

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## ASSEMBLIES OF THE MEMBER STATES OF WIPO

**Thirty-Sixth Series of Meetings  
Geneva, September 24 to October 3, 2001**

GENERAL REPORT

*adopted by the Assemblies*

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INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

## INTRODUCTION

1. This General Report records the deliberations and decisions of the following 16 Assemblies and other concerned bodies of the Member States of WIPO:

- (1) WIPO General Assembly, twenty-seventh (15th ordinary) session
- (2) WIPO Conference, nineteenth (15th ordinary) session
- (3) WIPO Coordination Committee, forty-seventh (32nd ordinary) session
- (4) Paris Union Assembly, thirty-first (15th ordinary) session
- (5) Paris Union Executive Committee, thirty-eighth (37th ordinary) session
- (6) Berne Union Assembly, twenty-seventh (15th ordinary) session
- (7) Berne Union Executive Committee, forty-fourth (32nd ordinary) session
- (8) Madrid Union Assembly, thirty-third (14th ordinary) session
- (9) Hague Union Assembly, twentieth (13th ordinary) session
- (10) Nice Union Assembly, twentieth (15th ordinary) session
- (11) Lisbon Union Assembly, seventeenth (14th ordinary) session
- (12) Locarno Union Assembly, twentieth (14th ordinary) session
- (13) IPC [International Patent Classification] Union Assembly, nineteenth (13th ordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, thirtieth (13th ordinary) session
- (15) Budapest Union Assembly, seventeenth (11th ordinary) session
- (16) Vienna Union Assembly, thirteenth (9th ordinary) session

meeting in Geneva from September 24 to October 3, 2001, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies convened (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/27/8), WIPO Conference (WO/CF/19/2), WIPO Coordination Committee (WO/CC/47/2), Paris Union Assembly (P/A/31/1), Paris Union Executive Committee (P/EC/38/1), Berne Union Assembly (B/A/27/1), Berne Union Executive Committee (B/EC/44/1), Madrid Union Assembly (MM/A/33/2), Hague Union Assembly (H/A/20/2), Nice Union Assembly (N/A/20/1), Lisbon Union Assembly (LI/A/17/2), Locarno Union Assembly (LO/A/20/1), IPC Union Assembly (IPC/A/19/2), PCT Union Assembly (PCT/A/30/7), Budapest Union Assembly (BP/A/17/1), and the Vienna Union Assembly (VA/A/13/1).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 24, 2001, is set forth in document A/36/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/36/1) were presided over by the following Chairs:

Items 1, 2 and 3	Mr. Marino Porzio (Chile), outgoing Chair of the General Assembly
Items 4, 5, 6, 7, 8, 10, 11, 12, 18, 19, 21, 22, 23, 24 and 25	Ambassador Álvaro de Mendonça E Moura (Portugal) Chair of the General Assembly
Items 9 and 20	Mr. José Graça Aranha (Brazil), Chair of the WIPO Conference
Item 13	Mr. Amor Bouhnik (Algeria), Chair of the Lisbon Union Assembly
Item 14	Mr. Peter Tucker (Australia), Chair of the Madrid Union Assembly
Item 15	Mrs. Maria Grazia Del Gallo Rossoni (Italy), Chair of the Hague Union Assembly
Item 16	Mr. José Graça Aranha (Brazil), Chair of the IPC Union Assembly
Item 17	Mr. Jørgen Smith (Norway), Chair of the PCT Union Assembly
Item 26	Mr. Gustavo Albin (Mexico), Chair of the WIPO Coordination Committee
Item 27	The Chair (or, in his absence, a Vice-Chair, or, in the absence of the Chair and both Vice-Chairs, an ad hoc Chair) of one of the 16 Governing Bodies concerned, that is for the General Report, the Reports of the WIPO General Assembly; the WIPO Conference; the WIPO Coordination Committee; the Paris Union Assembly; the Paris Union Executive Committee; the Berne Union Assembly; the Berne Union Executive Committee; the Nice Union Assembly; the Locarno Union Assembly; the Budapest Union Assembly and the Vienna Union Assembly, Ambassador Álvaro de Mendonça E Moura (Portugal); the Report of the Lisbon Union Assembly, Mr. Amor Bouhnik (Algeria); the Report of the Madrid Union Assembly, Mr. Peter Tucker (Australia); the Report of the Hague Union Assembly, Mrs. Yvonne Roepplal-Soeratram (Suriname); the Reports of the IPC Union Assembly and the PCT Union Assembly, Mr. Michael A. Meigs (United States of America).

Item 28

Ambassador Álvaro de Mendonça E Moura  
(Portugal), Chair of the WIPO General  
Assembly.

5. An index of interventions by Delegations of States and Representatives of intergovernmental organizations and non-governmental organizations mentioned in this report will be reproduced as an Annex to the final version of the present report. The Agenda, as adopted, and the list of participants will appear in documents A/36/1, as indicated in paragraphs 8 and 9 of the present document, and A/36/INF/3 respectively.

#### ITEM 1 OF THE CONSOLIDATED AGENDA:

##### OPENING OF THE SESSIONS

6. The thirty-sixth 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 16 Assemblies and other bodies concerned by the outgoing Chair of the General Assembly, Mr. Marino Porzio (Chile).

#### ITEM 2 OF THE CONSOLIDATED AGENDA:

##### ADOPTION OF THE AGENDA

8. The Delegation of France, on behalf of Group B, made a proposal to bring Item 25 (Premises) forward and consider it together with Item 7 (Proposed Program and Budget for the 2002-2003 Biennium) due to budgetary considerations.

9. After due consideration the Assemblies and other bodies concerned agreed to the proposal made by the Delegation of France, and each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/36/1 Prov.3 (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:

##### ELECTION OF THE OFFICERS

10. Discussions were based on document A/36/INF/1 Rev.

11. Informal consultations among the Group Coordinators were undertaken by the outgoing Chair of the WIPO General Assembly, Mr. Marino Porzio (Chile), in respect of the election of the officers of the WIPO General Assembly. As a result of those consultations, the officers of the WIPO General Assembly were elected by the WIPO General Assembly on September 24, 2001.

12. The informal consultations mentioned in the previous paragraph were continued in respect of the officers of the other 15 Assemblies and other bodies, resulting in a proposal for the election of other officers that was presented by the newly-elected Chair of the WIPO General Assembly, Ambassador Álvaro de Mendonça E Moura (Portugal). On the basis of the said proposal, seven of the 15 Assemblies and other bodies elected their officers on September 26, 2001, and the remaining eight Assemblies and other bodies elected their officers on September 28, 2001.

13. The list of the officers elected for the 16 Assemblies and other bodies appears in document A/36/INF/4.

14. The newly-elected Chair of the General Assembly, Ambassador Álvaro de Mendonça E Moura (Portugal) expressed heartfelt thanks for the trust that the General Assembly had placed in him by electing him to preside over it. His country had been among the first to accede to the original Paris Convention and later to the Berne Convention, and to join WIPO in the first half of the 1970s. After giving assurances that he would do his utmost to help the present Assembly contribute to the Organization's continuing development and success, he added that the position entrusted to him was all the more gratifying as it came just over 20 years after his first foreign diplomatic posting, to Geneva, at which time the activities of WIPO were already among his responsibilities. The growing scale and relevance of intellectual property was well known, as was the essential importance of protecting it in its various forms: from inventions to geographical indications in the industrial property field and from literary to photographic and audiovisual works in the copyright and related rights field, it covered a whole range of human creations which specifically occupied the economic and cultural environment, gradually working its way into education, health, entertainment, news and advertising, indeed into all the processes of economic and social development. There was a perceived need to maintain and improve the balance between the relative interests of the holders and the users and consumers of intellectual property rights, as recent events in the pharmaceutical industry had shown; current efforts to protect broadcasters and databases should continue, while the studies and discussions on the protection of genetic resources, traditional knowledge and folklore should be relaunched. It was important to deepen the institutional relationship between WIPO and other agencies such as the WTO and UNESCO, with a view to promoting cultural rights and the exchange of ideas as well as goods and services in the general interest, and to continue the efforts to ensure the effectiveness and legal security of electronic commerce.

15. The Chair stressed that the growing number of important non-governmental organizations admitted as observers to WIPO meetings bore witness both to society's recognition of the Organization's importance and to WIPO's own concern for dialogue with, and for the needs and just expectations of, society. There were several challenges facing the present General Assembly. All those concerned had to ascertain how to proceed with the development of the international patent system, especially the reform of the PCT, or with Internet issues, and more specifically the control of domain names. He was also sure that the Assembly would continue to pay particular attention to cooperation for development in the field of intellectual property, thereby ensuring that the use and protection of intellectual

property benefited the entire international community. He could personally testify to the WIPO Secretariat's dedication to the latter issue following his participation in a seminar for LDCs held in Lisbon at the beginning of the year. It was important, finally, to provide WIPO with adequate operational means with which to operate, and, gently but firmly, to undertake the constitutional reform of the Organization, to provide it with bodies and procedural machinery that would bring it up to date and make it more efficient for the new century and for the full discharge of the responsibilities entrusted to it. He also mentioned the various projects on hand for the introduction of new information technology. He paid tribute to the work of Marino Porzio, the outgoing Chair of the General Assembly, and expressed confidence in the continuing cooperation of all delegations as well as that of the Secretariat and its energetic Director General.

16. The Chair stated that he could not end his address without expressing some words of heartfelt condolence to the Delegation of the United States of America in the face of the tragic events that they had so recently endured; however, as life had to go on, he wished to emphasize, as indeed the authorities of New York and Washington had, that the best mark of respect for the victims was that no terrorism should be allowed to succeed, and that elsewhere work too should go on, conscientiously and in concert.

17. The Director General made the following statement: "let me extend a warm welcome to you all and look forward to close discussions with you over the next few days to help ensure that WIPO continues to work with maximum impact in our rapidly expanding intellectual property universe; and with maximum relevance to both constituencies—Member States and market sector interests. The Organization's achievements of the past year reflect the way the boundaries of the intellectual property system are being stretched and reexamined, and I would like to take this opportunity to highlight some of them.

- Use of the PCT has hit a record high, with over 90,000 international applications received in 2000, an increase of almost 23% over the previous year. Even more striking was the 80% increase in applications received from developing countries. This upward sweep is continuing with figures for the first eight months of this year showing a further 21.6% increase. I think these figures, which are related to our demystification of intellectual property policy, speak for themselves.
- During the past twelve months, six new accessions brought the number of States party to the Madrid Protocol to 54. The number of States party to the Protocol now exceeds that of the Madrid Agreement, even though the Protocol has been in force for less than six years. Almost 23,000 registrations were recorded under the Madrid System during 2000, which is nearly 15% higher than the figure for the previous year. So another major income-generating system is expanding positively.
- The WIPO Arbitration and Mediation Center continues to be a leading provider of quick, efficient and cost-effective means of resolving disputes concerning Internet domain names. It has received over 3,000 cases related to generic top-level domains – such as .com and .org – and decisions have been rendered in over 80% of these cases.
- The Center has also started receiving cases related to country-code top-level domains, which were the subject of a Conference organized by WIPO in February of this year that resulted in the preparation and publication of a set of WIPO best practices for the prevention and resolution of intellectual property disputes in this area.



- At the request of Member States, the Organization launched a Second Internet Domain Name Process to examine the issue of cybersquatting in relation to personal names, International Non-Proprietary Names for pharmaceutical substances, names of international governmental organizations, geographical indications and trade names. Six regional consultations held at the beginning of the year provided vital input for the final report which has just been published and is now available on the WIPO website.
- The Center also worked with an international consortium of the world's leading technology companies, called ASPIC, to prepare and publish – in May – best practices for dispute avoidance and resolution for the application service provider industry.
- Domain names also figured among the many topics discussed during WIPO's Second International Conference on Electronic Commerce and Intellectual Property that took place here in Geneva last week. The Conference focused on issues, such as on-line publishing, domain names, business method patents, cultural heritage and the increasingly urgent problem of the digital divide, which I would prefer to call the knowledge divide.
- The work being undertaken by the Organization in these areas is aimed at making the Internet a more stable environment in which to communicate and do business.
- The Organization's commitment to information and communication technology is evidenced by several major projects designed to maximize benefits for Member States and users.
- WIPONET will start operations next month when key equipment recently installed in WIPO headquarters will enable national intellectual property offices to be linked to WIPO and to each other via a secure network. Full WIPONET services include general web access, web-hosting services, remote participation in WIPO meetings and access to distance learning as well as secure e-mail, document transfer and discussion groups. WIPO is in the process of providing Internet connectivity to those national offices without it and successful installation and testing have just been completed in a first group of countries. It is expected that all national offices will be linked to WIPONET by the end of next year.
- The IMPACT project designed to fully automate the activities performed under the PCT began the first phase of its operations, dealing with the scanning and storage of PCT-related documents, on September 13 and is set for completion at the end of next year. The project will allow the transfer of PCT documentation between WIPO and national offices in electronic form and by electronic means, including the secure Internet link provided by WIPONET. The saving in time and other resources made possible by this project is immense as it will avoid the physical reproduction and transfer of millions of pages of patent documents.
- Regarding progressive development and codification of intellectual property law, promotion of adherence to the WIPO Internet treaties, geared to ensuring copyright protection in cyberspace, remains a priority for the Organization. Ratification's and accessions to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty currently stand at 27 and 24, respectively. The WIPO Internet Treaties stand a very good chance this year of reaching the

30 ratification's or accessions necessary to bring them into force, and their effect will promote the protection of intellectual property in the digital age.

- A Diplomatic Conference on a new complementary instrument to protect the rights of audiovisual performers was held in December of last year and, although a final agreement was not reached, substantial progress was made on 19 of the 20 draft provisions.
- While refocusing ongoing activities, new initiatives have been launched in strategically important areas. In May, a process started to streamline and simplify the PCT and in the same month discussions started on harmonization of substantive patent law. In addition, new initiatives have been proposed to discuss the current state of the international patent system and objectives, opportunities and priorities for change, with a view to agreeing upon an agenda for the future development of the system to enable it to operate to the maximum benefit of the international intellectual property community, stakeholders and users.
- Activities in the cooperation for development sector have strengthened and deepened with increasing emphasis being placed on partnership and on empowering national and regional intellectual property systems to contribute more effectively to national development programs. Our strategic goal has always been to build institutions that will create a lasting legacy. This goal is clearly evidenced by the Nationally-Focused Action Plans, the successful results of which are already creating a positive impact.
- Cooperation with countries in transition is being strengthened in all fields and the Organization is focused on their special needs, taking into account their individual levels of development and priorities.
- WIPO continued to follow up on its commitment to Least-Developed Countries, holding a High-Level Interregional Roundtable in February, which drafted the WIPO Lisbon Declaration on Intellectual Property for LDCs. The Organization subsequently produced a set of “deliverables” for sustainable development of intellectual property systems for LDCs, which it presented at the UN Third Conference on LDCs held in Brussels in May. In addition, WIPO, along with the World Trade Organization, also launched a new initiative in June this year to help LDCs maximize the benefits of intellectual property. The feedback was positive, and we continue to believe with them that intellectual property is a critical tool for their economic growth and economic development. Our objective therefore continues to be to help LDCs to produce, compete and trade.
- The new Collective Management of Copyright tools in certain parts of the world have not only given rise to successful outcomes, but have improved the financial performance of the communities concerned and have created a positive effect on the GDP of the countries themselves.
- The WIPO Worldwide Academy's distance learning program has been attracting increasing interest worldwide. Some 2, 200 registrations have already been made this year compared to some 1,700 for the whole of last year. These numbers are expected to increase once the Arabic, Chinese and Russian versions of the module are introduced. The Academy is virtually present in all parts of our universe, addressing a critical priority of many nations, that is, human development.

- The potential of the intellectual property system as a means of empowerment for nations, individuals and business is one of WIPO's central messages for the 21<sup>st</sup> century. With this in mind, the Organization moved forward with its agenda for Small and Medium-Sized Enterprises. An international Forum on Intellectual Property and SMEs, organized jointly in February in Milan by WIPO and Italy's Ministry of Industry and Foreign Trade, was aimed at ensuring SMEs are better able to capitalize on the potential of the intellectual property system for their commercial development and competitiveness. In June, WIPO's new website specifically for SMEs went online. The site provides precise responses to business questions pertaining to intellectual property and reaches out to policy-makers, SME support institutions and entrepreneurs.
- An initiative aimed at exploring the potential of intellectual property protection from a new perspective took place in May with the first meeting of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. Member States supported further work to advance discussions on the intellectual property aspects of these assets, and WIPO will submit to the next meeting, model intellectual property contractual clauses for access to genetic resources and benefit sharing.
- The Office of Global Communications and Public Diplomacy's efforts to demystify intellectual property and disseminate information to all quarters expanded broadly during the year. The WIPO websites drew some 114 million hits during the first eight months of this year, compared to 80 million hits for all of 2000. A Russian language version of the site was launched this month, and work on a Chinese version will begin soon.
- Under the theme "Creating the Future Today," April 26, 2001, was celebrated as the first World Intellectual Property Day, providing an opportunity to highlight the significance of creativity and innovation in people's daily lives and in the betterment of society. A description of the various activities carried out by national offices and intergovernmental and non-governmental organizations to celebrate the Day can be found on the WIPO website.
- Other areas of focus for the Organization include: the work on constitutional reform which is continuing at a steady pace; and work in the area of enforcement of intellectual property rights. In addition, the input of the Policy Advisory Commission and Industry Advisory Commission continue to provide inspiration and insight to the work of the Organization.
- Such intensive and extensive activities of our Organization would not have been possible without sacrifice from the men and women who make it thrive; the staff of this global body. I applaud the staff of the Organization and would like to pay tribute to each and every one of them, acknowledging that their contribution is recognized and appreciated.

"We are living in a time of great change, when human creativity is providing us with enormous potential for good – making it possible to live longer and healthier lives in an increasingly culturally rich environment and allowing us to communicate and interact with each other on an unprecedented level. We believe that the intellectual property system makes a unique contribution to that potential for good and, without exaggeration, for peace, by encouraging and fueling the upward creative spiral. However, we cannot remain oblivious to the serious questions being asked by governments, non-governmental organizations and civil society concerning combating HIV/AIDS and other issues such as access to genetic resources, the protection of traditional knowledge and folklore and copyright on the Internet.

“The *raison d’être* of the international intellectual property system is to encourage individual creativity so that it can benefit us all – economically, socially and culturally. WIPO must remain flexible, proactive, creative and focused in order to continue to work towards that goal. This requires constant vigilance in ensuring that the international intellectual property system evolves in a manner that retains an effective balance between the interests of rightsholders and the best interests of society. The need to explore and redefine the boundaries of the international intellectual property system in line with the significant movements in thinking and attitudes now taking place is key to our Organization remaining a powerful force for the betterment of societies everywhere.

“Many of you tell me that the thrust of our vision on demystification of intellectual property as a critical element for economic growth and wealth creation is the right one. But a vision has to be turned into a reality, and that is why I have mentioned some of the tools we have created to construct that reality. Your continuing inspiration and solidarity can ensure that our vision and its tools are crowned with success. The agenda of your Organization has never been so interrelated, so pressing or so complex. It requires from all of us new ways of thinking, new tools and new commitment of political will. I know that I can count on your support so that the Organization can respond even more closely to the needs of the international intellectual property community and the hopes and aspirations of the peoples of the world, affirming my belief that intellectual property is foreign to no culture and native to all nations.

“I see our Assembly here today as a symbol of unity, tolerance, international cooperation and great hope for the future of intellectual property. Our work is a work of partnership that maintains the particularities and the specific vocations of each nation, and strengthens collaboration for common action.”

18. The Delegation of Brazil recalled that the Assemblies of Member States, at their last session, decided to adopt Portuguese as a working language in certain meetings of WIPO. This was a significant step forward which reflected the proposals of the Portuguese-speaking delegations in the Assemblies of Member States of WIPO. The Delegation of Brazil expressed its wish that permanent observer status would be given to the Community of Portuguese-Speaking Countries. The Delegation reiterated its conviction that the use of Portuguese would be an instrument for cooperation for development and the full integration of the Portuguese-speaking communities into the activities of the Organization. In this regard, the Delegation wished to thank the Director General for his introductory statement and for his interest and personal efforts in promoting the use of Portuguese in WIPO, and also wished to express its satisfaction in seeing a Portuguese elected as Chair of the General Assembly, in view of the historical and cultural ties that existed between the two countries.

#### Program and Budget Committee

19. The Chair informed the General Assembly that he had been informed of a decision taken by the General Assembly in 1998, to the effect that the current term of the members of the Program and Budget Committee expires in September 2001, and the matter concerning the membership and composition of the Program and Budget Committee had not been included in the draft Consolidated and Annotated Agenda. Following informal consultations among the regional Group Coordinators, it had been agreed that the draft agenda for the 2002 meeting of the General Assembly should include an item on the election and composition of the Program

and Budget Committee. In the interim, it had been agreed, as an exceptional measure, that the Program and Budget Committee would retain a membership of 33 States until September 2002, when the membership and composition of the Committee would be reviewed, as agreed upon in 1998 in paragraph 12 of document WO/GA/23/4.

20. As a result, the General Assembly unanimously elected the following States as members of the Program and Budget Committee for the period September 2001 to September 2002: Algeria, Argentina, Bulgaria, Canada, Chile, China, Czech Republic, Ecuador, Egypt, France, Germany, Honduras, Hungary, India, Japan, Mexico, Morocco, Netherlands, Nigeria, Norway, Oman, Pakistan, Republic of Korea, Russian Federation, Senegal, Slovakia, South Africa, Sri Lanka, Switzerland (*ex officio*), United Kingdom, United States of America, Uzbekistan and Venezuela (33).

21. The General Assembly approved the composition of the Program and Budget Committee, as described in paragraph 20, for the period September 2001 to September 2002, and decided that the membership and composition of the Program and Budget Committee would be reviewed in September 2002.

#### ITEM 4 OF THE CONSOLIDATED AGENDA:

##### RESOLUTIONS CONCERNING THE PARTICIPATION OF YUGOSLAVIA IN WIPO MEETINGS

22. Discussion was based on document A/36/13.

23. In introducing this item, the Secretariat recalled that the instrument of Notification of Succession and Confirmation deposited with the Director General by the Federal Republic of Yugoslavia (FRY) on June 14, 2001, and which was attached as an Annex to document A/36/13, was along the same lines as the corresponding instruments that had been deposited with the Director General by the other successor States of the former Socialist Federal Republic of Yugoslavia.

24. The Delegation of Bulgaria, speaking on behalf of the Central European and Baltic States, made the following statement: “in the light of the presentation of this item by the International Bureau, pursuant to the United Nations General Assembly (UNGA) Resolution 55/12 on the admission of the Federal Republic of Yugoslavia (FRY) to membership in the United Nations as one of the five successor States of the former Socialist Federal Republic of Yugoslavia, and the deposit, on June 14, 2001, by FRY with the Director General of WIPO of the Instrument of Notification of Succession and Confirmation to the WIPO-administered treaties to which the former Socialist Federal Republic of Yugoslavia was party as from April 27, 1992, and noting also that FRY has become a Member State of WIPO by virtue of succession to the Convention Establishing WIPO, the Group of the Central European and Baltic States believes that it is appropriate for the Assembly to take note of the fact that the decisions taken by the Governing Bodies of WIPO and the Unions administered by WIPO in 1992 and 1993 are no longer applicable. In the hope that this may be the general feeling of this Assembly, our regional group is prepared to welcome FRY to the meetings of WIPO and to the work of the regional group.”

25. The Assemblies of the Member States of WIPO, each is so far as it is concerned, noted that the resolutions that were passed in 1992 and 1993 are no longer applicable, and further decided to invite the Federal Republic of Yugoslavia to participate in WIPO meetings.

#### ITEM 5 OF THE CONSOLIDATED AGENDA:

##### PROGRAM PERFORMANCE REPORT FOR 2000; PROGRAM IMPLEMENTATION OVERVIEW, JANUARY TO JUNE 2001

26. Discussions were based on documents A/36/4 and A/36/5, respectively.

27. The Chairman, noting the lengthy agenda items to be dealt with, recommended that oral statements should not exceed five-minutes, and suggested that the corresponding written statements should be submitted to the Secretariat. He further indicated that any Delegation that did not wish to take the floor could submit written statements, which would be reflected in the Report of the Assemblies as if they had been given orally.

28. In introducing this item, the Secretariat stated that the Program Performance Report for 2000, aimed at providing Member States with the status of program performance for the 2000-2001 biennium, as at December 31, 2000. The Report presented the progress made in the year 2000 towards achieving the expected results for each Main Program and Sub-program, as spelled out in the 2000-2001 Program and Budget (document A/34/2). The data collected on performance indicators constituted the analytical basis. However, the Secretariat recalled that for certain performance indicators data was not available, midway through the biennium, due to the fact that work had either not commenced, or was still in progress. Full program performance data would be evaluated and presented in the Program Performance Report for the 2000-2001 biennium, prepared for the 2002 Assemblies. This Report had been restructured to facilitate its reading and enabling Member States to clearly ascertain the progress made. After sections that introduced the report and presented the most important achievements of WIPO in the year 2000, section III contained the assessments of mid-biennium performance, by Main Program: for each Main Program an introductory text summarized its overall performance, followed by tables, at the Sub-program level, containing objectives, expected biennial results, actual results achieved in the year 2000 and the data collected on performance indicators.

29. With regard to the Program Implementation Overview, the Secretariat explained that the aim of this document was to provide Member States with insights to the overall direction of WIPO activities during the first six months of 2001. The Overview contained program implementation highlights, describing the main activities carried out in the framework of each Main Program and Sub-program during that period. The Secretariat drew the attention of Delegations that this report was designed with a different purpose from that of the Program Performance Report, since it did not offer any performance assessment.

30. The Delegations and Representatives of the following 86 States, three intergovernmental organizations and one non-governmental organization made statements concerning Agenda Item 5: Algeria, Angola, Antigua and Barbuda, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, China, Côte d'Ivoire, Croatia, Cuba, Czech Republic,

Democratic People's Republic of Korea, Denmark, Egypt, Ethiopia, Finland, France, Gabon, Georgia, Ghana, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Philippines, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Senegal, Sierra Leone, Slovakia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Togo, Trinidad and Tobago, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, African Regional Industrial Property Organization (ARIPO), African Intellectual Property Organization (OAPI), European Commission (EC), World Association for Small & Medium Enterprises (WASME).

31. During the debate on this Agenda Item, a keynote statement on “Intellectual Property, including Small and Medium-Sized Enterprises (SMEs)” was made by His Excellency Dr. Sergio Abreu, Minister for Industry, Energy and Mining, Uruguay, as follows:

“Director General, Delegates, Colleagues,

“I wish to thank WIPO for the opportunity that it has given me of sharing with you some thoughts on the crucial role that small and medium-sized enterprises (SMEs) play in developing countries, and the manner in which intellectual property rights can contribute to developing and strengthening them. The subject is a complex one, and admits of many analytical approaches. On this occasion I shall try to develop a few concepts that I consider crucial. The first of them has to do with the essential role that SMEs play in weaving the social fabric of our economies. SMEs constitute the basic social web of our countries, which means that the political and social stability of our society depends to a great extent on their position at a given time. SMEs in developing countries constitute more than 95% of production units, provide more than 75% of all employment and represent between 30% and 40% of gross domestic product. Their contribution, in terms of the generation of new workplaces, is essential. More than 90% of new jobs created throughout the world are in small and medium-sized enterprises. These figures become even more eloquent in sectors with a high technology content like the software industry or that concerned with the production of biotechnological material. The second thought is the fact that there is a clear positive correlation between the competitiveness and productivity of countries and their social stability. If we accept these two assumptions, we have also to accept that an unavoidable section of the path towards the economic and social development of smaller economies is the enhancement of productivity and competitiveness with an input of technology in our SMEs, which provide the support for our social fabric and for political stability. With that in mind, Mr. Chairman, it is necessary to reflect on the importance of bringing information technology and telecommunications within the reach of the social sectors that most need it, especially micro and small enterprises. The machinery and the means that enable us to progress towards modernization of our policies and international cooperation with regard to SMEs are many, and belong to different environments; this machinery and these means may among other things include the formulation of strategic alliances that link local SMEs to major transnational companies, the enhancement of the export potential of SMEs in developing countries and the creation of conditions in which they have access to new markets or to protection for their own intellectual property assets. The latter subject is the one that concerns us today and on which we have to focus our attention. Starting from the idea that it is possible and indeed necessary to increase the SME contribution to the economic and social development of developing countries, we have to ask ourselves how the best use may be made of the various possibilities intellectual property offers for meeting that objective. A mere

glance at the comparative figures for the use made of intellectual property registries in the developed world and in the developing world provides palpable evidence of how much has to be done in terms of access to the intellectual property system for our SMEs. According to the figures for 1999, individuals and enterprises in developed countries filed 89% of all trademark applications and 99% of all patent applications, and in developing countries only 11% and 1% respectively. Reading these bald statistics, we are made aware of the need to create opportunities for international cooperation of technical, economic and financial character with a view to assisting developing countries in the design of policies that permit better SME access to the intellectual property system. The scale of the task makes any individual action pointless in my opinion. It is necessary to enlist all those involved and make them take part in an inter-agency cooperation effort that brings together WIPO and other international organizations such as UNCTAD and WTO or regional agencies such as the Inter-American Development Bank. In this connection, Mr. Chairman, the head of the IDB, Dr. Enrique Iglesias, has pledged to me in his own name and in that of the institution support for WIPO in whatever cooperation effort may already or may yet be directed towards strengthening small and medium-sized enterprises and technology transfer and competitive modernization policies. That effort would have to concentrate on informing SMEs on all the tools that the intellectual property system has to offer, training them in the use of those tools and giving access to them. In that work of promoting and improving access to the opportunities offered by intellectual property there has also to be involvement on the part of the educational systems of our countries, in order that the appropriate knowledge may be integrated in the training of those new generations who will be the entrepreneurs of the future. An information and education campaign could, among other things, cover the following points: protection of the intellectual property assets of our SMEs in such a way as to preserve their rights in scientific and technological developments, including patents and utility models, or in the field of designs, trademarks, appellations of origin and other geographical indications; access to sources of scientific and technological information contained in patents, the acquisition of the right to use protected technology or trademarks by payment of royalties, the exploitation of the opportunities afforded by new information technology, the Internet and electronic commerce; the possibilities regarding the making of strategic alliances with major multinational companies that make for synergy between the potential for investment and technology generation of the major companies and the flexibility, product diversification capability and lower operating costs of small and medium-sized enterprises; such alliances could in addition be favored by the preferential treatment that is usually accorded to lesser economies with respect to international trade; it is worth mentioning that this would be one of the areas of natural inter-agency cooperation between WIPO and UNCTAD. The World Investment Report published by UNCTAD this year contains valuable information, based on specific examples, as to how the promotion of links between domestic firms and transnational companies can promote the dissemination of skills, knowledge and technology. In order to put these ideas in concrete form, there is a series of measures that can be resorted to, such as seminars and workshops, lectures, courses, use of mass-communication media, the publicizing of examples of local SMEs that have been successful in the use of such facilities, and programs for the linking of local SMEs to multi-national companies with a view to increasing the technological capacity of the local companies or giving them access to finance. Local intellectual property offices, working within the framework of this concerted effort of international, inter-agency cooperation, can collaborate by engaging in a number of measures, including: reducing the cost of using the system for SMEs; seeking means whereby the financial system can provide special lines of credit for the purpose, or maintaining an "open door" policy to facilitate access on the part of small and medium-sized enterprises. As for the international environment, there has to be emphasis on the machinery available within WIPO



for protecting rights by means of globally applicable systems, and the possibility of their being used by SMEs.

“Mr. Chairman, one of the characteristics of the TRIPS Agreement, in practice, has been the broadening of protection to accommodate areas that in many countries were not protected before. Those include patenting, above all in the field of drugs and microorganisms, the protection of the geographical indications and computer programs or software. At the world level this has brought about a number of changes in protection systems and raised questions as to the consequences. The main criticism that has been directed at the Agreement is that, basically, it protects those countries that are creators or producers of new technology, at the expense of a majority of countries that see their role reduced to that of importers of such technology. This is not the right setting in which to analyze the TRIPS Agreement tools that can be used to solve such problems, but it is necessary to point out that the challenge for us is to overcome that situation, by using the tools made available to us by the legislative framework that we have adopted and are continuing to work on, in such a way that the intellectual property system does not have an adverse effect on countries in economic terms and indeed become one more obstacle to their development, but on the contrary becomes a means of augmenting the opportunities provided. To that end it is necessary to streamline, to facilitate and to lessen bureaucracy, briefly to place within the reach of our micro, small and medium-sized enterprises the system that will protect their intellectual property assets, so that our creators and producers of ideas and technology may also benefit from the system instead of being penalized by it. Only in such a situation where the international community participates broadly in and has access to the system will the promotion and protection of intellectual property rights become one of the appropriate means of narrowing the gap between developed and developing countries, providing an appropriate framework for healthy competition with technological input and without exclusions.

“Mr. Chairman, I am convinced that WIPO has much to contribute to this task and that it should take on a leading role in accomplishing it.

Thank you very much.”

32. The Delegation of the Republic of Korea wished to thank His Excellency the Minister of Industry of Uruguay for his statement emphasizing the importance of intellectual property's role in enhancing the competitiveness of SMEs. It wished to inform the Assemblies that a joint study by the Republic of Korea and WIPO on the above-mentioned issue was under way and hoped that once completed the results could be shared with other Member States. It also proposed that a national pilot project be launched on the basis of the findings and evaluations made in that joint study, to explore how intellectual property could best be used to enhance SMEs' competitiveness. With appropriate funding, the national pilot project would be operated by the Korean Intellectual Property Office, and could be used as a model of WIPO's SMEs pilot projects in other countries, in order to test and create a successful showcase that would demonstrate the vision and strategy of WIPO for the 21<sup>st</sup> Century. The Delegation stated that if this prototype work turned out to be feasible and successful in other regions, WIPO should scale-up the pilot project to substantive program activities for SMEs, as a further development of the existing SME program. The Delegation of the Republic of Korea offered its appreciation and compliments to the Director General and to the Secretariat for the achievements that WIPO had attained in the past year, including the implementation of a wide range of cooperation programs. The Delegation noted WIPO's contribution towards the harmonization of the intellectual property legal framework, its efforts to create new standards adaptable for the Internet environment, and its launching

discussions on genetic resources, traditional knowledge and expressions of folklore. The Delegation hoped that WIPO's initiatives would continue to expand and lead to the harmonized development of IP systems for the common prosperity of all Member States, and addressed the roles that individual IP offices should pursue in the 21<sup>st</sup> century. In recent years, with the exception of few countries, the world economy had shown a sign of simultaneous recession, derived by a prevailing input-driven growth model with most enterprises more inclined to expand production capacity as a means of increasing their incomes. That subsequently caused over-capacity in enterprises, as well as over-supply in the market, eventually distorting distribution of resources, reducing the efficiency of the entire economy and bringing about an environmental disorder, such as industrial waste, pollution and ecological disruption. The Delegation suggested that the solution to the economic downturn and environmental problem was the flourishing of knowledge or the IP driven economy. In today's borderless market, only high quality and environmental friendly IP-rich products are able to consistently generate new demands without giving rise to a problem of oversupply, and become a key driving force for economic growth. In this economic context, IP offices are now expected to play an essential role and take the lead in achieving progress in the knowledge-driven economy. Considering the paramount importance of IP's role in the early 21<sup>st</sup> century, the Delegation suggested that it was time for all Member States to jointly explore the best ways and means for enhancing efficiency and productivity in the operations of organizations and in the IPR service system in order to implement their roles effectively. The Delegation proposed that all Member States share their experiences and best practices. In this regard, the Delegation indicated how the Korean Intellectual Property Office (KIPO) had pro-actively renewed its roles by implementing the "Comprehensive IP Administration Innovation Plan." The Plan targeted three visions: (i) to raise the quality of IP administration and operations to the world class level; (ii) to expedite the organizational function to facilitate the transition into a knowledge-driven economy; and (iii) to build consensus on the importance of invention and IPR across the whole country. For effective implementation of that Plan, managerial techniques were applied by using a Total Quality Management (TQM) approach, building up a Learning Organization Culture, and implementing Knowledge Management. Applying TQM, KIPO sought to enhance the quality of services, to reduce production costs, and to expedite service delivery. The Delegation pointed out that the pursuit of the learning organization culture had enabled all KIPO staff to actively join in identifying organizational tasks and solutions arising from environmental changes and ever-changing customer's needs. The knowledge management component was directed towards the active generation, transfer and utilization of IP related knowledge within KIPO, as well as the intensive nationwide dissemination of the knowledge. Those efforts had led to remarkable improvements in each aspect of IP administration. The role and efficiency of the organization were greatly expanded and heightened. Most noteworthy, the Delegation underscored, was that KIPO was leading a "IPR Acquisition Campaign for Small and Medium-size Enterprises." Also, the Korean government officially announced that it would observe the month of May as "Annual Invention Month," starting in the year of 2001. Movies and TV dramas containing invention stories are also being produced. The Delegation took the opportunity to mention the 2002 Seoul International Invention Exhibition, planned to be held in Seoul, from December 4 to 7, 2002, organized by the Korean Invention Promotion Association (KIPA), and sponsored by KIPO with the support of WIPO and the International Federation of Inventors' Association (IFIA). The Delegation proposed the establishment of a "Global IP Expo" under the initiative of WIPO, and with the full participation of the Member States. This international exposition would have the potential to enhance public IPR awareness by exhibiting intellectual products of the world, such as traditional knowledge, genetic resources, folklore, trademarks, patents and various inventions in the most public friendly manner. The Delegation referred to the development of IT-based systems, such as

KIPOnet, which had greatly accelerated public access to IP information. In that respect, efforts to facilitate commercialization of IPRs had resulted in the operation of a cyber market. The Delegation stated that to secure the rights of IP users and enhance the sound operation of IP systems to their full potential, WIPO and each IP office should pay special attention to the safe maintenance of digitized IP information. In the 21<sup>st</sup> century cyber era, it was necessary for WIPO and IP offices to confront cyber crimes, cyber terror and hacking, which could intrude into the IP digital network and damage digitized IP administration systems. For that purpose, projects could be implemented under the initiative of WIPO, such as a case study on IP-related cyber crimes, and the results disseminated. The Delegation expressed its belief that the Assemblies meeting would provide an invaluable opportunity for the representatives of all Member States to discuss ways and means to cooperate for the development of the 21<sup>st</sup> century knowledge-based society, and to share their visions for the advancement of world IP systems.

33. The Delegation of Italy thanked the Honorable Minister of Industry of Uruguay for the attention he devoted to the issue of intellectual property and small and medium-sized enterprises (SMEs) and informed the Assembly that the Government of Italy followed very closely every new initiative related to the issue and expressed its full support. The Delegation pointed out that the arduous tasks that Governments were to carry out were: to increase the access of SMEs to the intellectual property system; to endeavor to remove all the factors likely to be perceived as constituting an obstacle to the exploitation of the advantages of the system; to promote the idea that intellectual property was a pro-competitive factor in SMEs daily business life. The Delegation stated that Italy had already promoted several initiatives aimed at exploring new opportunities for multilateral cooperation in the field of SMEs and intellectual property rights. In this connection, it mentioned that, further to the successful Bologna Conference on SMEs held in June 2000, the Italian Government and WIPO had co-sponsored the "Milan Forum on Intellectual Property and SMEs", held in February 2001. The outcome of the Forum was the "Milan Plan of Action", the aim of which was to provide WIPO and the participating 80 governments with new guidelines for their intellectual property policies. The Delegation stressed that the initiative was also intended to be the first contribution to a wider and long-term process in which WIPO's central role in the field of multilateral cooperation with SMEs would be strengthened. It welcomed the creation within WIPO of a new division devoted to SMEs and appreciated the inclusion of SMEs among the global intellectual property issues. In conclusion, the Delegation confirmed that for the initiatives taken with respect to SMEs, the Director General could rely on very wide support, including from the Government of Italy.

34. The Delegation of Algeria, speaking on behalf of the African Group, expressed its gratitude to the Director General for the efforts made in the highlighting of the crucial role of intellectual property in economic, technological and cultural development. The Group of African Countries said that it supported the guidelines set forth in the world statement of the Policy Advisory Commission on intellectual property, and encouraged WIPO to take the necessary steps to implement the action recommended, particularly at the level of international cooperation. The Delegation stated that it attached very great importance to the work of the General Assembly Working Group on Constitutional Reform, in view of the effect of its conclusions on the future of WIPO's organizational structures. The Delegation went on to say that the creation of a single Assembly responsible for all the treaties administered by WIPO would simplify and rationalize the Organization's make-up. Apart from that the Delegation considered that equitable geographical representation should remain the sole criterion governing the composition of the Coordination Committee according to the established rules on the operation of intergovernmental organizations. In view of the policy

of decentralization embarked upon by the Organization to ensure its presence in positions where intense multilateral diplomatic activity was going on, the Group of African Countries wished to be provided with a regional structure whose headquarters would be chosen according to criteria adopted for newly created offices. The Delegation repeated its particular interest in the implementation of WIPONET and the IMPACT project on electronic filing under the PCT, which would consolidate the notion of intellectual property as a tool for economic, technological and cultural development. The Delegation was likewise pleased with the start of the action plan for small and medium-sized enterprises, which would make it possible to promote the role of intellectual property in economic development and notably to increase the competitiveness of small and medium-sized enterprises, which occupied a predominant position in African economies. The Delegation expressed the wish that a special effort might be made to implement that plan, which would allow the wide-ranging participation of national focal points concerned with the operation. The Group of African Countries, which included a considerable number of least developed countries (LDCs), was pleased with the launch of the new initiative undertaken jointly with the World Trade Organization (WTO) with a view to helping LDCs make the most of the advantages associated with intellectual property, which therefore constituted a tool for economic growth and technical development. The Group of African Countries reaffirmed its support for all the proposals made in connection with the revised draft of the 2002-2003 Program and Budget presented by the Director General, and expressed pleasure at the interest shown by the Secretariat in the continuation of the activities undertaken during the 2000-2001 biennium regarding assistance and the framing of laws and regulations. The Group of African Countries expressed satisfaction with the increased amount allowed for development cooperation, which would strengthen the useful links between intellectual property and the crucial sectors of technological innovation and investment promotion. For Africa those activities were of considerable importance, as they placed the intellectual property concept at the heart of economic and social development. The Group of African Countries wished to see WIPO continue to give assistance to developing countries and LDCs with a view to helping them meet their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and also to see it support their efforts to take advantage of the intellectual property aspects of traditional knowledge and folklore, technology, biological diversity, biotechnology and electronic commerce. In that connection the Delegation expressed its thanks to WIPO for the progress made in the fields of genetic resources, traditional knowledge and folklore which, thanks to the work of the Intergovernmental Negotiating Committee, would make it possible to establish equitable statutory rules in that field. The Delegation also supported the convening as soon as possible of a new Diplomatic Conference on the protection of audiovisual performances, the purpose of which would be to lend security to creation by ensuring adequate protection for audiovisual performances of all kinds. It was pleased with the work of activity evaluation that WIPO engaged in periodically in the framework of the Permanent Committee on Cooperation for Development, and expressed the wish that each time the work might be completed with an exercise in the evaluation of the needs of Member States. In conclusion, the Group of African Countries considered that WIPO was the most appropriate organization for the encouragement and promotion of innovation in developing countries.

35. Speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), the Delegation of Venezuela expressed its satisfaction with the information provided by the Secretariat in the Program Performance Report for 2000 and the Program Implementation Overview from January 1 to June 30, 2001. The Delegation said that the countries of Latin America and the Caribbean appreciated the major efforts undertaken by WIPO in the field of cooperation and congratulated in particular the Cooperation for

Development Bureau for Latin America and the Caribbean for the role played in identifying needs and coordinating and carrying out the cooperation activities implemented in the region, as well as for the excellent results achieved. The Delegation said that institution building, human resources training, the dissemination of new information technologies and the promotion of technological innovation and creativity through the use of the intellectual property system were priorities that the countries of the region shared. The Delegation expressed the hope that WIPO would continue to increase the resources devoted to implementing the regional cooperation program, both under national action plans with each individual country and as part of the programs that helped to promote subregional and regional cooperation in areas relating to intellectual property. The Delegation expressed appreciation for the initiatives taken by WIPO in various areas, and referred in particular to the establishment in the Organization of a division specializing in promoting the development of policies designed to support small and medium-sized enterprises, as well as the creation of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore. Emphasizing the importance of these issues, the Delegation expressed confidence that the results achieved by the Committee would allow progress to be made in the recognition of effective methods for protecting knowledge originating in the countries of Latin America and the Caribbean, and expressed the desire that WIPO should continue to facilitate the participation in the Committee of a significant number of developing country representatives. In that connection, GRULAC considered an increase in funding to be essential so as to allow the more effective participation of GRULAC member countries in the Committee. The Delegation also acknowledged the value of the work done by WIPO in relation to electronic commerce and Internet domain names, the work of the WIPO Arbitration and Mediation Center and the progress made in developing and implementing the WIPONET project in the international sphere; in that regard, the hope was expressed that such progress could provide rapid results in support of the exchanges between intellectual property offices, and increase the capacity for provision of information services to the sectors concerned in the region. The Delegation wished to highlight the fact that the countries of Latin America and the Caribbean attached great importance to the principle of equitable geographical distribution, and hoped that this would be considered a guiding principle in all the Organization's action and decisions. Finally, the Delegation informed the Assembly that a meeting of Directors of Intellectual Property Offices of Latin America and the Caribbean would be held in Ecuador in November.

36. The Delegation of India, speaking on behalf of the Asian Group, expressed its appreciation to the Director General for his dynamic leadership, vision and personal commitment to the goals he has set for WIPO, and his reaffirming that intellectual property for development is in fact a major element of his vision for the Organization. From a norm-setting organization, WIPO has emerged as an Organization deeply concerned with economic growth and the creation of wealth, particularly in developing and least developed countries (LDCs). The Delegation noted with appreciation that the Secretariat, and in particular the Cooperation for Development Bureau for Asia and the Pacific, has always been responsive to individual country needs, but has also quickly responded and reoriented activities to adapt to the dynamic changes in the world economy. The Delegation underscored that the countries of the Asian Group consist of over 3.4 billion people, or over 60% of the world's population. Those countries include some of the fastest growing economies, even in a period of relatively slow growth, and are among the large repositories of biodiversity, traditional knowledge, folklore and handicraft. In 1999-2000, developing countries had recorded an 80% increase in PCT applications, and of that, 80% was from the Asian region. The countries of the Asian Group have also shown increasing efforts to improve the economic policy framework and government structures to encourage inventive activity. WIPO's

development for cooperation activities in the region have, at the national, regional and sub-regional levels, centered on institution and capacity-building in devising an intellectual property policy agenda and strategy formulation. The region has engaged in a policy dialogue through regional meetings to collectively assess and analyze the fast-growing and changing intellectual policy environment in the 21<sup>st</sup> Century, and to identify the key intellectual property challenges faced, along with policy and strategy measures for addressing those challenges. WIPO responded immediately to these concerns of Member States by providing assistance for the modernization of intellectual property systems, with the aim of creating sustainable national intellectual property institutions, as well as legislative assistance to bring the laws into conformity with international obligations. The Delegation pointed out that the National Focused Action Plans (NFAPs) were an effective and key tool for country-specific frameworks of assistance in the modernization of intellectual property systems. The Delegation referred to the activities of the WIPO Worldwide Academy, which have become crucial to developing countries in their human resource development, by enhancing the ability of countries to utilize intellectual property for technological and economic development. WIPO's policy of entering into cooperation agreements with institutions has had the further advantage of building synergies and creating institutions in the field, with a commitment to protecting intellectual property. Developing countries have been faced with new challenges in the new technology environment, including in the field of electronic commerce. The Delegation expressed the support and appreciation of the Asian group for the programs and projects initiated by WIPO in the area of information technology (IT). The Group considered these investments crucial, considering that the key challenges facing the Organization and the intellectual property community in the 21<sup>st</sup> Century would be those presented by continuing advances in digital technologies, the boom in electronic information exchange, and the technology gap between developed and developing countries. The Delegation appreciated the WIPONET Project which, when completed, would link 330 intellectual property Offices (IPOs), in 177 countries, with WIPO. The investment in WIPONET would help bridge the digital and knowledge divide between developed and developing countries: WIPONET would indeed be a highway to knowledge. Similarly, the PCT Electronic Filing Project would help developing countries in coping with mandatory electronic filing for patent applications which could be put into place by the most advanced patent offices after June 2005. The Delegation noted that the countries of the Asian region were repositories of biodiversity, genetic resources, traditional knowledge and folklore, and that they had been particularly interested in enhancing their understanding of the intellectual property implications of those global issues. The Secretariat had assisted the countries of the group to engage in a national and region consultation process which in turn had resulted in effective participation in the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. It expressed its appreciation to the Director General for setting up that mechanism, where subjects of key importance to developing countries could be addressed without politicizing the debate; thus contributing greatly towards a consensus. The Delegation felt that intellectual property protection was a tool for development and wealth creation and appreciated the launching of a special program on the empowerment of small and medium-sized enterprises (SMEs), aimed at enhancing their competitiveness through the effective use of the intellectual property system. That program was particularly important in the Asian region where SMEs continued to be the most dynamic economic sectors and a source of innovation and technological development. The Delegation considered that the assistance to LDCs was an important component of WIPO's cooperation for development program and requested that WIPO make a speedy implementation of the deliverables agreed to in Brussels in May 2001. The Delegation also found particularly useful the frameworks of cooperation between WIPO and regional groupings like the South Asian Association for Regional Cooperation (SAARC) and the Association of South East Asian Nations (ASEAN),

and sub-regional processes like the Bangladesh, India, Myanmar, Sri Lanka, Thailand Economic Cooperation (BIMSTEC), which has been a bridge between ASEAN and SAARC, utilizing the synergies of South-South cooperation, especially in human resource training. The Delegation shared its view that in spite of the many improvements which have been made in the area of intellectual property protection, there were still several challenges with which to grapple, such as: implementation of the TRIPS Agreement; putting in place a legislative system which conformed to legal obligations under international agreements; integrating LDCs into the intellectual property arena; raising public awareness through demystification of intellectual property. The Delegation appreciated that the Asian group had received WIPO's support in addressing those issues and seen the group's concerns addressed in the formulation of the Organization's activities in the next biennium. It extended the Asian group's full support for the activities of the Organization, and reiterated its request for increased WIPO support for participation by experts from the Asia and Pacific region and other developing countries in meetings in Geneva and elsewhere. It confirmed the Asian group's appreciation to the Director General for his vision of a modern, result-oriented and revitalized Organization, providing a dynamic and innovative international intellectual policy framework.

37. Speaking on behalf of Group B, the Delegation of France congratulated the Director General and WIPO staff on the progress made, and expressed satisfaction at the Organization's excellent results, in particular those relating to the dissemination of the culture of intellectual property. It emphasized, in particular, the introduction of broad programs undertaken to further understanding of intellectual property laws, satisfy the needs of an increasing number of users and afford technical and logistical assistance to WIPO Member States. It hoped that the legal infrastructure could be regularly updated so as to take account of new matters of concern, technological advances and market needs. It expressed appreciation for the initiative relating to the settlement of Internet domain name disputes, as well as interest in analyzing the elements of the second report on domain name issues. Group B wished to emphasize the importance, in the interest of all Member States, of a broad program of cooperation in developing countries designed to strengthen intellectual property rights. The Delegation welcomed the creation of the WIPONET project, the activities of the Worldwide Academy and the different consultation and technical cooperation activities that provided better protection for intellectual property rights. It was satisfied with the results of the Working Group on Constitutional Reform, designed to improve the Organization's efficiency and transparency, and hoped that the Working Group's mandate would be renewed. The Delegation supported the efforts of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore. It expressed satisfaction as regards the underlying principles of the Draft Program and Budget for the 2002-2003 biennium, and emphasized the extent to which it appreciated the Secretariat's efforts in the consultations conducted with Member States, via the regional coordinators and the Program and Budget Committee. It also noted that the consolidation of the regular budget, with the reserve funds and the budget for information technology investment had led to an extremely useful document being produced. Group B expressed support for a progressive reduction in fees, and recommended that a technical evaluation should be conducted, by the competent Standing Committees, of investment proposals. The Delegation recommended that the meetings of the advisory committee with respect to copyright and industrial property rights should continue. It was grateful to the Swiss Federal Audit Office, the Organization's external auditors, for having agreed to participate in the assessment of the proposals for new premises. It supported the adoption of the Program and Budget Committee's recommendations by the General Assembly. It also supported the Director General's proposal for unanimous approval of the extension of the time limit under the Patent Cooperation Treaty (PCT) for international

preliminary examination, a proposal that would reduce the workloads of the competent International Authorities. In conclusion, the Delegation said that it eagerly awaited rapid progress in the reform of the PCT so that users' needs might be more effectively met.

38. The Delegation of Bulgaria, speaking on behalf of the Group of Central European and Baltic States, stated that the period since the last series of meetings of the Assemblies of WIPO had been one of rich events, and marked another successful year for the Organization and for the Member States. The Central European and Baltic States wished to express their support for the activities carried out and summarized in the presented documents, which, in their opinion, continued to characterize WIPO as one of the leading UN agencies in the knowledge-based society of the 21<sup>st</sup> century. The Delegation noted that the documents concerning the Program Evaluation and Overview were very specific and spoke openly on what had been achieved and what had not been possible to accomplish, while providing relevant explanations. That was a very positive step in the process of objective assessment of the results of the Organization, and the Delegation congratulated the Secretariat and the Director General for that approach which, it noted, followed a recommendation that the group had made at the last meeting of the Assemblies. The Delegation pointed out that the meeting of the Assemblies was an opportunity to look back at what had happened during the past year. However, the two documents covered a somewhat different period: the entire year of 2000, and six months of the current year. It recalled that, at the series of meetings of the Assemblies in September of 2000, what happened in the first half of 2000 had already been discussed. The two documents were different in terms of their methodology, and as a result, one could not get the full picture by simply putting them together. The Delegation suggested that it would be worth considering having a single document for the Assemblies covering the results attained in the elapsed period between two series of meetings. The Delegation appreciated that the cooperation with the countries of Central Europe and the Baltic States had become deeper in content and broader in scope. In the period under discussion, the group's demands had been growing faster than the budget allotted: that was indicative of the importance which the group attached to its cooperation with the Organization and was also illustrative of the need to further adjust the programming process and the volumes to the specific and growing demands for cooperation by the countries from Central Europe and the Baltics. The visits by the Director General to countries of this region have contributed to intensifying cooperation in various fields. While the Nationally-Focused Action Plans have not been a pre-condition for cooperation with WIPO, those plans which have been concluded with some countries from the region have proved to be a positive tool for streamlining the activities and achieving more specific and measurable results linked to overall political objectives. In the time period under discussion, various activities have been carried out aimed at strengthening the capacity of the national intellectual property systems, at efficient participation in the international registration regimes, and at accession to the WIPO administered treaties. The countries of the group have continued the process of accession to the WIPO-administered treaties and were parties to most of them. In this regard, they appreciated the assistance received from the Secretariat in terms of legal advice related to the preparation of new laws for the accession to the treaties administered by WIPO. Central Europe and the Baltics represented the leading region in terms of ratifications of the WCT and the WPPT. The Delegation was hopeful that the few pending ratifications would finally bring those important treaties into force very soon. While stressing that further assistance was needed in order to ensure the proper functioning of the IPR protection regimes, the group wished to point out that it had benefited from technical assistance from the Secretariat in various fields, and also support for participation in various WIPO meetings. Among the major events carried out in cooperation with the Organization, the Delegation highlighted the Conference on Intellectual Property, Electronic Commerce, the Internet and Traditional Knowledge, held in Sofia, in May 2001; the International Conference



on Enforcement of IPRs, held in Romania in June 2001; and the forthcoming Vilnius sub-regional seminar on bio-technologies, among others. Those events have been highly important in terms of raising the public awareness of intellectual property in the countries. The group highlighted the activities related to WIPO's digital agenda, the second Internet domain name process, the launch of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, the increased focus on SMEs, which were the backbone of the economies of the countries from the group. The Delegation pointed to the activities of the WIPO Worldwide Academy, which has attracted more and more attention in the countries from the group and enjoyed growing support in the region. Certain countries from the group have assisted in the implementation of the various cooperation for development activities. Information technologies have continued to be high on WIPO's agenda. The group looked forward to a quick start of WIPONET and WIPO's other major projects in this field. The challenges facing intellectual property in the 21<sup>st</sup> century require intensified cooperation with all key players in the international arena: the States, the private sector, and the international and non-governmental organizations. The group encouraged the Director General to continue generating new ideas and visions for the future, noting that WIPO had become, during this year, more visible and its outreach had expanded and become more efficient. The Delegation noted that the implementation of the activities undertaken by the International Bureau throughout the year had been transparent and flexible, which had contributed to a more efficient performance for the entire Organization. In conclusion, the group approved the rich, dynamic and comprehensive activities undertaken by the Organization in the period under discussion.

39. The Delegation of the Philippines expressed its satisfaction with the Program Performance Report for 2000, which, together with the Program Implementation Overview for the period January to June 2001, constituted a clear and comprehensive synthesis of the implementation of the approved WIPO work programs and allowed the identification of areas that may require further evaluation and support. The Delegation fully supported the management culture institutionalized by the Director General, including the adoption of management systems and tools to make the Organization more accountable and transparent in its operations; the incorporation of a consultative process enabling Member States to fully participate in policy and decision-making, and the continuation of a strategic and forward-looking vision, taking on global leadership in intellectual property protection and related issues. The Delegation commended the quality and extent of work being undertaken by WIPO in the area of cooperation for development and WIPO's responsiveness to the needs of Member States in the Asia and Pacific region, and expressed its full appreciation for the assistance and support extended by its development partners. It referred to the programs being undertaken by WIPO in policy formulation relating to the legal aspects of intellectual property. The development of substantive patent law, following the adoption of the Patent Law Treaty in June 2000, was followed with great interest, and the Delegation called for the reconvening of the Diplomatic Conference on the Protection of Audio-Visual Performances at the earliest possible time. The Delegation requested WIPO's assistance in enabling the Philippine Intellectual Property Office to participate more fully in the various global intellectual property protection systems, following the ratification by the Philippines of the Patent Cooperation Treaty, in February 2001. The Delegation was of the opinion that in order to meet its commitments, WIPO had to be at the forefront of developments in IT and that the IT projects of the Organization therefore should be fully supported and adequately funded. It furthermore noted that IT projects undertaken during the period under review clearly indicated WIPO's commitment to the modernization of national intellectual property offices, particularly in developing countries and the least-developed countries. The Delegation commended WIPO for focusing resources and expanding its programs in the field of

protection of traditional knowledge and folklore and access to genetic resources. The Philippines had passed national legislation laying the basis for the protection of the rights of indigenous holders of traditional knowledge and was the Chair of the ASEAN Committee looking into the draft framework agreement regarding access to genetic resources. It expressed its support for initiatives taken by WIPO in the region, and specifically in the Philippines, to address concerns on the use and beneficial exploitation of intellectual property by SMEs. Finally, the Delegation assured WIPO of its continued support and active participation.

40. The Delegation of Cuba endorsed the statement made by the Delegation of Venezuela in the name of the Group of Latin American and Caribbean Countries, and emphasized the high quality of the Program Performance Report for 2000 and the Program Implementation overview for January 1 to June 30, 2001, saying that the detailed information and the quantitative and qualitative analysis that they contained afforded a clear idea of the work of WIPO on the objectives set, and the results achieved. The Delegation noted with satisfaction the mobilization of the necessary means for dealing with matters for intellectual property use and exploitation by small and medium-sized enterprises, and congratulated the International Bureau on the work done and the results achieved with the WIPONET and PCT-EASY projects. The Delegation highlighted the importance of WIPO's role in the handling of the matter of electronic commerce in relation to domain names and intellectual property, and in particular in relation to the Second WIPO Domain Name Process, which included the protection of international common names for pharmaceutical substances, the names of international and intergovernmental organizations, proper names, geographical indications, geographical terms, indications of source and trade names. In that respect it also drew attention to the role played by the WIPO Arbitration and Mediation Center and the strengthening of its position as the prime provider of dispute settlement services in connection with Internet domain names. The Delegation highlighted the importance of the work done by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, adding that, thanks to that work, it had been possible to widen the debate on genetic resources, biological inventions and biological diversity. As they were subjects of the utmost interest to developing countries, the Delegation expressed its hope that WIPO would continue to set aside and increase the resources earmarked for traditional knowledge, genetic resources, folklore and electronic commerce. The Delegation reviewed the activities conducted by its country during the biennium, mentioning that WIPO support had been fundamental to their achievement. The Delegation informed the Assembly that the implementation of the national industrial property system in its country was having a favorable effect in the areas of research, development and marketing. It also announced the creation in its country of provincial subsidiaries of the Cuban Industrial Property Office. The Delegation said that the first intellectual property mastership had been awarded in Cuba, and that progress was being made in the development of the intellectual property degree course, with the creation of two versions running in parallel, the first in the central area of the country and the other, intended for specialists in research and development centers, in the capital. The Delegation said that its country had celebrated its Intellectual Property Day by conducting a number of activities, especially "theory days," with the participation of WIPO staff, on the subject of the protection of intellectual property rights and the infringement of border rights with judges, attorneys and customs staff. The Delegation also mentioned the production of the second edition of the MARIPOSA CD-ROM, which contains the bibliographic information of trademarks in force in Cuba, including Madrid Agreement marks, and which was an essential tool above all for the corporate sector. The Delegation drew attention to the progress achieved with computerization and its beneficial effects on the development of the Cuba in Industrial Property Office and the National Copyright Center. In that connection it

said that the Office had started to receive electronic applications via the PCT-EASY software on September 3, 2001, and that in addition it had been selected as a WIPO cooperating center for state-of-the-art searching for countries of the region. Expressing its appreciation for the quality of the patent information services for developing countries provided by WIPO, the Delegation emphasized the importance of access to intellectual property information as a basis for decision-making and also as a means of narrowing the gap between developed and developing countries. The Delegation also recalled the fundamental role played by the Meetings of Directors of Industrial Property Offices of Latin America in the exchange of experience and the tightening of collaborative links between offices of the region. Finally, the Delegation thanked WIPO for sending WIPO/PNUMA practical case studies to the Cuban Office, and for the draft report on WIPO's 1998 and 1999 exploratory missions on the subject of traditional knowledge and folklore, and in that connection it informed the Assembly that Cuba was starting to work on draft legislation on that subject, hoping to rely on WIPO support for the purpose.

41. The Delegation of Uganda praised the Director General and the Secretariat for their efforts, and noted that the Program Performance Report was a clear testimony of the main achievements made by WIPO during the period under review. The Delegation reiterated that the creation of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore was an important element in bringing intellectual property closer to the African society. Concerning strategic planning and policy development, the Delegation was keen on seeing tangible steps concerning the use of intellectual property systems by small and medium-size enterprises. The Delegation was particularly gratified by WIPO's emphasis on women in the development of intellectual property, reflected by the organization of a seminar in Nigeria in which women in industry from Uganda participated and it expressed its wish for having more of such programs in the future. Also, the Delegation expressed its gratitude for a seminar on the modernization of intellectual property systems for least-developed countries, held in Uganda, in December 2000. This seminar was followed by a ministers meeting in Lisbon, in which the participation of the Minister of Justice and Constitutional Affairs of Uganda, in charge of intellectual property, was highly appreciated. The Delegation noted the interest that had been shown by the public in courses provided by WIPO's Worldwide Academy. The Delegation stated that Uganda was proud to have been considered for the WIPONET kit and was looking forward to receiving it in the near future. It also expressed gratitude to the Secretariat for keeping Uganda abreast with the activities of WIPO and for providing technical assistance for the review of laws in order to comply with the TRIPS Agreement. The Delegation manifested Uganda's interest in being included in the East African project concerning copyright. The Delegation expressed its satisfaction with the continued technical cooperation between WIPO and the national IPO and reiterated its commitment and support for WIPO programs. Finally, the Delegation stated that Uganda had already embarked on the internal constitutional procedures for the ratification of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and that ratification would be deposited accordingly as soon as the process had been completed.

42. The Delegation of Kenya endorsed the statement made by the Delegation of Algeria on behalf of the African Group and thanked the Director General and the staff of the Secretariat for the preparation of the revised draft Program and Budget for 2002-2003. The Delegation expressed its support for the program of activities outlined earlier in the statement by the Director General and looked forward to their implementation. It reiterated Kenya's support for WIPO's effort in the settlement of disputes relating to the Internet domain names and requested greater support for capacity-building in order to be in line with the more developed

countries in the application of e-commerce for trade. It expressed its appreciation with WIPO's commitment to link all intellectual property Offices to the WIPONET by the end of the year 2002. The Delegation thanked WIPO for the support given to the Kenya Industrial Property Office in establishing its local area network and providing the necessary equipment for easy office operations. The Delegation also supported the efforts of the WIPO Worldwide Academy to meet the needs of Member States in capacity-building. The Delegation requested assistance in enabling regional and national offices to connect to the WIPO Worldwide Academy programs, including the linking with higher learning institutions and industrial property offices. The Delegation informed that 13 officers from Kenya had been trained in a diploma course on the introduction to industrial property, at the beginning of the year. The Delegation also expressed its support for the establishment of the SMEs program and looked forward to WIPO's support in this area. The Delegation expressed its appreciation of the legal and technical assistance provided by WIPO in the drafting of legislation to conform with the TRIPS Agreement and other regional and international treaties to which Kenya is a signatory. Such legislation included the Industrial Property Act passed by Parliament in June 2001, which is in conformity with the TRIPS Agreement in the fields of patents and industrial designs. The Act also established the Kenya Industrial Property Institute, a corporate body for the coordination of the development and promotion of industrial property in Kenya. The Delegation furthermore expressed its gratitude for the support received from WIPO for the preparation of the Copyright Bill 2001, already in Parliament, and the Geographical Indications and the Layout-Designs for Integrated Circuits Bills. Lastly, the Delegation expressed its support for WIPO's efforts in the protection of genetic resources and folklore through the establishment of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, and hoped that, through WIPO, new laws would emerge for enhanced protection in these very crucial areas.

43. The Delegation of Indonesia endorsed the statement made by the Delegation of India on behalf of the Asian Group and highlighted some important developments with regard to the modernization of the intellectual property protection system in Indonesia. It noted that as of 2001, applications for patent, trademark and copyright registrations could be submitted through the provincial offices of the Department of Justice and Human Rights. Laws on Industrial Design, Layout-Designs for Integrated Circuits and Trade Secrets were enacted in December 2000, as well as the revised Patent and Trademark Laws which were enacted in August 2001. The draft revisions of the Copyright Law was still under consideration by Parliament. The Delegation furthermore noted that the appeal commissions on patent and trademarks were installed in January 2001. Indonesia had celebrated the World Intellectual Property Day in April 2001, and on that occasion two prizes were awarded, with the contribution of WIPO, to the best inventor and the best creator, while a local prize was awarded to the best trademark. The Delegation expressed its gratitude for WIPO's support and assistance in the process of modernizing its intellectual property rights system and it expressed its appreciation for the implementation and results of the cooperation for development program in the 2000-2001 program and budget. The Delegation expressed its full support for the increased level of activities planned under cooperation for development in the draft Program and Budget 2002-2003, and stated that support to developing countries should remain one of WIPO's top priorities. The Delegation also called for further efforts to ensure full and well-informed participation of developing countries in all standard-setting activities at WIPO. The Delegation reaffirmed its support to the already implemented and planned activities under the program of Global Intellectual Property Issues, in particular, the establishment of and activities carried out by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Delegation also announced that Indonesia would host a WIPO Asia Pacific Regional Symposium on

Intellectual Property Rights, Traditional Knowledge and Related Issues, to be held in Yogyakarta on October 17 to 19, 2001. The Delegation welcomed the inclusion of the new programs on SMEs and Intellectual Property Enforcement Issues and Strategies in the proposed draft Program and Budget and it stressed the importance of those issues for developing countries. The Delegation considered it essential for WIPO to ensure that information technology (IT) activities aimed at assisting Member States in better utilizing IT for the modernization of their intellectual property protection systems. Such activities would help bridging the existing digital divide between the developed and developing countries. The Delegation concluded by expressing its full support for the process of constitutional reform that have taken place and called upon Member States to fully engage in the ongoing process in order to achieve the objectives of a truly reformed and modernized Organization.

44. The Delegation of Trinidad and Tobago endorsed the statement made by the Delegate of Venezuela on behalf of GRULAC. It noted the importance of international cooperation for the optimum use of the international intellectual property system, in particular for those Member States that had recently modernized, or that wanted to modernize their national systems. WIPO cooperation with those countries was crucial and the Delegation appreciated that consideration had been given to an increase in resources within WIPO to cope with new challenges. It also stated, that Member States should double their efforts to ensure the proper use of the intellectual property system for the national good, by establishing a national culture recognizing the commercial value generated by intellectual property. The Delegation indicated that in Trinidad and Tobago there was a very proactive education drive aiming at introducing intellectual property in the school curricula, and it noted that consideration is being given to introducing intellectual property as a course at the university. The Delegation noted that the PCT continued to be successful and that cooperation with WIPO had continued to take place to further train the users of the PCT system and to establish a public access library at the intellectual property Office (IPO). The Delegation stated that the IPO had made great strides in the area of automation and IT and that its official website was launched on the World Intellectual Property Day. Also, it indicated that the total revenue of the IPO had been increasing steadily over the years, and in 2002 it would start returning a profit to the State. The Delegation expressed its particular interest for the work of the WIPO Arbitration and Mediation Center. It appreciated the redesign of the WIPO's website, which had become more user friendly and urged WIPO to continue to demystify as much as possible the subject of intellectual property. The Delegation congratulated the WIPO Worldwide Academy for its excellent work, particularly with regard to the new distance-learning modules, and thanked the Academy for all its assistance in the development of human resources. The Delegation also welcomed the first Intergovernmental Report on the Protection of Traditional Knowledge and Folklore and looked forward to intensive activity in this area enabling Member States to reach an international agreement. The Delegation concluded by congratulating WIPO for its continued excellent work, specifically with regard to developing countries.

45. The Delegation of China expressed its appreciation to the Director General and his staff for the careful preparations made and excellent documentation prepared for the WIPO Assemblies. With respect to major new developments in IP protection in China, the Delegation noted that 170,682 applications for patents, model utilities and industrial designs were received last year, representing an increase of 27.1% compared to 1999, and that this trend was expected to continue this year, with 114,830 patent applications already received by the end of July. Furthermore, 223,177 applications for the registration of trademarks were received in 2000, 52,462 more than in 1999, and at the end of 2000, the number of valid marks registered amounted to 1,249,438. In the area of copyright, 3,300 copyrighted software were recorded last year, of which 2,700 were registered; during the first eight months of 2001,

4,284 applications for registration were received, out of which 3,500 were already registered. The Delegation noted that the second revision of the Patent Law and its Implementing Regulations were adopted in August 2000 and June 2001, respectively, and entered into force on July 1, 2001; furthermore, the Examination Guide was also being finalized. In addition, the Delegation stated that the Regulation on the Protection of Layout-Designs for Integrated Circuits was enacted in March and would enter into force on October 1, 2001. The Delegation reported that in order to fully implement the TRIPS Agreement, efforts were being made to modify its Trademark and Copyright Laws, the draft amendments of which were under consideration by the National People's Congress, and they were expected to be completed around the end of 2001. The Delegation expressed its satisfaction with its cooperation with WIPO during the past year, including several seminars jointly organized in the fields of patents, trademarks and copyright and thanked the Director General and the Secretariat for their consistent assistance and support. It announced that on October 12, 2001, the China IP Training Center would launch, in cooperation with the WIPO Worldwide Academy, the IP long distance learning project in Chinese. The Delegation expressed its appreciation of WIPO initiatives to further improve the international patent system and to promote the use of intellectual property, including the reform of the PCT, the establishment of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the organization of the first meeting of that Committee, the development of the Agenda for Development of the International Patent System, and the organization of the Diplomatic Conference on Audiovisual Performances. It considered the protection of Genetic Resources, Traditional Knowledge and Folklore to be very important issues and offered its active support to the efforts of WIPO and the Intergovernmental Committee in exploring and studying the issues of Genetic Resources and IP protection and the reasonable sharing of benefits. It hoped that a practical and effective mechanism would be developed for such benefits sharing, in conformity with the existing intellectual property system and relevant provisions of international conventions, while at the same time respecting the principle of national sovereignty. The Delegation considered it equally important to hold discussions on traditional knowledge and folklore and actively supported the efforts made under the aegis of WIPO in this respect. Concerning the Agenda for Development of the International Patent System, the Delegation believed that such a system would allow a further reduction in the costs for obtaining a patent. It noted that this was a long-term process that called for prudence, as some fundamental issues had to be resolved before establishing an international patent system truly conducive to the sound development of the patent system in all countries across the world. The Delegation noted that the Diplomatic Conference on Protection of Audiovisual Performances had not achieved the expected results. It stated that China would continue to fulfil its obligations and make efforts in this respect, while hoping that consensus could be reached by Member States as soon as possible. The Delegation of China further stated that in the Hong Kong Special Administrative Region (Hong Kong SAR), the Intellectual Property (Miscellaneous Amendments) Ordinance entered into force on April 1, 2001. Also, various provisions of Hong Kong SAR's Copyright Ordinance had been clarified. The Delegation furthermore expressed that Hong Kong SAR continued strengthening public education in intellectual property and that a grant had been obtained to create an Internet interactive teaching kit on intellectual property for teachers and students. In December 2001, Hong Kong SAR would host a WIPO regional workshop on government compliance with intellectual property laws and management of public sector intellectual property assets. The Delegation stated that Hong Kong SAR continued to pursue an aggressive policy against copyright piracy and that in the first seven months of 2001 about 9 million pirated discs and six production lines had been seized. It furthermore pointed out that Hong Kong SAR had entered into agreement with the private sector to enable the search

of trademark, patent and registered designs information via the Internet and that electronic filing of intellectual property rights through the Internet would be possible within three years.

46. The Delegation of the Russian Federation congratulated the Secretariat for the impressive results achieved during the period under review in all three main areas of work, namely, cooperation with Member States, international registration of intellectual property rights, preparation of new treaties in the field of intellectual property including development of norm setting documents. In addition, the Delegation underlined the particular importance that the Russian Federation attached to the work carried out by WIPO in the area of IT. The Delegation noted that the successful implementation of programs had been greatly facilitated by the Director General's document entitled "Vision and Strategic Direction of the World Intellectual Property Organization", which made it possible to assess progress made in the period under review. The Delegation noted with satisfaction the improved reporting format, reflecting the objectives, expected results and performance indicators, enhancing accountability, transparency and legibility of the document. The Delegation stated that for the Russian Federation, as well as for other countries in the Eastern European, Caucasus and Central Asian region, an area of particular significance was the implementation of Main Program 07 - Cooperation with Certain Countries in Europe and Asia. Within the framework of that Main Program, consultations were held on issues related to the adherence to, or ratification of WIPO administered treaties, and compliance with the TRIPS Agreement including the modernization of national legislation. The Delegation indicated that the legislative authorities in Russia were considering four draft bills dealing with intellectual property, which were fully satisfying the requirements of the TRIPS Agreement. The Delegation stressed the importance it attached to the implementation of the bilateral cooperation program between WIPO and the Russian Federation. This program included a number of seminars organized for participants from the Commonwealth of Independent States (CIS) and specialists from various regions of Russia. The Delegation in particular highlighted the Moscow Forum on intellectual property, attended by representatives from more than 20 Asian and African countries; the first meeting of the CIS copyright office managers; as well as the seminars on the use of IT, and on the protection of inventions in the field of biotechnology. The Delegation indicated that translations of various publications had been prepared in cooperation with WIPO, and that WIPO publications were now available in Russian, including treaties and reviews. The Delegation expressed its interest in developing a close cooperation with the WIPO Worldwide Academy (WWA), and for that purpose work had begun on preparing the Russian version of distance learning modules and on adapting appropriate software. The Delegation welcomed the recent launch of the WIPO Web-site in Russian, with the assistance of Russian experts. The Delegation concluded by endorsing the comments made by previous speakers in commending the implementation of WIPO's programs in the period under review.

47. The Delegation of Chile endorsed the statement made by the Delegation of Venezuela on behalf of the Group of Latin American and Caribbean Countries, and pointed out that the Program Performance Report for 2000 and Program Implementation Overview, January 1 and June 30, 2001, afforded a clear illustration of the leadership of WIPO in the intellectual property field at the international, regional and national levels. The Delegation congratulated the Director General and the Secretariat on the quantity of activities conducted in the 2000-2001 biennium and especially their quality. It also praised the skill with which the Organization had risen to the various challenges presented by intellectual property to governments, industry, trade and the world of knowledge and culture, and expressed its view that WIPO was an example to the many international organizations with respect to both its feel for current events and its dynamism, and also the dedication and professionalism with

which it carried out its mandate. In conclusion the Delegation highlighted the cooperation activities conducted for the benefit of developing countries, and expressed particular satisfaction with the new vigorous approach introduced by the Director General, directed towards the full incorporation of all the Developing Countries in the intellectual property system.

48. The Delegation of Hungary expressed its appreciation for the work carried out by the Organization during the period under review and welcomed the transparent and open approach reflected in the excellent document reporting on the results of the Organization's activities. The Delegation endorsed the statement made by the Delegation of Bulgaria on behalf of the Group of Central European and Baltic States. With regard to recent developments in the field of intellectual property in Hungary, the Delegation indicated that as of December 2000, the Hungarian Patent Office became the sole government agency responsible for the protection of intellectual property by extending its powers to copyright and neighboring rights. The Delegation also noted that the modifications of the organizational and operational rules of the Office, included *inter alia* the establishment of the Hungarian Council for the Protection of Intellectual Property, an advisory body attached to the Office, assisting especially in issues related to the preparation of new legislation and adopting decisions concerning strategy questions. Hungary had proceeded with the preparations for the accession to the European Union and in this context, a new Act on the Protection of Designs had been adopted by the Hungarian Parliament in June 2001, and a proposal for an amendment to the Copyright Act concerning the *sui generis* protection of databases had been modified and submitted to Parliament before its summer session. The modifications were expected to be adopted during autumn. Significant resources had also been devoted to the preparatory work related to the accession to the European Patent Convention. With regard to the Program Performance Report for the year 2000, the Delegation congratulated the Secretariat for the growing success of the PCT system and it noted that statistical data from the Hungarian Patent Office indicated an increase, from about 28,500 to 61,000, between 1997 and 2000, in the number of international applications entering the national phase. The Delegation also welcomed the growing success of the Madrid System in respect of which it noted the same tendencies as those highlighted by the Secretariat. The Delegation also expressed its appreciation with the adoption of the Patent Law Treaty and its regulations and announced that Hungary had signed the Treaty and that ratification would take place together with the legislative changes needed to be implemented for the accession to the European Patent Convention. With regard to the Diplomatic Conference on the Protection of Audiovisual Performances, the Delegation expressed its regret that the negotiations had not succeeded in finalizing the international instrument, but hoped that a common solution, acceptable to all parties, would soon be reached on the remaining outstanding issue. The Delegation expressed its special appreciation of the work of the WIPO Arbitration and Mediation Center whose case law - developed on the basis of the Uniform Dispute Resolution Policy (UDPR) - had served as very useful guidelines for the Hungarian authorities in developing their practice in domain name disputes. The Delegation also welcomed the progress outlined in the Second WIPO Internet Domain Name Process which had resulted in the adoption of recommendations on the protection of identifiers, other than trademarks, on the Internet, and the assistance of the Organization with regard to the protection of the country code top level domain names. The Delegation praised the work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications and considered the Standing Committee's proposal on the Draft Provisions on the Protection of Marks, and Other Industrial Property Rights on the Internet a milestone in the protection of signs on the Internet. The Delegation fully supported the work of the Standing Committee on the Law of Patents related to the drafting of the Substantive Patent Law Treaty and pointed out that



Hungary was in favor of using as a basis the draft text from 1991, rather than introducing a new language which was not coherent with the other international treaties in this field. The Delegation concluded by noting that on April 26, 2001, the World Intellectual Property Day was celebrated in Hungary and the Delegation found this initiative of WIPO very useful for the promotion of the idea of intellectual property protection. The event also helped Hungary to draw the public attention to the extended competence of the Hungarian Patent Office, covering both industrial property and copyright.

49. The Delegation of the Netherlands noted with satisfaction the increased transparency and quality of the documents presented. The Delegation noted that it was crucial that WIPO was prepared to take on new challenges and reforms itself in conformity with the worldwide changing needs of the users of intellectual property systems and the Delegation expressed its full support for the efforts of the Director General to modernize WIPO in an increasingly transparent way and congratulated him for the record of achievements. With regard to the Program Performance Report for 2000 and the Program Implementation Overview for the first half of the year 2001, the Delegation expressed its satisfaction with the clear and informative way of presentation of the result-based programming and budgeting. The Delegation stated that the documents constituted a significant step forward as an instrument to follow the performances of the various programs and noted with satisfaction that the realization of the programs of the current biennium were generally in line with the intentions with which they had been drafted. The Delegation also expressed its support for the integrated budget approach for the biennium 2002-2003. The Delegation noted the disappointing additional cost estimates for the new building project after previous problems with the budget for the renovation of the WMO building, and expressed its hope that an appropriate solution could be found. Although the Delegation would not preclude the outcome of the discussions on this subject, it considered it, however, possible, as suggested by the Secretariat, that the result would be that an additional budget of 100 million Swiss francs had to be drawn for the Special Reserve Fund (SRF). The Delegation noted that this would mean that the Fund would be almost exhausted and that there would barely be any funds left for new programs and initiatives in the period to come. The Delegation stated that it would consider to abstain from a reduction of the PCT fees at this moment and to reassess next year whether such a reduction would be more feasible. The Delegation expressed the great interest with which it had followed the discussions in the Working Group on Constitutional Reform and noted its satisfaction with the progress made. The Delegation also noted that the composition and task of the Coordination Committee and the establishment of a Unitary Assembly were still to be considered, and expressed its hope that well-balanced solutions would be found which would contribute to an increased efficiency of the Organization. The Delegation considered it to be the common task of Member States to provide the Organization with structures tailored to the present and constituting a solid basis for the future. The Delegation was pleased with the efforts made for a further development of the international patent system, following the successful conclusion of the Patent Law Treaty, and it expressed its satisfaction that the WIPO Secretariat was able to start preparations for the Substantive Patent Law Treaty. The Delegation noted the discussion about the future of the PCT and commended the International Bureau for promoting an integral approach of the desirable future patent system. With regard to the PCT, the Delegation agreed to an extension of the time limits, in order to provide some relief to the International Search Authorities and the International Preliminary Examination Authorities. However, the Delegation was of the opinion that such a modification should be linked with a serious consideration of the proposal to work towards a global patent and of the possible redistribution of the workload among the various International Search Authorities and International Preliminary Examination Authorities. The Delegation concluded by expressing its appreciation for the work

undertaken by the Secretariat and stressed the importance that the staff of this Organization should be of the highest standard when it comes to knowledge of intellectual property.

50. The Delegation of Bangladesh thanked the Director General for his role in transforming WIPO into a forward-looking Organization. The Delegation noted that WIPO had already demonstrated dynamism and visibility under the stewardship of the Director General, and that his opening remarks manifested his resolve to reposition WIPO for meeting the needs of the Member States. The Delegation noted that the digital divide, or the knowledge divide, as the Director General referred to it, appeared to be widening with each creation of a new digital property, and therefore it should be ensured that intellectual property, both in conventional and new forms, enhance access to knowledge and technology, securing opportunities for all. The Delegation expressed its satisfaction with the setting up of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, which could provide tangible benefits to developing countries and help demystify intellectual property. The Delegation furthermore noted that the WIPO- WTO joint initiative to assist the Least Developed Countries (LDCs) members of the WTO to meet obligations under the TRIPS Agreement was a useful program. The Delegation noted that WIPO was attaching importance to programs like e-commerce, in which the leading economies had deep interests, and that the development of WIPONET, the automation of the PCT, the IMPACT Project, the PCT Electronic Filing, and WIPO's own Intranet and Internet sites corresponded to the requirement of high investment in IT infrastructure necessitated by the Internet revolution. Furthermore, it was noted that the WIPO's Internet Domain Name Process was seeking to address the abuse of international non-proprietary names in pharmaceutical, trade names, geographical indications, indications of source and geographical terms. The Delegation pointed out that while implementing these programs and designing the processes, special attention should be paid to the needs and aspirations of the developing countries. It noted that automation of operations, the strengthening of national institutions, assistance to intellectual property administrations, assistance in the areas of legislation and transfer of technology, etc., were crucial for developing countries' efforts to meet their TRIPS obligations. The Delegation also stressed that Nationally Focused Action Plans (NFAPs) and Regionally Focused Action Plans (RFAP) were good programs that needed to be further strengthened. With regard to the general direction of the Program and Budget for 2002-2003, the Delegation supported the statement made by the Delegation of India on behalf of the Asian Group. The Delegation stressed the need for an adequate allocation of resources for LDCs in the 2002-2003 budget. The Delegation also urged WIPO to speedily translate the WIPO deliverables in the five major areas identified at the Third UN Conference on LDCs, into concrete programs.

51. The Delegation of Oman commended WIPO and its staff for its achievements under the leadership of the Director General. It noted that WIPO had been able to strike a balance among the interests of all countries and had helped improving the participation of developing countries. The Delegation endorsed the statement made by the Delegation of India on behalf of the Asian Group. The Delegation noted that Oman joined WIPO in 1997, became member of the Paris and Berne Unions in 1999 and that Oman's request for membership of the PCT was submitted this year and would enter into effect on October 26, 2001. The Delegation commended WIPO for its legislative assistance, which had enabled Oman to adopt legislation on the protection of intellectual property, and to join WTO on November 9, 2000. The Delegation requested further support from WIPO for the implementation of the relevant treaties. The Delegation stressed the importance of the protection of genetic resources, traditional knowledge and folklore and noted that Oman had participated in the relevant Intergovernmental Committee which met in May 2001. The Delegation mentioned that an international forum with the title "Intellectual property: Our Identity and Future" would be

held in Oman, in cooperation with WIPO, on January 21 and 22, 2002. The Delegation concluded by reiterating its gratitude to the Director General and the Secretariat, in particular the staff of the Arab Bureau, for their assistance and support.

52. The Delegation of the United States of America thanked WIPO, the Director General, and the many friends who had expressed condolences and solidarity in the wake of the September 11 tragedy that occurred in the United States of America. The Delegation extended its condolences to the Delegations and Leaders of the 80 countries whose citizens also lost lives in those attacks. The Delegation noted that WIPO was one of those places in the world where countries could gather and talk as members of one world community, and where citizens of the world would be agreeing on the importance of intellectual property protection to economic well-being. The Delegation stated that in the United States, the past year had been a banner year for intellectual property. With respect to copyrights and related rights, the national legislation implementing the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, namely the Digital Millennium Copyright Act, had been upheld by the court system in several landmark cases, which was crucial to the development and protection of works on the Internet. The Delegation hoped other Member States would soon adhere to these Treaties, so that their entry into force would occur soon. In that respect, the Delegation thanked the Secretariat for its promotional expertise and efforts. As to normative efforts toward the advancement of trademark law, the United States believed that WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) was an important forum in which the study of geographical indications should take place. Notwithstanding the work of the WTO Council for TRIPS on these matters, the many practical challenges they presented in an intellectual property context should be discussed and resolved at WIPO. The Delegation looked forward to full and meaningful consideration of those aspects as part of the SCT agenda. As to the new Treaties in industrial property, the United States was disappointed that its efforts to join the Madrid Protocol had not been productive and hoped the coming year would be the one in which the United States of America could, like many other countries, take advantage of the Madrid System. There was hope that the coming year would see domestic progress in ratifying and implementing the Geneva Act of the Hague Agreement and the Patent Law Treaty. The Delegation endorsed the international efforts to improve the PCT and the PCT process. The Delegation noted that it was a challenging time for intellectual property laws, especially regarding patents, as there were certain regions where those were seen in a negative light. Thus the United States applauded WIPO's efforts to demystify the patent system and promote the importance of strong IP protection worldwide. The Delegation observed that police investigators, prosecutors and judges should understand these laws and how to effectively enforce them. The Advisory Committee on the Enforcement of Industrial Property Rights, which held its first session in October 2000, was successfully convened by WIPO. The Delegation expressed its belief that, as more and more Member States implement the substantive IP components of the TRIPS Agreement, the time had come to turn attention to encouraging Member States to implement the TRIPS enforcement provisions. It applauded the efforts of Member States in respect to the substantive provisions; it felt, however, that this was only the first step in providing solid IP protection. The second step needed to include the implementation of TRIPS-compliant enforcement protection, a complex but critical task without which the substantive laws were rendered meaningless. The Delegation requested that WIPO continue to convene at least one meeting annually of the Advisory Committee on the Enforcement of Industrial Property Rights, and also encouraged WIPO to convene annual meetings to explore copyright enforcement issues, which should run jointly with the aforementioned Advisory Committee. The Delegation expressed its appreciation to the Secretariat for WIPO's activities in narrowing the information divide for those IP Offices

which had difficulties in gaining access to and use of IP resources, namely through the implementation of WIPONET. It acknowledged that the first five IP offices had been connected to WIPONET recently, and applauded WIPO's efforts to connect 61 additional IP offices by the end of 2001. In that regard, it stressed that the flow of information among WIPO Member States was essential in carrying out the mission of the world's IP systems. The Delegation looked forward to continuing cooperative efforts in this area, as well as with other IT related projects. In conclusion, the Delegation thanked the Secretariat for the comprehensive Program Performance report for the year 2000, which demonstrated WIPO's continued efforts to improve transparency and accountability.

53. The Delegation of India complimented the Secretariat for the excellent documentation and expressed its confidence that the Assembly would appropriately focus on issues critical to the intellectual property community. It appreciated the increase in the Cooperation for Development budget, which was helping to spread IP culture worldwide and from which India had greatly benefited, and looked forward to continued assistance. It conveyed its warm appreciation of the dynamic leadership provided by the Director General, particularly his vision and strategic direction transforming WIPO into a forward-looking transparent organization. It stated that the attention given to the protection of traditional knowledge, folklore and biodiversity addressed the current and emerging trends in the field of intellectual property, and hoped that the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore would provide necessary stimulus in protecting this vital area. The Delegation informed the Assemblies that India had acceded to the Budapest Treaty and deemed necessary an associated training program, to be devised with WIPO collaboration. It noted and supported the exercises undertaken concurrently by the Standing Committee on the Law of Patents, the Committee on Reform of the PCT and the proposed agenda for an international patent system, as a means of updating or developing new methods of protection to intellectual property, and also as steps toward the fostering of economic, social and cultural development. The Delegation also commended the initiatives of WIPO concerning small and medium-sized enterprises (SMEs), which would enable thousands of such enterprises around the world to derive benefits of intellectual property in the present era of globalization. India had launched a major sensitization program of SMEs, in which 16 events were projected for the next six months. The Delegation also appreciated the efforts of WIPO in demystifying intellectual property through educational, publicity and public outreach campaigns. The Government of India fully recognized the need for such education and public outreach programs and provided material support to a large number of outreach programs, holding 60 seminars on intellectual property in various universities across their vast country during the last year. A Patent Facilitation Center was set up in the Indian Department of Science and Technology, to assist financially and technically educational and research institutions in the filing of patent applications. The Government of India had taken several steps to strengthen intellectual property law enforcement and administration, reflected in the intense anti-piracy activity that had been carried out by its enforcement agencies throughout the country. The Central Government commitment to protecting intellectual property was equally shared by many Indian State Governments, which had set up intellectual property protection units in their Police headquarters. The Central Government facilitated ongoing interaction between industry and enforcement personnel through the mechanism of a Copyright Enforcement Advisory Council. It organized special training programs on intellectual property laws in its National Academies for Administrators, Police and Customs personnel. It appreciated WIPO's offer to hold international seminars in India on collective management as well as a colloquium for judges in the near future. It valued the contribution made by the WIPO Worldwide Academy in the field of human resources development and was looking forward to enhanced cooperation and participation in that key sector.

The Government of India had, with its own resources, set up five intellectual property Chairs in Universities from various regions of the country. It thanked WIPO for organizing an International Seminar on Intellectual Property Educational Research, in Delhi in July 2001, which welcomed, in addition to 20 international delegates, about 150 participating professors from India's premier educational institutions. To further disseminate the Worldwide Academy DL-101 course, it had written to all leading technical and management institutions in the country to publicize the program and increase participation. WIPO assistance had greatly benefited Indian intellectual property administration, specifically in relation to modernization of Copyright and Patent Offices, Trademarks and Designs Offices and the Geographical Indications Registry. India wanted to strengthen its existing partnership with WIPO, and looked forward to entering into a framework Agreement for cooperation aimed at stimulating the research and in-depth studies in conventional and emerging areas of intellectual property. In the area of distance education it offered the services of the Indira Gandhi National Open University to further strengthen and disseminate WIPO's academic programs. In conclusion, the Delegation stated that, over the years, India had developed excellent expertise in many areas of the intellectual property system and, in the best tradition of Indian culture, it would like to share that expertise and resources with other countries in collaboration with WIPO.

54. The Delegation of Angola noted that efforts carried out since 1999 at the WIPO Assemblies were fruitful in making possible the implementation of Portuguese as a working language at WIPO, and expressed gratitude to the Director General and the Secretariat. The Delegation suggested that use of Portuguese in the WIPO Academy should be considered because millions of Portuguese speakers were asking to use it on the Internet. It referred to WIPO activities in favor of the least-developed countries (LDCs), as a follow-up to the Lisbon Declaration, in February 2001, and the third conference on LDCs held in Brussels in May 2001, and was confident that WIPO would make efforts to implement the respective recommendations. The Delegation appreciated the cooperation by WIPO with LDCs, and the special attention given to modernization of the systems, TRIPS Agreement implementation and training of human resources. Angola hoped that it would soon receive assistance from WIPO aimed at modernizing its relevant national structures. Implementation of the TRIPS Agreement would not be effective if judges, lawyers, custom officials and the police were not fully knowledgeable in that field: only training would provide them with the necessary knowledge. For LDCs, the year 2006 seemed far away when the Marrakesh Agreement was signed, but now they are only a few years away from the 2006 deadline. Angola had been a Member of WIPO since 1985, and it, in spite of its current economic situation, was not in arrears. The Delegation informed that its Government already approved adherence to the Paris Convention and to the PCT, and stated that revision of the Industrial Property and Copyright law was under way. This showed the efforts of Angola to maintain intellectual property at a level comparable to other Members of WIPO. It did not want to be marginalized from progress and development and asked WIPO to render special assistance to its country. Finally, the Delegation stated its support of the declaration made by the Algerian Delegation on behalf of the African Group.

55. The Delegation of Sri Lanka spoke on behalf of the Member States of the South Asian Association for Regional Cooperation (SAARC), which comprises Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The SAARC members shared the sentiments expressed by India on behalf of the Asian Group and commended the Director General and the Secretariat for the untiring effort made in achieving all the accomplishments and for fulfilling them through the promises of transparency, cooperation with Member States and great efficiency. The SAARC members were striving to improve their economic policy

framework, governance, law and infrastructure to facilitate and encourage among them trade, investment, inventive activity and technological innovation. They recognized the crucial role increasingly played by intellectual property in the economic and cultural development of their countries. In this context, the assistance extended by WIPO to promote sub-regional cooperation within SAARC countries on intellectual property had been remarkable. The Delegation was particularly thankful to WIPO for agreeing to establish a consultative forum within WIPO that would allow the representatives of SAARC countries to interact with the Director General and the Secretariat on intellectual property issues. That forum was also expected to facilitate liaison between national authorities and the SAARC Secretariat. At the first meeting, held in November 2000, the forum identified a number of important areas for sub-regional cooperation, such as small and medium-sized enterprises, traditional knowledge and access to genetic resources. In the same direction, the cooperation extended by WIPO by organizing sub-regional fora on intellectual property cooperation amongst SAARC countries in 1998, 1999 and 2001 had been very productive. At the third forum, held earlier in 2001, in Bangladesh, priority areas were identified for collaboration work amongst SAARC countries for policy development, cooperative planning and consultative mechanism in the field of intellectual property. The Delegation stated that SAARC members have also benefited from the technical assistance program and other activities of WIPO, as well as from additional activities designed especially for LDCs. It also noted with satisfaction the fact that WIPO had continued to focus its resources and expand the scope of programs on areas such as traditional knowledge, genetic resources, folklore, electronic commerce and small and medium sized enterprises.

56. The Delegation of Iran (Islamic Republic of) stated that it was of the view that development is one of the most important issues in political, economic, social, cultural as well as judicial areas, and pointed out that intellectual property rights played an evident role in determining and measuring the level of growth in social and economic development plans. Effective protection of intellectual property rights (IPRs) would promote creativity and innovation, attract investment and create a stable environment in which local and foreign investors would be ensured that their IPRs will be fully respected. It felt that the creation of a balance between holders of IPRs and investors formed a significant and essential responsibility for those in charge of intellectual property matters worldwide. The Islamic Republic of Iran, with the valuable cooperation of WIPO, had taken important, fundamental steps in order to promote and enhance intellectual property protection in the country, as well as increase public knowledge. The Delegation listed important developments namely: the modernization of the Iranian Industrial Property Office (IPO), which had begun some years earlier in cooperation with WIPO, was in the final stages and would be put into operation in October in the new building of the IPO, enabling it to provide efficient, professional and effective services to intellectual property rights holders; the establishment, since early 2001, of a legal committee comprising university professors, attorneys, judges and other experts, mandated to review current national laws and regulations regarding intellectual property rights, with the purpose of comparing them with international model laws and adapting them, in consultation with WIPO officials and experts, for submission to the Council of Ministers; the establishment of a high-level Coordination Committee comprising different Ministries and organizations and its working Group, which had successfully started their activities in August 2001, in order to review various aspects of traditional knowledge, folklore and genetic resources; following the approval by the Council of Ministers, the Bill relating to the accession of the Islamic Republic of Iran to WIPO, was sent to the Islamic Consultative Assembly for final approval: WIPO membership would play a significant and essential role in the promotion of IPRs in Iran and would constitute sufficient grounds for Iran's accession to other international organizations; the establishment of a board of experts to examine,

review and study various international IPRs conventions, treaties and agreements, so that the steps could be taken to become a Member State to them as well; publicity in the mass media and the newspapers for the promotion of IPRs in Iran; the approval by the Council of Ministries of Iran's membership in the Madrid Agreement for the International Registration of Marks, which would shortly be submitted to WIPO, in accordance with the Bill approved by the Iranian Parliament in 1958, and as proposed by the State Organization for the Registration of Deeds and Properties; the establishment, in coordination with WIPO, of a Masters Degree in Intellectual Property Rights at one of its leading universities, promoting IPRs amongst university students and scholars; the participation of many experts from the Iranian Industrial Property Office, other Ministries and concerned organizations, as well as university professors, judges and customs officials, in training courses provided by WIPO in various fields, thus increasing their skills and productivity; the organization, during 2001, and with the cooperation of WIPO, of a training seminar for the Customs Administration of the Islamic Republic of Iran and of an international seminar on electronic commerce, foreseen for mid-November. In conclusion, the Delegation extended its sincere appreciation to the Director General of WIPO for the valuable efforts he has exerted for the promotion of intellectual property throughout the world and for the technical and legal assistance provided to developing countries, and declared its full support for all WIPO programs and plans.

57. The Delegation of Jamaica endorsed the statement made by the Delegation of Venezuela on behalf of GRULAC. It stated that from the extensive documentation before the Assembly, it was clear that WIPO had not only continued, but was increasing its efforts to respond to the needs of its Members in the important area of intellectual property. It noted the increasing number of countries, including Jamaica, which had benefited from training from the WIPO Worldwide Academy (WWA), and the various workshops that WIPO had organized at both regional and sub-regional levels. The Delegation had also noted that, under the Program and Budget for the next biennium, WIPO would reinforce cooperation with Member States in developing policies and strategies to increase awareness of intellectual property issues amongst small and medium-sized enterprises. Jamaica also welcomed, in particular, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which had been convened in April 2001. It recalled that Jamaica had participated actively in the WIPO Diplomatic Conference on the Protection of Audiovisual Performances, which took place in December 2000. Notwithstanding the fact that the Treaty was not concluded, considerable progress was made and it anticipated further work in this area in the near future. The Government of Jamaica was keen in ensuring that their national economy, which is made up essentially of small and medium-sized enterprises, becomes more competitive in a global economy and recognized that the intellectual property system was a key element in achieving this competitiveness. The Government of Jamaica had taken steps to centralize all intellectual property aspects in order to administer intellectual property more effectively by the creation of the Jamaican Intellectual Property Office (JIPO), which came into being in January of this year, and had become the focal point for the administration of intellectual property laws. JIPO was designed to meet the needs of Jamaican creators, musicians, performers, publishers, the business community and all other intellectual property stakeholders. This Delegation gave due recognition to WIPO for the support it had given to Jamaica in those efforts, with the provision of technical assistance, expert guidance and training. With regard to their intellectual property laws, WIPO had given Jamaica valuable legislative advice, including on the TRIPS Agreement. One of the most dynamic segments of the Jamaican cultural industry was undoubtedly the music sector; however, the potential for delivering increased benefits to the Jamaican economy has always been seriously hampered by piracy. Through assistance by WIPO to Jamaica within the framework of the National Focused Action Plan and other areas

of technical cooperation, the benefits of the implementation of an anti piracy system became apparent. At a wider level, the Delegation noted with appreciation the work undertaken by WIPO in conjunction with UNCTAD in the Caribbean, particularly in the audiovisual sector. WIPO, with its global reach and expertise in the area of intellectual property, remained an Organization of tremendous importance and relevance to developing countries, like Jamaica, seeking to put in place modern intellectual property systems.

58. The Delegation of Saint Lucia wished to endorse the statement of Venezuela on behalf of GRULAC and presented additional comments with regard to intellectual property activity in Saint Lucia. It expressed gratitude to the Director General of WIPO for the continuous support and dedication of his organization in the development of intellectual property in Saint Lucia. The support shown by WIPO had certainly helped to enhance intellectual property administration in Saint Lucia, as confirmed by the many activities that had been jointly organized over the past year. Saint Lucia wished to recognize WIPO's dynamic and structured approach transpiring from the content of the Program Performance Report and Program Implementation Overview presented to this Assembly. In October 2000, Saint Lucia had hosted the WIPO Ministerial meeting and the WIPO meeting of Heads of intellectual property Offices of the Caribbean. It highlighted the fact that certain recommendations of that meeting were already being implemented. A Registry of Companies and Intellectual Property, responsible for the administration of all intellectual property matters, was established in September 2000. One of the main objectives of this registry is to provide a structured and more focused administrative focal point for intellectual property management. The Delegation greatly appreciated the provision by WIPO of documentation and technical assistance that greatly assisted in the set up of the Registry. In June 2001, with the assistance of the Secretariat, Saint Lucia hosted its first ever Seminar on Intellectual Property for the judiciary of the Eastern Caribbean Supreme Court. In September 2001, a one-day PCT seminar followed by a one-day workshop for staff of the Registry were held. The hosting by the Attorney General's chambers of a Trademark training course for trademark examiners in the Caribbean was being discussed with WIPO. The intellectual property landscape of Saint Lucia had been changed by the enactment of new legislation, with WIPO's assistance. Those new Acts included the Geographical Indications Act, the Layout-Designs (Topographies) of Integrated Circuits Act, the Industrial Designs Act, Patents Act, Trademarks Act, and the Protection Against Unfair Competition Act. Amendments to the Copyrights Act were also passed, taking account of recommendations made by WIPO. In April 2001, Saint Lucia underwent a successful TRIPS review before the World Trade Organization. Tribute must be paid to the Secretariat for its assistance in providing model intellectual property legislation that was used as a drafting guide. Saint Lucia had also benefited from the training program offered by the WIPO Academy. It expressed its belief that the Academy played a vital role in intellectual property education and its hope that more staff from Saint Lucia could benefit from future programs. It also welcomed the WIPONET Project and eagerly looked forward to its implementation in Saint Lucia. It anticipated even greater collaboration with WIPO in the area of intellectual property, especially in the area of genetic resources, traditional knowledge and folklore.

59. The Delegation of Lesotho wished to thank the Secretariat for its activities and initiatives in the promotion of intellectual property, and stated that the demand-driven approach taken by WIPO in formulating its Programs enabled the Organization to reach all its constituencies. The Delegation fully supported initiatives taken by WIPO concerning SMEs. The inclusion of a sub-program to deal specifically with this item would increase the capacity of developing countries to compete in world markets. It wished also to express its support for the cooperation activities carried out in favor of developing countries. These included human



resource development, capacity-building initiatives and implementation of the TRIPS Agreement. The joint initiatives recently launched between WIPO and WTO would firmly strengthen intellectual property in the least developed countries. The Nationally Focused Action Plans introduced tailor-made assistance to developing countries leading to better understanding of the role of intellectual property in economic development, as well as in strengthening national intellectual property systems. The initiatives taken towards protection of traditional knowledge and folklore have led to an improved awareness and understanding, by the Member States, of the legal and economic dimensions of these new issues. It expressed the hope that those initiatives would result in the development of standards and laws for the protection of works, as well as to the equitable sharing of benefits accruing from them. One of the priority areas in Lesotho was increasing the level of inventiveness and innovations, as well as promoting advancement of appropriate technology. This was done through national seminars, exhibitions and weekly programs; further assistance was requested from WIPO to strengthen this outreach program. Earlier in September 2001, a seminar was held for lecturers and teachers from technical and vocational institutes, to mark the African Day of Intellectual Property and Technology. Both WIPO and ARIPO had provided resource persons. Other benefits received in the past year, included participation in the WIPO Worldwide Academy session for policy makers and in the Forum for judges organized in Beijing, China. Draft model laws were also provided to help to bring Lesotho legislation into compliance with the TRIPS Agreement. In conclusion, it expressed its satisfaction with regard to increased interest from users in the Hague, the Madrid and the PCT Systems, the conclusion of the Patent Law Treaty; the proposals made to streamline the governing structures of WIPO; and, lastly, the progress made on the WIPONET Project.

60. The Delegation of Egypt endorsed the comments made by Algeria, speaking on behalf of the African Group, and noted the increasing volume of activities undertaken by the WIPO at all levels, as reflected in the documentation presented. It stated that intellectual property had a primary role to play in economic and social development and that there was a real need for WIPO to play a leading role in the intellectual property field. The Delegation of Egypt attached great significance to WIPO's activities in the area of Cooperation for Development because they guaranteed effective participation of all countries in the global intellectual property protection system. It highlighted the holding of the Permanent Committee on Cooperation for Development related to Intellectual Property (PCIPD) last February. It referred to the Intergovernmental Committee on genetic resources, traditional knowledge and folklore, held in April 2001, which allowed Delegations to exchange views on these issues. It considered important that WIPO provided advice to Member States, in particular to the developing countries, to ensure efficient preparation for the forthcoming session of the said Committee. Regarding SMEs, it was noted that the Milan meeting held last February adopted an ambitious plan of action, showing opportunities offered by IP to SMEs and encouraging WIPO to provide advice to Member States, in particular under cooperation for development activities, on the role of IP in enhancing competitiveness of SMEs. The Delegation emphasized the importance of WIPO's IT projects which would bridge the digital divide, and noted with satisfaction progress made in the WIPONET project. The Delegation of Egypt supported the expanded role played by the WIPO Worldwide Academy and hoped that distance learning programs would also be set up in Arabic: developing countries needed assistance, particularly with training, in order to allow them to meet the challenges they faced in the sphere of intellectual property protection. It also referred to the activities of WIPO on arbitration and mediation and requested WIPO to explore the means for enhancing the participation of developing countries in those activities. Finally, the Delegation expressed its confidence that the Secretariat, under the leadership of the Director General, will succeed in facing future challenges.

61. The Delegation of the Democratic People's Republic of Korea observed that the period under review was a very important time for WIPO in which many dynamic and innovative initiatives had been developed and implemented along the lines of the vision and strategic direction of WIPO, and in the framework of WIPO's Digital Agenda. WIPO had expanded the scope of its programs on traditional knowledge, genetic resources, folklore, and e-commerce. The Organization had exerted efforts to supplement new international laws and regulations for the protection of intellectual property, and expanded its services for Member States by continuing the IT projects, such as WIPONET, in conformity with the ever increasing demands for the worldwide protection of the IP system and the rapid development of IP services. The Delegation underscored that much progress had been made towards simplifying WIPO's structure, with the reduction of WIPO's governing bodies from 21 to 16, and efforts had been made to achieve a consensus on issues like the Unitary Assembly and the composition of the Coordination Committee. The Delegation referred to the many achievements in Cooperation for Development: active technical and legal assistance for the modernization of the national intellectual property Offices had been undertaken, and training activities for human resources development had been expanded through the WIPO Worldwide Academy (WWA), and through various regional and sub-regional seminars. The Delegation supported and endorsed the statement made by India on behalf of the Asian Group. It recognized that the Program and Budget under review has been successfully performed, and that the new Program and Budget for the 2002-2003 biennium was well formulated, and expressed its appreciation to the Director General and his staff for the excellent work done. The Delegation introduced that, according to the policy of its country, namely, attaching great importance to science, as advised by its great leader comrade Kim Jong IL, active works of inventions, innovations and the creation of trademarks and industrial designs were now being conducted vigorously in its country. At the Sixth National Exhibition on Inventions and Innovations held in its country from July to October of 2000, 11,000 works of inventions from various sectors of its national economy had been displayed; the two best items among them were awarded WIPO prizes. With the increased number of applications of intellectual property works, attention has been focused on harmonizing and standardizing the national laws and regulations in conformity with the international laws. The Delegation pointed out that an amendment had been made to the rules of the national trademark law, in conformity with the modification in common regulations of the Madrid Agreement and its Protocol; the country was also developing a national regulation for the protection of the designation of origin. In the year 2000, the country introduced electronic means in the registration of trademarks and industrial designs, and was currently in the process of modernizing the examination of inventions and patents. In conclusion, the Delegation expressed its appreciation to the Director General for his bold vision and dynamic efforts for making WIPO a modern organization.

62. The Delegation of Morocco supported the statement made by Algeria on behalf of the African Group, and wished to report on the main events that had taken place in the intellectual property field in Morocco. It said that a new Industrial Property Law had been adopted and would be brought into force shortly after publication of the Implementing Decree. The new Law, which was consistent with the provisions of the TRIPS Agreement, would allow a legal framework to be created that ensured the protection of industrial property rights, and consequently would allow a conducive environment to be created for investment. The Delegation went on to say that a new Law on Copyright and Related Rights conforming to the TRIPS Agreement had been adopted in May 2000 and had entered into force in November 2000. The Moroccan legislation had been examined by the Council for TRIPS in June 2001. With regard to the structure responsible for industrial property and the modernization of the

civil service, a Law creating the Moroccan Industrial and Commercial Property Office (OMPIC) had been enacted. That Law had to do with the creation of a body capable of applying the new legislative provisions and of monitoring industrial property developments at the international level. Those important changes reflected the efforts made by Morocco to involve itself in the new international economic moves, notably the TRIPS Agreement. In April 2001, on the occasion of the World Intellectual Property Day, OMPIC had launched its industrial and commercial property website and thereby made provision for the wide distribution of information. The Delegation also said that OMPIC would, as part of the strengthening of its regional presence, be increasing its connections with regional offices, which would rise from 10 to 28. In addition the Delegation mentioned the cooperative relations that OMPIC had with WIPO, the European Patent Office (EPO), France's National Institute of Industrial Property (INPI) and the Spanish Patent and Trademark Office, mentioning also the technical assistance that those Organizations were making available to Morocco, notably with respect to the modernization of the Office's structures, staff training and information technology and documentation. With regard to training, OMPIC was also organizing training sessions for the benefit of the staff of the offices of a number of Arab and African countries, which it was doing in close cooperation with WIPO. The Delegation of Morocco addressed its congratulations to the Director General and to all his staff for the work that they had done.

63. The Delegation of Madagascar wished to thank the Director General and his staff for the clarity of the reports submitted. It subscribed to the statement made earlier by the Delegation of Algeria on behalf of the Group of African Countries, and thanked WIPO for its profitable cooperation with Madagascar, and especially the assistance afforded to Malagasy agencies responsible for intellectual property administration. It mentioned that the assistance in question covered the following fields in particular: supply of equipment, documentation for national offices, support for the organization of the Industrial Property Show, organization of national and subregional seminars and assistance in the drafting of the new national law on industrial property protection in conformity with the TRIPS Agreement. The Delegation expressed its gratitude to WIPO for having included Madagascar among the countries that would receive the WIPONET Kit in the first stage of the WIPONET project, and hoped that the project would come to fruition in the specified time. The Malagasy Delegation expressed the wish that the cooperation between WIPO and Madagascar might be strengthened further so that the intellectual property system might be developed and so that advantage might thereby be taken of it in the interest of its country's technical, economic, social and cultural progress. It also welcomed the recent joint initiative on technical cooperation for the benefit of the least developed countries (LDCs) provided by the WTO and WIPO, the main objective of which was to help LDCs fulfil their obligations regarding implementation of the TRIPS Agreement by 2006. The Delegation announced that it wished to see the realization of the specific measures presented by WIPO at the end of the United Nations Conference on LDCs which had taken place in Brussels in May, in order that LDCs might be able to enjoy the economic benefits of their creativity with a more effective intellectual property protection system, in particular in the areas of traditional knowledge, folklore and genetic resources. The Delegation ended by saying that the work accomplished in the course of the first quarter of 2001 was fully consistent with the objectives set out by the Organization, and gave its support to the draft program and budget for the 2002-2003 biennium presented by the Director General. It addressed its congratulations to him moreover for the transparency of the draft, the focused and structured programs of which were presented coherently in such a way as to respond to the growing activities of the Organization and to the expectations of Member States. Finally, the Delegation expressed satisfaction with the increase that had been allowed for activities in connection with cooperation for development.

64. The Delegation of Viet Nam congratulated WIPO on its successful implementation of wide ranging activities over the past years, promoting the use and protection of intellectual property throughout the world. The Delegation supported WIPO's work towards this overall objective, noting the efforts of the Organization in harmonizing national intellectual property legislation and procedures, providing international registration services, extending liaison and technical assistance to developing and other countries and making information technology and the Internet as tools for storing, assessing and using valuable intellectual property information. These activities were for the benefit of all nations. The Delegation believed that in the new millennium intellectual property protection would face many challenges, especially the urgent need for intellectual property protection systems to adapt and benefit from rapid technological changes. The Delegation expressed appreciation to WIPO for the significant progress achieved in new intellectual property issues such as electronic commerce, biological diversity and biotechnology, protection of folklore, as well as PCT reform, Electronic Filing, WIPONET, and the IMPACT Project. It supported promotion of adherence to WIPO international treaties, including the PCT and Madrid systems. The Delegation emphasized that since many years Viet Nam had enjoyed effective cooperation and assistance extended by WIPO in various forms. In February 2001, Viet Nam had been chosen as the host country for the WIPO-ASEAN sub-regional seminar on the PCT system. In October 2001, Viet Nam would hold, in cooperation with WIPO, another sub-regional seminar on the international system of protection for trademarks. To celebrate the World Intellectual Property Day, the Government had disseminated nationwide documents concerning the importance of intellectual property, with the view to promoting intellectual property protection and raising public awareness of intellectual property in Viet Nam. The WIPO Academy International Essay Competition in Viet Nam was also launched, and a wide response by students was expected. With regard to legislation developments, Viet Nam had been making an effort toward compliance with the TRIPS Agreement requirements, and had achieved significant progress by issuing new legislation in the areas of the protection of trade secrets, geographical indications and trade names, protection against unfair competition and protection of new plant varieties. The Delegation indicated that the country would continue to complete its intellectual property legislation system in accordance with applicable international standards. This included the draft legislation for the protection of integrated circuits, the only intellectual property subject matter that had not yet been protected in Viet Nam. New legal documents with a view to complementing legislation relating to intellectual property enforcement had also been drafted and were expected to be enacted soon. The Delegation observed that enforcement agencies in Viet Nam were taking active steps to enforce intellectual property rights in tandem with the ASEAN campaign against intellectual property rights violations. The Delegation expressed the profound gratitude of Viet Nam to WIPO for the valuable cooperation and support which contributed significantly to the modernization and development of the intellectual property system in its country.

65. The Delegation of Panama fully supported the statement made by the Delegation of Venezuela on behalf of the Group of Latin American and Caribbean Countries. The Delegation wished to highlight some results achieved by national intellectual property offices with WIPO support, in particular thanks to the energetic work done by the Directorate General and Secretariat of WIPO, producing a synergy that was giving great impetus to the Directorate General of the Industrial Property Registry (DIGERPI) and also enhancing the Directorate's work on the promotion of innovation and inventiveness and the protection of intellectual property rights in the country. The Delegation informed the Assembly of the action taken by the Government of Panama for the launching of a plan of action for the National Law on the Registration and Protection of the Collective Rights of Indigenous

Peoples and on Genetic Resources and Folklore, adding that the plan was having a great effect at the national level and would contribute to the strengthening of joint action on the part of the State and indigenous communities and peoples. It also mentioned the support that its country was receiving in connection with the strengthening of the institutional capacity of intellectual property offices, which had made it possible to improve the efficiency of its services by adapting them to the needs of the owners of intellectual property rights, inventors, users, academic groups and the judiciary. The Delegation emphasized that the Government attached great importance to the strengthening of small and medium-sized enterprises (SMEs), as economic indicators confirmed that they contributed a high percentage to the economies of developing countries. In that connection it encouraged WIPO to increase its work on the promotion of the technological information contained in patent documents with a view to making it accessible to SMEs in particular and thereby stimulating the contribution of SMEs to the countries inventive and socio-economic activity. Finally, the Delegation expressed the hope that the concentration of WIPO's work on SMEs would be increased, in the interest of the synergy between that work and the achievements under its programs of cooperation for development, in such a way that the programs might be more focused on the specific needs identified by intellectual property offices in relation to SMEs.

66. The Delegation of Nepal offered its appreciation to the Director General for his leadership, experience and vision, which had made WIPO more transparent, responsive to the demands of its stakeholders and forward-looking. It supported the new approach adopted in the Program and Budget, redefining existing priorities and identifying new and emerging issues, and believed that this new direction was essential for WIPO to meet the challenges of the future. The Delegation associated itself with the statements made by India, on behalf of the Asian and Pacific Group, and by Sri Lanka on behalf of the SAARC Member States. It recalled that Nepal had recently acceded to the Paris Convention and had hosted a number of WIPO seminars, including one in preparation for the UN LDC III, and observed that these activities reflected the country's growing interest in the work administered by this Organization. The Delegation stated that modernization of intellectual property offices (IPOs), better services to users, and protection of inventors, innovators and investors were critical to development in the present increasingly knowledge-driven development paradigm. WIPO's technical cooperation helped translate international decisions into national strategies to support useful development initiatives. The Delegation pointed out that soon, along with other LDCs, Nepal would receive up-to-date information on IP from the dedicated connectivity of WIPONET. The Delegation found the WWA, traditional knowledge, genetic resources and folklore, and assistance to small and medium-sized enterprises (SMEs) of special relevance. It referred to WIPO's assistance in implementing the TRIPS Agreement and suggested that institutional strengthening and human resources development had become important priorities for developing countries, especially the LDCs. The Delegation underscored that an adequate pool of well-trained lawyers, customs officials, experts in trade, computer experts, administrators, police officers, judges and politicians would be vital for effective implementation of the IP system, and that WIPO's role in human resources development was critical. The Delegation referred to the digital divide as one of the most manifest indicators of different worlds in this small global village: South Asia, with 23% of the world's population, had less than 1% of the world's Internet users. The Delegation stressed that every attempt should be made to bridge this gap, and welcomed the priority placed on IT within WIPO's Cooperation for Development program, as well as the crucial role of the LDC Unit recently established within WIPO. The Delegation alluded to the beginning of a new journey into the new age, and believed that IP was an instrument of wealth creation that could contribute to the cause of development, peace, and human welfare.

67. The Delegation of Jordan thanked the Director General and the Secretariat for their efforts towards achieving the goals of the Organization. The Delegation stated that Jordan sought to protect author's rights and inventors' rights through the implementation of intellectual property legislation. The Government of Jordan stressed the need, in order to implement the intellectual property legislation, for the creation of a compendium of legal texts in intellectual property, as this would be of great service to the judiciary. The Delegation noted that intellectual property was an evolving notion and it was important to develop the appropriate training programs. The establishment of a regional training program in intellectual property in the Near East had become essential, and the Delegation suggested that Jordan be a headquarters for such a training center, considering the legislative background of the country and its geographic location. Professional expertise, as well as financial and technological assistance should be provided for the training of officials. The Delegation put emphasis on the need to increase financial support to cover the participation of professors and trainers in conferences, as well as for the training abroad of officials from different governmental departments responsible for the implementation of intellectual property legislation, such as judges, attorneys general, customs officers and others. The Delegation stressed that the use of the Arabic language should be expanded and asked WIPO to send experts to Jordan to hold workshops in the subject of intellectual property. Lastly, the Delegation stressed the need for financial, technical and logistical support for their intellectual property offices.

68. The Delegation of Côte d'Ivoire endorsed the statement made by Algeria on behalf of the African Group. It addressed its congratulations to the Director General and Secretariat for the quality of the documents submitted. It said that, thanks to the perseverance of the Ivorian Government and the constant support of WIPO, intellectual property had in recent years become more and more of a reality at the level of economic operators, judicial and academic circles and the general public. In that connection it mentioned the interest generated by the Invention and Innovation Symposium organized recently by the Ivorian Industrial Property Office. It wished also to mention the pilot project for the promotion and protection of national geographical indications put in hand three months previously, to which the Secretariat had given its full support. The Delegation praised the substantial efforts made by WIPO in the course of the last two years with a view to strengthening the national capabilities of developing countries with regard to industrial property management. It was particularly appreciative of the support that WIPO had given it to enable it to bring its legal framework into conformity with international standards as reflected in the TRIPS Agreement. The Delegation did however admit that, in that field, the efforts made had fallen short of expectations with respect to training and awareness measures involving individuals and institutions involved in the operation of the machinery for intellectual property sanctions. It commended the Directorate General of WIPO for its moves in favor of the protection of traditional knowledge, folklore and genetic resources. It laid stress on the importance of those areas, as they formed part of the dialogue between cultures and the strengthening of international cooperation. The Delegation supported the proposal by the Spokesman for the Group of African Countries that the Committee responsible for such matters should be made permanent, and that the Conference should set aside the necessary resources with which to increase developing country participation in the Committee, and generally in the debate on that whole set of new world issues involving intellectual property. The Delegation pointed out that it was impatiently awaiting the implementation of the WIPONET project, which would play a substantial part in strengthening the capabilities of regional offices. In conclusion, it repeated its support for and cooperation with the Organization.

69. The Delegation of Kyrgyzstan thanked the Director General for his support in developing their intellectual property systems in Kyrgyzstan, and for his visit to the country in February 2001. It also referred to a cooperation agreement between the Government of Kyrgyzstan and WIPO, signed during that visit. It stated that during the period under review, two seminars, on TRIPS and intellectual property enforcement, had been organized with WIPO's assistance. Kyrgyzstan had acceded to the PLT. A number of decrees concerning the ratification of WIPO Treaties were before the country's Parliament, including the Geneva Convention on the Protection of Phonograms, and the WPPT. The Delegation offered its support for WIPO's work on traditional knowledge, genetic resources, folklore and dispute settlement in respect to Internet Domain Names. It supported distance learning through the WWA, and noted that a number of officials from Kyrgyzstan had successfully concluded those courses. It was particularly grateful to WIPO for carrying out courses in the Russian language. The Delegation appreciated the implementation of activities under Program 07, and hoped that in the future WIPO would be able to expand that program.

70. The Delegation of the United Republic of Tanzania congratulated the Director General and the Secretariat for the excellent documents made available to the participants. It commended the achievements made during the past year and associated itself with the statement made by the Delegation of Algeria on behalf of the Africa Group. It extended its government's appreciation to WIPO for assisting the United Republic of Tanzania in the establishment of the Copyright Society, as well as for the antipiracy project being implemented in the United Republic of Tanzania and Kenya. The Tanzanian Copyright Society soon would enable the creators of artistic works, and particularly musical artists, to receive financial benefits for their works. As a commitment to fully protect copyrights, the United Republic of Tanzania had initiated internal consultations aimed at ratifying the WIPO "Internet Treaties." The Delegation informed that the United Republic of Tanzania had included intellectual property courses in the curricula of the faculty of law of the University of Dar EsSalaam, and counted on the assistance of the WIPO Worldwide Academy to provide technical support in this initiative. The national intellectual property Office established a website to assist in the dissemination of intellectual property information to its users including information on the various procedures for obtaining intellectual property rights. On September 13, 2001, the United Republic of Tanzania celebrated the Africa Intellectual Property Day, declared by OAU, by carrying out various activities, geared towards enhancing awareness and demystifying intellectual property among the public. The national intellectual property Office organized that event, in cooperation with the Commission of Science and Technology. The Delegation informed that various intellectual property stakeholders, such as academicians, inventors, and creators of literary and artistic works, also took part in organizing a forum, which became an intellectual property focal and coordinating point between those stakeholders and the national intellectual property Office. That decision was based upon the recognition of the need for a sustainable intellectual property partnership that would assist in the promotion and dissemination of intellectual property information and promote intellectual property development in the country. An exhibition was held, at which the three best inventors received awards. In conclusion, the Delegation recalled the proceedings of the Diplomatic Conference on the Protection of Rights for Audiovisual Performances, held in Geneva in December 2000, and underscored the importance of reconvening the Diplomatic Conference as soon as possible.

71. The Delegation of Suriname endorsed the comments made by the Delegation of Venezuela on behalf of GRULAC. It related that it was a great honor for Suriname to participate in the meeting of the WIPO Assemblies. Suriname became member of WIPO in 1975, after the independence. This was only the second time Suriname had participated in

this meeting, the first had been in 1977. The Delegation confirmed that Suriname had benefited greatly from WIPO's activities in the area of Cooperation for Development, particularly in recent years. It informed that Suriname, with the assistance of WIPO, had continued to modernize and automate its intellectual property Office, to amend its legislation as necessary, and to educate the public. Suriname was currently a party to five intellectual property treaties, and the government continued to explore the possibilities for accession to other WIPO treaties, including the WIPO "Internet Treaties." The protection of traditional knowledge, genetic resources and folklore was extremely important to Suriname. The Delegation, on behalf of the Government of Suriname, offered its sincere thanks to the Director General and the Secretariat for the assistance provided to Suriname.

72. The Delegation of Azerbaijan, speaking on behalf of the Group of Eastern European, Caucasus and Central Asian Countries, expressed its deep gratitude to the Director General for the excellent quality of the documentation prepared and for his statement that clearly reflected that the Organization would continue to protect and represent the interests of Member States. It also thanked the WIPO Worldwide Academy for issuing documents in the Russian language, facilitating increased awareness of the work of WIPO. The Delegation indicated that substantial progress had been achieved in updating national IP legislation, to bring it in line with relevant international provisions. As part of those activities, training on patents and trademarks had been provided to representatives of the relevant departments and important seminars dealing with those issues had been organized with the assistance of WIPO and the Organization of the Islamic Conference. The Delegation pointed out that financial resources had been made available through various programs, in the areas of electronic commerce, genetic resources, traditional knowledge and folklore. The Delegation commended the efforts by the Secretariat for the cooperation with countries in its region, and confirmed their willingness to continue cooperating closely with WIPO.

73. The Delegation of Uruguay emphasized the importance that the Vision and Strategic Direction of WIPO represented for it. In that connection it stressed that the intellectual leadership of the Director General had made it possible for the Organization to progress with a vigor that had given it strength in the concert of international organizations. It expressed the desire that progress should continue to be made along those dimly perceived paths with pioneering and futuristic spirit. It said that one of the new challenges was to enter the age of the knowledge-based society by harnessing the intellectual potential of every country and giving it adequate protection, not only with a view to better competition but also for better complementarity in a world in which the balancing of interests was more and more of an issue. The Delegation mentioned that the National Industrial Property Directorate (DNPI) was continuing to work on a Strategic Quality Plan, and that since 1999 it was being inspected by international authorities that were verifying the maintenance of quality standards. It also mentioned that the DNPI, with a view to creating an industrial property culture, was continuing to work on the development of policies for its popularization and promotion, and that with that in mind publications on national legislation had been produced on paper and CD-ROM, while there was a website with information on patents and marks that was accessible using flexible search mechanisms and totally free of charge. The Delegation added that, with a view to improving the integration of the DNPI in the national, regional and international environment, WIPO assistance had been requested and received. It said that, as a result of DNPI participation in the Milan Forum on Intellectual Property and SMEs, work had started on measures to enable SMEs to take advantage of the industrial property system, such as the provision of legal and technical assistance, the use of technological information services, promotion of the use of trademarks and the writing of the requisite manuals. In addition, the DNPI had started on another course of action intended to promote innovation



and inventive activity through the design of strategies with which to increase the popularity of the patent system and strengthen the community of independent inventors and national inventors, which would also be done through the introduction of industrial property as a subject at the intermediate educational level. The Delegation said that since 2000 work was going ahead under a cooperation agreement with WIPO on the constitution of trademark and patent search files on magnetic media for internal and external consultation, and that in addition a database of administrative case law on industrial property was in its final stages. It said that, in the regional context, as a result of the Meeting of Directors of Industrial Property Offices of the countries of MERCOSUR held in Montevideo, a Seminar on Industrial Property and SMEs in MERCOSUR countries was going to be organized in March 2002. Finally the Delegation endorsed the statement made by Venezuela on behalf of GRULAC, and invited all Member States of WIPO to take part in the Symposium on the International Protection of Geographical Indications that would be taking place in Montevideo on November 27 and 28 of the current year.

74. The Delegation of Malawi commended the Director General's leadership as well as the Secretariat's hard work in producing clear, informative working documents which, in its opinion, facilitated assessment of the Organization's progress towards achievement of its objectives. The Delegation associated itself with the statement made by Algeria on behalf of the Africa Group. Regarding the Program Performance Report for 2000 and the Program Implementation Overview for the period January to June 2001, the Delegation noted with satisfaction the achievement of the program objectives on the basis of the clearly outlined expected results and performance indicators. It welcomed the status of implementation of the activities as stated in the Overview. The Delegation observed that, in the new globalized and knowledge-based world economy, it was evident that there was significant and unprecedented demand for WIPO's various services, due to the challenges and opportunities posed by the new and emerging issues such as: the global information network, the impact of electronic commerce on intellectual property administration, assistance to LDCs concerning the TRIPS Agreement, issues relating to economic exploitation of genetic resources, traditional knowledge and folklore, protection of the rights of performers in respect to their audiovisual performances, and the use of intellectual property by SMEs. The Delegation welcomed and supported any budgetary increase that would enable WIPO to assist Member States, especially developing countries and LDCs, in their efforts to formulate appropriate policy and structured responses to the challenges of the new globalized economy. As an LDC, Malawi was still in the process of ensuring compliance with the TRIPS Agreement. To that end, the Delegation welcomed the initiatives of WIPO in the areas of modernization of the IP system and Cooperation for Development within the framework of NFAPs. The Delegation also expressed its support for the newly created Program concerning the intellectual property needs of SMEs. For an agro-based economy such as Malawi's, the beneficial exploitation of IP by SMEs would enhance the value-added process to their primary products, and therefore contribute significantly to the competitiveness of their goods and services on the world market. In conclusion, the Delegation expressed profound gratitude to WIPO for the various forms of assistance it had provided to Malawi during the period under review. The Delegation assured the Secretariat that the Government of Malawi would continue to support the work and efforts of WIPO and would look forward to continue the participation and cooperation in WIPO's various programs, especially in the IT projects such as the WIPONET Project and PCT Automation, implementation of the TRIPS Agreement, and strengthening of intellectual property infrastructure and enforcement.

75. The Delegation of Ethiopia expressed its appreciation to the Director General for his leadership and guidance in strengthening the Organization and in responding to the

opportunities and challenges created by the new knowledge-based economy. It also offered its appreciation to the Secretariat for the relentless efforts to address the ever-growing demand of developing countries, particularly LDCs, in the area of intellectual property. The Delegation associated itself with the statement made by Algeria on behalf of the African Group. The Delegation, referring to the Program Performance Report for 2000 and the Program Implementation Overview, stated that the documents clearly presented the objectives, expected results and results achieved by the Organization. The Delegation expressed its appreciation for the active participation of WIPO in the Third LDC Conference. In the preparation process, WIPO had organized three regional seminars and a High-Level, Inter-Ministerial Round Table, which adopted a Ministerial Declaration and enabled participants to recognize certain problems facing LDCs, *inter alia*, a weak intellectual property infrastructure, lack of skilled personnel and inadequate awareness and information about the various treaties and conventions in the area of intellectual property. During the LDC Conference WIPO had presented a set of deliverables, in the areas of the Worldwide Academy, WIPONET, traditional knowledge, genetic resources and folklore, SMEs and collective management of copyrights and related rights. The Delegation looked forward to the speedy implementation of those deliverables. Regarding the joint initiative on technical cooperation for LDCs by WIPO and WTO, the Delegation expressed its satisfaction with the inclusion of LDCs that are not Members of WTO. The Delegation indicated that the Government of Ethiopia, recognizing the important role of intellectual property systems in socio-economic development, had promulgated a patent law in 1995 and was undertaking major efforts to fill the legislative gap in the area of trademarks and copyright. However, Ethiopia had been faced with many challenges, including institution-building, human resources development, formulation of legislation and awareness creation in the area of intellectual property. Towards that end, it had submitted requests for technical assistance. The Delegation deemed that LDCs had not been, so far, the major beneficiaries of technological development. In that regard, the WIPONET Project would play a significant role in providing computer hardware, software, connectivity and training. The Delegation commended the Director General for taking concrete measures to provide WIPONET for all developing countries, particularly the LDCs. The Delegation expressed its appreciation to the Cooperation for Development Program as a whole, and in particular to the WWA, which contributed to the training of lawyers, customs officials, trade experts, police officers, politicians and the availability of the necessary material resources. Lastly, the Delegation stated its belief that for the effective and efficient implementation of WIPO's programs for LDCs, the LDCs Unit should be strengthened in terms of financial and human resources.

76. The Delegation of Antigua and Barbuda expressed its appreciation for the implementation of the program in 2000-2001 and associated itself with the sentiments expressed by the other members of the Group of Latin America and Caribbean countries (GRULAC). The Delegation noted that although progress in improving the country's intellectual property rights (IPRs) protection machinery had been quite gradual, it was grateful to WIPO for its prompt and generous assistance. A seminar on the PCT had been organized locally, and some members of its Registry staff were given the opportunity to be trained at WIPO headquarters, in Geneva. The drafting of the country's new intellectual property legislation had been one of the obstacles; however, in response to their request, the Organization had promptly consented to provide technical support in order to ensure compliance with the requirements under the TRIPS Agreement. In reference to the area of copyrights, Antigua and Barbuda would be adopting the new WIPO "Internet Treaties" in the very near future. It had already included the necessary provisions in its draft copyright bill. In reference to the programs designed to promote the protection, preservation and benefit sharing of traditional knowledge, as well as to those programs which operated as a guide for

the small and medium-sized enterprises (SMEs) concerning the use of intellectual property, the Delegation congratulated the Organization on the progress achieved. However, the Delegation also endorsed the concern expressed by the Delegation of Nepal concerning the importance of creating educational programs geared towards informing the general public that by promoting and protecting IPRs, there would be an increase in economic activity in the country. The Delegation welcomed the opportunities provided by the WIPO Arbitration and Mediation Center, the WIPONET Project and the Distance Learning Program. The Delegation congratulated the Director General and the Secretariat for the success in the programs implemented thus far, and looked forward to increased cooperation between Antigua and Barbuda and WIPO in the future.

77. The Delegation of Romania offered its sincere appreciation for the activities carried out by WIPO under the Director General's leadership and expressed its support to the sustained effort to promote and to improve the protection of IP worldwide. The Delegation recalled the Director General's recent visit to Romania, during which he visited the State Office for Inventions and Trademarks and met the heads of the Romanian Copyright Office and the State Office for Inventions and Trademarks, and held discussions with the President of Romania, the President of the Constitutional Court, and other governmental decision makers. The Delegation believed that through those activities, cooperation between the Government of Romania and WIPO had reached a higher stage. The Delegation congratulated the Director General on the Program Performance Report for 2000, and the Program Implementation Overview, which reflected the dynamism of WIPO and its new orientation to management. As special achievements, the Delegation referred to the introduction of information technology, the consolidation of human resources, and the main sectors of technical cooperation with Member States. It appreciated the creation of the Policy Advisory Commission and the World Intellectual Property Declaration. Romania became a member of WIPO in 1970. Of the 21 treaties currently administered by WIPO, Romania had ratified 14 treaties: 11 in industrial property and three in copyright. The ratification of these treaties had enabled Romania to participate in the standing committees, committees of experts, working groups and various other areas within the framework of WIPO, such as diplomatic conferences to adopt new international treaties under the aegis of WIPO. In that context, the Delegation noted that Romania had been first country to deposit its instrument of ratification for the new Hague Agreement concerning the International Deposit of Industrial Designs, concluded in Geneva in 1999. The Delegation hoped that the signing of the cooperation agreement between WIPO and Romania would serve as a new basis for strengthening and developing the IP system in the country, including the international training of the country's Intellectual Property specialists.

78. The Delegation of Cameroon endorsed the statement made by the Delegation of Algeria on behalf of the African Group. It noted that Cameroon had enjoyed fruitful cooperation with WIPO over the years. Recognizing that intellectual property was today one of the preconditions for trade, investment and economic development, a good intellectual property environment was therefore imperative. It indicated that the major legal framework was the TRIPS Agreement, and Cameroon, like other countries in Africa, had adapted its legislation accordingly, beginning with the revision of the sub-regional instrument, the Bangui Agreement. The Delegation pointed out that in the area of copyright, a new law had been recently adopted by the General Assembly. Public-awareness programs had been embarked upon, such as seminars and the celebration of World Intellectual Property Day. Intellectual property courses were presently being taught in the universities with assistance from WIPO. The Delegation informed the Assemblies that Cameroon had been connected to WIPONET. WIPO had organized a number of regional seminars which the country was honored to host.

WIPO provided prizes for the best inventors during the country's national exhibitions. Recently, Cameroon had been selected for a project on geographical indications by WIPO. The Delegation expressed its deep gratitude to WIPO and to the Director General for his dynamic leadership. It observed that the wide participation of developing countries in the negotiations of the Patent Law Treaty had been partly responsible for its success: a lesson and an experience which could help in the negotiation of other treaties.

79. The Delegation of Burkina Faso congratulated the Secretariat on the quality of the working documents and the results obtained during 2000, in particular as regards new information technologies which had allowed different offices to benefit from the training provided by the WIPO Worldwide Academy. It said that the 2002-2003 Program also envisaged a very diverse range of activities which corresponded to Member States' expectations. The Delegation expressed satisfaction with the establishment of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, and emphasized the importance of the Committee's work, which would help to strengthen the protection already implemented at the national level. The Delegation of Burkina Faso subscribed to the statement made by Algeria on behalf of the Group of African Countries and referred to the support provided by WIPO in the fields of equipment provision for the authorities responsible for industrial property, literary and artistic property, and staff training, which had enabled Burkina Faso to take part in the different intellectual property seminars and meetings. It also referred to a pilot project for promoting and protecting the geographical indications of African countries. It was happy that Burkina Faso had been selected to receive a WIPONET KIT in the first stage of the WIPONET project. The Delegation reaffirmed its Government's support for intellectual property promotion and announced that in May 2001 it had signed the Patent Law Treaty, adopted in June 2000. It also announced that a National Industrial Property Directorate had been set up, attached to the Ministry of Trade, Enterprise Promotion and Craftsmanship, together with a national committee to combat the piracy of literary and artistic works, placed under the supervision of the Ministry of Arts and Culture, in association with the private sector. The Delegation of Burkina Faso indicated that its national legislation had been brought into line with the latest international instruments. The Delegation made clear its willingness to strengthen its cooperation with WIPO and also for the Organization's efforts to be directed in particular toward the pilot project for promoting and protecting geographical indications, evaluating the environment of innovation and invention activities in Burkina Faso, supplying equipment, training the staff of the national institutions responsible for industrial, and also literary and artistic, property, supporting the Burkina Faso Copyright Office in the effective launch of the collective management of performers' rights, funding grants for industrial property, copyright and related rights, and supporting the fight against counterfeiting and piracy.

80. The Delegation of Mexico expressed appreciation of the work done by WIPO, and in particular congratulated the Director General and the International Bureau on the excellence of the documents submitted. The Delegation praised the projects and activities of WIPO, especially those in connection with small and medium-sized enterprises, electronic commerce and the digital agenda, saying that they were a response to the challenges that intellectual property was facing in the new century, and that they placed WIPO in a leading position in the knowledge-based economy. The Delegation showed particular interest in the progress that had been made at the first session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and mentioned that it was awaiting the presentation of the model provisions on intellectual property and benefit-sharing for contracts affording access to genetic resources, announced by the Director General in his opening address; the documents would be looked at carefully by the Government of

Mexico. Another project to which particular importance was attached was that of the electronic filing of PCT applications, owing to its implications for developing countries as a result of the undertaking that had been made with the adoption of the PLT and its reference to the possibility of obliging applicants to file their applications in electronic form as from June 2, 2005. In that connection it was considered that the development of a PCT-compatible product based on existing products for the electronic filing of applications would be an important step forward. Emphasis was also placed on Mexico's interest in PCT reform, especially the amendment proposed with a view to changing the time limits laid down in Article 22(1), which was considered a balanced option beneficial to the PCT system. The Delegation went on to give some examples of progress and of projects that were being conducted in Mexico with a view to strengthening the national intellectual property system. It said that work was being done under the National Development Plan for 2001-2006 on creating and developing machinery and incentives that would promote private sector contributions to scientific developments and to innovative culture in the country, and that the Plan provided for competitiveness to be increased and extended through the use and exploitation of information technology by way of the adoption of technological provisions that included measures for the protection of intellectual property rights. It was said that since the previous year, on the basis of those guidelines, the Mexican Institute of Industrial Property (IMPI) was planning the creation and development of patenting centers in a number of strategic areas of the country with a view to providing national inventors with assistance, and also that an interactive CD-ROM was being developed with information on application and grant procedures for patents and other forms of industrial property. The Delegation added that IMPI was in addition developing a national program for appellations of origin and collective marks which was very promising. With regard to cooperation, it mentioned that IMPI was working closely with WIPO and that substantial results had been achieved both in the training of staff and in internal management and computerization, and that it was hoped that cooperation with WIPO would be intensified. In the copyright field, the Delegation said that a proposal had been made to WIPO in February of the current year with a view to the strengthening of the academic side, in both public and private universities, with a view to introducing copyright-related subjects in the study plans and thereby training future generations. It said that the Law Faculty of the Autonomous National University of Mexico would, as from the current semester, be offering copyright courses at postgraduate level in coordination with the University authorities themselves. It mentioned that the National Copyright Institute (INDAUTOR) was arranging events under the new Government that would promote the cultural issues provided for in Mexican law, and also events or activities for the strengthening of folklore and handicraft. In October 2001 a symposium coordinated by INDAUTOR and the Federal Judiciary was to take place in which professors, judges, magistrates and ministers would take part with a view to standardizing legal criteria for the purpose of the fight against piracy. The Delegation announced that it had with it a cooperation agreement on copyright and related rights that was going to be signed with the Ministry of Culture of the Republic of Cuba on behalf of the Secretariat for Public Education of Mexico. It mentioned in addition that it had in the current year embarked on a coordination project with Federal agencies for the registration of works, which it considered would facilitate and promote both the protection of performers and the disclosure of their works, thereby promoting the national copyright system. In that connection it expressed Mexico's interest in continuing to receive WIPO support for the further implementation of the project. Finally, the Delegation subscribed to the statement made by the Delegation of Venezuela on behalf of the members of the Group of Latin American and Caribbean Countries.

81. The Delegation of Guinea-Bissau endorsed the statement made by the Delegation of Algeria on behalf of the African Group and thanked WIPO for adding Portuguese to the

working languages of WIPO. The Delegation noted that this constituted a great advantage for countries like Guinea-Bissau for better understanding of WIPO documentation. The Delegation furthermore noted, that although Guinea-Bissau became a member of WIPO in 1988, its participation in activities had mostly consisted of participation in regional meetings. With the change in WIPO's strategy, giving special attention to developing countries, Guinea-Bissau had been able to undertake more specific actions and in this context the Delegation thanked WIPO for the equipment provided which had resulted in an improvement of the services of the national intellectual property Office. Furthermore, the Delegation extended its thanks to WIPO for the seminar held in Guinea-Bissau which helped reformulating the national strategy for the promotion of intellectual property in different ways. In particular, activities were intensified in raising the awareness in the country on intellectual property matters. The Delegation also thanked WIPO for the assistance provided to Lusophone-speaking African countries, in cooperation with Portugal and Brazil. The Delegation extended its thanks to the African Intellectual Property Organization (OAPI) for its support in the establishment of a national intellectual property structure. It also expressed concern about the compliance of its legislation with the Bangui and TRIPS Agreement, and requested assistance in this respect. The Delegation expressed its agreement with the proposed budget and in particular with the program on SMEs. It also welcomed the increase of Cooperation for Development resources and for the special attention given to LDCs, like Guinea-Bissau.

82. The Delegation of Senegal thanked the Director General and the Secretariat for the quality of the documents prepared for the current session. It endorsed the statement made by Algeria on behalf of the African Group. The Delegation emphasized the fact that knowledge constituted the most precious resource and that an organization such as WIPO, whose vocation was to encourage, supervise and protect creative activity, was consequently even more justified. It further stated that knowledge represented a real bridge which took no account of political, economic, cultural or other barriers. It expressed the hope that the demystification of intellectual property was among the priorities of the technical cooperation program so as to make it a real development tool, and emphasized the fundamental awareness raising undertaken by WIPO as regards the TRIPS Agreement. It concluded by thanking the Organization for the action taken in the area of intellectual property, which had made it a development factor in Senegal, by incorporating in particular the fields of traditional knowledge, genetic resources, folklore and small and medium-sized businesses.

83. The Delegation of Sri Lanka endorsed the statement made by the Delegation of India on behalf of the Asian Group. The Delegation congratulated the Director General and WIPO staff for the excellent accomplishments achieved during the period under review. It noted that the quantity and quality of the work carried out was a clear indication of the dynamism introduced by the Director General to the Organization. The Delegation noted with satisfaction the continued progress towards improved planning, budgeting and program delivery. It commended the competence and devotion of the Secretariat in carrying out various programs for the benefit of Member States, and expressed its gratitude for the assistance extended to developing countries in general, and to Sri Lanka, in particular, in modernizing the intellectual property system and in using the intellectual property system as an instrument for wealth creation and development. The Delegation was pleased to report that Sri Lanka was executing a multi-faceted program on intellectual property which included the updating of the legal framework, introducing automated support in the intellectual property administration, training staff of the intellectual property Office and other concerned government and private sector institutions, conducting public outreach programs to build and promote awareness, teaching intellectual property law, streamlining enforcement mechanism,

promoting national creativity and advancing regional cooperation, particularly in the Asia Pacific and the South Asian regions. The Delegation expressed its appreciation and thanks for the cooperation extended to Sri Lanka in the form of financial assistance, advisory missions, human resources development, awareness programs as well as legal and technical advice. The Delegation also reported that it was in the process of studying and evaluating the implications of the WIPO “Internet” treaties on existing Sri Lankan legislation in order to become a member of the two treaties as soon as possible. The Delegation of Sri Lanka concluded by wishing the Director General and WIPO success and ensured them of its full co-operation.

84. The Delegation of Sudan thanked the Director General for the efforts in promoting and developing the intellectual property system for the benefit and progress of all Member States, in particular, the developing countries, and for the excellent way in which he was leading the Organization. The Delegation also expressed its gratitude to the Secretariat for the high quality of the documents prepared and made special reference to the report on activities implemented during the year 2000. It furthermore highlighted activities in the fields of cooperation with developing countries, registration, treaties and norm-setting. The Delegation noted that Sudan was a member of the Paris, Madrid, PCT and Berne Unions and that it intended to join the WCT and WPPT. In addition, intellectual property awareness activities were carried out in the country and a detailed program had been set up to include IP in the curriculum of universities in cooperation with the Ministry of Culture, the Ministry of Justice, research authorities and other stakeholders. The curriculum was already being taught at the University of Sudan for Science and Technology and the first results were quite encouraging. The Delegation expressed its hope that WIPO, and in particular, the WIPO Worldwide Academy, would continue providing assistance to Sudan for the implementation and upgrading of this program. The Delegation announced that an independent department for intellectual property was being established and expected that cooperation with WIPO would be very important in that respect. The Delegation endorsed the statement made by the Delegation of Algeria on behalf of the African Group, requested further support to LDCs, and supported the increase in the budget for 2002-2003. It joined the statement made by the Delegation of Jordan with regard to the compilation of judicial IP decisions and arbitration awards. The Delegation concluded by reiterating its gratitude towards the Director General, and all the staff members of the Secretariat.

85. The Delegation of Uzbekistan underlined that it continued to pay great attention to the upgrading of its national system of intellectual property protection and to increasing awareness of the role of intellectual property in social and economic development. It stated that Uzbekistan had adopted a Law on Layout-Designs for Integrated Circuits, which was in full compliance with the provisions of the TRIPS Agreement, the Washington Treaty and other international legal instruments. Uzbekistan had recently introduced a new Law on Trademarks and Service Marks that satisfied the requirements of the Trademark Law Treaty (TLT). That law also regulated appellations of origin. The Delegation noted that Parliament had ratified a number of WIPO-administered treaties, in particular the Budapest Treaty, the Strasbourg Agreement and the Nice Agreement. Uzbekistan had also organized a national contest for the best intellectual property titles whose winners had been awarded money prizes and honorary diplomas. The Delegation further indicated its intention to use modern information technology, including access to the Internet, to facilitate the electronic filing of patent applications. The Delegation expressed its appreciation to the Director General and the International Bureau for the continuous support and assistance which Uzbekistan had received in organizing regional seminars, and for the training of staff of the Patent Office via the distance learning system of the WIPO Worldwide Academy. Finally, the Delegation

pointed out that it supported the policy pursued by the Director General and his strategic approach for the development of the protection of intellectual property, both at the national and international level.

86. The Delegation of Algeria expressed its gratitude to the Director General and Secretariat for the excellent work in preparing the meetings of the Assemblies, and on the quality of the documents distributed to Member States. It mentioned in particular three highlights of the implementation of the 2000 program, namely cooperation with Member States, the international registration of intellectual property titles and the development of provisions and treaties on intellectual property. With regard to cooperation between States, the Delegation was pleased to see the significant progress in the number of parties to the PCT. The Delegation thanked the Secretariat and the European Patent Office (EPO) for their contribution to the organization in Algeria of a seminar on the PCT, and welcomed the willingness of the French National Institute of Industrial Property (INPI) to collaborate in the implementation of a vast program for the development and modernization of industrial property activity in Algeria. With regard to the international registration of industrial property titles, the Delegation mentioned the 50,000th industrial design deposit under the Hague system and the 500,000th international application under the PCT, which testified to the interest of users in international protection. The Delegation was pleased to note the results of the Diplomatic Conference on the Patent Law Treaty and the improvement of protection standards governing the industrial property field. It emphasized its great interest in the work of the group on constitutional and structural reform, and the excellent initiative with a view to rationalizing WIPO structures, especially the reduction from 21 to 16 in the number of governing bodies. It ended by expressing pleasure at the introduction of WIPONET and at the progress of operations for the modernization of industrial property management and information exchange.

87. The Delegation of Australia was pleased to have once more the opportunity to work with other Member States and the Secretariat on what will be one of the more challenging programs for this Organization. Under the continuing leadership of the Director General, all had contributed in the past year to substantial progress in strengthening the intellectual property systems around the world, of promoting awareness and understanding of this valuable tool for economic development, and thereby demystifying intellectual property. It recalled that, paradoxically, some of the efforts to demonstrate the value of the intellectual property system may have been too successful: use of the patent system worldwide was creating critical workload challenges for many patent offices, and the ability to meet these challenges in a timely, cost-effective way would have far reaching consequences for the continuing value of that part of the intellectual property system. Vital issues were to be addressed in some of the newest aspects of the system: how to possibly adapt the system to the needs of the electronic era and Internet commerce; how the newest technologies could be protected; and, how traditional knowledge could be protected. The Agenda of the Assemblies reflected the importance of these issues in the future work of Member States. Australia had continued to develop its own intellectual property system in accordance with international standards and objectives. Major steps were taken in the past year that included the introduction of the Innovation Patent and accession to the Madrid Protocol. Australia had also continued working with WIPO in delivering technical assistance to countries in the Asia/Pacific region. A three-year Regionally Focused Action Plan for the South Pacific had been endorsed by the South Pacific Forum Ministers in June 2001, and was to start in October 2001. Australian intellectual property experts had also participated in seminars and training workshops throughout their region on numerous occasions, and had delivered in-country training and other expert services on a more extensive basis. For example, it had provided



expert missions to India, Brunei, Thailand and Indonesia in the areas of trademarks, copyrights and industrial designs for periods ranging from one week to three months. Those varied activities demonstrate the Australian commitment to the general task of promoting and developing the international intellectual property system, and the role of this Organization in that task. Australia remained committed to working with the Director General and his staff, to improve the effectiveness and efficiency of WIPO's programs, so as to enhance its ability to deliver these valuable services for the benefit of all Member States.

88. The Delegation of Austria wanted to associate itself with the statement made by France on behalf of Group B. The Delegation congratulated the Director General and the staff of the Secretariat on the outstanding results achieved during the period under review. It noted with appreciation that the Program Performance Report for 2000 had been drafted in accordance with the Program and Budget criteria, stating objectives, expected and achieved results, and selected performance indicators as approved by Member States in 1999. Similarly, the Program Implementation Overview covered the first-half of the year 2001: those two documents gave a clear and transparent view of WIPO's activities since the adoption of the Program and Budget for the 2000-2001 biennium. Confidence in the Organization and its management was also illustrated by the growing number of adherences to Unions administered by WIPO and the encouraging application and registration statistics, especially in the PCT and the Madrid system. Austria had always placed great importance on WIPO's Cooperation for Development and Human Resources Development activities, promoting the use of intellectual property systems worldwide and creating economic benefits for society. It therefore wanted to express its special satisfaction concerning the achieved results in regard to the implementation of those programs. The Delegation took the opportunity to reiterate its willingness to provide further assistance and support to these activities. It also considered as a significant milestone the joint initiative launched by WIPO and the World Trade Organization to assist least developed country (LDC) Members of the WTO to meet their obligations under the TRIPS Agreement. It expressed its congratulations to the Secretariat on the flexibility shown in readjusting priorities relating to Global IP Issues in the presence of unanticipated but important activities, like the meeting of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which created the competent forum to discuss these matters. The Delegation noted with appreciation the activities implementing the new Program on small and medium sized enterprises (SMEs) and fully supported the recommendations expressed to WIPO in the 'Milan Forum Action Plan.' National activities and developments in the period under review included the following: Work to amend the *Patent Act*, and to draft a law converting all fees into the equivalent EURO-amount was in progress; a draft to amend the *Design Act* to implement the EU-Directive on the Legal Protection of Designs was prepared and would be handed over for Parliamentary treatment in autumn 2001; amendments to the Act regulating the profession of Patent Attorneys entered into force in August 2001. As to application and registration activities, the Delegation highlighted the following: applications for trademarks reached a new high in 2000, with 9,338 national trademark applications filed with the Austrian Patent Office, an 11% increase compared to 1999; together with 13,597 international applications through the Madrid Agreement and Protocol, nearly 23,000 trademarks sought protection in Austria in 2000; and, applications concerning patents and utility models as well as designs increased slightly in 2000, when compared with 1999. As to IT activities, during the period under review special emphasis was placed on projects aimed at upgrading IT, to cope with increasing work loads and to further develop the range of services to the public, especially in regard to access via the Internet. Also, patents, designs and the Trademark Register were converted into an electronic database. In parallel, a project started in 2000 on an all-electronic filing procedure for the processing of trademark applications, expected to be operational

around the end of 2001, which would represent a cornerstone in establishing a 'paperless' office.

89. The Delegation of Belarus expressed its appreciation of WIPO activities implemented in 2000 and the first half of 2001. It noted that in 2000 the Government of Belarus and the Director General of WIPO had signed a program of cooperation and the Delegation thanked the Director General and WIPO officials for their assistance in the development of the national system of intellectual property protection. The Delegation welcomed the efforts of the WIPO Standing Committees in improving laws in the intellectual property protection and enforcement, and in using information technology in a more efficient way. The Delegation highlighted the adoption by the Republic of Belarus in 2000 of a new Law on Trademarks and Service Marks that fully complied with the provisions of the Trademark Law Treaty (TLT), elaboration of a draft Patent Law and its provisions in line with the Patent Law Treaty (PLT), a draft Law on the Protection of Geographical Indications, and a draft Law on the Suppression of Unfair Competition. The Delegation added that all legislative amendments complied with TRIPS requirements. The hearings of these draft laws in Parliament were expected this year. The Customs Code of the Republic of Belarus had also been amended, thus providing measures aimed at enforcing intellectual property rights. The Delegation noted that, in 2001, the Republic of Belarus adhered to the Budapest Treaty and the Madrid Protocol. Preparations were being undertaken to adhere to the International Convention for the Protection of New Varieties of Plants. The State also rendered financial support when patenting industrial property titles abroad. The Delegation noted that great importance was being attached to the training of specialists in the field of intellectual property; not only experts from the industry and patent office but also customs, law-enforcement and judicial authorities. In this connection, the Delegation considered WIPO-organized seminars highly useful. The Delegation also stated that the Republic of Belarus had taken measures to enforce intellectual property rights in the field of copyright and related rights, to combat piracy and counterfeit goods. However, much had yet to be done in that respect, and the country would place a major emphasis on public awareness and human psychology, supported by appropriate economic and legal measures. The Delegation commended work undertaken on PCT automation and the establishment of WIPONET. The Delegation concluded by expressing its hope for a close cooperation with WIPO, in order to accelerate the process of accession to WTO.

90. The Delegation of Canada restated its support to WIPO initiatives and underlined the efforts deployed this year to harmonize intellectual property laws throughout the world. As to the subject of initiatives taken by WIPO, the Delegation commended WIPO for its initiative to reform the PCT system, as that work was critical for the future of the PCT and the global patent administration system. Canada also wished to underline the contribution of participating Member States, under the leadership of WIPO, towards substantive harmonization, as a very important step following the adoption of the Patent Law Treaty. Canada supported the work undertaken by the Standing Committee on Information Technologies (SCIT), as progress in that area was critical to the delivery of quality and timely services worldwide and in each intellectual property Office. Canada recognized the progress that had been made by WIPO in the areas of electronic commerce, specifically E-PCT, and would be working on implementing the standards into its electronic commerce initiatives. Canada took good note of the efforts at WIPO to introduce more transparency and results-based management into the Program Performance Report for 2000. Canada also commended WIPO for having produced the Program Implementation Overview covering January 1 to June 30, 2001. However, it noted that there were remaining issues that still would need to be addressed, for example, regarding financial planning for the new building

project. As to the initiatives undertaken within Canada, the Delegation noted that it was modernizing intellectual property laws and regulations. Amendments had been made to the Canadian Patent Act, which brought it into conformity with obligations it held under the TRIPS Agreement of the WTO. In conclusion, Canada recalled that it had signed the Patent Law Treaty last May, and emphasized the importance of simplifying and harmonizing administrative practices among national and regional intellectual property Offices, in view of providing increased benefits to users.

91. The Delegation of the Central African Republic associated itself with the statement made earlier by Algeria in the name of the Group of African Countries. It made a special mention of the excellent report presented by the Director General, and noted the significant results in the field of technical cooperation, notably the implementation of the TRIPS Agreement. It was pleased with the Organization's program in favor of the least developed countries (LDCs) and with the setting up of an LDCs Unit for the purpose of improving the ability of those countries to take advantage of the opportunities that had been opened up in the intellectual property field. It declared itself in favor of a strengthening of intellectual property that would consolidate all the action designed to make African States more attractive. It praised WIPO's efforts to modernize intellectual property administrations, and above all the introduction of the WIPONET project, the realization of which it was impatiently awaiting. It concluded by thanking the Secretariat for its commitment.

92. The Delegation of Chad thanked the Director General and the Secretariat for the constant support and sustained attention they had always given to Chad, in particular in activities for intellectual property promotion, information, training and awareness raising. It expressed a willingness to consolidate relations with WIPO based on cooperation. The Delegation recalled that in September 1998 the WIPO General Assembly had approved the worldwide intellectual property information network project, entitled WIPONET, which had begun to be introduced in the second half of 2001. In that regard, the Delegation expressed its gratitude to WIPO for having designated Chad as the first African country to be able to benefit from the project, which had been set up in June 2001. The experiment would be extended to the Intellectual Property Offices of other Member States of the African Intellectual Property Organization (OAPI) and to African countries. It had announced that the OAPI Administrative Council would meet in N'Djamena, in November 2001. The Government of Chad and WIPO had agreed to use this event to demonstrate and officially receive the WIPONET KIT, in the presence of the experts and ministers who were members of the institution's Administrative Council.

93. The Delegation of Croatia thanked the Director General and the WIPO staff for their wide-range of efforts in the field of intellectual property, and for preparing informative and comprehensive work reports, proposals, and other materials. The Delegation noted that the meeting of the Assemblies of the Member States of WIPO provided the possibility of having informative and inspiring exchange of view on the increasingly important role of intellectual property in economic and overall civilization development, particularly for developing countries and those in economic transition. The Delegation reviewed the development and the achievements of the State Intellectual Property Office of the Republic of Croatia in the period since the last session of the WIPO Assemblies. Six new laws, which constituted a legislation basis of the new Croatian intellectual property system, in compliance with the TRIPS Agreement, were successfully implemented as from January 1, 2000. Its patent system provided for the granting of a patent for an invention in the Republic of Croatia on the basis of the substantive examination results carried out for the same invention by Offices having the status of the International Searching Authority or International Preliminary

Examining Authority. All those Offices were offered a cooperation agreement to that effect and responded positively to that initiative. To date, agreements have been signed with national offices of Austria, Australia, China, Japan, Germany, the Russian Federation and Sweden. The Delegation emphasized the good will, readiness for cooperation, kindness, and attention of the Offices mentioned in the process of signing those agreements. In the course of this activity, a delegation of the Croatian IP Office recently visited the IP offices of Australia, Japan and the Russian Federation, and visits were received by the Croatian IP Office by delegations from Japan and China. Those visits significantly contributed to better acquaintance and enrichment of cooperation. As a full member to the WTO, the Republic of Croatia had its intellectual property legislation reviewed successfully in June 2000. Croatia has started the preparation process for its integration into the European Union, and the E.U. Agreement on Stabilization and Integration providing, among other things, for the harmonization of intellectual property legislation with the E.U. regulations will be signed in November 2001. In the next few years, the State Intellectual Property Office of the Republic of Croatia will, in the framework of preparations for the integration of the Republic of Croatia into the E.U., draft a set of laws, which will constitute a new legislation basis for the Croatian intellectual property system, fully harmonized with the E.U. regulations. A part of the integration process activities related to the establishment of cooperation between the State Intellectual Property Office of the Republic of Croatia and the European Patent Office. The Delegation underscored that their Intellectual Property Office had been making continuous efforts to develop all resources relevant for performing its tasks and playing its role of State administration body responsible for intellectual property, as well as connecting the national system with regional and global intellectual property systems. The Office paid special attention to the education and specialization of its staff and to the maintenance and continuous improvement of IT, through continuous modernization of hardware, software and organizational solutions. Participating in WIPO activities has created preconditions for the realization of the WIPO projects, in particular for PCT electronic filing. The Delegation hoped that cooperation with the EPO would give the State Intellectual Property Office of the Republic of Croatia new possibilities in this field. The State Intellectual Property Office has developed important activities in the promotion and implementation of intellectual property for the improvement of economic development, intensifying economic globalization processes, institutionalized, in particular, since the accession of the Republic of Croatia to the WTO at the end of 1999, to respond to the challenges of global market competition. To achieve global competitiveness and as a precondition to development of the Croatian economic system, the Intellectual Property Office assumed its role and considered that its obligation was to contribute to the achievement of this aim through partnership with economic, scientific and research institutions, educational institutions, professional associations, and other relevant entities, including inventors, applicants, mass media and editorial boards of professional magazines. The Delegation underscored that the globalization process would undoubtedly continue and intensify in all the life spheres, and that in a knowledge-based economy, intellectual property would have an important function in economic development. Such a trend imposed upon national offices responsible for intellectual property increasingly comprehensive, complex and important tasks to be performed both on the national and international level. Being aware of these facts, efforts have been made to develop the State Intellectual Property Office of the Republic of Croatia which would become an active factor and partner in the development of scientific, research and technological activities as the basis of the future economic and other progress of the country, in cooperation with the offices of other countries. The Delegation referred to successful cooperation with the Austrian Patent Office and the German Patent and Trademark Office, particularly in professional training. The marking of Intellectual Property Day 2001, for the first time, significantly contributed to the promotion and prominence of intellectual

property. The State Intellectual Property Office of the Republic of Croatia will celebrate its 10th anniversary in the year 2001. To mark the jubilee on the national level through various activities, intellectual property would be promoted as an important resource for economic development, and special attention would be paid to the important role of WIPO, WTO and E.U. institutions, under the slogan "Global Cooperation for Global Competitiveness." An international conference would also be organized in Dubrovnik, Croatia, in 2002. The State Intellectual Property Office of the Republic of Croatia has started activities aimed at changing its status and transforming it into a predominantly self-financing institution, which would provide it with more independence in making decisions related to the improvement of its activities and its development. The Delegation expressed its appreciation to those IP offices which were contacted and responded affirmatively to its request for assistance in this initiative. The Delegation concluded by confirming that the Republic of Croatia and its State Intellectual Property Office would continue to support, cooperate with and participate in the projects and activities of WIPO.

94. The Delegation of the Czech Republic congratulated the Director General and the International Bureau for the impressive and successful activities undertaken in the period under review, and particularly appreciated the continued growth in the international registration activities under the PCT, Madrid and Hague systems, the activities of the WIPO Worldwide Academy and the Cooperation for Development program. The Delegation looked forward to developments in the WIPONET and PCT Electronic filing projects, and was pleased with WIPO's activities on SMEs and intellectual property enforcement issues. It supported the new initiative concerning an international patent system. As regards developments in the Czech Republic, the Delegation informed that the draft Law on the Protection of Designations of Origin and Geographical Indications was being discussed in the Czech Parliament and was expected to come into force as of 1 January 2002. The Czech Government had already approved the proposal on the accession of the Czech Republic to the European Patent Convention, and that matter was to be discussed in the Parliament. The Delegation wished to draw particular attention to its wide-ranging Copyright Act, which had come into force on 1 December 2000. That Act had already been proven responsive in a brief time to intellectual property rights in this information society. It had been drafted with a view towards the intended accession of the Czech Republic to the WIPO "Internet Treaties" of 1996, which the Parliament had approved in August, 2001. It covered subject matter on dissemination of works, phonograms and audiovisual fixations, television and radio broadcasts in the digital environment. Also this Act protected computer programs and databases and harmonized the terms of protection offered under copyright and related rights, satellite broadcasting, cable retransmission, exclusive rental rights and Internet communication. Strong protection was also included to counter the circumvention of technological protection measures applied to the digital environment, such as encryption, and provided remedies against unauthorized acts that removed or altered electronic rights management information. It also extended the claims that a rightholder may assert in civil proceedings, and called for seizures and destruction of unauthorized reproductions or imitations of the work.

95. The Delegation of Denmark thanked the Director General and the entire WIPO staff for their effort in transforming the WIPO Organization. It stated that the ongoing negotiations in the intellectual property rights (IPRs) fora were getting more and more difficult and complex. It was, however, very important to have good, effective worldwide protection of IPRs in order to provide a favorable innovation environment in enterprises and the society as such. Innovation was a prerequisite in creating economic growth and wealth on a global scale. One of the major issues related to IPR was the cost associated with the enforcement of IPR.

Denmark believed that an insurance system should be established, to help the small and medium-sized enterprises (SMEs) worldwide to safeguard their rights. Denmark feared that, without an insurance option, only large multinational companies would have the ability to defend their IPRs. It believed that WIPO had an important role to play in this area, and it was pleased to inform that initial meetings with WIPO would take place during these Assemblies. Discussions were also taking place in the European Union (EU) concerning the establishment of a patent insurance system. The Danish EU presidency in 2002 would, together with the EU Commission, convene a Conference on a future patent insurance system. The Delegation stated that during the past year, Denmark had been working on the development of a new tool for the strategic management of companies' patents and trademarks, the so-called Ipscore. In January 2001, Denmark held a well-attended conference called Management and IP - The New Challenge. The next stage would be to develop a standard reporting system for enterprises at the national level and later to make a reporting system at the international level. On October 1, 2001, a completely new law on designs was to enter into force in Denmark, waiving the systematic examination of design applications. Denmark was also in the midst of revising its Patent Law and Regulations. The newly-revised law was planned to come into force on January 1, 2003. The purpose of revising the law was to implement the Patent Law Treaty and to implement the EPO Treaty on Cost Reduction, whose primary object was to limit the number of translations. Denmark was encouraged to see that WIPO was focusing on the most appropriate solutions concerning biodiversity, bearing in mind that solutions should not be found only within the IPR area, but within other systems as well. Finally, the Delegation considered that taking part now in the creation of the intellectual property system of tomorrow was an enormous and inspiring challenge.

96. The Delegation of Finland commended the Director General and the Secretariat for their achievements in transforming WIPO into a modern performance-based and IT-driven international organization as reflected in the Program Performance Report for 2000. The reform of the international patent system had been observed with interest by the Delegation and it looked forward to a greater international harmonization of the substantive aspects of patent laws and the reform of the PCT. The Delegation expressed its appreciation of the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks adopted at WIPO in September 1999, as the recommendation constituted a first step towards recognition of the integrity of these marks, an issue which Finland has emphasized for a long time. The Delegation indicated that Finland was studying the best ways of putting the Joint Recommendation of WIPO into practice. The Delegation also expressed its satisfaction with the manner in which WIPO had tackled the different problems associated with electronic transactions and electronic commerce. In this connection, the Delegation reported that Finland had pioneered the development of new systems for electronic transactions, and that the National Board of Patents and Registration had thus become the first national office in Europe using electronic filing of patent applications through the Internet in March 2001. The Delegation concluded by noting that one of the highlights in the year 2000 had been the first WIPO conference "Forum on Creativity and Inventions - A Better Future for Humanity in the 21<sup>st</sup> Century", held in Helsinki, and attended by some 200 participants from over 50 countries. According to agreed plans, the conference would be organized every two years, and the next one would be held in 2002 in Asia. The Delegation thanked WIPO and the Director General for a crucial contribution by putting forward this important theme.

97. The Delegation of France pointed to the fact that the role of intellectual property was currently at the heart of a multitude of debates, adding that in the face of those various debates the role of the Organization was essential, and that the Secretariat should contribute towards making intellectual property into a factor of growth and development. The Delegation then

congratulated the Secretariat on the work done in the course of recent months. It was particularly pleased with the result of the Geneva Act of the Hague Agreement, and still more with the success of the Diplomatic Conference for the adoption of the Patent Law Treaty, in which France had taken part. It stated that it supported the initiative on PCT reform and on the treaty on the harmonization of substantive conditions in the field of patent law. It added that the success of the reform of PCT procedure was intended in particular to improve the operation of the European patent system. It was pleased that the Organization had embarked on the process of internal reform, which should among other things make for productivity gains, and it welcomed the improvement in budgetary procedure. It supported the Organization's intention to provide itself with modern means of operation which should at all times be adjusted to actual needs and financing potential. It said also that the Organization should be guided by three criteria in pursuing the reforms, namely: the usefulness of the measures to the economic operators who made use of intellectual property, respect for the interest on each person and for diversity of approach, and the concern to introduce and finance modern technology. The French Delegation approved the policy conducted by the Secretariat in matters of cooperation; it had taken an active part in it, among other things by doubling the balance of the French fund in 2000. It laid stress on the need to give industrial property training to experts such as magistrates and the staff of offices but also to industrial property agents and specialists within companies. The Delegation expressed the wish to see the fight against counterfeiting intensified, as there was evidence of an increase in that evil practice in the product of seizures at France's borders. It went on to say that the use of modern technology could also contribute to development with a view to narrowing the digital divide (WIPONET). As far as geographical indications and designs were concerned, there was a need to adapt the tools of intellectual property to the needs of emerging economies. In conclusion, the Delegation renewed the expression of its trust in the Director General to lead the Organization in the service of intellectual property development in an environment acknowledged by all to be difficult.

98. The Delegation of Gabon associated itself with the statement made by the Delegation of Algeria on behalf of the African Group. It expressed satisfaction with and congratulated the Director General on the excellent work carried out. It reiterated its interest in implementing the WIPONET project and the action plan intended for small and medium-sized businesses. It encouraged WIPO to support the efforts of developing countries and of the least developed countries (LDCs) in benefiting from the intellectual property aspects linked to traditional knowledge and folklore. The Delegation supported all the proposals made by the Director General as part of the revised 2002-2003 Draft Program and Budget, and expressed its interest in WIPO continuing to provide assistance for developing countries so that they might fulfill their obligations in relation to the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. In conclusion, the Delegation thanked the Organization for the multifaceted assistance given to the country, in particular in modernizing its national industrial property mechanism and training activities.

99. The Delegation of Georgia expressed its gratitude to the Secretariat for the high quality documents reflecting WIPO's activities, which the Delegation fully supported. With regard to recent developments in the field of intellectual property protection in Georgia, the Delegation noted that at the end of 2000, the State Copyright and Neighboring Rights Agency was affiliated with the National Intellectual Property Center of Georgia, SAKPATENTI. The Center was placed directly under the President and the State Minister of Georgia. The Delegation highlighted the extensive work program of SAKPATENTI for 2001-2002, including the translation and publication of the WIPO Publication "Intellectual Property Reading Material" into Georgian. It noted that a local area network (LAN) was now in place

with about 100 workstations, and all workstations of the examiners had been connected to the Internet. As of 2000, SAKPATENTI produced CD-ROMs containing its own patent information. Also, SAKPATENTI had extended its premises, now including a conference hall, and equipped them with modern computers and other facilities in order to increase the services rendered to the public, including training of specialists and access to the SAKPATENTI information resources, remote patent information and associated literature databases. In September 2001, the first workshop was held in the new premises: the INPADOC Database Workshop, organized by SAKPATENTI with the participation of its examiners and representatives of the Armenian Patent Office. The Delegation reiterated its request to WIPO for the organization of two seminars in Georgia next year, one of which could take the form of a video conference, and stated that some preliminary talks had already taken place on this issue with the WIPO Worldwide Academy. It noted that for the first time ever, the Delegation of Georgia had participated in the WTO TRIPS Council session. The Delegation noted that Georgia had taken first steps towards improving the administration of existing laws and regulations, including the establishment of a Department for Combating Intellectual Property Violations by the Ministry of Internal Affairs and the establishment of a new control function of the Customs Department, to examine, from an intellectual property point of view, goods imported to, or exported from Georgia. Initiatives in the field of intellectual property protection by the State Tele-Radio Corporation and some other private channels were considered important. The Delegation stressed that its Parliament in 2001 had ratified the WIPO Agreements on Copyright and Performances and Phonograms, and the Nice Agreement had recently been submitted to the Ministry of Foreign Affairs. The Delegation expressed Georgia's intention to submit The Hague Agreement and the Geneva Act of 1999 to the Ministry of Foreign Affairs in the nearest future. Accession to the Budapest Treaty was planned for the end of 2001, and to the Rome Convention in Spring 2002. In parallel, work had commenced on preparing amendments to the legislation on the protection of intellectual property rights, and to laws related to enforcement, the Criminal Code, the Customs Code, the Administrative Violations Code, the Law on Border Measures Related to Intellectual Property, etc. The Delegation furthermore expressed its particular interest for ongoing work in the field of geographical indications and it expressed its support for the proposal of the European Union on the creation of a multilateral system for notification and registration of geographical indications addressed to the TRIPS Council. It also supported the opinion that absolute protection, in addition to wine, should apply to other products in accordance with Article 23.4 of the TRIPS Agreement and the Delegation suggested that WIPO should actively participate in the development of a global system being wider in scope and more efficient than the Lisbon Agreement currently in force. In this respect, the Delegation pointed out that Georgia had prepared and submitted a draft agreement to the CIS Economic Council on the creation of a geographical indications Interstate register.

100. The Delegation of Ghana noted with satisfaction the documents A/36/4 and A/36/5, which provided a clear and excellent account of results achieved or progress made by WIPO during the first year of the biennium. The Delegation particularly applauded the structural changes in reporting methodology introduced to enable Member States to clearly ascertain the progress attained by the Organization during the reporting period. The Delegation commended the role the Director General and his team were playing in promoting the objectives of the Organization. The Delegation noted that Ghana continued to receive technical assistance from WIPO consisting of consultations, expert advice in the review of legislation, Gazettes, on new areas such as Internet Domain Name registrations and protection of Traditional Knowledge, which enabled its national intellectual property officials to effectively promote and deal with intellectual property issues. The Delegation expressed its gratitude to the Director General and the staff of the Secretariat for the prompt response to the



request for assistance concerning the review of its trademark and patent legislation. Furthermore, cooperation activities carried out in the area of protection of Traditional Knowledge had led to the greater realization of its relevance and importance on the social economic and cultural development of Ghana. The Second (WIPO) Internet Domain Name Process Regional Consultation took place in Accra in April 2001, with participants from the Internet community, universities, the judiciary and the bar, industries, policy makers, and senior government officials. The objective of the event was to sensitize stakeholders on the need to establish a policy to regulate the interface between the intellectual property system and Domain Name registration system. The Delegation reported that there were on-going consultations with WIPO and among the stakeholders, and that it hoped Ghana would shortly adopt a policy on Domain Names registration. Ghana also participated in the meeting of the Standing Committee on Information Technology (SCIT) in Geneva, and in the WIPO expert meeting of the East African Pilot Project for the introduction of an anti-piracy security scheme for sound and audiovisual recordings for Kenya and the United Republic of Tanzania, held in Dar es Salaam. The Delegation commended the achievements of the WIPO Worldwide Academy and its consistent promotion of activities dedicated to the training and development of targeted groups, such as decision-makers, policy advisers, development managers, administrators and intellectual property officials. The Delegation expressed its satisfaction with the benefits Ghana had derived from those activities and urged WIPO to sponsor officials of the Intellectual Property Office of Ghana to participate in various capacity-building exercises.

101. The Delegation of Iceland congratulated WIPO on the excellent work done in the past year, documented in the Program Performance Report for 2000. It expressed its satisfaction with the structural changes made for the presentation of the report and agreed with the statement made by the Secretariat: “that the progress made in the year 2000 toward achieving expected results ... can be considered satisfactory.” The Delegation shared the views expressed regarding the prosperity of the PCT. It offered support for proposals to reduce PCT designation fees and welcomed the intention of streamlining and simplifying the procedures for PCT applications. Regarding trademarks, it was noted that the work of the SCT had been very productive, especially with regard to the protection of marks and other IPRs and signs on the Internet. Work on the proposals for modifications of the Common Regulations under the Madrid Agreement and the Protocol had also been satisfactory. The Delegation welcomed the work in progress regarding a resolution for Internet Domain Name disputes, and it noted that the report published in the year 2000 had led to new procedures and rules regarding domain names in Iceland. The Delegation was satisfied with the ongoing emphasis on assisting LDCs in the strengthening of their knowledge of IPR and in making their IP Offices more functional and efficient. The Delegation mentioned that the Iceland Patent Office celebrated its 10<sup>th</sup> anniversary on July 1, 2001. Activities on that occasion included: a symposium held in June 2001, on the theme “IPR – *Quo Vadis?*” with participation of the Nordic patent offices; the publication of several IP brochures and other material; publication of the book “History of Industrial Property in Iceland in the 19th and 20th Century”; and moving of the Office into its own office building. The Delegation furthermore highlighted that the number of patent applications for 2001 was estimated to reach 500, compared with 100 in 1996, and the number of trademark applications for 2000 was estimated to reach 4800, compared with 1600 in 1996; the financial performance of the Office had been strengthened; the staff had doubled in the last five years; a new Design Act entered into force in spring 2001; and, Iceland ratified the Geneva Act of the Hague Agreement. Icelandic firms and R&D institutions were increasingly applying for patent protection in other countries, and a Working Committee under the Ministry of Industry (in cooperation with the Patent Office), was estimating the advantages of Iceland’s possible accession to the EPC.

102. The Delegation of Japan noted the new WIPO senior management structure and expressed its hope that under the new management WIPO would continue its active role in the protection of intellectual property. The Delegation informed the Assembly that on September 12 and 13, 2001, the WIPO AsiaPacific Regional Forum, held in Tokyo, was attended by the heads of 24 IP Offices in the Region. The Joint Statement adopted by the Forum re-affirmed the importance of Asia-Pacific regional cooperation in the context of the Network Age, and confirmed the importance of international intellectual property systems as well as internationally harmonized national IP systems and emphasized more active utilization of IP rights and human resources development with regard to an appropriate development of IP protection. The Delegation stated that the Joint Statement could serve as a guide for the future policy considerations of IP Offices and expressed its gratitude to WIPO for its efforts in organizing the Forum. Cooperation and collaboration among WIPO Member States and the Secretariat was considered essential, in order to facilitate the obtaining of IPR and to ensure their exploitation and enforcement. The reform of the PCT system was considered very important and the Delegation expressed its strong support for the proposal made by the Director-General concerning the modification of the time limit provided in PCT Article 22(1) as an immediate action to address the difficulties faced in the PCT. In addition, it should be made possible in the mid-term to obtain patents in many countries for the same invention under the same patenting criteria through simple procedures. The Delegation commended the fact that the efforts of the Substantive Patent Law Treaty (SPLT) had been started in the SCP. It reiterated its advocacy of the idea of “mutual exploitation of search/examination results” and hoped that other Member States would seriously continue to consider this idea. The discussion of issues raised in the “Agenda for the Development of the International Patent System” (document A/36/14) was considered very timely and the Delegation expressed its high appreciation for this initiative of the Director General. It stated that the JPO had adopted an electronic system allowing applicants to file industrial design applications online through their PCs. The Delegation was paying strong attention to the future prospects of the 1999 Geneva Act of the Hague Agreement, and hoped that international efforts for adequate protection and promotion of the utilization of designs would be made at SCT meetings, affirming that the JPO was prepared to actively participate in such international efforts. The Delegation also emphasized that efforts should be focused around the international harmonization of national/regional trademark systems, including the harmonization of substantive aspects of trademark laws and the revision of the TLT, and noted that both issues were to be discussed at WIPO-SCT meetings. Japan became a party to the Trademark Law Treaty (TLT) in 1997. Furthermore, the importance of the promotion of the Madrid Protocol, to which Japan became party in December 14, 1999 and had been implementing since March 14, 2000, was stressed as well as the necessity for increasing the number of Contracting Parties to the Protocol. As of July 2001, there had been approximately 380 international applications filed from Japan designating approximately 3,700 countries in total. Japan had also received approximately 5,700 international applications from other countries. The Delegation considered the Proposed Joint Recommendation Concerning the Protection of Marks and Other Industrial Property Rights in Signs on the Internet as the first step towards the settlement of conflicts concerning trademarks on the Internet. It said that Japan had started establishing necessary laws and regulations to respond to the Internet age and that, after having acceded to the WIPO Copyright Treaty (WCT) in June 2000, it intended to start preparations for acceding to the WIPO Performances and Phonograms Treaty (WPPT) in the first half of 2002. It recalled that no agreement had been reached with regard to the protection of audiovisual performers at the Diplomatic Conference in December 2000 and considered this situation inappropriate because of the lack of balance among neighboring right holders and hoped that a date for the second round of Diplomatic Conference would be set

during this Assemblies. As it was Japan's understanding that the WIPO Standing Committee on Copyright and Related rights (SCCR) was discussing a new treaty for the protection of broadcasting organizations, Japan had made a proposal in the form of text language at the fifth SCCR held in May. The Delegation hoped that the SCCR would promote the discussion and introduce an international rule concerning the protection of broadcasting organizations at the earliest opportunity. With respect to the WIPO Digital Agenda adopted in 1999, WIPO's initiatives were expected on emerging issues such as jurisdiction for copyright infringement via the Internet. The Delegation indicated that in order to support the efforts of WIPO Member States in establishing a sound basis for IP protection, Japan had been offering WIPO Trust Funds since 1987, mainly for the benefit of Asian-Pacific countries. Japan would continue its support for such WIPO activities.

103. The Delegation of Liberia stated that despite all the difficulties Liberia continued to experience since the 1980s, WIPO had been able to assist and facilitate the progressive development of its intellectual property system. WIPO's support was instrumental in the ratification of the Madrid Agreement, PCT and the Paris Convention by Liberia. The Liberian Industrial Property Office had been able to receive assistance from WIPO in the development of the industrial property legal framework, such as the drafting of new laws, facilitation of experts and provisions of equipment. The Delegation indicated that separate Offices for Industrial Property and Copyright, are now in place. Its focus to date is on ensuring that the Industrial Property Laws reach the implementation stage and that its system be harmonized with international IP systems. The need to increase stakeholder awareness in intellectual property in Liberia was recently established with the assistance of WIPO: a seminar on Intellectual Property Trade, Development and Protection was convened in Monrovia in July 2001. The Delegation expressed its gratitude to WIPO for assistance received in the areas of capacity-building and the drafting of the new Industrial Property Law, and thanked the Director General and the Secretariat for the vision and impressive work that brought about far reaching, positive effects.

104. The Delegation of Mauritania thanked the Director General and all his staff for the precious assistance provided for the country by WIPO in promoting and protecting intellectual property rights. It praised in particular the Director General's efforts in support of the various dynamic and novel initiatives during the past few years, which made WIPO a future-oriented organization which was able to meet the needs of its Member States and the many users of the intellectual property system more effectively. It encouraged the WIPO management to persevere in the same direction and expressed its satisfaction with the implementation of the numerous programs established by WIPO, with the greatest possible transparency and remarkable efficiency.

105. The Delegation of New Zealand reported that the last year had been tremendously busy and satisfying for the Intellectual Property Office of New Zealand (IPONZ). A particular focus for the Office had been promoting the benefits associated with IP protection and looking at improving client access to its resources. Intellectual property issues had received increasing public and media attention and that, along with initiatives such as the World Intellectual Property Day, had helped greatly in raising IP awareness to the wider community. Seminars were held in April on the Madrid Protocol in Wellington and Auckland; in May, IPONZ hosted a Regional Symposium, together with WIPO and the Japanese Patent Office, on the Enforcement of Intellectual Property Rights. A review of New Zealand's position on the Madrid Protocol and several other treaties was in progress. IPONZ received a number of overseas visitors interested in advances it had made in terms of processing, turnaround times and technology. Delegations included officials representing the Korean Industrial Property

Office, patent examiners and the Director of the Customer Support Centre from IP Australia, all discussing patent issues; officials from the Japan Institute of Invention and Innovation (JIII), to discuss enforcement issues; a representative from AIPPI discussing the Convention on Biodiversity, and officials from the Norwegian Patent Office (Patentstyret). That visit focused on how New Zealand processed and examined, in five days, the trademark and design applications it received, as well as issues on the Madrid Protocol and similar practices in Norway. The State Intellectual Property Office of the People's Republic of China also visited New Zealand to discuss China's new patent law developments. At that visit, a bilateral agreement was signed to ensure the ongoing flow of information in IP matters. IPONZ was represented at a number of overseas events, including the APEC IPEG meeting in Sydney in March, the AIPPI conference in Melbourne in March and attended the XII APEC Intellectual Property Rights Experts Group meeting in Taiwan Province of the People's Republic of China, in July. At the meeting, New Zealand offered to host the XVI meeting in February/March 2003. The Office was represented at the Intellectual Property Society of Australia and New Zealand conference in Queensland, Australia in August/September, which was attended by 220 lawyers, judges, patent attorneys, academics and industry representatives. Information technology developments had been consolidated during the year and continued to be one of the main areas of progress at IPONZ. On 1 July 2001, IPONZ introduced the electronic filing of Patent Cooperation Treaty applications using the PCT-Easy software. Over the next year, IT developments would include implementing on-line renewals, on-line receipting, on-line patent specifications, and on-line filing of trade mark applications. Reform of New Zealand's Trade Marks and Patent legislation had progressed significantly. A new Trade Marks Bill had been submitted to the House and had been referred to a Select Committee. The proposed amendments to the Patents Act were to be presented to the House next year. Work was progressing on implementing changes to Trade Mark legislation. Changes to the Nice Classification system were being incorporated into New Zealand law by 1 January 2002. Lastly, two discussion papers relating to Copyright issues were due for release soon: *Performers' Rights* and *Digital Technology and the Copyright Act 1994*. Those documents would outline broad options for reform and conform New Zealand's current copyright regime to WIPO treaties.

106. The Delegation of Niger congratulated the Director General and Secretariat on the intensity of the activities conducted in the course of 2000. It noted the growing interest of users in registration activities, especially designs and the PCT, and was pleased with the action initiated in the field of genetic resources, traditional knowledge and folklore. It thanked the Secretariat for the intervention that had contributed to the development of intellectual property in its country. In that connection it wished to mention the introductory course on intellectual property jointly organized by WIPO and the Government of Niger. That course, for the benefit of 19 African countries, had among other things made it possible to train a large number of officials. Apart from that it expressed the wish to make intellectual property better known to the general public in its country. Finally, it hoped that WIPO would strengthen its financial support for Niger, over and above its traditional work on cooperation for development.

107. The Delegation of Nigeria noted that WIPO had become a modern and efficient Organization dealing with the international intellectual property system. The 'Digital Agenda,' especially the WIPONET project, and the WIPO Worldwide Academy's (WWA) Distance Learning program were particular highlights. The Delegation noted that Nigeria was one of the countries that would benefit from the WIPONET during 2001. As to the WWA, the Delegation requested the Organization to explore simpler ways and means of imparting knowledge to developing countries, as it believed that this would greatly assist in

demystifying intellectual property in developing countries, in particular. The Delegation was pleased with the strategy adopted for the implementation of the new global issues, such as the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, and the work of the Intergovernmental Committee was a positive signal that such issues were being discussed at a high level. It believed that the work of the Committee would assist in improving the understanding and the best practices of global protection and benefit sharing. On SMEs, the Delegation commended the Secretariat on the approach adopted so far on the action plan, and hoped that the work would encourage inventive activity. The Delegation supported the proposed increase of resources for the Cooperation for Development Program in the 2002-2003 Program and Budget. The Delegation noted that Nigeria was in the process of amending its intellectual property laws, with the assistance of WIPO. It was expected that an intellectual property commission would be created to administer the intellectual property laws and regulations, and the Commission would be required to maintain certain standards. In this regard, it requested WIPO to provide training for the officers that would run the Office. In conclusion, the Delegation endorsed the statement made by the Delegation from Algeria on behalf of the Africa Group.

108. The Delegation of Norway congratulated the Secretariat for the excellent preparations and documentation for this Assembly. It expressed its general satisfaction with the draft Program and Budget for the next biennium, which clearly demonstrated a long-term vision and strategy for the expansion of the role of intellectual property, to which the Delegation expressed its full support. The strategies on investment-driven information technologies, on the growth in electronic commerce, and on the expanded global economy were important elements in this respect. The Delegation also welcomed and supported the overall strategies in respect of further enhancing the efficiency of internal activities, of working towards optimum customer satisfaction, and of continuing the development of the IT infrastructure. However, the Delegation emphasized that in the area of SMEs, it would have liked to see a more ambitious long-term strategy and a plan showing higher targets for the next two years. The Delegation strongly felt that the largest potential for future expansion of the IPR field to new customers and users lies within the field of SMEs due to the disturbingly low level of IPR knowledge and consciousness among the SMEs in many countries. This view had to some extent been confirmed by a WIPO-financed study carried out in Norway, which would be published shortly. The Delegation noted that because SMEs accounted for about 95% of the total of Norwegian enterprises, the SMEs and their general framework were very much in focus in the planning of economic development and it therefore felt that some effort should be made at the international level to better adapt the innovation and the IPR systems to the needs of the SMEs. The Delegation noted that it had therefore been very much encouraged when this topic was put on the agenda of the General Assemblies some years ago. However, it seemed that a lack of resources had hindered the necessary steps forward in this area since then. This was of some concern to the Delegation and it encouraged both the Secretariat and the Member States to put this area into focus.

109. The Delegation of Poland congratulated the Secretariat for the work accomplished during the period January 2000 to June 2001 and expressed its satisfaction with the scope and quality of the activities undertaken by WIPO, in particular those relating to the strengthening of the legal and administrative intellectual infrastructure, the computerization of intellectual property, promotion of inventions and innovations, as well as the enforcement of intellectual property rights. It welcomed and appreciated the very clear and precise reports, A/36/4 and A/36/5, both in terms of structure and substance. The Delegation particularly welcomed WIPO's rapid transformation into a dynamic IT-driven Organization through substantial investments in modern IT systems and Internet technology, including key initiatives such as

the IMPACT Project and WIPONET, and noted the importance of continued WIPO leadership in the IT standard and norm-setting process. It reiterated the importance of several on-going work of the Organization, such as work on constitutional reform, on the substantive harmonization of patent law, following the successful conclusion of the Patent Law Treaty, and on the PCT reform. With regard to the latter, the first steps had already been undertaken for a further reduction of the number of payable designations, and modifications of time-limits fixed in Article 22(1) of the PCT. The Delegation informed the Assembly that the most important recent development in Poland in the field of intellectual property had been the entry into force, as from 22 August 2001, of the new Industrial Property Law, introducing a number of new regulations in the field of industrial property protection bringing the system of protection in line with the provisions of international conventions and the requirements of European Union legislation. Furthermore, new registration systems for industrial designs and geographical indications had become operational, which was expected to contribute to a further increase in the number of applications in Poland and the registration activity of the Polish Patent Office, within the PCT and Madrid systems, continued an upward trend. The Delegation also stated that new legislative works were being undertaken aimed at complying with the requirements of the new Community's *acquis communautaire* in respect of industrial designs and biotechnological inventions. Poland's preparations to join the European Patent Convention, as from July 1, 2002, and the Community Trademark system, were among the main priorities of the Polish Patent Office, and included a number of important activities within the framework of the Memorandum of Understanding signed between the Office of Harmonization in the Internal Market (OHIM) and the Polish Patent Office. The future accessions would require intensive harmonization of national legislation as well as reorganization of the Office and the launching of public awareness programs.

110. The Delegation of Qatar thanked the Director General and the Secretariat for the high quality of the documents prepared for the Assemblies. In that respect, special reference was made to documents on the protection of domain names, traditional knowledge and folklore, and patents. The Delegation commended WIPO for the WIPONET project which would facilitate patent procedures. In order to celebrate the World Intellectual Property Day, Qatar destroyed more than 50,000 pirated artistic works live on television. The Copyright and Trademark Laws were amended. The National Copyright Act, which would be enacted before the holding of the Fourth Ministerial Conference of WTO, was adapted, with the help of WIPO, to the provisions of the TRIPS Agreement. Qatar looked forward to the organization of several specialized national or sub-regional seminars on intellectual property in general, treaties administered by WIPO and national legislation, to be held for the judiciary, customs and police. The Delegation also requested that intellectual property curricula be prepared by WIPO for the University of Qatar, and hoped that the Organization would compile and distribute to the judicial authorities of Qatar IP judicial decisions.

111. The Delegation of Sierra Leone extended its sincere appreciation to the Director General and the Secretariat for the excellent quality of the documents which had been prepared. It noted that the two documents A/36/4 and A/36/5 reflected the Director General's fundamental objectives of transparency and accountability in implementing the programs of the Organization, and the result-oriented programming and budgeting gave a clear picture of the Organization's aspirations and goals. The Delegation stated that the programs reflected the diversity of focus and interests of the Member States, and it was pleased to note that the Organization was widening its activities to emerging global issues, such as genetic resources, biological diversity, expressions of folklore and traditional knowledge, which were of particular interest to developing and least developed countries. The Delegation stated that it was important for developing and least developed countries to determine how they could

benefit from the economic exploitation of these resources, and for that purpose they had to establish well-functioning intellectual property systems. The Organization's cooperation with and assistance to developing and least developed countries in this respect was considered crucial. Furthermore, the Delegation expressed the developing countries' needs for technical assistance to modernize legislation to comply with the TRIPS Agreement and other international conventions, and to enable intellectual property administrations to provide more efficient services to the users. This Delegation urged the Director-General to use the considerable resources of the Organization, both financial and human, to combat underdevelopment for the profit of all. It considered the Organization's participation in the preparatory meetings leading to the UN Special Session on HIV/AIDS as a step in the right direction. The Delegation supported a strengthening of the program on small and medium-sized enterprises, and noted that training would enable SMEs to take advantage of the potential of the intellectual property system. It believed that the development of human resources should go hand-in-hand with infrastructural improvements. The Delegation thanked WIPO and other donor nations for recent training undertaken and hoped that other training opportunities would emerge. Apart from officials of the national industrial property office it was essential that policy-makers, magistrates and judges, customs and law enforcement officials, and academics were exposed to the intellectual property system, as they played a vital role in enforcing IP rights and creating awareness within the country. The Delegation was pleased to note that there was a substantial increase in the funds allocated to cooperation with developing countries, and expressed its hope that Sierra Leone would benefit from that increased funding. The Delegation endorsed the statement made by the Delegation of Algeria on behalf of the African Group, and hoped that with the return of peace and stability in Sierra Leone they could now make better use of a Nationally Focused Action Plan project, which it had applied for.

112. The Delegation of Slovakia expressed appreciation for the excellent documents prepared for the Assemblies and referred to the strategic document "Memorandum of the Director General - Vision and Strategic Direction of WIPO," in which the further development of intellectual property protection throughout the world and the role of WIPO in this process had been very clearly outlined. It stated that, in a permanent process of rapid and dynamic development of new technologies and human creativity, the role of WIPO was irreplaceable, since only a robust and dynamic intellectual property system could support and encourage technological innovation, bring more and better products into the market, and promote investment and technology. The Delegation declared that the Slovak Republic supported this global strategy carried out by WIPO, and stated that the protection of intellectual property rights was linked with the digital economy, biotechnology, biological diversity, protection of folklore, Internet domain names, automation of PCT operations, etc., calling for a new and intensified cooperation and harmonization of legal disciplines. The knowledge-based, professional services provided by WIPO in this process to the Member countries were invaluable. The activities of the Slovak Republic in the field of the intellectual property rights protection focused on fulfilling the tasks resulting from the Slovak Republic membership in various international agreements, treaties and conventions. The main priority for the Industrial Property Office of the Slovak Republic (IPOSR) was to join the European Patent Convention as of 1 July 2002. The new Patent Law, as submitted to the Parliament of the Slovak Republic, was in compliance with the European Patent Convention and Patent Law Treaty. Harmonization of other national laws on industrial designs and appellations of origin with the *acquis communautaire* were also in progress. The Slovak Republic was very keen to participate actively in the future activities of WIPO and intended to join other international treaties administered by WIPO: the Patent Law Treaty, by the end of 2001, as well as the Geneva Act of the Hague Agreement. Some of its officials had participated in international

seminars on industrial property rights protection topics organized by the WIPO Academy. The IPOSr continued its own training and educating programs, provided by its own Intellectual Property Institute. The foundation of this Institute had been endorsed and accredited by the Ministry of Education. The two-year course of study at their Institute consisted of four module-based levels, and WIPO assistance was sought in providing lecturers, especially for the highly professional topics. The Delegation expressed the wish that more funds could be allocated to Member States for financing the participation of officials in the various WIPO Committees: that would help the Member States in disseminating in their own countries first-hand information about the latest developments in the field of the intellectual property.

113. The Delegation of Spain announced that the Spanish authorities responsible for intellectual property protection had continued to deal with new challenges and demands in 2001. With reference to the PCT, it said that the Spanish Patent and Trademark Office (SPTO) had in 1995 become an International Searching Authority and had applied for the status of International Preliminary Examining Authority. The Delegation said that Royal Decree 996/2001 of September 10 had introduced the general application of the procedure for the grant of national patents with prior examination in all sectors of technology. It said that the Order of June 19, 2001, had introduced reductions in the PCT international search fee brought about by the SPTO for the benefit of applicants from certain countries on conditions comparable to those of the Regulations on Fees of the European Patent Office (EPO). It pointed out that the signature on November 29, 2000, of the Revision Act of the Convention on the Grant of European Patents had increased the efficiency of the European patent system. With regard to legislative developments, the Delegation mentioned the publication of the text of the draft law on marks, which had introduced changes such as the removal of “similarity examinations” of earlier titles in relation to a trademark applied for, with a view to alignment on the majority of systems in the European environment, especially the Community Trade Mark system. It announced that the draft law on the legal protection of biotechnological inventions would amend the 1986 Patent Law with respect to the definition of the legal framework of patents in the biotechnology field, and said that the preliminary draft Law on Designs had been completed for the adaptation of national legislation to Community and international requirements and the modernization of the industrial design deposit procedure. It said that the process of ratification of the Geneva Act of the Hague Agreement was at an advanced stage of parliamentary consideration, and that there were hopes that the instrument of ratification could be deposited soon. It mentioned that the Order of December 27, 2000, governed the procedure for the recognition of professional titles awarded in Member States of the European Union (EU) and in other States party to the Agreement on the European Economic Area, to enable nationals of those countries to exercise the profession of industrial property agent in Spain. It also mentioned that the entry into force of the new Law on Civil Trials of January 7, 2000, had meant that, subject to exceptions, industrial property litigation would be treated as ordinary litigation. The Delegation stated that WIPO was the Organization to which the direction and future of industrial property in the international environment rightly belonged, and that Spain’s participation was very active. It regarded the reform of the PCT to be of the utmost importance as a means of continuing to improve the international patent system and achieve progressive harmonization, and said that an internal working group had been set up for the purpose within the SPTO. As for the Working Group on the Amendment of the Common Regulations of the Madrid Agreement and Protocol, Spain was in favor of the changes suggested. The Delegation informed the Assembly that the Director General of WIPO had visited Spain in January 2001 with a program that had included visits to various institutions, including the Secretariat of Ibero-American Cooperation (SECIB), the SPTO and the Ministry of Education, Culture and Sport (MEC). It



emphasized that, in the European context, Spain had worked closely with the EPO and the Office for Harmonization in the Internal Market on the definition of the future Community Design and on Community Patent activities. With regard to international cooperation, the Delegation mentioned the provision on SPTO premises of the traditional training courses for the staff of the Industrial Property Offices of the Latin American countries, seminars organized jointly in Latin America by WIPO, the SPTO, the EPO and the Spanish Agency for International Cooperation in order to promote the PCT in the region, and the successful holding in Madrid in September 2001 of a meeting of heads of Ibero-American patent offices, organized jointly by the EPO and the SPTO. It said that the Panama Summit in November 2000 had produced a Declaration by Heads of State and Government of Ibero-American countries which had mandated SECIB to convene a forum for reflection on intellectual property in the new digital environment in the light of the treaties and work of WIPO. With reference to the activity of the SPTO, it mentioned the significant increase in settled files published in the Official Industrial Property Bulletin (BOPI) in the first five months of 2001, and also the incorporation of new Internet services as access to its websites had increased. It said that, in the field of the repression of violations of industrial property rights, SPTO collaboration with the Administration of Justice, the Customs Police Authorities and above all the State Security Forces and Corps had been steadily increasing. The Delegation announced, with respect to copyright, that December 2002 was set as the date for completion of the incorporation of Directive 2001/29 on the Harmonization of Certain Aspects of Copyright and Related Rights in the Information Society, which would open the way to ratification of the 1996 WIPO Treaties, the WCT and the WPPT. It announced that the operation of the Intellectual and Industrial Property Anti-Piracy Commission, set up in 2000 and placed under the authority of the MEC to strengthen cooperation between all agents with competence in the fight against piracy, was being upgraded. It also announced that, in the field of international copyright cooperation, support was continuing to be given on the training of human resources through the grant of fellowships to Latin American professionals for three-week training periods at the MEC. Finally, the Delegation drew attention to the fact that, during the Spanish Presidency of the European Union in the first half of the following year, there were plans to organize an International Congress, sponsored by the European Commission, on the progress made in the harmonization and consolidation of the copyright system at the international level.

114. The Delegation of Swaziland thanked the Director General for his dynamic leadership which had resulted in a growing interest in intellectual property issues. The Delegation endorsed the statement made by the Delegation of Algeria on behalf of the African Group. It informed the Assemblies that Swaziland was in the process of revising its intellectual property laws to comply with the TRIPS Agreement and other protocols to which Swaziland had acceded and thanked WIPO for its assistance in the process. The Delegation noted that Swaziland appreciated being part of the WIPONET project, and stated that staff now had to be trained in electronic filing and registration, for which it requested WIPO's assistance. The Delegation supported the revised Program and Budget 2002-2003, and was pleased with the continuation of activities relating to the revision of laws and the strengthening of the capacities of developing countries. It noted that Swaziland was setting up a modern office, following a study visit to the Swedish Patent Office. Assistance from WIPO would be crucial to further develop this initiative.

115. The Delegation of Sweden commended WIPO for all the many major developments and results achieved during the period under review, as reflected in the documentation on program performance. The Delegation noted that the results-based programming and budgeting, reflected in the report, had indeed improved transparency and accountability. It also noted

that a lot had been achieved during the period under review, but the work was not finished and further progress should be sought. The Delegation stressed the importance of WIPO's role in increasing public access to information about all aspects of intellectual property and it therefore expressed its satisfaction with the success of the WIPO Internet site and the award to WIPO of the First Prize in March 2000, for the best multilingual Internet site among Intergovernmental Organizations. The Swedish Patent and Registration Office was awarded the Golden Link in May, 2000, as being the best Swedish Internet site of the year for services to the public. The Delegation recognized the many IT-related achievements by WIPO during the period of review, and looked forward to improvements, particularly to the PCT system, when the different phases of the IMPACT project would be delivered. Swedish industry was very anxious to be able to file PCT applications electronically as soon as possible. The Delegation expressed its hope to speed up this part of the project by using experiences gained with other systems, so it could be finalized long before the end of 2004. Concerning the use of IT for the dissemination of patent information, the Delegation had considered the discontinuation of the *OCR conversion* of the PCT pamphlets a step in the wrong direction, if such a decision was taken, and expressed the view that the cost of continuing the OCR project was marginal in relation to WIPO's total budget. While understanding that this matter had been discussed in the Program and Budget Committee, it urged WIPO to take the necessary steps to take up this process again for the benefit of the worldwide clientele of WIPO. It noted that the PCT had registered its 500,000<sup>th</sup> application in the year 2000 and in this respect it stated that the Swedish Office performed international searches and examinations of a continuously increasing number of applications. Due to a number of steps taken to increase efficiency the office was now able to issue most of the search reports well in time before the applications were published. The Delegation expressed its full support to the reform of the PCT. It noted that Sweden was in the process of implementing the EU Biotechnology Directive into Swedish law, with its entry into force planned for April 2002. Also, Sweden was in the process of implementing the EU Directive on Industrial Design protection and the EU Directive on copyright in the information society with a view of ratifying the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty by the end of 2002. The Delegation noted that the annual training course on copyright for participants from developing countries, financed by the Swedish International Development Agency (SIDA), was held at the end of August 2001. The Delegation concluded by reaffirming its commitment to the goals and activities of WIPO and looked forward to continued mutual cooperation.

116. The Delegation of Switzerland expressed its thanks to the Director General and the Secretariat for the substantial work done throughout the 2000-2001 biennium, and hoped that WIPO would continue to work on promoting the implementation of intellectual property rights throughout the world, but without neglecting to continue developing international intellectual property law. It assured WIPO of its full support in meeting those challenges. It then reported on Switzerland's recent achievements in the intellectual property field. It was pleased with the 30% increase in applications for trademark registration in 2000 as compared with the previous year, and pointed out that, as from January 1, 2002, the national fee for the filing of a trademark registration application and that for the renewal of the registration would be reduced by 12.5%. It also announced the official launching in June 2001 of the cooperation program developed in cooperation with the Vietnamese intellectual property and copyright offices, and mentioned certain activities in progress or planned for the near future, namely: the first cycle of seminars on the process of accession to the WTO, with special reference to the TRIPS Agreement, and on copyright and related rights; examination of Vietnamese intellectual property legislation for compatibility with the TRIPS Agreement, etc. Hoping that it would soon be acceding to the new international instruments adopted under the

agies of WIPO, Switzerland had continued during the current year to work on the revision of its Patent Law in order to bring it into line with the Patent Law Treaty (PLT) and also with the Agreement on languages signed by Switzerland in October 2000 in connection with the EPO, which among other things would make it possible to avoid having to translate patents drafted in English. Other adaptations of Swiss patent law had to do with the protection of inventions in the field of biotechnology. The Copyright Law was also in the process of being revised in order to permit ratification of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), and also to allow Swiss copyright protection to be adapted to modern information technology. The Delegation went on to say that the draft Law on Industrial Designs had been brought before the Swiss Parliament in 2001. That law, the entry into force of which was planned for the middle of 2002, would make it possible to ratify shortly the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs. The Law was testimony to Switzerland's commitment, for a number of years already, to a procedure for processing and managing intellectual property rights by electronic means. Among those measures it mentioned the launching of the online filing of applications for the registration of marks, together with the introduction of credit card payment of the official fees for the protection of intellectual property rights, electronic management of titles of design right protection, and Internet access to patent, trademark, design and topography registers. The Delegation also mentioned Switzerland's participation in a number of WIPO activities. It supported the proposed joint recommendation on provisions governing the protection of marks and other industrial property rights in signs on the Internet. The Delegation wished to emphasize Switzerland's active participation in the second process of WIPO consultations on Internet domain names, and said that the report gave a good outline of the protection enjoyed at present by those designations at the national and international levels. It was pleased to note the growing success of the PCT, and proposed to take steps without further delay with a view to lessening as much as possible the workload on the International Authorities involved. The Delegation strongly supported the proposal for amendment of PCT Article 22 and the consequential adaptation of PCT Rule 90*bis*. It endorsed the proposal for amendment of the Common Regulations under the Madrid Agreement and the Protocol to it. It was pleased that licenses under international registrations of marks could be entered into the International Register, as that would improve the transparency of the Register and also make for better protection of licensees. The Delegation declared itself in favor of improving the protection of audiovisual performances. It was of the opinion that the protection should be as close as possible to the level of protection provided by the WPPT. The Delegation therefore supported the principle according to which the work of the Diplomatic Conference the previous December should continue, starting with a new series of expert discussions to evaluate the possibilities for compromise.

117. The Delegation of Tajikistan thanked the Director General for his message to the readers of "Industrial Property and Market." It noted that on August 19, Tajikistan had celebrated for the first time its Intellectual Property Day in conjunction with the Day of Inventors and Innovators in commemoration of the tenth anniversary of the country's independence. WIPO Gold Medals were awarded to the two 'Best Inventor of the Republic of Tajikistan' contest winners, and a message of Dr. Kamil Indris, Director General of WIPO had been read. The Patent Office of Tajikistan had in this respect prepared the documents for the Government for the setting up of an honorary badge "Inventor of the Republic of Tajikistan." The Delegation further stated that a new draft law on inventions had been submitted for consideration of Parliament and the Government. This draft law fully complied with the provisions of the TRIPS Agreement. The Delegation stated that on June 18, 2001, the Republic of Tajikistan had received an observer status in the World Trade Organization. The Delegation wished to request the Director General for extending assistance and

cooperation in organizing, a national conference on the subject “WTO and the Republic of Tajikistan” in 2002, with the participation of government officials, business circles, judicial, law enforcement and customs officials, as well as scientific and technical specialists in various fields of intellectual property. Finally, the Delegation fully endorsed the Program Performance Report for 2000.

118. The Delegation of Togo expressed its gratitude to the Organization for all the efforts made toward cooperation and to promote intellectual property in Togo. Referring to the status of intellectual property in Togo, it said that since it had acceded to the WIPO Convention in 1974, the Government of Togo had enjoyed fruitful relations based on cooperation with WIPO, both in the field of industrial property and that of literary or artistic property. It noted that Togo had benefited considerably from the advantages of such cooperation, in the form of technical and financial assistance, national or regional intellectual property seminars in Lomé, placement and training grants for Togolese representatives, or supervision of those entrusted with administering intellectual property. As part of the reorganization of its intellectual property protection system, the Government of Togo and the National Assembly had adopted a Decree and a Law. The Decree of May 9, 2001 related to the establishment of the National Intellectual Property Council (CNPI), an advisory body whose task was to give its opinion on all matters brought to its notice by the Government in the field of intellectual property. It dealt essentially with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and was also consulted on the draft texts of agreements or other legal instruments relating to intellectual property. The Delegation hoped that the Council could rely on WIPO’s material and financial support. A new law establishing the National Industrial Property and Technology Institute (INPIT), to replace the National Industrial Property Authority of Togo (SNPIT), had been adopted on June 26, 2001. While it was a public administrative institution, the INPIT had legal personality and enjoyed financial independence. Its essential tasks would be to protect industrial property rights, patents, utility models, marks, trade names, industrial designs and geographical indications, as well as to guard against unfair competition in the campaign against counterfeiting, provide assistance for the signing of assignment and license contracts, and protection and technology transfer titles, and to foster relations based on cooperation with the OAPI, WIPO and WTO. In that connection, the Government of Togo had introduced draft laws in the National Assembly with a view to Togo’s ratification or accession, as appropriate, to the following WIPO Conventions and Treaties: Rome Convention, Geneva Convention, Brussels Convention (1974), WIPO Performances and Phonograms Treaty (WPPT), and the WIPO Copyright Treaty (WCT). The Delegation concluded by congratulating WIPO on the launch of the WIPONET project.

119. The Delegation of Turkey congratulated the Director General for the successful delivery in the year 2000 of a wide-ranging program of activities. The Delegation noted that Turkey had continued its close involvement in WIPO’s programs, through active participation in its standing committees and working groups. In addition, Turkey had been pursuing an active policy for the protection and promotion of IP in the country. The Delegation noted that the Turkish Industrial Property Legislation had been successfully reviewed by the TRIPS Council of the WTO in November 2000. The European Patent Convention had entered into force in November 2000, constituting an important development in Turkey. Being a candidate for admission to the European Union, Turkey signed a “Memorandum of Understanding” in December 2000, for cooperation between the Turkish Patent Institute (TPI) and the Office for Harmonization in the Internal Market (OHIM), and within that framework, a seminar had been organized by TPI and OHIM on “The Overview of the Community Trade Mark System”, in March 2001, in Ankara. A Draft Law on the Protection of Topographies of Integrated Circuits was also ready for review, taking into consideration the provisions of

Council Directive 87/54/EEC/ and the relevant TRIPS Agreement provisions. The draft had been submitted to the EU Commission for its consideration, and upon receipt of the opinion of the EU Commission, the ratification process of the Draft Law had started. Preparations for adhering to the Hague Agreement and to the Trademark Law Treaty (TLT) had continued. The Patent Law Treaty (PLT) and the Act Revising the Convention on the Grant of European Patents (European Patent Convention) had been signed by Turkey in Diplomatic Conferences. Participation to the PLT was under evaluation by the TPI. In the year 2000, TPI staff had joined different training programs, seminars and conferences, on Patent Classification and Documentation, Patent Examination, Trademarks, Industrial Designs, Information and Documentation, Personnel Matters, Administration and Financing Problems, Protection of Geographical Indications and Biotechnological Inventions. The Turkish Patent Institute organized a seminar on the "European Patent Attorney System" in January 2001, in Izmir in conjunction with the European Patent Office and the European Attorneys Association. Another activity organized by TPI and EPO was on the "European Patent System", which took place in May 2001, in Istanbul. On the occasion of the celebration of the "World Intellectual Property Day," on April 26, 2001, the Turkish Patent Institute's third information centre was opened at the Cukurova University in Adana.

120. The Delegation of the United Kingdom congratulated the Director General and the World Intellectual Property Organization on their work to date in the biennium. The Delegation was particularly pleased to see the successful completion of the Patent Law Treaty in June, 2000 and the creation of an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which met for the first time in April-May 2001. It also stressed that WIPO had contributed a great deal to keeping the world well-informed on intellectual property matters. The WIPO web pages were well-used and it believed that the award received in the competition for multilingual sites had been well deserved. The Delegation was pleased by the increasing use of the international IP protection systems administered by WIPO and hoped that those could continue to contribute towards the goal of reducing unnecessary duplication of work around the world and making international IP protection simpler, quicker and cheaper. It expected the significant investment in automation to yield results in more efficient service and lower costs for applicants. It also welcomed WIPO's work in promoting adherence to all of its Treaties, particularly the recent WCT, WPPT and the PLT. The Delegation stated that it would continue to assist the Organization to carry out its useful work and to achieve its objectives efficiently. The revised format of the Program and Budget adds to the transparency of the Organization's activities. Furthermore, it welcomed the Secretariat's willingness to have its new building program evaluated by an independent auditor, which demonstrated the maturity and confidence of the Organization. It hoped that the Organization would build on this by further recognition in future Program Performance Reports of areas where improvements are possible, so that the Secretariat and Member States could more easily determine where best to focus their attention. The Organization had taken on a number of important but difficult tasks for the forthcoming biennium. The Delegation particularly looked forward to achieving useful results in the reform of the Patent Cooperation Treaty and the development of the wider international patent system. It also hoped that the Intergovernmental Committee could provide a strong lead in discussion of difficult issues, which face intellectual property creators, holders and users around the world.

121. The Delegation of Mali expressed its satisfaction to the Director General and WIPO staff for the quality of documentation presented at the Assemblies, as well as for the work accomplished, and stated its support for the statement made by the Algerian Delegation on behalf of the African Group. It thanked the Secretariat for logistical assistance provided for

intellectual property promotion in Mali, especially assistance with prizes and medals for events organized in connection with African Intellectual Property Day (September 2000) and World Intellectual Property Day (April 2001). The Delegation referred to the organization, in cooperation with WIPO, of a seminar on patents as a source of scientific and technical information, which took place in August 2001. The Delegation also expressed its appreciation for support provided by the National Institute of Industrial Property (INPI), France, the European Patent Office (EPO), and The United States Patent Office (USPTO) in the form of training and materials. It stated that its Government had decided to set up an autonomous industrial property structure. In this connection, it requested that WIPO support its Program of Action 2002, which had been transmitted to the Secretariat, and looked forward to cooperation with WIPO's SME Division, which would assist local entrepreneurs to exploit intellectual property to Mali's economic competitive advantage. The Delegation stated that it was increasing development cooperation activities, and was keen to strengthen other partnerships in order to exchange views and information on intellectual property. Finally, it wished WIPO great success for future program implementation.

122. The Representative of the African Regional Industrial Property Organization (ARIPO) associated himself with the statement made by the Delegation of Algeria on behalf of the African Group and highlighted some issues of particular interest to ARIPO: human resource development, the intellectual property system and traditional knowledge, the reform of the PCT and electronic filing. The Representative noted that ARIPO attached great importance to the development of human resources both at its secretariat in Harare and in all its Member States. That is why, as soon as ARIPO moved into its new premises in March 2001, the construction of a regional training center as an extension to the ARIPO headquarters was proposed. The Representative of ARIPO thanked the Director General for responding very quickly to his request for WIPO's assistance in this regard by sending a WIPO mission to discuss further details of the proposal. He welcomed the activities of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and noted that the discussions of that Committee during the third session proved useful to ARIPO in view of the fact that ARIPO had been given a specific mandate on traditional knowledge by its Council of Ministers last year. Therefore it intended to be an active participant in future meetings of the Intergovernmental Committee. The Representative of ARIPO noted with satisfaction the progress made so far on reform of the PCT and mentioned that ARIPO had participated in the first session of the Committee on the Reform of the PCT. ARIPO also appreciated the fact that any future success of the PCT would have a significant impact on ARIPO's patent granting activities under the Harare Protocol on Patents and Industrial Designs. The Representative of ARIPO noted that the PCT electronic filing project was linked to the development of the PCT. ARIPO expressed its satisfaction with the fact that the project had now been made a stand alone project, separated from the IMPACT project. Bearing in mind the deadlines of June 2, 2005, indicated in the Patent Law Treaty, ARIPO expressed its wish for a speedy implementation of the e-filing project, particularly bearing in mind that ARIPO was in the process of formulating its five year information technology plan in which electronic filing was one of the cornerstones. The Representative of ARIPO mentioned that, as ARIPO celebrates its 25<sup>th</sup> anniversary in the year 2001, the Organization was honored by the visit of the Director General of WIPO to the new ARIPO headquarters where he had the opportunity of seeing the full implementation of the WIPONET project. During the said visit Dr. Idris also agreed, in principle, that WIPO would provide the necessary equipment for the regional training centre. The Representative of ARIPO expressed the gratitude of ARIPO and its Member States to the Director General and WIPO staff for the way and dedication in which they carried out their duties. The Representative of ARIPO concluded by noting that most of the activities contained in

documents A/36/4 and A/36/5 had been advantageous not only to ARIPO but also to its Member States.

123. The Representative of the African Intellectual Property Organization (OAPI) addressed his congratulations to the Director General and his staff for the perfect organization of the meetings of the Assembly, and for the excellent quality of the documents submitted to the Member States for consideration. He pointed out that the effective protection and use of intellectual property were conditions that had to be met by developing countries if they were to attract investors and ensure real progressive development through effective acquisition of the necessary technology. The Representative mentioned a certain number of activities conducted jointly by OAPI and WIPO. He took the opportunity to thank the Secretariat for the interest that it was showing in the questions of exploitation of genetic resources, traditional knowledge and folklore, which for Member States were a prime challenge, and assured the Organization of its active participation in the current discussions on those issues. He also praised the WIPO-WTO initiative concerning technical cooperation for the benefit of the least developed countries, and said that OAPI was willing to contribute to it. The Representative spoke of his concern for the interaction between respect for intellectual property rights and people's access to drugs. The Representative announced that, on the occasion of its 40th anniversary, OAPI and the Government of Gabon were organizing a conference in Libreville the following September 13 at which that highly topical question would be the main theme. He invited all partners to take part in it. He also thanked the Director General for his interest in the development of the WIPONET project in relation to OAPI, and mentioned the recent visit of a WIPO delegation. The Representative ended by giving assurances that OAPI was willing to share its experience on the subject within the partnership that the Director General had been advocating for many years.

124. The Representative of the European Commission referred to the main developments in the field of intellectual property during the current year. He cited in particular the proposed Regulation, put forward by the Commission on August 1, 2001, which was designed to create at Community level a single industrial property title; the Community patent. This new system would coexist with the systems of national and European patents, and inventors would remain free to choose the protection method most appropriate to them. The major idea underlying the proposal was the establishment of a symbiosis between two systems: that of the future Regulation on the Community patent and that of the Munich Convention on European patents. In that connection, the EPO Administrative Council had decided that the diplomatic conference for the revision of the Munich Convention would begin work on June 10, 2002. The new Treaty on European Union, concluded in Nice in December 2000, specified a clause for creating at Community level a court specializing in patents, which would be competent to deal, *inter alia*, with disputes relating to the validity and counterfeiting of the Community patent. Furthermore, work had continued on the amended proposal for a Regulation on Community designs, intended to create a single title offering protection throughout the whole of Community territory. That Regulation could be finally adopted by the end of 2001. In addition, the Representative pointed out that by the end of the year a proposal for a Directive on the patentability of inventions implemented by computer could be introduced. This Directive would be designed to clarify the legal situation in the European Union as regards case law and practice in the area concerned. The representative continued by saying that trademark protection was of particular importance within the information society. For that reason, the Commission would continue to provide support for WIPO initiatives, in particular so as to prevent and settle disputes involving different marks and other distinctive signs, as well as Internet domain names. He mentioned that the Commission had hosted WIPO regional consultations on April 23, 2001, as part of the second WIPO

process on Internet domain names, and that the Commission would continue to contribute to this process. As regards copyright and related rights, the European Parliament and the Council of the European Union had adopted, on May 22, 2001, a Directive to standardize certain aspects of copyright and related rights in the information society. This Directive provided for an implementation period of 18 months from the time it was published on June 22, 2001. The implementation of the Directive by the Member States would enable the European Community to ratify the 1996 WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). This Directive standardized the rights of reproduction, distribution, communication to the public, legal protection of anti-copying mechanisms and rights management systems. Among other particularly novel features, the it provided for a compulsory exemption, in certain cases, in favor of network operators producing technical copies on the Internet, as well as an exhaustive list of optional exemptions from copyright, including copying for private use. Furthermore, on July 3, 2001, the Directive relating to the resale royalty for the benefit of the producer of an original work of art had been adopted. All being well, that Directive would be published in October 2001 and would enable performers to benefit from this royalty, irrespective of the place in which works were sold in the European Union. In conclusion, the Representative stated that on November 30, 2000, the Commission had adopted a follow-up report on its 1998 Green Paper, the Action Plan of which aimed to strengthen and enhance the fight against counterfeiting and piracy in the internal market. The major initiative of this Action Plan was a proposed directive standardizing the means used to achieve respect for intellectual property rights and establishing a general framework for administrative cooperation. This proposed Directive should be introduced by the Commission at the beginning of 2002.

125. The Representative of WASME recalled that the World Association for Small and Medium Sized Enterprises had members in over 120 countries, and expressed his appreciation for the overview given by the Director General and his commitment and vision to demystify intellectual property. The Representative noted that demystification would lead to an increased use of IP systems worldwide by SMEs, for wealth creation and socio-economic development, particularly in developing countries and countries in transition. WASME was satisfied with its increasingly close cooperation with the WIPO SME Division, symbolized by the link between the two websites. The Representative also expressed his satisfaction with the content, layout and user-friendliness of the new website of WIPO's SME Division, which provided a wealth of information in a simple language and excellent examples of IP best practices from SMEs from South Korea, Germany and Australia. To further extend the reach of the WIPO SME website, it should be made available in all UN languages. The Representative also expressed the need for a collection of worldwide best practices and case studies on the use of IP systems by SMEs. This could be facilitated through the involvement of SMEs support institutions, and WASME expressed its willingness to assist in collecting information and preparing those studies. The Representative also noted that in order to reach as many SME's as possible, the availability of the content on the WIPO website would not suffice, it should also be made available in other forms, such as on paper, as well as through electronic media such as diskettes, CD ROMs, DVDs, etc. There was a clear need for customizing the scope and contents of projects based on national IP laws and practices, national support infrastructures for SMEs, languages, etc. WASME would willingly assist in this process, through its expanding worldwide network. The Representative noted that WIPO had been invited to WASME events, at both regional and international levels, and he reiterated WASME's willingness to co-host a regional workshop of developing countries' SMEs in the year 2002, and to reinforce and disseminate the message of the Milan plan of action for SMEs. The Representative noted that the establishment of the program on SME's was particularly timely, since SMEs could become dynamic, economic factors in all regions.



He also noted that some developing countries had started elaborating sensitization programs on IPRs and that governments had set aside sizeable budgets for these programs for the years 2001 and 2002. The Representative referred to WASME's observations and recommendations contained in Document WO/GA/26/10 (paragraph 108), of the 2000 WIPO Assemblies, on suggested activities to be included in the WIPO SME program, namely activities aimed at simplifying and making more affordable the procedures for obtaining and enforcing IPRs at the national and international levels; linking with national SME associations; promoting the cause of SMEs in their awareness raising and training programs; helping national associations promoting optimal utilization of the IP system; ensuring that IP related issues are systematically included in programs for SME's; and finally to increase the funds allocated to Cooperation for Development activities of WIPO to assist SMEs. The Representative commended the Director General for the handout entitled "Intellectual Property and SMEs" and emphasized that both financial and human resources needed to be increased, in order to do justice to the activities proposed for 2002-2003. The Representative proposed that a meeting similar to the WIPO Milan Forum be repeated in a developing country. He also stated that priority should be given to the high-tech sectors, such as information and communications technology, bio-technology, micro-technologies and the high-growth sectors, especially the service sector including the cultural industries. The Representative concluded by stressing the need for practical guides for the training of entrepreneurs and noted the importance of ensuring that all WIPO activities are demand driven.

126. The Director General thanked all Delegations that either took the floor or furnished written statements to the Secretariat. He expressed his appreciation for all the suggestions and observations, and noted that only through such feedback, through a cordial and open dialogue of this nature, could the Secretariat be certain that the work carried out was in line with the needs and wishes of the Member States and with a shared vision and strategy. Before responding to the views and suggestions made by Member States, the Director General thanked everyone, on behalf of all colleagues of the Secretariat, for the praise and support expressed by Delegations. He expressed his gratitude that the hard work and results achieved by the Secretariat had not gone unnoticed and announced that he would convey this clear message to the staff of the Organization. He noted the usefulness of hearing the progress made in various Member States regarding the enhancement of intellectual property legislation, the improvements in implementation and enforcement infrastructures. It was even more important to know that all these measures had been undertaken within a wider socio-economic and cultural context. He affirmed, that all countries across the globe were engaged in repositioning themselves to take advantage of the potential offered by the creation and use of intellectual property and expressed his conviction that intellectual property holds one of the keys to the common objectives: wealth creation, cultural enrichment and social progress. The Director General stated that Member States had clearly underlined the continuing importance of the progressive development of legal and other norms. This activity was however only one, on a rich palette, which the Organization was simultaneously undertaking. The Director General stated that he together with his colleagues had noted each and every one of the fields of activities considered important by Member States as well as market sector constituents. The Director General highlighted some examples of thematic fields and areas of work: realizing intellectual property benefits for SMEs; focus on ensuring benefits from electronic commerce in intellectual property; further development of human resources through the WIPO Worldwide Academy; intellectual property protection of traditional knowledge, folklore and genetic resources; meeting specific country needs through Nationally Focused Action Plans; expanding support for Least Developed Countries; intensifying awareness campaigns for different public sector audiences; maximizing information and digital technology for more cost effective results, as well as addressing the knowledge divide by

means of the WIPONET; guaranteeing a stable and secure environment for creativity and intellectual property through greater harmonization of laws and practices and more effective enforcement, especially on the Internet. The Director General noted that what he had outlined were only some of the areas stressed by different Delegations. With reference to SMEs, he recalled to the attention of Member States the very thought-provoking keynote statement on the subject made by H.E. Dr. Sergio Abreu, Minister for Industry, Energy and Mining, Uruguay, and hoped that in the future this Item could be maintained in the Agenda of the Assemblies, so that more feedback and ideas could be filtered into the process of supporting greater use of intellectual property by SMEs. He reassured Delegations that in carrying out the program of work foreseen in the next biennium, the Secretariat, working in partnership with the public and private sectors of Member States, would ensure that the requests and suggestions made were fully taken into account. The Director General had also noted the generous offers made by a number of Delegations to share their expertise, experience and information with the Secretariat and other Member States and stated that those offers would be followed up in due course. He reiterated that the good results that WIPO had achieved as an Organization were not the merit of the Secretariat alone, but of the fruitful partnership and cooperation between all the different constituencies in both the public and private sectors of Member States. He also expressed his belief that it was this unity, this solidarity of vision and collective purpose that characterized the international intellectual property community and formed the cornerstone of the Organization's new vigor and success. In conclusion, the Director General thanked the Chair for his leadership, and personally thanked all Delegations for their views and suggestions, including those expressed by Observer Organizations.

127. The Assemblies of the Member States of WIPO, each as far as it is concerned, approved the contents of document A/36/4, and noted the information contained in document A/36/5.

#### ITEM 6 OF THE CONSOLIDATED AGENDA:

##### ACCOUNTS FOR THE 1998-99 BIENNIUM; INTERIM FINANCIAL STATEMENT FOR 2000; ARREARS IN CONTRIBUTIONS

128. Discussions were based on documents A/36/6 and A/36/7.

129. In introducing this item, the Secretariat recalled that the Chairman of the Program and Budget Committee of the April 25 to 27, 2001, session of that Committee had noted that the accounts for the 1998-1999 biennium could be approved without reservation.

130. The Delegation of the United States of America restated its earlier position opposing the withdrawal of funds from the Contribution-based Unions to cover all or part of unpaid Member State contributions. The establishment of such a provision is not merited and would not usefully address the issue of unpaid contributions. In fact, it would provide a disincentive for paying the obligations of membership.

131. The Delegation of France thanked the Swiss authorities for the assistance they had provided during the meeting of the Program and Budget Committee. The Delegation very much appreciated the explanations given by the External Auditors at that time, which permitted it to better understand the accounts for the biennium.

132. The Assemblies of the Member States of WIPO, each as far as it is concerned, approved the accounts for the 1998-1999 biennium, noted the interim financial statement for the year 2000, and also noted the status of the payment of contributions and of working capital funds on September 17, 2001.

ITEMS 7 AND 25 OF THE CONSOLIDATED AGENDA:  
PROPOSED PROGRAM AND BUDGET FOR 2002-2003 AND PREMISES

133. Discussions were based on documents A/36/2, A/36/3 and WO/GA/27/4.

134. The Chairman of the General Assembly invited Mr. Arturo Hernández Basave (Mexico), Chairman of the Program and Budget Committee to introduce and report on the results of the discussions that had taken place at the fourth session of that Committee, held from September 17 to 20, 2001.

135. The Chairman of the Program and Budget Committee summarized the issues contained in documents for consideration under Agenda item 7 (namely document A/36/2, including its attachments, documents WO/PBC/4/2 and WO/PBC/4/2 Add.1, and document A/36/3). He noted that the Committee had reviewed all matters dealt with in the documents very thoroughly. He recalled that informal consultations had already started the previous year and that the third session of the Committee, held in April 2001, had already examined a proposed draft program and budget in documents WO/PBC/3/2 ("Draft Program and Budget for the 2002-2003 biennium"), WO/PBC/3/3 ("Information Technology Projects to be Financed by Surplus Resources") and WO/PBC/3/5 ("Report"). At that session of the Committee, a number of recommendations were put forward which were taken into consideration in the preparation of document WO/PBC/4/2 (Revised Draft Program and Budget 2002-2003) and its Addendum 1, and discussed at the fourth session of the Program and Budget Committee held in September 2001. The Committee, by consensus, recommended the adoption of the proposed program and budget with two additional recommendations. The first one concerned the issue of geographical indications, as reflected in document A/36/2, and the second one concerned the Information Technology PCT OCR Project.

136. With regards to Agenda item 25 (Premises) the Chairman of the Program and Budget Committee also summarized the issues with respect to the construction of a new building, (documents WO/GA/27/4 and A/36/3), noting that the recommended decision in the document was proposed by consensus. He further recalled that the Committee requested an assessment of the project for the construction of a new building and its modalities as outlined in the documents.

137. The Secretariat noted that during the discussion of Agenda item 5, the Delegation of France, speaking on behalf of Group B, expressed a desire for convening, in the next biennium, meetings of the Advisory Committee on Enforcement of Copyright and Industrial Property Rights. Reference was also made to paragraph 55 of document WO/PBC/3/5. It noted that as part of the enforcement activities for the 2000-2001 biennium, the Secretariat was now planning to convene the second session of the Advisory Committee on Enforcement of Industrial Property Rights jointly with the Advisory Committee on Management and Enforcement of Copyright and Related Rights, perhaps in December 2001. Concerning

intellectual property enforcement issues and strategies, sub-program 10.4 of the program and budget for the next biennium allows for the holding of at least two enforcement meetings in the next two years. The nature and format of those meetings would be decided after taking into account the observations expressed by Member States and the outcome of the upcoming joint meeting.

138. The Delegation of Ukraine expressed its hope for future fruitful and mutually beneficial cooperation with the International Bureau. It noted that a few days ago, the Parliament of Ukraine ratified the accession of Ukraine to the WIPO Copyright Treaty (WCT), to the WIPO Performances and Phonograms Treaty (WPPT) and the International Convention on the Protection of Artists and Performance, Producers of Phonograms and Broadcasting Organizations, signed on October 26, 1961, managing to align Ukraine's legislation with that existing under the auspices of WIPO on the protection of phonograms and performances. It thanked the Secretariat for its assistance on such an undertaking. Concerning the proposed revised draft Program and Budget for 2002-2003, it noted the particular importance it attached to Main Program 13, especially as Ukraine would seek accession to other treaties administered by the International Bureau. It also emphasized the importance of cooperation projects, some of which would provide assistance to the protection of intellectual property for small and medium-size enterprises (SMEs), or for the development of WIPONET, including the provision of appropriate equipment to national offices, making it possible for them to improve their access to information through the Internet. Concerning the issue of the construction of new premises for WIPO, it noted the intensive discussions that were held at the fourth session of the Program and Budget Committee and expressed its support for the proposals of the Secretariat seeking to resolve this very complex matter. In summary, it supported the proposed program and budget for 2002-2003 and related proposals, as it believed its implementation would help to enhance the infrastructure of the International Bureau in order to promote economic and social development.

139. The Delegation of Uruguay, speaking on behalf of the Latin American and Caribbean Group (GRULAC), expressed its support to the proposed program and budget for 2002-2003, including recommended decisions set out in documents A/36/2 and A/36/3. As to the programmatic content, GRULAC especially supported programs referring to the strengthening of technical cooperation, training of human resources, promotion of SMEs, protection of traditional knowledge and the enhancement of competitiveness through the use of information technology in the field of intellectual property. GRULAC was also firmly in favor of strengthening the budget program aimed at having delegations of developing countries taking part in the meetings and task forces of the International Bureau. Likewise, it hoped that within the cooperation for development sector, funding for the provision of equipment to national Industrial Property Offices be included so they could fully benefit from the technical progress triggered through the Secretariat. GRULAC was concerned by the decrease of funding for publications. It said that in spite of the wider use of electronic systems, paper publications remained important as various countries still had problems in accessing these systems. It once again stressed the importance of having the documentation for meetings in Spanish on a timely basis as it would ensure an active participation of its delegations at those meetings.

140. The Delegation of India, speaking on behalf of the Asian Group, conveyed its support to the proposed Program and Budget for the 2002-2003 biennium. It recalled that this matter was discussed at the Program and Budget Committee meeting which concluded on September 20, 2001, and that its recommendations, contained in documents A/36/2 and A/36/3, were the result of intense consultations between the Secretariat and Member States,

which the Group considered, were conducted in a very open and transparent manner. It further noted that the proposed Program and Budget for the next biennium was clearly presented with objectives, expected results, performance indicators and intended activities. Against this background, program delivery could be transparently assessed in the future. It stated that emphasis on development cooperation linked to human resources training remained a key element in the activities of the Secretariat. On specific program aspects, it stressed the importance of assistance to LDCs in meeting their TRIPS obligations and in putting into place a modern and more effective intellectual property system. The Group noted the serious commitment on the part of the Secretariat to address emerging issues of global importance such as intellectual property related needs of SMEs, genetic resources, traditional knowledge and folklore, and electronic commerce. It thus welcomed the large additional investment of 82.5 million Swiss francs in IT projects, and further stated that all these initiatives deserved the full endorsement of the Asian Group. On the issue of new premises, the Asian Group had no doubt that there was a need for additional premises for the Secretariat. It recalled that both the Secretariat and external consultants had assessed the requirements of the new building as far back as 1996. It reminded that in 1998, the cost estimates were more indicative, and that as more thought had been given to the process and requirements of a growing Organization had been re-evaluated, the figures were today more realistic and accurate. It also said that a conference hall with more seating was necessary to accommodate larger meetings of Member States. In addition, modern work facilities and technologies along with parking spaces and workstations were equally important. It noted that the new construction would result in a decrease in office space rental expenditures. The Group believed that WIPO, being a growing Organization, had to aim at serving both Member States and the user community, and to that end, it must project its space requirements over an extended period. It noted that the Program and Budget Committee discussed the issue in detail and felt it could not come yet to any decision on any of the options provided for the construction of the new building. The Committee therefore recommended to the General Assemblies to request the Federal Audit Office of the Swiss Confederation to assess the business needs of the Organization, alternative solutions and the business case for a conference center. While it believed that this was a good and fair recommendation and supported it, it would like to see these assessments made and decisions taken in as short a time as possible, so that the project would not be delayed further, as delays could only lead to higher costs of construction.

141. The Delegation of India, on its own behalf, expressed its full support for the proposed Program and Budget for the 2002-2003 biennium and conveyed its appreciation for the open and detailed consultations held by the Secretariat with the delegations. It said that the increase of 14% in the budget for cooperation for development programs proved the high priority accorded by the Director General to this program, which was so critical for developing countries. It was satisfied with proposals for additional investments of 82.5 million Swiss francs in IT projects. It particularly noted that the WIPONET Project would provide connectivity to industrial property offices not yet connected to the Internet. This facility would greatly benefit developing countries by narrowing the digital gap. In this respect, India stated that it would be pleased to put its considerable expertise in information technology at the disposal of WIPO in order to provide training facilities to experts from developing countries, especially those located in the Asian region. Concerning inputs provided by the Organization to its Member States, it first noted with appreciation the support offered for the modernization of intellectual property administrations, for which there seemed to be a growing need not only under the NFAPs but also through other more substantive mechanisms. In addition, it felt that progress in intellectual property related efforts could be considerably catalyzed, if awareness levels among politicians, printed electronic media and other opinion leaders could be enhanced. Furthermore, it thought it important to move to a

long-term strategy by addressing school and college students through special audio-visual programs such as dedicated educational TV channels, CD-ROMS, documentary films and cartoon strips that could be widely disseminated or by integrating intellectual property awareness into the curriculum of text books. In this initiative, the Secretariat could act as a nodal point for disseminating best practices around the globe and by innovating new strategies in this area.

142. The Delegation of France, speaking on behalf of Group B, thanked the Secretariat for the clarifications provided concerning the holding of meetings of the Advisory Committee on Copyright and Industrial Property next biennium. It expressed its satisfaction with the reply provided, hoping that there would be continuity in the debates which had been held until now, so as to deal together with the questions related to industrial property and copyright. It also hoped that to this end, the Committee would meet at least twice next biennium. It also confirmed its earlier intervention on behalf of Group B to this Assembly. The Group wished to convey its gratitude to the Director General for the excellent work carried out by the Secretariat on the preparation of the budget documentation concerning the next biennium, as well as for the consultation process undertaken within the framework of the Program and Budget Committee. It was pleased by the outcome of the deliberations, supporting, without reservation, the recommendations of that Committee, and their adoption by the General Assembly.

143. The Delegation of Bulgaria, speaking on behalf of the Central European and Baltic States, noting the extensive consultations during the Program and Budget Committee, limited its comments to four points. First, it felt that the new process of preparing the Program and Budget of the International Bureau had been transparent and efficient in terms of building consensus on its various elements, its form of presentation and overall parameters. The Group was in a position to support the revised draft Program and Budget for 2002-2003, as presented in document WO/PBC/4/2 and its addendum 1. At the same time, it expected that the Program and Budget would be applied with certain flexibility reflecting specific needs of countries and regions. Secondly, the Group would continue to assist the Secretariat in its activities including the support required for the further adaptation of intellectual property systems. It wanted the growing demands of countries in its region to be taken into consideration in the preparation of subsequent program and budgets. Thirdly, it noted that the proposed substantial increase in the budget was justified by the increased activities and especially by the IT projects. In this regard, it could only expect a quick implementation and broad outreach of these projects. Finally, it supported the recommended decisions of the fourth session of the Program and Budget Committee, including the request for additional information before taking major decisions on the construction of the new building. At the same time, it wished to reiterate that it would like to see a quick resolution of outstanding issues, taking into account the decisions of this Assembly. It also supported the proposed solution to the PCT OCR Project, noting that this could only be adopted as an exceptional measure and should not become practice in this Organization.

144. The Delegation of Yugoslavia expressed its deep satisfaction for attending, after a nine-year hiatus, this meeting of the General Assemblies and to be in a position to contribute to the common task of the development of intellectual property. To this end, its country already made significant efforts to harmonize its legislation on intellectual property with international standards, in particular focussing on the Conventions that govern the operation of WIPO and its recommendations on the provisions relating to the protection of intellectual property. It reported that its country had successfully adopted six pieces of legislation in the area of international protection of intellectual property. Yugoslavia had also ratified eight

conventions which were of relevance to these matters, and it expected that by the end of this year, another three conventions would have been also ratified. It stressed that in the process of legislative reform, Yugoslavia had greatly benefited from the expertise of WIPO. The Delegation thanked the Director General for the support given to the development of intellectual property in its country. Concerning its country's contribution, it noted that it was anticipated at class *VIbis*. However, taking into consideration the economic situation of Yugoslavia, it requested to be allowed to change its contribution class, and be put, instead, into class *VIII*. It also stated its country's willingness to cancel outstanding arrears in contributions for proceeding periods. Finally, it expressed its support to the proposed Program and Budget for 2002-2003.

145. The Chairman noted the request of the Delegation of Yugoslavia that its country be put in a different class in accordance with article 11 of the WIPO convention. He said that according to that article, it was sufficient that the country formulates a request to that effect—as it was the case now—and that consequently, the change would take effect from January 1, 2002.

146. The Delegation of China supported the recommendations adopted at the fourth session of the Program and Budget Committee concerning the proposed Program and Budget for 2002-2003. On Agenda item 25 pertaining to the new construction, it supported the need of the Secretariat for a modern building, as the completion of such a building would provide better facilities and lay good foundations for improving the work of the Secretariat. While supporting the recommendations of the Program and Budget Committee on this matter, it hoped that the Secretariat would speed up the work in order to avoid new delays and further cost increases.

147. The Delegation of Egypt stated its agreement with the results of the discussions at the Program and Budget Committee and with the recommendation that the revised Program and Budget for 2002-2003 be adopted. It expressed its appreciation to the Secretariat for the transparent manner in which it conducted the process of preparation of the Program and Budget, which was reflected in the numerous consultations held with Member States. It highlighted that this was the best way of proceeding in order to ensure a constructive dialogue and a fruitful interaction between all the partners involved. It noted that the Secretariat had taken into consideration the comments and suggestions emanating from Member States, thus contributing towards achieving the common goal of maximizing the use of the organizations resources and improving its effectiveness in all fields. It also welcomed the efforts of the Secretariat in improving the format and presentation of the Program and Budget document, especially through the inclusion of the final financial indicators for the previous budgetary period 2000-2001, and the performance indicators for each program as well as the information on the expected evolution of financial indicators until 2005. The Delegation of Egypt supported the proposed budgetary increase of around 20 per cent in view of the considerable increase of WIPO's activities in all fields. It welcomed the 14% increase in the overall budgetary resources allocated to cooperation for development activities, and especially the increase in resources allocated to the WIPO Worldwide Academy given the success of its programs and in light of its contribution to capacity building in developing countries. It also supported the increase in resources allocated to the work of the organization related to traditional knowledge and SMEs - under Main Program 10 – given the increasing importance of these areas of intellectual property for developing countries. It reaffirmed the importance of the full completion of the organization projects in the field of information technology in order to reduce the “digital divide” in the area of intellectual property. Although welcoming the increase in resources allocated to cooperation for development activities, the Delegation

noted that this increase appeared modest in comparison to the increase in other programs and might not be sufficient to meet the needs of developing countries in the forthcoming period, taking into consideration that cooperation for development was the third pillar of WIPO's activities next to its activities in the normative field, and in the field of international registration systems. It thus stressed the need to further increase, in the future, the resources allocated to promoting activities in developing countries, especially in those countries, which are in the process of complying with the requirements of the TRIPS agreement, as this was a long process that entailed the modernization and restructuring of national authorities working in the field of intellectual property. The Delegation underlined that Main Program 12 should remain the main focus of WIPO's activities in the field of cooperation for development. It highlighted the need to reinforce this program and that the priority given to other programs related to cooperation for development activities should not be done at the expense of this program. On the issue of premises, it expected that the project of expanding and modernizing the premises of the organization begin as soon as possible, in fulfillment of the resolution adopted by the Assemblies in 1998, thus enabling the organization to meet its expanding needs as a result of the growing demands for its services. Finally, it stressed the importance that should be given to strengthening the Arabic Translation Department of the organization and making documents available in Arabic. It noted that documents of some governmental meetings – especially working groups established by Standing Committees – were not translated into Arabic, making it more difficult for Arabic speaking countries to participate effectively in those meetings.

148. The Delegation of Azerbaijan, speaking on behalf of the Group of Eastern European, Caucasus and Central Asian Countries, recalled that an initial draft on the proposed Program and Budget for 2002-2003 had been discussed at the third session of the Program and Budget Committee in April this year. Further to subsequent discussions at the fourth session of the Committee, the Group could support this proposed Program and Budget. It hoped that additional expenditure to be incurred concerning new premises would not have a negative impact on the funding of IT programs. At the same time, it expressed support for Main Program 13, which sets out the basic guidance for cooperation between the Secretariat and their region. In this respect, it regretted what it considered to be insufficient funding for the program, particularly in light of the support received by other regions. It requested this apparent imbalance in the provision of resources for the Eastern European, Caucasus and Central Asian Countries be addressed at a further occasion.

149. The Delegation of the Democratic People's Republic of Korea associated itself with the statement made by the Delegation of India on behalf of the Asian Group in support of the proposed Program and Budget for the next biennium as reflected in the documents under consideration. It expressed its satisfaction with the transparent process and broad participation of Member States in the formulation of the Program and Budget. It particularly appreciated the integration of all components of the budget in one single document, hoping that such process and format would continue in the future. It thanked the Secretariat for increasing the allocation for cooperation development programs as well as for the substantial investments in IT projects, which were crucial to help overcome the challenges currently faced by developing countries because of rapid development of information technology. Concerning the issue of the new premises, it recognized the need for a new building and supported the statement of the Asian Group in this regard.

150. The Delegation of the United States of America associated itself with the intervention delivered by the Delegation of France on behalf of Group B. It thanked other delegations and the Secretariat for the hard work and the good outcome that was achieved during the previous



week at the fourth session of the Program and Budget Committee. In addition to some technical questions that would be sent in writing to the Secretariat, the Delegation also wished to state the following points: first, the Delegation recognized the vital importance of WIPO to the global economy; second, it realized that its services were market-driven and essential to international commerce. It also understood that demands for all of WIPO's services were projected to increase significantly in the next biennium. Third, the Delegation was pleased that WIPO was implementing a rational surplus policy with specific targets for reserves by Union. Concerning surplus funds, it was of the opinion that the best way to reduce budget surpluses was through reduction of fees. Fourth, the Delegation congratulated WIPO on the improvements that it had made to the overall structure and presentation of the Program and Budget, including greater integration of performance measures, implementation of surplus policies and consolidated budget presentation. This integration of consolidated presentation then included regular budget activities along with activities funded through surplus resources and trust funds. Moreover, it was of the opinion that linking expected results with appropriate budget levels was the correct way to formulate WIPO's budget.

151. The Delegation of the Republic of Korea thanked the Secretariat for what it considered to be an excellent document concerning the Program and Budget for the next biennium, and expressed its support for the revised Draft Program and Budget for 2002-2003, including the PCT OCR project as proposed in the document.

152. The Representative of UNESCO started by commending the Director General of WIPO and all his staff for the excellence of the documents, for the remarkable job done and for their concentration on continuing and increasing the equitable development of intellectual property by means of the 2002-2003 Program and Budget, which had rightly won support in the unanimous acceptance of the proposed Program and Budget for 2002-2003. He added that the consistent promotion of intellectual property systems and global intellectual property and development cooperation questions was a wise choice, which was contributing in an effective and timely fashion to self-contained economic and cultural development that was ever better distributed throughout the world. With regard to the questions relating to genetic resources, traditional knowledge and folklore, he noted that the 2002-2003 Program and Budget focused on the organization of wide-ranging debates and the provision of the technical assistance and information that would allow the intellectual property aspects to be understood, and where necessary the solutions that should be adopted to be identified. He mentioned that UNESCO was also involved in those fields, which had to do with an immaterial heritage threatened with extinction and exposed to harmful manipulation; it was also involved in a wide-ranging campaign for the safeguarding and promotion of bioethics that were respectful of the human condition. He also announced that the consideration of a new process for the regulation, identification, preservation and promotion of traditional and folk culture was going to be launched by the thirty-first session of the UNESCO General Conference, which was due to start work on the coming October 15. The effort that would be carried on with a view to the drafting of a possible new international instrument on the subject would essentially entail: (i) subjecting local communities and national authorities to more obligations in the drawing up of standardized and complementary inventories of the various components of that immaterial cultural heritage; (ii) more effectively mobilizing international cooperation and solidarity in the development of methodological tools and techniques suited to the diversity of national circumstances in order to accommodate effectively the collection, identification and integration of national inventions in the intangible heritage and (iii) adopting general rules with which to guide the lawful and equitable social exploitation of expressions of that heritage, with due regard to the cultural and economic interests at stake. He added that UNESCO was also engaging in a worldwide process of reflection on the ethical status of

scientists in relation to the progress of biotechnology and biomedical science; that exercise was already raising the question of the need for an international instrument with which to control the collection, shipping, storage and social exploitation of genetic data. He went on to describe that exercise as a wide-ranging, sensitive and complex one that concerned a number of United Nations agencies, including WIPO, which was what had led the Director General of UNESCO to propose the creation of an Inter-Agency Committee. The Committee would be responsible for providing for better coordination of the activities conducted by the various competent agencies. He said that a preparatory meeting for the formation of the Committee had already taken place at the Paris Headquarters of UNESCO on September 17, 2001, with the participation of WIPO. The same important and delicate question would be on the agenda of the forthcoming session of the United Nations General Assembly in New York, so that guidance might be given to the specialized agencies, in that connection. Finally, he pointed out that in those areas that were particularly promising for economic and cultural development, UNESCO was particularly willing to cooperate with the International Bureau and to benefit from its vast experience in the intellectual property field.

153. The Chairman thanked the delegations for their comments, and stated that in light of the support expressed for the recommendations set out in documents A/36/2 and WO/GA/27/4, and noting the content of document A/36/3, the recommendations as proposed in the said documents were adopted.

154. The Assemblies of the Member States of WIPO and the Unions administered by WIPO, each as far as it is concerned, approved the revised draft Program and Budget for 2002-2003 (document WO/PBC/4/2) annexed to document A/36/2, and approved the recommendations as contained in paragraph 2 (i), (ii) and (iii) of that document.

155. The General Assembly approved the recommendations concerning the new construction (Premises), as contained in paragraph 2(i) to (v) of document WO/GA/27/4.

#### ITEM 8 OF THE CONSOLIDATED AGENDA:

##### CONSTITUTIONAL REFORM

156. Discussions were based on document A/36/10.

157. The Chair of the Working Group on Constitutional Reform, Mr. Marino Porzio (Chile), presented the following report: "At its meeting in September 1999, the WIPO General Assembly took a historic decision by recommending that the Director General establish a working group to consider and study proposals concerning constitutional reform of the Organization. This was a historic decision because it was the first time that the General Assembly took a decision to review a structure that in many aspects dates from the very origins of the Organization. The structure is so complex that it has become quite difficult to work with. The General Assembly therefore decided that any reforms that were adopted should create a modern and effective structure that will enable WIPO to respond effectively to the challenges which come from the globalized world of intellectual property. The Working Group on Constitutional Reform (the Working Group) was duly convened by the Director General and held its first session from March 22 to 24, 2000. It has held four sessions to date,

the fourth and most recent session being from September 11 to 14, 2001. In all those four sessions, I had the honor of acting as Chair of the Working Group, and Ms. Michèle Weil-Guthmann (France) and Mr. Vladimír Banský (Slovakia) were Vice-Chairs. The reports of all four sessions are available for interested delegations.

“My report today is simply to provide the General Assembly with a summary of the discussions and conclusions of the Working Group on its four sessions held so far. My report is divided into two parts. The first part reports on those items on which the Working Group was able to reach agreement and, as a result, to make specific recommendations to the General Assembly. The second part reports on those items on which the Working Group failed to complete its review and therefore is unable to submit any recommendations to the General Assembly.

“The Working Group reached agreement in principle on four items. The first issue on which there was agreement is the Unitary Contribution System and Changes in Contribution Classes. The Working Group has agreed to recommend to the General Assembly the formalization of the unitary contribution system and the changes in contribution classes that had been operative in practice since 1994.

“The second issue on which the Group reached agreement is that of Periodicity of the Ordinary Sessions of the Assemblies. The Working Group agreed to recommend to the General Assembly that amendments be introduced to the treaties administered by WIPO to provide for the ordinary sessions of the WIPO General Assembly and the Assemblies of the Unions administered by WIPO to take place annually rather than once every two years. In so deciding, the Working Group agreed that the budgetary period of two years should, however, be maintained.

“The third issue on which the Working Group reached agreement is the Discontinuation of the Conferences of Representatives. The Working Group supported fully the discontinuation of the Paris Union Conference of Representatives, the Berne Union Conference of Representatives, the Hague Union Conference of Representatives, the Nice Union Conference of Representatives and the Lisbon Union Council. That recommendation has already been implemented by the concerned bodies in September 2000, thus already reducing WIPO's Assemblies from 21 to 16.

“The fourth item on which the Working Group reached agreement is on The abolition of the WIPO Conference. The Working Group agreed to recommend the abolition of the WIPO Conference. The abolition of the WIPO Conference raises the question of the status of States that are party to the WIPO Convention but not members of any of the Unions administered by WIPO (at present there are 12 such States). Draft texts on the voting rights issue were discussed in the Working Group, and there did not seem to be any difficult or outstanding issues in respect of the voting rights question.

“There are two main items on which the work of the Working Group is incomplete, although clear progress was made in all the meetings. The first such item concerns The Coordination Committee. The discussion on the Coordination Committee was the item that took up the greatest amount of the Working Group's time. That is understandable, given its importance. A number of alternatives were suggested, ranging from maintaining the Coordination Committee in its present form, to abolishing the Coordination Committee. The Working Group appears to favor a formula that would call for maintaining a Coordination Committee that would be directly elected by the General Assembly. But we must still

determine the criteria for selection, and the number of States that would be members of the Coordination Committee.

“Another incomplete item concerns the proposal for the creation of a Unitary Assembly. This was also discussed extensively by the Working Group, but there is as yet no consensus position or decision on the issue.

“I should like to conclude my report by thanking the Members of the Working Group for the very cordial and effective manner in which they took part in the discussions, and for their devotion in examining the very sensitive legal and political issues. I should also like to publicly express my appreciation to the Secretariat of WIPO, represented by the Assistant Director General and Legal Counsel, Mr. Francis Gurry and his team for their highly professional and patient assistance that they provided the Working Group, and also for having prepared some complex documentation which enormously facilitated our work.”

158. In the ensuing discussion, the Delegation of Ukraine shared the concern expressed in earlier meetings by the United States of America relating to Member States that are not members of any Union being admitted to meetings of the WIPO General Assembly. The Delegation deemed it important to retain the Coordination Committee, which would be necessary for the future establishment of a unitary Assembly. The Delegation of Ukraine expressed its support for Alternative B in the new drafting of Article 8 of the WIPO Convention, as provided in document WO/GA/WG-CR/4/4, on the understanding that all three criteria for determining the composition of the Coordination Committee would be retained, and that agreement would be reached on the size and composition of the Coordination Committee.

159. The Delegation of France, speaking on behalf of Group B, congratulated the Secretariat and the Chairman of the Working Group on Constitutional Reform for the progress made and for the high quality of the documents submitted. It noted that the Working Group had reached agreement in principle on certain items. The agreement in principle was a provisional one, subject to any future developments and discussions. The Delegation stated its belief that the proposed reforms, if adopted, would simplify and streamline the governance structure of the Organization. The Delegation observed, however, that there were still complex and difficult outstanding issues that needed further discussion. In view of the fact that the Working Group still had some work to do, the Delegation of France, speaking on behalf of Group B, recommended that the General Assembly continue the mandate of the Working Group.

160. The Delegation of India expressed its appreciation to Mr. Porzio for chairing the Working Group on Constitutional Reform and for the very informal and cooperative atmosphere in which he conducted the meetings. It agreed with the fact that the governance structure of WIPO is complex and needs to be simplified. The Delegation further noted that two key and sensitive issues remained unresolved and that there should be additional discussions among Member States within the informal atmosphere of the Working Group. It recommended that the Working Group continue its discussions on constitutional reform.

161. The Delegation of Bulgaria, speaking on behalf of the Central European and Baltic States, approved the recommendations of the Working Group, which had already contributed to a simplification of the governance structure of the Organization. It thanked the Chair of the Working Group for the results obtained. The Delegation noted that the current structure of some of the governing bodies of WIPO was still not appropriate for a 21<sup>st</sup> Century organization, and suggested that a broad mandate be conferred on the Working Group for the

continuation of its work. It further noted that items on which provisional agreement had been reached were still not finalized, and should be considered as outstanding. The Delegation expressed the view that the work of the Working Group consisted of two stages. The first stage ended with the presentation of the present report to the WIPO General Assembly, and the second stage would begin with the new mandate conferred on the Working Group to finalize its work.

162. The Delegation of Algeria, speaking on behalf of the African Group, welcomed the pace of work done by the Working Group on Constitutional Reform, and paid tribute to Mr. Porzio for his efforts. The African Group attached particular importance to the work of the Working Group, in light of the fact that the results of the Group's work would determine the way in which the Organization would operate in the future. The African Group therefore favored the continuation of the Working Group and the extension of its mandate. The Delegation of Algeria stated that the African Group supported the principle of a unitary Assembly, and welcomed in principle the formalization of the unitary contribution system and changes in contribution classes. In respect of the Coordination Committee, the African Group stressed the need to uphold the principle of equitable geographical distribution, a principle that, in the Group's view, was upheld in the operation of every intergovernmental organization. The Delegation expressed its belief that respect for this principle in WIPO would make it possible for all Member States to enjoy real and effective participation in the work of the Organization. It concluded that WIPO, which is a member of the United Nations family, should not depart from the principle of equitable geographical representation.

163. The Delegation of Mexico expressed support for the proposal to continue the mandate of the Working Group on Constitutional Reform. It believed that the progress made to date was considerable and important, and the work that remained to be done was less than what had been achieved to date. The Delegation wished to see Mr. Porzio continue as chair of the Working Group.

164. The Delegation of Egypt expressed its support for the statement made by the Delegation of Algeria on behalf of the African Group. It had examined with great interest the report of the Working Group on Constitutional Reform held in Geneva from September 11 to 14, 2001, under the chairmanship of Mr. Porzio of Chile. The Working Group had achieved significant progress in submitting constructive proposals which would contribute to the modernization of the structures of the Organization in such a manner as to reinforce its ability to face future challenges. In that context, the Delegation welcomed the consensus reached by the Working Group with respect to several important points, such as the abolition of the WIPO Conference and modification of the WIPO Convention in order to introduce the Unitary Contribution System adopted by the Assemblies in 1993 and 1994. The finalized proposals would be submitted to the Egyptian authorities in such a way that all modifications could be approved simultaneously. The Working Group had failed to agree on two issues: first, the creation of a Unitary Assembly of Member States and, second, the new composition of the Coordination Committee. In that respect, the Delegation confirmed its support for the creation of a Unitary Assembly which would contribute, in its view, to the streamlining and simplification of decision-making authority within WIPO and transform the Organization from a group of technical Unions into a modern specialized agency of the United Nations system. As far as the Coordination Committee was concerned, the Delegation said that it was aware of the importance of reforming the Committee, revising its terms of reference and determining its composition in the light of the difficulties related to the present system. However, it reserved its position regarding any future composition of the Committee on the basis of any criteria other than that of fair geographical representation applied by the United Nations system. It

pointed out that most of the countries that participated in the work of the Working Group had formulated a similar position. It expressed its willingness, however, to discuss all possible options that could facilitate the selection of the Coordination Committee members. In the light of the above, the Delegation endorsed the continuation of the work of the Working Group with the aim of finding solutions for all the issues that would satisfy all Member States and allow the set of modifications to be completed for submission to the next sessions of the Assemblies of Member States.

165. The WIPO General Assembly noted the contents of the Report of the Working Group on Constitutional Reform, expressed its appreciation for the work done by the Chair and the Members of the Group, decided to renew the mandate of the Working Group and requested that the Working Group report on its progress to the General Assembly in 2002.

#### ITEM 9 OF THE CONSOLIDATED AGENDA:

#### COMPOSITION OF THE WIPO COORDINATION COMMITTEE; ELECTION OF THE MEMBERS OF THE EXECUTIVE COMMITTEES OF THE PARIS AND BERNE UNIONS AND DESIGNATION OF THE AD HOC MEMBERS OF THE WIPO COORDINATION COMMITTEE

166. Discussions were based on document A/36/11.

167. At the invitation of the Chair of the Conference, Mr. José Graça Aranha (Brazil), the Chair of the General Assembly, Ambassador Álvaro de Mendonça E Moura (Portugal) informed the Conference, the Paris Union Assembly and the Berne Union Assembly that, following informal consultations among the regional Group Coordinators, agreement had been reached on the very difficult issue regarding the composition of the Coordination Committee and the distribution of the seven new seats on the Committee. The Chair of the General Assembly wished to stress, however, that the regional groups, through their regional Group Coordinators, had all reached an understanding that the agreement on the composition of the Coordination Committee would not in any way prejudice the outcome of the ongoing and any future discussions relating to constitutional reform of the Organization. The agreement was to attribute two of the seven additional seats to the Asian Group, and one additional seat to each of the other five regional groups. The Chair of the General Assembly stated that it had been possible to reach agreement as a result of the goodwill of all the regional groups, but in particular the goodwill of the African Group. On his own behalf, and also on behalf of all the other regional groups and their Group Coordinators, the Chair of the General Assembly thanked the African Group for its goodwill and flexibility during the consultations leading to the agreement. The Chair and the other regional Group Coordinators were aware of the fact that this had been a special effort on the part of the African Group, and the Chair of the General Assembly therefore expressed his wish that this would be taken into account by all regional groups in any future discussions relating to the composition of the Coordination Committee or the attribution of new seats on the Committee.

168. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Chair of the General Assembly for his untiring efforts in the negotiations leading to the agreement. The African Group wished to place on record its strong and unflinching support for the principle of equitable geographical representation, which, in the Group's view, was upheld in

every intergovernmental organization. The Delegation of Algeria stated that the African Group had accepted the agreement in a spirit of compromise. It wished to stress, however, that in its view, Africa should be given priority in any future allocation of seats or determination of the composition of the Coordination Committee. The African Group also wished to make clear that it had accepted the agreement on the understanding that the agreement did not in any way prejudice the work of the Working Group on Constitutional Reform. The African Group expressed its wish that the Working Group on Constitutional Reform would speed up its work, in order to arrive at a satisfactory solution to the reform of the governance structure of the Organization and to ensure that the principle of equitable geographical representation prevails in the Organization.

169. As a result of the informal consultations described in paragraph 167.

(i) the Paris Union Assembly unanimously elected the following States as *ordinary* members of the *Paris Union Executive Committee*: Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Brazil, Bulgaria, China, Colombia, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Germany, Greece, Guatemala, Iceland, India, Iran (Islamic Republic of), Italy, Japan, Latvia, Morocco, Nepal, Nigeria, Panama, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Senegal, South Africa, Spain, Sweden, Turkey, Uganda, United States of America (39);

(ii) the Berne Union Assembly unanimously elected the following States as *ordinary* members of the *Berne Union Executive Committee*: Algeria, Cameroon, Canada, Chile, Costa Rica, Cuba, Denmark, Ecuador, Finland, France, Ghana, Honduras, Hungary, Indonesia, Ireland, Jamaica, Kazakhstan, Kenya, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mexico, Netherlands, Norway, Romania, Singapore, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, Uruguay, Venezuela, Zambia (36);

(iii) the WIPO Conference unanimously designated the following States as *ad hoc* members of the *WIPO Coordination Committee*: Angola, Myanmar, Saudi Arabia (3);

(iv) the WIPO Conference and the Assemblies of the Paris and Berne Unions noted that Switzerland would continue to be an *ex officio* ordinary member of the *Paris Union Executive Committee* and of the *Berne Union Executive Committee*.

As a consequence, the WIPO Coordination Committee for the period September 2001 to September 2003 is composed of the following States: Algeria, Angola (*ad hoc*), Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mexico, Morocco, Myanmar (*ad hoc*), Nepal, Nigeria, Netherlands, Norway, Panama, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia (*ad hoc*), Senegal, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland (*ex officio*), Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela, Zambia (79).

170. The Assembly of the Paris Union, the Assembly of the Berne Union and the WIPO Conference noted the report of the Chair of the General Assembly on the informal consultations, as described in paragraph 167.

ITEM 10 OF THE CONSOLIDATED AGENDA:

DIPLOMATIC CONFERENCE ON THE PROTECTION OF  
AUDIOVISUAL PERFORMANCES

171. Discussions were based on document A/36/9 Rev.

172. The Secretariat recalled that the Diplomatic Conference on the Protection of Audiovisual Performances took place in Geneva from December 7 to 20, 2000. It was inconclusive, as it was unable to adopt the international instrument that had been foreseen, but it reached a provisional agreement on 19 of the 20 substantive Articles. One issue, however, remained to be solved, namely Article 12 dealing with the question of transfer of rights between performers and producers. At its closing session, the Diplomatic Conference took note of the provisional agreement that had been achieved, and it recommended to the General Assembly, that the latter reconvene the Diplomatic Conference for the purpose of reaching agreement on outstanding issues.

173. The Delegation of Japan stressed the importance of updating the protection of audiovisual performers in order to strike a balance with other performers whose protection had already been updated under the WPPT. It, therefore, regretted that the Diplomatic Conference had not reached consensus on Article 12 on Transfer and Exercise of Exclusive Rights of Authorization, despite the fact that the Conference had reached provisional agreement on the other issues. It believed, however, that the differences in views could be solved in a spirit of compromise and flexibility, and it strongly hoped that the dates for the next round of the Diplomatic Conference would be decided as soon as possible.

174. The Delegation of India noted that no further developments had taken place since the Diplomatic Conference. The rights of performers in audiovisual fixations of their performances could not be looked at in isolation. The production of audiovisual works involved many elements, of which the contribution of audiovisual performers was only one, in ensuring the success of the work. The film producers, therefore, needed adequate legal certainty that they could use the outcome of their efforts and investments in creating those works. It was essential that the new instrument should contain clear-cut provisions as to the ownership of rights. There should be no attempt to finalize the treaty until all parties were comfortable with it, and there should, therefore, be informal consultations among the parties before reconvening the Diplomatic Conference.

175. The Delegation of Belgium, speaking on behalf of the European Community and its Member States, indicated that it would not be appropriate at the present stage to reconvene the Diplomatic Conference. However, the interest of the European Community and its Member States in strong protection for audiovisual performances remains unchanged.

176. The Delegation of the United States of America said that a Treaty on the Protection of Audiovisual Performances had been, and continued to be, of the utmost importance to its Government, its producers of audiovisual works, and to its performers. It shared the



disappointment of many that it had not been possible to form a consensus with regard to Article 12. As much as the Delegation would like to urge the General Assembly to authorize the reconvening of the Diplomatic Conference, it believed that it was not yet the right time to do so. The Delegation, therefore, suggested that work should be continued domestically, bilaterally, and through the Standing Committee on Copyright and Related Rights to ensure that the issue is ripe and that success is guaranteed.

177. The Delegation of Bulgaria, speaking on behalf of the Central European and Baltic States, stated that the Diplomatic Conference had been characterized by a positive atmosphere. It was of the opinion that discussion on the articles on which provisional agreement had been made should not be reopened. The Delegation encouraged WIPO to undertake multilateral consultations on the outstanding issues with all interested parties. The Diplomatic Conference could be reconvened only after these consultations had showed that it could be successful. In order to maintain the momentum, a certain time schedule should be set for these consultations, and the matter should be included as an item on the Agenda of the next session of the Assembly. The Delegation noted that the possibility of reconvening the Diplomatic Conference had been reflected flexibly in the Program and Budget of the Organization. The venue of the reconvened Conference should be Geneva.

178. The Delegation of Algeria, speaking on behalf of the African Group, was in favor of the Diplomatic Conference being reconvened as soon as possible, as indicated in the recommendation in the memorandum, and hoped that a consensus be reached on that issue.

179. The Delegation of China regretted that the Diplomatic Conference had not reached an agreement on the Basic Proposal. It referred to the differences between the copyright law of its country and the provisions contained in the Basic Proposal. It was of the opinion that there should be no provision on transfer or exercise of rights. The issue should be governed by the principles of private international law, that is, by the principle of the most closely connected country. The question should therefore be resolved by the applicable domestic law. The Delegation hoped that a consensus could be reached on the remaining issue at an early date.

180. The Representative of the International Federation of Actors (FIA) underscored the importance of strong international protection for audiovisual performances. A number of measures had already been developed in some countries to ensure such protection at the national level, either by way of collective bargaining, by statutory law, or by a combination of both. However, in many other cases, the protection of audiovisual performances was still insufficient or non-existent. During the Diplomatic Conference, significant efforts had been made to ensure that a harmonized minimum level of protection would be achieved, and particular care had been exerted to make sure that the new instrument could be ratified by the largest number of countries. Stressing the importance of this goal, he called on the General Assembly to take a firm commitment to continue the work, ensuring at the same time that a sufficient degree of flexibility was maintained. His organization was against international rules presuming the transfer of the rights granted to performers.

181. The Delegation of Mexico supported the idea of updating the protection of audiovisual performances. It further stated that given the fact that countries were not ready to reconvene the Diplomatic Conference, the issue should be included in the agenda of the General Assembly next year. A Treaty on the Protection of Audiovisual Performances had to be dealt with as a matter of priority.

182. The Chairman, noting the various positions of delegations whose views had been made known, concluded that there was consensus that the protection of audiovisual performances was a very important issue, and it was a matter of concern that it had not been possible to reach an agreement overcoming the differences. He appealed to all parties to continue their contacts and discussions in order to overcome those differences, and requested the International Bureau to render its assistance, where appropriate. He proposed that parties inform the Standing Committee on Copyright and Related Rights on any progress in the discussions, and that the issue be retained on the Agenda for the session of the General Assembly in September 2002.

183. The Delegation of Algeria, speaking on behalf of the African Group, expressed support for the pursuit of the consultations between the Member States. It stated that a schedule should be established setting deadlines, and that a report should be submitted by the Chairman on progress in consultations, and that this report should be submitted to the next General Assembly. The Delegation proposed that, in the Chairman's conclusion, the word "discussions" be replaced by the word "consultations."

184. The Chairman noted that many delegations had stressed the importance of the protection of audiovisual performances and that important differences of opinion remained. He stressed that before moving to a more formal stage, contacts between countries needed to be promoted. As a great deal of work remained to be done, he encouraged all parties to assist in making progress with regard to this work and stated that he would be happy to report on the progress made to the next session of the General Assembly.

185. The Delegation of Venezuela, speaking on behalf of GRULAC, supported the conclusions of the Chairman, with the amendment proposed by the Delegation of Algeria.

186. The General Assembly noted the Chairman's conclusion, reached under his own responsibility and as indicated in paragraph 182, and decided that the issue would remain on the agenda of the next session of the General Assembly in 2002 and that the Chairman would report to the General Assembly on any progress that had been made.

#### ITEM 11 OF THE CONSOLIDATED AGENDA:

##### PROPOSED JOINT RECOMMENDATION CONCERNING THE PROTECTION OF MARKS, AND OTHER INDUSTRIAL PROPERTY RIGHTS IN SIGNS, ON THE INTERNET

187. Discussions were based on document A/36/8.

188. The Delegation of France suggested a correction in the Preamble to the provisions in the French text and stressed that the Joint Recommendation should constitute the first step towards the inclusion of its provisions in a treaty dealing with substantive harmonization of trademark law.

189. The Delegation of Russia said that it supported the Joint Recommendation. It suggested wording amendments in the Russian text and recommended that the Joint Recommendation be published together with the explanatory notes which had been adopted by the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

(SCT), as it was done for the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks.

190. The Delegation of Chile stated that it supported the adoption of the Joint Recommendation given the problems that had arisen concerning the use of signs on the Internet, and the need to clarify the legal situation and to strengthen the protection of intellectual property rights. The delegation added that, although it would have preferred a simpler text, it welcomed the existence of these provisions.

191. The Delegation of Uruguay stated that it supported the Joint Recommendation, and stressed that the increasing use of the Internet called for a quick reply to be given to trademark owners meeting difficulties on this medium.

192. The Representative of the International Federation of Intellectual Property Attorneys (FICPI), broadly representative of the free profession of more than 70 countries, has followed with interest the work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) in preparing the Proposed Joint Recommendation concerning Provisions on the Protection of Marks, and other Industrial Property Rights, in Signs, on the Internet. FICPI has been represented by an observer at each of the sessions of the SCT at which the proposed Joint Recommendation has been discussed and revised. While there is room for differences of view concerning some of the detailed wording of individual provisions, FICPI considers that the proposed Joint Recommendation as a whole will make a valuable contribution to the establishment of international guidelines for harmonization of laws concerning the use of marks, and other signs, on the Internet. FICPI supports the adoption of the Joint Recommendation by the Member States at the WIPO Assemblies and looks forward to implementation of the Joint Recommendation by the Member States or by regional intergovernmental organizations having competence in the area of registration of trademarks, in the near future.

193. The General Assembly and the Assembly of the Paris Union adopted the Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet, as contained in the Annex to document A/36/8, with the corrections mentioned in paragraphs 188 and 189 respectively.

#### ITEM 12 OF THE CONSOLIDATED AGENDA:

##### AGENDA FOR DEVELOPMENT OF THE INTERNATIONAL PATENT SYSTEM

194. Discussions were based on document A/36/14.

195. In introducing document A/36/14, the Director General described this new initiative as “the WIPO Patent Agenda” concerning the future of the international patent system and stated that WIPO should continue to provide strong leadership in the development of the international patent system. The Director General underlined that his prime objective was to initiate open and worldwide consultations to prepare a strategic blue-print for change in the international patent system. Understanding the complexity of this issue, he believed that WIPO was the only competent organization to tackle this challenging task for the benefit of

all users and stakeholders of the patent systems in the world. He emphasized that this initiative was not intended to replace or undermine ongoing activities with regard to PCT reform and harmonization of substantive patent laws, but rather it would complement and even strengthen them. He invited member States to make suggestions and give guidance on how best to make the coming dialogue constructive and fruitful, indicating that he was prepared to implement additional procedural measures or improvements to those proposed in paragraph 42 of the document. The Director General stated that change would not be easy to achieve and that the WIPO Patent Agenda would require mobilization of political will at the highest governmental level and wide consultation among users of the system.

196. The Delegation of Venezuela, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), appreciated the Director General's introduction of the agenda item, and emphasized the importance of a robust international patent system as a means of supporting economic and technologically dynamic development. The Delegation underlined the need to maintain a balanced focus in implementing the agenda in view of the sensitivity of the issue and concern over the widening gap in the state of development of various countries. The Delegation stated that GRULAC was of the view that any decision taken without all aspects having been studied could have implications for developing countries, so GRULAC wished to request of the Director General that the Secretariat embark on a study of the impact of the proposal on developing countries, and stressed the need to proceed with great caution. A step-by-step approach should be adopted, with due consideration being given to the impact of the patent system from the legal, economic, commercial and financial viewpoints as well as other issues. The interests of developing countries should be taken into account, particularly with regard to the evolving situation in connection with the TRIPS Agreement and the interest of developing countries in the establishment of machinery that should allow health policies to be applied and access to drugs to be ensured. GRULAC felt that account should be taken, in the WTO's TRIPS Council and in WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, of the principles and objectives of the Convention on Biological Diversity, including the fair and equitable distribution of benefits and the disclosure of the origin of resources and knowledge used in invention.

197. The Delegation of Belgium, speaking on behalf of the European Community and its member States, thanked the Director General for the high quality of the document and stressed the vital importance of developing a global vision for the future of the international patent system through broad consultations, which should identify certain priorities in order to make the work productive and useful. In its view, the general goals should be to make the patent system simpler, more economical and safer for users. The Delegation recalled that harmonization of substantive patent laws and reform of the PCT had started and supported the Director General's proposal that these ongoing activities be actively pursued in parallel with the new initiative. The European Community and its member States would be willing to participate in the coming constructive dialogue.

198. The Delegation of the United States of America expressed its appreciation for the Director General's initiative and stated that it shared the vision of a global patent system. The Delegation agreed that care should be taken to coordinate the parallel efforts to ensure the compatibility, and agrees that dialogue on this issue is appropriate.

199. The Delegation of Algeria, speaking on behalf of the African Group, welcomed the document and stated that African countries were convinced that it was the right time to review the patent system in order to meet the needs of users. The Delegation encouraged the

Secretariat to undertake necessary studies and also suggested organizing meetings to facilitate consultations.

200. The Delegation of India, speaking of behalf of the Asian Group, stated that this important proposal was likely to have a far-reaching implication which would require in-depth studies and consultations at every stage. The Delegation further stated that there would be a need to educate Member States that were developing their intellectual property system and a need to ensure more active participation in all meetings that would deal with the international patent system.

201. The Delegation of Chile, expressing its appreciation of the document and timeliness to start the proposed work and underlined the need for full participation in consultations by users of the patent system, particularly small and medium-sized enterprises. The existing legal systems of countries should be respected. Other issues such as the use of genetic resources should be covered. The Delegation suggested that the international patent system needed a balanced approach in developing all categories of intellectual property systems reflecting common features such as trademarks and genetic resources. It finally suggested that special attention should be given to ensuring cost-effectiveness of the system, including costs of enforcement of rights, which sometimes were prohibitive to them.

202. The Delegation of Japan stated that the document contained very interesting and important questions regarding the patent system. The Delegation pointed out that whereas the increase in global trade required global protection of patent rights, patent offices were faced with the increasing workload to process patent applications. In the view of the Delegation, the problem regarding the increasing workload associated with applications on the same invention filed with a number of countries might well result in higher costs to be borne by users of the patent system. The Delegation appreciated the timeliness of the proposal and also supported the Director General in his continuing efforts in the area of PCT reform and harmonization of substantive patent laws which should be continued in parallel with this new initiative.

203. The Delegation of Kenya thanked the Director General's presentation of the proposal and supported the view of the Director General that the international patent system should be undertaken by WIPO, as the only competent authority on this issue. The Delegation indicated that the patent system would become more complicated as the scope and coverage of the patent system expands to possible new areas such as the protection of genetic resources and the impact the patent system would have on the economies in the developing countries in the multilateral trading system.

204. The Delegation of Switzerland stated that it was aware of the need for strategic consideration of how the international patent system should be developed in the future, and thanked the Director General for the initiative. The Delegation emphasized that adequate human resources should be made available within the Secretariat in order to pursue the new initiative, which would be proceeding in parallel with other efforts to reform the PCT and harmonize substantive patent laws. The Delegation recalled that at the meeting of the Program and Budget Committee it had already indicated the shortage of human resources to undertake the existing program activities in the patent area.

205. The Delegation of Lesotho highlighted the importance of transfer of technology and innovative activities. There were considerable challenges for developing countries in the process of the implementation of the TRIPS Agreement. The Delegation suggested that the

future international patent system should be user friendly and uniform in order to contribute to the creativity of economies. The Delegation supported the proposals made in paragraph 42 of the document.

206. The Delegation of China expressed its appreciation for the analysis of the current patent system as set out in document A/36/14, and the vision of the Director General for the future development of the international patent system, which it endorsed. The Delegation was of the view that it would be important to address the issues of unnecessary duplication in processing patent applications containing the same invention, and the overly complex nature and high costs involved in obtaining patents. The Delegation stated that careful consideration and examination of the overall approach would be required to resolve these issues, and at the same time, the interests of developing countries would need to be taken into account. The Delegation emphasized that the key to resolution of the present problems would be the precondition for the establishment of the international patent system.

207. The Delegation of Azerbaijan, speaking on behalf of the Group of Eastern European, Caucasus and Central Asian Countries, expressed support for the initiative and stated that the coming dialog should aim at a new vision for the international patent system. Those countries and other countries in transition wished to see their needs met by the system.

208. The Delegation of Indonesia expressed its agreement with the statement by the Delegation of India on behalf of the Asian Group. It stressed the need to take into account the special interests and needs of developing and least developed countries and of countries in transition, whose nationals needed to have tangible benefits from the international patent system, not only by way of importation of products and technologies, but also by ownership of patent rights. While pursuing the sustainable improvement in their national patent system, using the already limited resources, the developing countries, LDCs and countries in transition had also to deal with the developments of the patent system at the international level. Underlining the importance of the full and well informed participation by developing countries, LDCs and countries in transition in the consultations, the Delegation supported the proposals made in paragraph 42 of the document.

209. The Delegation of Canada expressed its gratitude to the Director General for the document, which provided a useful high level scan of the issues involved, and looked forward to participating in the planned consultations.

210. The Delegation of Brazil welcomed the document, stressing the significance of the topic and noting that the proposals had many positive aspects. The Delegation emphasized that future steps should aim at optimizing and harmonizing the international patent system, taking into account the interests of all countries, including developing countries. The scope of the issues should cover the use of genetic resources and traditional knowledge.

211. The Delegation of Norway welcomed the initiative, noting the importance of the patent system as a tool in trade and industry and its contribution to common welfare. The system needed to be sustainable and adaptable in a changing environment. Any changes must focus on the interests of users of the system, including both applicants and holders of rights and third parties. The Delegation suggested that the International Bureau, in working towards the development of a consensus, should embark on a fact-finding exercise such as by convening an international conference, at which countries, users and interested organizations could exchange views.

212. The Delegation of Finland welcomed the comments made by the Norwegian Delegate and agreed that an international conference relating to the future of the patent world should be held to enable governments, organizations and users to discuss the issue. The Delegation hoped that the Director General and Secretariat would initiate preparations to hold the Conference, a proposal which had met with universal approval in Group B meetings.

213. The Delegation of Trinidad and Tobago, agreeing with the statement of the Delegation of Venezuela on behalf of the Group of Latin American and Caribbean Countries, supported the idea of reform of the international patent system, emphasizing that a constructive program of change must take into account the needs and problems of small countries and small patent offices. Failure to do that would give rise to fundamental problems. Finally the Delegation stated that it did not wish a robust international patent system to end up being a cumbersome system for small offices.

214. The Delegation of Hungary supported the general objectives and proposals set out in the document and emphasized the importance of a coordinated approach and the need for the discussion paper to be prepared by the Secretariat to clearly distinguish between the issues to be taken up in the context of the Patent Law Treaty, the proposed Substantive Patent Law Treaty, and the reform of the PCT. The Delegation suggested that a discussion paper to be prepared by the Secretariat should clarify the context in which various measures could be discussed and adopted.

215. The Delegation of Bulgaria, speaking on behalf of the Group of Central European and Baltic States, understood that WIPO Patent Agenda followed the WIPO Digital Agenda and supported the proposal set out in the document. The Delegation looked forward to participation by countries and users as partners in the exercise. An agenda for international development of the copyright system would also be welcome.

216. The Delegation of Australia expressed congratulations to the Director General and the Secretariat on the initiative set out in the document. The proposed process should create an opportunity for development of a broad view of the patent system in which important matters, as well as urgent matters, would be taken into account.

217. The Delegation of Egypt, in supporting the statement made by the Delegation of Algeria on behalf of the African Group, stated that it was entirely in agreement with the proposals and stressed the need to take into account the balanced needs of developing and least developed countries and the important role of national patent offices.

218. The Representative of the International Federation of Inventors' Associations (IFIA) expressed support for the proposals made in the document and agreed with the suggestion of the Delegation of Norway that an international conference be convened to discuss the issues. The participants at the conference, which should not be too large, should include representatives of governments, of applicants (including individual inventors and innovative small and medium-sized enterprises, big industry and multi-national corporations), and of practitioners. The eventual development of a system for a world patent was an underlying aim.

219. The Delegation of Azerbaijan supported the proposals in the document, noting the importance of the proposed Substantive Patent Law Treaty and reform of the PCT. The Delegation referred to paragraph 23 of the document and emphasized that the needs of

developing and least-developed countries and countries in transition must be taken into account.

220. The Delegation of Suriname supported the proposals contained in the document and expressed its agreement with the views expressed by the Delegation of Venezuela on behalf of the Group of Latin American and Caribbean Countries and by the Delegation of Trinidad and Tobago.

221. The Delegation of Sudan supported the proposals contained in the document and expressed its agreement with the views expressed by the Delegation of Algeria on behalf of the African Group, noting particularly the importance of the WIPONET systems outlined in paragraph 37 of the document.

222. The WIPO General Assembly, the Paris Union Assembly and the PCT Assembly noted the contents of document A/36/14 and approved the proposals contained in paragraph 42 thereof for further work, which would take into account the views expressed at the Assemblies session, including the request for a study by the Secretariat of possible implications of the proposal on developing countries.

ITEM 13 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE LISBON UNION

223. See the report of the session of the Lisbon Union Assembly (document LI/A/17/2).

ITEM 14 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE MADRID UNION

224. See the report of the session of the Madrid Union Assembly (document MM/A/33/2).

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE HAGUE UNION

225. See the report of the session of the Hague Union Assembly (document H/A/20/2).

ITEM 16 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE IPC UNION

226. See the report of the session of the IPC Union Assembly (document IPC/A/19/2).



ITEM 17 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

227. See the report of the session of the PCT Union Assembly (document PCT/A/30/7).

ITEM 18 OF THE CONSOLIDATED AGENDA:

INTERNET DOMAIN NAMES

228. See the report of the session of the WIPO General Assembly (document WO/GA/27/8).

ITEM 19 OF THE CONSOLIDATED AGENDA:

WIPO ARBITRATION AND MEDIATION COUNCIL

229. See the report of the session of the WIPO General Assembly (document WO/GA/27/8).

ITEM 20 OF THE CONSOLIDATED AGENDA:

REPORT OF THE PERMANENT COMMITTEE ON COOPERATION FOR  
DEVELOPMENT RELATED TO INTELLECTUAL PROPERTY (PCIPD)

230. See the report of the session of the WIPO Conference (document WO/CF/19/2).

ITEM 21 OF THE CONSOLIDATED AGENDA:

COOPERATION WITH THE WORLD TRADE ORGANIZATION

231. See the report of the session of the WIPO General Assembly (document WO/GA/27/8).

ITEM 22 OF THE CONSOLIDATED AGENDA:

CREATION OF A NEW WIPO LOGO

232. See the report of the session of the WIPO General Assembly (document WO/GA/27/8).

ITEM 23 OF THE CONSOLIDATED AGENDA:

RESOLUTIONS AND DECISIONS OF THE UNITED NATIONS;  
REPORTS OF THE JOINT INSPECTION UNIT (JIU)

233. See the report of the session of the WIPO General Assembly (document WO/GA/27/8).

ITEM 24 OF THE CONSOLIDATED AGENDA:

ADMISSION OF OBSERVERS

234. Discussions were based on document A/36/12.

Admission of Intergovernmental Organizations as Observers

235. The Delegation of Mozambique, speaking on behalf of all the Portuguese-speaking Countries and communities, expressed its wish that the Community of Portuguese-speaking Countries (CPLP) be admitted as observer at the meetings of the Assemblies of Member States of WIPO.

236. The Delegation of Algeria, speaking on behalf of the African Group, expressed its support for the admission of the CPLP as an observer organization at WIPO. It indicated that its position was part of the support of the African Group for the introduction of Portuguese as a working language of WIPO.

237. The Assemblies of Member States, each as far as it is concerned, decided to grant observer status to the Community of Portuguese-speaking Countries (CPLP) and the Environmental Crime Prevention Program (ECP).

238. The Representative of the CPLP expressed its profound satisfaction with the announcement of the admission of the CPLP as observer, and noted that its new status as an observer at WIPO would enable the CPLP to participate in the meetings of the Assemblies of Member States of WIPO. Created in 1996, the objectives of the CPLP are to promote the political and diplomatic interaction between its Member States, to develop cooperation among its member communities in the fields of education, science and culture, *inter alia*, and to promote the use of the Portuguese language. The CPLP has established cooperation relations with the United Nations and its agencies such as UNCTAD, UNESCO and UNAIDS, and also with the Latin American Community, the Commonwealth, the African Union, UEMOA and the SADC. The Representative suggested that negotiations be started between the CPLP and WIPO for purposes of signing a basic cooperation agreement between the two organizations. Such an agreement would facilitate the participation of each organization in the other's meetings addressing issues of common interest, and also the joint sponsorship of such meetings. A cooperation agreement would allow both organizations to be mutually informed of any progress related to the protection and the promotion of intellectual property and related matters. Finally, a cooperation agreement could cover areas such as traditional knowledge, national languages, the common vision of the interests of peoples expressed through art, and traditional scientific and technological knowledge, particularly in the area of human health. The Representative recalled that the CPLP member States are Angola, Brazil, Cape Verde,

Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe. East Timor has an observer status. The CPLP has as a mission the fight against AIDS and the setting up of a project for education that recognizes the value of the diversity of its peoples, and that ensures adequate teaching and training conditions for millions of citizens that are still excluded from education. This is one of the important tasks to be accomplished by the CPLP in cooperation with WIPO. The Representative of the CPLP opined that cultural material produced by the CPLP's citizens would be better shared as the Member States included in their governmental structures institutions that will identify, protect and promote the sharing of knowledge and processes created by citizens. The Representative stated that, in particular, after the recent tragedy in the United States, it was necessary to ensure that all knowledge of human civilization be provided equal protection which would achieve equity in rights as a condition for peace. The Representative further stated that the opportunity for cooperation between WIPO and the CPLP would be optimized by the election of Ambassador Mendonça E Moura as Chair of the General Assembly of WIPO. On behalf of the Member States of CPLP, the Representative thanked the Member States of WIPO for their decision to admit the CPLP as observer to the meetings of the Assemblies of Member States of WIPO, and also thanked the Secretariat, in particular, and the Director General for having contributed in a significant manner to the adoption of that decision.

239. The Delegation of Guinea-Bissau declared that the admission of the CPLP as observer at WIPO was a step forward in the life of the CPLP countries, as it would ensure a more effective participation in the Assemblies. The Delegation expressed its belief that the CPLP would contribute with its views on various matters, and that the cooperation between the CPLP and WIPO would further raise awareness of the CPLP countries of activities carried out by WIPO in the field of intellectual property. The Delegation thanked WIPO and the Secretariat for the Organization's flexibility and support for the CPLP, and Brazil for helping make the CPLP's dream become a reality.

240. The Delegation of Angola expressed its satisfaction with the admission of the CPLP, and declared that the CPLP would be an important partner for WIPO in the promotion of the development of intellectual property in Angola.

241. The Delegation of Portugal welcomed the admission of the CPLP in WIPO as an observer and considered that the decision, which would result in multiple positive events, would strengthen the activities of WIPO in cooperation for development, dialogue and recognition of the cultural diversity of peoples. The Delegation noted that there now exist better conditions for a stronger participation of the Portuguese-speaking countries in programs related to intellectual property.

242. The Delegation of Brazil expressed special support for the CPLP, and observed that the CPLP was very representative, given the membership of developed countries, developing countries and least-developed countries. It recalled that Brazil had already organized programs of technical cooperation with other Portuguese-speaking countries in the fields of industrial property and copyright. The cooperation between WIPO and CPLP would thus ensure that the promotion of intellectual property would attain its social function and ensure the international transfer and dissemination of technology. The Delegation of Brazil endorsed the proposal that WIPO and the CPLP initiate discussions with a view to signing a basic cooperation agreement. Referring to the non-governmental organization candidates for observer status, the Delegation of Brazil noted the important work carried out by ActionAid in the discussion on intellectual property and biological diversity. It stated its view that

ActionAids' focus on social and economic development would allow discussions in WIPO on intellectual property to result in benefits for society at large.

243. The Delegation of Mozambique expressed its profound satisfaction with the admission of the CPLP as an observer at WIPO, and stressed the significance and importance of the decision for Mozambique, which currently chairs the CPLP. It endorsed the view that the admission of the CPLP and the introduction of the Portuguese language in the work of WIPO, would increase cooperation between WIPO and the Portuguese-speaking countries. The Delegation of Mozambique noted with satisfaction that the introduction of the Portuguese language in WIPO had now become a reality, and it expressed its hope that WIPO documents would soon be translated into Portuguese.

244. The Chairman expressed his deep satisfaction with the status of observer granted to CPLP. The Assembly noted that discussions for purposes of signing a basic cooperation agreement between CPLP and WIPO would be started soon.

#### Admission of International Non-Governmental Organizations as Observers

245. The Assemblies of Member States, each as far as it is concerned, decided to grant observer status to the following eight international non-governmental organizations: Action Aid; *Confédération européenne de producteurs de spiritueux (CEPS)*; European Writers' Congress (EWC); Exchange and Cooperation Centre for Latin America (ECCLA); Friends World Committee for Consultation (FWCC); Global Anti-Counterfeiting Group (GACG); Institute for African Development (INADEV); and Rights & Democracy.

#### Admission of National Non-Governmental Organizations as Observers

246. In introducing the above issue, the Secretariat explained that the relevant part of document A/36/12 simply raised an issue and a question for the consideration of Member States. Until now, the practice had been to admit as permanent observers only international non-governmental organizations that followed closely the work of WIPO, in particular its technical work. The practice of the Organization had been to grant *ad hoc* observer status, for particular bodies, to national non-governmental organizations. Given the growing interest in intellectual property and the way in which intellectual property is followed by national technical bodies of professionals, the document raised the question as to whether Member States might wish to consider regularizing the status of national non-governmental organizations by enabling the accreditation of such organizations as permanent observers to the meetings of the Assemblies.

247. The Delegation of Algeria, speaking of behalf of the African Group, requested additional information to enable it to decide whether it could support the proposal to admit national non-governmental organizations as observers. In particular, the Group wished to know the mechanism that would be used in making such determinations. The African Group stated its wish that the item be considered on the basis of the rules established within the UN system in general, and in particular in the Economic and Social Council (ECOSOC). The Group further requested that studies be made, on a case-by-case basis, of the value that any candidate for observer status might add to the work of WIPO, if it were admitted as an observer to the meetings of the Assemblies of Member States of WIPO.

248. The Delegation of Canada shared the view of the Delegation of Algeria, speaking on behalf of the African Group, and thought it appropriate to examine the capacity of national non-governmental organizations to contribute to a global and effective intellectual property system. It further agreed that it might be time to review the policy applicable to the participation of such national non-governmental organizations as observers, and endorsed the request that the Secretariat formulate a clear framework for review at the next Assemblies.

249. The Delegation of the United States of America wished to associate itself with the comments made by the Delegation of Canada with respect to the need to establish guidelines and mechanisms to provide for the continuation of the professional environment within which WIPO operates. The Delegation of the United States of America expressed its support for the admission of those national non-governmental organizations that comply with the relevant U.N. and other guidelines and, in the view of the Secretariat, have legitimate equities in the proceedings of the WIPO Assemblies, and may be able to offer constructive, substantive contributions to WIPO's deliberations.

250. The Assemblies of Member States of WIPO, each as far as it is concerned, requested that the Secretariat prepare a document elaborating on the issues raised in the discussions, and decided to further discuss the issue at the 2002 meetings of the Assemblies of Member States, with a view towards taking a decision on the proposal to admit national non-governmental organizations as observers at the meetings of the Assemblies of Member States of WIPO.

#### ITEM 25 OF THE CONSOLIDATED AGENDA:

##### PREMISES

251. The report on this item is covered under item 7 (Proposed Program and Budget for the 2002-2003 Biennium) as contained in the present document.

#### ITEM 26 OF THE CONSOLIDATED AGENDA:

##### STAFF MATTERS

252. See the report of the session of the WIPO Coordination Committee (document WO/CC/47/2).

ITEM 27 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORTS

*253. This General Report was unanimously adopted by the Assemblies and other Bodies of the Member States of WIPO concerned, on October 3, 2001.*

*254. Each of the 16 Assemblies and other Bodies of the Member States of WIPO unanimously adopted the separate report concerning its session, at a separate meeting of the Assemblies and other Bodies of the Member States of WIPO concerned, on October 3, 2001.*

ITEM 28 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

255. The Delegation of France, speaking on behalf of Group B, stated that the work of the Assemblies had been concluded successfully as the Member States had expressed unanimously their satisfaction with WIPO's work. The Delegation indicated that the approval given to the draft Program and Budget, was a reflection of the continued expansion of the activities of the Organization, and the Director General's desire to reform and modernize WIPO. The Delegation further summarized that this Assemblies had noted the progress made on simplifying the Organization's constitution and had given approval to a Joint Recommendation on the Protection of Marks, on the Internet; had unanimously expressed satisfaction with the initiative taken by the Director General in respect of a plan of action for the development of the International Patent System; in addition, various implementing regulations relating to Treaties administered by WIPO had been updated, and unanimous agreement had been achieved with regard to amendments to the PCT and approval of a new initiative to deal with questions concerning Internet domain names. The Delegation said that the success achieved by the Assemblies was owed to the Chair who had made continual efforts to bring divergent viewpoints closer together. In conclusion, the Delegation, on behalf of Group B, thanked the Director General, his staff, the interpreters, the Chairman of the Assembly and the regional groups, in particular the African Group, for contributing to the success achieved.

256. The Delegation of Bulgaria, speaking on behalf of the Group of Central European and Baltic countries, stated that three issues would characterize these Assemblies. The first, was the success achieved in adopting a seriously reinforced Program and Budget, the second was the success in finalizing the decision on the Coordination Committee, and the third, in reaching the important decision on the future work to be undertaken in the field of Internet Domain names. In addition to these very important issues was the launching of an agenda to create an International Patent System. Additionally, the Assemblies would be remembered

for the efficient Chairmanship that had been experienced as the agenda had been finished on schedule with solutions being found that were acceptable to all Groups. The Assemblies had also been a launch for the use of Portuguese as a working language of WIPO. The Director General and his staff had prepared extremely well for the Assemblies and their support had greatly assisted in taking the correct decisions. The Delegation also thanked other regional coordinators for their flexibility.

257. The Delegation of India, on behalf of the Asian Group, commented that crucial decisions had been made for WIPO. Amongst them had been approval of the Program and Budget for the next biennium and agreement to conduct constructive dialogue on the future of the International Patent System. A mechanism had been agreed to study the second Internet domain name process, and the reform of the Patent Cooperation Treaty. Finally, a new Coordination Committee had been elected, due in a large part to the skills of the Chair, to convince all sides to reach a consensus. The Asian Group wished to convey their thanks to the African Group and their coordinator, Algeria, for graciously agreeing to a compromise in the composition of the Coordination Committee. The Asian Group also thanked the Secretariat for their untiring efforts and the assistance provided to delegations and expressed its appreciation to the Director General for his dynamic leadership and his vision for WIPO in the 21<sup>st</sup> Century, and, in particular, his efforts to ensure that the interests of developing countries remain an important component of WIPO's progress.

258. The Delegation of Venezuela, on behalf of the Group of Latin America and the Caribbean countries (GRULAC) agreed with comments made by the Delegations of India, Bulgaria and France, and wished to take the opportunity to thank the Chair for everything that had been done to ensure that the work of the Assemblies concluded successfully. The Delegation also thanked all the other regional coordinators and the members of the other regions, especially the African Region, for their flexibility and spirit of constructive cooperation. They also expressed their thanks to the members of the Secretariat and the members of the regional offices, the Conference staff and interpreters for their courtesy, kindness and their readiness to help at all times. In conclusion, the Delegation also thanked the members of its regional group for their spirit of cooperation and flexibility enabling agreements to be reached in a genuine spirit of compromise.

259. The Delegation of Algeria, on behalf of the African Group, welcomed the conclusions of the 36<sup>th</sup> session of the General Assemblies and the spirit in which the Chair had conducted the meeting. It also thanked the Director General, Dr. Kamil Idris, and his staff for their constant support. The African Group had welcomed the flexibility and open spirit that characterized the work done, whether during consultations or during the work of the various Assemblies. On behalf of the African Group, they wished to thank the Delegates representing the other Groups for the kind words expressed about the African Group.

260. The Delegation of Azerbaijan, on behalf of the Group of Eastern European, Caucasus and Central Asian Countries said they wished to congratulate all delegates on the successful outcome of the Assemblies. The Delegation thanked the Chair, whose efforts and experience had enabled the regional Groups to reach consensus on a range of problematic and difficult issues. It stated that the constructive spirit prevalent during discussions concerning the Internet Domain Names, the Program and Budget Committee and the Coordination Committee, helped to overcome the difficulties relating to those issues. The Delegation expressed its deep gratitude to Dr. Kamil Idris and his staff for their timely initiatives taken in connection with the work of the Organization and satisfaction with the close cooperation that existed between the national offices and WIPO which would enhance the work to be done in

the future. On behalf of the countries of the region, the Delegation emphasized their willingness to cooperate in the future with the organization on all the areas of work in which WIPO is involved, so that they could make contributions to a more effective implementation of measures in order to solve the problems faced by the Organization.

261. The Delegation of China stated that it was very satisfied with the smooth progress in this Assembly under the leadership of the Director General, which was also due to comprehensive preparations by the Secretariat. With regard to the issues relating to the budget and the premises, although there had been difficult problems to solve, they were smoothly resolved and consensus reached, due in part to meetings held in advance of the Assemblies. They also wished to express their gratitude to the Chair of the General Assembly for his flexibility and the spirit of cooperation that he had demonstrated during the Assembly. The Delegation also wished to pay special thanks to the African Group, for their cooperative attitude. The Delegation firmly believed that WIPO, under the leadership of Director General Idris, supported by his Secretariat, and the Member States are united, and will make positive achievements in the future.

262. The Chair of the Assembly made the following statement:

“I would like to conclude by saying that the Assembly can congratulate itself on the work that has been done. We had a very important and very full agenda, such as the questions of the Program and Budget, the Internet, the International Patent System, cooperation for development etc. With respect to all of the items, I believed it was possible to make progress and we were able to reach a consensus on all these items. This reflects, on the one hand, the excellent work that was done in terms of preparation by the Secretariat for the Assembly, it also shows the flexibility demonstrated by all of the countries and the regional groups. In particular, I would like to thank the regional groups and their coordinators for the flexibility that they showed and I would also like to express my appreciation for the support that was given by the other Chairs in seeking the consensus that we were able to reach on the various items. Once again I would also like to thank, in particular, the African Regional Group as many have done already. I would like to note that in addition to achieving consensus we were also able to work within a very good spirit and atmosphere at all times. We were all seeking the best solution for all delegations and the Chair would like to draw particular attention to this very positive point. At a very difficult time for the world in international relations, I am very pleased that we were able to work together for common objectives. Finally I wish to thank the Director General for his constant support, even when delegations were unaware of this, more than once it was the Director General’s intervention that proved crucial. Therefore, I would like to particularly thank the Director General along with all the members of the Secretariat, who supported me over these days. All of us are grateful to the Secretariat, and speaking on behalf of all of us, I would also like to thank the interpreters for having assisted us even beyond the normal hours of work. I wish you all a safe trip home and if there are no other delegations wishing to take the floor, I believe that we can conclude this meeting. I adjourn this session.”

[Annex follows]



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AND REPRESENTATIVES OF INTERNATIONAL INTERGOVERNMENTAL  
ORGANIZATIONS AND INTERNATIONAL  
NON-GOVERNMENTAL ORGANIZATIONS

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[End of Annex and of document]

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<sup>1</sup> On behalf of the African Group  
<sup>2</sup> On behalf of the Group of Eastern European, Caucasus and Central Asian Countries  
<sup>3</sup> On behalf of the European Community and its Member States  
<sup>4</sup> On behalf of the Central European and Baltic States  
<sup>5</sup> On behalf of Group 'B'  
<sup>6</sup> On behalf of the Asian Group  
<sup>7</sup> Community of Portuguese-speaking Countries and Communities  
<sup>8</sup> On behalf of the Member States of the South Asian Association for Regional Cooperation (SAARC)  
<sup>9</sup> On behalf of the Latin American and Caribbean Group (GRULAC)