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ASSEMBLIES OF THE MEMBER STATES OF WIPO

Thirty-Second Series of Meetings Geneva, March 25 to 27, 1998

GENERAL REPORT

adopted by the Assemblies of the Member States

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INTRODUCTION

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

- (1) WIPO General Assembly, twenty-second session (9th extraordinary)
- (2) WIPO Conference, fifteenth session (2nd extraordinary)
- (3) WIPO Coordination Committee, fortieth session (12th extraordinary)
- (4) Paris Union Assembly, twenty-seventh session (14th extraordinary)
- (5) Paris Union Conference of Representatives, twenty-fourth session
(11th extraordinary)
- (6) Paris Union Executive Committee, thirty-fourth session (1st extraordinary)
- (7) Berne Union Assembly, twenty-third session (10th extraordinary)
- (8) Berne Union Conference of Representatives, seventeenth session
(4th extraordinary)

- (9) Berne Union Executive Committee, fortieth session (12th extraordinary)
- (10) Madrid Union Assembly, twenty-ninth session (17th extraordinary)
- (11) Hague Union Assembly, sixteenth session (5th extraordinary)
- (12) Hague Union Conference of Representatives, sixteenth session (5th extraordinary)
- (13) Nice Union Assembly, sixteenth session (3rd extraordinary)
- (14) Nice Union Conference of Representatives, fifteenth session (2nd extraordinary)
- (15) Lisbon Union Assembly, thirteenth session (1st extraordinary)
- (16) Lisbon Union Council, twentieth session (1st extraordinary)
- (17) Locarno Union Assembly, sixteenth session (4th extraordinary)
- (18) IPC [International Patent Classification] Union Assembly, fifteenth session (4th extraordinary)
- (19) PCT [Patent Cooperation Treaty] Union Assembly, twenty-fifth session (14th extraordinary)
- (20) Budapest Union Assembly, thirteenth session (4th extraordinary)
- (21) Vienna Union Assembly, ninth session (2nd extraordinary)

meeting in Geneva from March 25 to 27, 1998, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies (hereinafter referred to as “the joint meeting(s)” and “the Assemblies of the Member States,” respectively).

2. In addition to this General Report, separate Reports have been drawn up on the sessions of the General Assembly (WO/GA/22/2) and the Coordination Committee (WO/CC/40/2).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of March 23, 1998, is set forth in document A/32/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/32/1 Prov.2) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 7 and 9

Ms. Sheila Batchelor (Canada), Chair
of the General Assembly

Item 8

Ms. Lilia R. Bautista (Philippines),
Chair of the Coordination Committee

5. An index of interventions by delegations of States and representatives of intergovernmental organizations and non-governmental organizations mentioned in this General Report is reproduced as an Annex to this Report. The list of participants appears in document A/32/INF/3.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

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

7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 21 bodies concerned by the Chair of the General Assembly, Ms. Sheila Batchelor (Canada).

ITEM 2 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE AGENDAS

8. Each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/32/1 Prov.2 (hereinafter referred to in this document and in the documents listed in paragraph 2, above, as the “Consolidated Agenda”).

ITEM 3 OF THE CONSOLIDATED AGENDA:

DRAFT PROGRAM AND BUDGET FOR THE 1998-1999 BIENNIUM

9. Discussions were based on documents A/32/2 - WO/BC/18/2, WO/BC/18/6 Prov.- WO/PC/8/3 Prov. and WO/BC/18/INF/1-WO/PC/8/INF/1 attached to A/32/INF/2.

10. The Chair of the General Assembly applauded the excellent work done in the space of a few months by the Director General and his able staff, in particular Mr. Bilger’s team, which produced the draft program and budget for the 1998-1999 biennium (A/32/2 - WO/BC/18/2). This was a very comprehensive, clear, concise and result-oriented document, based on the five principles outlined by the Director General in his acceptance speech: accountability to the Member States and users of WIPO’s services; transparency in policy formulation, planning, implementation and monitoring of the program and budget; ownership of the Organization by Member States through a consensus building in decision-making; enhanced cooperation with other international organizations and agencies in the UN family; and adoption of modern management practices in work methods, procedures and operations of the Organization.

11. The Chair praised the vision and leadership of the Director General in providing a new strategic orientation to the Organization. The Chair complimented the Member States, and in particular the coordinators of the regional groups, for having taken on the additional burden of providing in a coordinated manner the inputs, advice and guidance required by the Secretariat in the preparation of the draft program and budget. The document was very well structured,

with clear objectives and their corresponding strategy for implementation, main activities and expected results set out in a transparent, clear and user-friendly format.

12. The Chair announced the recent passing away of Mrs. Pat Longley who had been associated with the interpretation arrangements for WIPO's meetings and conferences for almost three and a half decades. Mrs. Longley was praised for her exceptional contributions to WIPO, her exemplary professional competence, her popularity and her role in fostering communication and understanding among delegations from all regions of the world. The entire Assembly then rose to observe a minute of silence.

13. The Chairman of the joint session of the Budget and Premises Committees, Mr. Shigeki Sumi (Japan), summarized the discussions of that session. He noted that all delegations had commended the new strategy and result-based draft program and budget for its transparency and accountability and had deemed it a very welcome Secretariat initiative. Its general orientation had been supported by all delegations without exception. However, some delegations had expressed certain concerns and given some suggestions. These included concern over the budgetary increase. Some countries had said that a line should be drawn between the core programs and the non-core programs. However, others had said that budgetary increases should be made in relation to the needs involved and ought to be justified. Some delegations had asked how the Secretariat would use the income surplus and the Director General had informed them that it could be used to meet unforeseen needs of Member States. He would propose any such use to the Committee. The Director General had also replied to certain queries regarding the two Advisory Commissions and it was hoped that his explanation had been satisfactory. The importance of coordination with related international agencies, and in particular with the World Trade Organization (WTO), was emphasized by many Member States and that of technical assistance and training had also been underscored, particularly in relation to the meeting of obligations under the TRIPS Agreement by the year 2000. Some countries had requested that the six official languages be treated on an equal basis. There had also been suggestions that the evaluation of the performance and results of the program and budget should be further developed. The Committee thoroughly and extensively discussed the issue of the income surplus. In this respect the Director General announced to the Committee his intention to present a strategic long-term proposal on the utilization of the budget surplus and reserve funds for consideration by the Assemblies of the Member States of WIPO in September 1998.

14. Subsequent statements concerning the draft Program and Budget in general offered congratulations to the Chair and strong appreciation for her leadership and support for the work of the WIPO Assembly. The quality of the draft Program and Budget document – its conception, contents, format and presentation – elicited strong approbation from delegations, which recorded their appreciation for the dedication and professionalism of the Director General and the Secretariat staff in preparing this innovative and detailed documentation in a short space of time.

15. The Delegation of Sri Lanka, on behalf of the Asian Group and China, congratulated the members of the Budget Committee and others who participated in the deliberations of the 18th session of the Committee for reaching this excellent outcome on the first Program and Budget of the new Director General. The Delegation noted that a remarkable outcome had been achieved with ease, largely due to the extensive informal consultation process that preceded

the Budget Committee discussions and the comprehensive Program and Budget document. The Delegation recalled that the Asian Group and China had been actively associated with that consensus-building process. During the discussions of the Budget Committee, the Asian Group and China had expressed their specific concerns on the draft Program and Budget; those concerns were fully reflected in the report of that Committee. The Delegation was confident that the comments and observations of the Asian Group and China would serve their purpose, and expressed its great pleasure, on behalf of the Asian Group and China, in assuring the Director General and the Secretariat of its fullest cooperation in the implementation of the proposed work program.

16. The Delegation of Jamaica, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), congratulated the Chair of the Budget Committee and the Director General on the successful conclusion of the work of the Budget Committee. It further made a general intervention concerning some agenda items proposed for consideration by the Assemblies. The document before the Assemblies was the culmination of an intensive period of consultations between the Director General and the Member States of WIPO. This was a very positive step for the Organization, in keeping with the declared principles of the Director General to promote transparency and accountability in all decision-making processes of WIPO. The new structure of the document, showing clear lines of accountability, objectives and resources allocated to each program, was evidence of the concrete steps taken in implementing a modern and efficient management system that was responsive to the needs of all Member States and based upon the principles of transparency, accountability and consultation. The Delegation referred to the creation of new bodies in the governance structure of WIPO. Accepting that the governance structure of WIPO could seem overwhelming for the uninitiated, the Delegation, on behalf of the GRULAC, gave its support to the rationalization and merging of committees where appropriate, for example, the Budget and Premises Committees, and the establishment of the Standing Committee on Information Technologies (SCIT) which would incorporate the work of the Permanent Committee on Industrial Property Information (PCIPI).

17. With regard to development cooperation, adequate resources should be made available to carry out the programs for developing countries. The GRULAC supported the use of a portion of the surplus funds for development cooperation and welcomed the intention of the Director General to present recommendations for the strategic use of both budget surpluses and reserve funds. It stressed the need to ensure that mobilization of WIPO's resources was coordinated with other organizations in financing nationally-focused action plans. A coordinated approach to the implementation of development cooperation was of great importance, as many aspects of cooperation were dispersed throughout the program and budget. In addition, the GRULAC requested adequate resources to enable the participation of experts from developing countries at technical expert levels. Of particular interest was the forthcoming meeting on audiovisual performances in June 1998. However, financial resources should be provided for all expert meetings, including those envisaged for the SCIT. The GRULAC drew attention to the need for adequate financial and other resources for the work of the Cooperation for Development Bureau for Latin American and the Caribbean and for the full implementation of its work program. The Delegation pointed out that of crucial importance to the region was the use of Spanish as a working language of the working groups of WIPO. It expected that sufficient resources would be provided to facilitate the full

participation of the GRULAC in the work of those bodies. The Delegation fully endorsed and supported the work accomplished in the Budget Committee.

18. The Delegation of Côte d'Ivoire, speaking on behalf of the African Group of countries, also congratulated all the members of the Budget and Premises Committees for the excellent work accomplished. The African Group supported the Program and Budget as proposed by the Budget Committee and supported the implementation of the Program by the Director General. However, the African Group expressed its regret that the question of the proposed utilization of the budget surplus was not clearly defined by the Assemblies. Nonetheless, the Group was very happy, by way of consensus, with the declaration and proposal made by the Director General to this end.

19. The Delegation of the Netherlands, speaking on behalf of the Group B countries, indicated that while it did not intend to repeat what had been said on behalf of Group B during the session of the Budget Committee, which had reached such good results, it nevertheless wanted to highlight a few points for the attention of the Assemblies of the Member States. Thus, it was very impressed with the amount and quality of work that the Director General and the Secretariat had accomplished; especially as to the excellent structure and format of the Program and Budget document, and the transparency of the consultations leading to its adoption which had allowed Member States to be fully involved in the whole process. Group B was looking forward to participating in an equally open and transparent manner in the implementation of the Program and Budget and fully supported the strategic reorientation of the Organization, both in policy aspects and in management and governance aspects. Finally, Group B recalled that this was an extraordinary situation and noted that it would call again upon the Organization in future biennia, even as the Organization was growing, to exercise the fiscal stringency and tightness expected from a member of the United Nations system.

20. The Delegation of the Russian Federation, speaking on behalf of the Group of Central Asian and Eastern European Countries, expressed satisfaction with the results achieved in the session of the Budget Committee which had adopted the WIPO Program and Budget for the 1998-1999 biennium. Since the report of the Budget Committee reflected the approval of the proposed automation of the PCT system, information technology projects, integration of the Permanent Committee on Industrial Property Information (PCIPI) into the Standing Committee on Information Technologies, as well as the proposal on premises, the countries of this Group supported the Program and Budget.

21. The Delegation of the Republic of Croatia, speaking on behalf of the Central European and Baltic States, also expressed satisfaction with the results of the Budget and Premises Committees' session and with the excellent quality of the draft Program and Budget. It thanked the Director General and the Secretariat for such a comprehensive and transparent document, which created a very good base for future activities of WIPO. While considering that all the programs of the Program and Budget were very important and interesting, especially new proposals like the establishment of Advisory Commissions, it expressed particular interest in Program 07 "Cooperation with Certain Countries in Europe and Asia," and Program 08 "Human Resources Development and the WIPO Worldwide Academy." The Central European and Baltic States sincerely hoped that they would benefit from these programs. Finally, it again stressed the importance of the full implementation of the approved Program and Budget.

22. The Delegation of the United States of America pointed out that the Program and Budget, and the process of consultation leading to its final presentation, represented marked improvements in virtually all areas of management compared to previous budgets of the Organization. It welcomed the Director General's commitment to reform, and praised his efforts to change the programming and budgeting process as a key element of that overall objective. The Delegation stressed that its comments regarding the Secretariat's Program and Budget should not be interpreted as a criticism of WIPO's management, but rather, the exemplary commitment of the Director General and his staff to an open and transparent process was the very basis for the current discussions. The Delegation expressed its support for the draft Program and Budget. However, it noted certain long-term objectives so there would be no misunderstanding in future budget deliberations. The Delegation noted that the Program and Budget must continue to strive to reduce excess revenues, and to maintain fiscal stringency in the expenditure budget. In its opinion, PCT fees were still too high and must be reduced further. The United States of America would not support another 25 percent increase in non-core programs and overheads for the next biennial budget.

23. The Delegation of the United States of America stressed that WIPO must remain focused on its core mandate. All resources should be used solely for activities and programs mandated by the Member States through the Assemblies. It expressed its concern that the proposed Advisory Commissions not be allowed to undercut the policy-formulation and decision-making authority of the Member States.

24. The U.S. Delegation applauded the Director General and his staff for the commitment they made to concerned Delegations and Regional Coordinators to respond to their individual concerns. It looked forward to the June 1998 meeting of the Budget and Premises Committees, as an opportunity to move the question of premises for WIPO ahead in a timely fashion. In order for this to be accomplished, it requested further information from the Secretariat, including but not limited to a detailed, objective and rigorous analysis of projected workspace needs over the next ten years, taking into account projected efficiency gains from improved automation and document handling; and a detailed, objective and rigorous cost-benefit analysis of all available options for meeting these additional workspace needs, including the Steiner lot and the Procter and Gamble (P&G) Building options, construction of new buildings, the purchase or rental of existing buildings, and making use of the additional space in the WMO building.

25. Further, the Delegation of the United States of America supported the proposed measures in paragraph 87(b) and (c) of the premises document (WO/GA/22/1) as well as authorization to the Director General to seek price data for the acquisition of the Steiner lot and the P&G Building. It expressed its understanding that the Budget and Premises Committees' meeting, proposed for June 1998, would not be asked to recommend any of the office space expansion options, including the Steiner and P&G options, until those Committees had received, and had a chance to review and analyze, all of the necessary supporting data. The Delegation stated that it would be sending to the Secretariat a detailed list of questions that it believed must be answered in order to make that decision. It appreciated the Director General's commitment to respond to those questions, and looked forward to receiving the answers from the Secretariat. The Delegation observed that it was essential that the Premises Committee and the General Assembly of the Member States be fully involved in the assessment of the space needs, choices of alternatives, and required investment.

26. The Delegation believed that the Organization was on a sound footing and under excellent leadership. It commended the achievements which the Director General and his staff had accomplished in the six months that he had been in office. The Delegation was confident that this new budgetary process was not a one-time event, but the beginning of a continuous management review process, and it looked forward to participating fully and actively in that process.

27. The Delegation of the United Kingdom, speaking on behalf of the European Community and its Member States, stated that the work program set out in the draft Program and Budget, building on recent achievements such as the recently adopted WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, would enhance the standing and authority of WIPO. The Delegation welcomed accountable program management based on a clear presentation of objectives, activities and expected results. It looked forward to such an approach being carried out by the Director General in future annual reports, so that Member States could assess the efficiency and effectiveness of the Secretariat. The Delegation pointed out that the European Community had played a full and active role in discussions heretofore in WIPO, and looked forward to continuing to participate fully in such discussions where appropriate in the future, including the new Standing Committees. It would confirm its participation at the time of the establishment of the relevant Committees and the adoption of their procedural rules. The Delegation felt that this was an ambitious work program, and might possibly not be fully achievable within the remainder of the 1998-1999 biennium. The new Standing Committees could decide how to undertake the detailed work in their areas in the most effective manner, and as such, questions of more detail were therefore most appropriately addressed in these fora. The Delegation stated that, in order to ensure a successful Diplomatic Conference on a possible new Act for the Hague Agreement, with the widest possible adherence to it, all necessary efforts on matters of substance would need to be made. It noted that there were a number of activities in the draft Program and Budget which would tend to increase the Organization's study of international and global issues. These activities would provide opportunities to ensure that the work of the Organization would complement existing activities of other international bodies, and lead to greater synergy of effort. The Delegation pointed out that, as yet, dates had not been fixed for many of the proposed meetings, for example, in respect of a Protocol to the WIPO Performances and Phonograms Treaty (WPPT), and the first meeting of the new Standing Committee on Information Technologies. Subject to adoption of the draft Program and Budget, the Delegation requested the Secretariat to propose a schedule of meetings as soon as possible.

28. The Delegation of Sweden expressed its appreciation of the new structure and format of the draft Program and Budget, which would facilitate the process of evaluation of the implementation of the proposed programs. The delegation of management responsibility for programs corresponding to the organizational structure of the Secretariat would result in a cost-effective utilization of allocated resources. The Delegation recalled that it had, on previous occasions during discussions of the WIPO's activities report, asked for more in-depth analysis of the achieved results of the various activities, in relation to their objectives. The draft Program and Budget structure would no doubt facilitate the evaluation of WIPO's efficiency in accomplishing the expected results with the given resources for each program and sub-program. The Delegation believed that human capital was the key to securing the benefits of the intellectual property system, and therefore welcomed the proposal for the WIPO

Worldwide Academy to function as the central mechanism for developing and launching modern and tailor-made training programs. The rapid development of information technology had made it an indispensable tool for worldwide communications. This justified the proposal for the establishment and operation of the WIPO Global Information Network, which would serve the interests of all Member States.

29. The Delegation pointed out that the draft budget had an estimated surplus of 16.5 million Swiss francs. It expressed the view that there should, in principle, be no surplus in international organizations serving industry and the public. If there was any, it should be kept to a minimum. In case of a surplus of this size, there should be a strategic plan for its use in the best interests of the users of the intellectual property system. Since the surplus would mainly arise from the PCT and Madrid Unions, the Delegation thought that a further reduction of the fees in these systems should be considered. It referred to the report of the Budget Committee, and noted that the Secretariat would come back to the question of the surplus later this year when the revenue and expenditure picture would become clearer.

30. The Delegation supported the new structure of Standing Committees for patent law, copyright law, and trademark law, even if some elements of their procedures still remained to be settled. It wished that future Diplomatic Conferences would be preceded by Preparatory Committees. It also supported the proposal for two Advisory Commissions as a welcome new element, embodying the policies of openness and consensus-building. The Commissions served as important vehicles for keeping this Organization abreast of trends and developments. It did not see these Commissions as in any way encroaching on the decision-making power of the governments. The Delegation appreciated the close cooperation with WTO. WIPO could and would play a crucial role, together with the WTO, in the various steps which a country must undertake in order to implement the TRIPS Agreement, including legislation, establishment of infrastructure and enforcement. In the Swedish experience, during the development cooperation events which it had organized in Stockholm together with WIPO, the parts which the participants found to be most important and interesting ones were those which dealt with the TRIPS Agreement, the operations within the TRIPS Council, and the procedures of the legislation review meetings of the WTO-TRIPS Council. The merging of the Permanent Committees for Development Cooperation was also supported despite some past reservations. The Delegation noted potential benefits in such a merger, including financial benefits, and therefore was prepared to go along with the proposal, and see how it worked. In conclusion, the Delegation found the draft Program and Budget highly commendable, but also observed that its point concerning the budget surplus should be borne in mind for the future.

31. The Delegation of Singapore, speaking on behalf of the ASEAN countries of Brunei Darussalam, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam, thanked the Director General and his able Secretariat for having prepared such excellent documents. They were models of clarity and substance and would greatly facilitate the deliberations of the Member States. The draft Program and Budget document set out clearly not only the strategic underpinning of WIPO's mandate and the fundamental challenges facing intellectual property protection, but also elaborated a rich program of work. All of that was laid out in a manner which would allow the Member States later on to evaluate and judge the performance of both the Organization and its Secretariat. The draft Program and Budget embodied the manifesto which the Director General declared in his acceptance speech last September, namely, that the Organization would be run along the twin principles of

accountability and transparency, and that the Secretariat would carry out its work in a cost-effective, result-oriented basis. Furthermore, a modern management approach would be applied such that program managers would be answerable, through the Director General, for their performance, and undertake, from the first day, to strive to meet the stated objectives and expected results, and, where possible, to surpass the stated goals.

32. The ASEAN countries considered that the Director General's request for a program increase of some 24 percent to be wholly justified. WIPO had an important mission to carry out that would become even more important as the globalization progressed. As new technology called into question traditional approaches to intellectual property protection, WIPO should be at the cutting edge of worldwide solutions to new challenges and problems. Furthermore, WIPO was best placed to assist developing countries to prepare for the implementation of the TRIPS Agreement and to facilitate preparations for the forthcoming review of the TRIPS Agreement. One could not expect WIPO and its Secretariat to do all that, and continue to upgrade its services in international registrations of industrial property if Member States did not also provide the required resources. In brief, ASEAN fully supported the Director General's proposals for the additional resources for new as well as expanded programs and for the additional staff posts.

33. WIPO also provided an essential service to industry and commerce via, mainly, the PCT and Madrid systems. Not only did WIPO have healthy reserves but there would be continuing surpluses of revenue over expenditure. It would thus be unjust if there was any attempt to reduce funds and speak as if WIPO was suffering from a crisis in funding. Of course, this did not mean that prudence and fiscal responsibility should be set aside. On the contrary, the ASEAN countries called on the Director General to strictly apply the principles of accountability and financial prudence and implement a program based solely on result-oriented, cost-effective lines. This being said, ASEAN declared its support for the Program and Budget and the recommendation of the Budget Committee as set out in paragraph 78 of document WO/BC/18/6 Prov.-WO/PC/8/3 Prov.

34. The ASEAN Delegations also supported the proposals of the Director General and agreed to the corresponding recommendations taken by the Budget and Premises Committees, in respect of the further automation, leading to top performance and services, of the PCT system; the project to establish a Global Information Network and Intellectual Property Information Services; the transformation of existing premises, the acquisition and extension of the WMO building, as well as authorization for the Director General to enter into negotiations with the owners of the Procter and Gamble building and with the owners of the Steiner lot. Concerning the latter negotiations, the Director General was requested to keep the Member States informed of the progress, on the clear understanding that no acquisition of either the building or the land would be concluded without the prior consideration and approval of the Member States. The ASEAN delegations agreed with the Director General's proposal that the financing involved in the three propositions mentioned above would be provided by WIPO's Special Reserve Fund for additional premises and computerization.

35. Furthermore, the ASEAN Delegations agreed with the Director General's intention to tidy up the complicated overlapping and interlocking groups and committees accumulated over more than 100 years of existence of WIPO. Not only should the work of the Secretariat be rationalized under the new Director General but the different bodies of Member States as well.

The ASEAN countries pledged to work closely with the Director General and the Secretariat as well as with other Member States in ensuring good results and smooth operations in the current biennium. Lastly, the ASEAN countries looked forward to receiving from the Director General early in 1999 a full and detailed report on the performance of the Organization and the Secretariat in 1998. That report should inform Member States factually of not only what happened in the course of that year but of the cost-effectiveness and results of the programs measured against their stated objectives and expected results as indicated in the Program and Budget document.

36. The Delegation of Tunisia noted with satisfaction the exemplary process of consultation with the Member States through a number of meetings, which helped to identify the areas of interest and concern to the Member States. This enhanced the transparency of the planning process and improved the dialogue with the Member States. This trend foreshadowed a new era in which the programs would fully reflect the concerns and needs of the Member States, and thereby provide the best guarantee of fruitful cooperation for the benefit of all. The Director General should observe this method of consultation for the future programs and budgets of WIPO, and for all other work of the Organization. The Delegation applauded the inclusion of a new program to deal with the protection of folklore and of intellectual property rights of indigenous peoples. It expressed particular satisfaction with the adoption of the strategy of nationally-focused action plans. The Delegation extended full support to the proposal for establishing the Standing Committee on Information Technologies. It felt that the new digital environment would facilitate the transfer of technology on a priority basis to developing countries, and welcomed the efforts to develop the capacity of national institutions in strengthening their national information infrastructure for this purpose, and by the development of their human resources. The Delegation noted with satisfaction the assistance received so far from WIPO, in particular visits of expert advisory missions and supply of computerization equipment under the development cooperation program for developing countries, and hoped that this assistance would continue and increase.

37. The Delegation of Senegal welcomed the dawn of a new era of transparency and regular consultations with Member States, as a result of which the concerns of many Member States and regional groups had been taken into account, to the maximum extent possible, in the preparation of the draft Program and Budget even before its formal presentation to the Member States. As concerns development cooperation activities, the Delegation noted with great pleasure that this assistance occupies a central place in the draft Program and Budget. It was an integral part of a sound management policy, in which such cooperation was seen as an essential element of a well-balanced partnership. In view of the effect of intellectual property on trade and development, particularly in view of the TRIPS Agreement, the development of national capacities through restructuring projects had gained great importance. The Delegation supported the 10 percent reduction in contributions of Member States. However, it pointed out that WIPO should not lose sight of the fact that it was an intergovernmental body, and that contributions of Member States should remain an important element. On the need for additional premises, the Delegation referred to the various elements listed in the relevant document, and stressed the need to take a decision on this urgent issue as quickly as possible. The Delegation therefore supported the initiative of the Director General to conduct negotiations before submitting a concrete proposal for consideration.

38. The Delegation of Nigeria said that the vision and objectives contained in the draft Program and Budget document was a clear testimony of the direction that the Director General wished WIPO to follow. That document presented a pragmatic approach to the issues that were germane to global intellectual property administration. The proposals were far reaching and touched upon all facets of accountability, management and efficiency which an organization such as WIPO needed to continue to be a leader among leaders. The proposals were innovative and put WIPO on a proper pedestal to launch it into the next millennium. Nigeria supported the Director General's proposal to set up the Policy Advisory and the Industry Advisory Commissions to act as think tanks for providing additional necessary information and thoughts that would assist him in making well-informed and balanced proposals for Member States to decide upon. It joined other delegations which cautioned that these Commissions should not replace the constitutional role of Member States.

39. The Delegation of Nigeria noted that there would be continuity in development cooperation. The Secretariat should continue to assist Nigeria's capacity-building efforts in ensuring that intellectual property would contribute to the country's economic and social advancement and that intellectual property users would reap the benefits of their creativity and inventions. The Delegation therefore invited WIPO to support practically, under a country project, the Intellectual Property Institute which its Government was establishing in order to provide an appropriate environment for research, training and development of the intellectual property administration and managers for the country and its West African neighbors in the ECOWAS sub-region. The Delegation further invited WIPO to assist Nigeria in its efforts to encourage and improve the teaching of intellectual property in its tertiary institutions. The Director General was commended for his bold initiative in setting up the Office of Global Communications and Public Diplomacy, which had been long overdue. It expressed the hope that the importance of WIPO and what it stands for, would be universally acknowledged. The Delegation suggested that this Office of Global Communications would have great responsibilities for ensuring that intellectual property, more than ever before, would become an integral part of international diplomacy, commerce and cultural development. This Office should augment the efforts of national intellectual property offices in sensitizing their citizens to the global importance and benefits of an effective intellectual property regime. It should ensure visibility and accuracy of information about WIPO and intellectual property issues in the media. There could be no better platform than this one to promote the work of WIPO and how intellectual property could foster economic growth. Regarding the budget surplus, the Delegation was pleased that there was a consensus among delegates that savings should be judiciously utilized to supplement program activities in developing countries, and that adequate provisions had been made to improve and expand all the important programs, apart from proposing new urgent projects. It noted with satisfaction that the protection of folklore would be rigorously pursued to achieve its objectives. With the new system of management and program monitoring which the Director General has introduced in WIPO, the Delegation was assured that all the programs will be fully implemented. Therefore, the Delegation supported adequate funding for all the programs as proposed, particularly those programs for developing countries designed to raise intellectual property administration to the standards which now prevailed in developed countries. Nigeria fully supported the proposals in the draft Program and Budget and the recommendations of the Budget and Premises Committees.

40. The Delegation of Sudan characterized the draft Program and Budget as extremely positive, highlighting the cooperation for development and applications of information technology which had been taken well into account. The draft budget was expected to lead to

a surplus of 16.5 million Swiss francs, which illustrated the considerable positive efforts that had been made in the management of WIPO. The Delegation confirmed its support for the program and budget, highlighting the continuing program of cooperation for development, and laid strong emphasis on the future need of developing countries for the necessary assistance to implement the TRIPS Agreement. The flexibility and the focus on national interests of the developing countries in this program were particularly welcomed. Although the funds earmarked for this activity had risen, they should be increased further, given that implementation of the TRIPS Agreement was a resource-intensive process for developing countries. The budget surplus should therefore be directed towards the developing countries for this purpose and the meeting of the WIPO Assemblies in September should have no influence on such use of the budget surplus. The Delegation wholeheartedly endorsed the earlier statement made on behalf of the African Group concerning the question of premises. The present accommodation did not have sufficient space to allow for effective operations.

41. The Delegation of Costa Rica said that the draft Program and Budget embodied professional ambition, academic excellence, and a sense of finesse, transparency and vision. The WIPO Worldwide Academy, in particular, was very promising. The Delegation further expressed its great satisfaction with the inclusion of sub-program 10.4 "Protection of the Rights of Broadcasting Organizations." This subject was of great importance to Costa Rica, which intended to take part in all related activities and to be provided with ample cooperation and advice. This sub-program undoubtedly constituted the beginning of a new era of understanding with broadcasting circles which could be defined as one of the links in the chain of culture. As an unequalled participant in creativity, a bastion of the liberty of expression, and a diffuser of knowledge, art and values, as well as a vehicle of communication, broadcasting occupied, in its own right, the place that was given to it in this sub-program. It was to be hoped that legal novelties and a climate of justice and participation would be the result of the significant opening by this activity. The Delegation also wished to mention the enthusiasm that such a promising Program would raise for CANARD (Cámara Nacional de Radio de Costa Rica – Chamber of National Broadcasting of Costa Rica), UNARCA (Unión de Asociaciones de Radiodifusores de Costa Rica – Union of Broadcasters Associations of Costa Rica) and AIR (Asociaciones Internacional de Radiodifusión – International Association of Broadcasting), which were ready to work intensely toward fruitful results.

42. The Delegation of Egypt affirmed that the Program and Budget would assist WIPO in taking giant steps towards meeting the challenges of the future. Developing countries would have a particular status in the years to come, and needed assistance in achieving their commitments under the TRIPS Agreement and in fulfilling the potential of their intellectual property infrastructure. The Delegation advocated the use of the budget surplus to assist developing countries, and welcomed the Director General's proposal which he would make on the strategic utilization of the budget surplus and the reserve funds. The Delegation expressed particular interest in the protection of folklore and looked forward to the implementation of sub-program 11.3 "Protection of Expressions of Folklore." It shared the concerns expressed by the Delegation of Sweden concerning the merger of the two relevant permanent committees in the field of cooperation for development. Geographical distribution was of crucial importance in recruiting Secretariat staff, and the status of consultants on the staff should be determined. Equality between all official languages had to be established in terms both of interpretation of meetings and translation of documents.

43. The Delegation of Lesotho praised the new Director General. He had been elected to continue making WIPO a success story for the benefit of all its constituencies, namely, Member States, users and owners of intellectual property rights and relevant regional, international and non-governmental organizations. The draft Program and Budget was evidence of this success: it was based on strategic planning and management control; a key to successful and effective management and tight control of resources. The strategic approach had the advantage of allowing coordination of activities, with clear priorities and targets. The Program and Budget was also characterized by an explicit financial realism, as evidenced by the surplus of 16.5 million Swiss francs of income over expenditure expected for the 1998-1999 biennium, compared to a deficit of 0.5 million Swiss francs budgeted for the 1996-1997 biennium. The Delegation was particularly satisfied to note the expansion of cooperation for development and the creation of the WIPO Worldwide Academy, amongst other issues. The emergence of the TRIPS Agreement had put a lot of pressure on the limited resources of developing countries. Therefore, the Delegation was pleased to note that the proposed Program and Budget contained substantive provisions for concrete assistance to developing countries to enable them to comply with the TRIPS Agreement. The Delegation recalled that the Director General, in his acceptance speech last year, undertook to rely on the three pillars of accountability, transparency and information technology. While accountability and transparency were excellent managerial characteristics, information technology, if used properly, would ensure that both developed and developing countries would benefit from its rapid advances in the process of promoting the protection of intellectual property law. The Delegation of Lesotho supported fully the draft Program and Budget and was looking forward to a concrete solution to the important question of premises.

44. The Delegation of Kenya observed that the draft program and budget contained many new approaches and represented a new outlook. It successfully defined what was to be done with respect to intellectual property as the new millennium approached. The rapid implementation of this change was a credit to the Director General. Kenya supported completely the earlier statement made by the African Group. The Delegation highlighted the proposed initiative to deal with emerging issues such as the protection of folklore, indigenous cultures and biodiversity. Agenda 21 and the Convention on Biological Diversity required new approaches to the linkages between ownership of and access to genetic resources and intellectual property rights. Kenya and other developing countries held much of the world's genetic resources, and would greatly benefit from the new approaches proposed in Program 11 "Global Intellectual Property Issues" to developing policies in this area. Program 08 "Human Resources Development and the WIPO Worldwide Academy" was also of great interest and had the Delegation's full support. The linkage with university programs could be strengthened. Universities with intellectual property courses would benefit immensely from interaction with the WIPO Worldwide Academy. The proposal on distance training was also welcomed as it would open up possibilities for many people to be exposed to quality training. Kenya supported strongly the statement by the Delegation of Côte d'Ivoire on the use of surplus funds. There should be no doubt as to what these funds should be used for. The Delegation emphasized that the Director General should be given the authority to use these funds to meet unforeseen particular needs of Member States. The Delegation supported the views expressed on the need for adequate premises for WIPO's activities and for a quick and clear decision on the Steiner lot. The Delegation supported fully the Program and Budget and hoped that it would be successfully implemented in its entirety.

45. The Delegation of Switzerland stated that the present session constituted a benchmark in the life of the Organization. It was a well-established tradition that delegations expressed more than deserved congratulations to the Secretariat for the quality of its work and its documents. Today, the Delegation would go further by saying that, thanks to the Director General and its dynamic staff, the Organization, with the presentation and the contents of its draft Program and Budget, could be proud of having made a remarkable quantum leap in its work. The Director General had undertaken pioneering work in adopting the methods of new public management in clearly setting out his objectives, the planning of the programs and the expected results. New public management required great exactness of management, acceptance of responsibilities and respect for transparency as well as a great collective sense of the image of the organization. While new public management was better known at the national level, it found its expression, in all its aspects, for the first time, within an intergovernmental organization, that is, WIPO. The Program and Budget that would be adopted would undoubtedly constitute a model to be followed by other organizations. The presentation of each program was clear and well structured. This would not only facilitate the internal work of the Organization but would also allow Member States to monitor and evaluate the results of the work done by the Organization during the biennium.

46. Further, the Delegation of Switzerland said that while certain activities were already well known, some new programs had been proposed, in particular, to meet the technological challenges and the commercial, social and other dimensions of intellectual property. Reference was made, in particular, to the automation of the PCT system, the information technology projects and to the programs concerning new subject matters. In respect of the latter, it was important that WIPO be more present and pro-active in those fields in which intellectual property questions were raised and often dealt with in an inadequate manner. At a time where public funds were rare, it was for government representatives to draw their colleagues' attention, in their respective countries, to the need to avoid duplicating the work of WIPO and to making use of its expertise. The Delegation noted with satisfaction that the draft program and budget had taken into account the concerns that the Delegation had expressed for several years, for example, regarding biodiversity. WIPO also had the full support of Switzerland for its automation projects as well as for those relating to information technologies; as in the past, the Delegation was pleased to be able to offer its full cooperation, and was also available to serve as a "guinea pig" if WIPO so wished. Finally, the proposals in respect of technical cooperation were also fully supported by the Swiss authorities. It was important that the developing countries as well as certain countries in Europe and Asia were able, not only to comply with their obligations in the framework of the TRIPS Agreement of the World Trade Organization (WTO), but also to be up-to-date with new information technologies.

47. The Delegation of Switzerland further recalled an issue that had occupied the Assemblies of the Member States of WIPO and the Premises Committee for a number of years and which continued to do so. As a Member State of WIPO, and like the other States, Switzerland's first concern was to ensure good working conditions for the Organization. This was in the interests of all Member States and users alike. The decision that would some day be taken on premises would be a collective and sovereign decision. It was the wish of the Delegation of Switzerland that it would soon be taken so that the Organization and the delegates may also devote their time to other work. Furthermore, it was important that the Director General be given clear mandates by Member States. The Delegation appreciated the small step that had been made in

the joint session of the Budget and Premises Committees this week. The Delegation, for its part, supported the recommendations of the two Committees.

48. The Delegation of Israel stated that WIPO should focus on activities relevant to intellectual property, including support to developing countries. Special efforts should be made to increase the number of Contracting States of the PCT, and these efforts should include a further reduction in PCT fees. The Delegation noted that WIPO staff should remain compact, highly professional and efficient and there should not be an artificial increase in the number of staff, as had occurred in other international organizations. The Delegation also referred to the use of all official UN languages, especially Arabic and Spanish. The Committee of Experts on a possible new treaty for the resolution of intellectual property disputes between States seemed to have disappeared as a Committee of Experts. The Delegation realized that there was opposition to that proposal, especially in the light of the WTO dispute settlement system. However, it noted that there was no decision to eliminate that work as such.

49. The Delegation of Morocco expressed its satisfaction with the proposed creation of a Global Information Network in the field of intellectual property to facilitate access to information. With this orientation, Morocco is soon going to have its own information system which will enable them to endow the users of the Industrial Property system with all the modern means of consultation. The Delegation thanked the Director General for WIPO's efforts in modernizing the Moroccan industrial property system.

50. The Delegation of Japan noted that in recent years the globalization of economies, the rapid spread of the Internet, the emergence of biotechnology and other new technologies, had brought great paradigm changes. Intellectual property had become more important than ever. WIPO was being revitalized and would continue to adapt to the changing situation. The acceptance speech of the Director General stressed the importance of transparency and accountability, which were well reflected in his first major task, namely, the preparation of the draft Program and Budget. The Delegation highly appreciated the informal consultation meetings that were held to ensure transparency and accountability in the formulation of this draft. It commended the creation of two Advisory Commissions comprising individual experts and users from a wide range of policy and industry backgrounds, noting that user-oriented management was essential for WIPO, given the imminent approach of the 21st century. Those Commissions would help WIPO meet its challenges in a timely, informed and effective manner.

51. The Delegation of Japan expressed its appreciation that the draft program and budget reflected the dissemination of advanced information and telecommunication technologies, the utilization of which was emphasized in each program, notably in the automation of the PCT system and the International Registry, the Global Information Network, and the Standing Committee on Information Technologies. The introduction of new technologies was indispensable for the PCT and the International Registry. To be truly workable and useful, the Global Information Network would need to make available in digital form all relevant information from participating intellectual property offices. The close relationship between all information technology activities meant that such programs as the Global Information Network, PCT automation and digitization of patent applications should be structured and implemented in a coordinated and far-sighted manner. The Japanese Patent Office would spare no effort to achieve this shared goal, drawing on its experience in successfully implementing office automation. Cooperation with developing countries in improving intellectual property

systems, in the light of implementation of the TRIPS Agreement, would become increasingly important. Highly commendable were the proposed nationally-focused action plans to be formulated with differing levels of development in mind, and the various activities aimed at developing and strengthening enforcement mechanisms. It was hoped that these activities would greatly facilitate preparation for and implementation of the TRIPS Agreement.

52. The Delegation of Japan welcomed the new and original approaches relating to the progressive development of international intellectual property law, even though WIPO's treaty-oriented rule-making exercises, based on Committees of Experts, had borne much fruit. The Delegation supported the planned creation of Standing Committees on intellectual property law which would enable issues to be prioritized and would produce results in a timely, flexible and effective manner. In the age of economic globalization and technological revolution based on information technology, Japan fully supported the rule-making activities of WIPO aimed at harmonizing the world's intellectual property systems which had recently given birth to new treaties such as the Madrid Protocol, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. Japan had made efforts to improve its intellectual property system in response to this development, including amending its copyright law to comply with the latter two treaties. This process would continue to deal adequately with emerging challenges.

53. The Delegation of Benin expressed appreciation for the philosophy and the main principles of transparency and accountability, which it felt were manifest in the documents prepared for the present meeting. The Delegation associated itself with the statement by the Delegation of Côte d'Ivoire on behalf of the African Group. It stressed the importance of the effective protection of folklore in the development of certain Member States of WIPO, and therefore of sub-program 11.3 "Protection of Expressions of Folklore." Regarding cooperation for development, the Delegation pointed out that the draft program and budget had set out a number of specific actions to promote creative action in developing countries. The Delegation drew attention to the negative effects of the dispersal of services of WIPO in various buildings. There was a clear lack of space in the main WIPO building; this problem should be solved as soon as possible so that WIPO could have the necessary infrastructure to carry out its tasks effectively. The new guidelines contained in the draft Program and Budget showed that a new emphasis was being given to the enhancement of intellectual property protection systems in developing countries. The Delegation extended its full support to the Director General for the accomplishment of these programs.

54. The Delegation of the Czech Republic supported the program and budget which clearly defined WIPO's new policies and activities for further effective development of intellectual property protection. The Delegation appreciated the work done by the Secretariat in preparing this significant document which marked a new period for WIPO. All parts of this Program and Budget were of great importance, but the Delegation highlighted especially cooperation for development, the Madrid and Hague systems, and the Global Information Network, including further development of the PCT. Automation of the PCT system would result in benefits not only for the Secretariat but also for the national offices of the Member States, the International Searching and Preliminary Examining Authorities and the applicants. Unfortunately, the automation budget was foreseen to go beyond the present biennium until the years 2002 to 2003. It seemed to the Delegation that the completion of the PCT automation system was too far away and therefore it recommended to shorten the implementation period as much as

possible, especially the electronic communications to designated and elected offices. The Delegation conveyed its willingness to participate in WIPO's proposed activities and to contribute to the successful development of the Organization.

55. The Delegation of Uruguay congratulated and thanked the Director General of WIPO and the Secretariat for providing the excellent document containing the Program and Budget based on the objectives set out by the Director General in his acceptance speech. It supported the main lines of this document, particularly Program 06 "Cooperation with Developing Countries." In this biennium, it would like to see consolidation of efforts initiated by WIPO with the countries of MERCOSUR for the harmonization of their legislations on intellectual property and the adoption of measures enabling those countries to implement their international commitments, especially those under the TRIPS Agreement. Uruguay appreciated the work done by the Secretariat in establishing the two new WIPO treaties on copyright and the rights of performers and phonogram producers which were being considered by its Parliament. In this field, the Delegation placed special emphasis on activities under sub-programs 10.2 "Protection of Audiovisual Performances" and 10.4 "Protection of the Rights of Broadcasting Organizations." The Delegation called for providing assistance for representatives from developing countries to enable them to participate in meetings on these subjects, particularly the audiovisual performances meeting scheduled in June 1998 in Geneva.

56. The Delegation welcomed the recent holding in Cancun of WIPO's Symposium on Copyright, Radio Broadcasting and New Technologies, organized with the assistance of the International Organization for Broadcasting. It facilitated understanding in the region of the role of broadcasting organizations as both holders and users of rights. This is why they welcomed the fact that the Organization had included at the initiative of those countries, including Uruguay, the setting-up of a Committee of Experts on the harmonization of the rights of broadcasting organizations. The Ministry of Energy in Uruguay had proposed to modernize information systems in the intellectual property office, relating to marks and patents. Uruguay attached special importance to the support from the Secretariat through a plan of action as set out in Program 06 "Cooperation with Developing Countries." Regarding information technology projects, the Delegation supported the recommendations made by the Budget Committee. Uruguay also supported the understanding reached in the Premises Committee regarding the mandate to the Director General so that the Secretariat could overcome the lack of space that was affecting the efficiency of the Organization.

57. The Delegation of Brazil complimented the Director General for the transparency which characterized discussion of the Program and Budget, for which it had expressed its support during the joint session of the Budget and Premises Committees. The Delegation signaled its agreement with the need for the Organization to re-structure itself to meet the daunting challenges posed by the growing importance of intellectual property issues. It made further reference to a number of topics which it felt merited the special attention of WIPO, namely, biodiversity, protection of expressions of folklore, electronic commerce and the implementation of the TRIPS Agreement. It was important that cooperation for development continued to reinforce the national offices of developing countries responsible for the application of legal norms, and to consider the interests of users. Brazil, therefore, believed that it would be appropriate to use a portion of the budget surplus for cooperation for development projects.

58. The Delegation of Pakistan had closely followed the evolution of the Program and Budget document. The procedure adopted in formulating the document marked a radical, and most welcome, departure from past practice. The open manner of consultations and the close involvement of the Member States was significant in two respects. It contributed greatly to the drafting of a document that had many strengths and enjoyed broad-based support. More important, it augured well for the future work of the Organization. The progressive development of norms was to be one of the major goals and a streamlined machinery was to be created, in the form of a number of standing and advisory committees, with the primary function of advancing towards this goal. It had also been suggested that the products of norm-setting exercises need not be binding treaties, but could take the form of less formal instruments such as Memoranda of Understanding, model principles, and even resolutions. The Delegation of Pakistan agreed that WIPO should have the necessary institutional machinery as well as the possibility of exploring various legislative options. However, from the developing countries' perspective a few caveats were in order. Norm-setting exercises should be embarked upon only if these benefited the entire membership of WIPO. Steps should also be taken to ensure that developing countries' concerns would be addressed in the process of developing norms, for instance by commissioning studies on the developmental implications of proposed norms. Finally, the pace of norm-setting exercises should be commensurate with the capacity of developing countries to effectively participate in such exercises. Observance of these considerations would be of great importance as it would ensure that norms developed by WIPO would enjoy broad consensus and would be quickly ratified by all Member States. Furthermore, it would alleviate the concerns of developing countries which increasingly were being asked, in a bilateral context, to adhere to norms which had been developed by WIPO but which they might not deem to be in their interest to join. It was, therefore, no longer sufficient for a country to opt out of instruments negotiated in this Organization since it might be asked to accept them in some other context. Hence, it was necessary that all norms developed in this Organization would be development-friendly, so that developing countries would not have difficulties in adhering to them.

59. Further, the Delegation of Pakistan welcomed the enhanced focus on development cooperation as manifested by the significant increase in resources allocated to this area. It looked forward to the formulation of nationally-focused action plans. These would provide a coherent framework for development cooperation and do away with a largely piece-meal approach that had characterized activities undertaken so far by the Organization. It suggested that there should be a constant endeavor to employ innovative modalities for delivering technical assistance. Routine seminars and workshops should not remain the mainstay of the development cooperation program. The Delegation welcomed the intention to enhance cooperation with relevant organizations, especially UNCTAD and WTO. Increased cooperation with the former could contribute greatly to the objective of deepening the members' understanding of the socio-economic implications of developments in the field of intellectual property rights. It suggested that where a cooperative agreement existed between WIPO and another organization, activities should be pursued strictly within the framework of that agreement.

60. The Director General's proposal to constitute a Policy Advisory Commission and an Industry Advisory Commission in order to receive input on the latest developments in the intellectual property field was also welcomed. However, the Director General should consider having a balanced representation in these Commissions of business and consumer groups.

Also, a balance could be maintained in the Commissions between the nationals of developing and developed countries. The establishment of the proposed Global Information Network was also welcomed. This was a major project for the Organization. It would need to be carefully managed so that it would achieve its objectives without unduly diverting the energies of the Organization from its other tasks. It would be cost efficient to associate developing countries' firms with the software development and related technical tasks that would be involved in this project. As for the long standing issue of premises, the Delegation felt that the Member States should enable the Director General to respond to the undoubted need for more space for the Organization. The focus now should be on securing the optimal accommodation for this dynamic and expanding Organization. In conclusion, the proposed program and budget had the full support of the Delegation.

61. The Delegation of India noted that the developing world was in a state of transition concerning intellectual property rights. The need to protect the rights of the inventor, trader and creator of knowledge was recognized, but it was also necessary to ensure that the fruits of their invention and creativity would be used for technological development and benefits of the people. It was necessary to disseminate knowledge about intellectual property rights widely to target groups. This could only be done by revamping intellectual property systems. The need to do this was more pressing after the TRIPS Agreement, which created new challenges and opportunities. Those systems which were restructured and re-engineered to the new dynamics would be able to address these challenges and catapult themselves into the new millennium. They would therefore need WIPO's assistance. India had contributed resources in hosting several regional meetings and in training officials from other countries. The draft Program and Budget substantially met the requirements of developing countries. Increased demands from Member States called for focused, coordinated, efficient and responsive management, and this was adequately met through the proposed reorganization. The underlying emphasis on accountability and transparency was particularly laudable.

62. The proposed new programs on issues such as biodiversity would address major issues confronting developing countries. India was conscious of the need to protect its biodiversity and to safeguard communities' interests. It had therefore proposed to host a regional meeting on the protection of industrial property in the field of indigenous medicines, and in the context of the environment and biodiversity. There had been recent instances of traditional medicines and practices being patented in other countries, necessitating moves for revocation. Protection of folklore, as a national heritage, was also a high priority, with the aim not merely of protecting the rights of owners of traditional knowledge but also of ensuring that it would not be lost to posterity. India supported the proposed Global Information Network, hoping to link the network with its modernized office, and expecting the close involvement of its software industry in the project implementation, thus building synergy.

63. The Government of India was focusing on human resource development in intellectual property, with the goal of making studies in this field a regular part of courses in higher learning institutes and centers of excellence. Business and law schools, engineering colleges and universities were already involved and offering studies in this field for the first time. The Government planned to make available to all stakeholders a reservoir of highly trained professionals. Enforcement agencies were also involved, to ensure that intellectual property rights would be properly enforced. Workshops were conducted for police officers, who would also take part in WIPO programs, and judicial officials would also be trained in order to be able to carry out their duties effectively, thus streamlining intellectual property trials.

64. The Delegation of the Islamic Republic of Iran expressed appreciation for the transparency and accountability reflected in the draft program and budget. Proposed reductions in Member States' contributions and the reduction in PCT fees were interesting and attractive. Program 06 "Cooperation with Developing Countries" presented a very comprehensive view of the challenges, objectives and priorities of WIPO, which it was hoped would be realized through Member States' cooperation. The Islamic Republic of Iran emphasized, in particular, the activities concerned with meeting the future challenges for WIPO through comprehensive policy development and greater cooperation with international organizations. Also highly important was cooperation for development through modernization of intellectual property systems, implementation of the TRIPS Agreement, and development and promotion of the use of intellectual property by industry, as well as improved cooperation among Member States and between WIPO and other organizations. The Delegation also laid emphasis on human resources development, noting the links between Parts II "Cooperation for Development and WIPO Worldwide Academy" and VI "General Support Services" of the Program. It stressed the importance of training based on information technology and of advisory services offered by advanced countries. Of interest was the program for upgrading managerial skills and for assessing the performance of human resources. It was also important to ensure the widest possible geographical distribution of staff, with the highest level of competence, and to increase the proportion of women at the professional level. The importance of the development of intellectual property law was also to be emphasized. The Delegation particularly supported the establishment of an operational Global Information Network, and saw the Standing Committee on Information Technologies as a priority given the rapid growth in this field. It hoped that the implementation of this Program and Budget would succeed all the more in promoting the basic objectives of WIPO.

65. The Delegation of China lent its support to the earlier statement on behalf of the Asian Group and China, and observed that the draft Program and Budget was excellent: it fully considered the ways and means of addressing the challenges in the next two years, and paid full attention to the vast needs of developing countries; it was therefore balanced and practical. On the issue of premises, the Delegation believed that as WIPO was developing, its working space had become insufficient, just as when a child grew up and found his coat no longer fitted and needed expansion. The sooner that this issue was solved, the better.

66. The Delegation of the Republic of Moldova commented that the protection of intellectual property was a powerful factor in economic and industrial development, and was fundamental to the progress of any country. National intellectual property policies were promoted by the establishment of market economies and the creation of opportunities for social and cultural development. The Republic of Moldova had for six years been developing

its system for the protection of intellectual property, and had been introducing organizational, technological, economic and other measures aimed at building up infrastructure and stimulating creative activity. The Government of the Republic of Moldova sought to integrate the international system at the national level. It had taken several steps to protect intellectual property and had set up an information system making use of patent and non-patent documentation, which was of benefit to inventors, scientists and others. Applicants had been able to use a computerized database set up by the national office, and the same office provided an opportunity to seek patent protection abroad through the PCT. According to the principle of national treatment, foreign applicants could also register their inventions. WIPO had provided technical and administrative assistance in the creation of the intellectual property system. In expressing thanks to WIPO for this support, the Delegation expressed the wish that WIPO pay more attention to countries in transition to a market economy which were in a fairly difficult position as regards their patent systems. This attention should entail technical support, and support for particular inventors through the national inventors' associations which would help develop and promote inventive activity so as to maintain inventive potential. Developing countries and countries in transition should be assisted on an equal footing, protecting against unfair competition and raising the standard of living in the less developed countries to the benefit of all. The proposed Standing Committee on Information Technologies and the Program and Budget were fully supported.

67. The Delegation of France associated itself with the statement made by the United Kingdom on behalf of the European Community and its Member States. It indicated that it was awaiting information on the organizational structure within WIPO which would be necessary for implementation of the new policies, so that the Secretariat, through the new organizational structure, could provide the Member States with the described services. Budgetary and organizational issues, and those related to copyright and development cooperation activities, were all very important. The Delegation had been one of the sponsors for the 15 percent reduction in PCT fees, and had concurred with to the 10 percent reduction in contributions from Member States. The Delegation questioned whether other savings were possible in the current biennium, while at the same time maintaining the Director General's priorities which the Delegation supported, namely, extension of premises, the staff requirements in relation to the growth in applications and productivity gains, automation of the PCT and the importance of training. With respect to possible reductions in contributions from Member States, the Delegation recalled the importance of the intergovernmental character of WIPO. It was considered that this characteristic permitted the Organization to carry out its essential mission. In this context, the Delegation of France had already raised in the Budget Committee its position, in principle, that the contributions of Member States in specialized agencies of the United Nations system should not fall below 10 percent of the overall budget. The draft Program and Budget proposed two Advisory Commissions involving consultants, or neutrals. The Delegation of France was willing to go along with that proposal, on the understanding that such people would participate in their own personal capacities in order to advise the Director General on ways of dealing with challenges in the years to come. As to the specific role of the Organization, France would like WIPO to continue to face the innumerable new aspects of intellectual property that were being discussed in the global marketplace. The Delegation attached importance to the work already undertaken concerning a draft Treaty on the Settlement of Intellectual Property Disputes among States. It favored the setting up of a Standing Committee to coordinate copyright and related rights issues. The momentum created by the 1996 December treaties should be maintained, especially concerning databases, audio-

visual performances and broadcasting organizations. The Delegation stressed the importance of the respect for multilingualism which reflected the diversity of the Organization's membership.

68. The Delegation of Liberia observed that its participation in WIPO conferences over the last few years had been low key, due to circumstances prevailing in its country, but stated its conviction that its participation in subsequent WIPO meetings and conferences would be guaranteed. It welcomed the establishment and operation of a Global Information Network for intellectual property. Out-sourcing, based on international tenders, to develop and support the network, was a good move. Assistance to participating intellectual property offices was supported by the Delegation, as was the interconnection of all eligible offices to the network and the provision of substantial training courses for the use of basic software applications on the network. Applicants in Liberia would welcome such a proposal. Automation of the PCT system should be encouraged. The Delegation favored expansion of the WIPO premises. As additional staffing would also be needed, the Delegation encouraged that staffing should reflect a balance among Member States, which, it felt, would serve to promote greater awareness of the world intellectual property system. It expressed its support for the draft Program and Budget.

69. The Delegation of Canada observed that the draft Program and Budget was presented in a particularly effective manner. The consultations with Member States were innovative and much appreciated. The Delegation felt that the new transparency of this important process bode well for the Organization. The Delegation recalled that Canada had already gone on record as being fully supportive of the automation initiatives now proposed. It was pleased with the general presentation of these initiatives, and with their progress thus far. In its support of the automation projects, the Delegation drew attention to a horizontal connection between the information technology issues and the question of WIPO's premises needs. The Delegation expressed its desire to have more information on the methods used by WIPO to define its long term needs. In view of those automation initiatives, it drew attention to the real space needs of automation initiatives themselves, and the necessity to clearly define those needs in the short term. The Delegation pointed out that Canada had recently completed major automation projects for patents and trademarks. Based on this experience, it advised the Secretariat that there might be a tendency to underestimate accommodation needs during development and deployment of automation systems. As examples, it cited the existing functions of WIPO, which must be continued and accommodated. New workstations would have to be assembled, tested and installed. The staff who would use the workstations would need training and familiarization facilities. And the consultants and outside contractors would need to be accommodated to work more closely with their eventual clients. To ensure that real short-term needs were not underestimated, and that limited space would not slow down or impede the development of these important initiatives, Canada offered to work with the Secretariat to achieve a realistic definition of WIPO's space needs during the development phases of the automation initiatives.

70. The Delegation of Canada noted that electronic commerce was rapidly gaining momentum in many organizations and on many agendas, and was overtaking WIPO's work in a number of areas. WIPO's initiative to study the important intellectual property policy issues that arise in electronic commerce was therefore welcome. Work on electronic commerce issues was already under way in several international organizations, including the OECD,

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

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

72. The Delegation of Cuba fully supported the Program and Budget, particularly Programs 06 "Cooperation with Developing Countries" and 16 "Human Resources Management," and specially noted the efforts to improve the representation of women in the professional and higher levels in the Secretariat. It also considered vitally important the development of a Global Information Network, the intellectual property aspects of biodiversity and biotechnology, the production of a CD-ROM on industrial designs and the plans to automate the PCT, the Madrid and Hague systems. It further noted its support for programs relating to finalization of provisions on the protection of well-known marks and to the study of harmonization of national laws in respect of trademark infringement on the Internet. The Delegation also appreciated the application of the principles of transparency, accountability and modern management practices in the work methods and procedures of the Secretariat. It supported WIPO's efforts to strengthen its relations with the WTO and other UN organizations. The Delegation expressed its wholehearted support of the Program and Budget and its willingness to work with the Secretariat to ensure its successful implementation.

73. The Delegation of Colombia associated itself fully with the GRULAC statement. It recorded strong appreciation for the plans to develop a Distance Learning Center, and to

develop other forms of mass communication. The planned development of new teaching material and new training modules would be of great benefit in allowing the training of a greater number of people at the national level. The Delegation suggested that efforts be further intensified to create training schemes which would enable the message of intellectual property protection to reach a much larger number of people. So far, in Colombia, with traditional training methods, only about 30,000 people had been reached. New forms of training could include the use of Internet technology, in the form of distance learning, and the like. The Delegation reiterated the urgent need to develop and implement a public education strategy in intellectual property under WIPO's leadership.

74. The Delegation of Ecuador said that it had witnessed the process of consultations adopted in the last few months, which took due account of the needs and concerns of the Member States, and it therefore fully supported the draft Program and Budget as ensuring proper management of intellectual property in the next century. The Delegation stressed the need for full support to the Cooperation for Development Bureau for Latin American and the Caribbean to enable it to carry out cooperation with the Member States of the region. It appreciated the intention to develop a strategic plan for utilization of the budget surplus. Further, it stressed the need for assistance to experts from developing countries to enable their meaningful participation in various committees and meetings organized by WIPO. The Delegation reiterated the demands for ensuring the use of Spanish during interpretation in meetings and in preparation of documents for WIPO's meetings. The Delegation associated itself with the statements made by Canada and Colombia concerning the importance of establishing a Distance Learning Center for intellectual property and showed particular interest in information technology and establishment of a Global Information Network. On copyright issues, the Delegation noted its special interest in protection of folklore, protection of audiovisual performances and radio broadcasts. Interest was also expressed in the program concerning intellectual property issues, in biodiversity conservation and biotechnological patent protection. The Delegation highlighted the need for closer cooperation between WIPO and UPOV. It supported efforts to promote accessions to the PCT and to automate PCT operations from the Special Reserve Fund. Ecuador's view was that the WIPO surplus should be measured not only in figures but also in the high priority given in the program and budget to the handling of intellectual property in developing countries.

75. The Delegation of Burkina Faso declared itself to be happy with the quality of the draft Program and Budget, and observed that its structure, presentation and contents was a concrete realization of strategic budgeting and transparency. The program provided clear objectives, and established a link between the Program and the Budget, which allowed control, accountability, and transparency, the principles expounded in the Director General's acceptance speech. This was a good augury for the future success of the Organization. The Delegation aligned itself with the statement of the African Group in support of the Program and Budget, notably concerning cooperation for development based on the national needs of each country relating to institution-building and human resource development. Burkina Faso was modernizing its intellectual property system and implementing the TRIPS Agreement, and it welcomed the assistance of WIPO for African countries in this regard. The protection of expressions of folklore was a concern of Burkina Faso, and it was hoped that WIPO would make progress towards this end. The Delegation welcomed the creation of the WIPO Worldwide Academy. It hoped that the premises issue would not impede the successful

attainment of the objectives of the Organization, and assured the Director General of the support of Burkina Faso.

76. The Delegation of Australia referred to the comments it had made earlier in the joint session of the Budget and Premises Committees in support of the draft Program and Budget. It further commended the enormous effort and commitment invested in producing the draft Program and Budget document and underlined the need for a similar commitment to actually deliver the results. The Delegation extended an offer of its country's assistance to WIPO, in any possible form, to assist WIPO to deliver those results.

77. The Delegation of Portugal commented that the methodical, modern structure of the draft Program and Budget, its presentation, objectives and strategies, and relating expected results to financial and human resources, made the document an important management tool. The nature of the programming and strategic budgeting would certainly be taken up as a paradigm for consideration in other contexts. This modern approach, marked by profound changes and new management techniques, and introducing new consultative bodies, accorded with national expectations. The exceptional conceptual and management qualities of the Director General would ensure that the objectives would be attained. The results already achieved in cooperation for development would be built on further as WIPO continued to draw on the expertise and support of countries such as Portugal in developing and intensifying this cooperation. Concerning the new consultative organs, it was expected that these would have a subsidiary character, meaning that they would apply in the absence of other points of view on the matter. The Delegation assured the Director General and his staff of its support not merely in approving the Program and Budget but also in its practical implementation to the benefit of the Organization in the global framework, and of Member States.

78. The Delegation of Angola commented that the recent internal political events in the country, particularly the climate which followed the peace accords and the concrete involvement of the international community in the reconstruction, diversification and development of the economy, have led to significant changes in the Government of Angola in the areas of WIPO's competence. The presence of the Delegation bore witness to the interest of Angola in the key intellectual property issues and in particular the international legal instruments in the fields of industrial property and in copyright and related rights. The Government planned in the near future to adhere to such treaties as the Berne, Rome and Paris Conventions, and the PCT. The political will of the Government, as expressed in the interest in ratifying these instruments, would be strengthened if it could count on the support of WIPO, especially in the fields of technical assistance and training. The Delegation looked forward to working in partnership with WIPO to promote protection of intellectual property in Angola.

79. The Delegation of Bangladesh praised the stewardship of the Director General, and the comprehensive and innovative program and budget which he had presented. Recalling the Director General's inaugural remarks when he had pledged his best endeavors to render WIPO efficient, transparent and accountable, the Delegation commented that the confidence placed in him had been vindicated. The Delegation noted with satisfaction the proposed 10 percent reduction in Member States' contributions, and the fact that a surplus was expected when most organizations were confronting a deficit. While guidelines were to be formulated for the utilization of this surplus, consideration might be given for its application preponderantly to the priority needs of developing countries. The needs of least developed countries (LDCs)

required due consideration. The Delegation commended the enhanced resources for cooperation for development and human resource development, and requested that consideration be given to a special session of the WIPO Worldwide Academy for LDCs. The WIPO initiative in information technology was well timed, and attracted the Delegation's support in view of its potential benefits. Emphasis should be laid on capacity building of developing countries in applying information technology to WIPO's programs. Developing countries, particularly LDCs, faced constraints, often financial in nature, in participating in WIPO activities, and the necessary assistance should be provided. It should be a core endeavor to introduce LDCs to the mainstream of WIPO's activities. The Director General's commitment to the principle of equitable geographical representation of the staff in the Secretariat was welcomed.

80. The Delegation of Madagascar congratulated the Director General for the efficient and transparent manner in which the Program and Budget had been prepared. It expressed its full support for this document and paid particular tribute to those programs devoted to assisting developing countries. The Delegation welcomed, in particular, the creation of the WIPO Worldwide Academy and the establishment of a Global Information Network. Intellectual property was important to the economic development of countries such as Madagascar. It highlighted the importance that such countries attached to the technical assistance made available through WIPO's cooperation for development program. The Delegation, therefore, felt it was appropriate that a portion of the budget surplus be directed towards the most impoverished countries through the cooperation for development program.

81. The Delegation of Denmark expressed its satisfaction with the implementation of the basic values formulated by the Director General, especially on transparency, accountability and Member States' ownership of the Organization. The Delegation fully supported the draft Program and Budget recommended by the Budget Committee. In the Delegation's opinion, each of the sub-programs was well planned, and important. It specifically mentioned sub-program 11.2 "Biological Diversity and Biotechnology." It stated that its Government found it very important that under this sub-program, possible links would be examined between intellectual property aspects of biotechnology on the one side, and the conservation, and benefits sharing, of biological resources, on the other side. The Delegation felt that in this way WIPO would be contributing to the implementation of the Convention on Biological Diversity.

82. The Delegation of Malaysia associated itself with the statement made by the Delegation of Sri Lanka on behalf of the Asian Group and China, and with the statement made by the Delegation of Singapore on behalf of ASEAN countries. It expressed its support for the draft Program and Budget, and stated that it would participate fully in its implementation.

83. The Delegation of South Africa noted with particular approval the embodiment of the principles of transparency and accountability, as well as the emphasis placed upon assistance to developing countries, in the draft Program and Budget. It supported the two Advisory Commissions, and the WIPO Worldwide Academy, which would fulfill an important role, particularly with regard to training. The Delegation also supported the development of new programs and initiatives pertaining to global intellectual property issues, particularly in the area of folklore and biodiversity. It confirmed that South Africa looked forward to continued cooperation with WIPO, and supported the implementation of the Program and Budget.

84. The Delegation of Guinea observed that intellectual property was progressively becoming a tangible reality in many countries, particularly in Guinea. This signified that, thanks to the efforts of WIPO and others, intellectual property had become a central concern of the Government. The Delegation thanked WIPO for its excellent efforts to promote the country's national industrial property system and especially the current activities to modernize the national intellectual property office. Concerning the draft Program and Budget, the Delegation associated itself with the African Group statement already made by the Delegation of Côte d'Ivoire.

85. The Delegation of Kyrgyzstan noted with satisfaction the program concerning protection of geographical indications, and the provision of TRIPS-related technical assistance to Member States. It indicated its country's willingness to host a regional seminar on copyright and related rights. The Delegation welcomed fellowships and training programs and courses on intellectual property, especially in the framework of the WIPO Worldwide Academy, and hoped to take full advantage of these opportunities. Further, it welcomed the program activities on protection of well-known trademarks, the harmonization of national rules concerning the circumstances in which use of a trademark on the Internet would constitute use of a trademark or trademark infringement, and the subprogram protection of intellectual property rights in global electronic commerce.

86. The Delegation of Cameroon associated itself with the statement made on behalf of the African Group, and applauded the policy presented in the draft Program and Budget, notably concerning the nationally-focused approach to cooperation for development, the proposal for modernization of intellectual property systems, and the creation of the WIPO Worldwide Academy. Concerning the protection of expressions of folklore, the Delegation hoped that consultations would be undertaken with the participation of experts from the countries concerned for the resolution of this issue in the course of the present biennium. The Delegation felt that the issue of premises had preoccupied the Organization for long enough, and could become a real obstacle to the full realization of the future objectives envisaged for WIPO. It hoped that a solution might rapidly be reached so that the Director General could locate all his staff on the same site. The Delegation of Cameroon approved the Program and Budget without reserve, and assured the Director General of its support in implementing the program.

87. The Delegation of Togo expressed its gratitude for the focused and consensual manner in which the draft Program and Budget had been developed, a strategy which ensured that it could be adopted without difficulty. It applauded the clarity, transparency and informative quality of the document, as well as the strategic reorientation to which it gave expression and the involvement of the Director General in the restructuring of WIPO. Togo hoped that in the utilization of the budget surplus special attention would be given to developing countries. The Delegation wished the Director General well in the implementation of the program and budget.

88. The Delegation of Mali expressed its appreciation for the clarity and transparency of the documents prepared by the Secretariat for the present meeting. The Delegation also thanked the Director General for his efforts in the development of industrial property in Africa and in Mali in particular. It associated itself with the statement of the Delegation of Côte d'Ivoire on behalf of the African Group.

89. The Delegation of the Organization of African Unity (OAU) paid tribute to the Director General and his team for preparing an excellent draft Program and Budget, which was admired for its clarity, form and content. The member countries of OAU were hardly surprised by the excellence of work produced under the leadership of the new Director General. The Delegation stressed the need for further strengthening the cooperation for development, especially in respect of human resource development activities, in view of the very large number of developing countries in Africa.

90. The Delegation of the African Regional Industrial Property Organization (ARIPO) expressed its appreciation of the transparent, concise and easy-to-understand Program and Budget document. It welcomed the 10 percent reduction in contributions by Member States as from January 1999. It also welcomed the emphasis placed in the Program and Budget on cooperation with developing countries for the modernization of their intellectual property systems and for implementing the TRIPS Agreement, in cooperation with ARIPO's fourteen member States as well as with other organizations, including regional organizations. ARIPO noted with satisfaction the proposal regarding the formation of the Standing Committee on Information Technologies, and the automation of the PCT system whose objectives included the implementation of a global information and document management system and establishment of solutions for electronic data exchange. In view of the fact that ten ARIPO member States were also members of the PCT, this program would also be of great interest to ARIPO. ARIPO was in the early stages of improving the automation of its operations so as to increase electronic data exchange between the ARIPO and its member States. This program should also facilitate the attainment of ARIPO's own goals.

91. The Delegation of the Southern African Development Community (SADC) underlined the fruitful consultation process that had been undertaken by the Director General during the preparation of the Program and Budget. The Delegation indicated that the protection of intellectual property is seen in SADC as central in attracting investment and for appropriate exploitation of biodiversity indigenous knowledge systems for the development of the region. In a spirit of collective responsibility and concern, SADC has also set up, in the framework of their sector for culture, information and sports, a regional consultative and advisory body on matters of copyright and neighboring rights. The SADC Delegation finally expressed their readiness for any future interaction and cooperation with WIPO.

92. The Delegation of International Federation of Reproduction Rights Organisations (IFRRO) praised the Secretariat for the extensive and innovative draft Program and Budget document which took into account the most topical issues in the field of copyright and also dealt with intellectual property issues in electronic commerce. The Delegation appreciated the manner in which the document combined the interests of governments and recognized those of the private sector. The Delegation noted its particular interest in the early implementation of the WIPO Copyright Treaty and of the WIPO Performances and Phonograms Treaty to effectively safeguard the interests of copyright industries. The Delegation stressed the need for early further work on protection of copyright in databases. It welcomed the initiative of WIPO to address copyright and related rights issues in digital technology, and especially the proposal to set up an Advisory Committee on the management of copyright and related rights in global information networks, which would benefit both the government and private sectors. The Delegation apprised the Assemblies of its ongoing work concerning new and effective ways to manage copyright in the networked environment and expressed its willingness to offer licenses

and its readiness to put its expertise at WIPO's disposal, when and where appropriate. As concerns Program 09 "Development of Industrial Property Law," the Delegation agreed that intellectual property rights issues in electronic commerce needed most urgent attention. Therefore, it highly welcomed the proposal for setting up an Advisory Committee in this area. As concerns Program 12 "Global Information Network and Intellectual Property Information Services," the Delegation supported such work. Finally, it offered to provide full cooperation to support all regional activities of WIPO.

93. The Assemblies of the Member States

(i) approved the program and budget of the 1998-1999 biennium, including a reduction of the contributions of Member States by 10 percent, effective January 1, 1999, in addition to the approved PCT fee reduction by 15 percent, effective January 1, 1998;

(ii) noted that the Director General would make a strategic, long-term proposal on the utilization of the budget surplus and the reserve funds for consideration at their next session in September 1998.

ITEM 4 OF THE CONSOLIDATED AGENDA:

AUTOMATION OF THE PATENT COOPERATION TREATY (PCT) SYSTEM

94. Discussions were based on documents A/32/5 attached to WO/BC/18/5 and WO/BC/18/6 Prov.-WO/PC/8/3 Prov.

95. The Chairman of the joint session of the Budget and Premises Committees, Mr. Shigeki Sumi (Japan), reported that this matter had been discussed by the joint session, which had noted that automation of the PCT system would benefit not only the International Bureau but also national offices, international authorities and PCT applicants. He stated that the joint session therefore recommended to the Assemblies of the Member States to approve the automation project outlined in document A/32/5, to authorize the financing of that project by the Special Reserve Fund for Additional Premises and Computerization, and to earmark an amount of up to 40 million Swiss francs for that purpose.

96. The Chair pointed out that comments on the matter of automation of the PCT system which had been offered by delegates and representatives in earlier interventions had been taken full note of and did not need to be repeated. Therefore, all those comments reproduced above are incorporated here by reference.

97. The Delegation of Sweden stated its full support for the proposal concerning automation of the PCT system. With respect to the particular issue of development of software for electronic filing of applications, the Delegation brought attention to the MIPEX (Message based Industrial Property Information Exchange) project which provided not only for electronic filing of applications, but also communication between users and Offices. The

Delegation of Sweden stated that MIPEX had proven to be a very useful system, and suggested that it be taken into consideration in the course of automation of the PCT system.

98. The Delegation of Côte d'Ivoire, on behalf of the African Group, referred to its earlier intervention during the joint session of the Budget and Premises Committees and stated that it had already provided the comments of the African Group on automation of the PCT system in that intervention.

99. The Assemblies of the Member States approved the PCT automation project outlined in document A/32/5, authorized the financing of that project by the Special Reserve Fund for Additional Premises and Computerization and earmarked an amount of up to 40 million Swiss francs for that purpose.

ITEM 5 OF THE CONSOLIDATED AGENDA:

INFORMATION TECHNOLOGY PROJECTS

100. Discussions were based on documents A/32/4 attached to WO/BC/18/4 and WO/BC/18/6 Prov.-WO/PC/8/3 Prov.

101. The Chairman of the joint session of the Budget and Premises Committees, Mr. Shigeki Sumi (Japan), reported on the discussion on information technology projects at that session. He stated that the meeting had noted that the proposed projects reflected proposals made by some Member States and met the request made by the Assemblies of the Member States of WIPO last year for proposing concrete ideas on the use of information technologies and the establishment of a global information network. The Chairman further reported that the meeting recommended to the Assemblies of the Member States the approval of the proposals in document A/32/4 and their financing by the Special Reserve Fund for Additional Premises and Computerization.

102. The Assemblies of the Member States approved the projects presented in document A/32/4 and authorized the financing of those projects by the Special Reserve Fund for Additional Premises and Computerization.

ITEM 6 OF THE CONSOLIDATED AGENDA:

STANDING COMMITTEE ON INFORMATION TECHNOLOGIES AND INTEGRATION OF THE PERMANENT COMMITTEE ON INDUSTRIAL PROPERTY INFORMATION (PCIPI) THEREIN

103. Discussions were based on document A/32/3.

104. The Delegation of the Netherlands, speaking on behalf of the Group B countries, stated that the Group was agreeable to the decisions made in respect of the proposed Standing Committee on Information Technologies (SCIT). Speaking as the Delegate of the

Netherlands, he associated himself fully with the concerns expressed earlier in the meeting by the Delegation of Canada with respect to the proposed fixed date for transition from the Permanent Committee on Industrial Property Information (PCIPI) to the SCIT. The Delegation further stated that issues dealt with by the PCIPI were highly technical and complex and the proposals of the PCIPI itself in respect of the modalities for transition should be taken into account.

105. The Delegation of Germany, in order to clarify the inclusion of copyright aspects within the mandate of the SCIT, recalled that the recommendations that were made by the WIPO Working Group on Information Technologies for Intellectual Property in July, 1997, and subsequently adopted by the WIPO General Assembly in September/October 1997 (see subparagraph 3 (b) of paragraph 4 of document WO/GA/XXI/5), requested that the network should address the requirements of industrial property activities and copyright and related rights activities. In this respect, the Delegation proposed that the Berne Union Assembly should also be added to the list of bodies invited to approve the proposals in respect of the new Committee (see paragraph 16 of document A/32/3).

106. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, expressed support for the proposals but suggested that the Director General should consult with the SCIT Plenary in respect of the invitation of observers to the meetings of the SCIT.

107. The Delegation of Chile supported the establishment of the SCIT and integration of the PCIPI therein. In the light of the technical nature of the work involved, the Delegation supported the financing of the participation of a certain number of experts from developing countries in the meetings and the proposed working arrangements. The Delegation proposed that the references in respect of working documents and interpretation be amended to also include the Spanish language.

108. The Delegation of Egypt, while supporting the proposal to establish the SCIT meetings, agreed with the proposal made by the Delegation of Sri Lanka with regard to consultation by the Director General with the SCIT Plenary in respect of invitations to the meetings. The Delegation considered that, although it was clear that the SCIT would determine its own working procedures, the Assemblies should approve them. The Delegation further proposed that working documents and interpretation should also be provided in the Arabic language.

109. The Delegation of China supported the set-up of the SCIT and the integration of the PCIPI therein which it considered would strengthen the importance of information technology in the field of intellectual property and create a good mechanism to allow full use of it. The Delegation subscribed to the proposal regarding the financial arrangements for developing countries and hoped that WIPO would take into consideration the current state of information technology development within these countries when setting up the global information network. To ensure the full participation of Chinese experts, the Delegation proposed that working documents and interpretation services be provided in the Chinese language.

110. The Delegation of Costa Rica expressed support for the SCIT. The Delegation, however, considered that the proposed restriction of working documents to English and French only would limit the full participation of all countries in the exchange of ideas on the

very important subject of information technology. The Delegation proposed that the Spanish language also be included as document languages.

111. In view of the number of questions on the use of official languages in the Secretariat, the Director General noted that the Secretariat would study the question of interpretation and translation, and look into various solutions including perhaps hiring staff interpreters who could also work as part-time translators. Furthermore computer assisted translation would also be examined so that WIPO translators could, for certain types of texts, work on the basis of a draft produced by computer assisted mechanisms. He pointed out that either solution would have financial implications. Whatever the result may be, whether translation and interpretation were made by persons or computer assisted, this would have, in any case, financial implications which would be presented to the Assemblies for consideration in due course.

112. The Delegation of Sweden approved the new proposed structure of the SCIT. It commented that the SCIT tasks were less broad than those of the PCIPI and that the proposal in respect of the transfer of the PCIPI Working Group on Search Information (PCIPI/SI) back to the framework of the IPC Committee of Experts was considered a sensible approach in the light of the organizational structure which existed before 1978. The Delegation underlined the fact that the subject of information retrieval continued to be an important question and, in this regard, there was a need to maintain IPC activities at an appropriate level. The Delegation considered that the proposed number of working groups and their mandates were appropriate and suggested that their detailed organizational matters should be dealt with by the SCIT Plenary at its first session.

113. The Delegation of Spain agreed with the establishment of the SCIT and its proposed mandate but expressed concern regarding the integration of the PCIPI into the new body. The Delegation stated that there was a need for prudence during the transitional period which included a difficult time for the IPC revision work including the preparation of the seventh edition of the IPC. In this respect, the Delegation emphasized the importance of the handling of patent search aspects. The Delegation said that simultaneous interpretation into Spanish should be provided not only at the first session of the SCIT Plenary but also at all subsequent sessions, and further proposed that the same language provisions should apply to working documents. The Delegation expressed some concern in respect of holding meetings of the three working groups in the same week which could be difficult because of the content of the work involved.

114. The Delegation of Argentina thanked the Director General for his proposals in respect of interpretation and translation. The Delegation supported the set-up of the SCIT and echoed the requirement for inclusion of the Spanish language as an interpretation and document language.

115. The Delegation of the Russian Federation, while understanding the financial consequences of the provision of additional languages, urged that a flexible solution be found to provide the necessary resources for additional language facilities to allow for interpretation and documentation in Russian.

116. The WIPO General Assembly, the Assemblies of the Paris, Berne, IPC and PCT Unions and the WIPO Coordination Committee approved:

- (i) the dissolution of the Permanent Committee on Industrial Property Information (PCIPI) and its Working Groups, with the exception of the Working Group on Search Information (PCIPI/SI), at the end of June 1998, and the transfer of the PCIPI/SI to the framework of the IPC Committee of Experts;
- (ii) the establishment of the Standing Committee on Information Technologies (SCIT) for the purposes indicated and with the membership as proposed in document A/32/3;
- (iii) the working arrangements proposed for the SCIT in document A/32/3.

ITEM 7 OF THE CONSOLIDATED AGENDA:

PREMISES

117. See the report of the session of the General Assembly (document WO/GA/22/2).

ITEM 8 OF THE CONSOLIDATED AGENDA:

POLICIES AND PRACTICES FOR THE NOMINATION
AND APPOINTMENT OF DIRECTORS GENERAL

118. See the report of the session of the Coordination Committee (document WO/CC/40/2).

ITEM 9 OF THE CONSOLIDATED AGENDA:

RESOLUTION CONCERNING PARTICIPATION AND STATUS OF
SUCCESSOR STATES TO THE FORMER
SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA IN WIPO

119. Discussions were based on the proposal of the Delegation of Slovenia, made also on behalf of the Delegations of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia ("Resolution Concerning Participation and Status of Successor States to the former Socialist Federal Republic of Yugoslavia in WIPO," document A/32/6).

120. The Delegation of the United Kingdom, speaking on behalf of the Member States of the European Community, stressed that the European Union had stated its position on this issue in numerous United Nations fora. While sympathetic to the objectives of the resolution before the Assemblies of Member States, the European Union was concerned that discussion of the

issue in WIPO might prejudice work elsewhere on the issue. The Delegation therefore proposed that consideration of the resolution be deferred until a more appropriate date. Following wide consultations within all the regional groups of WIPO, the Delegation understood that such a decision should enjoy a wide degree of consensus.

121. The Delegation of Malaysia seconded the proposal of the Delegation of the United Kingdom, and reiterated that consideration of the resolution should be deferred to a more appropriate date.

122. The Delegation of Slovenia, speaking also on behalf of the Delegations of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia, stated that the sponsors of the resolution could agree with the proposal of the Delegation of the United Kingdom. This concession was made as a sincere contribution to the spirit of transparency and constructive cooperation characteristic of work in WIPO.

123. The Delegation of Egypt also expressed its support for deferral of the resolution until discussion in other appropriate fora.

124. The Chair noted that the proposal to defer discussion of the resolution enjoyed the consensus of the Assemblies of Member States.

125. The Assemblies of Member States decided to defer discussion of the Resolution Concerning Participation and Status of Successor States to the former Socialist Federal Republic of Yugoslavia in WIPO to a more appropriate date.

ITEM 10 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORTS

126. The Director General made the following statement:

127. Distinguished delegates, before you start consideration of the draft report, I wish to pay tribute to our Chair of the General Assembly for her very able leadership, guidance, vision and insight, throughout the process of the informal consultations we have initiated here, until we have reached this stage of our formal consideration of the product of our work. I also wish to warmly thank you, distinguished delegates on behalf of the Member States for the guidance and the partnership we have established here in this very important process of the program of activities for the next biennium. My colleagues in the Secretariat, you see here in the room and those who are also behind the scene, worked very hard in order for us to achieve this stage of our deliberations. I would like to publicly thank each and everyone of them for the excellent contribution they have made, without which we wouldn't have been able to achieve this positive result. I also wish to use this occasion to thank the two Chairpersons of the Coordination Committee and also of the Budget Committee for the excellent work they have achieved during these sessions of the Assemblies of the Member States.

128. Last Wednesday, there were several points that were raised by the Member States. We have taken very comprehensive notes of the very extensive and intensive observations and remarks and I would like to tell you that these observations will be used by us as main indicators in the strategic implementation of this draft Program and Budget. We have noted, of course, all the suggestions on how we should go about this, including the utilization of the surplus and the reserve funds. However, there were two points which raised specific questions: I would like to briefly respond to these two points. There was a request that the calendar of our meetings should be established and circulated, and this will be done very soon.

129. The second specific question was related to the project on a draft dispute settlement treaty within the jurisdiction of this Organization. There was an impression that this project had disappeared from the program of our activities. I would like to assure those who raised the question that this project is still valid, it exists within the program of our activities and, as you can see from the document, the intention is to initiate consultations later this year in order to determine whether there is a broader basis for consensus on how to proceed on this project. So this item is there, but we had no concrete proposition to make before we convened this series of consultations.

130. Now, this important and constructive process, distinguished delegates, confirms to me that WIPO, our common endeavor, is in vigorous good health, and that it has the ability, the visibility and the flexibility, talent and drive to confront the challenges of the 21st Century. My colleagues and I are acutely aware that the implementation of our common vision for this Organization depends fundamentally on the continued support of the Member States. I would like to assure you, that even while we actively reach out to the broader intellectual property community, we will not be losing sight of our basic mission here, we will not be losing sight of the fact that our very "raison d'être" as an international body, as an international organization, is to respond effectively to the collective will, the collective demands and the collective interests of you, Member States. My colleagues and I, we look forward, keenly, to providing ever more valuable, constructive result-oriented and cost-effective contribution and service, in this present biennium and beyond. Thank you.

131. This General Report was unanimously adopted by the Assemblies of the Member States on March 27, 1998.

ITEM 11 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

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

133. Distinguished delegates, that brings us to a successful conclusion of the agenda items for our consideration during the 32nd series of meetings of the General Assemblies of WIPO. Our meetings this past week have once again been characterized by professionalism and dedication on the part of the International Bureau. The interpreters who so ably allowed us to operate

smoothly while respecting the rich linguistic diversity of our Organization and the translators and their colleagues who worked long hours to provide us with the reports reflecting the positions that you have made during our deliberations and, on your behalf, I would like to thank them all for their contribution to our successful meeting.

134. For us as Member States the consensus which we have now reached means that our part of the work is over and we will move on to other issues which require our attention to make the World Intellectual Property Organization even stronger in the years ahead. For the International Bureau, however, their work is just beginning and on your behalf I would like to acknowledge to the International Bureau that the program that we are asking them to carry out on our behalf in the 18 months of the remaining biennium is a heavy one. But I would like to assure them that they will continue to have our full support and commitment as they move forward.

135. In reaching consensus on the strategic direction of WIPO, its work program and its budgetary framework for the next biennium, we the Member States have under the leadership of our Director General charted new territory and established many precedents for how we will operate in the future, among ourselves and between ourselves and the Director General and the Bureau.

136. I would like to thank the Member States for the support, enthusiasm and energy which you individually and collectively brought to this consensus building journey. I would also like to thank the group coordinators who with the collective good of WIPO in mind recognized the importance of building bridges rather than creating divisions over the past several months. But most of all I would like to thank the Director General for his exceptional listening skills, for his unbridled patience, but most of all for his belief in transparency. Without the active and continuous involvement of the Member States, your group coordinators and the Director General and the International Bureau, my responsibilities as Chair certainly would have been extremely difficult and I want to thank you all for having made our journey together so fruitful and so enjoyable.

137. All of the regional group coordinators (Côte d'Ivoire, for Africa; Sri Lanka, for Asia; the Netherlands, for Group B; Jamaica, for GRULAC; the Russian Federation for Eastern Europe and Central Asia; Croatia for Central Europe and the Baltic States) and China also expressed thanks to the Chair, the Director General, the Secretariat and the interpreters for the work accomplished.

[Annex follows]

ANNEX

INDEX OF INTERVENTIONS BY DELEGATIONS OF STATES, REGIONAL GROUPS AND REPRESENTATIVES OF INTERGOVERNMENTAL AND NON- GOVERNMENTAL ORGANIZATIONS

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- ¹ On behalf of the African Group
 - ² On behalf of the Central European and Baltic States
 - ³ On behalf of the GRULAC
 - ⁴ On behalf of Group 'B'
 - ⁵ On behalf of the Group of Central Asian and Eastern European Countries
 - ⁶ On behalf of ASEAN countries
 - ⁷ On behalf of the Delegations of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia
 - ⁸ On behalf of the Asian Group and China
 - ⁹ On behalf of the European Community