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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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WIPO GENERAL ASSEMBLY

Twenty-Sixth (12th Extraordinary) Session Geneva, September 25 to October 3, 2000

REPORT

adopted by the Assembly

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document A/35/1): 1, 2, 4, 5, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27 and 28.
2. The report on the said items, with the exception of items 8, 13, 15, 16, 17, 18, 19 and 20, is contained in the General Report (document A/35/15).
3. The reports on items 8, 13, 15, 16, 17, 18, 19 and 20 are contained in the present document.
4. Mr. Marino Porzio, Chair of the General Assembly, presided over the meeting of the General Assembly.

ITEM 8 OF THE CONSOLIDATED AGENDA:

REPORT ON THE POLICY ADVISORY COMMISSION (PAC) AND
THE INDUSTRY ADVISORY COMMISSION (IAC)

5. Discussions were based on document W0/GA/26/4.

6. The Chair introduced the item and noted that the contents of the document before the Assembly, WO/GA/26/4, contained several annexes which comprised the most recent reports of the Policy Advisory Commission (PAC) and the Industry Advisory Commission (IAC), as well as the text of the World Intellectual Property Declaration, as adopted by the PAC in June 2000, and the text of a paper "The Role and Activities of WIPO in a Changing World," as presented by Mr. Henry Olsson to the PAC at its June 2000 meeting. He further made reference to resolutions adopted by the IAC on Internet Domain Names, on obtaining and maintaining patent protection, and on the appropriate application of patentability standards in the field of biotechnology. He gave the floor to His Royal Highness Prince El-Hassan Bin Talal, Chairman of the Policy Advisory Commission.

7. His Royal Highness Prince El-Hassan Bin Talal stated that it was a privilege to have worked alongside the distinguished members of the Policy Advisory Commission, and paid tribute to the late Mwalimu Julius Nyerere, former President of the United Republic of Tanzania and founder member of the PAC. The Commission represented an interesting and interdisciplinary exercise, comprising as it did members from such different policy backgrounds. The Commission had tried, in its deliberations, to look at the role of intellectual property in today's world, and also at possible remedies to challenges against intellectual property and globalization. The word "globalization" did not translate easily into Arabic, and His Royal Highness stated that he preferred to use the term "universalization" when speaking of the sharing of universal values. In this context, the challenges which had recently been noted to globalization had to be acknowledged. His Royal Highness referred to Roger Morgan of the London School of Economics, who had said, in the context of Europe, that it was more important to speak of "states of mind" rather than about the "society of States." In this light, His Royal Highness preferred to talk of a participatory culture, and to look at culture as a platform for the modern global mind. Moving to the World Intellectual Property Declaration, His Royal Highness stressed that the Declaration, which had been initiated by His Excellency Vice-Minister Hisamitsu Arai, was a policy document which emphasized the value of intellectual property and the unique position of WIPO as the leader in the field. The text stressed the universality of intellectual property and laid the foundation for a common understanding; here the Arabic saying that "comprehension precedes understanding" was recalled. The Declaration further expressed guiding principles concerning the necessary equity in the intellectual property system, and, using examples of ancient and modern inventions, artistic creations and identification systems, illustrated how intellectual property is native to all peoples and cultures, and has been an important element in humanity's evolution. The Declaration further highlighted the importance of developing global cooperation strategies for the benefit of all. His Royal Highness wished to suggest that what was being spoken of was not only interdependence, but "interindependence" as well. The PAC had tried to synthesize its views on the fundamentals of intellectual property, and the Declaration had been adopted by consensus. It was up to the Member States to take this consensus and interpret it into the debate today and in the future. His Royal Highness hoped that it would represent a useful tool, and recalled that it was today submitted for noting and comment, not for adoption. His Royal Highness noted that a major issue at the last PAC meeting had been

the acceptance of intellectual property issues in the context of globalization. The concept of a Global Civil Society, or GCS, was an elusive one, which had both promise and peril. To date, the focus had been on the case for and against globalization. The real need, however, was to move away from an ethic of integration towards an ethic of participation. This ethic could guide humanity in its long journey from “civitas” to “humanitas.” International regulations should be culture friendly in form and substance. Globalization, intellectual property rights and World Trade Organization rules, among other things, must be given user-friendly definitions. His Royal Highness recalled that he had frequently been asked “what’s in it for us?” He hoped that the efforts of the Commission might help to provide an answer. His Royal Highness hoped that the recommendations of the Declaration could be used as a basis for future discussions, especially on the question of traditional knowledge. He expressed his pleasure that a transition was taking place away from information towards knowledge, including traditional knowledge, and wished to emphasize his conviction that any worldwide proposal, in order to have legitimacy, would have to be related to the various religious, cultural and legal traditions of humanity. If so done, universalization would not be regarded as a burden on mankind and would instead be seen as a way to modernize and enlarge each tradition while remaining faithful to its roots. His Royal Highness recalled that the Commission had recommended that special attention be given to the entry into force and implementation of the Patent Law Treaty; that efforts should be made towards further harmonization in the field of industrial property law; that an independent advisory body concerned with international development of the patent system, composed of individuals selected by the Director General in their personal capacity, should be established to advise the Director General, while allowing the Member States to fully retain their decision-making authority; that a long-term comprehensive project for the promotion of a lasting intellectual property culture should be further developed; that policy on WIPO’s use of medals should be further developed; and that the agenda of the Commission should include new global issues such as traditional knowledge, genetic resources and biotechnology. His Royal Highness noted that the longest distance is between the heart and the mind, and declared his hope that the work of the Commission would help build a bridge for humanity. His Royal Highness expressed his thanks to the Director General and to his colleagues in the Commission.

8. The Chairman thanked His Royal Highness Prince El-Hassan Bin Talal for his report, and recalled that Member States were at liberty to take or leave the advice of the PAC as they wished.

9. The Delegation of Egypt welcomed His Royal Highness Prince El-Hassan Bin Talal, and expressed his appreciation to him for presenting the Report of the PAC. The presence of His Royal Highness reflected the growing importance of intellectual property issues, as well as the wisdom and erudition of His Royal Highness himself. The Delegation paid tribute to the Policy Advisory Commission, and wished it every success.

10. The Delegation of Sweden thanked His Royal Highness Prince El-Hassan Bin Talal and said that he regarded the World Intellectual Property Declaration as a very important initiative. He believed that it was appropriate that the fundamentals of intellectual property should be recalled at a time when the effects of globalization were being challenged, and considered that the Declaration was valuable, pertinent and very well drafted. Experience had shown that such documents could have a significant, practical and political impact. Sweden therefore approved the Declaration, and would like to see it used appropriately in future.

11. The Delegation of Finland thanked His Royal Highness Prince El-Hassan Bin Talal for presenting the Report of the PAC, and stated that he found the Report to be excellent. He

appreciated the wisdom and the new ideas, and felt sure that it represented a good start for discussions about intellectual property. He congratulated the Director General on establishing the Commission, and the members of the Commission on their work.

12. The Delegation of Japan paid tribute to His Royal Highness Prince El-Hassan Bin Talal and to the Policy Advisory Commission. The World Intellectual Property Declaration, he stated, should be highly commended. It would, he believed, be a useful document both for the general public and for intellectual property professionals. He hoped that the Declaration provided a good opportunity to discuss the issues within the framework of WIPO.

13. The Delegation of Bulgaria congratulated the Director General on the high quality products that had emerged from the two commissions, and especially the PAC. He commended the World Intellectual Property Declaration and hoped that it would be endorsed. It was, he believed, a good tool for demystification, with user-friendly language, and could appropriately be used in the context of the proposed International Day. The Declaration might, he hoped, eventually be compared to the Universal Declaration of Human Rights. Mr. Henry Olsson's paper was in a sense an agenda, and its content might have a place in the program of WIPO. More information about the activities of the PAC needed to be disseminated.

14. The Delegation of the United Republic of Tanzania wished to put on record his appreciation for the respects paid by His Royal Highness Prince El-Hassan Bin Talal to the late Mwalimu Julius Nyerere, former President of the United Republic of Tanzania.

15. The Delegation of Bangladesh declared its deep appreciation to His Royal Highness Prince El-Hassan Bin Talal and wished to convey his profound admiration for the PAC. The creation of the PAC, it believed, reflected the creativity of the Director General.

16. The WIPO General Assembly noted the contents of document WO/GA/26/4 and the contents of the annexes to that document.

ITEM 13 OF THE CONSOLIDATED AGENDA:

INTERNET DOMAIN NAMES

17. Discussions were based on document WO/GA/26/3.

18. The Chair introduced the Agenda Item by describing WIPO's work on the issue of domain names as a success story, standing in contrast to a perception in the community of international organizations as slow to respond to certain issues. The Chair noted that there had been explosive developments with respect to the Internet and the registration of domain names, and that the problems that had emerged in 1998-1999 had raised concern around the world about certain abuses, especially of trademarks and industrial property. The Chair commended the manner in which WIPO had rapidly and efficiently established a dispute resolution system and rules, and had worked with the principal administration authority for domain names to implement that system. The Chair noted that in less than a year of operation of this dispute resolution system, the WIPO Arbitration and Mediation Center had already received over 1000 cases, and that these cases were being resolved efficiently and inexpensively. The Chair congratulated the International Bureau for its exemplary initiative

in this area, in providing a swift and effective legal solution to a real problem, and in providing a “brake” against the abuse of domain names. The Chair noted that Member States of WIPO had recently proposed that WIPO study, in a transparent manner, a number of outstanding issues, including protection of personal names, International Nonproprietary Names (INNs) for pharmaceutical substances, names and acronyms of international intergovernmental organizations, geographic indications and terms and trade names, in the Internet domain name space.

19. The Delegation of Cuba congratulated WIPO for its efforts and results, in particular, in its work on the uniform dispute resolution procedure (UDRP) because it provides an efficient administrative dispute resolution mechanism for the international community in respect of cybersquatting disputes. The Delegation encouraged this work, and supported the initiation of the Second WIPO Internet Domain Name Process, to address outstanding issues of great importance, and noted that the protection from abusive use of personal names, trade names, geographical indications and terms, and the names and acronyms of international intergovernmental organizations was of particular importance to Cuba. The Delegation also noted its support for the International Bureau’s work with ccTLD administrators.

20. The Delegation of Egypt commended the excellent work of WIPO in protecting owners of trademarks from the problems that have resulted from use of the Internet and registration of domain names, and applauded the development of a dispute settlement mechanism to resolve these problems. The Delegation remarked that the adoption of strict measures in the area of trademarks and domain names was an issue of particular importance to Egypt, and noted that the President of Egypt had established a national Committee to address this question, as a result of WIPO’s work in this area. Finally, the Delegation supported the establishment of the UDRP as an important unified mechanism for dispute resolution and the further study of issues involved in ccTLD administration.

21. The Delegation of Brazil noted that, through the WIPO Digital Agenda, the International Bureau had demonstrated successful leadership on intellectual property protection in the field of electronic commerce. The Delegation pointed to the successful WIPO International Conference on Electronic Commerce and Intellectual Property held in September 1999. The Delegation also highlighted that, from June 19 to 21, 2000, a WIPO International Conference on Intellectual Property, Trade, Technological Innovation and Competitiveness was held in Rio de Janeiro. The Conference was opened by the Minister of Development, Industry and Foreign Trade, and was organized by WIPO in cooperation with the Ministry for Development, Industry and Foreign Trade of Brazil, through the National Institute for Industrial Property (INPI), to enable developing countries to exchange views on issues of intellectual property and development. With respect to this Conference, the Delegation noted that a wide variety of participants from the private, public and research sectors had been involved, and speakers had come from many countries including Chile, China, Egypt, Kenya and Uruguay and had included WIPO Deputy Director General Mr. Roberto Castelo and Director of the Cooperation for Development Bureau for Latin America and the Caribbean, Mr. Ernesto Rubio. The Delegation noted that there had been a dramatic increase in electronic commerce in Brazil, including an increase to 8.6 million Internet users and that, within five years, it was estimated that 80 percent of banking transactions in Brazil would be conducted electronically. The Delegation congratulated the WIPO Arbitration and Mediation Center for the important work on domain name disputes, and remarked that several Brazilian companies had successfully used the dispute resolution service. In this context, the Delegation expressed its firm support for the initiative of the Second WIPO Internet Domain Name Process, and noted that it was extremely important for

WIPO to study and develop recommendations on issues of bad faith, abusive and misleading registration of domain names in conflict with personal names, International Nonproprietary Names (INNs), names and acronyms of international intergovernmental organizations, geographic indications and terms, and trade names.

22. The Delegation of Chile congratulated WIPO for its timely work in the field of Internet domain names, and noted with satisfaction the extension of this work to protecting rights in other areas indicated in the Second WIPO Internet Domain Name Process. The Delegation, however, expressed a note of caution concerning the recognition of rights, and resolution of conflicts, in respect of geographic indications, stating that this topic was a sensitive one for many countries, as evidenced by the difficulty in achieving progress on this subject in the context of the TRIPS Agreement negotiations. The Delegation noted that the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) had met recently to discuss a report of the International Bureau on the subject of geographical indications, and that the discussions in this forum demonstrated the divergence of positions. The Delegation remarked upon the difference in certainty of approach for geographical indications, as compared with other types of intellectual property, indicating that an agreement has not yet been achieved on a definition of this term as between different international instruments, and noted that the SCT had been given a remit to extend its study of this subject.

23. The Delegation of Denmark expressed its gratitude for the work on the issue of domain names undertaken by WIPO and its wholehearted support for future work planned to be undertaken in this area.

24. The Delegation of Uruguay congratulated the Director General and the International Bureau for the vision and fulfillment of work programs in the difficult area of trademarks and domain names. The Delegation congratulated the WIPO Arbitration and Mediation Center for its work, and expressed the hope that proposed new work programs in this field be undertaken by WIPO with equal success.

25. The Delegation of the Republic of Korea expressed its appreciation for the results of the first WIPO Internet Domain Name Process and commended the WIPO Arbitration and Mediation Center's work in resolving domain name disputes involving intellectual property rights. The Delegation expressed its full support for the timely and broad approach suggested for the Second WIPO Internet Domain Name Process, and supported WIPO's work in studying and developing recommendations to address protection of intellectual property rights and best practices in the ccTLDs.

26. The General Assembly noted the contents of document WO/GA/26/3 with satisfaction, congratulated WIPO on its work in the field of domain names, and encouraged the continuation of this work as proposed.

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING INTELLECTUAL PROPERTY AND
GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

27. Discussions were based on documents WO/GA/26/6 and 9.

28. The Delegation of Algeria emphasized that the issue of genetic resources is of capital importance to its country. It illustrated the weight which is attached to genetic resource issues by the fact that the Algerian authorities are currently carrying out a project on the draft African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders and for the Regulation of Access to Biological Resources. The Delegation welcomed the examination of genetic resource questions by WIPO and fully supported the proposal to establish an Intergovernmental Committee to deal with these matters.

29. The Delegation of Jordan stated its belief that the protection of genetic resources, traditional knowledge and folklore was of major economic and social importance in a globalized society. The Delegation expressed its support for the direction which WIPO had taken on four matters. First, it endorsed WIPO's facilitation of discussions for a better understanding of the intellectual property aspects of genetic resources, traditional knowledge and folklore. Second, the Delegation endorsed the collection of information by WIPO through a questionnaire on biotechnological inventions, including aspects related to intellectual property and genetic resources. Third, it supported the establishment of the proposed WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. It emphasized the importance of the participation of developing countries, considering these issues to be of paramount importance to such countries. Finally, the Delegation encouraged the undertaking of further fact-finding missions and information gathering exercises on traditional knowledge. The Delegation noted that the proposed Treaty on the Protection of Audiovisual Performances also related to certain expressions of folklore, which should be protected. In conclusion, it encouraged WIPO to advance the protection of traditional knowledge through the development of definitions for relevant terms and the codification of laws that would allow the equitable use of all relevant resources.

30. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, commended the work done by WIPO over the past three years and the admirable effort by the Director General to build consensus for the establishment of the proposed Committee. It was recalled that these efforts stemmed from a major political commitment made at the Diplomatic Conference which adopted the Patent Law Treaty. The Delegation noted that GRULAC would have liked to see broader terms of reference and more clearly defined responsibilities for the Committee, but emphasized that the Group nonetheless offers its full support to the proposal contained in document WO/GA/26/6. The Delegation pointed out that, in conjunction with the proposal of the Director General, GRULAC had circulated its own document WO/GA/26/9, dated September 14, 2000. This document included two contributions for discussion under the present agenda item. The first was contained in Annex I to document WO/GA/26/9 under the title "Traditional Knowledge and the Need to Give It Adequate Intellectual Property Protection." The second contribution was contained in Annex II under the heading "WIPO Committee on the Relationship between Intellectual Property, Genetic Resources and Traditional Knowledge." The Delegation pointed out that contributions contained in the GRULAC document reflected the broad range of opinions

which exists within this regional group without prejudicing the individual position of its members. The Delegation recalled that GRULAC had made a statement at the 34th Session of the Assemblies of the Member States of WIPO in 1999 on this issue and had stated then that a committee on intellectual property, genetic resources and traditional knowledge should be established. The Delegation emphasized that the contributions from GRULAC offered full support to the proposals of the Director General and were not an attempt to replace consideration of these questions in any other multilateral fora where they might be analyzed, negotiated upon, or discussed.

31. The Delegation of Uganda, speaking on behalf of the African Group, emphasized that issues related to genetic resources, traditional knowledge and folklore, all of which were of great importance to the African Group, constituted a significant area for both developing and developed countries. It was pointed out that Africa was rich in traditional knowledge and folklore and that it wished to have this heritage appropriately recognized within the international intellectual property system for the benefit of all mankind. The Delegation expressed its appreciation to WIPO and the Director General for the care and sensitivity which had gone into the preparation of document WO/GA/26/6, which the Group considered to be a well-researched paper, covering the salient global intellectual property issues. The Delegation further appreciated the Director General's initiative in creating a Division within the Organization to deal with these new global issues. It recognized the importance in the past two years of two WIPO Roundtables on Intellectual Property and Traditional Knowledge, which it considered to be useful platforms for an exchange of views and consensus building. The fact-finding missions undertaken by WIPO were useful in setting a base for the discussions and had helped to identify the intellectual property needs and expectations of new beneficiaries, including the holders of indigenous knowledge. But, as it had stated in the past, the African Group believed that it was now time to move beyond fact-finding and to have a body within WIPO which would deal concretely with these issues. In light of this, the African Group welcomed the creation of the proposed Intergovernmental Committee which would deal, *inter alia*, with intellectual property issues related to access to genetic resources and benefit-sharing as well as the protection of traditional knowledge and expressions of folklore, including handicrafts. Furthermore, the African Group had studied document WO/GA/26/9, which had been presented by GRULAC, and believed that the document offered concrete proposals for the way forward. The Group suggested that these proposals could form the basis of official discussions in the new Committee. The African Group therefore wished to associate itself with the GRULAC proposals contained in the document.

32. The Delegation of Malaysia, on behalf of the Asian Group, welcomed and fully supported the proposals for the establishment of the Intergovernmental Committee. The Delegation stated that the proposal, as embodied in document WO/GA/26/6, was an excellent one and long overdue. It further noted that traditional knowledge, including folklore, had received increasing attention in numerous policy areas ranging from environment, health, food and agriculture, human rights, trade and economic development to cultural policy. The Delegation added that the role of intellectual property in the protection of traditional knowledge was presently considered in several of these policy contexts in addition to discussions taking place in intellectual property circles. The Delegation expressed the satisfaction of the Asian Group with the extensive work conducted by WIPO to address the protection of traditional knowledge, ranging from fact-finding missions and country surveys to consultations involving traditional knowledge holders in both developed and developing countries. It stated that although traditional knowledge had become more prominent, there had not been adequate information on its legal protection. The Delegation pointed out that

preliminary findings from the work done so far revealed that there were traditional knowledge systems which the intellectual property system could assist, and it highlighted the possibility of creating a *sui generis* system for the protection of traditional knowledge and a system that would avoid unscrupulous exploitation of such knowledge. The Delegation noted that the fact-finding missions revealed that traditional knowledge was a rich and diverse source of creativity and innovation, cutting across the conventional branches of intellectual property law, such as copyright and industrial property. It considered the finding that numerous indigenous and local communities had protocols for protection of traditional knowledge and traditional knowledge-based innovations under customary law to be an important one. The Delegation referred to paragraph 20 of document WO/GA/26/6 and stated the full agreement of the Asian Group that the list of issues to be dealt with, as listed in the said paragraph, should not be exhaustive. This would, it believed, provide flexibility to the Member States to submit proposals containing new issues which may come under the purview of the proposed Intergovernmental Committee. The Delegation welcomed the proposal for WIPO to facilitate participation from developing countries and from certain countries in Europe and Asia, as well as the proposal to invite relevant international organizations and regional NGOs to participate as observers at the Committee's meetings. The Delegation further considered the first meeting of the proposed Committee, scheduled to be held in March or April 2001, as very vital because the Committee would decide the agenda items on which work should proceed and consider the priority accorded to these various items. The Delegation concluded its statement by stressing that the issue of protection of traditional knowledge, genetic resources and folklore was not an issue involving only, and confined to, developing countries, but an issue of concern and interest to all.

33. The Delegation of Bulgaria, speaking on behalf of the Central European and Baltic States Group, noted that the subject matter under consideration was not a new issue as it has already been on the agenda of different organizations and that the record of activities in this field was substantial. It considered that the very fact that it has been mentioned by most Delegations underlined that it was a priority issue to be dealt with by the WIPO General Assembly. It stated that the problem was that protection was needed and that the current system could not provide it, which meant that solutions would inevitably need to be devised. It suggested that this was only a matter of time and that questioning the relevance of the issue could only bring a delay in the needed action. It expressed the importance of these issues for the Central European and Baltic States Group and considered WIPO to be the appropriate Organization for their discussion. The Delegation referred to two main characteristics of the approach of the countries it represented. It highlighted, first, the importance of a step-by-step approach, pending the outcome of the first meeting of the proposed Committee and subsequently determining the most appropriate framework for discussions on the three related, but separate, topics. Second, in what it referred to as a realistic approach, the Delegation urged the Member States not to over estimate the possible solutions and the time frame and to take cognizance of the difficulties of a different nature, bearing in mind that these were cross-cutting issues. The Delegation was of the view that having one session of the Committee each year was not excessive. The Delegation requested clarification on four questions: What would be the relationship of the proposed Committee with the other bodies in WIPO's overall structure? What would be its competencies? What sorts of end-results were to be expected? What would be the main difference between the Intergovernmental Committee and a Standing Committee? The Delegation commended WIPO for document WO/GA/26/6, which it considered to be an excellent summary of the current situation and what had been done so far in the field, and approved the timely proposal for the establishment of the new body. The Delegation also welcomed the document presented by GRULAC (WO/GA/26/9) which it said not only described the objectives, the international background

and the possible protection systems, but also provided a good outline of various elements to be taken into consideration, including legal, economic and environmental issues, in future discussions. It proposed that this document be included among the papers to be considered at the first session of the new Committee. It concluded by proposing that, provided a positive decision was taken to establish the Intergovernmental Committee, each interested Delegation or regional group provide a position paper for the first session of the new body which could contribute to outlining the main points of agreement or disagreement.

34. The Delegation of Japan, speaking on behalf of Group B, stated that the growing interest in genetic resources, traditional knowledge and folklore, which assume various values, was widely recognized. It expressed Group B's support for the proposal of the Director General contained in the document WO/GA/26/6. It voiced the belief of the Group that these issues should be discussed without prejudging the outcome of the work of the Committee and proposed that the work commence with a sharing of experiences among all Member States to define and delimit the scope of the issues. The Delegation also expressed the view that the Committee should study all aspects of this issue, but advised that, when the Committee recognized that particular issues, such as patents, required specialized expertise, the corresponding WIPO Standing Committees should be responsible for addressing these issues. It underlined the importance of maintaining close relations with other intergovernmental bodies which also deal with this issue.

35. The Delegation of China commended the Director General for the efforts he had made in this field and expressed support for the proposal to create the Intergovernmental Committee. Besides the three aspects identified for further discussions by document WO/GA/26/6, the Delegation identified further issues for consideration. On the matter of biological resources, it expressed the view that, along with the rapid development of biological technologies, many issues needed to be studied and coordinated, and the following questions need to be studied: Should protection be given to human genes? How should genetically modified animals and plants be protected? How should gene therapy be protected? How could the abuse of cloning technologies be avoided? How could the rules governing the deposit and release of relevant biotechnologies be harmonized? In addition, the issue of loss of, and reasonable access to, genetic resources is also of particular significance to developing countries. As regards traditional knowledge and folklore, the Delegation expressed its belief that these and similar problems were very important for cultures with national characteristics and asserted that traditional knowledge represented the achievements made over time by a nation during its long history. The Delegation went on to add that many people had worked hard for this result and that traditional knowledge embodied the distinctive characteristics of the nation's culture. It therefore expressed its support for protection to be given to genetic resources, traditional knowledge and folklore. It suggested that, as the rights holders of traditional knowledge could not be identified, Governments should actively participate in this work so as to make it a part of the nation's cultural policy. Using folklore as an example, it advocated the need for Member States to consider what kind of folklore should be protected, going on to add that, for the convenience of users, the Governments might entrust a body to authorize the use of folklore and collect fees. The money collected should be used for the further development and continuation of national cultures.

36. The Delegation of Peru commended WIPO for the efforts undertaken to deal with the establishment of the proposed Committee. The Delegation stated that Peru was a highly diversified country, being one of the ten richest countries in terms of genetic resources, biodiversity and biological resources. It also stated that Peru was a multi-ethnic and multi-lingual country with 44 different ethnic groups which all had very valuable knowledge.

It expressed its concern that this wealth was endangered *inter alia* by improper and illicit use. The Delegation informed the Assemblies that Peru had undertaken a series of programs and adopted modern legislation to preserve and protect their natural and human resources. It identified some of the main legal instruments adopted, which included: the environmental code, the law to protect the use of biological diversity, the national biodiversity conservation strategy and the law on protecting natural areas. It stated that, on August 30, 2000, a draft Regime for the Protection of Collective Knowledge and Traditional Knowledge of Indigenous People and Access to Genetic Resources had been published in Peru's official journal. It stated that this draft had been prepared with broad participation of the public and private sectors and in cooperation with NGOs and representatives of indigenous communities. It stated that, with these legal instruments, Peru hoped to achieve the goals of the Convention on Biological Diversity (CBD), in particular a fair and just distribution of benefits from genetic resources and traditional knowledge. It added that these instruments also sought to implement the requirement of prior-informed consent from the concerned communities for the use of such knowledge. It concluded by calling for the support of such efforts, which many countries, including Peru, had undertaken.

37. The Delegation of India welcomed and fully supported the proposal of the Director General to establish the Intergovernmental Committee. It recalled that during the Diplomatic Conference for the adoption of the Patent Law Treaty India had emphasized the importance of this issue and requested WIPO to examine these questions. The Delegation recalled that individual countries should be allowed to exercise their sovereign rights over their biological resources. It stated that intellectual property rights would have to be integrated into this exercise, to ensure that the exercise of these sovereign rights over genetic resources did not impede innovation and creativity. India had therefore proposed to institute mechanisms for the sharing of benefits arising out of the commercial exploitation of bioresources. As far as folklore was concerned, the Delegation communicated that a consensus had been forged for the Asia Pacific region at a WIPO Regional Symposium held in Sydney, Australia, in March 2000. The consensus concerned the need for having a *sui generis* system for the protection of folklore, the setting up of governmental or corporate organizational structures to enable access and benefit-sharing and the development of a well-documented database. This consensus could provide a broad framework for discussions in the Intergovernmental Committee. The Delegation agreed with the Director General that discussions in the proposed Committee should be held in a technical and non-emotive manner so that the Member States could move rapidly forward towards a consensus. The Delegation advocated that the Committee might constitute specialized expert subgroups to deal with specific aspects of operationalizing the protection of traditional knowledge systems.

38. The Delegation of Egypt supported the statement made by Uganda on behalf of the African Group and agreed with the proposal presented by the Director General. The Delegation pointed out that developing countries and their people were the main holders of traditional knowledge and folklore and they must be sovereign regarding the use of these resources. The Delegation considered that document WO/GA/26/6 contained very important and constructive proposals with respect to intellectual property and genetic resources, traditional knowledge and folklore, in particular the main proposals for the establishment of an Intergovernmental Committee. The Delegation underlined the importance of funding the participation of experts from developing countries and other countries, as contained in paragraph 16 of the document, in order to guarantee the success of the Committee. It maintained that the terms of reference and the objectives of the Committee should be defined as clearly as possible. The Delegation did not feel that this should be an exclusive forum for all WIPO Member States but it should be a major tool, a forum dealing with traditional

knowledge in an objective and detailed manner. It proposed that the Committee should draw up reports and submit them to the appropriate authorities. It advocated that the proposals of the GRULAC should constitute a major basis for the discussions of the proposed Committee. The Delegation agreed with the Director General's plea that these matters should not be politicized. The Delegation stated that the majority of developing countries had a considerable heritage with respect to traditional knowledge, which was why they had been exploited commercially by certain outside forces in various fields, including medicine, industry, literature, music and many other areas where traditional knowledge was of great value. The Delegation advocated that the proposed Committee should carry out an objective study of the best means to guarantee the rights of those who held traditional knowledge, including copyright, related rights, patents and geographical indications. This should be done by laying out a code for traditional knowledge to ensure the rights of the people. The Delegation maintained its conviction that the availability of rights in traditional knowledge would encourage greater respect for intellectual property in general terms, because of the guarantee of the rights for traditional knowledge holders. It suggested that WIPO had a major role to play in this area by providing protection against piracy. The Delegation also highlighted the importance of the issue of preservation and documentation of folklore and welcomed the proposal of the Director General to address this issue within the proposed Intergovernmental Committee.

39. The Delegation of Venezuela endorsed the statement made by the Dominican Republic on behalf of GRULAC and expressed its wholehearted support for the Director General's proposal, as well as his efforts to attain consensus on the establishment of the proposed Committee. It also acknowledged the valuable contributions provided by the governments of the Member States, including developed countries and developing countries from the American hemisphere, Africa, and Asia and the Pacific. It referred to the statement made by Bulgaria, on behalf of the Central European and Baltic States Group, agreeing that this subject was a priority for which the international community had to develop solutions. It expressed its appreciation for the contributions of WIPO in strengthening the work of developing countries in the area of intellectual property, including the strengthening of their ability to handle the protection of genetic resources and traditional knowledge. It considered that such assistance had helped them to perceive the need for a specific forum, devoted to a systematic and comprehensive consideration of the links between intellectual property, genetic resources and traditional knowledge. In its view the innovations brought about by local and indigenous peoples meant that these people were entitled to a system for the protection of their rights, in the same way that anyone else would be in terms of any other form of creation. For this reason, the Government of Venezuela wished to join this international initiative and had already adopted a firm legal basis to recognize and protect these rights through the incorporation of specific provisions in the latest Constitution of the Republic (1999) and in the national Law on Biological Diversity. The Delegation noted that this Law contained a chapter on the recognition and protection of traditional knowledge of indigenous people and communities. The Delegation added that document WO/GA/26/9, submitted by GRULAC, constituted a very sound preliminary contribution to the discussions and hoped it would be addressed in greater detail within the proposed WIPO Committee.

40. The Delegation of Panama expressed its full support for the statement made by the Delegation of the Dominican Republic on behalf of GRULAC and informed the Assembly of the action taken at a national level to protect traditional knowledge. It stated that the legislative body of Panama enacted Law No. 20 in June 1999, which provided for protection of the collective rights of indigenous people concerning traditional knowledge and expressions of folklore. In its view, this step put Panama in the vanguard in this field at

a regional level and showed how important the Government considered the creation of the Intergovernmental Committee to be.

41. The Delegation of France, speaking on behalf of the Members of the European Union, thanked the International Bureau and the Director General for the documents under consideration and for the numerous consultations which the Director General had carried out. The Delegation stated that the countries of the European Union, in keeping with the commitment undertaken last May at the Diplomatic Conference for the Adoption of the Patent Law Treaty, wished now to confirm their agreement to begin consideration of matters related to intellectual property, genetic resources, traditional knowledge and folklore, within the framework of WIPO. It expressed the support of the countries of the European Union for the Director General's proposal to set up the Intergovernmental Committee. The Delegation noted that each and every one of the issues to be considered by the Committee covered a different branch of intellectual property and that none of the existing bodies within WIPO could take all these matters up together. Therefore, the countries of the European Union were convinced of the need for a new forum which would have a specific mandate and would be accountable to the General Assembly for its work, with a view to arriving at very specific results. The Delegation noted that these were very complex issues and for the moment it seemed difficult to predict the outcome of future discussions. The Delegation expressed its hope that the discussions facilitated by the proposed Committee would be fruitful and constructive. As proof of the importance which the countries of the European Union attached to these issues, the Delegation expressed the hope that the European Communities could also be associated with the work of this new body.

42. The Delegation of the Islamic Republic of Iran conveyed its gratitude to the Director General for his attention to the very substantive issue of traditional knowledge, which was one of the most important issues for developing countries. The Delegation explained that traditional knowledge was not limited to any specific field of technology or art, but rather constituted the heritage of mankind which had been transferred from generation to generation throughout history. Although there were different aspects of traditional knowledge which were very important for Iran, it emphasized its concern for the protection of handicrafts, which had a great history in Iranian culture. It believed that the protection of handicrafts was not only important for Iran, but also for many developing countries with their own traditions and cultural heritage. It therefore requested the Director General to highlight the need for intellectual property protection of handicrafts and appealed to all other Delegations to show their support for the protection of these important products. The Delegation stated that the main objective of WIPO's efforts should be to develop provisions assuring the producers of handicraft products that their products would not be copied illegally by others, not only in Iran but also in developed countries.

43. The Delegation of Morocco expressed the crucial importance which its country attached to the protection of genetic resources, traditional knowledge and folklore. It endorsed the statement made by the Delegation of Uganda on behalf of the African Group in support of the creation of the Intergovernmental Committee. The Delegation pointed out that its country had a long tradition of flora, fauna and culture which mandated it to seek protection for the items under discussion, particularly in the light of current globalization. It stated, as an example, the work undertaken by its country in the realm of handicrafts, which comprised drawing up a list of different crafts with the assistance of the Industrial Property Institute of France. It welcomed the converging interests of other developing countries in this field and agreed with the need for the Committee.

44. The Delegation of Madagascar expressed its support for the statements of the preceding Delegations, particularly that of Uganda made on behalf of the African Group. The Delegation added that genetic resources, traditional knowledge, and folklore were of great importance to its country and stressed the need for an appropriate framework to enable Member States to look at these matters in greater depth.

45. The Delegation of the United Republic of Tanzania fully associated itself with the statement of the African Group on this Agenda Item, as presented by the Delegation of Uganda. The Delegation recognized the importance of giving adequate intellectual property protection to traditional knowledge, genetic resources and expressions of folklore. It stated that it would welcome further work done towards according intellectual property protection in whatever form was agreeable to the holders of traditional knowledge, genetic resources and folklore globally. It expressed its conviction that there was a huge potential of social and economic benefits for developing and least-developed countries if proper intellectual property protection was accorded to genetic resources, traditional knowledge and expressions of folklore. The Delegation further believed that such measures would enhance the understanding of intellectual property concepts among the population of these countries and would make intellectual property more meaningful for the benefit of mankind. In concluding, the Delegation stated that many Delegations were awaiting the favorable outcome of the deliberations on this very important agenda item.

46. The Delegation of Kenya fully supported the statement of the African Group and the Director General's proposal for setting up the Intergovernmental Committee. It stated that Kenya had been concerned about the position of various organizations that were involved in discussing matters of intellectual property and especially of traditional knowledge. The Delegation further expressed its enthusiasm that this matter had now been taken up by WIPO. It recalled that the subject had been discussed in various fora and Kenya was one of those countries which had submitted proposals on this subject to the Ministerial Conference of the World Trade Organization (WTO) in Seattle last year, supported by a number of countries, including GRULAC. The Delegation expressed its appreciation that this matter had now been brought to the right forum where, as the Chairman of the Assemblies had put it, the political tone would be less. It expressed the importance of seeing the particular aspects handled professionally and legally. It referred to the fact that a number of countries in Africa had come out with a legislation proposal, the African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders and for the Regulation of Access to Biological Resources," in compliance with Article 27.3(b) of the TRIPS Agreement of the WTO and taking into consideration the provisions of the CBD on the protection of the rights of local communities and access to their biological resources. The Delegation explained that this proposal had been made because the countries realized how important it was for their national development. It expressed their strong concern that local communities be able to have access to, and utilize, their genetic and biological resources and that there should be benefit-sharing for any utilization of these resources. The Delegation pointed out its country's wealth in genetic resources and traditional knowledge and offered the country's African expertise as the work progresses in WIPO. It also supported the proposal to allow a number of other intergovernmental organizations and some key NGOs, who had stored a collection of knowledge and a lot of documentation on particular subjects, to be invited to participate in these talks.

47. The Delegation of Brazil referred to the stated objectives of the Director General in his mission to depoliticize and demystify intellectual property. It considered the Director General's proposal for the creation of the Intergovernmental Committee to be a concrete

demonstration of this approach. The Delegation considered that the establishment of such a forum would be helpful to provide a clearer understanding among countries on issues related to intellectual property, biodiversity, and folklore. It further suggested that the Committee might consider adequate ways of providing guidance for countries on issues such as benefit-sharing and prior informed consent schemes in the access to genetic resources, transfer of technology, as well as the protection of traditional knowledge and folklore. It underlined that, at the international level, other intergovernmental organizations were expecting a more active role to be taken by WIPO on these issues. It referred to Decision V/16 on Article 8(j) and Related Provisions which was taken by the Conference of the Parties to the CBD in May 2000. This Decision recognized the importance of *sui generis* and other appropriate systems for the protection of traditional knowledge of indigenous and local communities and the equitable sharing of benefits arising from its use. The Delegation emphasized that Decision V/16 also established that the program of work for the implementation of Article 8(j) of the CBD should "... be carried out in collaboration with other relevant organizations, including the World Intellectual Property Organization (WIPO)." Moreover, the Conference of the Parties to the CBD in Decision V/26 "invites relevant international organizations, including the World Intellectual Property Organization, to analyze issues of intellectual property rights as they relate to access to genetic resources and benefit-sharing, including the provision of information on the origin of genetic resources, if known, when submitting applications for intellectual property rights, including patents." Decision V/26 also "requests relevant international organizations, for example, the World Intellectual Property Organization and the International Union for the Protection of New Varieties of Plants, in their work on intellectual property issues, to take due account of relevant provisions of the CBD, including the impact of intellectual property rights on the conservation and sustainable use of biological diversity, and in particular the value of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity." It noted that, at the national level, several countries had already initiated the implementation of intellectual property legislation while also implementing legislation for the protection of their genetic resources, traditional knowledge and folklore. It expressed the belief that there was no inherent conflict between the CBD and intellectual property treaties, such as the TRIPS Agreement. It considered it necessary, however, to ensure that implementation of the CBD and intellectual property treaties was undertaken in a mutually supportive way. The Delegation considered that the challenge for the Committee would be to facilitate a fruitful exchange of national experiences and, if necessary, to consider systemic solutions that would ensure a harmonious implementation of intellectual property, biodiversity and folklore legislation. It recalled that it has been maintained in international fora that WIPO should play a meaningful role in international debates on intellectual property and genetic resources, traditional knowledge and folklore. Given its expertise and resources, it thus believed that WIPO, within its mandate, could bring a significant contribution to the international debate. In order to demystify these issues it considered that countries should carry out discussions without prejudging the final outcome of the work of the Committee. It recalled that in previous discussions of the present General Assembly a great number of WIPO Member States had already expressed their support for the establishment of a forum for deliberation of the linkages between intellectual property and biodiversity-related issues. The Delegation of Brazil thus associated itself with all those countries and expressed its appreciation to the Director General for fulfilling the commitment that was entered into in the Agreed Statement at the Diplomatic Conference for the Adoption of the Patent Law Treaty, namely, to provide a forum for discussion on issues related to genetic resources, traditional knowledge and folklore. Finally, it considered that document WO/GA/26/6, which the Delegation fully supported, added momentum for the

future discussions at the Committee. It stated that the document represented a clear indication of the wide scope of subjects which would have to be discussed by the Committee.

48. The Delegation of Indonesia underlined its support for the statement made by the Delegation of Malaysia on behalf of the Asian Group. In its view, the very fact that the Member States had debated the new global issues covered by Agenda Item 15 during the last several years, reflected the urgent need to have the proposed Intergovernmental Committee within WIPO to deal with these issues. Therefore, it expressed the full support of the Indonesian Government for the proposal in document WO/GA/26/6. It particularly emphasized the need to ensure the full and active participation of experts and representatives from developing countries in the future work at all levels.

49. The Delegation of Thailand noted that the Government of Thailand had carefully considered the Director General's proposal, as contained in document WO/GA/26/6. The Delegation was of the view that the emergence of modern biotechnologies had given genetic resources increasing economic, scientific and commercial values for a wide range of stakeholders. The Delegation also noted that traditional knowledge associated with those resources and related issues in the area of folklore assumed new economic and culture significance. It advocated that these developments be properly nurtured and addressed, in particular in the areas of conservation, management, sustainable and non-exploitative uses and benefit-sharing through appropriate national, regional and international policies. Furthermore, it maintained that WIPO, as the specialized UN agency responsible for the promotion of intellectual property worldwide, had important roles to play in joint efforts to facilitate discussions among stakeholders for a better understanding of the often related intellectual property issues regarding genetic resources, traditional knowledge, and folklore. In view of the above considerations, it emphasized Thailand's conviction that an inclusive approach would be in line with, and facilitate realization of, the objectives of intellectual property rights protection and benefit-sharing, and particularly of the objectives of WIPO. The Delegation concluded by stating that Thailand supported the proposal put forward by the Asian Group for the establishment of the Intergovernmental Committee.

50. The Delegation of Sri Lanka associated itself with the statement made by Malaysia on behalf of the Asian Group and joined the other Delegations in appreciating the initiative undertaken by the Director General to present the proposal contained in document WO/GA/26/6. The Delegation considered that rapid technological changes and globalization required a thorough exploration of emerging intellectual property issues to offer creative and adequate answers to new challenges. The Delegation noted that these changes had broadened the coverage of the intellectual property system and that it was heartening to see that WIPO and its Global Intellectual Property Issues Division aimed at enhancing an understanding of the reciprocal relationship between intellectual property and traditional knowledge, biotechnology, and biodiversity. The Delegation appreciated the manner in which WIPO maintained its policy towards the new areas of intellectual property while carrying out its other activities effectively. It fully supported the suggestion that the General Assembly approve the establishment of the Intergovernmental Committee. The Delegation pointed out that the proposal was in line with what WIPO had been mandated to do by its Member States. It was to undertake groundwork and facilitate discussions for a better understanding of the inter-related intellectual property issues regarding genetic resources, traditional knowledge and folklore. Given the expertise which WIPO had acquired in this field through its previous activities and its commitment to address the developmental needs of the nations, WIPO was well equipped to initiate dialogue between the developed and developing countries on intellectual property rights and their relationship with genetic resources, traditional

knowledge, and folklore. Finally, the Delegation stated that Sri Lanka was, within its limited resources, willing to participate actively in such intergovernmental discussions.

51. The Delegation of the Democratic People's Republic of Korea expressed its wish to join those countries that support the proposal to set up the Intergovernmental Committee. The Delegation referred to the statement made by Malaysia on behalf of the Asian Group and underlined that the topics currently under discussion were of great importance and concern to all Member States. The Delegation noted with satisfaction that the majority of Member States were in favor of the proposed Committee and observed that no opposition to the proposal had been voiced. The Delegation concluded recommended the early commencement of the proposed Committee.

52. The Delegation of Nigeria stated its full support for the statement made by Uganda on behalf of the African Group. It expressed its appreciation to the Director General and his staff for the work they have already done on genetic resources, traditional knowledge, and folklore. It fully endorsed document WO/GA/26/6, and approved, in particular, Part III thereof on issues for consideration by the proposed Intergovernmental Committee. It also expressed its appreciation to GRULAC for their initiative in producing document WO/GA/26/9. The Delegation hoped that the GRULAC paper would form a good basis for further discussion in the Intergovernmental Committee. The Delegation noted that the question of genetic resources, traditional knowledge, and folklore should not be one of a North-South divide. It emphasized that the issues should be approached with an open mind and with objectivity, without which no progress would be made at the Committee level. In its view, the present attempt to draw a fine line between intellectual property and traditional knowledge would lead nowhere. Referring to an earlier statement about all human activities being knowledge-based, it stated that whether one came from the North or the South, traditional knowledge predated other forms of knowledge. It suggested that the issue of traditional knowledge be examined with a common objective, namely to recognize its existence, to assign it a role, and to devise a scheme to reward its contribution to humanity. The Delegation expressed its concern that the present approach and attitude to genetic resources, traditional knowledge and folklore stemmed from a limited and perhaps restrictive interpretation of intellectual property, further exacerbated by the TRIPS regime. It stated that its fears were further heightened by the realization that patenting, which was intended for the public good, had become increasingly private and a monopoly of corporate citizens whose desires for maximum profits undermine the interest of the public, particularly in developing countries. Equally, the benefits which these phenomenal changes and grants of patents would have had on the lives of people had not materialized. He added that until these benefits were global and transparency was assured in terms of the acquisition, management and equitable utilization of genetic resources, traditional knowledge and folklore, it would not be unreasonable to expect that those who were obviously affected by these changes would continue to advocate a more liberal definition of intellectual property rights. The Delegation quoted Bishop W. Fred, a consultant on science and human resources as saying "the moral goodness of our progress is measured by its benefit to mankind." In its view, therefore, there was an urgent need for a redefinition of intellectual property to include the rights of individuals and community holders of traditional knowledge. The Delegation therefore strongly supported the recommendation for the establishment of an objective and dispassionate Intergovernmental Committee. The Delegation requested that the Committee eventually produce appropriate recommendations for the legal protection of these rights, based on an appropriate *sui generis* system. The Delegation expressed its intention to take active part in the Intergovernmental Committee when it meets next year.

53. The Delegation of Côte d'Ivoire commended the initiative of the Director General to study questions regarding the link between intellectual property and genetic resources, traditional knowledge and folklore. It congratulated the Director General for the quality of the preparatory work in this respect. The Delegation went on to express its full support for the statement by Uganda on behalf of the African Group, stressing that Côte d'Ivoire attached paramount importance to WIPO's program for the protection of genetic resources, traditional knowledge and folklore. The Delegation considered this to be an undertaking which would open up intellectual property to millions of human beings who had until now been living on the margins of the globalization. It referred particularly to African populations of the rural environment, with illiteracy rates of more than 70 per cent, but who were full of creativity and innovation. The Delegation considered this program to have the potential for reconciling modernism and tradition within humanity as a whole. It concluded by offering its support to this work program under the framework of the Intergovernmental Committee.

54. The Delegation of Bangladesh expressed its profound appreciation to the International Bureau for providing document WO/GA/26/6, which it considered to contain numerous excellent proposals. The Delegation recalled that since the dawn of civilization, humans had been dependent on nature for survival, which had led to a symbiotic relationship between the human race and the environment. It noted that environmental resources remained the fundamental source for the improvement of economic and social life. In particular, genetic resources and traditional knowledge had offered effective and sustainable survival strategies for developing countries. The Delegation quoted estimates, according to which genetic resources worth US\$500 billion to US\$800 billion were currently in use in the world economy. It noted that this was equivalent to the resources deployed in the computer industry worldwide. The Delegation considered it ironic that traditional communities had not been rewarded for protecting this "treasure box of nature" and had instead been deprived and consistently marginalized. The Delegation noted that the rapid developments of biotechnology, molecular genetics and information technology had created new possibilities for the development of genetic resources for the greater welfare of mankind. It specified that the opportunities to work with individual genes and gene sequencing had rendered genetic resources a "strategic commodity." The Delegation stated that the intellectual property regime had added new dimensions to the issue of access to genetic resources and benefit-sharing, especially in determining property rights in genetic material and information. The Delegation foresaw that efforts to introduce new and global forms of protection of intellectual property rights would have a long-term impact on access to genetic resources and benefit-sharing in respect of these resources. It further pointed out that a new development paradigm was emerging which viewed genetic resources and traditional knowledge as integral components of the development process. It felt that knowledge and practices of local communities provided valuable lessons for policy discourse and therefore the concepts of genetic resources and traditional knowledge should be integrated into the mainstream development agenda. The Delegation expressed its pleasure that WIPO had adopted a policy in line with the changing global scenario commending the Director General's vision and timely action in the area of genetic resources. The Delegation strongly endorsed the proposal to establish the Intergovernmental Committee to continue and further strengthen WIPO's efforts in evolving a just, equitable and balanced regime for protection and benefit-sharing in respect of genetic resources, traditional knowledge and folklore. It proposed that WIPO should work closely with other international agencies such as the WTO, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Food and Agriculture Organization (FAO) and the Secretariat of the Convention on Biological Diversity in evolving a new global regime in this regard. It noted that the legislative and administrative structures of least developed countries were often inadequate to ensure such protection and

benefit-sharing. The Delegation therefore proposed that special programs be developed to address their special situation.

55. The Delegation of Cuba expressed its support for the statement made by the Dominican Republic on behalf of GRULAC. It welcomed the proposal of the Director General on the creation of the Intergovernmental Committee under discussion. It emphasized the importance of measures that would facilitate the participation of developing countries in the Committee. The Delegation concluded by referring to the efforts which Cuba had made on access regulations for, and the protection of, genetic resources.

56. The Delegation of Ghana congratulated the Director General and his staff for the quality of document WO/GA/26/6 and on the successful implementation of WIPO's activities in this area during previous years. It fully endorsed the statement made by Uganda on behalf of the African Group and applauded the work done in the field of traditional knowledge, genetic resources and folklore by the Director General and the International Bureau. The Delegation stressed that its Government had followed the work WIPO had done so far in this field, because of the positive impact it had had on its own national policies regarding the subject matter under discussion. The Delegation concluded by expressing support for the proposals put forward by the Director General in document WO/GA/26/6.

57. The Delegation of Oman stated that matters concerning genetic resources, traditional knowledge and folklore were of great interest to the Sultanate of Oman and that the importance of these subjects had been affirmed by all previous speakers. The Delegation expressed its full support for the contents of document WO/GA/26/6 and recalled that the Director General had had the opportunity to learn about Oman's views on this subject during his recent visit to the Sultanate in February 2000. The Delegation affirmed the statement of Malaysia on behalf of the Asian Group and also the contents of document WO/GA/26/9. The Delegation concluded by reiterating its support for the establishment of the proposed Intergovernmental Committee.

58. The Delegation of South Africa thanked the Director General and the International Bureau for their work, which had led to the formation of the new Intergovernmental Committee. It went on to express its enthusiasm for the existence of a forum where these issues could be discussed. The Delegation concluded by expressing its intention to contribute actively to, and make its case within, that forum.

59. The Delegation of Sudan expressed its support for the statement made by Uganda on behalf of the African Group and endorsed the statements made by other groups in support of the proposed Committee. It expressed its appreciation for document WO/GA/26/6. It highlighted the importance of establishing the Intergovernmental Committee and of facilitating the participation of experts from developing countries as well as from certain countries in Europe and Asia. The Delegation emphasized the need to provide adequate terminology and a precise, comprehensive and exclusive definition for genetic resources. Comprehensive in the sense that it includes all that pertains to genetics and exclusive in the sense that it excludes all that does not pertain to genetic resources. The Delegation expressed its confidence in the ability of the International Bureau to provide such a definition. It proposed that the mandate of the Intergovernmental Committee should include the discussion of ways and means to fight against piracy. The Delegation identified collective rights as a new and sensitive aspect. It cautioned against some of these aspects, but expressed its confidence in the ability of the International Bureau to provide adequate analysis through its studies and research. The Delegation expressed support for document WO/GA/26/9,

presented by GRULAC, saying that it provided a good basis for collective and joint work between the Regional Groups.

60. The Delegation of Trinidad and Tobago expressed its full support for the recommendations submitted by the Director General under this Agenda Item. It also endorsed the statement made by the Dominican Republic on behalf of GRULAC. It stressed the importance to Trinidad and Tobago of traditional knowledge and the legal protection of folklore, particularly as regards their music and traditional medicine. The Delegation stated that its country was one of the countries visited during the WIPO fact-finding mission on intellectual property and traditional knowledge to the Caribbean region, adding that they were presently looking at various options for introducing legislation for the protection of folklore. The Delegation looked forward to the discussions in this new forum.

61. The Delegation of Jamaica underscored the importance which Jamaica attached to intellectual property, genetic resources, traditional knowledge and folklore. It concurred fully with the views expressed by the Dominican Republic on behalf of GRULAC. It pointed out that Jamaica, like many developing countries, was rich in cultural and biological resources and was making every effort to preserve and safeguard them. The Delegation took note of the activities that had already commenced at WIPO and anticipated further activities as the Member States advanced their work in this area. The Delegation welcomed the creation of the Global Intellectual Property Issues Division. It further supported the creation of a defined forum within WIPO which would address these issues on a regular and consistent basis. Finally, the Delegation endorsed the convening of a first meeting as proposed in 2001.

62. The Delegation of Costa Rica supported the proposal of the Director General to create the Intergovernmental Committee. It considered this initiative as being one of the most important objectives for the work of WIPO and noted the constant support of many countries in this Assembly for the initiative. It expressed its decisive support for all the declarations made by GRULAC and considered that they reflected the interests of many countries, such as Costa Rica, who were seeking a creative and more active participation in international discussions on these topics. The Delegation highlighted that Costa Rica had made tremendous efforts as regards legislation and government activities for the protection of biodiversity leading to the enactment of the Law on Biodiversity by Congress and thus setting an example in the implementation of the Convention on Biological Diversity. The law provided for the protection of genetic resources through the issuance of access permits for use of, and research on, genetic materials and other components of biodiversity. The Delegation indicated that these efforts involved classifying, researching and compiling all varieties of resources that constituted valuable biodiversity. It noted that 5 per cent of the world's biological diversity were located in Costa Rica and mentioned the existence of a national institute for biological diversity as a body with a defined set of functions. It explained that the creation of this body reflected the compromise commitment of Costa Rica. The Government recognized the importance of this topic at a worldwide level and therefore considered it essential to implement protection mechanisms. It expressed its support for the proposal made by the Director General for the creation of the Intergovernmental Committee and requested that due account be taken of the needs of developing countries, as well as the economic forces of those countries, represented primarily by Small and Medium-Sized Enterprises (SMEs). The Delegation expressed its hope that these undertakings have a real possibility of promoting innovation and the transmission of scientific knowledge, which it considered to be of great benefit to all societies.

63. The Delegation of Lesotho associated itself fully with the statement of the African Group made by the Delegation of Uganda. It supported the initiatives undertaken by the International Bureau towards the protection of traditional knowledge, genetic resources and folklore. The Delegation pointed out that these initiatives were in line with a Resolution passed by the Council of Ministers of the African Regional Industrial Property Organization (ARIPO) during its 7th session, held in Swaziland in August 2000. It noted that African countries possess a wealth of traditional knowledge, genetic resources and folklore and that they felt strongly that if these resources were utilized equitably for the benefit of all interested parties, including indigenous communities, this would contribute positively to poverty alleviation. The Delegation concluded by expressing its support for the Director General's proposal.

64. The Delegation of Liberia supported the statement made by Uganda on behalf of the African Group. It considered the matter of genetic resources to be crucial to Liberia, which was presently emerging from seven years of civil strife, and endorsed the establishment of the Intergovernmental Committee. Finally, the Delegation commended the International Bureau and the Director General for the enormous assistance rendered to its country in efforts leading to improving the work of the intellectual property system in Liberia.

65. The Delegation of Paraguay associated itself with the statement made by the Dominican Republic on behalf of GRULAC and expressed its decisive support for the proposal submitted by the Director General. The Delegation considered that the creation of the Committee would allow Member States not only to explore existing mechanisms that enable the protection of traditional knowledge holders, but also identify new mechanisms that could be created to this end. It joined those Delegations that had highlighted the importance of protecting traditional knowledge holders and wished to additionally emphasize the following: patent mechanisms do not only grant protection but also put at all stakeholders' disposal the knowledge held by others, so that this knowledge could be used, with the proper authorization, for the generation of greater wealth and well-being. By analogy, the benefit of relying on these mechanisms for the protection of traditional knowledge would achieve not only protection but it would also make this knowledge available for the use of all concerned. The Delegation expressed its belief that this dissemination of the knowledge would be the most noble benefit that should be pursued. It echoed the words of Venezuela when it had thanked the Director General and his staff for their cooperation in dealing with genetic resources and traditional knowledge. The Delegation expressed that Paraguay was ready to cooperate both with the International Bureau as well as with the other Member States in seeking the most adequate way of protecting traditional knowledge, genetic resources and folklore. Finally, it thanked all those Delegations and regional groups who had supported GRULAC's document WO/GA/26/9 and expressed that, following the consensus reached within GRULAC, the Delegation would work towards reaching a new and similar consensus at a global level with all the Member States of WIPO regarding the contents of the document.

66. The Delegation of Colombia thanked the Director General for having presented document WO/GA/26/6. It endorsed the statement made by the Dominican Republic on behalf of GRULAC. The Delegation noted that the particular importance of this issue had been reflected in the wide-ranging and valuable debate which was taking place at the present Assemblies. It agreed with the opinions which had been expressed to the effect that it was necessary to gradually focus on the issue and take careful account at the first session in 2001 of the scope and objectives of the Committee. The Delegation considered it important to undertake work which would enable a very precise definition of the concept of each of the subjects tabled by the Director General for consideration. It expressed its satisfaction at the

unanimous support which had been given to the establishment of this Intergovernmental Committee. It thanked all Delegations for the interest they had shown in this proposal, which, as was well known, was the initiative of GRULAC and Colombia, which had raised it at the recent Diplomatic Conference for the adoption of the Patent Law Treaty. The Director General had been given a mandate to prepare the proposal which he had now tabled in the document WO/GA/26/6 and which had been welcomed by the Member States. Finally, the Delegation noted that WIPO had proven that on this particular issue it could do work which would be important economically and socially both in the future, as well as the present.

67. The Delegation of the Democratic Republic of Congo supported the statement made by the African Group. The Delegation noted that in Africa, as well as in other regions of the world, culture and the land were inseparable, and that in Africa there was a remarkable level of ethnic diversity. In particular, the Democratic Republic of Congo possessed an exceptional cultural wealth, which, the Delegation believed, deserved to be protected from illegal traffic or abuse. The Delegation therefore welcomed WIPO's initiative to set up an Intergovernmental Committee on these issues, the work of which would lead to the establishment of an international legal framework to facilitate access to genetic resources and to ensure equitable benefit-sharing from the use of them and in order to protect traditional knowledge and folklore. The Delegation expressed its hope that the Committee, once set up, would be able to respond effectively to the expectations of the Member States.

68. The Delegation of Haiti supported the statement made by the Dominican Republic on behalf of GRULAC. It also supported the Director General's proposal to set up the Intergovernmental Committee. The Delegation emphasized that the protection of this subject matter was an issue of particular importance to Haiti and therefore the Delegation was awaiting with impatience the beginning of the Committee's work.

69. The Delegation of Uzbekistan stated that they found the WIPO General Assembly to be well-organized and its proceedings fruitful. The Delegation supported the proposal by the Director General to establish an Intergovernmental WIPO Committee on Traditional Knowledge, Genetic Resources and Folklore Protection which it considered of major importance. Considering the very rich heritage of the Uzbek people in this field, and the paramount importance attached to it by their Government, the Delegation requested WIPO to hold the first meeting of this Committee in Uzbekistan, probably in Samarkand, an internationally-renowned historical city, at any time convenient to WIPO. An official invitation containing the proposal will be sent by the Government of Uzbekistan to WIPO in due course.

70. The Representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that the Director General's proposal for the establishment of the Committee was a fair and appropriate proposal which met the legitimate expectations of developing countries. UNESCO stated its belief that the intangible heritage of developing countries was an essential part of their cultural identity, as well as an operational means of promoting indigenous development. It believed that international expertise should be provided to all developing countries to obtain legal protection for this heritage, which was threatened by disappearance or undue misappropriation by third parties. UNESCO expressed its willingness to contribute to the realization of developing countries' expectations in this area and noted that its contribution would be all the more important since the Director General of UNESCO, Mr. Kochiro Matura, attached considerable importance to the protection of immaterial heritage which would always be the heritage of the humanity.

71. The WIPO General Assembly noted the contents of documents WO/GA/26/6 and WO/GA/26/9, and approved the proposals contained in paragraphs 13, 16, 17 and 18 of document WO/GA/26/6.

ITEM 16 OF THE CONSOLIDATED AGENDA:

PROPOSALS ON INTELLECTUAL PROPERTY PROTECTION
CONCERNING SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)

72. Discussions were based on document WO/GA/26/5.

73. The Secretariat of the International Bureau introduced the agenda item referring to the requests made by the Governments of Denmark, India, Norway, Singapore on behalf of Association of South East Nations (ASEAN) and Sweden that WIPO should play a larger role in enhancing the competitiveness of Small and Medium sized Enterprises (hereinafter referred to as the "SMEs") by promoting the more effective use of intellectual property rights by these enterprises and to this end that an agenda item be included for discussion by the Member States at these meetings. The Secretariat further elaborated that SMEs were important for all economies, whether developed or developing, for, with the arrival of the Internet, previous barriers to setting up of businesses have been removed and the optimal size of a business has therefore been reduced. For example, over 98 per cent of enterprises in Switzerland are SMEs, three million enterprises in India are considered SMEs, and they represent 35 per cent of total exports and, in Europe, SMEs are responsible for 70 per cent of total turnover. In today's knowledge economy, SMEs are increasingly compelled to rely on knowledge. The intellectual property system would assist them in the protection and use of knowledge and, to this extent, an international initiative is needed to increase their awareness and thereby the use of the intellectual property system. Against this background the Director General welcomed the request made by the above-mentioned Governments and presented the Memorandum, in which the Director General proposed to create a new program of activities focussing on the intellectual property related needs of SMEs to be included in the draft Program and Budget for the next biennium.

74. The Delegation of Italy expressed its appreciation of the inclusion of this item in the agenda and hoped that it would be the first step in providing assistance to SMEs. The Delegation noted that SMEs were the backbone of the Italian economy and that they needed government support and assistance to continue to develop and contribute to national economic development. The Delegation made reference to the recently concluded Conference for Ministers Responsible for SMEs and Industry Ministers on "Enhancing the Competitiveness of SMEs in the Global Economy: Strategies and Policies" held in Bologna in June this year in which 48 countries and several international agencies, including WIPO, were represented. The Delegation recalled that the Conference noted that intellectual property rights were crucial to competitiveness and that SMEs were a gateway to innovation and that governments should focus on their development, training and access to information. The Delegation informed the Assemblies that the Italian Ministry of Industry was in the process of creating an international network for SMEs. However, the Delegation assured the Assemblies that the creation of an international network was not the only initiative being undertaken by the Government of Italy but that other activities to create awareness of intellectual property rights and their use are underway. So far, 47 workshops for which over 1800 participants attended

were organized. The Delegation concluded by assuring WIPO of the support of the Government of Italy for these proposals.

75. The Delegation of Austria thanked the Director General and the Secretariat for its satisfactory performance and commended, in particular, the quality and clarity of the documents presented for consideration by the delegates. The Delegation confirmed the support of its government for the proposal to create a new program of activities focussing on the intellectual property related needs of SMEs to be included in the draft Program and Budget for the next biennium. Noting that the definition of SMEs differed from country to country and that certain national intellectual property offices had adopted support measures for their nationals, the Delegation suggested that national intellectual property offices should be closely involved in the drafting of the program of activities for SMEs.

76. The Delegation of Uganda speaking on behalf of the African Group expressed the support of the Group for the proposals. The Delegation recalled and was in agreement with the introductory remarks made by the Secretariat as to the importance of SMEs to economic development. The Delegation noted that improving the competitiveness of SMEs was a priority item on the agenda of most governments. The Delegation commended and congratulated the Director General for the timely inclusion of this item in the agenda. The Delegation expressed the view that the definition of a SME should not be confined to that provided in the Memorandum as an example but that it should be flexible to include the different kinds of enterprises considered SMEs in different countries. The Delegation expressed the view that WIPO had a crucial role to play in building the capacity, creativity and innovation of SMEs in the Member States. While endorsing the proposals, the Delegation expressed the preference that preliminary work in this direction begin in the present biennium.

77. The Delegation of India stated that India, as one of the countries that had requested the Director General to consider the creation of a new program of activities focussing on the intellectual property related needs of SMEs and the inclusion of an item to that effect in the program of the next biennium, welcomed the proposals and expressed its fullest support for them.

78. The Delegation of the Dominican Republic speaking on behalf of GRULAC expressed its gratitude to the Governments that had requested the inclusion of this item on the agenda. This proposal was in line with the attempts of GRULAC to make the intellectual property system more relevant. The Delegation expressed the view that the proposed work program should be specially focussed on strengthening the efficiency of SMEs and not merely broadening the existing program of activities to include SMEs. The Delegation added that micro-enterprises and individual inventors should also be considered for inclusion in the proposed work program. The Delegation concluded that the way these activities were implemented should be decided by the Director General.

79. The Delegation of Bulgaria speaking on behalf of the Central European and Baltic States, welcomed the initiative and highlighted that SMEs were of particular importance to the region, being economies in transition and therefore in the process of restructuring and privatization. In this context, SMEs represented the backbone of these economies. The Delegation expressed the view that assistance to SMEs should be practical and that it was a cross cutting issue and, as such, should be dealt with across the board in all WIPO programs. The Delegation expressed the wish that it be included in all the stages involved in developing a new program of assistance, including the finalization of its terms of reference,

and that, in any event, the program should be focussed on SMEs as opposed to micro-enterprises and tailored to the particular needs of the different regions. The Delegation concluded by expressing its full support for the proposal.

80. The Delegation of Cuba expressed its support for the statement made by the Dominican Republic on behalf of GRULAC. It recognized the importance of the content of the document submitted, and considered it a strategic objective with major implications which should be dealt with by WIPO when budget funds were available with which to conduct a program of activities in the area concerned. In that connection WIPO and the industrial property offices would have to face a new challenge, as it would be necessary to organize information seminars and other gatherings so that small and medium-sized enterprises could take full advantage of industrial property in order to upgrade their management and provide support for aspects of competitive intelligence, in relation to which industrial property would be an incomparable tool for correct decision-making. The Delegation added that the introduction of internal intellectual property systems was essential to the orientation of technological innovation strategies in smaller businesses, and to the establishment of highly competitive products on the market. In that connection the Delegation said that its country had acquired some experience and achieved interesting results. Finally it expressed its support for the Director General's proposal, and its gratitude for the inclusion of the subject in the agenda.

81. The Delegation of Japan, speaking on behalf of Group B, welcomed the initiative of the Director General and expressed its fullest support and cooperation. It added that several members of the Group had their own programs in this area and would be willing to assist WIPO in developing the program and in its implementation. The Delegation noted that the definition of a SME differed from country to country and that this should be borne in mind by WIPO when designing the proposed program of activities. The Delegation added that a formal mechanism for overseeing this process by the Member States should be established within WIPO.

82. The Delegation of Jamaica fully associated itself with the statement made by the Delegation of the Dominican Republic on behalf of GRULAC. The Delegation confirmed that SMEs were fundamental to its economy and that a significant amount of goods were produced by SMEs. However, the Delegation noted that the production costs of SMEs were significantly higher, and their industries and output were at a disadvantage when faced with products marketed by larger units from other countries, which benefit from economies of scale and state of the art technology. Improving the competitiveness of SMEs, through the stimulation of innovation and creativity and, thereby, productivity and job creation, was therefore central to the economic policy of Jamaica. The Delegation concluded by extending its fullest support to the initiative and endorsed the proposal for a new program of activities focussing on the intellectual property related needs of SMEs to be included in the draft Program and Budget for the next biennium.

83. The Delegation of Malaysia, speaking on behalf of the Asian Group, fully supported the proposal for the creation of a new program of activities focussing on the intellectual property related needs of SMEs to be included in the draft Program and Budget for the next biennium. The Delegation confirmed that SMEs formed the backbone of the economies of the countries of the Asia and Pacific region and that policy makers should encourage and support SMEs in the use of the intellectual property system for enhancing their competitiveness. The Delegation noted that many SMEs lacked awareness of the benefits of the intellectual property system and that discussion of this matter was now timely and relevant. The

Delegation concluded by urging WIPO to provide practical advice to SMEs in the effective use of the intellectual property system.

84. The Delegation of Antigua and Barbuda, congratulated the Chairman on his election and thanked the Director General and the Secretariat for its satisfactory performance. It associated itself fully with the statement made by the Delegation of the Dominican Republic on behalf of GRULAC and extended its support for the proposal made by the Director General. The Delegation informed the Assembly that its economy was small and, being constrained by limited natural resources, relied very much on the service sector for growth and development. It requested WIPO to conduct a study on small economies and the peculiarities therein so as to ensure that any new program of activities takes into account the particular needs of such economies. The Delegation also highlighted the importance of awareness of creation as to the benefits of the intellectual property system to economic development in general and to SMEs in particular.

85. The Delegation of Indonesia expressed its appreciation for the Director General's positive response to the requests of certain countries, including the ASEAN member countries, to consider the creation of a new program of activities focussing on the intellectual property related needs of SMEs to be included in the draft Program and Budget for the next biennium. The Delegation associated itself with the statement made by the Delegation of Malaysia on behalf of the Asian Group. The Delegation recalled that during the economic crisis, the SMEs of Indonesia were the driving force in resisting the crisis and sustaining the economy. Having learnt from that crisis the Indonesian government has made promotion of SMEs a priority, through trade reform, modernizing of regulations and the revision of laws, including the laws on intellectual property rights. The Delegation expressed the view that it was crucial that SMEs be provided with assistance and support in understanding better the intellectual property system and how it could make them more competitive. The Delegation referred to the WIPO-ASEAN Sub-Regional Policy Forum on New and Emerging Dimensions of Intellectual Property in the 21st Century, held in Bali in July 1999, where it was agreed that SMEs be supported and their effective use of the intellectual property system be encouraged and requested WIPO to take this into account in developing the proposed new program of activities for the benefit of SMEs. The Delegation highlighted that lack of awareness of intellectual property by SMEs affected their competitiveness by reducing their role in international trade and eroding consumer confidence and ultimately undermining the efforts of government to encourage innovation and creation. The Delegation, while concurring with and supporting the proposal made by the Director General, stated that promoting the use of the intellectual property system by SMEs would be more effectively implemented if a study were to be undertaken on the main issues to be addressed.

86. The Delegation of Norway recalled its intervention at the last meeting of the Assemblies on its interest in examining the needs of Norwegian SMEs with respect to the protection of intellectual property rights and its role in enhancing their competitiveness. The Delegation informed the Assembly that 95 per cent of its industries are SMEs, that is, enterprises with less than 200 employees, and that it appeared that these enterprises made very little use of the intellectual property system. The Delegation noted with satisfaction that a project is presently being implemented by the Government of Norway and WIPO on the use of the intellectual property system by SMEs in Norway the results of which would be of great interest and use to other Member States. The Delegation reminded the Assembly that the role of WIPO was to promote the use of the intellectual property system around the world and, as such, given the importance of SMEs to national economies, it fully supports WIPO in designing this new program of activities.

87. The Delegation of Jordan expressed its deep gratitude to the chairman and conveyed its full support for the Director General's initiative. While pointing to the important role of SMEs in economic growth it welcomed the secretariat's proposal as outlined in paragraph five of the memorandum. The Delegation noted that Jordan, as well as other Arab countries, are in need of financial assistance to set up networks that link SMEs together, providing information and possibilities for strengthening human resources. WIPO's assistance would be of the utmost importance to encourage SMEs to use the intellectual property system in order to improve their products and enhance their competitiveness. The Delegation also called upon the Cooperation for Development Bureau for Arab countries of WIPO to assist Arab countries to benefit from the intellectual property system. Concerning the definition of SMEs, it indicated that definitions may vary considerably between countries, in particular between developed and developing countries, and hoped that the definition applied in WIPO program activities would be fair and just in light of resources available in developing countries.

88. The Delegation of Tunisia thanked the Director General for his great sense of initiative. Referring to the Director General's memorandum, the Delegation welcomed the proposal and fully supported the idea of preparing a program of activities focusing on SMEs for the next biennium. The Delegation informed that, together with WIPO, the Tunisian government had set up a Center for Innovation which would provide assistance to SMEs on issues relating to innovation, technological development and intellectual property protection. Further, the Delegation supported and fully endorsed the statement made on behalf of African countries, requesting WIPO to provide assistance to developing countries and expressed the hope of seeing further development of WIPO in this direction.

89. The Delegation of Denmark expressed its full support for the Director General's initiative and expanded further on one of the reasons outlined in the memorandum for reorienting WIPO's efforts towards SMEs. The Delegation remarked that patents are the cornerstones for innovation and patent holders should be able to fight infringement in a rapid and inexpensive manner. However, many SMEs refrain from fighting infringement as it is considered too risky and too expensive, often even deferring from patenting in the first place. The Delegation, therefore, stressed the importance of establishing an insurance scheme as a crucial step towards improving the use of intellectual property by SMEs. This position, according to the Delegation, had been endorsed by the European Parliament and the European Commission and should now be considered worldwide. The Delegation, therefore, suggested that, in coordination with the European Commission and Denmark, WIPO investigate whether there is a need for this and in what way it should be implemented.

90. The Delegation of Brazil warmly welcomed the Director General's proposal and agreed with the need to place greater focus on SMEs and their use of the intellectual property system. The Delegation stressed the important role played by SMEs in the Brazilian economy where a substantial part of enterprises are within this category. While noting that new technologies are helpful for the development of SMEs, the Delegation highlighted the SMEs' increasing role in the generation of new technology. Therefore, better access to intellectual property system was identified as one of the crucial issues to be addressed. In this respect, the Delegation reported that the National Institute for Intellectual Property (INPI) had recently started implementing a program to bring intellectual property rights to the attention of SMEs. Regarding the definition of SMEs, the Delegation suggested to also cover independent inventors and micro-enterprises.

91. The Delegation of Morocco, while endorsing the statement made on behalf of the African nations, referred to the economic importance of SMEs in Morocco as they represent approximately 90 per cent of all enterprises. It also pointed out that by and large SMEs do not make much use of the intellectual property system, leaving an enormous potential underexploited. The Moroccan authorities, the Delegation recounted, had made great efforts to enhance the use of intellectual property rights by SMEs and had implemented a number of activities to this end. However, the Delegation expressed the need for WIPO's support in this process and welcomed the proposal to implement a new program for the next biennium. Finally, the Delegation suggested that WIPO set up a separate department to deal with SMEs.

92. The Delegation of Hungary expressed its satisfaction with the proposal to refocus WIPO's activities giving further emphasis to the Intellectual Property needs of SMEs. The Hungarian Patent office, the Delegation informed, had set up independent projects, partly self-financed and partly co-financed, for supporting SMEs to raise awareness, and promote the use of intellectual property by SMEs. The Delegation noted that WIPO's promotion of the use of intellectual property by SMEs would encourage national intellectual property offices to do likewise.

93. The Delegation of Argentina stressed the importance of the issue for Argentina and thanked the countries that originally promoted the initiative as well as the Director General. In Argentina, the Delegation reported, its national intellectual property office is dealing increasingly with SMEs and last month signed a cooperation agreement with the Secretariat for Science and Technology in order to promote innovation and enhance the competitiveness of SMEs. Some of the activities initiated by INPI, recounted the Delegation, included the participation of the universities and educational institutions in order to integrate the research and development work of such organizations with the needs of SMEs. The Delegation therefore suggested that WIPO contemplate the possibility of conducting activities targeted to bringing together universities and SMEs in developing countries in order to favor investments in research and development and to enhance the awareness about WIPO in those sectors. With regard to the definition of SMEs and given the variety of existing definitions, the Delegation felt that it should be left to each country to apply WIPO's programs according to its own needs. Finally, the Delegation expressed its willingness to actively participate in the preparation of the programs.

94. The Delegation of South Africa thanked the Director General for including this item in the agenda. It stated that the proposal came at an opportune time, as South Africa is currently dealing with many issues concerning the development of SMEs. The Delegation indicated that the issue should be given first priority and be an independent program, as it is crucial that WIPO concentrates its efforts on SMEs, which in its view should include micro-enterprises.

95. The Delegation of Switzerland explained reasons for not adopting any special measures for SMEs in its country by pointing out not only the difficulties in establishing criteria for defining SMEs but also the fact that the size of companies may not always provide sufficient information about their capacity to use intellectual property system. Moreover, it emphasized that the lack of awareness rather than lack of resources may be the main reason why SMEs underutilize intellectual property system. In conclusion, the Delegation stated that while it had no objection to the initiatives, in order to raise the awareness of SMEs, it is important to include independent inventors and micro-enterprises in WIPO activities and that these measures should not consist in a tax reduction due to the above-mentioned reasons.

96. The Delegation of the Russian Federation, speaking on behalf of the Central Asian, Caucasus and Eastern European countries, expressed its full support for the Director General's initiative. The Delegation observed that several other international organizations were active in providing assistance to SMEs. The Delegation hoped that WIPO's program of assistance would be duly coordinated with national programs of this nature, as well as take into account the experience of other international organizations active in the field.

97. The Delegation of China expressed its satisfaction on inclusion of this item in the agenda and considered it a very important initiative. The Delegation reported that efforts by the Chinese authorities to promote the use of intellectual property by SMEs had so far achieved positive results. It noted that government programs to promote the use of intellectual property should focus on three main activities: firstly, governments should seek to enhance enterprises' awareness of the need for intellectual property protection; secondly, public authorities should help SMEs to train relevant personnel on intellectual property issues; and thirdly, governments should assist enterprises to have a better ability to define their interests and to have better capabilities of protecting their own property rights. The Delegation concluded by reiterating its support for the Director General's proposal.

98. The Delegation of Belize concurred with the statement made by the Delegation of the Dominican Republic on behalf of GRULAC. The Delegation stressed two points: firstly, the Delegation agreed with the Delegation of Uganda on the need to extend the program in order to include micro-enterprises and independent inventors, as very small enterprises in developing and least developed countries find themselves in a worse position. The Delegation requested that small enterprises in developing countries such as those employing less than 250 people should not be excluded from the program due to the definition of SMEs. In this respect, the Delegation supported the proposal made by the Delegation of Argentina that each country should be allowed to apply its own definition of SMEs. Secondly, the Delegation agreed to give special attention to the need for WIPO to assist SMEs through a massive education and public awareness campaign on the economic and social benefits of protecting intellectual property rights.

99. The Delegation of Kyrgyzstan endorsed the statement of the Delegation of the Russian Federation and the proposal of the Director General. The Delegation explained that SMEs in Kyrgyzstan have gained greater importance in recent years as a result of the social and economic crisis that affected countries of the former Soviet Union in the wake of the disappearance or dismantling of a number of large state-owned corporations. The Delegation voiced the need to provide advantages to SMEs in terms of facilitating procedures for filing patents and providing advantages with regard to patent fees.

100. The Delegation of Colombia expressed its full agreement with the statement of the speaker representing GRULAC. As SMEs represent 97 per cent of Colombia's enterprises and provide a very valuable input to its economy, the Delegation welcomed and supported the initiative, in particular the plans to establish a new program of activities focusing on SMEs for the next biennium. It also expressed the need to include micro-enterprises and independent inventors as beneficiaries of the program of activities. Within the context of activities to be promoted by WIPO, the Delegation considered that a few other important aspects should be included: dissemination programs, training and human resource development programs, capacity building programs and programs to promote innovation.

101. The Delegation of Mexico endorsed the statement made by the representative of the Dominican Republic speaking on behalf of GRULAC. It highlighted the important contribution of SMEs to the Mexican economy where about 90 per cent of enterprises were SMEs, and underlined the need to further disseminate and promote the use of intellectual property rights among SMEs in order to reach all sectors of society. The Delegation expressed their support for the memorandum as it believed WIPO's efforts should be accompanied by a general reorientation of national industrial policies by member states with a view to improving the dissemination of intellectual property issues among SMEs. The Delegation applauded the Director General for his vision and leadership, and expressed that Mexico was willing to participate in the program.

102. The Delegation of Kenya supported the statement of the representative of the African Group and welcomed the proposal. While highlighting the importance of SMEs in the Kenyan economy, the Delegation focused on the government's efforts to formulate policies that directly target SMEs, by providing credit, information and other useful services. The Delegation explained that given the problems in absorbing the labor force in Kenya, SMEs represented a considerable source of employment for its population. The Delegation therefore supported the initiative, as it will help to enhance the competitiveness of SMEs.

103. The Delegation of Portugal expressed its satisfaction with the proposal as it will contribute to a more efficient use of intellectual property by SMEs. While referring to a number of activities of the national government for improving the productive capacity of SMEs, the Delegation noted that the use of the intellectual property system by SMEs needs to be improved. Further, the Delegation expressed the willingness of the Portuguese intellectual property office to collaborate with WIPO in the process in order to exploit the synergies between the two organizations.

104. The Delegation of the United Republic of Tanzania stated that the SMEs are not just the backbone of the economies of developing and least developed countries, but are also huge potential users of intellectual property systems, particularly now when knowledge-based economy takes control of most enterprises. Given the under utilization of the intellectual property system by SMEs, the Delegation expressed the urgent need for taking measures to address the issue. The Delegation therefore fully supported the Director General's proposal and the statement of the representative of the African Group.

105. The Delegation of the Republic of Korea, while thanking the Chairman, noted the importance of intellectual property rights for enhancing the competitiveness of SMEs. Referring to the success of a campaign launched by the government of Korea to increase the level of patent applications by SMEs following the economic crisis, the Delegation fully endorsed the proposal of the Director General.

106. The Delegation of the Republic of Slovakia thanked the chairman and endorsed the statement of the Delegation of Bulgaria speaking on behalf of the Central European and Baltic States. The Delegation informed that the Slovak intellectual property office is opening an Industrial Property Academy for training primarily private sector entrepreneurs from SMEs and requested WIPO's assistance in providing lecturers for the program.

107. The Representative of the International Federation of Inventors' Associations (IFIA) welcomed the proposal of the Director General and pointed out that many countries had already provided preferential treatment for SMEs including fee reduction for patents. It supported a substantial new program of activities which should target primarily

micro-enterprises and independent inventors as they are weaker economically than SMEs. While agreeing with the proposal of the Delegation of Argentina on the definition of a SME, the representative stated that for implementing worldwide program activities such as possible reduction of fees under PCT and Madrid systems there would be a need for a common definition of a SME. The representative suggested that WIPO take advantage of research papers prepared by other inter-governmental organizations on SMEs to avoid duplicative work and to implement program activities without delay.

108. The Representative of the World Association for Small & Medium Enterprises (WASME), an organization with members in 120 countries, expressed his gratitude for being invited to participate and agreed with the proposal in its entirety. It perceived WIPO's role as important in assuming a leadership role for assisting SMEs so that intellectual property protection may be cheaper and quicker to obtain and to maintain. The representative expressed its interest in developing synergies with WIPO and stated WASME's willingness to co-host a regional workshop in Asia in the second half of 2001. It further stressed the importance of innovation and technological development for all enterprises in order to be competitive in the global marketplace. The representative made a series of suggestions for the Director General to take into consideration: (1) to support a systematic and empirical analysis of the use of intellectual property by SMEs; (2) to focus in the Program and Budget of the organization on intellectual property-related needs of SMEs; (3) to include in the program, activities aimed at simplifying and making more affordable procedures for obtaining and enforcing intellectual property rights at a national and international level; (4) to team up with national associations promoting the cause of SMEs in their awareness raising and training programs; (5) to help national associations to encourage an optimal utilization of the intellectual property system; (6) to ensure that intellectual property-related issues are systematically included in programs for SMEs; (7) to consider that 25 per cent of the funds allocated for the Cooperation for Development activities by WIPO be used to assist SMEs.

109. The WIPO General Assembly noted the contents of document WO/GA/26/5, and approved the proposal contained in paragraph 5 of the said document.

ITEM 17 OF THE CONSOLIDATED AGENDA:

NEW WIPO LOGO

110. Discussions were based on document WO/GA/26/7.

111. The Secretariat introduced this item with a visual presentation outlining the evolution of the WIPO corporate image over the past two-and-a half years, the implications of a change in the WIPO logo, and the proposed steps to follow in the logo-changing process.

112. The Delegation of Malaysia, speaking on behalf of the Asian Group, expressed the Group's full support for the proposal to hold an international competition for a new WIPO logo. The Delegation noted that the proposal to create a new logo is consistent with the perceived image of WIPO as a dynamic, innovative and open organization. The Delegation stressed that the new logo should reflect WIPO's vision and aspirations, and made reference to other international organizations that had changed their logos to enhance their corporate

image. The Delegation concluded by noting that the low cost of the exercise, as estimated in paragraph 12 of document WO/GA/26/7, was another factor in favor of the proposal.

113. The Delegation of Japan, speaking on behalf of Group B, endorsed WIPO's efforts to bring the Organization's image up to date and in line with the changing nature of its work. The Delegation agreed with the Director General that a new logo was needed to better reflect the vision, strategy and approach of the Organization. It endorsed the proposals in document WO/GA/26/7 and asked the Director General to commence work on the adoption of a new logo. Further, the Delegation stressed that, as stated in document WO/GA/26/7, the financial implications should be kept at a minimum. The Delegation added that the WIPO logo, a symbol of intellectual property worldwide, should not change often, and expressed its hope that jury members would select a fresh and innovative emblem which remain relevant well into the coming century.

114. The WIPO General Assembly approved the proposals contained in paragraphs 6 and 8 of document WO/GA/26/7, and took note of the suggested action described in paragraphs 9, 10 and 11 of that document.

ITEM 18 OF THE CONSOLIDATED AGENDA:

WORLD INTELLECTUAL PROPERTY DAY

115. Discussions were based on document WO/GA/26/2.

116. The Delegation of Japan, speaking on behalf of Group B, expressed the hope that the World Intellectual Property Day would be celebrated in a way that would truly promote understanding of the diverse activities of WIPO at the national level. Group B supported the establishment of the World Intellectual Property Day but said that the International Bureau and national institutions should use their discretion in determining how often and how best to celebrate this Day. This would ensure that the event was well planned and meaningful.

117. The Delegation of China thanked the Director General for supporting the proposal co-sponsored by Algeria and China. The Delegation said it believed the establishment of the World Intellectual Property Day and its related activities would help to highlight the role and contribution of intellectual property in the economic, cultural and social development of all countries as well as raise public awareness and understanding in this field of human endeavor. The Delegation expressed the hope that in planning a program of activities, WIPO would make posters and other materials available in multiple languages to assist Member States in their public awareness activities.

118. The Delegation of Algeria welcomed the proposal to establish a World Intellectual Property Day and thanked the Director General for conducting consultations on the issue. As one of the initiators of the proposal, it fully endorsed the provisions contained in the document. The Delegation said it was firmly convinced of the positive impact of the initiative, and referred to the recent success of the World Intellectual Property and Technology Day on September 13, 2000. The Delegation commended WIPO's active role in this event, which also provided an opportunity for the National Algerian Institute for Industrial Property (INAPI) and the National Office of Copyright and Related Rights

(ONDA) to highlight their respective roles in encouraging innovation and creativity. The Delegation said that April 26 was an appropriate date on which to hold the World Intellectual Property Day as it symbolizes the entry into force of the Convention that established WIPO 30 years ago. Although the Delegation pointed out that this date corresponds with the unfortunate events of the Chernobyl tragedy, it said it was nevertheless an opportunity to promote the message that the intellect triumphs over unfortunate events resulting from new technologies. The Delegation said that, while the World Intellectual Property Day should be an international forum of cooperation, each country should decide on the range and type of activities to be undertaken. Further, the Delegation emphasized that the success and impact of the event hinged on a high level of media attention, and expressed its willingness to give practical assistance in promoting the event.

119. The Delegation of Angola supported the establishment of the World Intellectual Property Day on April 26, saying the event would help countries expand awareness about intellectual property worldwide, especially in Africa where awareness is limited. The Delegation applauded WIPO's collaboration with the Organization of African Unity (OAU) in organizing activities to commemorate the African Intellectual Property and Technology Day, celebrated for the first time on September 13, 2000. The Delegation requested WIPO's continued support of this activity to ensure that activities arranged for September 13 and April 26 were well publicized in the region.

120. The Delegation of Malaysia, on behalf of the Asian Group, supported the declaration of April 26 as the World Intellectual Property Day, and fully agreed with the justifications presented for such a declaration. The Delegation expressed its hope that such a day would promote better understanding of the role and activities undertaken by WIPO, and suggested that WIPO should attribute a special theme to each celebration of the World Intellectual Property Day.

121. The Delegation of Mexico fully supported holding a World Intellectual Property Day on April 26, considering that such a Day could contribute to more widespread knowledge of intellectual property rights at national and international levels. It requested clarification on the basis of the international literary competition referred to in paragraph 4 of document WO/GA/26/2, and said that national copyright offices could help to advertise the literary competition among potentially interested groups.

122. The Delegation of the Russian Federation, on behalf of the Central Asian, Caucasus and Eastern European Countries, said that a World Intellectual Property Day would provide an additional means to promote public understanding and raise awareness about the importance of intellectual property. It said that the most important consideration with regard to this proposal was that the event should be reflected in the program of work of the Organization and that a financial commitment should be made.

123. The Delegation of Jordan expressed its support for the establishment of a World Intellectual Property Day and fully agreed with carrying out the program at the national and international levels. The Delegation underlined the need for financial support in organizing activities to celebrate the event, and asked that WIPO provide audiovisual and published materials to be used in raising public awareness about intellectual property and WIPO's work. The Delegation supported the organization of contests and the awarding of prizes in connection with the event.

124. The Delegation of Uganda, on behalf of the African Group, fully endorsed the proposals contained in document WO/GA/26/2 and noted that the activities proposed for the first day in 2001 would be important in demystifying intellectual property, particularly among students and the youth in the region. The Delegation said that the frequency and extent of the activities for celebrations should be left to the discretion of the Director General and Member States.

125. The Delegation of Indonesia expressed its full support for the proposals which would complement national efforts to raise public awareness of intellectual property rights in Indonesia, a basic element in the successful management of the intellectual property system at the national level.

126. The Delegation of the Democratic People's Republic of Korea supported the declaration of the World Intellectual Property Day next year, and endorsed the proposal to designate a theme for each celebration of the Day. The Delegation said that the theme should be decided at the international level, with no restrictions as to the type and scope of activities at the national level.

127. The Delegation of Kyrgyzstan expressed its full support for the establishment of the World Intellectual Property Day as an important means to disseminate information on the significance of intellectual property. It supported the proposal to declare April 26, 2001 as the first World Intellectual Property Day and endorsed the proposed activities.

128. The Delegation of Cuba supported the establishment of the World Intellectual Property Day on April 26, which would highlight the international nature of intellectual property and improve understanding of the role of intellectual property rights in economic, cultural and social development.

129. The Delegation of Bulgaria, on behalf of the Group of Central European and Baltic States, expressed its support for the proposal and said it looked forward to learning more about the suggested program of activities for the first celebration.

130. The Delegation of Uzbekistan welcomed the proposal, noting that the establishment of a World Intellectual Property Day would help provide information and promote public awareness of the role of intellectual property in the social and economic development of all countries.

131. The Delegation of Namibia welcomed the initiative which, it stated, would raise awareness and understanding of WIPO's activities, the role of the Organization in assisting its Member States, and the value of intellectual property to individuals and the community. The Delegation said that the World Intellectual Property Day would complement national efforts to raise public awareness of the intellectual property system and would trigger respect for intellectual property rights at all levels. Further, the Delegation supported the proposal to declare April 26 as the World Intellectual Property Day.

132. The Delegation of Sudan welcomed the proposal to establish a World Intellectual Property Day and called it one of the most effective means of increasing awareness of intellectual property in all regions of the world. It also shared the view that the activity should be carried out without restrictions at the national level.

133. The Delegation of Ukraine said that, although April 26 marked an unfortunate event in its country's history, it supported the proposal to declare that date World Intellectual Property Day.

134. The Chairman declared April 26 as the World Intellectual Property Day which would be celebrated for the first time on that day in 2001, and noted the General Assembly also approved all proposals outlined in paragraph 4 in WO/GA/26/2. The Chairman stressed that the celebration of the World Intellectual Property Day was not obligatory but something that reflected the desire of the international community to dedicate one day a year to celebrate intellectual property. He noted that proposals on activities to mark this event would be submitted to the Director General for consideration. Such events would not necessarily be held each year and governments had full discretion in establishing and coordinating activities relating to this event.

135. The WIPO General Assembly approved the proposals contained in paragraph 4 of document WO/GA/26/2.

ITEM 19 OF THE CONSOLIDATED AGENDA:

USE OF PORTUGUESE AS A WORKING LANGUAGE OF WIPO

136. Discussions were based on document WO/GA/26/1.

137. The Secretariat recalled that the matter of the use of Portuguese as a working language of WIPO had been considered by the General Assembly in 1999, at which time the General Assembly decided on the following three points: that Portuguese would be used as a working language in all WIPO training activities involving Portuguese-speaking countries; that the Secretariat would undertake a study on the various implications of a wider use of Portuguese in WIPO; and that the matter would be on the agenda in 2000. Document WO/GA/26/1 provided the findings of the said study and reported on the use of Portuguese in WIPO training activities undertaken in the past year involving Portuguese-speaking countries. It also provided information on the situation of Portuguese as a world language; on the situation of the Portuguese-speaking countries in WIPO; on the present situation in WIPO as regards working languages and the use of Portuguese in WIPO; and on the present situation as regards the use of Portuguese in the United Nations and in the other specialized agencies and related organizations of the United Nations system. The document also presented various means, with their associated cost and staffing implications, for having a wider use of Portuguese in WIPO. The Secretariat emphasized that the question of the degree of use of Portuguese, or indeed of other languages, in WIPO was a matter with important political and other considerations, to be decided by WIPO's Member States themselves.

138. The Delegation of Brazil thanked the Director General and the Secretariat for the very balanced, comprehensive and well structured document. The Delegation noted that, upon the request of the seven Portuguese-speaking countries of WIPO, the issue of Portuguese as a working language of WIPO had been included in the General Assembly agenda in 1999. After intense discussions, a compromise solution established by the Director General had been reached, involving the three points referred to in the Secretariat's introduction. The Delegation was pleased to note that all three points of the compromise had been

accomplished. The comprehensive study by the Secretariat was useful in describing the situation of Portuguese as a world language, the situation of Portuguese-speaking countries in WIPO, the present situation of Portuguese in WIPO and the use of Portuguese in other international organizations. More importantly, the Secretariat's study presented various means of having a wider use of Portuguese in WIPO. Portuguese is a widely spoken language, by a population of around 200 million people. The countries that use Portuguese as their official language are geographically distributed in Africa, Latin America and Europe. Additionally, Portuguese is also spoken in different parts of Asia such as Macao, Goa and East Timor. All seven Portuguese-speaking countries, including developed, developing and least developed countries, are members of WIPO. The Delegation of Brazil considered that the case for increasing the use of Portuguese as a working language in WIPO should not be understood as a limited matter of principle and cultural affirmation. The main purpose of increasing the use of Portuguese in WIPO lay in its positive implications in the area of cooperation for development. Given the significant majority of developing countries among Portuguese-speaking countries, the opportunity of using Portuguese as a working language was actually a significant means of facilitating cooperation for developing countries. The main objective of increasing the use of Portuguese lay in providing a maximum outreach for persons interested in intellectual property issues discussed in WIPO, in the private sector, universities and in the Government. In pressing for a greater use of Portuguese, the Delegation of Brazil fully recognized that if intellectual property was going to be able to establish itself as a reality in its country and in the other Portuguese-speaking countries, many of them least developed countries, one must enable people to understand what was being talked about regarding intellectual property, and thereby promote and strengthen the understanding of intellectual property. Therefore, such purposes and objectives should not be understood through the narrow optic of budgetary considerations. They reflected the general interest of WIPO in spreading intellectual property throughout the world and providing cooperation for development. The Delegation recalled that, since 1979, Portuguese along with Spanish, Arabic, Russian and Chinese was a working language in WIPO, but Portuguese was the only working language among those limited to publications. The Delegation of Brazil considered it necessary to increase its use to other activities presented by the Secretariat's study, for several reasons. First and foremost, the main reason why Portuguese-speaking countries were in favor of increasing the use of Portuguese in WIPO lay in the specific characteristics of WIPO which has a unique budgetary situation. Yet other international organizations, with far more limited budgets, had already taken more significant measures to increase the use Portuguese than WIPO. In this connection, concerns over a precedent within the United Nations system were unjustified. Secondly, the Delegation recalled that other languages besides the WIPO working languages were already in use in the Organization. The PCT Assembly had already accepted that patent filing procedures in the PCT are made in Japanese and German. Obviously, the use of such languages incurred financial expenses as WIPO officials have to be remunerated for such activities. The Delegation also recalled that UPOV, WIPO's sister organization, had already adopted German as a working language. One could only welcome initiatives of this kind, as they reflected the same purpose and objectives that justified an increased use of Portuguese in WIPO. The Delegation added that, although Brazil and the other six Portuguese-speaking countries maintained their position of principle, they were fully aware of considerations that other countries might have on the different implications of this issue. The Delegation observed that the Portuguese-speaking countries were requesting very little, as shown by the small costs for having Portuguese interpretation in the meetings of the Assemblies. There were therefore really no major budgetary implications. The Delegation of Brazil was engaged in a constructive, gradual and realistic approach, and was prepared to negotiate appropriate terms, in a pragmatic and flexible manner, in order to ensure a results-oriented decision. The

Delegation concluded by requesting that other Delegations give positive consideration to increase the use of Portuguese, particularly regarding measures related to documentation, interpretation in the Assemblies of the Member States, and publication of documents in Portuguese; the Delegation of Brazil had clear expectations that the General Assembly would be able to adopt a decision along these lines.

139. The Delegation of the Dominican Republic, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), stated that GRULAC was fully aware of the financial and political implications of the use of Portuguese as a working language within WIPO. However, the statistics presented made it clear that the seven Portuguese-speaking countries which are members of WIPO represented a population greater than that of other countries whose languages were already working languages of WIPO. The Delegation confirmed GRULAC's support for the increased use of Portuguese in WIPO on the basis of the initiatives listed in paragraphs 18 to 30 of document WO/GA/26/1. However, this should not lead to an increase in the level of the contributions of Member States.

140. The Delegation of Angola welcomed the fact that the use of Portuguese as a working language of WIPO was on the agenda. The Delegation congratulated the Director General for the progress achieved by WIPO in the developing countries since he was appointed. The Delegation noted that 21 years ago it had been decided to extend the use of Arabic, Portuguese, Russian and Spanish as working languages of WIPO. Since 1979, there had been a considerable change in the Portuguese-speaking countries. The industries in many of those countries had become internationally competitive; that happened to Portugal and Brazil already some years ago, and the positive trend was now appearing in other Portuguese-speaking countries as well. Intellectual property already held an important place in the world because of the importance of trademarks, patents and industrial designs. Making investments without having a registered trademark was undoubtedly a major risk, and investors were aware of that risk, since the trademark is the capital of the enterprise. To have investment, whether national or foreign, one first must have protection for industrial property rights. However, the staff of an industrial property administration need to be trained and to know both national and international rules and regulations. Sometimes, the literature produced for training staff is not entirely accessible to them because it is not in the official language. The Delegation wondered how WIPO would be able to achieve success with distance learning, how to provide support to SMEs, how to handle in 2006 the coming into force of the TRIPS Agreement for the LDCs, and how to handle electronic commerce, domain names on the Internet and other emerging questions. It would be necessary not only to provide training in Portuguese, but also to enable judges, attorneys, customs officials, researchers, university professors and others to be able to participate in the technical meetings, workshops and seminars under the same conditions as nationals of other countries whose language was one of the working languages. The Delegation observed that, apart from interpretation at the General Assembly, the other costs could be covered by the existing budget. The difficulty with respect to installing an additional interpretation booth could be dealt with when the new WIPO Building is constructed. The Delegation observed that the Portuguese-speaking countries represent approximately 200 million persons living on three continents, with Brazil being almost a sub-continent in Latin America. It was obvious that the industrialization of these countries would continue and that the protection of industrial property could only be effectively ensured if the linguistic obstacles faced in WIPO were overcome. That required the support of all Delegations. The countries concerned wanted to be able to participate in WIPO's activities, and thus requested special consideration for their language in this special Organization.

141. The Delegation of Cape Verde expressed its thanks for the very laudable initiative of the Director General in having this agenda item, and thanked the Secretariat for the study of the various aspects of the use of Portuguese in WIPO and for the quality of information provided. The matter of the adoption of Portuguese as a working language by WIPO had been around since the end of the 1970's. Since then, considerable progress had been made and the Delegation welcomed that. It recalled that at the session of meetings held in 1979, the Director General had stated "the greater the number of languages used, the more the contacts between governments and the International Bureau will be facilitated and the easier the Delegations concerned will find it to express themselves in meetings organized by the International Bureau." Today the seven countries whose official language is Portuguese are all members of WIPO. They represent a Portuguese-speaking population of approximately 200 million people. To that one could add the fact that the issues dealt with in WIPO are multi-dimensional, which affect social, economic, legal and cultural questions, and they are both technical and scientific in nature at the same time. The adoption of a three-point compromise at the session held in September 1999, 20 years after the issue originally arose, was welcomed by the Delegation as another step forward. However, one could go much further than that by adopting Portuguese as a working language in WIPO; that would be of interest not only for the Portuguese-speaking countries, including Cape Verde, but also for developing countries and least developed countries, noting that, except for Portugal, all the Portuguese-speaking countries are members of that group. If the request were met, it would enable the Portuguese-speaking countries to participate more effectively and more frequently in the Organization's activities, and would allow them to express their needs better, which should enable those to be met better, particularly in terms of cooperation and technical assistance. Those countries would also be able to get access to and better understand technical and scientific information. Obviously, the adoption of an additional language implied expenditures and adjustments to human resource policy, but the Delegation believed that one should bear in mind not only the issue of financial investment and the cultural aspect, but also the contribution to development which the adoption of Portuguese could bring to WIPO.

142. The Delegation of Portugal thanked the Director General for document WO/GA/26/1 concerning the use of Portuguese as a working language of WIPO. It noted that Portuguese had been a working language of WIPO for the last 20 years. When it was decided to have Portuguese used as a working language back in 1979, only two Portuguese-speaking countries were members of WIPO: Brazil and Portugal. One country, Angola, had just then asked to become an observer. Today the situation has changed dramatically. The document presented by the Secretariat was very clear on how many people speak Portuguese in the world. But the question before the General Assembly was not a question of national pride or cultural affirmation, but rather a very concrete way of helping WIPO to reach out to as many countries as possible and of allowing all countries, and especially developing countries, to fully participate in WIPO's activities. Today seven Portuguese-speaking countries are members of WIPO; tomorrow, the Delegation very much hoped that an independent East Timor would also become a member of the Organization. Out of these countries, six are developing countries, and five are least developed countries. These least developed Portuguese-speaking countries had made a tremendous effort to become members of WIPO. But as the Director General pointed out in his opening address, there had been great headway in the development and codification of intellectual property law, and promotion of adherence to the WIPO treaties is a priority for the Organization. Moreover, WIPO's agendas have greatly increased in complexity, breadth, depth and volume. It was clear that it would not be possible for these Portuguese-speaking developing countries to fully benefit from the Organization as long as they were confronted with meetings, publications, etc., that may take place or are produced

only in languages that often, in those countries, are perhaps only spoken by professional diplomats. On the other hand, it was clearly in the interest of all countries to see their marks and their patents fully protected in these countries. Thus many of the more developed countries that now already have significant business relations with the Portuguese-speaking countries also had a very concrete and direct interest in the spreading of WIPO-related activities in those countries. The time has now come to have Portuguese used in WIPO in parallel with other working languages. Unfortunately, while document WO/GA/26/1 recognized that “several of the United Nations specialized agencies do provide for a greater use of Portuguese than is the situation in WIPO, even though, their financial situation is more constrained,” the document did not make clear two facts: first, WIPO is a very special and highly technical Organization, where one really needs to be very fluent in the language being used to benefit from it. Secondly, while the United Nations organizations do not have the means to afford using Portuguese to a large extent, WIPO does. So what is done here did not have to be automatically copied elsewhere. Delegates all knew the financial situation of WIPO and the implications of a greater use of Portuguese. The Delegation of Portugal added that what was to be decided was not any kind of political matter or any question of principle. The status of the language would not change. It already was, and it would continue to be, a working language. One simply had to decide whether to give a substantial number of countries, namely, least developed countries, the possibility of making full use of the Organization, and the possibility to continue to reinforce the international intellectual property system at a price that did not have any significant impact on the overall budget of WIPO. The Delegation recalled that the United Nations was organizing a United Nations conference, which was very important to and in favor of the least developed countries, that would take place in May 2001 in Brussels. All the organizations of the United Nations system had been asked to contribute to that meeting. The Delegation said that it could not see any better contribution by WIPO than allowing the least developed countries to fully participate in its own activities. The Delegation therefore appealed to the General Assembly to agree to a greater use of Portuguese.

143. The Delegation of Guinea-Bissau thanked the Director General and the International Bureau for the impartial way that document WO/GA/26/1 was introduced. The Delegation observed that Portuguese is a working language of the Organization of African Unity (OAU), in view of the fact that five of the seven Portuguese-speaking countries are African countries and are also members of WIPO. As the Delegation of Brazil had stated, the request to introduce Portuguese as a working language of WIPO was not simply a question of affirmation, but rather a question of need, to better understand intellectual property matters, because more than 95 per cent of people in Guinea-Bissau speak only Portuguese. The Delegation recalled the statement of the Director General in which he said that it is necessary to demystify intellectual property. In order to do so, one must give the same opportunity to those who speak Portuguese, because that involves 200 million persons in three continents. The Delegation recalled, by way of example, that Japanese and German were used as working languages in the PCT, while the number of people speaking or using those languages was lower than the number of people using Portuguese. Those two countries also had an advantage because many of their nationals also speak English. The Delegation concluded by stating that it would like to see Portuguese adopted as a working language of WIPO.

144. The Delegation of Uganda, speaking on behalf of the African Group, noted that when the matter of the use of Portuguese as a working language in WIPO was discussed last year, the International Bureau was requested to carry out a study on this issue and present to the General Assembly this year a report of its findings. The African Group appreciated document WO/GA/26/1, which was well researched and balanced, and gave clear options and

possibilities on how to deal with this matter in order to facilitate Portuguese-speaking countries being active participants in meetings of the Organization. The African Group had sympathy for their colleagues from countries having Portuguese as their official language, which rendered it difficult for them to follow deliberations in the WIPO working languages with which they were not familiar. Given the importance of intellectual property issues today, the African Group requested that the use of Portuguese in WIPO meetings and other activities be increased, to facilitate the effective participation of the Portuguese-speaking countries.

145. The Delegation of Argentina supported and endorsed the position of GRULAC that Portuguese be included as a working language in WIPO. The Delegation recalled that, several days earlier when His Royal Highness Prince El-Hassan Bin Talal of Jordan addressed the General Assembly, he expressed amazement that when individuals from different cultural origins, different languages, and different economic areas of the world met in the Policy Advisory Commission to discuss issues of industrial property, despite these differences there was a great convergence of views. The Delegation noted the large number of people present in the General Assembly, from different countries, to discuss certain issues. This was possible because there was a common purpose. The Delegation considered that the fundamental issue to be borne in mind was that all who together make up this magnificent Organization do have a common purpose. It is our duty to be efficient in meeting the goals that we set ourselves, and we should eliminate all possible obstacles in order to facilitate the attainment of these goals, because otherwise we would be failing in our duty towards efficiency. Language is a bridge, and a bridge can be seen as a construction that separates two points, or it can be seen as a construction that unites two points. In the interest of WIPO's lofty goals, languages should be seen as bridges that unite us and as vehicles that should open up roads to greater efficiency within WIPO, and promote international cooperation and extend to more countries and more people the advantages of protecting industrial property. There were therefore no real reasons for not incorporating into WIPO a language in which a major part of the world's poetry and prose had been produced, which form an integral part of humanity's culture. The Delegation said that one should follow the example given daily on the Internet, which is a constant inspiration to bring down walls and create more bridges of communication. The Internet began with two or three languages, and now anything should be found on the Internet in many more languages. This made it more popular, more efficient, more effective, and economically more profitable. It was the belief of the Delegation that WIPO, which has the technology, the resources and the leadership worldwide in promoting technology in the interest of mankind as a whole, could not under any circumstances fail to facilitate the use of Portuguese as a working language within WIPO, especially as that would help attain the goals of the Organization.

146. The Delegation of Mozambique expressed its appreciation to the Director General and the Secretariat for the efforts and achievements in the use of Portuguese in WIPO meetings, as reflected in the document under discussion. The Delegation associated itself fully with the statement of the African Group made by the Delegation of Uganda. The decision to use Portuguese as a working language in WIPO was taken in 1979. After 20 years, the need for the use of Portuguese became more evident, as more Portuguese-speaking countries had joined the Organization and acceded to the principal treaties administered by WIPO. This happened because those countries, including Mozambique, believed in the contribution of intellectual property in the growth of their economies. Nevertheless, the language problem was still a great barrier for the dissemination of intellectual property information in their business communities. It was very difficult in the Portuguese-speaking countries to take advantage of the benefits of intellectual property when the transfer of technology appeared in documents in a language which the users cannot understand. The reasons for the use of

Portuguese as a working language in the Organization were well known. The Delegation therefore asked the General Assembly to take into account the following facts. WIPO is a very special Organization, with very specific characteristics. In terms of its financial resources, WIPO cannot be compared with the other United Nations organizations. Second, the Portuguese-speaking countries made great efforts to integrate into the Organization and its treaties, thereby opening their doors, not only for their nationals but also for foreigners. This should also be considered as a contribution to the Organization. Lastly, the objective of the use of Portuguese as a working language in WIPO was not to create any precedent. The Portuguese-speaking countries only requested special treatment of their language in this special Organization, in addition to seeing implemented the decision taken in 1979 regarding the use of Portuguese. The Delegation thus fully supported the use of Portuguese as a working language.

147. The Delegation of Algeria supported the statement made by the Delegation of Uganda speaking on behalf of the African Group. It was convinced that the implementation of measures to promote intellectual property through the use of Portuguese would embody the multi-cultural nature of the Organization, and would establish even more firmly the concept of intellectual property, given the international nature of the use of Portuguese. The Delegation thanked the International Bureau for having taken up this matter through a program which was both forward looking and detailed.

148. The Delegation of Venezuela congratulated the Secretariat for the excellent document. The Delegation expressed its support for what was said by the Delegation of the Dominican Republic, speaking on behalf of GRULAC, on the use of Portuguese as a working language of WIPO, because that would facilitate the participation of the Portuguese-speaking countries within WIPO, and therefore would contribute to the attainment of the aims of the Organization.

149. The Delegation of Mexico gave its full support to the proposal that Portuguese be included as a further official language within WIPO, not only for the more than 200 million Portuguese-speaking people throughout the world, but also because of the presence of this language in four continents. This would certainly enable cooperation programs to be more effective, given that the majority of the countries concerned were developing countries. Two months ago, Mexico's National Institute of Industrial Property, together with that of Brazil, signed an important cooperation agreement in both languages, which had already borne fruit with the visit of eight Brazilian technicians to Mexico City, whose working languages were Portuguese and Spanish. The Delegation expressed the hope that, at the next General Assembly, it would have the pleasure of using Portuguese.

150. The Delegation of Chile endorsed the statement made by the Coordinator of GRULAC. It considered the report prepared by the International Bureau on the use of Portuguese throughout the world, and United Nations practice along with that of other international agencies, was very useful. The report highlighted the value of the use of Portuguese in increasing participation by Portuguese-speaking countries in WIPO activities, beyond only development cooperation activities. The Delegation of Chile supported all actions taken to encourage participation by developing countries within WIPO, noting that greater use of Portuguese would considerably contribute to the attainment of this goal. The Delegation was therefore very much in favor of any action taken to that end.

151. The Delegation of Trinidad and Tobago said that it supported the recommendation presented by the Delegation of Brazil, and endorsed that of the Delegation of the Dominican

Republic, speaking on behalf of GRULAC. It considered that the use of Portuguese as a working language of WIPO would greatly facilitate the work of those countries whose mother tongue is Portuguese, especially as most of these countries are developing countries. The document contained useful background information on the use of Portuguese as a working language. The Delegation felt that implementing this proposal would be worthwhile, even if it required an increase in resources within WIPO.

152. The Delegation of Spain unreservedly supported the use of Portuguese as a working language within WIPO. Increasing the use of Portuguese, especially for development cooperation activities, would imply only a slight effort from WIPO, yet the results would be visible and very positive, because it would enable least developed countries to participate more fully in WIPO's activities. Therefore, the Delegation asked the General Assembly to agree to the proposal to make an increased use of Portuguese as a working language within WIPO.

153. The Delegation of Kenya supported the use of Portuguese as one of the working languages within WIPO, since the majority of the Portuguese-speaking countries are in Africa, and their participation in the activities of WIPO would be made much easier.

154. The Delegation of Cuba supported the statement made by the Delegation of the Dominican Republic, speaking on behalf of GRULAC. The Delegation stated how useful it was to have held a session of the WIPO Academy in Cuba, where representatives of Latin American countries and of Portuguese-speaking African countries had an opportunity to exchange valuable experiences on intellectual property. The Delegation therefore supported a greater use of Portuguese in the activities of WIPO, through the initiatives presented in document WO/GA/26/1, and taking into account what had been said by the Delegation of Brazil. Since 1997, there had been a cooperation agreement between Cuba and Brazil which had provided a rich exchange of experiences and joint undertakings for the development of both countries concerning industrial property.

155. The Delegation of Antigua and Barbuda supported the proposals for the extension of the use of Portuguese as a working language of WIPO. It endorsed the statements made on behalf of GRULAC and by the Delegations of Brazil and Trinidad and Tobago. However, it expressed its concern about the additional cost that this venture would have on contributions of Member States.

156. The Delegation of Paraguay expressed its thanks to the Director General for the information contained in document WO/GA/26/1. The Delegation endorsed what had been said by the Delegation of the Dominican Republic, speaking on behalf of GRULAC, and expressed its full support for what had been said by the Delegation of Brazil. It considered that the means given in paragraphs 18 to 30 of document WO/GA/26/1 for intensifying the use of the Portuguese language within WIPO were achievable, and that the costs involved would be insignificant in comparison with the benefits which would accrue not only to the Portuguese-speaking countries, but also to other countries in WIPO. The Delegation of Paraguay recognized the fact that of the seven Portuguese-speaking countries which are members of WIPO, six are developing countries, and five are least developed countries. That was an additional reason for the General Assembly to take the steps suggested by the Secretariat and indeed by the Portuguese-speaking countries, because the inclusion of Portuguese as a working language would be an additional tool for promoting the development of the countries concerned.

157. The Delegation of Malaysia, speaking on behalf of the Asia and Pacific Group, stated that the Group was of the view that, as far possible, and in order to keep the administrative costs of WIPO within reasonable limits, WIPO should confine its use of languages to those officially recognized by the United Nations system. Any deviation from this could lead to a spate of demands from other linguistic groups. The scope of the use of the Portuguese language should therefore not be widened beyond what was decided by the General Assembly at its September 1999 session.

158. The Delegation of Japan, speaking on behalf of the Delegations of the United States of America, Canada, Australia, New Zealand and Japan (the JUSCAN countries), said that all Delegations acknowledged and fully supported the objectives of developing and least developed countries in implementing strong regimes for protection of intellectual property rights and their laudable efforts to achieve world standards in this regard. It applauded the efforts of the International Bureau in supporting the efforts and objectives of these countries via its delivery in Portuguese of vital training activities, associated documentation and other technical cooperation for development programs. The Delegation fully supported the continuation of the use of Portuguese in carrying out these activities. While acknowledging the specialized nature of WIPO's activities and the financial advantages they provided, the Delegation nevertheless noted that WIPO was part of the common United Nations family. It must therefore take note of the practice followed in that family and acknowledge the precedential significance of its own decisions, not only within WIPO but also in other United Nations agencies. If there were to be any departures within WIPO from the general United Nations practice, it would only be reasonable for the matter to be determined by the extent of actual use of international industrial property systems administered by WIPO, in which a number of other non-official languages were far more widely used than Portuguese. In addition, the fact that linguistic resources were committed to development cooperation activities in Portuguese was a more appropriate and valuable investment of resources in that language than investing them instead in the dissemination of the largely technical or procedural papers and in the discussions that are undertaken in official WIPO languages. On the basis on these considerations, the Delegation said that it could not support the extension of the use of Portuguese in the forms set out in document WO/GA/26/1 and advocated by a number of WIPO Member States. The Delegation therefore gave its unequivocal support to maintenance of the existing level of use in WIPO of the Portuguese language.

159. The Delegation of Bulgaria, speaking on behalf of the Central European and Baltic States, said that it had a deep respect for the needs of the Portuguese-speaking countries, and agreed that WIPO should reach out to a larger extent to this part of the world. The Delegation was ready to approve an increased use of Portuguese in cooperation for development activities, meetings of the least developed countries, briefing materials, capacity building activities, opening of WIPO's website, and other activities which could be covered by the program and budget for development. But the use of Portuguese in the General Assembly was a clearly political issue, which should be dealt with by the United Nations according to the United Nations practice. The Delegation considered that it would have a limited contribution to reaching out further to the Portuguese-speaking world. The Delegation was ready to entrust the International Bureau to come up with a consensus proposal on the extent to which Portuguese would be further used in WIPO, fully recognizing the difficulties of this task.

160. The Delegation of Romania congratulated the International Bureau for the excellent document WO/GA/26/1. As far as the question of the use of Portuguese as a working language of WIPO was concerned, the Delegation had a great deal of sympathy and

understanding for the proposal. While there would be some additional expenditure, which complicated the issue somewhat, the Delegation was sure that a solution would be found. The Delegation was very sympathetic to the request of the Portuguese-speaking countries that Portuguese should be used as a working language of WIPO.

161. The Delegation of Cameroon paid tribute to the strategic foresight and managerial ability of the Director General. The Delegation supported the statement of the Spokesperson of the African Group and statements made by other Delegations which supported the proposal made. The Delegation considered that everyone agreed that today's economy and certainly tomorrow's economy are and will be structured around knowledge and intelligence, and all agreed that WIPO had a leading role to play in the consolidation of knowledge and intelligence and its spreading throughout the world. There was therefore only one approach that could be taken to enable the knowledge and intelligence expressed in the Portuguese language to blossom here and now in WIPO.

162. The Delegation of Lesotho associated itself fully with the statement of the Spokesperson of the African Group. The use of Portuguese in the Organization would enable Portuguese-speaking countries, some of which are least developed countries, to participate more actively in WIPO's activities. Since it would also facilitate a more effective utilization of intellectual property information, as well as promoting technology transfer, the use of Portuguese would also strongly contribute to WIPO's program on the use of intellectual property by SMEs. The Delegation therefore strongly supported the proposal to use Portuguese as one of the working languages.

163. The Delegation of Uruguay expressed its support for the use of Portuguese as a working language in WIPO, bearing in mind that, in WIPO, there was a sizeable number of Portuguese-speaking countries. Uruguay would soon publish on CD-ROM and in printed form its intellectual property rules and regulations in Portuguese, so as to make them more accessible to people who speak that language. The Delegation believed that the proposal made by Brazil was reasonable and appropriate in cost-related terms, because it would not involve an excessive amount being taken from the budget, bearing in mind the benefits which would accrue to the Portuguese-speaking Member States.

164. The Delegation of Zimbabwe stated that the beauty and strength of WIPO lay in its very admirable attempt to be as all-inclusive as possible. This was an expression of democracy that other multilateral organizations should emulate. The Delegation fully endorsed the intervention by the Coordinator of the African Group. Language should not be seen to marginalize the participation of the significant number of persons who speak Portuguese. The Delegation therefore endorsed the International Bureau's findings as contained in document WO/GA/26/1. For synergistic reasons, it was important to embrace the Portuguese-speaking colleagues by adopting Portuguese as a WIPO working language.

165. The Delegation of Burundi supported what had been said by the Delegation of Uganda, speaking on behalf of the African countries. It supported the use of Portuguese within WIPO because intellectual property is a subject that can only really be understood by someone using their mother tongue, or at least the language in which they were educated. Burundi supported multilingualism within the United Nations system and therefore the Delegation considered that the adoption of Portuguese as a working language would be a step in the right direction.

166. The Delegation of Egypt endorsed the statement made by the Delegation of Uganda, on behalf of the African Group. In view of the importance of intellectual property subjects, and

in particular the enablement of developing and least developed countries in participating in economic development, and taking into consideration that Portuguese-speaking African countries are least developed countries, the Delegation of Egypt supported the expansion in the use of Portuguese as a working language of WIPO, as this would facilitate the understanding by officials of intellectual property subjects. The Delegation noted that other agencies used Portuguese as a working language, as mentioned in the document presented by the Secretariat.

167. The Delegation of India supported the Asian Group's position as stated by the Delegation of Malaysia. While doing so, it wished to place on record India's position, that if the number of speakers of a language is a major consideration, Hindi along with its variant of Urdu is spoken by more than 900 million persons in a total of 20 countries around the world. The Government of India was taking steps to stake the claim of Hindi as one of the languages of the United Nations system. The Delegation requested WIPO and its Member States to take note of its position.

168. The Delegation of Portugal was very glad to note that over 26 countries had expressed their support for an enlarged use of Portuguese as a working language of WIPO. There were some reservations from four countries. The Delegation noted that it was very important to understand what was under discussion. Nobody was asking for any change in the status of the Portuguese language in WIPO: Portuguese already is and remained a working language of WIPO, as had been decided more than 20 years ago. And nobody was asking for Portuguese to become an official language. Thus the argument that one should follow what the United Nations does was not really an argument. Moreover, document WO/GA/26/1 was quite clear in pointing out that Portuguese is used to a larger extent in some other organizations of the United Nations. The question to be addressed by the General Assembly was whether to increase the use of Portuguese as a working language of WIPO, and if so, by how much. The Delegation observed that the issue was not one of money, as it was clear that resources were available if one wanted to use them to help the developing countries. In its view, the decision was very easy, and the Delegation of Portugal was ready to participate in any informal consultations which the Director General might wish to organize on this matter.

169. The Delegation of Ghana associated itself with the statement made by the Delegation of Uganda on behalf of the African Group, and emphasized that it was ultimately pressing for a wider use of Portuguese in WIPO because of what was stated in paragraph 8 of document WO/GA/26/1, which reads "It is evident that a wider use of Portuguese in the activities of WIPO, if that were to be decided by the WIPO General Assembly, would be of considerable benefit in enabling WIPO to reach out to the significant number of Portuguese-speaking peoples in the world, most of whom live in developing countries, and would enhance the participation of those countries in WIPO's activities, especially as regards WIPO's cooperation for development activities, in particular, through enhancing intellectual property systems in order to encourage national creativity by favoring the access to scientific and technical data contained in millions of patent documents, and by facilitating the acquisition of foreign technologies and the use of foreign literary and artistic works. This would promote the cultural, social, economic and technological development, and wealth creation, of the developing countries concerned." The last sentence alone should spur the General Assembly to support the proposal for greater use of the Portuguese language.

170. The Delegation of Brazil said that, as for the Delegation of Portugal, it wholeheartedly thanked those Delegations which had supported the increased use of Portuguese in WIPO. It also reminded the General Assembly that it was not asking for a modification of the official

status of Portuguese in the Organization, nor was it trying to create a precedent as to whether Portuguese was or was not an official language of the United Nations system. The Delegation was asking for an increased use of a working language of WIPO already recognized as such by the Organization. With regard to the intervention made by the Delegation of Japan in the name of the JUSCAN countries, the Delegation of Brazil was surprised that the Delegation of Canada, whose country had the question of language as a high priority in its national policy, did not show understanding for what was being asked for. As indicated by the Delegation of Portugal, the proposals for the increased use of Portuguese were flexible. The Delegation of Brazil was asking the General Assembly to accept that some additional use of Portuguese might be useful for the purposes of the Organization, especially as some Delegations had indicated that they would like to have a better comprehension of what was being discussed.

171. The Delegation of Angola supported the statement made on behalf of the African Group, and thanked all the African countries for their support to the cause of the Portuguese language, which is the official language used in Angola and in other officially Portuguese-speaking countries, and also thanked all the Delegations which had supported a more extensive use of Portuguese in WIPO. The Delegation of Angola acknowledged that other national languages were more widely used than Portuguese, but noted that the Portuguese language was used in more than three continents. In addition to its use in Europe, Latin America and Africa, Portuguese was used in Asia, in East Timor and China, particularly Macao, and in Goa in India. The Portuguese-speaking people were lifting up their voices in claiming a legitimate right, and asked the Member States of WIPO to help them come out of their scientific and intellectual isolation.

172. In response to certain questions raised, the Delegation of Canada stated that Canada was officially a bilingual country, and was very proud of that fact. It was in a position to recognize the associated costs, including those which do not appear evident. The Delegation's position was clear when required to shoulder its responsibilities, faced with the cost of a new language in the United Nations system and the precedent created for other languages as well. The Delegation maintained the common position expressed by the Delegation of Japan on behalf of five countries.

173. The Delegation of Malta said that it had no objection to the use of Portuguese as a working language of WIPO, provided that the additional expenses involved were fully absorbed by the present budget of the Organization.

174. Consultations and negotiations then took place in order to find an appropriate formula regarding the use of Portuguese as a working language of WIPO.

175. The Chairman reported that, following extensive negotiations, particularly with those Delegations most concerned by the question of the use of Portuguese, a text of a draft decision by the General Assembly had been reached, which should meet all the concerns that had been expressed during the course of the discussions. The Chairman then read out the following text:

The General Assembly of WIPO

Recalling the decision of the Governing Bodies in 1979 to decide that Portuguese would be used as a working language of WIPO,

Cognizant of the fact that no claim has been made to transform Portuguese into an official language,

Taking note of the increased number of Portuguese-speaking countries that have become members of WIPO since 1979,

Taking note of the use of Portuguese in the training activities of WIPO, and

Taking note of the contents of document WO/GA/26/1,

Decides:

1. To have Portuguese used in meetings in development cooperation activities for developing countries and least developed countries, as appropriate;
2. To have promotional material produced in Portuguese regarding WIPO-administered treaties;
3. To develop a Portuguese part of WIPO's website for publications in Portuguese; and
4. To provide, as necessary, Portuguese interpretation for diplomatic conferences and for the General Assembly, the specific arrangements to be at the discretion of the Director General, who would also be encouraged to seek voluntary contributions in respect of this provision.

In submitting the text to the General Assembly for adoption, the Chairman stated that it had been the subject of a very scrupulous negotiation, in which the Director General had personally participated along with the Delegations most concerned. All possible consultations had been held, with the aim of satisfying any Delegation that had a serious concern in this matter.

176. The Delegation of Portugal stated that the text was the result of very long and in-depth negotiations. The Delegation noted that it was in the nature of negotiation that everybody comes out of the negotiation a little bit dissatisfied. The Delegation paid tribute to the Chairman and to the Director General for the way in which the negotiation had been conducted, which went as far as the flexibility from the various Delegations allowed. The Delegation of Portugal expressed its deep satisfaction and thanks to all Delegations that had participated in the various formal and informal discussions on this matter, noting the understanding they had shown in those difficult discussions.

177. The Delegation of Mozambique, speaking on behalf of the African Portuguese-speaking countries, associated itself with the statement of the Delegation of Portugal. It also thanked the Director General for his commitment on this issue and for the achievement reached. The Delegation also thanked all those who had been involved in the process and had made possible the result achieved.

178. The Delegation of Brazil, recalling that it had come to the discussions with clear expectations, stated that it was very happy with the results of the negotiations. The Delegation thanked the Chairman and the Director General for their cooperation, thanked the

Secretariat for having produced a useful document, but mostly, thanked all the Delegations which had participated in the negotiations and had shown flexibility but also comprehension.

179. In reference to the text accepted by the General Assembly on the subject of the use of Portuguese by WIPO, the Delegation of the United States of America said that it would like to clarify its position. In view of the provision of paragraph 4 of the decision on Portuguese interpretation for diplomatic conferences and for the General Assembly, according to arrangements to be made at the discretion of the Director General, it is the Delegation's understanding that in financing this provision the Director General would first seek voluntary contributions, and should extra-budgetary funds be insufficient to cover the full cost of this provision, the Director General would then resort to utilizing reserves from fee-based Unions. The Delegation would not expect these costs to be assessed on Member States as part of the regular assessed budget.

180. The General Assembly adopted the text of its decision contained in paragraph 175, above.

ITEM 20 OF THE CONSOLIDATED AGENDA:

PREMISES

181. Discussions were based on document WO/GA/26/8.

182. The Chairman of the General Assembly introduced Agenda Item 20 and invited the Chairman of the Program and Budget Committee to report on the results of the discussions that had taken place at the second session of that Committee, held from September 20 to 22. The Chairman of the Program and Budget Committee summarized the document for consideration under Agenda Item 20, namely WO/GA/26/8, Premises Plan 2000 to 2007, Progress Report on New Construction and Study on Energy Station. He noted that all matters dealt within the document were for information. In this regard, the General Assembly was invited to take note of that information.

183. The Delegation of the United Kingdom, referring to the Director General's statement on the subject earlier during the week, expressed their appreciation to the Director General for his prompt and positive response to the concerns raised by his and other Delegations at the Program and Budget Committee regarding the proposal on the renovation of the ex-WMO building. It welcomed the efforts of the Secretariat to put in place an effective project management structure for both the new premises and the ex-WMO building project. It hoped that part of that structure would be the assignment of responsibility for these projects to a member of WIPO's senior management team. Finally, it expressed its confidence that these measures would ensure that those projects would be delivered on time and within budget.

184. The WIPO General Assembly took note of the information contained in document WO/GA/26/8.

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