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BUDGET COMMITTEE

Eighteenth Session
Geneva, March 23 and 25, 1998

PREMISES COMMITTEE

Eighth Session
Geneva, March 23 and 25, 1998

REPORT

adopted by the two Committees

1. The eighteenth session of the WIPO Budget Committee and the eighth session of the WIPO Premises Committee, hereinafter referred to as “the two Committees,” were held jointly at the Headquarters of WIPO on March 23 and 25, 1998.

2. The members of the Budget Committee are the following States: Bulgaria, Canada, Chile, China, Ecuador, Egypt, France, Germany, Hungary, India, Jamaica, Japan, Mexico, Morocco, Netherlands, Norway, Pakistan, Philippines, Republic of Korea, Russian Federation, Senegal, Slovakia, South Africa, Switzerland (*ex officio*), United Kingdom, United States of America and Uzbekistan (27). The members of the Premises Committee are the following States: Algeria, China, Colombia, Croatia, France, Germany, India, Nigeria, Paraguay, Russian Federation, Sri Lanka, Switzerland and United States of America (13). The States members of the Budget Committee, of the Premises Committee or of the two Committees which were represented at the session were the following: Algeria, Bulgaria, Canada, Chile, China, Colombia, Croatia, Ecuador, Egypt, France, Germany, Hungary, India, Jamaica, Japan,

Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Republic of Korea, Russian Federation, Senegal, Slovakia, South Africa and Switzerland, United Kingdom, United States of America and Uzbekistan (30). In addition, the following States members of WIPO but not members of the Budget Committee or the Premises Committee were represented by observers: Angola, Argentina, Australia, Bahrain, Bangladesh, Benin, Brazil, Burundi, Costa Rica, Côte d'Ivoire, Cuba, Gabon, Ghana, Guatemala, Honduras, Ireland, Iraq, Jordan, Kazakstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Mongolia, Panama, Poland, Portugal, Republic of Moldova, Romania, Sudan, Sri Lanka, Sweden, The Former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Arab Emirates, Uruguay, Venezuela and Zambia (41). The list of participants is contained in the Annex.

3. The session was opened by Dr. Kamil Idris, Director General of WIPO, who welcomed the participants.
4. The two Committees unanimously elected Mr. Shigeki Sumi (Japan) as Chairman, Mr. Dilip Sinha (India) as First Vice-Chairman, and Mr. Rakovski Lashev (Bulgaria) as Second Vice-Chairman of the joint session.
5. The two Committees adopted the agenda contained in document WO/BC/18/1 Rev. - WO/PC/8/1 Rev.
6. Discussions were based on documents A/32/2 - WO/BC/18/2 ("Draft Program and Budget for the 1998-1999 Biennium", WO/BC/18/5 and A/32/5 ("Automation of the PCT System"), WO/BC/18/4 and A/32/4 ("Information Technology Projects"), WO/BC/18/3-WO/PC/8/2 and WO/GA/22/1 ("Premises"), and WO/BC/18/INF/1 - WO/PC/8/INF/1 and A/32/INF/2 ("The Governance Structure of WIPO").

Draft Program and Budget for the 1998-1999 biennium

7. Discussions on this agenda item were based on documents A/32/2 - WO/BC/18/2 and WO/BC/18/INF/1-WO/PC/8/INF/1).
8. The Director General introduced the draft WIPO Program and Budget for the 1998-1999 biennium contained in this document, observing that it had already gained from the guidance and insight of Member States in earlier informal consultations. He noted that it was an objective and constructive response to the principal challenges confronting the Organization. The vision for WIPO which was articulated by this Program and Budget document was based on an analysis of the policy environment for the Organization. This policy environment could be conceived as a set of challenges. The first and greatest was the challenge of relevance in the face of growing changes: relevance to the priorities and needs of Member States and of market sector interests, and relevance to civil society, non-state actors and new and emerging technologies. The second was the challenge of governance: to work in full partnership with Member States to make procedures simpler, to make working methods cost effective and result oriented, and to facilitate decision making processes. The third, the challenge of influence, had bearing on the plans to develop global systems of protection, on progressive development of international intellectual property law, on building institutions in developing countries that create a lasting legacy, to unlock the vast potential of information technologies, to develop new intellectual property issues and to follow closely the

implementation of the TRIPS Agreement. The fourth challenge, that of interdependence, arose from the fact that intellectual property had become a central element in international trade, in economic, cultural and technological transformation, so that each of these elements had to be approached in a holistic manner. The fifth, the challenge of corporate image, related not merely to the Organization, but also to the global intellectual property society at large: this would be met by intensive and extensive human resource development and public diplomacy.

9. How successfully WIPO rose to these challenges depended fundamentally on three elements: the support of Member States, the resources made available to WIPO to implement its program activities, and the strategic management of these resources including strategic follow-up, strategic evaluation and assessment of productivity. The policy of the Organization would be based on the principles of transparency, accountability and consensus in the development and management of resources and of programs. The support of Member States would be crucial in meeting the challenges for intellectual property in the coming century. He expressed gratitude to Secretariat colleagues concerned, and to delegations for their excellent work accomplished during consultations on the draft Program and Budget.

10. All the delegations which spoke congratulated the Chairman and the two Vice-Chairmen on their election, and were thanked by the Chairman. Further, the delegations highly praised the Director General and the Secretariat for the excellent draft Program and Budget document, especially its comprehensive, well organized structure by objectives, and its clear and transparent format. Delegations pointed out that the system of accountability and internal oversight establishes clear lines of responsibility for program managers to achieve the expected results. Delegations further noted that this would ensure systematic, result-oriented program monitoring and performance evaluation to enhance productivity and quality.

11. The Delegation of the Netherlands, on behalf of the Group B countries, said that the draft Program and Budget document would project WIPO into the 21st century. The structure, format and user-friendliness of this document meant that it already stood as an example for all United Nations and other intergovernmental organizations: an example of strategic budgeting, and of linking program and budget in a transparent manner. This made the budget document accessible to delegations and facilitated real debate, and the structure and user-friendliness promoted accountability and the possibility of evaluation of activities. The process of informal consultations commendably enabled Member States on several occasions to discuss the future directions of the Organization with the Director General and the Secretariat. Group B hoped that this exercise in transparency continued, so that after the adoption of the Program and Budget, Member States would also be involved in its implementation. The Group noted the big change in strategy, constituted by this document, both in policy direction, and in management culture and governance. The Group supported the thrust of the proposed reorientation, both in policy direction and in management and governance.

12. In highlighting the cooperation program for development activities, the Delegation of the Netherlands underscored the importance of the commitment made by the Organization to assist Member States in fulfilling their obligations under the TRIPS Agreement. The Organization should coordinate its efforts in this area very closely with other UN agencies and other international organizations so as to avoid duplication in the field and to make sure efforts are implemented in an integrated and coordinated fashion. The High-Level Meeting on Least Developed Countries (LDCs), held last October in Geneva involving WTO, UNCTAD, ITC,

the World Bank, the International Monetary Fund and UNDP, resulted in an integrated framework for trade related technical cooperation to LDCs. WIPO should take note of this framework and seek to coordinate its technical cooperation efforts with these six agencies.

13. The Delegation of the Netherlands observed that overall expenditure was budgeted to rise around 25 per cent and that staffing levels would also rise, a rather unique situation in the UN system. The unique nature of WIPO, a UN specialized agency serving Member States and also providing service to the business community, warrants special consideration, but it remains a UN agency. Willingness to positively consider these sort of budget increases was due to the fact that WIPO's business was largely expanding and its workload was growing, but also that efforts were currently under way to modernize the Organization; this was therefore a very exceptional situation. The Secretariat should involve Member States in devising a long term strategy, and devote itself to long-term strategic planning in order to contain future growth and any further rise in budgets. The Organization should, even as it grows, exercise the fiscal stringency and tightness that has come to be a practice in the UN as a whole. The Director General was invited to consider this question and submit a proposal on long-term strategic planning.

14. The Delegation of Sri Lanka, on behalf of the Asian Group and China, noted that the Program and Budget document was impressive in terms both of its structure, format, contents and presentation, making it a distinctively different document as compared with the past. The Director General's innovative approach was applauded in presenting a draft Program and Budget based upon the two fundamental principles of transparency and accountability, and giving practical expression to these two cardinal principles. Having actively engaged in an informal process of consultations and after thoroughly examining the draft, the Asian Group and China could fully approve the Program and Budget.

15. The Asian Group and China endorsed the proposed 10 per cent reduction in Member States' contributions, but did not concur with the additional justification given in paragraph 3 of Annex 2 to justify the proposed reduction by taking also into account the current situation of arrears of contributions, as the arrears issue was a distinct matter which required separate discussion with a view to finding an equitable approach, a view already placed on record during the 17th session of the Budget Committee. The Asian Group noted the healthy budgetary situation of the Organization and the estimated surplus of 16.5 million Swiss francs in the budget for the biennium. Given the uncertainties in income and expenditure and the resulting budget surplus, the Asian Group noted that the Director General should be authorized to draw upon any surplus up to the budgeted amount to meet specific new requests of developing countries during the biennium, in particular, in the areas of cooperation for development and the WIPO Worldwide Academy. This was suggested in view of the availability of a large reserve fund and the need for flexibility to respond to unforeseen demands by Member States.

16. The Asian Group and China recognized the need and justification given for the establishment of the Policy Advisory Commission and Industry Advisory Commission, which were in line with the participation of civil society in other UN forums and international and regional organizations, but reiterated the position that these two commissions should be strictly advisory and should not impinge upon the role of the Member States in initiating and monitoring the Organization's program. The Group commended the proposed enhancement of resources for Program 06 ("Cooperation with Developing Countries") and Program 08

(“Human Resources Development and the WIPO World Worldwide Academy”), and the strategy for future and new activities under both programs. It was hoped that those two programs would spearhead assistance to developing countries in a coordinated manner by drawing as necessary on other programs and sub-programs. Also appreciated was the priority given in the draft program to assisting developing countries in achieving compliance with the TRIPS Agreement by January 1, 2000: this assistance should also aim at deriving the maximum benefits from the opportunities afforded by the enhanced intellectual property system. Assistance was also needed during the TRIPS Council review process and for responding to the built-in agenda in the TRIPS Agreement. Nationally-focused action plans aimed at institution and human resources development would help developing countries meet their specific national economic and social goals while meeting obligations under international agreements. These two programs were of immense interest in the light of the increasingly crucial role which intellectual property will play in technological, industrial, social and cultural development of countries in Asia and the Pacific in the near future, which have a high potential for economic growth and inventive activities.

17. The Asian Group and China welcomed the belated creation of an Office of Internal Oversight and Productivity, as a key element in the new management approach and an integral part of modern transparent and accountable management procedures. The Asian Group and China recognized the potential benefits of modern information technology in all activities of WIPO, and agreed in principle with the proposals in this area, but emphasized that capacity building in developing countries should be the central theme of any such scheme. They noted that the capability of many developing countries to contribute to such projects should be fully explored. The Asian Group and China noted with interest the proposal for standing committees to replace committees of experts and for two advisory committees, and requested that financial assistance be provided to ensure the effective participation of developing countries at these meetings, as well as for activities indicated under sub-program 10.2 (“Protection of Audiovisual Performances”), in particular the second session of the Committee of Experts proposed to be held under this sub-program in June 1998.

18. Where new management functions, organizational units and program activities resulted in overlapping and complementary activities, greater coordination between various offices and units of the Organization should develop synergies and avoid duplication of work, forming a coherent whole in achieving the overall goals set by the Program and Budget. In the context of norm-setting proposals, developing countries sought substantive assistance in understanding the socio-economic implications of harmonization and electronic commerce vis-à-vis intellectual property rights, so that great importance was attached to sub-program 02.6 (“Economic Forecast and Research”). The Asian Group considered the planned specific human resources management strategy and staff career development system based on merit and incentive as a timely and important initiative, as it was a long-felt need of the Organization. In widening the geographical distribution of WIPO staff, an equal concern should be balancing representation between the geographical regions, in particular at higher levels in the Secretariat.

19. The Delegation of Côte d’Ivoire, speaking on behalf of the African Group of countries, expressed appreciation for the prior consultative meetings. Thanks to the clarity and precision and the definition of objectives and activities in the document under discussion, it was much easier to read and understand it. All these qualities contributed to an increase in transparency in the management and implementation of the programs. Like other Groups of countries, the

African Group had carefully examined the document and supported it fully. The African Group supported the proposal for institutional reform because it would make the Organization more rigorous in financial and human resources management. The consultative policy and the standing committees would enable the Organization to involve more the Member States. The African Group gave support to a coordinated and more global approach to policies in carrying out the main sectors of activity, progressive development of intellectual property law, global protection, and cooperation for development. Regarding progressive development of intellectual property law, the Group appreciated that the Organization had gone beyond the traditional approach. In respect of the potential to make worldwide protection more suitable to users and available at lower cost, the African Group would carefully follow the evolution of proposals made in this area. Any improvements made to the PCT system and to other machinery for protection and promotion were supported.

20. Concerning cooperation for development, the Group unreservedly supported an approach which took into account, first and foremost, national needs and the characteristics of each State regarding the establishment and strengthening of institutions and the development of human resources. The Group hoped for cooperation with bilateral and multilateral partners and from WIPO, which would enable them to better use intellectual property systems, including human resources, and would encourage investment and the transfer of technologies. These elements would contribute to the establishment of competitive national intellectual property systems. The approach of January 1, 2000, the deadline for compliance with the TRIPS Agreement, left little time for States to bring their legislation, administrations and infrastructures into line with its provisions. The Group hoped for technical and legal help from WIPO so as to meet the deadline. Consequently, the Group supported the proposal for modernization of intellectual property systems and TRIPS implementation. Implementation of this program would be closely followed, and the Group felt that a mid-term review would be a good idea. The setting-up of the WIPO Worldwide Academy was welcomed as it would assist with changes having to be made to infrastructure, and much was expected from it.

21. Protection of expressions of folklore was also of major concern to Africa. Expressions of the cultural identities of groups should be a subject of great concern to all. It was hoped that the activities of WIPO in this biennium would help solve the problem of downgrading and looting of these expressions, and should lead ultimately to a treaty. The debate raised questions with regard to audiovisual interpretations and performances. It was hoped that a Protocol would be possible. Financial assistance was sought for the attendance of experts from Africa at the June 1998 meeting on this subject.

22. The African Group had always supported the setting-up of a global information network. Once implemented, it was hoped that it would help African States to effectively participate in debates on intellectual property. Lastly, the proposals by the Director General for improving working conditions of staff were welcomed. It was hoped, however, that new recruitment would take into account equitable geographical distribution. In conclusion, costs and efficiency should always be balanced. The African Group had noted the increase in the budget and considered that it could not be otherwise in view of the major role that the Organization is called upon to play and the increased requirements for the cooperation for development program. In addition, the African Group supported the proposed 10 per cent reduction of Member States' contributions. The African Group proposed that the Director General be authorized to use the budgeted surplus for the 1998-1999 biennium, and proposed that it be

used to assist Member States, especially States in Africa, to meet their future TRIPS obligations.

23. The Delegation of Jamaica, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), said that WIPO had, over the last ten years, become an integral part of economic activities of countries through its links to trade, investment, technological development, industrial activity, entertainment and culture. The draft Program and Budget presented a strategic approach to ensuring WIPO's ability to meet its responsibilities. The document projected a WIPO of the future, based on a transparent, consultative process between the Director General and the Member States and the clearly defined accountability of the International Bureau to Member States. Linking objectives directly with the resources allocated to each Program was evidence of concrete steps towards a modern and efficient management system which was responsive to the needs of all Member States. The system would be based upon the principles of transparency, accountability and consultation.

24. With regard to the proposals to establish new bodies in the Organization, such as the Advisory Commissions and the WIPO Worldwide Academy, these were supported, though there was a need to be clear on guidelines for the membership of these bodies and their reporting functions. The move to rationalize or merge existing committees was very much supported by GRULAC. Attention was also drawn to the question of information technology and to the importance of Program 12 ("Global Information Network and Intellectual Property Information Services"). The establishment of the Standing Committee on Information Technologies was supported, it being of central importance to members of GRULAC. The Delegation recommended that WIPO should make available sufficient resources for nationally-focused action plans. The link to Program 06 ("Cooperation with Developing Countries") concerning cooperation for development, in particular sub-program 06.1, relating to the implementation of the TRIPS Agreement, was stressed by the Group. Further clarification was requested on the extent to which existing organs would be affected, and the Group saw merit in the creation of a working group to examine the mandate, membership, role of observers and rules and procedures, in the new committees. Finally, on the use of languages and the provision of interpretation and translation services, GRULAC drew attention to the importance of including Spanish in the work of the committees and of documents being interpreted into Spanish. GRULAC therefore proposed that resources should be made available for this from sub-program 17.3 ("Language Services").

25. The Delegation of the Russian Federation, on behalf of the Group of Central Asian and Eastern European Countries, said that it generally supported the structure of the draft Program and Budget document and its aims, priorities and approach. The general orientation towards modernization of that document, with its new format aimed at final results, was also supported. The Group attached particular importance to Program 12 ("Global Information Network and Intellectual Property Information Services") and to the establishment of a Standing Committee on Information Technologies, and agreed with the proposal of the Director General on the dissolution of the PCIPI and its working groups, apart from the Working Group on Search Information, which could be integrated into the IPC Union activities. However, the Group had some concern about holding the meetings of all three working groups in one week, as the areas covered would be broad and require sufficient time for decisions to be taken. Furthermore, intellectual property offices would need to send two or three experts to each of these three groups, which might be untenable in terms of both human and financial resources. The

Delegation also supported sub-program 12.1 (“Establishment and Operation of a Global Information Network”). It was thought advisable by the Group to link not only to developing countries, but also to countries with economies in transition. On sub-program 12.3 (“Establishment of the Standing Committee on Information Technologies”), the Group wished to add to the last part of the section entitled Expected Results, the words “and in countries with economies in transition.”

26. On the automation of the PCT system, the project proposed by the Director General had the support of the Group and its agreement to its financing from the Special Reserve Fund. However, it was thought by the Group that a close link between the PCT and the activities of the Standing Committee on Information Technologies was advisable, in order to avoid any overlap. As with the automation of the Madrid system, the Group thought it necessary to set up modules for automation of the sub-systems of the PCT. It was also thought advisable to look closely at the Russification of certain electronic media and in particular the interface for users and, consequently, the Group proposed that it would be advisable to find financing for this area next year. As regards sub-program 17.3 (“Language Services”), the introduction of the post of Russian Translator was supported by the Group in view of the increasing flow of information that has to be translated into Russian. The Group proposed in particular the broadening of use of Russian in working groups. At present, many important meetings did not use Russian as a working language.

27. On behalf of the Central European and Baltic States, the Delegation of the Republic of Croatia noted said that the draft Program and Budget was an impressive document in the sense of its ambitious structure and transparency. At a recent meeting in Zagreb, sponsored by the Croatian Intellectual Property Office and attended by heads of Intellectual Property Offices of Central European and Baltic States, views were exchanged concerning this draft which conformed with the majority of interventions made thus far in the present meeting. The Delegation thanked Mr. Mihály Ficsor, Assistant Director General of WIPO, for attending and assisting in that meeting.

28. The Delegation of Ukraine welcomed the new approach in the draft Program and Budget, pointing to its high level of quality, and stating that the programs therein were aimed at the development of WIPO itself, as well as national intellectual property systems. The Delegation gave its full support to the Director General’s initiatives, which it believed would serve to create a new management structure, increase efficiency, and develop human resources, especially through the WIPO Worldwide Academy. The Delegation suggested that the sessions of the WIPO Academy should also be conducted in the Russian language. The Delegation approved the new approaches to the progressive development of international intellectual property law, and the establishment of new standing committees. Preparations for the implementation of the TRIPS Agreement were welcome. There was a need for widespread use of information technologies, particularly the setting up of a global information network by WIPO, and the establishment of the Standing Committee on Information Technologies. In supporting Program 07 (“Cooperation with Certain Countries in Europe and Asia”), the Delegation favored the increase in funding for modernization of the intellectual property system in conjunction with TRIPS implementation, and for the promotion of the use of intellectual property. It was of the view that there should be greater use of the Russian language in line with the intervention by the Russian Federation and the provisions of the draft Program and Budget. The draft Program and Budget would help to increase the effectiveness and improve the development of the Organization.

29. The Delegation of Senegal aligned itself with the intervention by the Delegation of Côte d'Ivoire on behalf of the African Group. It recalled that last year, the Budget Committee had examined the matter of arrears in contributions, particularly those from developing countries. The former Director General had submitted a plan for the settlement of that issue. The Delegation felt that the issue of contributions did not seem to be a priority, but stressed that sooner or later, it must be resolved. It stated that the right to vote was dependent upon the obligation to pay contributions in time. It asked that there be no vagueness on this issue, and emphasized that the Director General take note of it. Secondly, regarding Cooperation for Development activities, the Delegation pointed out that the WIPO Bureau for the African Region was the department that covered the broadest number of countries, approximately 45 or more countries. It asked that in the distribution of funds allocated for Cooperation for Development, that due account be taken of the fact that Africa is the largest region with the highest number of countries covered.

30. The Delegation of Jordan expressed its extreme satisfaction with the draft Program and Budget, which it considered as an excellent document. The document targeted administration, effectiveness, and the productivity and performance of the Organization. Also welcome were the establishment of a new Office to evaluate the Organization's output, and the emphasis on cooperation with sister organizations. Jordan supported this draft, and was committed to participation in activities for developing and least developed countries. The Delegation suggested that the Cooperation for Development Bureau for Arab Countries should be given additional support. Since the Arabic language was an official language of the United Nations, it should be available in all the meetings organized by WIPO and official documents should be translated into Arabic. Further, all international agreements on intellectual property should also be translated into the Arabic language.

31. The Delegation of the United States of America noted that over the past six months, there had been in-depth discussions among the Member States and with the Director General and his staff on the draft Program and Budget. The Delegation commended the result-based budget presented by the Director General, noting marked improvements in virtually all areas of management, compared to past WIPO budgets. The Delegation stressed that its comments on the present draft should not be interpreted as a criticism of WIPO's management, but rather reflected the exemplary commitment of the Director General and the Secretariat to an open and transparent process as the very basis for the present deliberations. It observed that the benefit of WIPO budget surpluses should be passed on to the users of the PCT in the form of reduced fees, as patent fees should not be used to expand unnecessary or nonessential programs. The Delegation was concerned about increased expenditure in the current draft budget for several administrative and non-core areas, citing as examples, the 138 per cent rise in one program and the 200 per cent rise in another. The United States of America would not support another 25 per cent increase in non-core programs and overhead for the next biennium budget. The Delegation emphasized that WIPO must remain focused on its core mandate. All activities should be limited to activities and programs mandated by the Member States through the Governing Bodies. The Delegation was concerned that the Advisory Commissions should not undercut the policy formulation and decision making authority of the Member States, which must exercise management oversight of WIPO.

32. Expressing support for the draft Program and Budget, the Delegation noted serious continuing concerns: the Organization must continue to strive to reduce excess revenues, and

to maintain fiscal stringency in the budget. It was of the view that PCT fees were still too high and must be reduced further. Administrative and non-core expenses must be kept as low as possible. Increased automation, elimination of inefficiencies, and training to assist with TRIPS implementation, were all critical initiatives. It further stated that non-core projects must be continuously reexamined, and reduced or eliminated, in order to maintain the focus of the Organization. In conclusion, the Delegation commented that WIPO was on a sound footing and under excellent leadership. The Delegation looked forward to the management review made possible by the results-based presentation of this draft Program and Budget, and to program proposals for the budget for the next biennium, as evidence of the long term health of this very important organization.

33. The Delegation of India commended the Director General for stressing the needs of developing countries in the preparation of the draft Program and Budget. The requirements of developing countries for the promotion and development of the use of intellectual property had gone up considerably in the post-TRIPS environment. These countries faced several challenges and there was an urgent need to strengthen the industrial property systems in the changing environment. The restructuring and streamlining of Program 06 (“Cooperation with Developing Countries”), would help developing countries in modernizing their systems. The two Advisory Commissions on policy and industry were a further step to review and reorient the development of WIPO consistent with the requirements of the Member States. It was noteworthy that, in reorganizing the governance structure of WIPO, emphasis had been placed on the two fundamental principles of accountability and transparency. The Delegation noted that human resource development was a vital and integral part of this Program, and that the establishment of the WIPO Worldwide Academy would help to develop and launch appropriate training programs for policy advisers, development managers and other target groups. India was willing to collaborate with WIPO in such activities, particularly in view of the establishment of the Institute of Intellectual Property Development in India. It supported the establishment of the standing committees.

34. India had recently taken several steps to restructure and strengthen its industrial property systems, including two UNDP/WIPO projects for modernization of its patent information system and trademarks registry. A further project, estimated at 18 million US dollars, was being prepared to modernize and strengthen its patent office and centralized search and examination facility. India had benefited from the advice given by WIPO for this project, and hoped to obtain more technical assistance during its implementation.

35. The Delegation of India favored the WIPO Global Information Network, which it felt would help to evolve uniform procedures and standards for intellectual property systems. The network, being based on Internet technologies, was likely to benefit from future advances in this field, thereby avoiding technological obsolescence. Equal focus should be given to the modernization of national offices, including conversion of all documents at national offices into electronic on-line searchable databases, automation of administrations, and adoption of Internet technology by the national offices.

36. Welcoming the intention to outsource to the maximum possible extent the provision of certain services, the Delegation drew attention to the new competitive dynamics in the field of information technology which were forcing companies to fundamentally redesign information systems in order to accelerate the introduction of new products into the market and to capture the new opportunities. This also helped to give the benefits of global economies of scale. It

believed that the outsourcing of software development was a vital element of such a strategy. It mentioned the capabilities of some of the developing countries, including India, to contribute to the information technology project. The Delegation pointed out that the Indian software industry was among the major global players, and that its global solutions offered effective, reliable and state-of-the-art technologies. It stated that its industries maintained an annual compounded growth rate of 52 per cent since 1991, and that about 60 Indian software companies had acquired ISO 9000 certifications, and another 70 were in the pipeline. The Delegation emphasized India's competitive cost structure. To facilitate the linkage between its software developers and WIPO, it invited WIPO to visit India to assess the potential of its software industry.

37. The Delegation of the Republic of Korea fully supported the new directions taken in the draft Program and Budget to meet the new challenge of the intellectual property policy environment including the protection of new technologies. The Delegation welcomed the allocation of the surplus of the PCT, Madrid and Hague Unions for premises and the establishment of the global information network and the associated modernization and automation of those national intellectual property offices which require such assistance for development and opening up the international intellectual property community.

38. The Delegation pointed to the urgent need to solve the question of WIPO premises, given the rapidly increasing activity in the PCT, Madrid and Hague systems. The present Committee should endeavor to make conclusions on the proposed alternatives. The Delegation favored the proposed alternatives for the purchase of the Procter and Gamble building or for construction on the Steiner lot, and urged that one of these alternatives be selected following full discussions. In sub-program 08.2 ("Inter-Regional Training Courses, Fellowships and Internships"), a reference should be corrected to be "School of Intellectual Property and Law, Yonsei University." The Delegation expressed the sincere hope that the new directions of the 1998-1999 Program and Budget are implemented successfully under the excellent leadership of the Director General, and that this become a turning point for the development of intellectual property systems in all Member States of WIPO.

39. The Delegation of Canada associated itself with the intervention of the Netherlands on behalf of the Group B countries. It underscored its strong support for the overall budget, declaring that both the thinking and the efforts of transparency and consultation have to be applauded by all members. It was concerned at the overall increase in budgeted expenditure, but recognized that this increase was largely due the effort to modernize the Organization. Future budgets were expected to have as their goal zero nominal growth or less. Canada strongly supported the proposal to establish the Standing Committee on Information Technologies, considering that it reflected the urgent need to focus WIPO's information technology initiative and to provide impetus and guidance for its implementation.

40. The Delegation of Canada noted that electronic commerce was rapidly gaining momentum in many organizations and on many agendas, and was overtaking WIPO's work in a number of areas. WIPO's initiative to study the important intellectual property policy issues that arise in electronic commerce was therefore welcome. Work on electronic commerce issues was already under way in several international organizations, including the OECD, WTO, UNICITRAL, ISO, UNCTAD, and ITU, which viewed intellectual property as an horizontal issue for electronic commerce. These organizations may seek to apply to intellectual property the solutions they derive on electronic commerce related issues such as

privacy, security, and liability. WIPO had a leading role to play in this area, and should take up work as a priority so that it is not overtaken by events. The conclusion of the WIPO Copyright Treaty and WIPO Performance and Phonograms Treaty addressed many intellectual property issues surrounding electronic commerce, but WIPO should work towards an overall intellectual property digital framework by giving priority attention to the outstanding issues, including implementation of these new treaties, the domain names interface with trademarks on the Internet, protection of non-original databases, territorial conflict of laws (sub-programs 09.3 and 11.4), international dispute settlement alternatives (sub-program 09.3), global electronic commerce, and liability of on-line service providers (sub-program 10.5). It was of the view that considerable overlap existed between the various sub-programs and committees which touched on electronic commerce, creating the need for effective coordination. The Delegation suggested that an Electronic Commerce Steering Committee could be created to ensure an integrated and coherent approach by WIPO on global electronic commerce.

41. Canada was also interested in the Secretariat's work program under Program 11 ("Global Intellectual Property Issues"), which it strongly supported. The Government of Canada had consulted with representatives of the aboriginal peoples of Canada, who were most interested in the work plan proposed by WIPO to undertake research and consultations related to intellectual property for new beneficiaries and traditional knowledge, particularly the work program initiative under sub-program 11.1 ("Intellectual Property Rights for New Beneficiaries") for a feasibility study to establish databases concerning the types and sources of traditional knowledge. Enhanced cooperation with other international organizations, notably concerning the Convention of Biological Diversity, was also highly important. There was sufficient flexibility within the Program and Budget for WIPO to respond effectively to any future international developments relating to the issue of intellectual property protection of traditional knowledge.

42. The Delegation of Chile thanked and congratulated the Secretariat for the presentation of the draft Program and Budget, considering it a positive document which will take WIPO towards the new millennium with innovative and modern ideas. The Delegation went on to say that it would have preferred, rather than a reduction in contributions, the use of the resources for other activities, such as for translation of all the Coordination Committee documents into Spanish, currently only issued in English and French. The Delegation proposed that the Budget Committee should adopt a specific proposal to increase resources in the relevant budgetary items so that all documentation, both for the Coordination Committee and the new Standing Committee on Information Technologies (SCIT), is available in Spanish as well as in English and French, and to interpret into Spanish the SCIT working groups.

43. The Delegation of Chile supported the establishment of the two Advisory Commissions, on the understanding that they would not in any way replace Member States as initiators or monitors of the working program of the Organization. Appointment of the members of these two commissions should be left to the Director General, given their advisory nature. The Delegation supported the major objectives relating to the management of human resources, in particular ensuring the highest competence and efficiency of staff, recruiting and maintaining highly skilled staff, bearing in mind the criteria of equitable geographic distribution and also the increased recruitment of women. It welcomed the inclusion of budget provisions for staff in each program and not in separate chapters as had been the previous practice. It suggested that in future the staffing summary table (Annex 12) should also indicate the number of posts at

each level. The provision under each main program and sub-program of the amount earmarked for financing the participation of governmental experts in the different meetings of WIPO was also welcome.

44. The Delegation observed that some proposals on intergovernmental machinery signified radical changes to the traditional procedures of WIPO, and should therefore be examined carefully. It considered that the machinery should as a matter of principle be as compact and effective as possible, and committees and meetings should not proliferate. The Delegation of Chile supported the Director General's idea of merging the two WIPO Permanent Committees on Development Cooperation, and the merger of the Budget and Premises Committees, since any proposal touching on premises would necessarily involve budgetary considerations, and they had recently functioned in this manner. Detailed consideration was required for the proposal to seek alternatives to the traditional treaty-related procedures, such as Memoranda of Understanding or similar instruments. The proposed Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, to replace the existing Committees of Experts, was also of interest.

45. Chile attached major importance to the program on cooperation for development, and welcomed the substantial program increase, of 34.1 per cent, in this program, greater than the average increase in the overall budget. WIPO was applauded for having broken down the different resources to be allocated to each sub-program. Sub-program 06.1 on implementation of the TRIPS agreement was of great importance. The special importance given to the TRIPS Agreement and greater cooperation with the WTO was welcomed. Development of human resources was crucial to any strategy for modernizing intellectual property systems. The WIPO Worldwide Academy and distance education programs were therefore very positive initiatives. Sub-program 09.3 on electronic commerce was a welcome inclusion; this should proceed in close collaboration with other international organizations such as UNCTAD, WTO and ITU. The Delegation associated itself with the Canadian intervention on this issue.

46. The Delegation of Chile supported the general design of the information technology program, particularly the global networking of intellectual property offices. The Standing Committee on Information Technologies was accepted, including its absorption of the PCIPI. Given the technical nature of their work, participation of a given number of experts from developing countries should be financed for these meetings. The Delegation of Chile stated that it did not agree with the proposal that working documents be published only in English and French, or accept that there be no provision for Spanish interpretation at Working Group meetings.

47. The Delegation of Egypt thanked the Director General for the excellent draft Program and Budget based on the principles of transparency, accountability, and cost-effectiveness. Its programs and activities would guide WIPO into the 21st century and pave the way for its entrance into the next millennium. The Delegation concurred with the request that WIPO give equal importance to all official languages in preparing documentation and providing interpretation. The proposed increase of resources for cooperation with developing countries, and the different program activities in this area, were welcome, especially in the fulfillment of TRIPS obligations. Greater cooperation between WIPO and WTO was welcome which should focus on issues of importance for developing countries.

48. The Global Information Network was also welcome, as information technology can enhance the intellectual property capabilities of developing countries. The network should be implemented in a coherent and balanced manner in order to integrate developing countries and to ensure that they derive full benefits: this entailed modernizing these countries' intellectual property systems and providing the necessary equipment and training. The Delegation supported the proposal of the Delegation of Canada for greater coordination between WIPO and other organizations. The Delegation welcomed that one of the proposed objectives under Program 13 is to encourage more countries to adhere to the PCT and assist developing and other countries to benefit from the possibilities offered by the PCT. The Delegation proposed that the budgeted surplus should be used to provide assistance to developing countries in this respect. Like other developing countries, Egypt attached great importance to the protection of expressions of folklore and requested that sub-program 11.3 on this issue identify the standards necessary for the conservation and protection of expressions of folklore. There was some concern regarding the merger of the two Permanent Committee for Development Cooperation into one committee as the national authorities dealing with these two issues were often not the same.

49. Egypt stressed the need for equitable geographic distribution of staff, including consultants. Noting the large increase in consultants and experts in the draft Program and Budget, the Delegation recommended that consultants be appointed to permanent positions, especially if they are needed for the functioning and the continuity of the Organization. In scheduling meetings, the Secretariat should bear in mind the UN General Assembly resolution concerning Muslim holidays.

50. The Delegation of Morocco congratulated the Director General on the consultation process that he initiated with the Member States, an excellent working methodology which made it possible to have a fruitful exchange of views on the general lines of the draft Program and Budget. It led to excellent results which would facilitate the work of the present Committees. The Delegation was satisfied with the comprehensive Program and Budget document, particularly with the method of its preparation and drafting, and the innovation in the formulation of the budget and the presentation of the main lines of expenditure, as compared with previous years. The Delegation was satisfied to note that the document reflected the principles set out by the Director General in his acceptance speech, in particular, the principle of transparency, and the principle of accountability. This innovation had three essential merits: clarity in the formulation of policies, the definition of objectives, and budgetization of programs which makes it possible to understand the Program and Budget easily: this promoted productivity and facilitated control and evaluation work. The Delegation of Morocco supported the main orientations of the draft.

51. The Delegation of Morocco welcomed Main Program 06 ("Cooperation with Developing Countries"), and endorsed its major objectives, namely, the provision of targeted assistance to developing countries adapted to their immediate and long-term needs. It supported the priority given to assistance for developing countries to meet their TRIPS obligations, but felt this should not be the prime concern of WIPO. The establishment of the Worldwide Academy, an excellent idea, would make it possible to re-define and coordinate human resources and training activities. The long-distance learning center was supported, especially its use of modern learning techniques. The Delegation also supported the proposal on folklore, and hoped this work would lead to an international instrument protecting expressions of folklore.

52. The Delegation of Morocco fully supported the global information network, which should relate to all the disciplines and areas covered by WIPO's activities. Its launch should be preceded by ensuring that all members States have the necessary competence, infrastructure and skills in order to be able to derive benefit from it. The Delegation endorsed the proposed Standing Committee on Information Technologies, but noted that its make-up, precise mandate and working groups should be further examined, and the participation of developing countries should be supported with financial assistance. The Delegation also endorsed the establishment of the Office of Legal and Organization Affairs under Program 03, as well as the priorities and activities set under it, particularly with regard to the settlement of disputes, given the need for WIPO to have its own dispute settlement mechanism. The Delegation welcomed the proposed reduction in Member States' contributions, and hoped it would encourage Member States to settle their arrears. The Delegation pointed out that it would be desirable to give the Director General every latitude to use the budget surplus to meet unforeseen needs, particularly those of developing countries. It further noted that for the work on a draft legal instrument on audiovisual works to be successful and to attract accessions to a new treaty in this area, it would be necessary to facilitate participation of developing countries in the negotiations.

53. The Delegation of Japan expressed its satisfaction with the draft Program and Budget document, which was particularly easy to understand and would facilitate evaluation of the implementation of the proposed programs, truly manifesting the principles of transparency and accountability. Japan confirmed its agreement with the substance of the draft Program and Budget document. The Delegation recommended that WIPO be more active and positive than ever in adopting recent information technologies, in order to enhance effectiveness and reduce the administrative costs of the Secretariat and national offices of member countries. In particular, the Delegation pointed out that the use of electronic tools such as telecommunication networks would facilitate the overall exchange of information among different offices and administrations in both the public and private sectors. Japan considered information technology as a future priority and strongly supported the proposal to establish the Standing Committee on Information Technologies (SCIT). The Delegation of Japan indicated its preference that WIPO use in future only the term "neighboring rights" instead of the term "related rights". Finally the Delegation stressed that Japan was strongly determined to continue its valuable contribution to the new WIPO.

54. The Director General expressed his gratitude to the delegations that had spoken so far. He noted the very comprehensive remarks and pertinent observations made. These observations would be very helpful in guiding the Organization towards the implementation of its Program and Budget. The Director General highlighted three points of common interest which were raised by delegations so far, namely the budget surplus, budget growth and the so-called post-TRIPS environment. On the budget surplus question, the Director General commented that the demand for WIPO's fee paying market services was rising sharply, generating a rapid increase in income of at least 31 per cent during the 1998-1999 biennium. A sharp rise in income and a cut in costs of program delivery could only lead to a budget surplus. To deal with this trend, PCT fees had already been reduced by 15 per cent and a modest 10 per cent reduction in Member States' contributions was proposed. This would bring income closer to actual operational costs. Long-term planning would need to address this question from a strategic budgeting perspective. The Secretariat would make a long-term proposal on the utilization of the reserves and the surplus once the revenue and expenditure picture becomes clearer later this year.

55. On the question of budget growth, the Director General observed that WIPO had a special character, as a provider of a demand-driven service to market sector interests, and was like any business confronted with rapidly rising demand for the services it provided. It had to meet firm processing deadlines and high expectations of quality. Backlogs, missed deadlines or processing failures would be disastrous for WIPO's image. This therefore required an unavoidable increase in operating costs, even though the Organization kept those costs well below the rate of increase in the use of the system. Other areas of demand were also experiencing rapid growth. For instance, many countries have only this biennium to implement their TRIPS obligations, as several delegations had observed. Other sources of funding for this form of cooperation for development are limited. Added to this, WIPO was also relied upon to play a key role in the so-called post-TRIPS environment. The Organization had to meet countries' expectations of a greatly increased level of assistance and sophisticated human resource development. The shifting to a completely nationally-focused approach to assistance is seen as vital by these countries, but again, would require resources.

56. Turning to the governance questions, the Director General said that he would refer only to the establishment of the two Advisory Commissions. He said that this issue was discussed intensively and extensively in informal consultations. These two Commissions did not, he emphasized, have any constitutional power or legislative functions. Any decision-making remained wholly in the hands of the Member States. These two Commissions were simply fora for reflection, like think tanks. Any ideas generated by their deliberations would feed into the Secretariat's development of proposals for consideration by the Member States. As for the proposed Standing Committees, they would rationalize the existing structure. The single-issue committees of experts in the past made it difficult to coordinate Member States' deliberations on related issues or to set priorities as matters proceeded in parallel. The Standing Committee approach would simply bring together related work within one body. The outcome of their deliberations would be transmitted to the WIPO Assemblies in the same manner as in the past. WIPO would simply have a more flexible and productive mechanism for ordering expert-level work on issues of substantive intellectual property law and administration.

57. The Delegation of Germany commended the great effort put into the new draft Program and Budget document and admired its high degree of proficiency and excellence. Germany associated itself with the statement of the Group B Coordinator and expressed support for those delegations which had pressed for a reduction of the contributions of Member States. Germany observed that the total income and expenditure of the contribution-financed Unions (Annex 7) still had a balance of one million Swiss francs. That balance of course, would be even higher without the proposal of 10 per cent reduction of the contributions. Germany would have supported an even higher reduction, but the government believed that this was the minimum level that should really find support and should be decided on. As far as PCT fees were concerned, Germany was aware that a fee reduction had just come into force; further reductions could be envisaged. Germany confirmed its willingness to discuss this question in the future. The WIPO Medical Service issue had not been raised during the informal consultations only because the ministry concerned had not yet scrutinized that part of the draft. Germany appreciated the efforts of the Secretariat in human resources development and of also for social care with respect to the staff. However, the Delegation questioned why WIPO needed a specific medical service and could not avail itself of existing structures. Finally the Delegation of Germany, responding to interventions of certain delegations who highlighted the importance of the new electronic commerce activities, stated that this issue was a very

important one for the German Government; it fully supported interventions in those parts of the draft program which took note of this new issue.

58. The Director General said that the question of the PCT fee reduction was an ongoing process. It was not a single event and WIPO was very open to any proposals that delegations wished to make in the future in this respect. The initiative for a WIPO Medical Service was to be seen as a part of staff welfare. The objective was to establish a small medical unit to which the staff could resort on small medical questions and that would in the end also save considerable time spent in leaving the WIPO building for medical advice. The Director General said that this initiative could also be a facility for the delegations in the future in case of any emergency. On the question of governance of the Internet, the Director General confirmed that WIPO did not have any position or contribution to make, but at the same time WIPO would pursue the question of Internet domain names and the WIPO on-line dispute settlement services.

59. The Secretariat then added that WIPO, indeed did not have anything to do in relation to the structure of the governance of the Internet. However, when it was a question of protecting intellectual property, then the Secretariat WIPO would consider it to be a normal part of its mandate to ensure that the interests and the protection of intellectual property were put at the forefront in the discussion of questions relating to electronic commerce. Many ideas had emerged in the course of the discussions about the role of WIPO in relation to electronic commerce. It illustrated the necessity for WIPO to develop an adequate mechanism for a very rapid response to the desires of Member States in connection with intellectual property and electronic commerce.

60. The Delegation of Hungary expressed its satisfaction with the excellent quality of the draft Program and Budget. The Delegation considered that this document could serve as the basis of the work of WIPO in the current biennium. The document undoubtedly represented an investment for the future but at the same time also continuity. In this regard, the Delegation considered that the structure for program planning and budgeting was new and that traditional and new main activities were creatively identified in the new document. The approach as outlined in the introduction of the document reflected the ideas of the Director General in his speech on the occasion of his election. The Delegation said that, in general, its Government can be associated with these ideas and with the suggestions for their realization. Program 07 ("Cooperation with Certain Countries in Europe and Asia") and Program 08 ("Human Resource Development and WIPO Worldwide Academy") deserved special attention. The Delegation stated that it was very important that the group of interested countries could benefit from these programs. As to Program 10 ("Development of Copyright and Related Rights"), and Program 12 ("Global Information Network and Intellectual Property Information Services"), Hungary supported the goal to accelerate the development of effective and active mechanisms for information. As Chairman of the PCIPI, Hungary supported the integration of PCIPI with the Standing Committee on Information Technologies. Concerning the proposal to establish Standing Committees of Member States to examine questions of law harmonization, the Delegation hoped that this new system would function well. Finally, the Delegation of Hungary welcomed the establishment of the resource management system.

61. The Delegation of France expressed complete satisfaction with the new draft Program and Budget. It noted with great interest the proposed reduction in Member States' contributions to WIPO's budget. In order to avoid taking the risk of undermining the

intergovernmental nature of the Organization, the proportion of total contributions from Member States should, in line with a position of principle taken by France in dealing with United Nations specialized agencies generally, not drop below 10 per cent of the total budget. It would be desirable to take that position into account in the future. The Delegation expressed thanks to the Director General for limiting growth in expenditure over the biennium to 25 per cent, and not the 33 per cent envisaged in the previous biennium. Like all United Nations specialized agencies, WIPO was following a particular path. However, the French Delegation would appreciate a reduction of the percentage increase in the budget being envisaged when future budgets were prepared. Finally, the Delegation requested additional information on how the Policy Advisory and Industry Advisory Commissions would function and pointed out that a wealth of expertise was obtainable from Member States (via Committees of Experts, for instance). The Delegation envisaged citing the WIPO draft budget and program as an example of transparency to other organizations.

62. The Delegation of Argentina stressed the importance of relating the activities of the organization to the process of globalization. It welcomed elements in the program that would continue the Organization's work in training and skill enhancement of intellectual property experts in developing countries. The Delegation stressed that it was of fundamental importance that reductions in Member States' contributions be considered. It was equally vital to ensure good communication between the Organization and Member States to avoid duplication of work. It emphasized the importance of the Internet in obtaining necessary information from the Secretariat on intellectual property matters. The Delegation welcomed the draft Program and Budget as a dynamic step forward.

63. The Delegation of China emphasized the importance of human resources development as central to WIPO's work in most developing countries, which are relatively behind in protecting and promoting intellectual property rights. It expressed strong support for the WIPO Worldwide Academy. Drawing attention to the China Intellectual Property Training Center that had been set up by the Chinese Government, the Delegation expressed the hope that there would be future cooperation between this Center and the Academy. Such cooperation would not only provide assistance in China but would also extend human resource development to developing countries in Asia. The Delegation noted with approval the Global Information Network and Intellectual Property Information Services Program and in particular that the Standing Committee on Information Technologies would be based on the existing structure, allowing the work to be rationalized and efficiently executed. The Delegation requested WIPO to provide additional support to developing countries with their information technology needs. Lastly, the Delegation requested that WIPO, as one of the specialized agencies of the United Nations system, ensure that all six official languages enjoy the same status within the Organization, and that Chinese should be used more extensively in all areas.

64. The Delegation of Pakistan described the draft Program and Budget as an excellent and eminently readable document and noted the many challenges, as set out earlier by the Director General, that face the Organization. The Delegation noted that from a developing country's perspective, WIPO should focus on certain key areas: first, in building national capacity; second, in enabling effective participation of developing countries in norm-setting; third, in giving careful prior consideration of the developmental implications of such proposed norms; fourth, in increasing the cooperation and interaction with Member States in WIPO's activities; fifth, in facilitating the entry of developing countries into the digital environment, primarily by assisting with automation of intellectual property offices in the countries themselves and by

detailed and careful consideration of the normative requirements relating to transactions in Cyberspace. The Delegation concluded by observing that this was an ambitious agenda to which it pledged resources and support in accordance with both the needs of the Member States and the agreed-upon tasks of the Organization. In closing, the Delegation stated that the starting point for the Organization in planning to meet future needs ought not to be the maintenance of the status quo nor a reduction in the resources of any UN organization.

65. The Delegation of Switzerland described the draft Program and Budget as an example for other international organizations. Given the urgency of some of the goals that had been set, the Delegation found that there had been too much emphasis on meetings over the biennium, that the program was onerous one, and that some matters could be considered at the same meetings. Noting the evaluation instruments included in the Program and Budget, the Delegation mentioned that Switzerland had a specialized institute dedicated to the study of similar systems of evaluation.

66. The Delegation of Norway welcomed the draft Program and Budget as a signal of the new and positive trend of building sound strategies in the Organization and pledged its support. The Delegation then returned to the issue of membership of the Policy Advisory and Industry Advisory Commissions and expressed its concern that their role might interfere with the competence of the Member States. Details were requested of members of these commissions, their qualifications, appointment, financial reward and any rotation plans of the members. The Delegation did, however, stress that this was a minor matter and that its overall view of the program and the budget was a highly positive one.

67. The Director General commented that the Commissions' role would primarily be to think collectively. They were intended to provide an objective, expert glimpse of the future of intellectual property as we approach the next millennium. The Commissions would provide advice only, and, as he had earlier stressed, decision making would remain the role of the Member States. To clarify this further the Director General clarified what the Commissions would not do: they would not make decisions about WIPO's policy or future orientation of the program of activities or the Program and Budget; nor would they decide how the Secretariat would operate or allocate resources. This would remain the task of the Member States. The Commissions would serve as experts and provide a forum for discussion and thus expert input on important issues. As think tanks, they could carry out valuable, extensive groundwork and information gathering to ensure the Secretariat is in a position to make informed proposals for consideration by Member States on the difficult issues lying ahead. The Director General commented that the Commissions would not be determined by political appointments by the Member States, which would constitute another politicized mechanism and another Governing Body. The appointments, for the biennium, would be by the Director General himself, and thus be appointive and not elective positions. The Director General assured the Norwegian Delegation that the appointments would involve consultations with Member States whenever possible, but that this would not be a pre-requisite for this itself would politicize the commissions and detract from their role as experts. These experts would, however, come from different sectors that might go beyond intellectual property experts to include, perhaps, experts in management, policy makers and experts in the field of administration. Consideration would also be given to the geographical representation of these two bodies in order to ensure that both had a broad, global perspective.

68. The Delegation of Ecuador stressed the active role that it had taken in the consultation process that preceded the draft Program and Budget, and endorsed the earlier GRULAC statement. As far as Ecuador was concerned, the parts of the draft Program and Budget addressing cooperation for development, the WIPO Worldwide Academy and Cooperation with UPOV were fundamental pillars, for which sufficient resources should be available so that all Member States might achieve similar levels of promotion and protection of intellectual property rights and succeed in updating their legislation. This would lead to new Member States acceding to international treaties, and in particular would enable developing countries to procure the machinery with which to manage intellectual property issues properly. The Delegation accorded special priority to the Global Information Network and Intellectual Property Information Services (Program 12) as well as electronic commerce, domain names, databases, issues relating to the protection of expressions of folklore, and the protection of biodiversity. It expressed the hope that constructive decisions would be taken to ensure that documents of the Coordination Committee were also submitted in Spanish, and that the Standing Committee on Information Technologies (SCIT) and its working groups would be able to work in Spanish and with Spanish interpretation and documentation. Since all delegations had allocated great priority to information technology, the Delegation stressed the need to finance the participation of experts from developing countries to take part in the SCIT and its working groups. Development of Copyright and Related Rights was an essential program: it was vital that resources be available to support the attendance of delegates from developing countries at the meetings of the Committee of Experts on a Protocol Concerning Audiovisual Performances. The Delegation hoped for a chapter in the Program and Budget that included the promotion of accession of new Member States to the PCT.

69. The Delegation of Bulgaria expressed its appreciation of the consultation process that had preceded the formal session of the Budget Committee and which was evidence of the desire for transparency and consensus building. The structure, format and content of the draft Program and Budget for the next biennium reflected the new leadership in WIPO and the opening up in communications between the Organization and its Member States, as well as giving a comprehensive overview of the challenges to be faced in the future. The resources allocated to Program 07 (“Cooperation with Certain Countries in Europe and Asia”) were highly satisfactory and the various components of that Program were in accord with the main lines of Bulgaria’s cooperation with WIPO. In this respect, the knowledge and experience of the market sector and non-governmental organizations might also be used. The Delegation underscored its particular support for Part III (“Progressive Development of International Intellectual Property Law and Standing Committees”) and Program 11 (“Global Intellectual Property Issues”) of the draft Program and Budget.

70. The Delegation of Guatemala endorsed the proposal to establish a Policy Advisory Commission and an Industry Advisory Commission but noted that their role in providing guidance and management should not replace that of the Member States. It was in agreement with the members of the Commissions being appointed by the Director General and emphasized the importance of representation from the various regions. As for public relations, the creation of an electronic bookshop was welcome as it could increase WIPO’s revenue. The Delegation placed special emphasis on sub-program 06.1 (“Modernization of the Intellectual Property System and Implementation of the TRIPS Agreement”) and also stressed the importance of Program 08 (“Human Resources Development and the WIPO Worldwide Academy”), particularly with reference to training for developing countries through such means as fellowships, internships and distance learning. Guatemala being a country with a

great cultural tradition and rich folklore, the Delegation placed importance on Program 11 (“Global Intellectual Property Issues”), in particular, sub-program 11.3 (“Protection of Expressions of Folklore”). It hoped that, in the future, discussions on this issue might lead to the formulation of a treaty. Program 12 (“Global Information Network and Intellectual Property Information Services”) was of interest for developing countries and it was vital that they receive continuous support with respect to the automation of their national offices and the training of staff. As regards the question of staff, the Delegation joined with the other delegations in expressing the wish to see a fair geographical distribution of staff within the WIPO Secretariat that was well-balanced at all levels, as well as the recruitment of more women to higher-level posts. It also stressed the importance it placed on having simultaneous interpretation and translation of documents into Spanish for all meetings of WIPO’s working groups and committees.

71. In reply to the intervention of the Delegation of Guatemala, the Director General underscored the commitment to achieving a greater gender balance within the staff of the Secretariat.

72. The Delegation of Australia expressed its appreciation for the consultation process that had taken place in parallel with the preparation of the draft Program and Budget. It endorsed the remarks made by the Group B coordinator regarding the use of WIPO’s budget surplus funds and, in addition, encouraged the use of that surplus to improve the services to Member States and to implement projects with long-term value for the global intellectual property community. It supported WIPO’s role in exploring important new areas of intellectual property and in assisting Member States with the implementation of their obligations under the TRIPS Agreement. The openness and modernization evident in the draft Program and Budget were welcome; in particular, the openness towards the private sector, as evidenced in the setting up of the two Advisory Commissions, which were to act on an expert basis. The openness to other organizations and to broader global issues as highlighted by Program 11 (“Global Intellectual Property Issues”) was also important. WIPO had an important educative function in this respect, in promoting a greater understanding of the benefits of intellectual property protection and clarifying any misunderstandings about its role. Openness was also a vital element in the key relationship between WIPO and the World Trade Organization (WTO) and would help build on the strong complementarity that already existed between the two organizations. The Delegation welcomed the modernization that was envisaged in the technology field, including the global information network and its specific benefits for developing countries, and the automation of the PCT, with the resultant increase in efficiency. The Director General’s comments with regard to possible fee reductions and the greater use of information technology in all WIPO activities had been noted. The importance placed on technical assistance, both in terms of resources, new ideas and new modalities was particularly welcome, especially the focus on national circumstances and needs. The modernization of the Organization itself had also been noted, and encouragement given to the reduction of the relative costs of administration and the increasing of productivity. The commitment to enhance the monitoring and evaluation of WIPO activities was particularly appreciated. The focus in the draft Program and Budget on strategic planning and in viewing the Organization in the dynamic context of external development, sent a strong and confident signal regarding the future of the Organization.

73. The Delegation of Brazil noted the particular importance it placed on assistance in the implementation of obligations under the TRIPS Agreement as well as on the topics dealing

with biodiversity, biotechnology and the protection of folklore. As noted by the Delegation of Canada, electronic commerce was going to acquire increasing importance in the global context and it was vital that WIPO should coordinate with other international organizations in this field. The Delegation expressed its support for the WIPO Global Information Network and the setting up of a Standing Committee on Information Technologies. It joined with other delegations in requesting financial support for the participation of developing countries in the forthcoming meeting on the protection of audiovisual performances.

74. The Delegation of Slovakia expressed its conviction that the draft Program and Budget made effective use of available resources through efficient redeployment of existing staff, tight financial control, rigorous budget discipline and management based on accountability and transparency of each program as well as automation of work processes. The establishment of the two new Advisory Commissions would enhance the consultative mechanism frequently sought by Member States and would allow the Director General to monitor and give a timely response to policy issues relating to intellectual property systems. The creation of the WIPO Worldwide Academy would result in efficient coordination of training activities and the preparation of up-to-date materials tailored to various user groups and the new approaches envisaged would substantially expand the scope, impact and accessibility of each program. The formation of the various Standing Committees, each having a budgetary provision, agenda and programs would greatly enhance problem-solving and the formulation of recommendations to be put before the General Assembly. The financing of the participation of some Member States in the sessions of those Committees, in order to ensure a wide range of representation, was particularly welcomed. The Delegation hoped to be among those present from its own group of countries in transition. There appeared to be similarities with other UN specialized agencies in the approach to drafting the Program and Budget, the efficiency of which had been tested and proved by long experience. The Delegation welcomed, in particular, Program 07 (“Cooperation with Certain Countries in Europe and Asia”) and also expressed its intention to participate actively in those activities concerning institution-building for the administration and management of copyright and related rights, assistance in the implementation of the TRIPS Agreement and accession to WIPO-administered treaties, the teaching of intellectual property law and the use of modern technical means for improving the services for users with respect to industrial property information.

75. The Delegation of Colombia expressed its agreement with the comments of the delegations of Canada and Brazil with respect to the importance of the protection of traditional knowledge, biodiversity and biotechnology. It also referred favorably to Programs 05 (“Office of Global Communications and Public Diplomacy”) and 08 (“Human Resources Development and the WIPO Worldwide Academy”). It wished to become more involved in activities aimed at the implementation of obligations under the TRIPS Agreement, stressing the need for more documentation and its dissemination on this issue. It noted that consideration should be given to bringing the budget and training resources for copyright on to a level comparable with that for industrial property.

76. The Delegation of Uruguay stressed the importance it gave to the work undertaken by WIPO and the assistance it was giving with respect to the implementation of the TRIPS Agreement as well as the establishment of the WIPO Worldwide Academy and the Global Information Network.

77. In summarizing the discussions of delegations, the Chairman noted that all had commended the new strategy and result-based draft Program and Budget for its transparency and accountability and had deemed it a very welcome Secretariat initiative. Its general orientation had been supported by all delegations without exception. However, some delegations had expressed certain concerns and given some suggestions. These included concern over the budgetary increase. Some countries had said that a line should be drawn between the core programs and the non-core programs. However, others had said that budgetary increases should be made in relation to the needs involved and ought to be justified. Some delegations had asked how the Secretariat would use the income surplus and the Director General had informed them that it could be used to meet unforeseen needs of Member States. He would propose any such use to the Committee. The Director General had also replied to certain queries regarding the two Advisory Commissions and it was hoped that his explanation had been satisfactory. The importance of coordination with related international agencies and with the World Trade Organization (WTO) and of technical assistance and training had also been underscored, particularly in relation to the meeting of obligations under the TRIPS Agreement by the year 2000. Some countries had requested that the six official languages be treated on an equal basis. There had also been suggestions that the evaluation of the performance and results of the Program and Budget should be further developed. The Chairman then proposed that the draft Program and Budget for the 1998-1999 biennium be adopted and, having heard no objections, declared the document so adopted.

78. The Budget Committee recommended to the Assemblies of the Member States to approve the draft Program and Budget for the 1998-1999 biennium, including a reduction of the contributions of Member States by 10 per cent, effective January 1, 1999, in addition to the approved PCT fee reduction by 15 per cent, effective January 1, 1998.

79. The Budget Committee also noted the announcement by the Director General that the International Bureau will make a strategic long-term proposal on the utilization of the budget surplus and the reserve funds in a document for consideration by the Assemblies of the Member States at their next session in September 1998.

80. The Director General thanked the Committee, on behalf of the Secretariat, for the extensive and intensive discussions that had taken place. The Secretariat was taking the process very seriously and the remarks and observations that had been made would serve as main guidelines in the implementation of the, now approved, Program and Budget. There was also, of course, the opportunity given by the mid-term review to report back to the Committee on the various processes and elements that had been foreseen. The biennium would prove to be a learning experience both for him and for his colleagues in the Secretariat. He thanked the Chairman for his exemplary leadership and delegations for having taken such a positive decision.

Automation of the PCT system

81. Discussions were based on documents WO/PC/18/5 and A/32/5. The Secretariat introduced the proposal and stressed that the automation of the PCT system would result in benefits not only for the International Bureau but also for the national Offices of the Contracting States, the International Authorities and the applicants, as users of the system. It was stressed that the estimated amount would not exceed 40 million Swiss francs and would be paid out of the Special Reserve Fund for Additional Premises and Computerization. The automation budget was foreseen to go beyond the present biennium and a substantial part of the cost would be incurred during the next biennium and thereafter during the 2002-2003 biennium. PCT automation was an investment. The savings resulting from the PCT automation would allow a cost recovery of that investment in approximately four years from the start of the project.

82. The Delegation of the Netherlands, on behalf of Group B, stressed that Group B was convinced of the urgent need for automation of the PCT system and supported the proposed action. The memorandum by the Director General was a good strategy document but not yet a fully-fledged automation plan. The Delegation welcomed the proposed action plan for an international tendering procedure but stressed that a joint effort of a combination of companies could make this a really worthwhile process.

83. Concerning the consultation referred to in paragraph 22 of the document, it was stressed that Offices in Group B countries – as, most probably, for Offices from other countries – were willing to provide expertise and assistance to the Secretariat in order to make the automation project a full success.

84. The question of the relationship between the automation of the PCT system and the plans for the establishment of a Global Information Network was raised. Group B expressed concern about the relationship between the two projects. The establishment of the Standing Committee on Information Technologies was at a very early stage, while the PCT automation project was ready to begin.

85. In response to the intervention, the Director General confirmed that the document under consideration was meant as a strategy document and that there would be an international tendering procedure under which it was not foreseen to entrust the complete PCT automation to one single company. The Director General confirmed his intention to draw on the expertise of various Offices in developed and developing countries.

86. Concerning the relationship between the Global Information Network and the PCT, the Director General explained that although the two projects looked theoretically independent, they would be coordinated as the Secretariat proceeded with their implementation.

87. The Delegation of Sri Lanka, on behalf of the Asian Group and China, concurred with the proposal for automation of the PCT system and its financing from the Special Reserve Fund. It was important that the automation project would be directed to modernizing the facilities of the Offices of developing countries and he asked what special benefits the developing countries would gain from the project.

88. The Director General explained that the automation of the PCT system was intended to make its operations simpler, more cost-effective and result-oriented and that, if this were achieved, the developing countries would greatly benefit from the automation project. It was further explained that one benefit would be that Offices would only receive the information they really needed for processing international applications during the national phase.

89. The Delegation of Côte d'Ivoire, on behalf of the African Group, expressed the full support of that Group for the automation of the PCT system.

90. The Budget Committee recommended to the Assemblies of the Member States to approve the automation project outlined in document A/32/5, to authorize the financing of that project by the Special Reserve Fund for Additional Premises and Computerization and to earmark an amount of up to 40 million Swiss francs for that purpose.

Information technology projects

91. Discussions were based on documents WO/BC/18/4 and A/32/4.

92. The Secretariat highlighted several aspects of document A/32/4. It was recalled that some Member States had made proposals last year and that the WIPO Assemblies last year had asked for concrete ideas on the use of information technologies and the establishment of a global information network. These ideas were contained in the said document. Account was taken of the needs expressed by developing countries in modernization of infrastructures and training.

93. The Delegation of Côte d'Ivoire, speaking on behalf of the African Group, expressed general support for the project proposals. The African Group supported the establishment of the Standing Committee on Information Technologies (SCIT) and its Working Groups.

94. The Delegation of the Netherlands, speaking on behalf of the Group B countries, supported the project proposals for which it understood the costings reflected initial investments to be financed from the Special Reserve Fund. He requested confirmation that the subsequent operational running costs would be met from the regular budget, and invited the Secretariat to, at its earliest convenience, provide Member States with an estimate of these costs. He further requested confirmation that the projects and activities currently dealt with by the PCIPI would all be subsumed by the proposed SCIT, and that nothing would be overlooked.

95. In reply to the questions from the Delegation of the Netherlands, the Director General confirmed that on-going operational costs would be covered by the regular budget after financing of the initial investments from the Special Reserve Fund. It was also confirmed that all the existing PCIPI activities would be carried on by the integration of the PCIPI as proposed in document A/32/3.

96. The Delegation of Sri Lanka, speaking on behalf of the Asian Group and China, requested clarification in respect of the level of financial assistance for representatives to the SCIT from developing countries. He wished to ensure a suitable level of participation of expert representatives of developing countries at each of the various meetings as this was an important area of activity for them. It was unclear what formula was being applied regarding the number of participants to be invited and financed by WIPO. The Secretariat stated that the figures in the said document in respect of the number of participants to be sponsored was indicative only and could be reviewed if it was considered that there was a need for additional assistance with regard to the participation of representatives from developing countries and certain countries in Asia and Europe. In this regard, the Delegation of Côte d'Ivoire, on behalf of the African Group, expressed support for the Asian Group's comments on the need to ensure that a suitable level of participation from developing countries was financed.

97. In reply to a question raised by the Delegation of Morocco, the Director General confirmed that the SCIT Plenary Session and its working groups would take place four times during the 1998-1999 biennium.

98. The Delegation of the Russian Federation questioned whether it would be practical to hold three different Working Groups in the same week, as proposed in document A/32/3 in view of the strain on the limited amount of expert human resources available in certain national offices. The Secretariat stated that, on the basis of the number of working days of the PCIPI meetings during the last two years, such a schedule should be workable if preparatory work was undertaken using electronic communication means and result-oriented discussions were conducted during the sessions.

99. The Budget Committee recommended that the Assemblies of the Member States approve the projects presented in document A/32/4 and authorize the financing of those projects by the Special Reserve Fund for Additional Premises and Computerization.

Premises

100. Discussions were based on documents WO/BC/18/3-WO/PC/8/2 and WO/GA/22/1 with Annex.

101. In introducing the document, the Director General underscored the value of a timely resolution of this long standing issue. At its core was the question of the efficient functioning of the Secretariat and the cost-effective use both of WIPO's reserve funds and of the income currently being spent in the costly Geneva rental market. As had been considered in the context of the program and budget discussion, the scale of WIPO's demand driven activities was rising at an accelerating rate. The *ad hoc* and short-term accommodation remedies currently being utilized were totally incompatible with efficient cost-effective management. The scattering of WIPO's operations over eight buildings impeded WIPO's program managers and the capacity of the Secretariat to operate effectively and to build integrated teams. It also generated the numerous indirect costs which were identified in the document. The short term solution of renting additional space to meet rising demand was particularly expensive, as much higher rental rates were involved than for long term accommodation arrangements. The

Director General observed that over six million francs of the income for the biennium would be spent on rent, which was an important factor to be taken into consideration. The need for definitive and clear guidance from Member States on the issue of premises was becoming acute, as the Secretariat needed to ensure its capacity to respond effectively to the mounting demands of the Member States.

102. The Delegation of the United States of America stated that the premises proposal must be evaluated in terms of updated work force projections and objective consideration of all reasonable alternatives; it observed that the matter of the work force projections would be discussed by the Delegation of Canada, whose position it supported. The objective consideration of all reasonable alternatives would include an assessment of the status quo, an assessment of major renovations of the WMO Building, the Procter & Gamble (P&G) or Steiner buildings, and also all buildings within the Geneva region, there having been six buildings that were assessed in the earlier premises paper. But based on the numbers given by the Secretariat, the Delegation of the United States of America did not support the proposal to authorize the Director General to conduct a negotiation for purchase of the P&G Building or the Steiner lot, as outlined in paragraph 87(d) of the document. Of the alternatives presented to resolve the work space deficit, the P&G Building and the Steiner lot building were the most expensive and second most expensive alternatives, respectively. The Delegation's analysis showed that major modification of the WMO Building was the most cost-effective use of capital funds, and it suggested the WMO modification was not only desirable but should be expanded, if at all possible, to gain more work space: the Delegation asked if it would be feasible to add a further floor or a further tower. It also questioned what had happened to the Link Building, which seemed to have disappeared. Some of the problems involved in modification of existing buildings and structures would involve municipal codes in Swiss laws; the Delegation said that it would like the Secretariat to inquire from the Swiss Government and from the Geneva Authorities the particular rules and regulations that would impede a larger expansion of the WMO Building. The Delegation supported the idea put forward by the Director General that there had to be a timely solution and it accepted that there was a requirement to rationalize the allocation of workers in the area, but the Delegation required answers to its questions, and needed the staffing projections to be reassessed. Any further analysis should be objective and credible. The Delegation of the United States of America stated that it was committed to a timely resolution of this problem, and it looked forward to working on that with the Secretariat.

103. The Delegation of Japan said that the needs for a new building were not clear, since it considered that, when WIPO was computerized, the number of WIPO staff would be lower than WIPO estimated. The experience of the Japanese Patent Office was that the number of clerical staff decreased from 963 in 1990 to 914 in 1996 owing to the computerization of the Japanese Patent Office. The Delegation therefore considered that it would not be too late to decide whether a new building was really needed after 2000.

104. The Delegation of Canada associated itself with the views expressed by the Director General with respect to the need for a timely resolution of this issue: some hard decisions needed to be made, and those decisions had to be made sooner rather than later. To make those decisions, the Delegation considered that somewhat more information was required with respect to the long term needs of the Organization, and it would be working with the Secretariat to see if any elements had been missed in the Delegation's assessment, in particular, with respect to automation. The Delegation's main concern was the long term needs of the

Organization, not the short or medium term needs. The Delegation noted that it had no difficulties with paragraph 87(b) of the document, concerning the Mezzanine floor. The Delegation also supported the need to renovate, modernize and make a connection with the WMO Building, but felt that the extension of the WMO Building was more of a long term consideration, because the question would be whether to extend the WMO Building as an option vis-à-vis the Steiner lot, the P&G Building or some other option. So, in paragraph 87(c) of the document, the delegation drew a line between the renovation and modernization on the one hand, and the extension, on the other hand. At this time, the Delegation unfortunately could not give the support it would like to give to the WMO extension or the alternatives in paragraph 87(d) of the document, but that was qualified by its need for more information, which could perhaps be worked upon with the Secretariat, including determining what since the Sugden discussions had caused delegations to change their views with respect to long term needs

105. The Delegation of Germany stated that it was pleased to agree, and considered that all Delegations could agree, with what the Director General and the Delegations of the United States of America and Canada had said, namely, that a timely solution on this premises issue was now needed. There had been very long discussions, and many different aspects had been taken into account during these discussions and had been answered in the document now before the Committees and in documents that had been before the Committees previously. The crucial question that had now to be considered was whether the information necessary to take a decision at this very meeting was or was not available. The Delegation of Germany considered that some of the questions raised by the Delegations of the United States of America and Canada could be answered during or after this debate, because they appeared to have been answered in the present document. There might be other questions that needed further inquiries and further time to be looked into and to be answered, but the Delegation of Germany did not think that very much time would be needed. The Delegation recognized that nobody could say exactly how many people would be working with WIPO in the year 2008, since one cannot look into the future, but staff projections could be made on the basis of the information now available. The Delegation considered that the Secretariat had made a very good endeavor in this respect to make staffing projections for the 10 years until the year 2008. Of course one does not know exactly what staff savings will be made once the PCT automation works efficiently; it is hoped that that will be in a relatively short time, and one is sure that it will result in staff savings, although it is difficult to say exactly what those savings will be, especially as one does not know what number of international applications will be received in the years to come, although estimates can be made based on experience. The Delegation concluded that, in its view, with the information available today and given in the document, the Committees were now in the position to take the decision required. Postponing the decision now and asking for long term investigations would not help. Some questions may be identified that have to be asked now, and if so, they must be answered in a relatively short time so that the decision can then be made. The Delegation of Germany was prepared to take a decision at this very meeting, but if questions are specified that need an answer, the Secretariat should give information on how much time would be needed to give an answer, so that an exact timetable could be developed for making the decision on this premises issue.

106. The Delegation of Jamaica, speaking on behalf of the Group of Latin American countries (GRULAC), acknowledged the need in the short-term for increasing office space and in the medium to longer-term for increasing both office space and conference facilities. It basically supported the analysis presented in the document. Therefore it supported the proposal to

convert the Mezzanine floor into conference rooms for the use of delegations, and it also supported the proposal to renovate and modernize the WMO Building to satisfy the demand for increased facilities. The Delegation was aware that there had been changes to the Steiner lot option, which could be acceptable to some delegations in principle. But at the same time GRULAC felt that continued consultations should be pursued with the P&G option. GRULAC therefore considered that the Director General should continue his consultations with a view to determining the most cost-effective solution. Referring to the intervention just made by the Delegation of Germany, the Delegation of Jamaica said that, should a consensus emerge at this meeting, GRULAC was willing to support that consensus.

107. The Delegation of Côte d'Ivoire noted that the debate on premises had been going on for nine or ten years now, yet more information was still being asked for. Information had been provided, and now it was being challenged by saying that it was insufficient. If additional information is again requested, it might again be challenged later, and rejected, noting also that there are financial implications to requesting additional information. If delegations asked for more information, they should at least respect that information and then take decisions. The Sugden report, for example, talked about automation, and the present document stated that WIPO is going to make important staff savings thanks to automation. If staff savings were made through automation, other people however will be necessary for quality control and so on; in other words, automation may perhaps reduce some staff, but not reduce them overall. There would still be a need for more staff. The Delegation recalled that Coopers & Lybrand was asked to examine other options, and they studied everything available in Geneva, both office premises to rent and those to purchase. Now it seemed that more information was needed. The Delegation was not against information *per se*, but the information asked for must be followed by action. To cut short a lengthy debate, the Delegation stated that the African Group supported the paragraphs 87(a), (b) and (c) of the document: it approved the transformation of the Mezzanine; and it approved the renovation, modernization, connection and extension of the WMO Building. Furthermore, it believed a mandate should be given to the Director General to continue his consultations with P&G and the Steiner firm in order to have additional information because the prices were indicative; definitive information on the prices was needed so that a decision can be taken. In the view of the Delegation, information is perhaps needed, but as the Delegation of Germany had said, this must all be done within the context of a clear and precise timetable, which would indicate the date by which a final decision must be taken.

108. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, fully associated itself with the views expressed by the Delegation of Germany as to the need for a decision on the question of premises. It stated that even if a decision was not taken now at least some progress should be made on this subject. The Delegation felt that it had all the information required, since the Sugden report proved that there was a genuine need for additional work places and the independent consultant's report proved that the construction or purchase of a building was the best solution in the long run for the Organization. The Asian Group felt that there was a genuine need for additional working places and the solution should be found in close proximity to the existing premises. In this respect there were two alternatives, namely, the Steiner lot and the P&G Building. However the Delegation noted that the present document only contained indicative figures concerning these two alternatives. Therefore the Delegation could support the paragraphs 87(a), (b) and (c) of the document, and as concerns paragraph 87(d), it requested the Director General to start negotiating with the parties concerned, then let the Committees know the outcome. Moreover, as far as the Steiner lot

was concerned, the Delegation asked if the Director General could find out whether the Cantonal Authorities or the Swiss Government could purchase this land from the Steiner firm, and make it available to WIPO, recalling the earlier proposal whereby the Geneva Canton was prepared to make this land available to WIPO. The Delegation requested that this be done before speaking to the Steiner firm; on that basis, the Delegation stated, on behalf of the Asian Group, that it was prepared to pursue the discussions.

109. The Delegation of China recalled that the WIPO premises issue had been discussed for some years and the Committees had authorized the Secretariat and the independent external consultant to investigate whether WIPO was really in need of working places, and all these investigations showed this to be the case, as reflected in document WO/GA/22/1. With the rapid expansion of WIPO operations this issue will become more pressing in the years to come. The Delegation agreed with the Delegation of Canada that this issue should be solved sooner or later but added that the sooner the better. The Delegation felt that time consuming discussions and a new round of investigations would only result in a waste of resources and time, so the Delegation requested the Committees to give the green light to the Director General to implement the options reflected in the present document, namely, either to purchase the Steiner lot or to purchase the P&G Building.

110. The Delegation of Senegal stated that it fully supported what the Delegation of Côte d'Ivoire had said on behalf of the African Group. It felt that the debate turned on the point of whether or not there was enough information to take a decision. The document provided a lot of information and indicated clearly that WIPO needed more space, which nobody could deny, with the solution being the choice between the P&G Building and the Steiner lot. The Delegation stated that paragraphs 87(b) and (c) of the document should not be linked to the proposals under paragraph 87(d). In conclusion, the Delegation assured the Director General of its full support on the question of premises.

111. The Delegation of France recalled the statement by the Director General that the rental by WIPO of premises in various parts of Geneva cost six million Swiss francs per biennium, which seems to be excessive in the light of budgetary rigor which is desirable. The Delegation supported what had been said by the Delegations of Côte d'Ivoire and Senegal relating to new requests for information. The Delegation of France considered that bringing together all WIPO staff in one place should be a priority for the Organization. This is why it was prepared, and very willingly, to place its full trust in the Director General for him to continue the negotiations with the Steiner firm. The Delegation of France considered that the Steiner lot, thanks to its proximity to the main WIPO Building, might be a solution to be considered. The Delegation concluded by supporting those delegations that had stressed the important need for a timetable to be adopted, because otherwise one could continue for another 10 years and still be calling for information.

112. The Delegation of the Russian Federation supported the view and the arguments put forward by the Delegation of Germany, which it considered were extremely reasonable. The Delegation agreed that the time had come to solve the problem of premises, and said that the information available on this subject enabled a decision to be taken now.

113. The Delegation of Switzerland, speaking as a Member State of WIPO, attached great importance to WIPO being able to carry out its work and satisfying its customers in the most efficient and least costly way possible. The Delegation was convinced that the costs involved

in the dispersal of the offices at present and the rental that the Organization pays at the moment were inconsistent with the principles given in the budget discussions, namely, savings and efficiency. This is why the Delegation of Switzerland approved the decisions in paragraph 87 of the document. With reference to the situation of Switzerland as the host country, the Delegation recalled that a few years ago Switzerland made a specific offer concerning a particular project, that is, the Steiner lot and the offer was turned down by the Governing Bodies of WIPO. The Delegation said that the present conditions were no longer the same as at that time, having changed both for the Organization and for the host country. Nonetheless, Switzerland was naturally keen to have the active presence of WIPO and was prepared to discuss with the Secretariat all the questions raised by delegations. But in order for the Director General to make contact with the host country, the Director General must be given a mandate because one cannot both ask him not to do anything and at the same time ask for more information. The Delegation of Switzerland therefore supported the idea of giving the Director General a mandate to continue consultations with the Steiner firm and the P&G firm as well as to clarify the details of the possible extension of the WMO Building.

114. The Delegation of Croatia speaking on behalf of the Central European and Baltic States, stressed that it recognized the urgent needs for additional premises for WIPO and that it was also aware that the present conference and meeting facilities were inadequate. The Delegation stated that it would support any proposal which leads to the satisfactory solution of the present situation. The Delegation would like to see an acceptable solution found at this session, but if that were not the case, not later than at the autumn session of the Assemblies of the Member States of WIPO.

115. The Delegation of Canada emphasized that its position should not be misinterpreted as an indication of any mistrust with respect to the Secretariat. The Delegation's position regarding the need for additional information was the result of consultations with its technical people on the intellectual property side, on the automation side as well as on the space utilization side, whose general and overwhelming professional opinion was that one did not yet have the type of information on which the Delegation would normally take decisions.

116. The meeting was then suspended for informal consultations of the Chairman with the Coordinators of the Regional Groups and other interested delegations, the Director General and the Secretariat, to try to arrive at a compromise solution acceptable to all delegations.

117. Following the informal consultations, the two Committees decided to adopt the following text as an amended version of paragraph 87 of document WO/GA/22/1:

“DECISIONS INVITED

“87. The General Assembly is invited:

(a) to note WIPO's urgent long-term needs for working places (as indicated in Table 3 on page 6) and for conference and meeting room facilities (reference paragraphs 23 to 29 of document WO/GA/22/1);

(b) to approve the conversion of the WIPO Mezzanine floor to be essentially for meetings and use by delegates (reference paragraph 30);

(c) *to approve the renovation, modernization, connection and extension of the WMO Building (reference paragraphs 32 to 35 and 52);*

(d) *to authorize the Director General to explore with the owners of the Steiner lot and the P&G Building the best price at which each might be acquired by WIPO and to report those prices to a joint session of the Budget and Premises Committees on June 4 and 5, 1998, with a view to enabling those Committees to take a decision;*

(e) *to approve the financing of the measures listed in (b) and (c) above from the Special Reserve Fund for Additional Premises and Computerization.”*

118. Following the adoption of that text, the Director General thanked the delegations very warmly for their understanding and guidance in coming to this very important decision, which would contribute significantly to staff morale.

[Annex follows]

ANNEXE/ANNEX

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

*(dans l'ordre alphabétique des noms français des États/
in the alphabetical order of the names in French of the States)*

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Craig John BURTON-DURHAM, Acting Registrar of Patents, Trade Marks, Copyright and Designs, Department of Trade and Industry, Pretoria

Bongiwe QWABE (Ms.), Second Secretary, Permanent Mission, Geneva

ALGÉRIE/ALGERIA

Anissa BOUABDALLAH (Mme), conseiller, Mission permanente, Genève

ALLEMAGNE/GERMANY

Reinhard H. GANTEN, Deputy Director General, Federal Ministry of Justice, Bonn

Li-Feng SCHROCK, Senior Counsellor, Federal Ministry of Justice, Bonn

Ulrich KALBITZER, Counsellor, Permanent Mission, Geneva

BULGARIE/BULGARIA

Rakovski LASHEV, First Secretary, Permanent Mission, Geneva

Kiril ANANIEV, Head of the Financial Section, Permanent Mission, Geneva

CANADA

Paul ROBERTSON, Counsellor, Permanent Mission, Geneva

Vinita WATSON (Ms.), Director General, Corporate Governance, Industry Canada, Ottawa

Danielle BOUVET (Ms.), Director, Intellectual Property Policy, Industry Canada, Ottawa

Madeleine Thomas BETTS (Ms.), Senior Policy Analyst, Information and Technology Trade Policy, Foreign Affairs and International Trade, Ottawa

Quan-Ling SIM, First Secretary, Permanent Mission, Geneva

CHILI/CHILE

Alejandro ROGERS, Counsellor, Permanent Mission, Geneva

CHINE/CHINA

ZHANG Yan (Mrs.), Deputy Director, International Organizations Division, Chinese Patent Office, Beijing

TONG Xianguo, First Secretary, Permanent Mission, Geneva

ZHAO Yangling (Mrs.), First Secretary, Permanent Mission, Geneva

LI Xiaobin, First Secretary, Permanent Mission, Geneva

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CROATIE/CROATIA

Nikola KOPČIĆ, Director, State Intellectual Property Office, Zagreb

Gordan MARKOTIĆ, Counsellor, Permanent Mission, Geneva

ÉGYPTE/EGYPT

Alaa YOUSSEF, Third Secretary, Permanent Mission, Geneva

ÉQUATEUR/ECUADOR

Luis GALLEGOS CHIRIBOGA, Ambassador, Permanent Representative, Permanent Mission, Geneva

Federico MENESES ESPINOSA, Counsellor, Permanent Mission, Geneva

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

James M. McGLINCHEY, Chief, Office of Intellectual Property and Competition, Trade Policy and Programs, Bureau of Economic and Business Affairs, Department of State, Washington, D.C.

Robert Louis STOLL, Administrator, Office of Legislative and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C.

Thaddeus J. BURNS, Attaché, Office of the United States Trade Representative, Geneva

Anne M. GALER RYAN (Ms.), Multilateral Affairs Officer, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State, Washington, D.C.

Marybeth PETERS (Ms.), Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C.

Lee J. SCHROEDER, Senior Counsellor, Office of Legislative and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C.

Soching TSAI (Ms.), First Secretary, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Valentin OUSHAKOV, Deputy Director General, Russian Agency for Patents and Trademarks (ROSPATENT), Moscow

Nikolaï KHLESTOV, Senior Counsellor, Permanent Mission, Geneva

FRANCE

Claudine SERRE (Mme), chargé de mission, Direction des Nations Unies et des organisations internationales, Sous-direction des affaires économiques, Ministère des affaires étrangères, Paris

Annick CHAPARD (Mme), secrétaire général, Institut national de la propriété industrielle, Paris

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Miklós BENDZSEL, President, Hungarian Patent Office, Budapest

INDE/INDIA

Dilip SINHA, Minister, Permanent Mission, Geneva

Shri Pushpendra RAI, Joint Secretary, Department of Industrial Development, Ministry of Industry, New Delhi

P. V. Valsala G. KUTTY (Mrs.), Deputy Secretary and Registrar of Copyrights, Department of Education, Ministry of Human Resource Development, New Delhi

JAMAÏQUE/JAMAICA

K.G. Anthony HILL, Ambassador, Permanent Representative, Permanent Mission, Geneva

Franz HALL, Counsellor, Permanent Mission, Geneva

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