Program and Budget for 2014/15

Madam Chair, we all know how poorly the recent Program and Budget Committee (PBC) went. In fact, the PBC was unable to recommend to this assembly the proposed Program and Budget for 2014/15 for adoption. Several things prevented this, namely the highly politicized debate over adding new external offices and the Secretariat's plan to abolish Program 30 on SMEs and Innovation. Needless to say, we are disappointed with how the Secretariat presented these issues to Members as a *fait accompli*. Nevertheless, the United States remains willing to work hard with all Members to solve these outstanding issues in order to reach consensus on the Program and Budget.

Closing

The United States will continue to work with the Secretariat and other Member States to create a better functioning, more transparent and effective World Intellectual Property Organization to ensure that respect for Intellectual Property Rights continues to be the major emphasis of the Organization.