

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **WIPO GENERAL ASSEMBLY**

### **Twentieth Session (8th Extraordinary) Geneva, March 20 and 21, 1997**

#### REPORT

*adopted by the General Assembly*

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document AB/XXX/1 Prov. Rev.2): 1, 2, 3, 4, *4bis* and *4ter*, 6 and 7.
2. Mr. Moses F. Ekpo (Nigeria) current Chairman of the General Assembly, presided over the meetings, as well as the joint meetings of the General Assembly and the Assembly of the Berne Union.
3. The report on the said items, with the exception of items *4bis* and *4ter* is contained in the General Report (document AB/XXX/4).
4. The report on items *4bis* and *4ter* is contained in the present document.

ITEM 4BIS OF THE CONSOLIDATED AGENDA:

PROPOSAL FROM THE UNITED STATES OF AMERICA CONCERNING THE ESTABLISHMENT OF AN *AD HOC* INFORMATION TECHNOLOGIES COMMITTEE AND PROPOSED DECISIONS CONCERNING SCHEDULING OF MEETINGS OF THIS AND RELATED COMMITTEES

5. The discussions were based on document WO/GA/XX/1.
6. After a presentation of the proposal by the Delegation of the United States of America and a debate in which a number of delegations and the Director General participated, the WIPO General Assembly made the following decision:
  7. (a) First, a working group will meet in June or July 1997, whose membership will be open to every Member State of WIPO on an equal footing as well as to those organizations which usually participate in WIPO meetings. The Working Group will have three inputs and is expected to have three results.
    - The first input will be a paper from the United States of America in which it will further explain and specify its proposals.
    - The second input will be any written comment on the proposal of the United States of America or any new ideas, in writing, from any of the Member States or the said organizations.
    - The third input will be a document from the International Bureau of WIPO which, as regards information technology activities, will state what the Organization is already doing and what is in the draft program and budget for the next biennium; it may also provide any other comments.

In keeping with the spirit of the proposal of the United States of America, those three inputs should be communicated also through the Internet.

The three expected results of the meeting of the Working Group would be the following:

- The first result would be a recommendation as to the future structure or institutional aspects, namely, whether there should be a new committee (in which case, what should be its name and its composition, etc.) or should the task be entrusted to existing WIPO bodies.
- The second result would be a recommendation as to what should be the program in this field for the rest of 1997 and for the next biennium—to the extent that that is not already in the present and proposed program.
- The third result would be a recommendation as to general objectives beyond 1999.

(b) Second, the Director General will propose, if necessary, adjustments to the budget for 1997, and, in any case, an additional budget for the 1998-99 biennium.

(c) Third, if considered necessary, a special session of the Budget Committee will be convened, a few days before the September-October 1997 ordinary sessions of the Governing Bodies, to consider the said proposed adjustments and the said additional budget.

(d) Fourth, the Governing Bodies would then, in the said ordinary sessions, be invited to approve the necessary changes in, and additions to, the program and budget for the rest of 1997 and the 1998-99 biennium.

8. It was understood that, in the April 16 to 18, 1997, session of the Budget Committee, there would be no restriction in the consideration of the draft program and budget for the 1998-99 biennium presented by the Director General.

9. The Director General stated that there was ample coverage for financing any new activities from the reserves and that it would not be necessary to diminish any of the activities, in particular, development cooperation activities, or funds appearing in his draft program and budget for the 1998-99 biennium.

10. The statements made during the debate are reflected in the annex to this Report.

#### ITEM 4TER OF THE CONSOLIDATED AGENDA

#### PROPOSAL FROM THE RUSSIAN FEDERATION CONCERNING REPRESENTATION OF THE CENTRAL AND EAST EUROPEAN REGION IN WIPO

11. Discussions were based on document WO/GA/XX/2.

12. The Delegation of the Russian Federation introduced the document referred to above. First of all, as regards the title of the proposal, in the past there was a group of Socialist countries. Then, certain changes occurred, and these countries were now involved in market economies. Thus, in the past, there was a general characteristic of these countries. Now they were countries in transition and this name is used in the United Nations and in this Organization. The "countries in transition" are now precisely in the same region, are very specific and have very special issues to deal with and, during the transitional period, also problems different from the problems relevant to other regions. First of all, there were a number of new States in which some difficulties arose, including a shortage of skilled staff and of proper training. In Russia, there is no special organization involved in copyright, although copyright is becoming increasingly important. This region which has made such a vast contribution to the development of civilization—contributions to science, literature and music—and which is the largest region geographically speaking, is now in a rather vulnerable position. Therefore, it was proposed to restore the balance which existed in the past in the International Bureau, with the post of Deputy Director General and with the regional office for the countries of this group. It is important for this Delegation that the decision to restore

a post that existed before be taken. In a world which is getting increasingly inter-related, the problems concerning the protection of the intellectual property were important for everybody.

13. The Director General said that this question had two aspects. One was on its merits, and he was not going to address that question. The other one was on procedure and he would address that question. Because of the coming on board of a new Director General, this question should be addressed together with the whole structure of the Secretariat, namely, the number of highest posts, the number and titles of the Bureaux, and what assignments they would have. The proposal made by the Delegation of the Russian Federation was useful because it pointed out in the present forum, organization-wise its aspirations and desires. When proposals will be made for the reorganization of the Secretariat, the proposal of the Russian Federation would probably resurface, but a decision on this matter today would be procedurally very difficult. The Director General suggested therefore that the Committee decide that the proposal of the Russian Federation be noted and considered at the next proper occasion.

14. The Committee agreed with the suggestion of the Director General.

[The Annex follows]

## ANNEX

1. The Delegation of the United States of America, in introducing document WO/GA/XX/1 which presented its proposal to establish an Information Technologies Committee, said that delegations were all aware, as they proceeded through the diplomatic conferences of December 1996, of the tremendous significance of the emergence of intellectual property in the context of the information technologies. Delegations worked very diligently to craft a new set of standards to provide guidance, in terms of copyright and neighboring rights, in the new digital environment known as the Internet. The technologies that had developed in recent years, indeed in recent months, had provided a tremendous opportunity for the administration and enjoyment of intellectual property rights and intellectual property systems. In the view of the Delegation of the United States of America, WIPO had always been in the center of the intellectual property community and had a leadership role to play in all areas of the intellectual property agenda, and that should not be any different with respect to the embracing by this community of the new information technologies that were developing. The Delegation of the United States of America stated that, having studied the program of the International Bureau and of the various committees of the World Intellectual Property Organization, and of its own Office and of other Offices, it was perfectly clear that there was an opportunity to significantly advance the efficiency and the functioning of industrial property systems not just in the United States of America but worldwide. After those studies, the Delegation had attempted to articulate what it thought was a tremendous opportunity to drive and take advantage of these new technologies to enhance all areas of the WIPO program. The Delegation considered that perhaps the best way to accomplish this was to provide a mechanism and institution within WIPO that could serve to provide a vision and general direction to both the International Bureau and the bodies of the World Intellectual Property Organization, to ensure that these new technologies would be taken advantage of and that their benefits would be reflected throughout, not only in the internal operations of the International Bureau but also in terms of how the International Bureau undertook its roles in standard setting, development cooperation and other forms of technical assistance. The Delegation of the United States of America noted that the proposal had asked for two things. First, an endorsement of the idea that there would be a specific committee—the Information Technologies Committee—to serve a steering committee role with respect to the other parts of the WIPO institutions and the International Bureau. This entity would serve a coordinating role and would not attempt to replicate specific bodies of the institution in a needless and unnecessary fashion. It would provide leadership and direction, and the Delegation was fully confident that the various parts of the existing structure of WIPO would be able to listen carefully to the suggestions from this type of leadership committee and implement its agenda. The second thing asked for—a fairly modest request—was for the opportunity to meet this summer to discuss a few items: a range of possible initiatives and perhaps to see some agreement in the summer that these initiatives would be pursued. The Delegation of the United States of America believed that it was imperative to have this opportunity to discuss the possibilities that these new technologies held, before essentially locking in the budget and agreeing on a program up to the year 2000. The Delegation hoped that the idea of convening a meeting to discuss the possibilities would be well received by the General Assembly because it was clearly an essential time to consider how best to take advantage of the developments seen in the area of information technologies. The Delegation said that it was not attempting to recreate things which already existed. It

recognized that, for example, the PCT Assembly and various other PCT bodies as well as the PCIPI and its subsidiary bodies were tackling many of the specific topics that it hoped to see coordinated in terms of an agenda of the proposed Information Technologies Committee. If the Committee was to serve an efficient coordinating role, it should be able to ensure that these existing programs continued and were directed in a fashion to achieve what the Delegation thought was a fairly clear vision. The Delegation noted that it had a few specific proposals that it would like to see initiated; as those might have budgetary implications, the Delegation considered it essential to have the opportunity to discuss them before a situation developed which would lock in the ability to influence the next two-year biennium. The Delegation also felt that it was very important to have a full opportunity to consider the implications and the specific elements of any proposal that either the Delegation of the United States of America or other delegations might make, and having the April meeting of the Budget Committee might not provide sufficient time to fully appreciate the implications of its specific proposals. The Delegation of the United States of America added that it thought this type of initiative was one which would have a role or would present opportunities for essentially every member of WIPO. The Delegation was committed that the ad hoc Committee be open-ended and accessible to any country that was interested in participating in it. It recognized there had to be some type of institutional structure, but if there had to be a limit for membership in the Committee, the Delegation said that it would insist that the membership, for observers, be open to any interested party to afford full participation. The Delegation of the United States of America emphasized that, when it spoke of enhancing and redirecting the activities of the International Bureau, it was doing so in the full recognition that the International Bureau had proven to be a most competent and effective organization in conveying and pursuing its missions. The Delegation saw that the potentials of the new technologies that had been developed in recent years and even in recent months gave new opportunities for WIPO to further its missions. The Delegation was absolutely confident, based on the long standing history of cooperation and success of the International Bureau, that the International Bureau could embrace this new agenda and pursue it with the same degree of success that the Delegation had seen it do with essentially every other area of its work. The Delegation of the United States of America commended the International Bureau for its past work and hoped that this type of new initiative would give it another dimension to enhance that type of quality in its work.

2. The Delegation of Jamaica said that it welcomed the proposal of the United States of America, which opened a discussion on which member States, as well as the Director General and senior management of the International Bureau, would need to reflect. The Delegation of Jamaica emphasized the very positive aspects of the proposal, which was, first, to establish networks and information infrastructure, second, to establish capacity at the national level, especially in the developing countries, and third, to upgrade electronic and other information technology-based equipment and services. It believed that these would disseminate the importance of intellectual property for the economies of all countries and would improve the operations of the International Bureau. However, the Delegation of Jamaica considered that the steps proposed by the United States of America raised some important institutional issues, which should first be considered before taking a decision to establishing an ad hoc committee whose functions and mandate could overlap and duplicate existing activities, such as PCIPI and PCT activities, and which might be considered at meetings in the coming weeks and months. The Delegation considered that the International Bureau should organize, in consultation with member States, the necessary consultations to give the most comprehensive responses including the response from those activities and operations within the International

Bureau and across the range of programs of WIPO, so that delegations could have a broad understanding of the implications of the proposal and the illustrations of the initiatives to be implemented. The Delegation of Jamaica added that it would make good sense to take advantage of the experience of the International Telecommunications Union which had over the years been at the cutting edge of information technology-based standards. The Delegation considered that it would be most timely if at this session it were possible to map out a timetable and the approach to be taken to arrive at the stage for decision-making.

3. The Delegation of Israel said that it joined with the Delegation of Jamaica in supporting the proposal made by the United States of America. The proposal was forward-looking and would give a special impetus to the work of the International Bureau, which had always been highly efficient under the leadership of Dr. Bogsch and forward-looking. So, in principle, the Delegation of Israel was in favor of the proposal, which took into account the new developments in the area of information technologies. However, on the institutional issue, it believed that the membership of that committee should not be in line with the membership of the Coordination Committee. It would be a completely different institution, being more professional, and had to be based on general membership and to be accessible to all member countries. The precedent of the Permanent Committees would be more in line with that committee, so that any country that wished to take part in the very important work foreseen for that committee would be able to do so. Subject to that change, the Delegation of Israel supported the proposal of the United States of America.

4. The Delegation of Slovenia expressed its full support for the initiative by the United States of America, because it was convinced that this was the right step in the right direction. It believed that this initiative would be instrumental in achieving efficiency of WIPO in the next millennium. In view of that, and apart from all the views expressed so far regarding institutional problems or concerns, the Delegation added two additional suggestions which could perhaps contribute to a more effective implementation of the initiative. First, it believed that an important part of re-focused technical assistance to developing countries related to the initiative of the United States of America should involve preparation and implementation of an appropriate training and educational program, especially for developing countries, and the Delegation of Slovenia considered that this program could be most conveniently carried out within the framework of the WIPO Academy, although other possibilities were also open; the Delegation proposed that this suggestion be explored by the International Bureau, by Member States and of course, by the new committee, if established. Secondly, the Delegation considered that WIPO would need much more intensified dialogue and communication with the users of this Organization, who would actually be the ultimate beneficiaries of the proposed initiative. There were related activities where intensive communication would be needed, and would be beneficial and useful. The Delegation considered that this task of intensified communication and dialogue with users was so important that it should be reflected in the top management structure of WIPO as soon as possible.

5. The Delegation of Mexico thanked the Delegation of the United States of America for its proposal, which was an initiative of the utmost importance and relevance, and which the competent authorities of Mexico were analyzing with interest and attention. The Delegation of Mexico therefore considered it advisable to defer consideration of the subject. Moreover, before any decision would be taken on the formation or establishment of the proposed committee, the Delegation would, first, want to know of the work program that the new Director General might be putting forward and, second, would appreciate the organization of

an information meeting at which the Delegation of the United States of America could provide a detailed presentation of its proposal, so that delegations would know exactly how the proposed committee was expected to function and what would be the involvement of the Member States. The Delegation of Mexico said it was very receptive to the proposal, but was not yet prepared to pronounce on the creation, composition and terms of reference of the committee.

6. The Delegation of Chile said that, like the delegations of Jamaica, Israel and Slovenia, it endorsed the proposal of the United States of America, as it had the merit of improving the working methods and the efficiency of the Organization by introducing modern information technology in the entire WIPO work program. In particular, the Delegation highlighted the idea in the proposal of establishing a modern, secure telecommunication network and an information infrastructure that would enable direct communication and information exchange between industrial property offices. Other important features of this initiative were database access and systems for the electronic filing of patent applications, especially within the PCT. The Delegation considered that the way in which the proposal had been devised would effectively propel WIPO into the twenty-first century, placing it at the forefront of the United Nations system of organizations in the use of information technology. With regard to institutional matters, the Delegation considered that the proposal could usefully be analyzed by another WIPO body, whether the ad hoc committee or another, but did not consider that the proposal could be dealt with in the General Assembly. With regard to the schedule suggested in the last part of the proposal, and especially the convening of the Budget Committee, the Delegation considered that it would be appropriate to revise the dates suggested, as two elements needed to be taken into account: first, the findings of the ad hoc committee that would be created and, second, the necessity and importance of incorporating in the draft budget for the 1998-99 biennium any ideas or suggestions that the new Director General might have. Resources should be used efficiently and also at the right time, so the schedule of meetings should be carefully reviewed in order to establish what date would be best for the Budget Committee meeting and whether it was worth dividing that meeting into two sessions.

7. The Delegation of Morocco thanked the Delegation of the United States of America for the very pertinent proposal that it had submitted. It was certain that the realization of the program would have the effect of modernizing the operation of the intellectual property system and also strengthening WIPO's cooperation activities for the benefit of developing countries. It expressed the wish that the Secretariat draw up a note or a detailed study on the implications of the proposal for the WIPO budget and the operation of its constituent bodies, and also on the feasibility and implementation of the proposed program. The schedule proposed might be a source of problems, however. There was a risk that such an important decision and such a substantial program, would not be able to be approved in the short time available at the present session. More time was required to explore and examine the proposal and to study its implications. With regard to the composition of the proposed ad hoc committee, the Coordination Committee was not a good reference, and the Delegation of Morocco could not agree to the use of its membership as a guide. Time and time again it had been emphasized that the composition of the Coordination Committee did not properly reflect the membership of the Organization. Finally, the proposal unfortunately did not address the question of the role and the financial and material participation of States, including both developed and developing countries, or of the contribution that might be made by the World Trade Organization (WTO). After all, the proposal was of direct concern to the latter Organization, and the WTO could be very useful in this area.



8. The Delegation of Colombia said that it had no doubt that the ideas put forward by the United States of America were very good, which gave the opportunity to think about the level of technological development of WIPO, and it was therefore very grateful to the Delegation of the United States of America, although it did not consider itself ready to support the proposal as outlined. For that reason, as a vote of confidence should be given to the new Director General, in the sense of allowing him to present his own ideas on the level of technological development of the Organization, the Delegation of Colombia proposed that the International Bureau should respond to the proposal submitted by the Delegation of the United States of America by drafting a document that would provide, first, the level of technological development of the Organization at present and what should be the Organization's program in that connection; second, the potential effect on development cooperation programs of a proposal such as that submitted by the Delegation of the United States of America; third, in light of the specific proposals at the end of the document submitted by the Delegation of the United States of America, an indication of the legal implications for each of the countries in which computerized processing of patent applications might be introduced. Once that document was available, the Member States could examine it, either in the Governing Bodies or within an ad hoc committee that could be set up. This approach would provide enough evaluation material that needs to be taken into account when one speaks of an enterprise or organization having to achieve full, comprehensive technological development.

9. The Delegation of Côte d'Ivoire, speaking on behalf of the African Group, thanked the Delegation of the United States of America for having made a proposal of such importance, to which there had been a favorable echo from the countries of the African Group inasmuch as the attempt at automation and greater computerization was bound to be a factor of development. However, while endorsing the principle, the countries were concerned about the calendar. They wished to have the time to study the proposals in greater detail, and thought it premature to set up an ad hoc committee which would start work according to the proposed schedule. The proposal put forward, whose purpose was to strengthen the Organization at the threshold of the next millennium, should be integrated in a wider policy of enhancement of the Organization. In that connection, the Delegation of Côte d'Ivoire wished to pay tribute to the work done by Dr. Bogsch, who for decades had directed the Organization with great efficiency. For the coming millennium, any proposal should take into account the three main areas of concern of WIPO, namely, the setting of standards, registration activities and development cooperation. The draft under consideration should therefore form part of a general reflection with a view to revising WIPO policy to make it more effective and prepare it for the new millennium. So, while endorsing the proposal, the Delegation felt that some thought should be given not only to that aspect but also to a whole set of proposals concerning cooperation and perhaps also the drafting of standards. Indeed it was mentioned in one of the paragraphs of the proposal that WIPO had not committed itself in a serious or coordinated way to any extension of its development cooperation work beyond the provision of legal-technical advice. The very question of enhancing development cooperation was therefore being challenged, a fact that itself called for reflection in greater depth. The Delegation of Côte d'Ivoire therefore subscribed to the proposal of the Delegation of Slovenia regarding an academy that might promote such reflection and serve as a workshop for the purpose. In conclusion, the African Group was sympathetic to the proposal, but wished to be allowed sufficient time to reflect in much greater depth, in a much broader context, so that it might contribute to the reinforcement of the efficiency of the Organization.

10. The Delegation of Sri Lanka, speaking for the Asian Group, said that the delegations of its Group had had little time to consider extensively the proposal of the United States of America concerning the establishment of an ad hoc Information Technologies Committee; due to the belated arrival of this proposal, some of the delegations of its Group were awaiting instructions from their respective capitals. However, the preliminary reaction of some of the members of its Group to the proposal was very positive. They saw a lot of merit in the proposal and were prepared to examine it thoroughly. The implications of the proposal to the developing countries and more importantly to WIPO's current operations and its programs of activities, as well as the financial implications, made it necessary to carefully analyze the proposal and examine it in all aspects. While appreciating the urgency to take advantage of the recent advances in information technologies, the Asian Group wished to underline the need for an objective analysis of the proposal from all angles, as the proposal's impact would be to refocus WIPO's various program areas, in particular, the development cooperation activities. Therefore, until a proper objective analysis was done through an appropriate mechanism, the Asian Group had some difficulties in agreeing to concrete steps for the implementation of the proposal.

11. The Delegation of Panama joined other delegations of the Latin American Group in thanking the Delegation of the United States of America for having submitted this idea, which was highly interesting and important to the work of the Organization. However, having known of it for only a few days, the Delegation had not been able to seek detailed instructions, so could now only give a first reaction opinion. It believed that the group suggested by the Delegation of the United States of America could start work in the form of a working group of members of the Organization which, with the support of the International Bureau, could start to draft operational guidelines that in due course would enable the program to go ahead. Certain aspects which for developing countries were essential had to be taken into account by all delegations to take part on equal terms in the decisions of WIPO and its Governing Bodies. It was necessary, for example, to have an opinion from the Budget Committee as that was the only way to ensure that budgetary funds would be available for all Member States to take part in the deliberations of the Committee. If not, it would turn into a body in which the only voices heard would be those of countries capable of ensuring the participation of their experts in the decision-making. The subjects proposed by the Delegation of the United States of America were of great interest, and could already be treated as the agenda on which the working group would start to work.

12. The Delegation of Mali considered that information technology was a very good thing, but wondered whether the Delegation of the United States of America had assessed the potential financial implications of the establishment of the appropriate infrastructures in Member States, especially developing countries, and whether it had given thought to the problems of training, which were of the utmost importance to those countries. There was also a political aspect to the question, which the Delegation invited the International Bureau to reflect upon.

13. The Delegation of Pakistan, like most others who warmly welcomed the proposal made by the United States of America, thought that it was extremely important. Delegations of Pakistan, both in Geneva and in New York, have been insistent that international organizations should use modern information technologies to optimally achieve their objectives. However, before setting up an Information Technologies Committee, certain elements did need further reflection, as had been pointed out by various delegations. At the level of the overall mission

of WIPO, it was necessary to see how this set of proposals would fit into the overall program, especially in development cooperation which was already undertaken by WIPO. Secondly, at the budgetary level, it was necessary to see what was the notional level of funding which would be required, and how it would impact on delivery of other programs by WIPO. Thirdly, at the organization level, whether this work could be done within an existing forum still needed to be debated, and if not, what the optimal structure for undertaking this work would be. The Delegation of Pakistan emphasized that one should not get bogged down in a prolonged bureaucratic examination of this very important proposal but, at the same time, it considered that it was necessary to take a closer look at the questions that it and others had raised. Therefore, as suggested by the Delegation of Colombia, it would be appropriate to have a document which would look into these questions and examine all their implications. The document could be prepared expeditiously, then perhaps be considered by an open-ended working group which would give its final recommendations to the Governing Bodies of WIPO.

14. The Delegation of Cuba said that it considered that the proposal was worthy as it would provide Member States with better means of accessing industrial property and copyright information, and would improve still more the efficiency that had been the hallmark of the International Bureau. Nevertheless, the Delegation considered it premature to take a decision on the creation of an ad hoc Information Technologies Committee. The proposal would have to be studied in depth, and be considered in the light of its institutional implications, of the new ideas that the next Director General might have, and of its budgetary implications. It was also important to know the legal implications of the proposal, for instance, as far as the electronic filing of applications was concerned: up to now this had been written into WIPO treaties as a possibility, but had always been a matter for national legislation. Given the importance of the subject, more time was therefore needed to clear up certain questions.

15. The Delegation of China noted with great interest and appreciation the proposal from the United States of America concerning the establishment of an ad hoc Information Technologies Committee and proposed decisions concerning the scheduling of meetings of the General Assembly and related committees. Information technologies had become more and more important in the fields of science, technology, trade, economy, culture and so on, and would undoubtedly exert far-reaching and increasingly significant influence on the development, civilization and progress of mankind in the next century. Full use of information technologies would contribute to the improvement of efficiency of the work of WIPO, facilitate the modernization of intellectual property in developing countries and promote development cooperation in this regard. The Delegation of China therefore believed that the proposal from the United States of America was very constructive. However, due to the limited time so far for consideration of the proposal, the Delegation was not knowledgeable enough of the details of this proposal. In the meantime, it considered that, in principle, it should not affect the existing proposal for the budget presently before the Budget Committee. The Delegation of China needed a little more time to understand and study the matter. Consequently, it was too soon to make a decision at the present session and to convene the first meeting of the possible committee in June 1997. Instead, the Delegation of China suggested that a working group be set up to study the feasibility and many other related aspects of this proposal. It hoped that the working group would have a wide geographical representation, to be able to put forward proposals for consideration by the Governing Bodies at their next session.

16. The Delegation of Germany, like other delegations, underlined that it, in principle, welcomed the initiative taken by the Delegation of the United States of America. However, as

the document was presented at a fairly late stage, like a number of delegations, the Delegation of Germany could only express provisional views, not based on information from experts in Germany or in the context of the European Patent Organisation or the European Community. The information society as such was a crucial element of further development, and that was emphasized strongly because of the Diplomatic Conference held in December 1996. The Delegation was very much pleased to see how actively the International Bureau had availed itself of the possibilities of the Internet for providing information on WIPO and the International Bureau: the documentation presented to the Diplomatic Conference and even its outcome could be accessed in Bonn through a personal computer. Information technology was also a crucial element for the development of the national and international systems for the protection of intellectual property. The International Bureau had always been aware of this importance, and had already carried out substantial activities in this field, which was adequately reflected in various Activities Reports and was foreshadowed in the draft budget and program for the 1998-99 biennium. Substantial investments were being made in Germany as regards information technology, not only in the Ministry of Justice but also in the German Patent Office: some 60 to 70 million Deutschmarks were about to be invested for the patent operations and some 10 million Deutschmarks for the trademark operations. The European Patent Office had been heavily engaged in computerizing its operations since the middle of the 1980's and, as far as the European Union was concerned, the newly created Office in Alicante was also heavily dependent on information technology in order to cope with the influx of 43,000 Community trademark applications which had been filed in 1996, and the influx was going to continue. The International Bureau had made substantial investments in information technology, and the Delegation had had personal experience of that when the necessary preparations for the computerization of some PCT operations were put in place or were being prepared. With this general background, the Delegation welcomed, in principle, the initiative of the United States of America which was timely. However, the Delegation had difficulties with the implementation of this idea, especially—as indicated by other delegations—concerning the problem of institutions. The Delegation was very much concerned not to see a proliferation or a duplication of bodies and institutions, as it considered, provisionally, of course, that the necessary bodies were already in place, namely, the PCIPI and its additional sub-bodies which foresaw the decision-making at a senior level, and the same was also true for the PCT computerization operations. Therefore, the Delegation questioned whether it was really necessary to institute a new body, with the associated difficulties about its composition, its work, its staffing, the preparations to be carried out by the International Bureau, and so on. As regards the step-by-step implementation of the idea of the United States of America, concerning the sequence of meetings of the Budget Committee where the proposal of the United States of America would involve a limitation of the competence or at least of the task of the forthcoming meeting of the Budget Committee, the Delegation of Germany said that it did not consider that it would be in the interest of the proper presentation of the draft budget and program to the meeting of the Governing Bodies in September if the task of the Budget Committee in April were to be limited, because the basic and fundamental structures were already there, and could not really change from April to September. Even if there were to be agreement on an additional committee and a meeting in June, the Delegation was convinced that the possible outcome of such a new body and its meeting would not seriously affect or substantially divert the course of action foreseen in the program and budget. It was impossible in such a short time to define precisely new projects and to define their financial and staff implications. For that reason, the Delegation said that the task of the Budget Committee in April should not be limited, and if it was necessary to adapt the draft program and budget in September to decisions made in-between, there was sufficient time to do that in the course of

the Governing Bodies meetings, perhaps with advice from an additional meeting of the Budget Committee which could perhaps be convened in September. As far as the financial implications were concerned, the Delegation was convinced that WIPO had sufficient financial means available for WIPO, with the reserve fund for computerization, and therefore it did not make sense to create a link between the item on premises and this possible new orientation of the International Bureau as far as information technology was concerned. Finally, the Delegation said that it was essential that the impression not be created that the Governing Bodies or any body to be set up by this extraordinary session of the General Assembly would be inclined to interfere with the proper management of the Organization by the International Bureau and its present and future honorable Directors General.

17. The Delegation of Japan joined the previous speakers who supported the proposal of the United States of America on the establishment of an Information Technologies Committee. It was also convinced that the Information Technologies Committee would contribute to the systematic and coordinated developmental activities of automated registration procedures of the International Bureau of WIPO on the one hand, and also the Information Technologies Committee would contribute to further facilitation and effective implementation of development cooperation activities in the field of information and computerization technologies. In particular, the said committee would facilitate development cooperation for the member countries, in particular, developing countries that were faced with technical difficulties in the process of improving and modernizing intellectual property systems in their own Offices. The Japanese Patent Office had developed an automated patent system which was a paperless system and also introduced a fully automated application filing system which was the first in the world. Japan was also very active in development cooperation in the field of automation of administration and examination in developing countries. Japan would be very pleased to participate in the Information Technologies Committee, to share with other member countries its experience in the past 10 years in Japan. With respect to the institutional issue, the Delegation of Japan was of the opinion that the new committee should be created as a supervising entity, which should be separated from the existing PCIPI because the Information Technologies Committee should deal with a variety of issues of a horizontal nature, which could not be adequately covered by the PCIPI alone. In conclusion, the Delegation stressed that the Information Technologies Committee should be created as soon as possible to meet emerging and urgent needs in the field of automation and information.

18. The Delegation of Uruguay stated that it considered very pertinent the concerns and proposals of the United States of America regarding the use of modern information technology in the International Bureau's work program and in its operations. However, because of the inherent importance of the subjects involved, the Delegation considered it necessary to elicit from the International Bureau such information as it could provide on the various aspects of the subject, and also in relation to its immediate and longer-term plans, so that a decision could then be taken on the next stages, namely the creation of an ad hoc committee or the assignment of the task to a standing committee of the Organization if that was more appropriate.

19. The Delegation of Trinidad and Tobago, like other delegations, thanked the Delegation of the United States of America for its initiative in bringing forward its proposal. The proposal would undoubtedly ensure that WIPO would continue to be forward-looking and a highly efficient organization. However, while welcoming the proposal of the United States of America, the Delegation felt that time was needed to obtain additional information from the International Bureau on what was actually taking place or envisaged in the Organization in this

area, in particular, concerning the work of the PCIPI, but also the invaluable support and assistance which countries, including Trinidad and Tobago, had received to date from WIPO to enable them to upgrade, equip, modernize and computerize the operations of the national intellectual property offices. The Delegation said that it would like to see more in-depth information on the institutional, legal, financial, budgetary and development cooperation implications of the proposal. It also suggested that, whatever decision was eventually taken on whether there would be an ad hoc committee or working group or whatever, in the initial phase it be open-ended to enable member States to participate fully in the elaboration and development of the proposal. The Delegation considered that one should not attempt to reach a decision on the creation of an ad hoc committee at the present session, given the importance of the proposal and the far-reaching implications not only for the International Bureau but also for the member States and particularly for the developing country member States of the Organization. It also suggested that the proposed timetable concerning the proposal be revised, to give member States more time to give the proposal of the United States of America the in-depth consideration which it so richly deserved.

20. The Delegation of India also thanked the Delegation of the United States of America for its extremely useful suggestion. The Delegation of India attached a great deal of importance to information technology in all aspects of its development, in particular, in intellectual property matters, and was extremely grateful to the International Bureau for its contribution to India in upgrading its offices dealing with intellectual property. While welcoming the proposal of the United States of America, it would, of course, need to take into account the fact that there were several details that would need to be discussed and worked out before any concrete step could be taken in this direction. There were two specific issues on which a decision would need to be taken. One was the proposal to set up an Information Technologies Committee, and the other was to decide on whether or not to split the session of the Budget Committee into two, one in April and one in July, to enable this committee to meet. The Delegation of India felt that, given the fact that there were several details that needed to be examined in this proposal before any concrete step be taken in terms of the setting up of a committee, an interim step would be needed, and here the proposal made by the Delegation of Pakistan was of extreme importance, including the proposal of setting up an open-ended ad hoc working group which could become the forum to discuss, in the interim stage, the details of the proposal, where questions could be put and the Delegation of India would have several suggestions to make. This working group could have the benefit of a report from the International Bureau which would indicate to what extent the International Bureau was already using information technology in its work, and would also look at the budgetary implications. There would certainly be serious budgetary implications, especially of great importance to developing countries because many of those countries were not in a position to benefit from the information technology networks unless they had assistance both in terms of human resource development and in terms of hardware, and this aspect would need to be kept in mind when taking an initiative in this direction. As to the question of splitting the Budget Committee, the Delegation considered that if the proposal of the United States of America was accepted, as it hoped it would be, then whatever budgetary implications emerged could be taken care of by the Budget Committee at an extraordinary session at an appropriate time, which could be later in the year, or maybe early in 1998, whenever the ad hoc working group took a decision in terms of the institutional mechanism whether or not to set up an information committee or whether to weave this program into an existing committee of WIPO, so as to preclude the proliferation of committees. In conclusion, the Delegation recommended to set

up an open-ended ad hoc working group to examine the proposal in detail, and to leave the budgetary question aside until it had been decided to go ahead with this proposal.

21. The Delegation of the Netherlands said that the proposal had attractive aspects, and it had sympathy for the idea itself. However, as the Delegation of Germany, it was not yet in a position to give a definitive reaction. It was necessary to look closely at the relation of this proposal with the activities in other organizations in this field in Europe, such as the European Patent Office and the Office for Internal Market in Alicante. The Delegation considered that this proposal should not interfere with the ongoing projects and the decision-making process within WIPO in the immediate future.

22. The Delegation of Australia thanked the United States of America for its very interesting proposal and noted that the kind of vision espoused in that proposal, for an increased and well-coordinated use of information technology by WIPO as one went into the next decade, was one which Australia would strongly support. The Delegation believed that the proposed forum outlined in the document of the United States of America would be an interesting and appropriate channel through which all member States could pursue their ideas for the use of information technology, and through which WIPO could harness developments in that technology to its best advantage. The kinds of systems proposed in more detail in the paper would encourage greater access to a wider range of data in a number of countries who might not have effective industrial property databases at present, and this might then improve their ability to participate in better and improved global industrial property systems. The Delegation considered that many of the ideas and concerns that had been raised indicated the scope of diverse areas that were involved in any consideration of the implications of information technology initiatives and their benefits across a range of spheres, and that really underlined the need for a coordinated and horizontal approach to these issues, because so many aspects and areas of the Organization's activities would be affected. Regarding the concerns expressed by a range of delegations over the timing, the Delegation encouraged active further consideration of this proposal, and expressed the hope that consideration would be expeditiously carried out in the context of a coordinated overview of WIPO's activities. In particular, it was sensible to look at all proposals that had resource implications in an analytic fashion, to ensure that the core activities of WIPO, particularly, in standard setting and development cooperation, were carried out and delivered smoothly.

23. The Delegation of Canada thanked the Delegation of the United States of America for its paper because it challenged all delegations to set for WIPO an integrated vision of the use of information technologies for all member States, and an action plan to pursue it. From the perspective of the Canadian Intellectual Property Office, the Delegation stated that it would be proud to have WIPO as the leader organization, among all United Nations institutions and among developing countries, in the use of information technology. The Delegation's own experience with integrating information technology showed that it was imperative that an Organization contemplating the breadth and depth of changes proposed by the United States of America develop a new structure to allow it to horizontally manage the many facets of moving forward with new technologies. The Delegation hoped that the meeting would result in some mechanism, and not just a traditional year of study, that would ensure that WIPO did not lose the momentum created by the proposal of the United States of America, and that WIPO would move quickly to the professionalism, productivity and efficiency gains that information technology could bring to the common work of the Organization and its Member States.

24. The Delegation of El Salvador thanked the Delegation of the United States of America for making such an innovative proposal, which would undoubtedly contribute to the improvement of the present systems. Nevertheless, the Delegation of El Salvador considered that an in-depth study should first be made in order to work out the financial and legal implications that a system of this nature would have. It therefore considered it premature to take any decision at this stage; instead, the International Bureau should be asked to undertake such a study.

25. The Delegation of Singapore said that it was clear that there was broad support for the objectives of the proposal of the United States of America, to see how WIPO as an Organization and its member States could take advantage of modern technology to improve the efficiency and operation of WIPO-related activities. A particular point worth mentioning was the objective, which the Delegation supported, of increasing the hardware and software capacities of member States. However, it noted the concerns that had been raised by many delegations on the institutional aspects of the proposal of the United States of America. The Delegation supported the suggestion of the Delegation of Jamaica to try now to set up a timetable to see how to move forward. To move the discussion forward, the Delegation of Singapore suggested the following steps. First, the General Assembly could perhaps agree on the stated objective, not the modalities of the proposal of the United States of America. Second, the International Bureau could prepare a paper to see how the objectives of such a proposal could be implemented under WIPO's existing programs and this paper could attempt to outline the financial, legal and institutional implications of such a move. Third, an invitation could be sent to member States, seeking new proposals or comments on the proposal of the United States of America that would be taken into account in this study by the International Bureau. Fourth, an open-ended working group could meet, perhaps slightly before the Governing Bodies meetings, to study this paper or the study which it hoped the International Bureau could make available to member States to see how this discussion could be taken forward. Finally, the recommendation of this working group could be discussed at the Governing Bodies meeting itself, under an appropriate agenda item, such as development cooperation.

26. The Delegation of the United Kingdom joined the many previous delegations which had welcomed the interesting proposal by the United States of America and it fully shared the many reasons that had been expressed in support of this proposal. The Delegation acknowledged the excellent work of the International Bureau, and it noted that, on the evidence of the forthcoming program for the next biennium, this now included a range of information technology based projects. However, it considered that the establishment of a coordination committee along the lines proposed by the United States of America would only serve to aid the International Bureau in the improvement of furtherance of its already excellent operations. The information technology-based activities foreshadowed in the program for the next biennium extended across the full range of intellectual property activities, and were also distributed across a wide range of responsibilities belonging to different Deputy and Assistant Directors General within the International Bureau. The Delegation therefore thought that the use of an existing committee would not be appropriate, as such a new committee should be at a slightly higher level. It noted that the information technology-based applications were assuming increasing importance, both in the International Bureau and in all the member States of WIPO, and the Delegation therefore agreed with other delegations which had urged that the impetus provided by the United States proposal should not be lost. The Delegation therefore considered that a committee should be set up as soon as was practicable. It might well be that



could not come to definite conclusions in the immediate future, but a committee should be set up with something to examine and it should start thinking seriously about making recommendations that would be of use to the Organization. As regards the budget, the Delegation of the United Kingdom shared the concerns expressed by previous delegations about splitting the Budget Committee into two meetings, and it considered that it might be more efficient just to delay the Budget Committee meeting until this committee had had a chance to meet, if that was practicable in the current timescales.

27. The Delegation of Kenya expressed its appreciation for the initiative of the United States of America for putting forward this proposal at this time. As a developing country, and speaking from the experiences of a young industrial property office, the Delegation considered that the proposal was worth merit and should receive serious consideration. Kenya was in the process of modernizing the functions of its office, with the assistance of WIPO, and would like to be able to use advanced technologies to improve its activities. Therefore, the Delegation supported the proposal of the Delegation of Pakistan for the establishment of an open-ended ad hoc working group to look at all the implications of the proposal which had been raised by various delegations, including the structural set-up, the timing of the implementation, implications to existing WIPO structures, and so on; this working group meeting could be preceded by a study which could be facilitated by the International Bureau. In conclusion, the Delegation said that modern technologies could not be overlooked for the future, especially since so much information was needed to assist developing countries to develop industrially.

28. The Delegation of Ecuador agreed with the Delegation of Kenya that thanks were due to the United States of America for its proposal. The Ministry of Foreign Affairs of Ecuador had an Internet system that interconnected all its missions worldwide, which was why the Delegation supported the idea put forward by the United States of America to the effect that national offices should be connected to the International Bureau in Geneva. The Delegation considered that the present meeting had been very useful, and it was precisely because of this very productive discussion that it believed it necessary to set up a working group in which all these viewpoints could be openly discussed. The Delegation therefore endorsed what had been said by the delegations of Panama, Pakistan, India and Kenya regarding the need to set up an ad hoc working group, open to all States, in which opinions on the future of WIPO could be exchanged. The terms of reference of the working group would necessarily be global in nature, and it should concentrate especially on the impact that information technologies would have on the technical cooperation activities of the Organization.

29. The Delegation of the Republic of Korea welcomed the principle to establish the ad hoc Information Technologies Committee within WIPO as proposed by the United States of America. The Republic of Korea was exploring a paperless system and a new electronic filing system. Therefore the Delegation was in favor of the United States' proposals, which would contribute to the modernization of intellectual property offices and the rapid increase of the utilization of the modern information technologies. It supported the establishment of the proposed working group within WIPO.

30. The Delegation of South Africa joined the previous delegations in giving its support, in principle, to the proposals contained in the United States document, and supported the views of previous delegations concerning the merits contained in that document. The proposals would particularly enable developing countries to carry out the very important task of building intellectual property awareness in their countries, by making available and expanding the base

of information that was available on the intellectual property rights systems available in the various countries. As concerns the timeframe envisaged for the implementation of this process, the Delegation endorsed the remarks made by the Delegation of Côte d'Ivoire, speaking on behalf of the African Group, which stated that more time was required to fully consider the proposals contained in this document.

31. The Delegation of Venezuela thanked and commended the United States of America for its proposal. However, the Delegation considered it necessary to have information on a number of points: what computerized systems were currently in use within the Organization, the budgetary implications of the project and the legal problems that might arise from the introduction of electronic processing of patent applications. The Delegation also wanted to have the proposal extended so that the information-technology-based systems would service not only the industrial property offices but also the copyright offices of the countries concerned; this aspect was, in its view, not dealt with in sufficient depth in the proposal. Finally, the Delegation said that it had no objection to the creation of a broad-based ad hoc working group to consider the proposal of the Delegation of the United States of America.

32. The Delegation of Andorra welcomed the initiative taken by the United States of America in arousing interest in and focusing attention on the matter of information technology. It quoted the example of Andorra, a small State embarking on the establishment of a modern intellectual property system, to provoke reflection on the need for such modern technology, as without extensive use of it Andorra could not have had the Office that it now had, which received data electronically and processed them with a relational database; it was already publishing registrations on CD-ROM and, between CD-ROM editions, offered access to new registrations on the Internet. In this way, the Office had achieved adequate efficiency and efficient protection with very limited resources. The Delegation stated that the project should not be confined to patents, but should be extended to trademarks and industrial designs, and perhaps also to copyright. The Delegation added that it did not believe that the necessary investment had to be as great as was sometimes suggested; in its experience, the availability of existing high-quality computer products that allowed for integration in a wider system made for enormous savings in resources. Perhaps one was at a stage of technological development that did not call for major data system projects, as existing systems and products could still be used. The Delegation encouraged other delegations and also WIPO, which had given Andorra so much assistance in the harmonization of its legislation and regulatory provisions, to engage in a search for the best forum, whether a working group or ad hoc committee, or indeed an existing body with revised objectives. It expressed that the momentum built up by this initiative should at no stage be lost. The Delegation offered the benefit of Andorra's small-scale experience which, while its scope was not enormous, had not required enormous resources either and was working with surprising results for such a small State.

33. The Delegation of the Commission of the European Communities referred to the Office for Harmonization in Alicante which had particular responsibilities for the Community trademark system, which Office fell under the authority of the European Commission. The Delegation observed that the Commission had made a proposal which was currently under consideration in the Community with regard to design rights. In this connection, the European Commission expressed its interest in any work in any bodies which would take place in WIPO in relation to information technology applications which would affect national or regional bodies, such as the Office for Harmonization. The Delegation therefore expressed the interest

of the European Commission to participate in any appropriate work going on in that connection, and to be able to make any proposals which might help the work.

34. The Delegation of the United States of America extended its sincere appreciation for what appeared to be a fairly clear message that the efforts that it had put into thinking about the issue of information technologies were appreciated very deeply by all the countries represented. The Delegation firmly believed that this type of thinking had to precede action, and for that reason had expressed its sincere desire to try to provide a forum in which the ideas raised could be explored, and to provide a forum that could assist the new Director General in his future work which was clearly going to be substantial. In responding to a couple of very constructive suggestions that had been made, to see if that might provide a basis for moving forward, the Delegation said that it welcomed the proposal of establishing something in the form of an ad hoc working group to further explore ideas, because it was somewhat parallel to the goal it had expressed for establishing a meeting of the Information Technologies Committee this summer. The Delegation reiterated that it was looking for a forum, a place where delegations could meet, share their ideas and come forward with some general recommendations about how to further the work of the International Bureau. The Delegation also welcomed the suggestion that had been made that the International Bureau provide some additional information regarding what it was currently doing. On this point, a number of delegations, including the Delegation of the United States of America, would appreciate the opportunity to feed into this type of information exchange and provide some of its ideas, experiences and thoughts for how to move forward, as part of any type of preliminary information exchange. The Delegation of the United States of America had a number of specific proposals, mentioned very generally in its document, about what types of initiatives could be pursued, and the Delegation said that it would be prepared to provide some detailed explanations and thoughts so as to give a better understanding of what they involved. As to how to move forward in a most productive way, the Delegation hoped that it could be agreed to meet in the near future, perhaps the summer, in the form of an ad hoc working committee that would be open-ended, open to any interested party, to discuss papers, proposals, information that any delegation having an interest in the subject matter could provide, and would have a very clear mission to see if some very general recommendations could be developed about how to proceed on this area. When the Delegation had introduced the idea of an ad hoc committee, it did not envisage that it would reproduce, or replicate or duplicate existing work, but instead would serve as a steering force for the existing bodies of WIPO and for the International Bureau; for that reason, the function it had envisaged for the Information Technologies Committee would have been to provide recommendations and not necessarily to engage in a fairly rigorous work program. The recommendations worth considering could involve, first, new initiatives that were not currently reflected in any of the existing programs of the International Bureau, and second, some alteration of existing programs to make sure that they were consistently focused. Some references had been made as to whether this would be an effort focused on patents or copyright or trademarks, and this was part of the issue that the Delegation would like to see addressed. Many of the information technologies and the systems that they could develop were faceless: they could serve to advance intellectual property systems, whether a patent system, a trademark system or copyright dissemination. That is why the Delegation thought it so critical to have some type of coordination before engaging in specific programs that were tied to a particular form of industrial or intellectual property. As concerns the question of the sequence of events that the Delegation had proposed, the United States of America did not want to wait until the year 2000, when the next budget of WIPO would be considered, to begin work, and it was for that reason that the Delegation thought it

would be a very constructive idea to leave open the possibility of filtering the effect of any recommendations that might be universally held by members of WIPO into the current cycle of activities, yet at the same time it did not want to present ideas that were not fully developed. This was why it had sought the opportunity to have an open discussion and explore different types of initiatives before they were formed into specific budgetary items. Obviously it was necessary to assess the budget implications of any particular initiative, and how it would relate to existing initiatives in WIPO, but that was one purpose for having a committee devoted to studying those types of issues. In conclusion, the Delegation endorsed as some very constructive steps the assumption that delegations could provide information, come together in an ad hoc open-ended working committee or working group, and advance the agenda in sufficient time that it could have an effect on WIPO's next program cycle. It hoped that it would be possible to meet some time this summer where delegations could discuss more interesting initiatives.

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