

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **ASSEMBLIES OF THE MEMBER STATES OF WIPO**

### **Thirty-Seventh Series of Meetings Geneva, September 23 to October 1, 2002**

#### GENERAL REPORT

*adopted by the Assemblies*

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## INTRODUCTION

1. This General Report records the deliberations and decisions of the following 18 Assemblies and other bodies of the Member States of WIPO:

- (1) WIPO General Assembly, twenty-eighth (13th extraordinary) session
- (2) WIPO Conference, twentieth (5th extraordinary) session
- (3) WIPO Coordination Committee, forty-eighth (33rd ordinary) session
- (4) Paris Union Assembly, thirty-second (17th extraordinary) session
- (5) Paris Union Executive Committee, thirty-ninth (38th ordinary) session
- (6) Berne Union Assembly, twenty-eighth (13th extraordinary) session
- (7) Berne Union Executive Committee, forty-fifth (33rd ordinary) session
- (8) Madrid Union Assembly, thirty-fourth (20th extraordinary) session
- (9) Hague Union Assembly, twenty-first (8th extraordinary) session
- (10) Nice Union Assembly, twenty-first (6th extraordinary) session
- (11) Lisbon Union Assembly, eighteenth (4th extraordinary) session
- (12) Locarno Union Assembly, twenty-first (7th extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, twentieth (7th extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, thirty-first (18th extraordinary) session
- (15) Budapest Union Assembly, eighteenth (7th extraordinary) session
- (16) Vienna Union Assembly, fourteenth (5th extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, first (1<sup>st</sup> extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, first (1<sup>st</sup> extraordinary) session

meeting in Geneva from September 23 to October 1, 2002, 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/28/7), WIPO Coordination Committee (WO/CC/48/3), Paris Union Executive Committee (P/EC/39/1), Berne Union Executive Committee (B/EC/45/1), Madrid Union Assembly (MM/A/34/2), PCT Union Assembly (PCT/A/31/10), Budapest Union Assembly (BP/A/18/2), the WIPO Copyright Treaty Assembly (WCT/A/1/2), and the WIPO Performances and Phonograms Treaty Assembly (WPPT/A/1/2).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 20, 2002, is set forth in document A/37/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/37/1 Prov.3) were presided over by the following Chairs:

Items 1 and 2	The Director General
Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23 and 24	Ambassador Bernard Kessedjian (France) Chair of the General Assembly
Item 15	Mr. Valéry J. Kudashov (Belarus) Chair of the WIPO Copyright Treaty Assembly
Item 16	Mrs. Asséta Touré (Burkina Faso) Chair of the WIPO Performances and Phonograms Treaty Assembly
Item 17	Mrs. María de los Angeles Sánchez Torres (Cuba) Vice Chair of the Madrid Union Assembly
Item 18	Mr. Jørgen Smith (Norway) Chair of the PCT Union Assembly
Item 19	Mr. Martti Jaakko Juhani Enäjärvi (Finland) Chair of the Budapest Union Assembly
Item 20, 21 and 22	Mr. Joaquín Pérez-Villanueva y Tóvar (Spain) Chair of the WIPO Coordination Committee
Item 23	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 18 Governing Bodies concerned, that is for the General Report, the Report of the WIPO General Assembly, Ambassador Bernard Kessedjian (France); the Report of the WIPO Coordination Committee, Mr. Joaquín Pérez-Villanueva y Tóvar (Spain); the Reports of the Paris Union Assembly; the Paris Union Executive Committee; the Berne Union Assembly and the Berne Union Executive Committee, Mr. Nor-Eddine Benfreha (Algeria); the Report of the Budapest Union Assembly, Ambassador Bernard Kessedjian (France); the Report of the Madrid Union Assembly, Mrs. María de los Angeles Sánchez Torres (Cuba); the Report of the PCT Union Assembly, Ambassador Bernard Kessedjian (France) and the Reports of the WIPO Copyright Treaty Assembly, and the WIPO Performances and Phonograms Treaty Assembly, Mr. Valéry J. Kudashov (Belarus).

Item 24

Ambassador Bernard Kessedjian (France), 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/37/1 Prov.3 and A/37/INF/3 respectively.

#### ITEM 1 OF THE CONSOLIDATED AGENDA:

##### OPENING OF THE SESSIONS

6. The thirty-seventh 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 18 Assemblies and other bodies concerned exceptionally by the Director General, in the absence of the Chair of the General Assembly Mr. Álvaro de Mendonça E Moura (Portugal) who had recently left his position as Ambassador and Permanent Representative of his country in Geneva and had accepted a new function.

8. The Director General called the meeting to order and warmly welcomed all delegates to the 37<sup>th</sup> Series of Meetings of the Assemblies of the Member States.

#### ITEM 2 OF THE CONSOLIDATED AGENDA:

##### ADOPTION OF THE AGENDA

9. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/37/1 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/37/INF/1 Rev.

11. As a consequence of a vacancy caused by resignation, an exceptional election for the officers of the WIPO General Assembly was held for the period 2002 to 2003. The WIPO General Assembly elected the following officers on September 23, 2002:

Chair: Bernard KESSEDJIAN (France)

Vice-Chair: Zigrīds AUMEISTERS (Latvia)

Vice-Chair: Dissanayake Mudiyansele KARUNARATNA (Sri Lanka)

12. The newly-elected Chair of the General Assembly, Mr. Bernard Kessedjian (France), said that it was a great honor for him to take on the role of Chair of the thirty-seventh session of the Assemblies of the Member States of WIPO, and he took the opportunity of warmly thanking the General Assembly for the trust that it had shown in electing him to preside over it.

13. The Chair added that he therefore had the difficult task of succeeding Mr. Álvaro de Mendonça E Moura, the former Ambassador of Portugal, whom he commended for the excellent work that he had done as Chair of the General Assembly.

14. The Chair said that he in his turn would do his utmost to help the Assembly contribute to the continued development and success of the Organization, the more so as the duties were being entrusted to him at a time when profound changes were taking place both at the global level and at the level of the Organization itself. He added that proof of that fact was to be found in the set issues on the current year's agenda. It was for instance at the thirty-seventh series of meetings that the Assemblies of the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty would be meeting for the first time since both of them entered into force in the course of the current year. Apart from that he mentioned that fundamental issues would be considered, including the procedures for the appointment of the Director General in 2003, the adoption of the changes proposed for the constitutional reform of the Organization and the plan of action for the development of the international patent system, and decisions would be taken on them.

15. He also mentioned that the matter of the admission of national non-governmental organizations to permanent observer status in relation to WIPO would also be submitted to the Assemblies.

16. The Chair went on to say that the 21<sup>st</sup> century was looking at intellectual property more and more as an effective means of contributing to the advancement of individuals, corporations, society and the world economy in general, and that it was possible for instance to observe that a number of organizations and companies previously unfamiliar with intellectual property had since embarked on discussions to ascertain how best to take advantage of the possibilities that it offered. It was not just a limited number of countries but rather every single WIPO Member State that should be able to benefit from the experience and insights acquired by other countries. The society of the twenty-first century depended greatly on individuals who were talented, well-informed and driven by creative and innovative forces. WIPO had become considerably more dynamic since the appointment of the present Director General; new initiatives had been introduced in the course of his first term of office, and the Member States had given the Organization substantial support.

17. The Chair recalled that the Director General of WIPO had made the demystification of intellectual property one of his main objectives. That was why WIPO was pursuing an "opening up" policy and engaging in consultations with the Member States according to the principle of consensus, in order that the views of other economic operators, namely the users

of the intellectual property system, the market, non-governmental organizations and other entities concerned, might be reflected. The Chair hoped that the Assembly would, in a manner consistent with the working methods and traditions that were specific to WIPO, and with the invaluable support of its Member States, reach consensus on the whole set of items on its agenda. He invited all those who belonged to the intellectual property community to take advantage of the attention that was being focused on intellectual property and of the momentum towards greater integration of the concept and its underlying principles in the development of the economies and societies of every country and the whole world. In his opinion, WIPO should conduct the discussion of sensitive issues by contributing ground-breaking ideas and great flexibility, in view of the fact that the intellectual property world had moved into an ever more dynamic phase and would experience a series of developments in the future. Members of the intellectual property community should not be afraid to rearrange and develop the present system: the Chair had indeed noted that the item on the agenda of the present session included the discussion of certain issues whose purpose was to determine the future direction to be taken by the intellectual property system and WIPO.

18. Finally, the Chair said that all should work together, in what was at once a creative and constructive spirit, to give WIPO a direction to follow, the common objective being that intellectual property, its rules and its range of action should in the best way possible serve the development of standards and principles in a complex, changing environment. He said that he was convinced that the work about to be done would be equal to the stakes involved.

19. Following informal consultations by the newly-elected Chair of the WIPO General Assembly, Ambassador Bernard Kessedjian (France), the following officers of the WIPO Coordination Committee, the Paris Union Executive Committee, the Berne Union Executive Committee and, on an exceptional basis, the WIPO Copyright Treaty Assembly and the WIPO Performances and Phonograms Treaty Assembly were elected on September 25, 2002:

for the WIPO Coordination Committee

Chair: Joaquín PÉREZ-VILLANUEVA Y TÓVAR (Spain)

Vice-Chair: Liljana VARGA (Mrs.) (The former Yugoslav Republic of Macedonia)

Vice-Chair: TIAN Lipu (China)

for the Paris Union Executive Committee

Chair: José GRAÇA ARANHA (Brazil)

Vice-Chair: LI Dongsheng (China)

Vice-Chair: Jānis KĀRKLIŅŠ (Latvia)

for the Berne Union Executive Committee

Chair: Nurgaiша SAKHIPOVA (Ms.) (Kazakhstan)

Vice-Chair: Nor-Eddine BENFREHA (Algeria)

Vice-Chair: Bundit LIMSCOON (Thailand)

for the WIPO Copyright Treaty Assembly

Chair: Valéry J. KUDASHOV (Belarus)

Vice-Chair: Víctor Manuel GUIZAR LÓPEZ (Mexico)

Vice-Chair: Michael KEPLINGER (United States of America)



for the WIPO Performances And Phonograms Treaty Assembly

Chair: Asséta TOURÉ (Mrs.) (Burkina Faso)

Vice-Chair: Roman O. OMOROV (Kyrgyzstan)

Vice-Chair: Rodica PÂRVU (Mrs.) (Romania)

20. The list of the officers for the Assemblies and other bodies appears in document A/37/INF/4.

#### ITEM 4 OF THE CONSOLIDATED AGENDA:

##### APPOINTMENT OF THE DIRECTOR GENERAL IN 2003

21. Discussions were based on documents A/37/INF/2 and A/37/13.

22. The Chair of the Coordination Committee, Ambassador Gustavo Albin (Mexico) introduced the documents relating to the procedure for the appointment of the Director General. Document A/37/13 contains the constitutional provisions for the nomination and appointment of WIPO Directors General, as well as the procedures relating to such nomination and appointment, adopted by the General Assembly in 1998; similar reference is made to the steps taken thus far in the process to nominate and appoint the Director General for a new term in office, which will begin on December 1, 2003. The Chair of the Coordination Committee also requested the different delegations to take note of its content and of the circular sent to Member States on September 9, 2002, in which they were invited to propose candidates. The circular appears in Annex 2 of the document in question. The Chair noted that in the process to date, the principles governing the procedure for nominating and appointing Directors General, adopted in 1998, had been properly observed in relation to transparency, respect, dignity of the candidates and the search for a nomination based on consensus. The Chair of the Coordination Committee held extensive informal consultations with the International Bureau and representatives of the Member States on the process launched to nominate and appoint the Director General for the period beginning in 2003. The results of the consultations revealed widespread anticipation that Dr. Kamil Idris would continue to serve as Director General of WIPO for a second term. Document A/37/INF/2 contained different expressions of support for Dr. Kamil Idris's candidacy as Director General, received in writing from different regional groups. Mention was also made of the broad range of expressions of support, both written and oral, made by individual Member States from all the regional groups. In document A/37/13, Member States were requested to consider the timetable resulting from the application of the procedures for the nomination and appointment of WIPO Directors General, adopted in 1998. As may be observed, the timetable suggested a period of only two months between the appointment of the candidate by the General Assembly and the taking-up of office in December. In order to ensure that the Director General and his team had sufficient time for a trouble-free transition, Member States could consider the possibility of granting the Chairs of the General Assembly and the Coordination Committee the authority to call an extraordinary meeting of the General Assembly to appoint the Director General, should this be considered appropriate, given that all the indications were that a clear consensus existed as to the re-election of Dr. Kamil Idris.

23. The Delegation of Ukraine made the following statement:

“I would like to say that for four years now, our ministry, on behalf of the country’s authorities, has had a very close cooperation with WIPO, and in particular with Director General Dr. Kamil Idris. The last few years in Ukraine, a number of laws have been enacted regarding different areas of intellectual property and very specific measures for the protection of intellectual property in our country. I would like to say that we have permanent support from WIPO. We know that the visit of Dr. Kamil Idris to Ukraine this year has strengthened further the cooperation between our country and WIPO. Therefore, we would like to express our support for Dr. Kamil Idris for re-election as the Director General of WIPO. We know that this is very positive for the Organization. In conclusion, I would like to reiterate the fact that we support the re-election of Dr. Kamil Idris for a second term of office as the Director General.”

24. The Delegation of Algeria made the following statement on behalf of the African Group:

“I take this opportunity to thank the Ambassador of Mexico, Mr. Gustavo Albin, for the report on the consultations for the appointment of the Director General and for the working documents he has introduced to us in that regard.

“The African Group wishes to thank the Director General, Dr. Kamil Idris, for the sustained efforts he has made at the head of the World Intellectual Property Organization, with a view to enshrining and promoting the concept of intellectual property, and its affirmation on a universal level.

“The African Group expresses pride at the laudable efforts made by Dr. Kamil Idris in the cause of intellectual property in an increasingly globalized economy, and at the crucial role he plays in using intellectual property for the purposes of economic, technological, scientific and cultural development.

“The decisive efforts made by Dr. Kamil Idris have also enabled the field of intellectual property to be demystified and its undeniable contribution to any economic, social and cultural development strategy to be enshrined. In order to meet the challenges of market globalization, the results have been achieved under the leadership of Dr. Kamil Idris through a series of modernization initiatives which have enhanced WIPO’s transition from a regulatory body for codifying intellectual property law into an Organization which also operates according to an integrated approach in the fields of both economics and technology. This integrated vision, developed with great courage by Dr. Kamil Idris, deserves our full encouragement.

“In this context, the African Group would like to highlight the clear-sightedness of Dr. Kamil Idris in the implementation of strategic guidelines relating to the strengthening of cooperation for the development of developing countries and the importance, in this area, of the WIPO Worldwide Academy, the key role of information technologies for the strengthening of the global intellectual property system through the IMPACT and WIPONET projects, as well as the simplification of the PCT system, the initiatives to improve the international patents and marks systems, the increase in sectoral activities such as genetic resources, traditional knowledge and folklore, small and medium-sized enterprises, electronic commerce and domain names. These are all areas in which Dr. Kamil Idris’s contribution is decisive.

“The ever-increasing interest at the global level in intellectual property and the gradual and successful integration of developing countries in the intellectual property system are undoubtedly the fruits of the new momentum which the Director General has been able to instill in WIPO’s work.

“The consensus, or rather the unanimity, of the African Group with regard to Dr. Idris’s candidacy, is not the natural consequence of devotion to a son of Africa, but the result of great satisfaction at the excellent results and strategic vision of the Director General, from which Africa and all regions in the world continue to benefit in the field of intellectual property.

“In the light of the above, the African Group expresses, at all levels of decision making, its full support for Dr. Kamil Idris; the Summit of the Heads of State and Government, which was held in Durban, took a unanimous decision in favor of Dr. Idris, and expressed its profound satisfaction at the broad support he enjoys in the international intellectual property community. Furthermore, the relevant African regional organizations (African Regional Industrial Property Organization (ARIPO) and the African Intellectual Property Organization (OAPI)) expressed satisfaction at the results obtained as part of cooperation with WIPO, and have expressed their support for the Director General’s future vision and strategic orientation.

“My statement would not be complete without expressing, on behalf of the African Group, warm thanks to the Delegations that have made clear their support for Dr. Kamil Idris and the assistance they have given him in the implementation of his program.”

25. The Delegation of France made the following statement:

“France, whose attachment to the importance of intellectual property is well known, supports the candidacy of Dr. Kamil Idris for his own succession.

“On this occasion, it expresses satisfaction at the efficiency with which he has organized WIPO’s work during his term of office, which is now nearing its end, and at the reform strategy he has established for the Organization so that intellectual property continues to serve the cause of economic growth and sustainable development.

“The Delegation of France particularly wishes to salute the determination shown by Dr. Kamil Idris in promoting the expression of the opinions of all members of the Organization within its different bodies, and to thank him for his constant efforts to promote intellectual property throughout the world.”

26. The Delegation of Italy made the following statement:

“We express our satisfaction with the work done by the Director General of WIPO, Dr. Idris, during his present mandate.

“We support his candidature for a second mandate as Director General of WIPO.”

27. The Delegation of China made the following statement:

“We support the established procedure for the appointment of the Director General for the year 2003. We appreciate the contribution the Director General has made in strengthening the efficiency of WIPO and promoting automation and cooperation, as well as the exchange of views among stakeholders and Member States. With a clear vision, the Director General has furthered the development of the international patent system, the Patent Law Treaty and the reform of the PCT. He has established the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, as well as provided for the production and protection of the Small and Medium-Sized Enterprises. There has been great progress in this respect for the benefit of the Member States under his leadership. This has also facilitated the enhancement and development of the intellectual property protection system of developing countries.

“We are convinced that the experience that the Director General possesses and his remarkable talent as a leader, are of extreme importance in strengthening the important role of WIPO in international affairs. The Delegation of China supports the nomination of Dr. Kamil Idris for a second mandate as Director General of WIPO.”

28. The Delegation of Latvia, speaking on behalf of the Central European and Baltic States, made the following statement:

“The overall excellent performance of WIPO, under the leadership of the Director General, has enabled it to expand its programs and establish itself as one of the leading UN specialized agencies in the knowledge-based economy.

“We have witnessed in the last five years in WIPO further strengthening of the principles of consensus, participation in the decision-making and the benefit sharing of the results. We believe that the new vision of Dr. Idris on the work of the Organization would allow it to face the new challenges and pursue its agenda in the spirit of predictability, transparency and stability.

“The regional group of the countries of Central European and Baltic States considers that in the period since Director General Dr. Idris took over the leadership of the Organization, more attention has been given to the problems of the countries in transition, including those in our region. The promotion and development of the intellectual property systems in our respective countries, as well as issues that are of great importance for the economic and social development of our region have been adequately addressed in the work of WIPO. We have embarked on new fields, and with the help of the Organization, our countries can pursue even more ambitious goals in the future – further develop their intellectual property systems, actively participate in international cooperation in perfecting the international system of protection of intellectual property rights, the benefit sharing from the existing regimes, and last but not least – raise the level of awareness in our societies on the importance of intellectual property rights.

“In my capacity as Coordinator for the Central European and Baltic States I would like to express the Group’s appreciation for the performance of Dr. Idris and the Group’s conviction of the future success of the Organization. We stand ready to support the candidature of Dr. Kamil Idris for a second term in office. It is our feeling

that there is an emerging overwhelming support for this, and we are looking forward to our continued cooperation.

“I also wish to state that the Group does not have any objections to the proposed procedure for the nomination of the Director General.”

29. The Delegation of Belarus, speaking on behalf of the Central Asian, Caucasus and Eastern European Countries, made the following statement:

“I would like to note that countries in our region are very much aware of the activities being undertaken by WIPO and its International Bureau, under the leadership of Dr. Idris. We will do our utmost to support all aspects of that work. Thanks to WIPO, in recent years, our countries have been able to develop and to implement a number of joint projects. The Patent Departments have been supported, and this has allowed us to develop intellectual property and the protection of intellectual property rights. Our countries have economies in transition, and this being so, our countries very much need to be able to benefit from the great experience that has been built up by global organizations like WIPO. Speaking on behalf of my regional group I would like, once again, to thank Dr. Idris personally for the contribution that he has made to the development of the system of intellectual property, and at this time when we see new trends emerging I think that his strategic vision of the activities of WIPO is particularly valuable. A few issues that I would like to highlight include the WIPO Patent Agenda, the issue of constitutional reform, and the reform of the PCT. Also noteworthy is the WIPOnet project. We have acceded to the internet treaties that recently entered into force, and that is also an extremely important development. Taking all of that into account, the Group of Central Asian, Caucasus and Eastern European Countries, would like to express its support for the re-appointment of Dr. Idris for a second term of office.”

30. The Delegation of Norway made the following statement:

“In its report to the General Assembly, the Policy Advisory Commission (PAC) commends the Director General for the broad and substantial progress WIPO has made during the first term of his leadership, and expresses the opinion that it is highly desirable that Dr. Idris should continue to lead the Organization for a second term as Director General.

“The Norwegian Delegation would like to use this early opportunity to signal its endorsement of this statement and its support for the nomination of Dr. Kamil Idris for another term as Director General of WIPO.

“We would also like to support the idea of a special session of the General Assembly to deal with this matter.”

31. The Delegation of Nepal, speaking on behalf of the Member States of the South Asian Association for Regional Cooperation (SAARC), made the following statement:

“With regard to the particular item on this Agenda this morning, we appreciate the report presented by the distinguished Ambassador of Mexico.

“We are close witnesses to the outstanding leadership demonstrated by Dr. Kamil Idris. His leadership and important initiatives in making WIPO’s work more relevant in the positive transformation of all sections of human society is particularly noteworthy. His vision and strategic direction of WIPO presents various new, dynamic and innovative initiatives. I wish to convey the goodwill of SAARC Members to the Director General, congratulate him for his leadership and thank him and his staff, in particular the Director of the Asia and Pacific Bureau and his colleagues for the excellent cooperation extended to SAARC Member States. It is our hope and confidence that we will continue to benefit from the dynamic leadership of this important Organization in the days ahead. As already stated by the Coordinator of the Asian Group, the distinguished representative of India, the SAARC Member States fully endorse the re-appointment of Dr. Kamil Idris.”

32. The Delegation of Tunisia made the following statement:

“My congratulations also go to the Director General and the International Bureau for the efficiency of their support work and the quality of the documentation made available.

“My Delegation expresses its full support for the statement made on behalf of the African Group and wishes, in its own name, to highlight its satisfaction with the results recorded by WIPO with a view to the assessment of its activities inspired by the implementation of a sure and considered policy on the part of its Director General who had the merit, while consolidating the initial foundations, no less laudable and established by his predecessors, of reconciling this Organization with its task of acting as an instrument for protecting property in its entirety and as defined in its statutes, in particular by expanding the protection to other beneficiaries of intellectual property, thereby setting the Organization’s action, in a noteworthy manner, in its constantly evolving international environment.

“Tunisia subsequently reiterates its support for the candidacy of Dr. Kamil Idris for a second term of office at the head of the Organization. This support is the expression of Tunisia’s conviction regarding the efficiency of the policy adopted by the Organization for the benefit of the different member States and, in particular, for the benefit of developing countries. Certain aspects of the heritage, which have thus far remained without protection and exposed to the most serious violations and distortions, and for which the Organization’s action is among the most decisive for their development, should also be discussed.”

33. The Delegation of India made the following statement on behalf of the Asian Group:

“Allow me on behalf of the Asian Group to commend the Director General for his dynamic leadership of the Organization, for his vision and for his contribution to the creation of a modern, forward-looking and innovative international intellectual property framework. The Asian Group reiterates its decision therefore to support Dr. Kamil Idris for a second term as Director General of WIPO.”

34. The Delegation of India made the following statement:

“On behalf of India, I wish to reiterate my country’s support for the re-election of Dr. Kamil Idris, present Director General, for a second term. We are confident that

Dr. Idris will continue to provide vision and direction to WIPO in its endeavor to promote awareness and to resolve critical intellectual property rights issues.”

35. The Delegation of Yemen, speaking on behalf of the Arab countries, made the following statement:

“It is a pleasure to speak to the Assemblies of the Member States of WIPO on behalf of the Arab Group. I would like to express our sincere thanks to Dr. Kamil Idris, the Director General of WIPO and his collaborators for their efforts in ensuring a successful session of our Assemblies. My further thanks go to the Arab Bureau of WIPO and the various administrations which have extended precious help to Arab countries in developing legislation in the field of intellectual property. On behalf of the Arab Group, I would like to express our support for the re-appointment of Dr. Kamil Idris at the head of the World Intellectual Property Organization. Our support is based not only on the positive results achieved by the Organization during his current mandate, but also for his endeavors to complete the innovative structure of the Organization, as is the case with constitutional reform and improving audiovisual performances and the patent systems. Justice would require of us to enable Dr. Kamil Idris to complete the tasks he has undertaken. The past year has witnessed the opening of new vistas in the field of intellectual property, and the Organization under Dr. Kamil Idris has become aware of the many areas and the fields of endeavor that remain for us to improve upon. The spirit of thanks and gratitude require us to express our thanks to the Organization and the Director General for seeking to bridge the gap between the various countries and through the exchange of experience and benefiting from technologies and innovations.”

36. The Delegation of Barbados, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), made the following statement:

“Several months ago, GRULAC, in recognition of the outstanding work which has been done by Dr. Idris, endorsed his re-appointment as Director General. Therefore, today, we simply wish to express our appreciation to him and to reiterate our support for his re-appointment.”

37. The Delegation of Iran (Islamic Republic of) made the following statement:

“As a member of the Asian Group and China and the Organization of Islamic Countries (OIC), my country has declared its strong support for the re-election for Dr. Kamil Idris through statements of those Groups.

“During the past years we have been witnessing significant developments and achievements in this Organization under the leadership of Dr. Idris, for which we congratulate him and his team. His efforts have demystified the field of intellectual property. Developing countries have immensely benefited from the advice and cooperation extended by WIPO to them. The Islamic Republic of Iran, being one of them, has taken effective and important steps for the promotion of intellectual property in the country, in close cooperation with the technical, legal and training assistance of WIPO. We believe that re-election of Dr. Kamil Idris for the post of Director General, will give the whole membership of WIPO an excellent opportunity to benefit from his vision, innovations and leadership for another six years.”

38. The Delegation of Kazakhstan made the following statement:

“It seems to me that we have already heard very detailed arguments that have been put forward in support of Dr. Idris and in support of his re-appointment. In the light of all that has been said and in the light of the fact that the Chair is repeatedly asking us to be as brief as possible, I will merely say that we support the idea of Dr. Idris being appointed for a second term of office.

39. The Delegation of the Russian Federation made the following statement:

“Speaking on behalf of the Russian Federation, I would like to say that we wholeheartedly support the commendations of the activities undertaken by Dr. Idris as Director General of this Organization. I am referring to all the commendations we have already heard from many speakers here. We consider that under the leadership of Dr. Kamil Idris, WIPO is successfully implementing all its programs and is successfully developing its activities in all areas. This allows us then, to support the re-appointment of Dr. Idris for a second term of office as Director General of WIPO. We consider that in assessing the activities undertaken by Dr. Kamil Idris, we certainly must commend what he has done and, therefore, we can support the accelerated procedure for the appointment of the Director General in 2003. Further, speaking also on behalf of the Board of the Eurasian Patent Organisation, whose Board I Chair, I would like to note that at the meeting of the Eurasian Patent Organisation Board, there was unanimous support for the re-appointment of Dr. Idris as Director General in 2003. The Board also supports the accelerated procedure being proposed for the appointment of the Director General for a second term of office.”

40. The Delegation of Azerbaijan made the following statement:

“Our Delegation would also like to express thanks to the Director General of WIPO. We would like to thank him for the work that he has done and for his own personal tireless commitment to the interest and objectives of WIPO. In the course of the term of office that is now coming to an end, WIPO has become even more effective and even more modern as an Organization, it is very much in line with the spirit of the times today and in fact in many areas it is actually ahead of the spirit of the times. We can only welcome the new approach that has been taken to the work of this Organization. We believe the structural reform that has been undertaken, has made it possible to enhance the productivity of this Organization. We would also like to note that thanks to the Director General and the work that he has done, WIPO has been able to extend the scope of its activities into many other areas, for instance, the intellectual property rights as they relate to SMEs, electronic commerce, human rights, traditional knowledge and biotechnology. Azerbaijan is a newly independent State and this being so, we are particularly sensitive to the great support and assistance we are given by WIPO. We believe that this means that this Organization is really one of the leading Organizations within the UN system and it certainly will continue to play that role in future. It is certainly an Organization that steps boldly into the future and so we can only commend the Director General for putting WIPO in that position. All of this means that with deep conviction, we can express the view that in the future Dr. Idris will continue to work successfully and will lead us into the new century. Under his leadership, WIPO will be able to give fresh importance to the development of intellectual property throughout the world. The Delegation of Azerbaijan fully supports the view that has already been expressed by the Coordinator of our Group and also by



many other countries in saying that Dr. Idris be re-appointed for a second term of office. We support the re-appointment of Dr. Idris.”

41. The Delegation of Trinidad and Tobago made the following statement:

“It is an honour and a pleasure for the Republic of Trinidad and Tobago to confirm its support for the re-election of Dr. Idris to the post of Director General of WIPO. We support the statement in this regard made by the Delegation of Barbados on behalf of GRULAC.

“During the four years of his stewardship, Dr. Idris has taken this Organization from strength to strength, modernizing it and its working methods, bringing it fully into the information age, making its operations and deliberations more transparent and inclusive, making it more proactive and ensuring that it takes on sound issues of critical importance to its entire membership and in particular, to its developing country members.

“We congratulate Dr. Idris on his strategic vision for the Organization and thank him for the cooperation extended to Trinidad and Tobago to enable the county to build a viable intellectual property protection system that could help it to achieve some of its socio-economic and cultural goals.”

42. The Delegation of Sri Lanka made the following statement:

“I fully endorse the statements made by Nepal on behalf of SAARC and India on behalf of the Asian Group.

“It is our pleasure to note that Dr. Kamil Idris, during his first term of office has transformed WIPO to a people-friendly Organization. He has made tremendous efforts in integrating the objectives of WIPO with the development agenda. That has immensely benefited the developing countries. His visionary approach towards making WIPO a result-oriented and practical Organization is highly appreciated. We are sure that he will be able to create an intellectual property culture throughout the Member States.

“In this context, Mr. Chairman, the Government of Sri Lanka fully and wholeheartedly supports his re-election to the post of Director General. The Government of Sri Lanka also supports the proposals of the Chairman of the Coordination Committee for the simplified and accelerated mechanism for his re-election.”

43. The Delegation of Sudan, speaking on behalf of the OIC, made the following statement:

“On behalf of the OIC Group we would like to support unanimously the re-appointment of Dr. Kamil Idris, for another term of office as Director General of WIPO. This is based on the distinguished performance of Dr. Idris and the fruitful achievements of WIPO under his leadership.

“Our Group is delighted with his good planning, his innovative initiatives, his distinguished leadership and his competent execution. We are equally satisfied with his

transparency and sense of accountability. His personal remarkable qualities are well known to all of us since he assumed his responsibilities in WIPO in different capacities.

“The OIC Group is very much concerned about the future of WIPO and we believe that it will remain in competent hands under the leadership of Dr. Idris.

“Allow me to add as head of the Sudanese Delegation how proud my country is in having Dr. Idris as Director General of WIPO. Dr. Idris comes from a region in the Sudan famous for its historical heritage with a recorded history since 4,000 BC. A region famous for its technological discoveries, which we believe is the origin of the first five machines discovered by humanity namely, the waterwheel, the shadoof, the balance-scale, the plough and the water pulleys.

On behalf of the Government of Sudan, I would like to thank the countries of the world which are showing a unique and strong solidarity with Dr. Idris, and we are extremely proud of that support.”

44. The Delegation of Costa Rica made the following statement:

“My Delegation wishes to associate itself with all those delegations, including Barbados as the Regional Group Coordinator, that have expressed unconditional support for the re-election of Dr. Kamil Idris as WIPO Director General. His vision and management and leadership capacity have enabled the Organization to develop dynamic and innovative initiatives which are highly valuable in achieving the objectives of protecting and promoting intellectual property. His continuity at the head of the Organization will provide a secure framework for carrying out these and other tasks.”

45. The Delegation of Romania made the following statement:

“My Delegation has joined the statement presented by the distinguished Ambassador of Latvia on behalf of the Group of Central European and Baltic States.

“In line with the statement, very briefly, I would like to join my voice to previous speakers, and express our appreciation for the excellent work Dr. Idris and his team, here in WIPO, have deployed during these past years. We congratulate him for his dynamism and vision in putting WIPO on the map as an Organization that delivers activities efficiently in meeting the great challenges of building a true knowledge-based society worldwide.

“Although Romania is one of the founding members of WIPO, it was only recently – under the able leadership of Dr. Idris – that my country has been able to build a partnership with the Organization.

“I wish to express the full satisfaction of the authorities of Romania, at the highest level, with the new trend and we look forward to working with Dr. Idris and his colleagues at WIPO in the months and years to come.”

46. The Delegation of Egypt made the following statement:

“It is a great pleasure to join others in expressing our support for the re-appointment of Dr. Kamil Idris as Director General of the World Intellectual Property

Organization, as was stated by the Delegations of Sudan and Algeria. I would like to seize this opportunity to express Egypt's full confidence in Dr. Idris and his wise guardianship of this Organization. We have witnessed an expansion in the activities of this Organization which is a reflection of the increased importance of intellectual property in the world. Developing countries have greatly benefited from the assistance of this Organization. They represent in fact a majority of the membership, and we wish here to express our support for the emerging majority support for the re-appointment of Dr. Kamil Idris. This is a reflection of his outstanding work and the achievements of this Organization during his current mandate, and we look forward to future success in his second mandate."

47. The Delegation of Morocco made the following statement:

"Very little remains to be said after this chorus of high praise, tributes and appreciation at the record of Dr. Kamil Idris and, above all, the unanimity which appears to relate to a plebiscite for his re-election as Director General for a second term in office.

"For that reason, I reaffirm the support Morocco expressed for re-election, as soon as Dr. Kamil Idris had made known his desire to be re-elected and, I would also like to reassure him, that Morocco will support Dr. Idris beyond his re-election so that he may continue, with success and gusto, the implementation of his ambitious and consensus-based modernist vision of a renewed WIPO."

48. The Delegation of Yugoslavia made the following statement:

"On behalf of the Yugoslav Delegation, I would like to convey a message of full support for the re-appointment of Dr. Kamil Idris for a second term of office. We would like to express our great satisfaction with the results in the first term of office. We would like to thank in particular, Dr. Idris for his support in our activities so as to reintegrate us in the large family of intellectual property. We are sure we have a very intensive and successful period before us which will allow us to have access to this large family of intellectual property under the leadership of Dr. Kamil Idris. Finally, we would like to join the Delegation of the Russian Federation's endorsement of the proposal for speeding up the re-appointment of Dr. Idris."

49. The Delegation of Benin made the following statement:

"The Delegation of Benin wishes, in the same way as the African Group, to express its complete support for the candidacy of the current Director General, his excellency Dr. Kamil Idris; my government's support is based on the high-quality work which Dr. Idris has carried out in various fields during his current term in office.

"Our Organization still needs his dynamism and his humanity in order to complete the different reforms which he has undertaken to make WIPO a dynamic and modern Organization which serves our countries."

50. The Delegation of Georgia made the following statement:

"In recent years WIPO has achieved considerable success in the various areas of its activities, that is to say, in improving and updating the intellectual property system.

It has done this both globally as well as regionally and nationally, and this is important for the development of our own national intellectual property in Georgia. We have been able to benefit from the assistance of WIPO. It has become a particularly authoritative and decisive Organization in recent years, and that is largely due to Dr. Kamil Idris. For that reason, our Delegation fully supports the proposal to re-appoint Dr. Idris as Director General for a second term of office, and we would call upon other delegations to support that candidacy. We are also in favor of an accelerated procedure for the re-election of Dr. Idris as Director General of WIPO.”

51. The Delegation of Bulgaria made the following statement:

“On the item under consideration we would wish to briefly reiterate two points:

“First, on the process. We do not have any objections to the procedure itself as outlined in the decision of the WIPO General Assembly in September 1998. This procedure has been followed promptly so far, and we are certain that its further application will provide for a smooth and transparent process leading to the appointment of the Director General at the next series of meetings of the Assemblies of the Member States of WIPO in 2003. So, we accept the specific timetable as proposed in document A/37/13.

“Second, on the substance. We note that there is support for the candidature of the current Director General Dr. Kamil Idris. Such support has been expressed clearly also by Bulgaria and by the regional group of the Central European and Baltic States. Our Delegation would wish to reiterate at this stage our full support and endorsement of the candidature of Dr. Kamil Idris. In the period during which he has been Director General, we have witnessed impressive performance by the International Bureau. On the one hand, WIPO has embarked on new fields such as the ones related to the digital technologies and traditional knowledge, and on the other hand, significant progress has been achieved in many of the traditional areas of intellectual property such as the adoption of the PLT, the entry into force of the WCT and WPPT, the adoption of the new Geneva Act of the Hague Agreement, the ongoing reform of the PCT and many others. The Organization has adequately addressed the problems of countries in transition such as Bulgaria, who have engaged in raising the status of intellectual property protection on the national level. The activities of WIPO have been managed in a dynamic and transparent way, but also very efficiently, which is evident from its budget. Today the Organization is much better prepared than five years ago to meet the challenges of the future. The results achieved characterize WIPO as one of the leading UN Agencies. Appropriate balance has been maintained in the relations of the Organization with its main stakeholders – the rights holders and the user community. Unfortunately in the digital age the intellectual property system is not perceived by everyone as a self-evident element of the social infrastructure. To redress this situation, the intellectual property community will need further guidance, leadership and support. For all these very good reasons, Bulgaria is supportive of the candidature of Dr. Kamil Idris and would be ready to reiterate this support at the various stages of the procedure that we are in the process of adopting right now.”

52. The Delegation of Albania made the following statement:

“Mr. Chair, our Delegation would like to underline our unreserved support for WIPO and in particular the Director General, Dr. Kamil Idris, and his staff for all the assistance they have provided for Albania in developing and consolidating our intellectual property rights protection system. This very fruitful cooperation will, we hope, continue in the future.

“We would also like to inform the Assembly that we join with previous speakers who have stressed the importance of simplifying the election procedure. Our Delegation fully supports the re-election of Dr. Idris for a second term in office as Director General of WIPO.”

53. The Delegation of Germany made the following statement:

“I congratulate you on your election to the Chair of this important Assembly. I should like also to congratulate the two Vice-Chairs on their election. I think that I can be brief. Normally, I work in English in international meetings but I am offering myself a little gift by speaking in French on the occasion of your election. I am speaking on behalf of my government which is currently in a short transitional phase, as you know, but I can nevertheless inform you, in quite clear terms, of my country’s position.

“I associate myself with what has just been said by the delegations which have preceded me. We are also very grateful for the excellent work done by Dr. Kamil Idris in the past. We would like him to be re-appointed by the Coordination Committee for a second term in office as the Director General of the WIPO International Bureau.

“For that reason, we are also in agreement with the proposals made regarding procedural aspects.

“We therefore support the two points under discussion.”

54. The Delegation of Hungary made the following statement:

“As to the activities of WIPO and the leadership of Director General, Dr. Idris, we have seen that this period has been very rich and has yielded positive results. We can only mention two different diplomatic conferences held successfully on patents and designs and models. The establishment of activities in the field of domain names by the WIPO Arbitration and Mediation Center and the enhancement of the whole aspects of genetic resources, traditional knowledge and folklore are all noteworthy. It is also clear that Dr. Idris has personally contributed to raising awareness of the importance of intellectual property and the enhancement of the policies and management of WIPO for the benefits of the users of the services provided by the Organization. This new cycle which is particularly sensitive has brought new novelties and challenges in the area of intellectual property and we think that WIPO has reacted with effectiveness. In view of all the results so far, we look forward with optimism to the coming period. Our Delegation would support fully the re-appointment in 2003 of Dr. Idris as Director General.”

55. The Delegation of Thailand, speaking on behalf of the Association of South East Asian Nations (ASEAN), made the following statement:

“On behalf of the ASEAN Group, we would like to reaffirm our support for the re-election of Dr. Kamil Idris, for a second term, as indicated in document A/37/INF/2.

“ASEAN has noted the request for more simplified rules of procedure in the appointment of the Director General in 2003. Without prejudice to the earlier agreed rules, the ASEAN countries are of the view that the application of procedures to endorse the nomination of candidates for Director General should also be practicable, transparent and workable.

“In this regard, I would like to state that we support the request to call a special session of the General Assembly in May 2003 with the objective of endorsing the nomination of the candidate. Such a move would expedite and formalize the appointment process. It would also provide the Director General greater flexibility and more time in putting together his new management team while at the same time ensuring that work in the Organization continues smoothly.”

56. The Delegation of Venezuela made the following statement:

“Venezuela welcomes the statement made by his Excellency the Ambassador of Barbados who spoke on behalf of the Latin American and Caribbean Group. We are grateful for the dynamic vision and support for developing countries which Dr. Idris has generated during his term as Director General of this Organization.

“We therefore express our support for the re-election of Dr. Kamil Idris for a second term in office in accordance with the rules in force.”

57. The Delegation of Kenya made the following statement:

“The Delegation of Kenya strongly supports the re-appointment of Dr. Kamil Idris for a second term in office. We are totally in agreement with the views expressed by the Delegation of Algeria on behalf of the African Group.

“Dr. Idris has performed with sterling efficiency. His vision on many aspects of intellectual property has modeled WIPO into a modern and respectable Organization. The pace of implementation of key programs has been fast and targeted. In a very short time our offices have been modernized to function better and by embracing the digital approach, key aspects of WIPO’s activities are much appreciated – such as the WIPO Academy, WIPOnet, focus on SMEs, focus on traditional knowledge and folklore and many others.

“But above all, my country is particularly impressed with his contribution to improving the functions of intellectual property offices in developing countries, and here I would highlight the Nationally Focussed Action Plan which has modernized many of our offices, as well as WIPOnet which, when in full swing, will add greater advantage to our networking.

“Dr. Idris has impressed us all and we thank him for all the work he has done. We appreciate the manner in which he has brought enthusiasm into WIPO activities

over the last five years and appreciate the manner in which he attends to Member States equally.

My country fully supports the re-election of Dr. Kamil Idris for another term of office and endorses the recommendation that the process be speeded up.”

58. The Delegation of Austria made the following statement:

“We would like to take the occasion to express our appreciation for the work done by the Director General, Dr. Kamil Idris, and to congratulate him on the outstanding results the Organization has achieved under his dynamic leadership. We would especially like to commend him for the very successful efforts to reach a better understanding of intellectual property worldwide.

“We would like to confirm that we wholeheartedly support the re-election of Dr. Kamil Idris for a second term as Director General of this Organization. To accelerate the procedure, we also support the idea of having a special session of the General Assembly.”

59. The Delegation of the Dominican Republic made the following statement:

“We welcome fully the statement made by Barbados, on behalf of the Latin American and Caribbean Group (GRULAC) and, in this regard, we would like to express our full support for the re-election of Dr. Kamil Idris, for a second term in office as WIPO Director General. Especially as a developing country, we wish to welcome the fact that, during his term of office, the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore was set up, as well as the efforts undertaken in this area by the Organization.”

60. The Delegation of Pakistan made the following statement:

“The issue of the appointment of the Director General is an important matter, and it is appropriate that it is one of the first items to be discussed in the present session of the Assemblies.

“This issue has been the subject of fairly intense consultations among the various regional groups in recent months. These consultations have led to the emergence of a near consensus that the present Director General, Dr. Kamil Idris, be asked to continue for another term as the Director General of the Organization. This widespread sentiment is evident in the strong and clear endorsement for Dr. Idris’s re-appointment from a large number of regional and sub-regional groups.

“The Delegation of Pakistan also fully supports Dr. Idris’s re-appointment as Director General for another term of six years. Dr. Idris has provided the Organization with effective and capable leadership. He has enabled WIPO to successfully discharge its mandated functions of norm setting, administration of global protection systems, and development cooperation. Most importantly, in doing so he has ensured that the interests of all groups and stakeholders have been fully addressed.

“For these reasons, we believe that the broad consensus that exists should be crystalized into an early decision to re-appoint Dr. Kamil Idris as the Director General

of the World Intellectual Property Organization for another term. It would ensure that this important Organization continues to have wise and capable leadership for another six years.”

61. The Delegation of Finland made the following statement:

“To the Chair, I should like to state that as your ex-colleague some 13 or 12 years ago, I am sure that you will do an excellent job. There are three reasons for this. First, you have an excellent Secretariat here in WIPO. Secondly, the Member States and observer organizations are usually very constructive. Thirdly, should there arise any difficulties, we know that with your experience and skill, we will solve them as efficiently as possible.

“As to the election of Director General of WIPO, in our opinion Dr. Kamil Idris has done an excellent job during this period and so we are supporting his re-election. We also know his great capacity. He is a great person having skills, experience and diplomacy. So we are sure that if he continues we will have fantastic results in the future as well.”

62. The Delegation of Mexico made the following statement:

“The Delegation of Mexico wishes to reiterate its support for the re-election of Dr. Kamil Idris as WIPO Director General for a second term in office. We consider that his performance has been outstanding and that he has always taken account of the interests and concerns of all the Member States, especially of developing countries. We believe that a second term in office can be translated only by development of intellectual property systems such that they become instruments for the social and economic development of peoples.

“Mexico also supports the suggestion that you, Mr. Chair, and the Chair of the Coordination Committee, be granted the authority to call an extraordinary meeting of the General Assembly with the aim of ratifying the appointment of the Director General, should circumstances so dictate, on December 9, 2002. We are convinced that such a move will allow a smoother transition to Dr. Idris’s second term in office.”

63. The Delegation of Kyrgyzstan made the following statement:

“We support the statement made by the Coordinator of our regional group and we, of course, also support the candidature of Dr. Kamil Idris to be re-elected for a second term of office as the Director General of WIPO. Furthermore, we supported the candidature of Dr. Kamil Idris last year already when the Member States of this Organization met. For my country, a major event in February last year was the official visit to our country of a WIPO delegation headed by the Director General of the Organization, Dr. Kamil Idris. The delegation was welcomed by the President of our country, His Excellency Dr. Akaev and that visit gave great importance to further cooperation between WIPO and our country. At the time of the visit, important agreements were signed between the country’s authorities and WIPO. In conclusion, I would like to express to Dr. Kamil Idris our considerable gratitude for the support and the assistance which WIPO has always given and is continuing to give, to the development of the intellectual property system in Kyrgyzstan. We would like once again to reiterate our support for the re-election of Dr. Kamil Idris for a second term of



office as WIPO Director General. We also support the procedures proposed for his re-election.”

64. The Delegation of Malta made the following statement:

“My Delegation would like to join others in supporting the re-election of Dr. Kamil Idris for a second term. Dr. Idris’s achievements during the first term were remarkable. My Delegation is in favor of the accelerated procedure for Dr. Idris’s re-appointment.”

65. The Delegation of The former Yugoslav Republic of Macedonia made the following statement:

“The Macedonian Delegation strongly supports the re-election of Dr. Kamil Idris to the post of Director General of WIPO.

“His mission and programs covering all aspects of intellectual property rights protection have contributed a lot to understanding the great role of intellectual property in social and economic development.

“The Republic of Macedonia has finished the negotiation process of accession to the World Trade Organization. The Macedonian Parliament passed a new law on industrial property in June this year, and in that regard I take this opportunity to express our gratitude to WIPO, to the German Agency for International Cooperation (GTZ) and to the State Office of Croatia for helping us draft the law.

“At the end I would like to thank WIPO, and Dr. Kamil Idris in particular, for the support given to the Republic of Macedonia in the field of protection of intellectual property rights. I am deeply convinced that this cooperation will continue in the future.”

66. The Delegation of Bangladesh made the following statement:

“The reason that I have taken the floor is to extend our full support for the re-election of Dr. Kamil Idris as the Director General of WIPO for a second term. Our decision to support Dr. Kamil Idris’s candidature for re-election is based on his performance during his present term. We believe that his personal commitment to WIPO’s objectives and his tireless efforts have transformed WIPO into a forward-looking Organization, better equipped to face the challenges of present times as well as of the future. I would therefore like to convey the Government of Bangladesh’s deep appreciation to WIPO in general and to Dr. Kamil Idris in particular, in developing and modernizing the intellectual property system. I would also like to endorse the statements made by the distinguished Ambassador of Nepal, on behalf of SAARC countries, and by India on behalf of the Asian Group, in extending support to Dr. Kamil Idris’s candidature. We would also support an accelerated procedure for Dr. Idris’s re-appointment as Director General of WIPO.”

67. The Delegation of South Africa made the following statement:

“We support the candidacy of Dr. Kamil Idris as Director General of WIPO for a second term. In this regard, we echo the sentiments already expressed by the

Coordinator of the African Group, the Delegation of Algeria. Dr. Idris has done well in advancing the regional interests of Africa and South Africa as a country.

“Dr. Kamil Idris has performed a sterling job, and we are looking forward to working with him in future.

“Dr. Idris was chosen because of his competence and performance, and he succeeded in balancing conflicting interests of Member States and elevating the status of WIPO.”

68. The Delegation of Israel made the following statement:

“When I began to think about this intervention I started to describe Dr. Idris’s contribution to intellectual property globally and to this Organization in particular. After a while, I realized that doing so would take up so much time that I would risk disrupting our schedule, not to mention trespassing on the time given to more important speakers. It was also hard to decide which of the many areas that have benefited from Dr. Idris’s support, to emphasize. Should I stress his efforts to increase the awareness of the general public to the significance of intellectual property as a vehicle for economic prosperity and social welfare, or should I spend at least 30 minutes talking about the WIPO Academy, or at least 50 minutes describing his great success in launching and marketing the PCT, the PLT, the Madrid Protocol, the Hague Agreement and other important treaties? I could also talk for an hour or so, about the significant improvement in WIPO’s functions and efficiency. I could devote a good deal of time to expressing my envy of his diplomatic skills, and for his talent at reconciling differences which seem unbridgeable, between many parties.

“So, I have decided to limit myself to Dr. Idris’s contribution to intellectual property in Israel. I will not exaggerate if I say that since Dr. Idris was nominated, the relationship between WIPO and Israel has dramatically improved and strengthened. Most importantly, Dr. Idris made us feel at home in WIPO. Through him, we felt that WIPO really wanted to assist and cooperate with us and to promote intellectual property in our region. He himself honored us with a visit to Israel in December 2000. This visit and his actions exemplify the way Dr. Idris puts his words into practice. The conclusive evidence of Dr. Idris’s intentions with regard to Israel and our region, was his decision to deposit this responsibility in the skilled and clever hands of the Special Counsel, Mr. Khamis Suedi. Mr. Suedi always knows how to find original solutions in complicated situations, and I do not know any other person who can make things happen the way he does.

“Although it seems like ages have passed, I cannot forget WIPO’s efforts to promote cooperation between Israel and the Palestinian Authority in the field of intellectual property. Dr. Idris hoped that intellectual property would be the bridge to normal relations with our neighbors, and he worked very hard to promote this vision, which I believe will be relevant again, sooner than it seems to most of us. One of the actions which Dr. Idris initiated in this direction was a joint Israeli-Palestinian intellectual property seminar, which took place in Jerusalem and Ramallah. This seminar was a great success. It revealed the common intellectual property interests which both parties share, and created an atmosphere for excellent professional and personal relationships between officials and practitioners of both sides.

“With Dr. Idris’s encouragement and involvement, WIPO and the Israeli Patent Office organized a number of professional seminars in Israel. I will mention the E-Commerce and Copyright seminars, the PCT seminar and the Madrid Protocol seminar. All were very successful, and the Madrid Protocol seminar started a process which, I hope, will enable Israel to accede soon to the Madrid Protocol.

“I should also mention the excellent working relationship and assistance WIPO provides for our PCT Department and the cooperation between WIPO and Israeli universities through the WIPO Academy.

“But, the most important and significant cooperation was when WIPO approved the NFAP for Israel, which will finally bring computerization to the Israeli Patent Department. It is hard to describe the importance of this project to our Office. Discussions about a new information technology system for the Patent Office have been going on in the Israeli administrations for years, but without WIPO’s involvement, who knows if and when we would ever leave the Middle Ages.

“I would like to take this opportunity to thank Dr. Idris and Mr. Suedi for their great contribution to intellectual property in Israel and I hope that they will continue to bring the same energy and enthusiasm to work, in promoting intellectual property in our region and across the world.

“Israel fully supports the re-election of Dr. Kamil Idris to continue as Director General of WIPO for a second term of office.”

69. The Delegation of Cuba made the following statement:

“We support the candidacy of Dr. Kamil Idris as Director General for a second term of office, bearing in mind the work that has been done by the Organization under the leadership of Dr. Idris and strategic advances made by the Organization.”

70. The Delegation of Jordan made the following statement:

“Jordan strongly supports the re-election of Dr. Kamil Idris for a second term of office as Director General of WIPO. We would like to join with others and particularly, the Delegation of Sudan, speaking on behalf of the Islamic countries, and the Delegations of Yemen, speaking on behalf of the Arab countries, and India, speaking on behalf of the Asian Group. Under the direction of Dr. Idris, WIPO has been very successful in the protection of intellectual property within our region, working together with the member countries, and with the transparency that we appreciate. We would like to thank Dr. Kamil Idris for these qualities, and we hope that we will be able to continue to cooperate in the future in order to further the objectives of WIPO. We are fully convinced of the competence of Dr. Idris and it is our hope that the expedited procedure for his re-election would be adopted.”

71. The Delegation of Bhutan made the following statement:

“My Delegation would like to associate itself with the statements made by the Delegation of India on behalf of the Asian Group and by the Delegation of Nepal on behalf of the SAARC countries.

“I would also like to express my Delegation’s appreciation to the Director General, Dr. Kamil Idris, for the leadership he has provided to the Organization. During his tenure, WIPO has been able to initiate and implement many important and meaningful programs benefiting developing countries, in particular the least-developed countries. Today, WIPO is among the few organizations that have demonstrated dynamism and the ability to support their own development cooperation programs.

“The Delegation of Bhutan is most pleased to support the candidature of Dr. Kamil Idris for re-election to the post of Director General of WIPO for a second term.”

72. The Delegation of the Democratic Republic of Congo made the following statement:

“The qualities which distinguish Dr. Kamil Idris have been highlighted by numerous eloquent speakers who have preceded me and the results achieved by our Organization during his term in office have already been expressed in broad terms. I will not therefore repeat them.

“I am taking the floor merely to support, on behalf of my Delegation, the position of the African Group, as expressed by the distinguished representative of Algeria. I would also like to join those delegations who have preceded me in supporting the candidacy of Dr. Kamil Idris for a second term in office and in supporting the Russian proposal regarding the accelerated procedure for appointment of the Director General.”

73. The Delegation of Tajikistan made the following statement:

“We support what has been said by other delegations about the re-election of our distinguished Director General, Dr. Kamil Idris for a second term of office. We also support the Delegation of the Russian Federation’s proposal about the expedited procedures for Dr. Kamil Idris’s re-election. This will allow him to settle down to work more quickly, which will be in his and our interests.”

74. The Delegation of Mauritania made the following statement:

“Our Delegation shares the appreciation expressed by the delegations which have preceded us, relating in particular to the largely positive assessment of the first term in office of the Director General, Dr. Kamil Idris, together with the request for his re-election at the head of our Organization. Within this framework, our Delegation fully supports the statements made by the Delegation of Algeria on behalf of the African Group, the Ambassador of Sudan on behalf of the Organization of the Islamic Conference and by the Ambassador of Yemen on behalf of the Arab countries. Our Delegation also expresses satisfaction at the report presented by the Ambassador of Mexico, and supports the procedure proposed for the nomination of the Director General of our Organization.”

75. The Delegation of Swaziland made the following statement:

“First and foremost, the Kingdom of Swaziland would like to associate itself with the statements expressed by the Delegation of Algeria on behalf of the African Group.

“The benefits enjoyed by Swaziland (as a developing country) and other African countries under Dr. Kamil Idris’s leadership in relation to intellectual property are enormous and immeasurable. Time does not allow my Delegation to expand on this point.

“My Delegation is of the view that Dr. Kamil Idris is indeed “the man of the hour.” We are of the view that he has run the race, has fought a good fight but has not finished the course yet. His leadership is not only vibrant but is also coupled with dynamism, vision and brilliance.

“We are therefore in full support of his re-appointment.”

76. The Delegation of Jamaica made the following statement:

“Jamaica fully endorses the statement made by the Ambassador of Barbados on behalf of GRULAC. Jamaica supports the re-appointment of Dr. Kamil Idris to the post of Director General. The principle we apply is very simple: *one good term deserves another*. We are particularly appreciative of the role Dr. Idris has played in ensuring that WIPO responds as fully and as effectively as possible to the needs and concerns of developing countries. In this context, WIPO gave full and tangible support to the establishment of the Jamaican intellectual property office. We had indeed, the pleasure of welcoming Dr. Idris to Jamaica in March of this year, for the opening of that office. In light of the widespread support Dr. Idris’s candidacy enjoys, Jamaica can support the proposal for an accelerated process for his re-appointment as Director General.”

77. The Delegation of Madagascar made the following statement:

“As regards the point under discussion, the Delegation of Madagascar endorses the statement made by the African Group and would like to express its support for the re-election of Dr. Kamil Idris as Director General of our Organization.

“We cannot refrain from commenting on the skill and dynamism of Dr. Kamil Idris, which constitute the main factors for improving WIPO’s visibility and effectiveness.

“There is no point here in citing the benefits which our country has gained from the intellectual property system in the past few years, a system which in Madagascar has become more and more respected as a fully-fledged development tool.

“Furthermore, we support an accelerated procedure for the appointment of the Director General.”

78. The Delegation of Lebanon made the following statement:

“Lebanon associates itself with the statements made by the delegations which have preceded it, in particular that on behalf of the Arab Group, the OIC and the Asian Group, reiterating their support for Dr. Idris’s election for a second term in office as WIPO Director General.”

79. The Delegation of Nigeria made the following statement:

“On the subject of re-election of Dr. Kamil Idris as Director General of WIPO, we fully associate ourselves with the statement made by the Delegation of Algeria on behalf of the African Group, as well as all the statements made by previous speakers in support of his re-election. So much has been said about the excellent qualities of Dr. Idris, and his impeccable credentials, including his great vision for the development of intellectual property through WIPO. Nigeria and other developing countries in particular have been fully sensitized in the intellectual property sector, an area which had previously proved to be very difficult and a mystery to many. A lot has been said about many successes recorded by WIPO since Dr. Kamil Idris’s arrival, and we have no doubt that the Director General’s re-election will consolidate these in furtherance of global trade and development.

“Finally, Mr. Chairman, we support the proposal that a special session of the General Assembly be called as soon as possible, to ratify the re-election of Dr. Kamil Idris for a second term as Director General, in view of the popular and strong support given for his re-election by all delegations.”

80. The Delegation of Honduras made the following statement:

“At the same time, I wish to endorse the comments made by the Ambassador of Barbados on behalf of GRULAC.

“The Government of Honduras was one of the first countries to declare its support for the Director General to serve for a second term in office. My country considers that he has been a very effective leader, that he has introduced very significant vitality into the Organization and that, in these times of globalization, we need this kind of leadership. At the same time, Honduras attaches great value to the cooperation undertaken by the International Bureau. The results of the cooperation for development have been very effective, the priorities which my Government has established have been adopted by WIPO, and they have been taken care of in a timely and effective manner. For that reason, my country has the great honor to offer the Director General its support.”

81. The Delegation of Antigua and Barbuda made the following statement:

“We endorse the statement made by Barbados on behalf of GRULAC. We support the re-election of Dr. Kamil Idris as Director General of WIPO. We would also like to congratulate Dr. Idris for the leadership that he has given to WIPO and the work that has been done. We would like to thank WIPO for the support and assistance given to Antigua and Barbuda in the establishment of its intellectual property office.”

82. The Delegation of the Netherlands made the following statement:

“The Netherlands is pleased with the current management of the Organization. As regards the election for the post of the Director General, we hold the view that the procedures adopted by the General Assembly in 1998 should be followed as agreed. We do not see the direct need to divert from the established procedures. Our Delegation, however, is prepared to show flexibility, as suggested in the proposal put forward by the Chairman of the Coordination Committee, for an accelerated process by

which the Director General's election by the Coordination Committee could be confirmed by the General Assembly.”

83. The Delegation of Panama made the following statement:

“We reiterate fully the statement made by GRULAC on the re-election of Dr. Idris to the office of Director General.

“Our Government cannot let this occasion pass without reiterating today its support for the accelerated procedure for Dr. Idris to take up a second term in office as Director General, and we are fully convinced of the great leadership and executive capacity of Dr. Idris in his work within WIPO, as shown by the results obtained in developing countries. Finally, in brief we urge that during the new term in office Dr. Idris continues to strengthen the values of invention in the economic and cultural sectors of our nations. An example of this could be the great contribution which invention has made to national development.”

84. The Delegation of Luxembourg made the following statement:

“Along with all other delegations, Luxembourg wishes first of all to pay tribute to Director General Idris for his effective management of the Organization, for his impeccable management, his personal commitment, and the care with which he has implemented the annual programs.

“Luxembourg therefore wishes to assure him of its highest appreciation.

“However, the Delegation of Luxembourg wishes to emphasize that the procedures for appointment of the Director General should be respected for the term of office covering the period 2003 to 2009.

“These procedures were adopted in 1998 following long negotiations.

“It is a healthy requirement of good governance to respect them. This will not prevent Dr. Kamil Idris from succeeding himself on the date and according to the procedure to be proposed by the spokesperson of Group B. Furthermore, we also associate ourselves with the statement made by the Delegation of Canada.”

85. The Delegation of Zimbabwe made the following statement:

“The Zimbabwe Delegation fully supports the statement issued by the Coordinator of the African Group on the issue of re-election of the Director General. Zimbabwe does appreciate the cooperation that exists between Zimbabwe and WIPO. In this regard, we anticipate that the relationship will be sustained for the benefit of both Zimbabwe and WIPO.”

86. The Delegation of Togo made the following statement:

“Togo addresses its sincere thanks to Dr. Kamil Idris, and through him WIPO, for the assistance given by the Organization to our country in recent years, especially in the fields of WIPONET, computer material and documentation, to mention only those.

“Togo is convinced of the competence and talents of Dr. Kamil Idris.

“It therefore joins the African Group and other delegations in supporting the re-election of Dr. Kamil Idris to the post of Director General of WIPO for a new six-year term.

“Togo also supports the use of the accelerated procedure for the re-election.”

87. The Delegation of Colombia made the following statement:

“The Delegation of Colombia fully endorses the statement made by the Delegation of Barbados on behalf of GRULAC, and takes this opportunity of renewing the expression of our confidence in the experience and leadership qualities of Director General Kamil Idris; we are therefore pleased to announce our intention to support his re-election.

“We have duly noted document A/37/13 and its annexes, and support the procedure and timetable for the accelerated nomination and appointment of the Director General.”

88. The Delegation of the United States of America made the following statement:

“Speaking on behalf of Group B, I should like to state that Group B considers that the procedures approved in 1998 for the nomination and election of Directors General establish an extremely useful guide. Our understanding of the proposal of the President of the Coordination Committee is that this General Assembly would authorize the calling of a special General Assembly, once those procedures have been carried out and have, on March 25, resulted in a consensus recommendation from the Coordination Committee. Under the Rules of Procedure, the earliest possible date for such a special Assembly would be late May. On this understanding, Group B joins the political consensus in favor of an accelerated procedure to allow the recommended candidate time to prepare a smooth transition.

“Speaking on behalf of the United States, I should like to state that the United States has great respect – in fact, admiration – for the accomplishments to date of Director General Kamil Idris. I myself had the privilege yesterday afternoon of being present when a visiting senior U.S. official so informed the Director General and noted – I quote - “although I have no instructions on this point, the United States expects that when the time comes, we will enthusiastically support your re-election.”

“Let me stress those points: *When the time comes and the United States expects that it will support Dr. Idris.*

“It would not be useful, and in fact it would be redundant, for this Delegation to discuss at length the qualities and vision of Dr. Idris. We confirm to you the fact that he commands the greatest respect in Washington for his understanding of the issues, for his even-handed management, and for his creative, successful pursuit of the vital global agenda for intellectual property. On the basis of his achievements to date, Dr. Kamil Idris has our greatest confidence.



“This Delegation did not come with instructions to declare in favor of a candidate for the upcoming election. Frankly, though, the members of this Delegation find it difficult to imagine that any other individual will be able so effectively to unite the qualities this Organization needs.

“The United States expects that the results of the agreed procedures will be the election of a capable and far-sighted individual to lead this Organization for the period of 2003 to 2009. We can assure you that the United States will participate, enthusiastically, in this selection process.”

89. The Delegation of Sweden made the following statement:

“I would like to express our satisfaction with the successful work performed by Dr. Idris and would also like to state that we support the proposed accelerated procedure for the appointment of the Director General.”

90. The Delegation of Angola made the following statement:

“We would like to express our support for the statement made by the Delegation of Algeria, speaking on behalf of the African Group, and who has called for a second term for Dr. Kamil Idris as Director General. We strongly support this recommendation because Dr. Idris has worked hard to demystify intellectual property throughout the world. This can be seen from his first term of office. As an official Portuguese-speaking country, Angola is pleased to speak in Portuguese, and this is also thanks to the efforts of Dr. Idris.

“In conclusion, the Delegation of Angola feels that the support and assistance given by Dr. Idris to the least-developed countries in his first term of office has been the basis for a global program of work that he will be able to complete in his second term. We support an expedited procedure for his re-election.”

91. The Delegation of Senegal made the following statement:

“Senegal thanks Dr. Kamil Idris, Director General of the World Intellectual Property Organization, for all the highly praiseworthy efforts that he unceasingly makes to promote the development of intellectual property in our country.

“We are very conscious of all the measures of cooperation that WIPO undertakes in order to make intellectual property into an instrument of economic, social and cultural development for our peoples.

“Therefore, pursuant to the resolution adopted by the Administrative Council of the African Intellectual Property Organization (OAPI) at its last meeting held at Ndjamena, and the statement read yesterday by the Delegation of Algeria on behalf of the African Group, we unreservedly support the candidacy of Dr. Kamil Idris for a second term of office as Director General of WIPO.”

92. The Delegation of Mauritius made the following statement:

“I would also like to join my voice with others on behalf of the Government of Mauritius to fully support the re-election of Dr. Idris for a second term of office.

“It is under the leadership of the Director General of WIPO, Dr. Idris, that Mauritius has received the unfailing support of WIPO in updating the Mauritian intellectual property legislation.

“Mauritius has now a new set of legislation on the protection of industrial property rights. WIPO has been closely associated with the drafting of the legislation. Technical assistance made available to Mauritius has been crucial in producing a TRIPs-compliant piece of legislation in the following areas: Patents, Industrial Designs and Trademarks, Geographical Indications, Layout Designs (Topographies of Integrated Circuits) and Protection Against Unfair Practices.

“The Government of Mauritius is strongly supporting the re-election of Dr. Kamil Idris to the post of Director General.

“Finally, I would like to take this opportunity to thank WIPO for its continuous support to Mauritius and other developing countries.”

93. The Delegation of Saudi Arabia made the following statement:

“Our country has noted positive developments and continued support under the stewardship of the present Director General. During his first mandate we noted that this Organization had become more open and transparent. We therefore consider that he should be allowed to pursue his activities for a second mandate. The Director General has encouraged regional meetings and activities. We sincerely hope, therefore, that during his second mandate, he will be able to pursue the efforts he has undertaken so far.”

94. The Delegation of Canada made the following statement on behalf of the 13 countries indicated below:

“The Delegation of Canada would like to make the following statement on behalf of Australia, Belgium, Canada, Denmark, Greece, Japan, Luxembourg, Monaco, New Zealand, Portugal, Spain, Switzerland and the United Kingdom.

“I would like to express, on behalf of these countries, our full satisfaction with the work accomplished by Director General Idris and his management team, during Director General Idris’s first term in office. In particular, we would like to take this opportunity to recognize the Director General’s vision of advancing the awareness and benefits of intellectual property worldwide, and for his efforts in introducing greater openness, transparency and results-based budgeting within the WIPO Secretariat.

“It is in this light that we welcome the current Director General’s candidacy in line with the procedures recommended by the Chairman of the Coordination Committee.”

95. The Delegation of Belgium made the following statement:

“We wish to make a brief statement to complete that of the Delegation of Canada to which our Delegation subscribed.

“Our Delegation endorses the previous statements that have emphasized the excellent results that WIPO has achieved under the direction of Dr. Kamil Idris. More specifically, the Belgian Delegation is pleased to note that Dr. Idris has involved himself in the realization of the New Partnership for Africa’s Development (NEPAD), which we wholeheartedly support. The Belgian Delegation would therefore be very favorable to Dr. Idris’s candidacy for a second term of office, and is willing to support that candidacy through the various stages of the procedure.”

96. The Delegation of Namibia made the following statement:

“Namibia endorses the statement made by Algeria on behalf of the African Group. It is not my Delegation’s wish to belabor the support for the re-election of Dr. Kamil Idris for the second term of office as Director General of WIPO. However, my Delegation feels duty bound to express Namibia’s support for his re-election in appreciation of Dr. Kamil Idris’s excellent work, the strategic vision and direction he personally has been able to show for WIPO. It is indeed only proper for the sake of continuity and expansion of that vision and strategic direction, that Dr. Kamil Idris is re-elected and thereby afforded the opportunity to take his vision and strategic direction of WIPO to its logical conclusion. My Delegation also believes that WIPO cannot afford the disruption of this strategic direction.

“In conclusion, Namibia supports the re-election of Dr. Kamil Idris as Director General of WIPO and also supports the simplification and fast tracking of the appointment procedure.”

97. The Delegation of Guinea made the following statement:

“Our country, the Republic of Guinea, is pleased with the commendable efforts made by the Director General of WIPO since his arrival at the head of the Organization.

“Those efforts have taken many and various forms, and take due account of the interests of all concerned.

“As far as the least-developed-countries are concerned, our country greatly appreciates this strategic way of looking at things and implementing them in practice.

“The measure consisting in decentralizing intellectual property information in order to demystify the system has started to bear fruit in my country.

- A permanent framework of national concerted action has come into being as a result of recognition of the need for it.
- In addition, the intellectual property system is taking on greater significance in the concerns of republican scientific research institutions and also the small and medium-sized enterprises of my country.
- Arrangements are being made to integrate the system in everyday life, and to give it permanent character, which involves the teaching of the system in our higher and technical training establishments and the maintenance of permanent awareness on the part of users.

“In the light of the foregoing, and in support of the position taken by the African Group and that mentioned by the Member States of OAPI, our country expresses its full support for the candidacy of Dr. Kamil Idris for a second term of office at the head of our Organization, and gives its support to the option of convening an extraordinary session of the General Assembly, even by the end of 2002, with a view to speeding up the procedure.”

98. The Delegation of Mali made the following statement:

“My Delegation subscribes to the statement made by the Representative of Algeria on behalf of the African Group in support of the re-election of Dr. Kamil Idris to the position of Director General for a second term of office.

“The Delegation of Mali endorses all the words spoken in appreciation of Dr. Kamil Idris. In the course of his term of office, WIPO has made intellectual property into a powerful development tool for its Member States. The Delegation of Mali expresses its gratitude to WIPO and also to its Director General for all the efforts made to promote the development of industrial property in our country. Those efforts have taken the form of:

- the computerization of our industrial property service;
- the strengthening of institutional capacity.

The Delegation of Mali hopes that this cooperation between WIPO and Mali will bear fruit and establish itself.

“My Delegation also supports the accelerated procedure for the nomination of Dr. Kamil Idris as proposed by the Delegation of Russia.”

99. The Delegation of El Salvador made the following statement:

“The Ambassador of Barbados yesterday expressed the support of the Group of Latin American and Caribbean Countries for the re-election of Dr. Kamil Idris as Director General of WIPO.

“El Salvador does nevertheless wish to record its own support for the nomination of Dr. Idris at the head of this Organization.

“This Delegation considers that the guidelines approved in 1998 should be the key to the election of the Director General of WIPO, but we do nevertheless associate ourselves with the consensus regarding the proposal by the Ambassador of Mexico as Chair of the Coordination Committee.”

100. The Delegation of Guatemala made the following statement:

“We wish to renew our support for Director General Kamil Idris and for his re-election to the position of Director General of our Organization, as voiced by the Ambassador of Barbados on behalf of GRULAC. We congratulate him on the good

governance for which he has been responsible up to now, and trust that his new term of office will be equally profitable.”

101. The Delegation of Brazil made the following statement:

“Recognizing the vision of the Director General *vis-à-vis* the modernization of this Organization and of the intellectual property system, as well as his efforts in relation to developing countries in general and Latin America in particular, my Delegation joins the previous ones and supports the re-election of Dr. Kamil Idris for a new six-year mandate.”

102. The Delegation of Zambia made the following statement:

“Mr. Chairman, we too share the common conviction that these and many other magnificent achievements scored at WIPO are originally attributable to the wise, expert and professional leadership of the Director General, Dr. Kamil Idris. As the saying goes, *loss of the good shepherd confused even the most reasonable sheep*.

“That Dr. Idris’s administration is an absolute performer, a consensus shared by most in this Assembly, is a fact that summarizes an impressive track record of achievements and good vision since assumption of office five years ago.

“The successes are indeed numerous and I do not intend, Mr. Chairman, to strain the Assembly’s little time in re-cataloguing them here. However, as one distinguished delegation aptly put it, one of the outstandingly memorable successes has been the transformation of WIPO into an Organization worthy of a prestigious place in the electronic information age, which success WIPO is very willingly sharing with member countries in the form of, for instance, the WIPONET project.

“In reiterating support by the Delegation of Algeria, speaking for the African Group, and support by the African Regional Industrial Property Organization (ARIPO) for Dr. Idris’s second term of active office, my Delegation entirely endorses the proposal for a second term and hopes that this is a feeling to be shared by all members of the Coordination Committee which will be making the necessary nomination and of the Assembly that will sit to consider this important proposed nomination.”

103. The Delegation of Niger made the following statement:

“With reference to the agenda item that we are considering, I merely wish to emphasize that WIPO has enjoyed great progress under the direction of Dr. Kamil Idris.

“The reforms that he has introduced have made it possible not only to increase the number of users of the intellectual property system but also to ensure that the intellectual property system is better known in countries like ours.

“Especially by way of the cooperation system that he has implemented, the authorities of my country have become more and more aware of the importance of intellectual property and of the contribution that it could make to the development of our economies.

“In view of the foregoing, the Delegation of Niger strongly supports the statement by the African Group and favors an accelerated procedure for the nomination of Dr. Kamil Idris for a second term of office.”

104. The Delegation of Bolivia made the following statement:

“We wish to reaffirm what has been stated by the Ambassador of Barbados on behalf of GRULAC.

“Bolivia reiterates its support for the re-election of Dr. Kamil Idris as Director General of WIPO.

“The excellent work done by Dr. Idris at the head of WIPO, and the continuation of his work, would help us to achieve the objectives laid down by the intellectual property system.

“We are sure that he will continue to promote international cooperation for the use, creation and protection of intellectual property rights in the interest of the economic, cultural and social progress of all concerned.

“We should also like to subscribe to what has already been said by other delegations concerning the support given, under his management, to technical cooperation for the benefit of developing countries.”

105. The Delegation of the Democratic People’s Republic of Korea made the following statement:

“The Delegation of the Democratic People’s Republic of Korea would like to add its voice to the statements made by previous speakers in supporting the re-election of Dr. Kamil Idris for a second term of office as the Director General of WIPO.”

106. The Delegation of Burkina Faso made the following statement:

“I am addressing the Director General when I say that his very remarkable work has made it possible for intellectual property to be established as a tool of economic, technological and cultural development. Moreover, his commitment to developing countries has generated growing interest in intellectual property in those countries and enabled them to integrate progressively in the intellectual property system.

“On the strength of all these achievements, Burkina Faso supports the statement made by the African Group and endorses the candidacy of Dr. Kamil Idris for a new term of office as Director General of WIPO.

“In the course of the past year, Burkina Faso has enjoyed WIPO’s support in the following areas:

- support for agencies responsible for industrial property and literary and artistic property through the training of staff and many forms of support that have enabled Burkina Faso to take part in the various seminars and other gatherings on intellectual property;

- promotion and protection of geographical indications, undertaken on behalf of four member States of the African Intellectual Property Organization (OAPI), including Burkina Faso;
- selection of Burkina Faso for the WIPONET project, with the training of staff.

“These various forms of support for Burkina Faso have made it possible for national entities to work better on the strengthening of intellectual property in our country. I should like to give the example of WIPO’s contribution to the wide appeal of the National Forum for Scientific Research and Technological Innovation (FRSIT), which was held from May 11 to 18, 2002, and in the course of which WIPO kindly made two awards, a medal and a diploma, in recognition of two inventors.

“Burkina Faso has great hopes for the strengthening of cooperation with WIPO, and wishes to see WIPO’s future action concentrate on:

- the continuation of WIPO assistance to allow it to fulfill its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement);
- the conduct of an evaluation of the institutional environment for inventive and innovative activities;
- support for the Burkinabé Copyright Office in the effective introduction of collective management for the rights of performers;
- the strengthening of the facilities of national agencies responsible for industrial property and literary and artistic property through the supply of equipment to their services and through staff training.”

107. The Delegation of Liberia made the following statement:

“On behalf of the Liberian Delegation I wish to extend a word of thanks and appreciation to WIPO and the dynamic leadership of Dr. Kamil Idris for the technical support my country has received over the years from WIPO. We are fully in support of Dr. Idris’s leadership and re-election. My Delegation fully endorses the position of the African Group on the election of Dr. Idris as WIPO Director General for a second term.”

108. The Delegation of Congo made the following statement:

“The Delegation of Congo associates itself with the statement made by Algeria on behalf of the African Group in unreservedly supporting the re-election of Dr. Kamil Idris to a second term of office as Director General.

“Congo’s support for Dr. Idris’s candidacy stems from the quite admirable work done by WIPO during his term of office, and his highly favorable record.

“Thanks to his clear-sightedness and energy, he has succeeded in giving new rhythm to the Organization, which has succeeded in taking up a number of challenges in the present context of globalization of the economy.

“Under the direction of Dr. Idris WIPO has moved on from its traditional mission of ensuring the protection and promotion of intellectual property to assume that of making intellectual property into a powerful means of economic, technological and cultural development and integration.

“We take this opportunity of expressing our gratitude to WIPO and its Director General for the many forms of assistance that WIPO has not ceased to give our country in the course of the implementation of the specific program of cooperation with Congo, and we express the wish that such consistent and strong assistance may continue.”

109. The Delegation of the Philippines made the following statement:

“Our Delegation joins other delegations in the very positive assessment of the current WIPO management under the able leadership of Dr. Idris. Our Delegation associates itself with the statement made by Thailand on behalf of ASEAN, that procedures to endorse the nomination of candidates for the Director General should be transparent and that a special session of the General Assembly for this purpose should be called at the earliest time allowable without prejudice to earlier agreed rules.

110. The Delegation of Cote d’Ivoire made the following statement:

“On the agenda item under discussion, my Delegation would like to express its support for the statement made by Algeria, speaking on behalf of the African Group.

“Under the leadership of Dr. Kamil Idris intellectual property has become an accessible concept, suited to the rapid changes that our world is undergoing.

“My country is daily made aware of the fact that intellectual property can play an important part in its development process.

“The pilot project for the promotion of geographical indications, of which my country is the beneficiary, and the recent visit to Côte d’Ivoire by the Director General, which moreover coincided with the organization of the Regional Symposium on the Protection of Traditional Knowledge, Genetic Resources and Folklore, have contributed to the promotion of intellectual property and the favorable image that WIPO enjoys in our country.

“In view of the remarkable results that have already been achieved, the scale of the projects that have been started and the Director General’s very focused vision, my Delegation is pleased to give its support to the re-election of Dr. Idris to the position of Director General of WIPO for a second term, and also to the proposals for having the procedure conducted very rapidly.”

111. The Delegation of Viet Nam made the following statement:

“Our Delegation would like to express our warm congratulations to WIPO and the Director General Dr. Kamil Idris on the successful implementation of a wide-ranging program of activities towards promoting the protection of intellectual property around the world and assisting Member States in developing their intellectual property systems, especially in strengthening the legal and administrative infrastructure, the



computerization of intellectual property administration, promotion of innovations and inventions as well as the enforcement of intellectual property rights. Thus Viet Nam fully supports the statement made by the Asian Group to support the re-election of Dr. Kamil Idris for a second term as Director General of WIPO.

112. The Delegation of the United Republic of Tanzania made the following statement:

“The United Republic of Tanzania fully supports the statement made by the Delegation of Algeria, speaking on behalf of the African Group, and the position adopted by the African Regional Industrial Property Organization (ARIPO), in support of the candidacy of Dr. Kamil Idris to the post of Director General of WIPO.

“My Delegation wishes particularly to express its satisfaction with Dr. Idris’s approach to the whole question of demystification of intellectual property which has led to the understanding that intellectual property is a tool to bring about global social, economic and cultural development for our people.

“My Delegation believes that the visionary leadership of Dr. Kamil Idris is still needed to accomplish the good work that has been initiated under his diligent and able leadership.

“In conclusion, my Delegation fully supports the candidacy and the accelerated procedure for the appointment of the Director General.”

113. The Delegation of Cameroon made the following statement:

“The declarations being made here jointly and severally, in support of Dr. Kamil Idris may sound superfluous. But they should be viewed as a sincere acknowledgement of the achievements of this dynamic Director General. Dr. Kamil Idris has within the present mandate actually globalized intellectual property.

“Our country has, in particular, benefited immensely within the past five years in terms of capacity building, office automation, pilot projects such as the WIPONET, protection of geographical indications and several seminars.

“This Delegation therefore endorses the position of the African Group stated by the Delegation of Algeria that Dr. Kamil Idris be given another mandate to transform his new vision for WIPO.”

114. The Delegation of Portugal made the following statement:

“In addition to what has been stated by the Delegation of the United States of America on behalf of Group B, as well as the statement by the Delegation of Canada on behalf of some 13 countries, including Portugal and Spain, we would like to express our acknowledgement for the excellent work that has been done by Dr. Kamil Idris, both in promoting the international system of intellectual property and in making this a more efficient Organization. We feel that it is very important for WIPO to continue to benefit from his dynamic leadership. We also feel that there is a general consensus, and therefore the Delegations of Portugal and Spain feel that it is quite legitimate and fully justified for us to adopt an accelerated and expedited series of procedures as was

proposed by the Coordinator of Group B in his statement, so that Dr. Idris can continue his leadership without losing the pace of his activities.”

115. The Delegation of Grenada made the following statement:

“The Delegation of Grenada formally endorses the statement of the Delegation of Barbados on behalf of GRULAC. In addition, the Delegation of Grenada supports the re-election of Dr. Kamil Idris as Director General of WIPO. Finally, the Delegation of Grenada takes this opportunity to express appreciation for the assistance given by WIPO in the past and looks forward to continued assistance in establishing its intellectual property office.”

116. The Delegation of Chad made the following statement:

“The Chadian Delegation expresses its thanks and its profound gratitude to WIPO and to its Director General, Dr. Kamil Idris, and to all his staff, for the constant support and continuing attention that they have always given Chad in general and more specifically its Industrial Property Service in action involving promotion, information, training and awareness-building. This testifies to the excellence of the cooperative relations that the Organization has long had with my country, which we should like to consolidate further.

“In September 1998 the General Assembly of WIPO approved the project for a World Intellectual Property Information Network called WIPONET, the introduction of which started in the second quarter of 2001. In that connection Chad expresses its thanks a second time to WIPO for the honor that the Organization has done it by designating it as the very first African country to be given the benefit of this important information tool. The experience acquired in Chad will certainly be extended to all the intellectual property offices of Member States of WIPO and to other African countries.

“The Chadian Delegation supports the proposal to nominate Director General Kamil Idris for a second term of office, and it is willing to support the use of the accelerated procedure for that nomination.”

117. The Delegation of Turkmenistan made the following statement:

“Over the last five years we have seen far-reaching changes in WIPO carried out under the leadership of Dr. Kamil Idris. We believe that he is an outstanding personality, a superb organizer and a very effective reformer. Under the leadership of Dr. Kamil Idris, not only has WIPO become energetic and dynamic, but so have national industrial and intellectual property offices. Therefore, the Delegation of Turkmenistan fully supports what other delegations have said in welcoming the excellent work done by Dr. Idris as Director General of WIPO. We would support his re-election as Director General of the Organization, and should also like to see the simplified and expedited procedure for the re-election go ahead.”

118. The Delegation of Gambia made the following statement:

“I would like to associate myself with the Coordinator of the African Group and the other delegations who have supported the re-election of Dr. Idris as Director General of WIPO. Dr. Idris has the full confidence of my country through the outstanding and

excellent progress he has made in moulding intellectual property to the position it occupies today, and also for his assistance and support to the least-developed countries. His indefatigable efforts and dynamism and his vision for WIPO have all been demonstrated by the widespread support for his re-election. I therefore reiterate the Delegation of Gambia's support for Dr. Idris's re-election, and I can assure him that he has the full support of my Government. We also support the expedited re-election procedure."

119. The Delegation of Burundi made the following statement:

"The Delegation of Burundi fully subscribes to the statement made on behalf of the African Group by the distinguished Delegation of Algeria, and wishes to reaffirm its support for the re-election of Dr. Kamil Idris to a second term of office at the head of WIPO."

120. The Delegation of Sierra Leone made the following statement:

"My Delegation wants to add its voice to that of the other speakers to support the re-appointment of Dr. Kamil Idris as Director General of this Organization. During the past five years, we have seen many positive changes in the work of the Organization. Many of the changes, especially the constitutional and structural changes, have made the workings of the Organization smoother and more effective. The Organization has widened its vision to take on board many topics which are of vital interest to the countries of the developing world. Discussions going on in non-traditional areas of intellectual property, such as genetic resources, traditional knowledge and folklore is just a case in point. But more important still, are the many projects undertaken by the Director General and his team to modernize the industrial property offices of developing countries and to train their staff. This has been one of the more important undertakings during the first term of Dr. Kamil Idris. My Delegation endorses the statement made by the Coordinator of the African Group and, for the many reasons articulated by other delegations as well, my Delegation supports the re-election of Dr. Kamil Idris for a second term."

121. The Delegation of Guinea-Bissau made the following statement:

"We support the statement made by the Delegation of Algeria on behalf of the African Group and also that made by the Delegation of Senegal on behalf of the Administrative Council of OAPI. We unreservedly support the re-election of Dr. Kamil Idris to a second term of office.

"The Delegation of Guinea Bissau supports the use of the accelerated procedure for the nomination of Dr. Kamil Idris to the head of our Organization."

122. The Delegation of Oman made the following statement:

"My Delegation would like to support the Delegation of Yemen, speaking on behalf of the Arab Group, as well as the other developing Arab countries. We have benefited from the protection and assistance provided by Dr. Kamil Idris. Our country would like to join others who wish to see Dr. Idris re-elected as Director General of the Organization."

123. The Delegation of Haiti made the following statement:

“In the statement made yesterday on behalf of the countries of Latin America and the Caribbean, the Ambassador of Barbados mentioned GRULAC’s support for the re-election of Dr. Kamil Idris to a second term at the head of WIPO.

“The Haitian Delegation nevertheless wishes to call attention to the unfailing support that it has given to that re-election.

“We are convinced that Dr. Kamil Idris will continue at the head of our Organization to do the excellent work that he started during his first term, notably in the field of cooperation for development, with still better account being taken of the specific needs of the least-developed countries.”

124. The Delegation of Mozambique made the following statement:

“I would like to support the previous statements that were made with respect to the re-election of Dr. Kamil Idris to serve a second term as Director General of WIPO. Dr. Idris is fully committed to the promotion of intellectual property and we appreciate the great progress that has been made during his first term of office, particularly with respect to the implementation of the various agreements and protocols in the area of intellectual property and also with respect to providing training for staff in addition to the promotion and organization of international and regional seminars, among others. We would like to particularly raise the fact that he has introduced Portuguese as a working language in WIPO. This is beneficial now, and in future will continue to be of great assistance in providing for an exchange of ideas. We would therefore once again like to say that we support the re-election of Dr. Kamil Idris.”

125. The Delegation of Japan made the following statement:

“Japan is pleased to join previous distinguished delegations applauding the activities undertaken by WIPO under the excellent leadership of Director General Dr. Kamil Idris. Japan also endorses the statement regarding the expedited re-election procedure made by the Delegation of the United States as Group B Coordinator and the Delegation of Canada on behalf of 13 countries. Japan has been appreciating WIPO’s performance and activities ranging widely from rule making, information technology to development cooperation. Faced with emerging new global challenges and recognizing that this excellent performance should be credited with WIPO’s leadership directed by Director General Dr. Idris, Japan is willing to continue to participate in WIPO actively and constructively and strengthen further cooperative relationship with WIPO.

“Finally, Japan sincerely believes that these remarkable achievements of WIPO will grow further in the future.”

126. The Delegation of Singapore made the following statement:

“Singapore would like to reiterate and reinforce the statement made by Thailand on behalf of ASEAN yesterday and the earlier ASEAN written statement submitted last year. Singapore strongly supports the re-election of Dr. Kamil Idris for the post of Director General for a second term and the adoption of an accelerated and flexible appointment process.”

127. The Delegation of the Central African Republic made the following statement:

“On the subject of item 4, there is no questioning the energy, perspicacity and effectiveness that have characterized the term of office of Dr. Kamil Idris that is coming to an end.

“In the name of the Government of my country, I endorse the statement made on this subject by the distinguished Delegation of Algeria.

“My country recognizes that WIPO has become a symbol for good management and efficiency.

“In that connection it supports the candidacy of Dr. Kamil Idris for a new term of office in order that he may complete everything that he has embarked upon during the first term, as one should make no changes to a winning team.”

128. The Delegation of Ecuador submitted the following statement:

“With regard to the election of the Director General of the Organization, my Delegation first wishes to express its full agreement with the statement made by the Delegation of Barbados on behalf of GRULAC.

“In this connection, I take the opportunity of reiterating the Ecuadorian Government’s appreciation of the management exercised by the present Director General, Dr. Kamil Idris, who has driven the campaign to make intellectual property into an instrument of development; he has strengthened the opportunities for cooperation with a view to facing the challenges of globalization more effectively, and has consolidated the Organization with a view to making it into a source of services for all of its membership.

“For these and other reasons, and in order that these laudable efforts should be given the necessary continuity, the Delegation of Ecuador considers that the re-election of Dr. Idris as Director General for a second term is an option that deserves support, and it has spoken to that effect through its Coordinator for GRULAC.”

129. The Delegation of Ethiopia made the following statement:

“I should like to seize this opportunity to express my Delegation’s deep appreciation and immense admiration for Dr. Kamil Idris for his able leadership and guidance of the Organization so that it is recognized as part of everyday life, not only by those directly involved, but also by any member of society. It goes without saying that he has done an outstanding job during his first term. His vision and the strategic direction of WIPO would allow us to stand the challenges faced by an increasingly interdependent world. My Delegation is a close witness of his determination and abiding commitment to address the concerns of developing countries, in particular the least-developed ones. Indeed, a clear testimony to this is the fact that WIPO is the only inter-governmental organization with a unit exclusively dealing with least-developed countries. It will be recalled that this was one of the first acts of Dr. Idris when he took over as Director General. He deserves all the favorable comments made by various regional groups and delegations yesterday and this morning in favor of his re-election.

We should all be proud of him. Needless to say, my country fully and wholeheartedly supports his re-election for a second term in office.”

130. The Delegation of Equatorial Guinea submitted the following statement:

“We associate ourselves with all the observations made in recognition of the efforts made and successes achieved at the head of this Organization by Dr. Kamil Idris, its Director General. My Delegation resolutely supports Dr. Kamil Idris with a view to his confirmation for a second term of office, and also agrees that the date of his confirmation should be brought forward.

“As far as my country is concerned, in spite of the short time that we have been members of WIPO, the cooperation of WIPO, OAPI and the Spanish Patent and Trademark Office (SPTO) has been and continues to be vital to my country, and we express the wish that this cooperation may continue as in the past, for which we are and would be sincerely grateful.”

131. The Delegation of Armenia submitted the following statement:

“The Delegation of Armenia notes the major contribution made by Dr. Kamil Idris to the development of intellectual property throughout the world, as well as the assistance given to the Government of Armenia by WIPO.

“The Delegation supports the candidacy of Dr. Idris for re-election as Director General of WIPO and also calls for a simplified procedure.”

132. The Representative of the African Regional Industrial Property Organization (ARIPO) submitted the following statement:

“ARIPO would like to associate itself with the statement made by the Delegation of Algeria, on behalf of the African Group, supporting the appointment of Dr. Kamil Idris as Director General of WIPO for a second term. ARIPO and its Member States have taken this position after carefully considering the achievements of WIPO since Dr. Kamil Idris became its Director General in 1997. Article V of the Lusaka Agreement creating ARIPO outlines the special relationship that should exist between WIPO and ARIPO. That Article mandates ARIPO to establish and maintain a close and continuous cordial relationship with WIPO.

“Since his appointment, Dr. Kamil Idris has brought a new depth and dynamism to the special relationship through increased cooperation between the two Organizations. That depth and dynamism is reflected in the declarations made by the ARIPO Administrative Council at its Twenty-fifth Session held in Accra, Ghana, in November 2001, and at the Eighth Session of the ARIPO Council of Ministers held in Mangochi, Malawi last month. Both declarations expressed strong support for Dr. Idris’s candidature.

“As Director General of ARIPO, I would like to take this opportunity, once again, to confirm the strong support of ARIPO and its 15 Member States for Dr. Idris’s appointment as Director General of WIPO for a second term.”

133. The Chair of the General Assembly made the following statement:

“Allow me, at this stage in our work, to make a very brief comment: first I should like to thank each of the delegations for its encouragement of the Chair and Vice-Chairs, and then also the Secretariat and the interpreters.

“The debate has been very well conducted, and I have greatly appreciated the exchanges that we have had since yesterday; in this respect allow me to say in my personal capacity, and I trust that in this I am not stepping outside my role as Chair, how much I have been impressed by the unanimous praise addressed to Dr. Kamil Idris.

“If now I were to repeat the adjectives and other epithets that have been used to describe his leadership of WIPO, it would take the entire day, so I shall not do so. I should simply like to say to you that I have elicited from all the statements that have been made by the delegations that ultimately Dr. Kamil Idris has succeeded in doing something that is probably exceptional, namely in blending African wisdom with the wisdom of all the other continents.

“This is a tribute that the General Assembly has paid him in the content of the statements made, and I am very grateful to you for that.

“We therefore find ourselves in the following situation: unanimity, an immense consensual majority, has formed round the name of the present Director General, but we do at the same time have procedures to observe; a number of delegations have mentioned those procedures, so, if you agree, now that we have heard everyone, all the delegations that wanted to take the floor, there seems to be no doubt about the will of the whole membership of the General Assembly, namely that the term of office of Dr. Kamil Idris should be renewed.

“As the procedure provides that the Coordination Committee will meet in March to complete the proceedings, we would theoretically have to wait for September for the General Assembly’s final decision to be taken. However, I have I think heard almost all the delegations, perhaps not all but most, recommend acceptance of the proposal that the Ambassador of Mexico, as Chair of the Coordination Committee, made at the beginning of the discussion, which was that the General Assembly should be convened exceptionally without waiting for September. Apart from the fact that in a procedure as clear and straightforward as the one before us, while obviously there is an element of tribute to Dr. Kamil Idris to it, there is also, I think, in terms of WIPO organization, the need to engage in consultations for the direct collaborators of the Director General, the Deputy and Assistant Directors General and Directors, which means that this anticipation would obviously be the best way of proceeding. The extraordinary meeting of our General Assembly would not be substituted for the September Assembly, but it could be convened at relatively short notice for the purpose of appointing the Director General.”

134. The General Assembly and the Coordination Committee

(i) note the initiation of the process for the appointment of the Director General in 2003;

(ii) note the virtually unanimous support expressed for the re-election of Dr. Kamil Idris as Director General;

(iii) authorize the Coordination Committee to fix the date of an extraordinary session of the General Assembly and the Assemblies of the Paris and Berne Unions to appoint the Director General and approve a derogation from the procedures for the Nomination and Appointment of Directors General of WIPO for this purpose.

#### ITEM 5 OF THE CONSOLIDATED AGENDA:

##### PROGRAM PERFORMANCE REPORT FOR THE 2000-2001 BIENNIUM; PROGRAM IMPLEMENTATION OVERVIEW, JANUARY 1 TO JUNE 30, 2002

135. Discussions were based on documents A/37/3 and A/37/4, respectively.

136. The Chairman 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.

137. In introducing the Program Performance Report for the 2000-2001 biennium (A/37/3) the Secretariat recalled that a results-based management system was introduced at WIPO in 1998, with the adoption by Member States of the first results-based budget for the 1998-1999 biennium. This system entailed the reporting to Member States on the attainment of objectives and the achievement of expected results by the organization through an analytical, objective and transparent assessment. The Program Performance Report submitted this year to the Assemblies followed the structure of the 2000-2001 Program and Budget. It contained a short introduction, followed by Section II, highlighting some of the most important achievements of the Organization, within WIPO's key strategic directions, on the basis of Director General's *Vision and Strategic Direction of WIPO*. Section III contained an analysis of the biennium performance by Main Program, with a textual part offering evaluative assessments on the achievement of objectives, followed by result tables summarizing, by sub-program, information on Objectives, Results and Performance Indicators. The Secretariat indicated that since the submission in the year 2000 of WIPO's first biennial Program Performance Report, covering the 1998-1999 biennium, performance assessment in WIPO had progressed through a continuous learning process, and expressed the hope that the quality and the usefulness of the information provided through the assessment of program performance would further improve in the future.

138. With reference to the Program Implementation Overview (A/37/4), the Secretariat stated that this report was based on the structure of the Program and Budget for the 2002-2003 biennium, and that it was aimed at providing an account of the overall direction of the Organization, as well as presenting a summary of the implementation of major activities during the period from January 1 to June 30, 2002.

139. The Delegations and Representatives of the following 86 States, four intergovernmental organizations and one non-governmental organization made statements concerning Agenda Item 5: Algeria, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Bangladesh,



Barbados, Belarus, Benin, Bhutan, Cameroon, Canada, Central African Republic, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, Finland, France, Georgia, Germany, Ghana, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Madagascar, Malawi, Mali, Malta, Mexico, Morocco, Mozambique, Nepal, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, African Intellectual Property Organization (OAPI), African Regional Industrial Property Organization (ARIPO), The International Organisation of the Francophonie (OIF), European Commission (EC), World Association for Small & Medium Enterprises (WASME).

140. The Delegation of China took the opportunity to make an important announcement. The Delegation informed that the Government of China, after serious deliberations had decided to accept a proposal, submitted by WIPO, to hold a WIPO World Intellectual Property Summit in Beijing. The Delegation, therefore, confirmed that the Summit would be held in Beijing from April 24 to 26, 2003. The Delegation noted that, with the rapid development of economic globalization, officials in charge of intellectual property issues have realized the challenges and opportunities which lie ahead. In that regard, enhancing people's understanding of intellectual property rights, raising the public's awareness toward respecting IPRs, and facilitating international cooperation in the field of IP, have become important tasks. The forthcoming WIPO World Intellectual Property Summit would have as its theme "Intellectual Property in a Knowledge Economy," which would explore important issues in the various IP fields, and would be of great significance in this respect. As the host country of the Summit, China welcomed the attendance of Heads of State, Heads of Governments and Ministers of Member States. The Delegation underscored that China would make every effort to make the Summit a success, and expressed its hope that Member States of WIPO would actively participate in the Summit. In that same regard, the Delegation welcomed the participation of the private sector and industrial circles, and said that China was open to all suggestions to improve the event. The Delegation observed that in China, over the past year, there had been important new developments in the intellectual property field. This included the adoption and implementation of the New Patent Law and its Regulations, and the promulgation and implementation of the Regulations on the Protection of Integrated Circuit Topographic Designs, the newly revised Copyright Law and its Regulations and the Regulations on the Protection of Computer Software. The newly revised Trademark Law and its Regulations had entered into force on October 27, 2001 and September 15, 2002, respectively. The Delegation believed that the series of revisions and laws would provide more effective safeguards for the protection of IP and effectively promote the development of IP in China. In the first half of 2002, the State Intellectual Property Office (SIPO) had received 132,473 applications (43,000 for inventions; 51,365 for utility models; 38,108 for industrial designs), representing a growth of 15% over the same period of 2001. In the same period, SIPO had granted 76,688 patents (11,441 for inventions; 33,664 for utility models; and 31,583 for industrial designs). In 2001, the Trademark Office of the State Administration for Industry and Commerce had received 270,417 applications for both trademarks and servicemarks, making 2001 the year in which the highest number of trademark applications had been received. As of August 2002, copyright administrations had received 4,416 cases, and had closed 4,306 cases, of which 3,607 resulted in administrative penalties, 677 were resolved through mediation, and 66 were referred to judicial authorities. The Delegation

reflected that China had also actively participated in international cooperation in IP fields. In collaboration with WIPO, China had hosted the Sino-African Intellectual Property Forum, and the WIPO Forum on Creativity and Inventions, both in May 2002. The Delegation expressed its appreciation for WIPO's efforts in the past year, in improving the international patent system and in promoting the use of intellectual property in the fields of genetic resources, traditional knowledge and folklore, the strengthening of IP protection for SMEs, and the WIPO Patent Agenda. The Delegation noted that the fundamental objective of these initiatives should be to assist the development of IP systems worldwide, and the development of science, technology and the economy in all nations. With regard to PCT Reform, China in principle supported WIPO efforts of streamlining procedures. It considered that WIPO should give more consideration to the views of Member States in the reform process, and that more comprehensive research was needed before any decision on major modifications could be taken. The Delegation took note of the Director General's proposed Agenda for the Development of the International Patent System, which had been further finalized. It noted that the patent system must be developed steadily, while taking into account the realities of countries being in different stages of development, in particular developing countries, to ensure that the development of the system would be conducive to the transfer of patented technologies to developing countries, to the dissemination of scientific or technological knowledge, and to the sharing of those benefits by all countries, including developing and least developed countries. The system should in addition balance the benefits between patent holders and the general public, and it should contribute to the further reduction in costs for acquiring patents. The Delegation of China further noted that in the Hong Kong Special Administrative Region (Hong Kong SAR), the Ordinance of 2002 concerning the Prevention against Copyright Piracy (Revised Schedule 1), had been implemented, requiring manufacturers of master disks used in the mass production of optical disks, to obtain a license, and to mark stamps with a code indicating their source. An amendment Bill had also been introduced, to remove all civil and criminal liabilities for the parallel importation into Hong Kong of computer programs. The Draft Ordinance of 2001 on Copyright (Amendment) had been submitted to the Legislative Council. In July 2002, Hong Kong SAR had celebrated the fifth anniversary of its return to the sovereignty of China. Starting in January 2003, Hong Kong SAR would introduce a web-based system to support search and registration of trademarks, patents and designs, enabling users of the Hong Kong SAR IP registration system to enjoy lesser or greatly reduced fees. On June 1, 2002, an amendment Ordinance came into force there, to simplify patent and registration design application procedures. Hong Kong SAR had hosted the APEC TRIPS Enhancement Training Seminar, and the 14<sup>th</sup> Meeting of the Intellectual Property Rights Experts Group, together with a Symposium on Traditional Medicine. Regarding promotion and public education of IPRs, it planned to complete an interactive Internet teaching aid early in 2003. In 2001, the Hong Kong Intellectual property Department had received 20,945 trademark applications (14,220 trademarks had been registered), 8,914 standard patent applications (1,146 patent rights had been granted), and 2,777 design applications (2,864 designs had been registered). Hong Kong SAR expressed its great appreciation for WIPO's technical support, and cited the WIPO Asian Regional Workshop on Intellectual Property and Public Administration, which was held in December 2001 as an example of its continued cooperation. The Delegation of China offered to further strengthen its cooperation with WIPO and other Member States, and to make its contribution to the establishment of a just, rational and effective system for international intellectual property. The Delegation closed by wishing WIPO and its Member States success in the common objective of creating a higher standard of living for humankind through intellectual property.

141. The Delegation of Algeria, speaking on behalf of the Group of African Countries, expressed its thanks to the Secretariat for the quality of the documents produced and for the work done in the course of the 2000-2001 biennium. It spoke of the importance of intellectual property, which had been mentioned at the Summit of Heads of State and Government in Durban, as being a factor of development. It repeated the gratitude of the African Group for the assistance provided by WIPO in the intellectual property field, and welcomed the initiatives undertaken for the improvement of the PCT system, the implementation of an action plan in the field of digital technology, and also the protection of the knowledge, innovations and creativity of traditional cultures. The African Group drew attention to its particular interest in a development of the international patent system to make the procedure simpler and more accessible. The Delegation suggested moreover the involvement of African experts in the investigation of the possible implications of the planned new system for developing countries. The African Group said that it attached great importance to the constitutional reform of WIPO. The Delegation was pleased with the launch of the IMPACT project for PCT information management and the implementation of WIPONET, the World Intellectual Property Information Network. The Delegation said that it wished to take advantage of the action plan for small and medium-sized enterprises, as such entities occupied a predominant position in African economies. The African Group wished to see WIPO continue its assistance to developing countries in the fulfillment of their obligations in relation to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). It noted WIPO's efforts to organize regional consultations on matters of traditional knowledge and folklore, technology and electronic commerce, and expressed the wish that a similar effort might be made in the field of genetic resources. The Delegation itself considered that one should go beyond the general framework within which the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore operated and focus reflection on the consolidation of the appropriate legal instruments for protection. In the same context the African Group wished to emphasize the need for emergency measures to bring about the implementation of means of protection against increased international competition. The Group remained convinced of the importance of a consensus decision in the field of genetic resources, traditional knowledge and folklore that was founded on principles of justice; to that end it proposed that the conclusions drawn from the work of the Intergovernmental Committee be entered on the agenda of the forthcoming ordinary sessions of the General Assembly. The Group of African Countries repeated its satisfaction with the work of cooperation for development related to intellectual property, and expressed the wish that the next session of the Permanent Committee on Cooperation for Development might be the opportunity for an evaluation with a view to the program and budget activities of the future biennium. It suggested a mid-term evaluation of development cooperation activities. In conclusion, the Group expressed satisfaction with training activities and the desire, in that connection, for an increase in the long-term internships granted by WIPO.

142. The Delegation of India, speaking on behalf of the Asian Group, expressed the Group's appreciation for the contribution of the Director General, and noted that under his dynamic leadership, WIPO had completed another successful year. The Delegation observed that during the past year, there had been a steady growth in the activities of the Organization, including in the area of development cooperation. The Cooperation for Development Sector of WIPO had done a commendable job, for which the Delegation expressed its thanks to all those who had contributed to the Sector's activities. The Delegation especially thanked the staff of the Asia and Pacific Bureau for assisting countries in the Asia-Pacific region to establish modern IP infrastructures and to build lasting institutions through a wide range of programs. WIPO continued to help nurture the development of IP in developing countries.

The Delegation expressed the Group's belief that in an increasingly knowledge-based global economy, developing countries had a special stake in helping establish fair, equitable and efficient IP regimes. The Asian Group recognized that in order to meet the challenge of development, a country must, among other things, acquire the capacity to harness the intellectual skills of its people. The Delegation emphasized that Asia had been at the forefront in recognizing that nurturing the creative instincts of people, by establishing a favorable IP environment, was crucial for economic development. The Delegation noted with pride the fact that among the developing countries, the biggest users of the PCT filing system were Asian countries. While Asia was the region with the largest number of the world's poor, it was a region full of promise: Asians were recognized worldwide for their skills, their creativity and for their respect for, and pursuit of, knowledge. The Delegation felt that this was one reason IP was of special relevance to Asia and that there was a pressing need for external assistance in helping its societies to use their own skills and resources. In that context, the Delegation said that the Group looked to WIPO as a partner in meeting the challenge of IP development in Asia. The Delegation felt that WIPO partnership with Asia could become the blueprint for similar cooperation with developing countries in other regions, and therefore urged WIPO to provide enhanced allocations of resources for the Asian Region under the WIPO Development Cooperation budget, particularly in respect to human resource development, modernization, infrastructure development and in enhancing the capacity to effectively enforce IP protection. The Delegation observed that it had carefully examined the document prepared by the Secretariat concerning the Program Performance for the 2000-2001 biennium in the context of results-based programming and budgeting, and was pleased to see that the priorities of the programs took into account the concerns of developing countries, though it would like to see increased funding of such programs. The Secretariat continued to build on the Director General's vision for the strategic direction of WIPO, and as well in respect to WIPO's digital agenda. The Delegation indicated that the Group supported the implementation of programs such as the modernization of IP infrastructures and the creation of long-lasting institutions in line with the strategic direction of WIPO. The success of the PCT was an important landmark in the history of WIPO. The Group supported the steps that WIPO had taken to enhance the efficiency of that international filing system through use of advanced technology and rationalization of procedures, and were confident that WIPO would ensure that the PCT reform agenda would take into account the interests of developing countries. The WIPO Digital Agenda had also shown concrete results. The Delegation noted that the WIPO Arbitration and Mediation Center had established its credentials as the body that offered speedy resolution to disputes on the Internet in the area of established trademark rights. The Delegation expressed its confidence that WIPO would be similarly successful as it ventured into new areas in the domain name process, and was happy to note that the WIPONET program was on schedule. WIPONET would provide a networking structure between intellectual property offices of Member States and WIPO, but more importantly, it would be the information highway to the international IP community and its knowledge base. WIPONET was critically important for patent offices in countries without Internet connectivity. The Delegation welcomed the expansion of the scope of the program on TK, genetic resources and folklore. The people in the Asian region had inherited a rich legacy of genetic resources, biodiversity, traditional knowledge and folklore. However, there was a need to be able to utilize those resources to the best advantage of the people, while sharing their benefits in a fair and equitable manner with the larger international community. The Delegation therefore valued the opportunity provided for mutually beneficial cooperation between different countries by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Delegation referred to the potential for development and wealth creation using the special programs of WIPO, such as those relating to empowerment of SMEs, as considerable. SMEs made up a significant part of

the industrial base of the developing countries. The Group was reassured to find that in the 2000-2001 biennium, WIPO had expanded the scope of its program on assistance to SMEs in the context of intellectual property protection; it also believed that SMEs would benefit a great deal from greater use of the IP system. With respect to issues relating to the future development of the international patent system, the Delegation expressed the Group's belief that WIPO should take a strong leadership role in developing the patent system to help developing countries, and thereby harness their creative potential for economic development. WIPO's patent agenda could greatly benefit developing countries, especially those still in the process of developing their IP systems. In that context, the Delegation stressed the need for active participation by developing countries at every stage in the consultations. The Delegation welcomed the recommendations of the Working Group on Constitutional Reform, considering the complex governing structure of WIPO. However, in view of the possibly far-reaching implications of some of the proposals under discussion, the Delegation urged to study them more carefully before a decision was taken. The Delegation noted that the Asian Group had consistently maintained that an expanding Organization like WIPO must have adequate space for it to be able to function smoothly and effectively, and that applied both to the working space required by the Organization, and to the conference facilities required for the numerous meetings organized by WIPO. The Delegation strongly urged the WIPO Assembly, therefore, to take a decision at this 2002 session to construct a new administration building and a conference hall with a seating capacity of 650, with adequate parking facilities, in accordance with the timetable drawn up by the Director General. The Delegation noted with pleasure that the WIPO Round Table had been launched, addressing some of the larger issues surrounding the protection of IP. All countries, developed or developing, were broadly in agreement on the need to protect IPRs. There was not always agreement, though, on what properly constituted intellectual property, or where rights were recognized in principle on the scope of such protection. The Asian Group looked forward to addressing some fundamental questions surrounding the IPRs which were of particular concern to developing countries. The Delegation pointed out that the social and economic foundation on which IPRs were based had been the subject of debate for over a century, and that the economic rationale for IP was complex even when only considered within the framework of a single country. It was, therefore, much more complex when the focus moved to the global regimes of today. But whether the IP regime was national or international, it must balance the interests of both consumers and owners of IP, particularly the more vulnerable consumers who live in developing countries.

143. The Delegation of the United States of America, speaking on behalf of Group B, underscored that Group B countries held firmly that the creation, development and production of intellectual property had played a fundamental role in rapid technological progress in improvements in the human condition and in the diffusion of art and culture across the globe. Assuring the benefits of intellectual property required improving global understanding of intellectual property concepts, the establishment and reinforcement of the framework of appropriate national and international law, and effective international cooperation. The Delegation stated that the World Intellectual Property Organization (WIPO) was active and influential in all of those areas, and expressed the satisfaction of Group B countries with WIPO's undertakings and achievements to date under the leadership of the Director General. The Delegation pointed out that while it was an integral part of the UN system, WIPO was in many respects a unique organization. The membership in WIPO's Unions and Treaties continued to increase, and was approaching the membership of the UN Treaty. Since the international property issues had global scope, it was appropriate that the membership of WIPO, in effect its owners represented here today, be comprehensive, and that all members be ready to assume their responsibilities in accomplishing these missions. At the same time, the

Delegation pointed out that WIPO provided important services, particularly registrations through the PCT, the Hague Union, the Madrid Union and mediation and arbitration services. Clients of those services, stakeholders in WIPO activities, provided more than 90% of its revenues, which were spent, for example, to finance international conferences, to provide support for many delegates to WIPO bodies and to underwrite programs of international technical assistance. That was entirely appropriate, as those activities and others were investments in encouraging and enhancing the international intellectual property system. The Delegation noted that stakeholders were not owners of WIPO but rather were those firms and individuals whose interests were directly affected by the activities of WIPO. By far, the greatest number of these stakeholders were nationals of Group B Member States. On the stakeholders' behalf, and in recognition of Member States' own fiscal responsibilities, the Delegation noted that Group B took a keen interest in all administrative questions at WIPO, including the budget, financial management, premises decisions and the effective elaboration and evaluation of its programs. Group B was particularly pleased in that context with the advice and insight provided by two extensive management reviews commissioned by the General Assembly. The report on WIPO personnel structures and practices, delivered by the National Academy of Public Administration (NAPA), offered a number of useful comments and recommendations; Group B members were interested in learning how WIPO intended to react to them. Group B was also profoundly appreciative of the decision by the Swiss Auditor General, Mr. Grüter, to undertake on short notice last year a much needed technical evaluation and management analysis of the proposal for new premises. The outstanding technical quality and timeliness of the external auditors' reports provided Member States, technical partners and the Secretariat with the means to maximize the efficiency and effectiveness of this capital investment. Group B expected that the resulting recommendations made by the Program and Budget Committee would facilitate a rapid technical revision of the building plans, in particular, to maximize the number of work places, and the early commencement of construction according to decisions to be taken by the 2002 session of the WIPO Assemblies. The Delegation pointed out that Group B found it very useful for these Assemblies, in their oversight functions, to call on expertise from Member States and from the private sector, as appropriate. For example, the Delegation indicated that Group B looked forward to participating in the examination of the assumptions underlying the 2003-2009 financial plan, to be undertaken in the framework of the Program and Budget Committee. The Delegation noted the invitations issued to Member States to participate in the nomination process for the selection of a Director General for the period 2003-2009, in conformity with the procedures agreed by consensus in 1998, and expressed Group B's confidence that those procedures provided a sound basis for that choice. Group B members had examined the various nominations for promotion to the level of D1 and found the candidates qualified for the posts proposed. The Delegation expressed particular interest in the nominations made for the posts dealing with the PCT. The Delegation noted that Member States had taken note of the various proposed agreements with intergovernmental organizations, and considered that these had the potential to assist in progress toward WIPO's mission goals. Group B countries endorsed the proposal to improve enforcement of intellectual property rights by establishing a single committee of Member States in charge of these matters, which would serve to better focus the Secretariat's efforts in this regard within existing budgetary constraints. Appropriate intergovernmental organizations and non-governmental organizations should be associated as observers. The Delegation stated that Group B members had participated with interest in the Round Table on intellectual property issues, and expressed the Group's appreciation to the moderator. Group B members had participated intensively in the discussions of the Working Group on Constitutional Reform; participants had accurately defined the possibilities and limits at this time of such reform. Similarly, Group B members intended to remain fully engaged in the on-going investigations of possible improvements in

the international patent system, and in discussions on the substantive patent law treaty, with an aim to far-reaching harmonization and in defining approaches to intellectual property aspects of biodiversity, traditional knowledge and folklore. The Delegation, in closing, indicated that Group B countries were well aware of the important tasks that lie ahead, and gave assurances that Group B would work in the spirit of collegiality, mutual respect and devotion to WIPO ideals, aimed at reinforcing and extending the understanding and respect for intellectual property.

144. The Delegation of Barbados, speaking on behalf of the Latin America and Caribbean Group (GRULAC), thanked the Director General and the Secretariat for the high quality of the documentation which had been provided for the WIPO Assemblies. The Delegation indicated that GRULAC had noted and endorsed the Secretariat's main priorities, as set out in Document A/37/3, and offered assurances of the Group's continued support in respect of the implementation of the Director General's "Vision and Strategic Direction of WIPO". The Delegation underscored the particular importance that the GRULAC countries attached to WIPO's work in the area of cooperation for development, and thanked the staff of the LAC Bureau for their hard work over the past year. The Delegation stressed GRULAC's deep appreciation of the close and productive relationship that has existed between the Secretariat and GRULAC members, both here in Geneva and in the capitals. In that regard, the Delegation recalled the critical role played by WIPO's Nationally Focused Action Plans (NFAPs), drafted in close coordination with Member States, in ensuring that relevant, desirable and sustainable systems were delivered to them. In terms of its substantive work, GRULAC welcomed the Secretariat's efforts to promote greater intra-regional dialogue, as evidenced by the organization of meetings of the regional Heads of IP Offices, and consultations on issues such as e-commerce and IP. Other areas of work which GRULAC members felt merited special mention included activities related to small- and medium-size enterprises (SMEs) and the collective management of copyright and related rights. GRULAC viewed the Cooperation for Development program as one of WIPO's most important activities and hoped that sufficient budgetary resources would be allocated to that program to allow for the effective and timely execution of its work. The Delegation emphasized that GRULAC intended to participate actively in the forthcoming deliberations of the Permanent Committee on Cooperation for Development, and looked forward to the Round Table later this year. The Delegation congratulated WIPO on its work in the area of genetic resources, traditional knowledge and folklore, and encouraged the Organization to redouble its efforts to ensure that these areas were brought into the mainstream of IP discussions and policy development. GRULAC noted its appreciation for WIPO co-hosting an International Ministerial Forum on "Intellectual Property and Traditional Knowledge: Our Identity, Our Future," held in January of this year, as well as the WWA's offering of an online distance learning course on traditional knowledge, innovations, creativity and folklore. The Delegation noted that the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore had launched this past June a portal of traditional knowledge databases. The Delegation underscored that GRULAC looked forward to progress in the work of the Intergovernmental Committee, and signaled GRULAC's interest in discussions on funding for the attendance of indigenous peoples and local communities to sessions of the Intergovernmental Committee. The Delegation also noted GRULAC's interest in the Organization's work in the area of information technology and automation. GRULAC eagerly anticipated the full implementation of the WIPONET Project, and in particular, the early delivery of training courses to those Member States which had already received the requisite hardware. The Delegation acknowledged the importance of the work in the area of e-commerce and Internet domain names, and noted with appreciation that the WIPO Arbitration and Mediation Center had become available online in July of this year. The

Delegation commended the Organization's efforts at improving inter-agency coordination with other intergovernmental organizations, such as the CBD, FAO, UNESCO and WTO, and welcomed the Organization's cooperation with the newly-established United Nations Permanent Forum on Indigenous Issues. It noted with appreciation the establishment of a WIPO coordination office in Brussels and the recent briefing of GRULAC Ambassadors in New York. The Delegation encouraged WIPO to continue its active participation in key international meetings, such as the World Information Society Summit and the recently concluded World Summit on Sustainable Development, and in doing so, to ensure the inclusion of the development dimension in such deliberations. In terms of WIPO's future work, GRULAC identified, as priority areas, traditional knowledge, SMEs, the use of IP as a tool for development, as well as institutional building and human resource training. GRULAC also reiterated the importance its members attached to the principle of equitable geographical distribution and their expectation that this would be a guiding principle underlying all of WIPO's actions and decisions.

145. The Delegation of Latvia, on behalf of the Group of Central European and Baltic States, expressed support for the activities summarized in the presented documents (A/37/3 and A/37/4). Both documents were considered comprehensive and explicit, especially in the part regarding achievements. Self-criticism was present to a degree that allowed making an objective assessment of the results of the Organization and the Delegation congratulated the Director General and the Secretariat for this approach. The cooperation with the Central European countries and the Baltic States had developed further during the period under review and the countries had continued to benefit from WIPO assistance for the modernization of IP administrations and had become significant users of WIPO's services. The cooperation had been demand driven with more knowledge- and skills-oriented demands, reflecting the development of the IP systems in the region and the new challenges they face, growing faster than the allocated budget. This illustrated the importance attached to the cooperation with WIPO and the need for further adjusting the programming process and volume to the demands for cooperation by the Central European countries and the Baltic States. The visits of the Director General to Slovakia, Romania and Bulgaria had contributed to raising the public awareness about IP. The President and Prime Minister of Romania also visited WIPO and the WWA thereby giving the appropriate importance to intellectual property policy in Romania. At the national levels, various activities had been carried out during the period under review, aimed at strengthening the capacity of the national IP systems, ensuring efficient participation in the international registration regimes and promoting accession to the WIPO administered treaties. In four countries of the region, these activities were supported by Nationally Focused Action Plans (NFAPs), which proved to be efficient according to the beneficiaries. The Delegation noted that roughly one fourth of the Contracting Parties to the WCT and WPPT were from Central European countries and Baltic States. It also noted that new IP fields, of particular interest to Member States, remained on WIPO's agenda, highlighting WIPO's contribution in bridging the digital divide. The countries of the region followed closely the discussions on the domain names process and considered the IGC on Genetic Resources, Traditional Knowledge and Folklore an important development. WIPO's attention to SMEs and their challenges in making use of the IP system had resulted in a number of joint activities in the region. Among the major events carried out in cooperation with WIPO, the Delegation highlighted the International Conference on Intellectual Property, the Internet, Electronic Commerce and Traditional Knowledge, held in Sofia, in May 2001, a series of seminars on IP topics in the Baltic States and Romania, as well as the successful completion of the WIPONET project in Albania. Particular mention was made of the cooperation program between the Romanian Government and WIPO, signed in June 2001, and the Memorandum of Understanding between WIPO and the Government of



the Slovak Republic, signed in December 2001, which focuses on education and awareness raising in IP fields. The Delegation stated that the IP challenges in the 21<sup>st</sup> century would require intensified cooperation with all concerned key players on the international arena: States, private sector, and international and NGOs, and it encouraged the Director General to continue generating new ideas and visions for the future. The Delegation pointed out that WIPO had become more visible during the past year, its outreach had expanded and the implementation of activities had been transparent and flexible, contributing to a more efficient performance of the Organization. In conclusion, the Group approved the rich, dynamic and comprehensive activities undertaken by WIPO in the period under review.

146. The Delegation of Singapore, on behalf of the Association of South East Asian Nations (ASEAN), thanked the WIPO Secretariat for the Program Performance Report for the 2000-2001 biennium (A/37/3), and the Program Implementation Overview January 1 to June 30, 2002 (A/37/4). The documents indicated the successful implementation by WIPO of activities and programs in the field of IP, addressing both traditional and new issues of IP of interest to ASEAN countries, such as copyright, patent, electronic commerce, transfer of technology, SMEs, indigenous creation, bio-diversity, traditional knowledge and the implementation of the TRIPS Agreement. The Delegation underlined the appreciation of the ASEAN countries for the important role WIPO had been playing in assisting those countries in areas such as developing IP legislation, formulating national action plans, modernizing national IP systems and legal infrastructure. The ASEAN countries had benefited immensely from a close interaction with WIPO, both through the Organization's sub-regional projects, as well as through bilateral cooperation, and WIPO's extensive and excellent programs had been central in ASEAN efforts to use IP as a tool for overall social, economic and human resources development. ASEAN looked forward to the continued close collaboration with WIPO.

147. The Delegation of Nepal, speaking on behalf of the Members of the South Asian Association for Regional Cooperation (SAARC), associated itself with the statement made by India on behalf of the Asian Group, and thanked the Director General and WIPO staff for the excellent cooperation extended to SAARC Members. As reflected in the decisions of the SAARC Standing Committee, and endorsed by the Council of Ministers in 2002, SAARC Member States attached great importance to that cooperation. All SAARC countries, except the Maldives, were now members of WIPO but the Delegation looked forward to welcoming the Maldives in WIPO soon. The growing SAARC confidence in the work of the Organization, reflected its faith in WIPO's ability to secure an equitable share of the potential benefits created by globalization and economic liberalization for all. Many aspects of the present IP system were relatively new for most SAARC members, underlining the importance of WIPO-SAARC cooperation, especially in creating greater understanding of IP issues, in modernizing the IP infrastructure, including capacity building, institutional strengthening as well as collective administration and enforcement. Technical assistance for the implementation of the TRIPS Agreement remained another critical area, with the remaining two SAARC members in process of accession to the WTO. Traditional knowledge, genetic resources, folklore, electronic commerce and assistance to SMEs were other areas of specific interest to SAARC countries. The SAARC Secretariat had undertaken a number of initiatives, including formal steps to protect the reproduction of the name, abbreviation and emblem of the SAARC under Article 6ter(b) of the Paris Convention for the protection of industrial property. On behalf of all SAARC Member States, the Delegation thanked the Director General and the Secretariat for the guidance and assistance in this process. Consultations had taken place between WIPO and SAARC with the view to more clearly identifying the areas and expanding the scope of cooperation. A number of issues had been agreed upon, including the holding of the fourth WIPO-SAARC Forum on Intellectual

Property at Thimphu, Royal Kingdom of Bhutan, scheduled for October 22 to 23, 2002. The Delegation recalled that four of the seven SAARC Members were LDCs, and that poverty was a common problem. The major focus of discussions concerning WIPO-SAARC cooperation was therefore how the global IP regime could assist SAARC countries in addressing the problems of development and poverty. In conclusion, the Delegation noted that some countries in South Asia had emerged as leaders in information technology. An effective and well-administered IP protection regime could be a vital tool to inspire the inherent human potential in those countries and could transform South Asian society into higher level of productivity and wealth creation through creativity, knowledge, inventions and innovations. The Delegation hoped that WIPO-SAARC cooperation would contribute in realizing the potential of the people of South Asia.

148. The Delegation of Benin, speaking on behalf of the Group of Least-Developed Countries (LDCs), addressed his sincere congratulations to the Secretariat, and praised its efforts to make WIPO into a dynamic organization, notably with the various reforms carried out in recent years. The Delegation declared itself pleased with the creation within WIPO of a Unit responsible for specific LDC issues, and expressed the wish that the Unit be provided with means proportionate to the problems encountered by the countries concerned. It then gave an account of the recent activities organized by the Unit, namely the Interregional Roundtables on Intellectual Property organized in Geneva on September 30, 1999, and in Lisbon on February 1 and 2, 2001; there was also the United Nations Conference on LDCs held in Brussels in May 2001, and also the Regional Workshop on the Implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), organized with the World Trade Organization (WTO) in Dar-es-Salaam, United Republic of Tanzania, from April 22 to 25, 2002. It expressed satisfaction with the WIPO action programs in favor of LDCs, namely the WIPONET project, the Worldwide Academy, the establishment of collective management organizations for copyright and related rights, the promotion of genetic resources, traditional knowledge and folklore, and the support for small and medium-sized enterprises (SMEs). It took the opportunity of mentioning that Benin was, for a period of five years from February 2002, presiding over LDC coordination within the United Nations system. The LDC Group declared in its statement that it was also awaiting a strengthening of development cooperation activities and also the extension of WIPONET to all countries of the Group. The Delegation concluded with a statement of its determination to see its collaboration with WIPO increase.

149. The Delegation of India congratulated the Director General for the new direction and drive given to WIPO. It noted that the Organization had played a significant role on issues relating to IPRs. While appreciating the leadership and strategic direction provided by WIPO, the Delegation noted that WIPO had a major responsibility in facilitating and supporting the IP related initiatives of its Member States, with a special and sharper focus in favor of developing countries. The Delegation stated its appreciation for the WIPO programs: the digital agenda, development cooperation activities, SMEs, traditional knowledge, folklore and bio-diversity, PCT reforms and support to infrastructure development. It thanked WIPO for its assistance through the Nationally Focused Action Plan (NFAP) with regard to the modernization of patent, trademark and industrial design offices, geographical indication registry and in providing WIPONET to the Indian Copyright Office, which would further improve the efficiency of that Office. India had embarked on a major modernization program for the IPOs in the country, with investments equivalent to USD 20 million, and an appropriate legislative framework had been put in place. This involved extensive application of information technology in the administrative and technical functions of the offices, human resource development and the creation of office infrastructure. At the national level, the

awareness among SMEs of the important role of IP in enhancing competitiveness had been substantially improved due to WIPO's efforts. Recently, a seminar-cum-video conference for SMEs on IP issues in Delhi had been organized in association with WIPO. It had been simultaneously telecast at five regional centers in India and broadcast live on the educational channel. The Human Resource Development Minister had addressed the opening session of the seminar. India had become party to the Budapest Treaty in September 2001, which came into force in December 2001. The creation of the International Depositary Authority in India would help scientists in India and the neighboring countries. At this stage, an effective training program with WIPO's cooperation was required to further strengthening the efforts in this direction. The Government of India had laid special emphasis on the effective enforcement of IPR laws and had set up a Copyright Enforcement Advisory Council. State Governments had appointed nodal officers for the effective enforcement and monitoring of IPR laws. The Government of India was implementing a scheme of Education, Research and Public Outreach program on IP. In collaboration with WIPO, a Colloquium for the Judiciary had been organized for the Asia and Pacific region in February 2002, a Seminar on Enforcement of Intellectual Property Rights had followed in July 2002, and a Seminar on Policy Imperatives and Role of Institutions in Implementing Public Outreach Strategy for IP was held in September 2002. To promote education in IP, five IPR Chairs had been established in leading universities and more such Chairs were planned. The Delegation was looking forward to signing the framework agreement of cooperation between WIPO and the Government of India, which would further strengthen India's partnership with WIPO. The teaching of IP through distance learning in collaboration with WIPO and the Indira Gandhi National Open University would enhance the IP resource base in India. The contribution of the copyright industry to the Indian economy was fairly significant, as India had one of the largest book publishing and film industries in the world. Its music industry was rapidly growing. India had emerged as one of the leading players in the computer software industry and a study had been initiated to assess the overall economic impact of copyright industry and its contribution to GNP, for which the Delegation looked forward to WIPO's support and guidance. The Delegation congratulated the Director General for special efforts made in the field of traditional knowledge, folklore and genetic resources. As most of the developing countries were rich in bio-diversity and had enormous resources of traditional knowledge, WIPO's continued support in documenting such knowledge would be extremely beneficial for giving due returns to traditional knowledge holders. India had documented its Ayurvedic system of medicine in the form of a traditional knowledge digital library for use by patent offices, and would be happy to extend its cooperation and support. India would be hosting an Asia Pacific Seminar on Traditional Knowledge, Genetic Resources and Folklore in November 2002, in cooperation with WIPO. The enhancement of the documentation program for traditional knowledge and the formulation of a legal framework at the international level to support the traditional knowledge holders still remains to be done. Increased WIPO support was needed in developing effective and simple means of public education and awareness creation, and for putting in place a modernized and responsive administrative mechanism in developing countries and LDCs. Also, WIPO's norm-setting activities should aim at updating the IP system and enhancing its usefulness for inventors, consumers, and the society as a whole.

150. The Delegation of Mexico expressed its gratitude for the cooperation activities carried on by WIPO during the 2000-2001 biennium. It highlighted the importance of appropriate cooperation for the specific needs of each country. The Delegation said that its Government attached particular importance to the training program for intellectual property teachers, and therefore stressed the desirability of that activity being strengthened. It also maintained that the situation regarding the rights of audiovisual performers needed to be determined. In that

connection the Delegation highlighted the invaluable assistance that WIPO had given to Mexican performers, and mentioned the “Dolores del Río” medal awarded to the Director General at the end of 2001. It also pointed to the benefits of intellectual property for the economic development of countries in general, and marginalized communities and indigenous peoples in particular. In that context, Mexico was currently working with WIPO on the introduction of joint activities that would allow mechanisms to be created enabling specific benefits to be passed on to those groups.

151. The Delegation of Ethiopia complimented the Organization for its highly satisfactory achievements in the biennium 2000-2001 and for the progress in program implementation during the period January 1 to June 30, 2002. It fully associated itself with the statement made by Algeria on behalf of the African Group and noted that in the new era of knowledge-based society and economy, knowledge was at the core of economic growth and development. Global competition for new products and services, brought about by the multilateral trading system and advances in information technology, relied on intellectual capital which could be made available through the IP system. If the gap between rich and poor countries was to narrow, the knowledge divide had to be bridged through a deliberate and cooperative effort by the developed countries. WIPO was amply qualified to play a leading role in this process. The Delegation expressed its appreciation to the Director General and WIPO staff for their effort in harnessing the IP system to unleash the creative potential of individuals and societies, and translate it into economic growth and sustainable development. It noted that in the 2000-2001 biennium, WIPO had implemented a substantive work program in favor of LDCs. The WWA continued assisting LDCs, including Ethiopia, by providing professional training, distance learning, advisory and research services in IP. It also served as a forum for policy and decision makers from LDCs. The Delegation noted that having Internet connectivity and access to information was central, but too expensive for many people in LDCs. It therefore noted with satisfaction that WIPONET had become operational, equipping developing countries' IP Offices with Internet connectivity and providing basic equipment and training. The Delegation noted the efforts made by the Intellectual Property Office Automation Division for launching automation projects for IP Offices in six pilot countries in the Africa region, including Ethiopia, and stated that the full implementation of the projects would enable the IP Offices to gain access to a global network. The LDCs were rich in genetic resources, traditional knowledge and expressions of folklore, constituting an important part of their cultural and natural heritage, and the need for the protection of genetic resources, traditional knowledge and folklore should therefore be viewed within the context of their larger socio-economic and cultural development. The Delegation thanked the Director General and the Secretariat for enabling developing countries and LDCs to participate in the intergovernmental body on genetic resources, traditional knowledge and folklore by coordinating their positions at the national, sub-regional and regional levels. It expressed its appreciation for the work of the Intergovernmental Committee for the progress made so far, which would make it possible to establish equitable statutory rules in the field of genetic resources, traditional knowledge and folklore. The Delegation emphasized the need to strengthen WIPO's collaboration with other international organizations, in particular, FAO, CBD, UNESCO, and UNCTAD. Concerning SMEs, WIPO had made every effort to create awareness among SMEs in LDCs to seek protection for their inventions, brands and designs, and to take advantage of the IP system, including the organization of national, sub-regional and regional seminars. The work done in support to LDCs in the area of collective management of copyright and related rights, the WIPO and WTO joint initiative for the implementation of TRIPS, and assistance in the formulation of national legislation was also appreciated. The Delegation called upon WIPO to intensify its efforts for maximum impact and relevance to developing countries, in particular the least developed ones, in the rapidly

globalizing world, and it expressed its full confidence that WIPO would meet these expectations in the years ahead.

152. The Delegation of Egypt expressed its support for the statement made by Algeria on behalf of the African Group and its appreciation for the Program Performance Report and the Program Implementation Overview. It noted that the performance evaluation report had become a valuable tool for Member States to familiarize themselves with the activities of the Organization and to measure WIPO's ability to achieve its objectives in the most transparent and effective manner. The detailed data under the performance indicators was appreciated and the Delegation encouraged the Secretariat to further develop such indicators. It furthermore expressed its appreciation for WIPO's activities particularly in the field of cooperation for development. The Delegation welcomed the intensification of the work within the framework of the IGC on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, the expansion of activities for SMEs and information technology projects, such as WIPONET, which would help bridge the digital divide. The enactment of Law No. 82, in June 2002, was an important development in the field of IP protection in Egypt and in the fulfillment of its obligations under the TRIPS agreement. In this regard, the Delegation expressed its appreciation to WIPO for its assistance, which enriched discussions during the preparation of the law. It looked forward to an expanded cooperation with WIPO in its national efforts towards modernizing national institutions concerned with IPR protection and enhancing the training of human resources, a long-term endeavor in which all possible assistance from the international community was needed. The Delegation thanked the Cooperation for Development Bureau for Arab Countries for its assistance to Arab countries and its prompt response to its various demands. The Delegation highlighted international developments in the field of IP during the past year, which were of relevance to WIPO. It underlines the need to ensure more consistency between the work of WIPO and other international fora and referred to the Doha Ministerial Declaration on the TRIPS Agreement and public health. The Delegation underlined the importance of this Declaration in confirming the important flexibilities enjoyed by developing countries concerning the protection of public health and stressed the need to fully integrate the elements of this Declaration in all WIPO activities relating to the TRIPS Agreement, especially given that an important part of WIPO's cooperation for development program aims at assisting developing countries in meeting their obligations under this Agreement. The Delegation also highlighted the need to devote greater attention to the role of civil society and referred to the Report of the Commission on Intellectual Property Rights, established at the initiative of the United Kingdom Secretary of State for International Development, on integrating intellectual property rights and development policy. In this connection, it affirmed that the Report included valuable opinions and recommendations aimed at promoting the developmental dimension in the international IPR system. It urged their further study by the Secretariat and Member States with a view to examining their possible implementation. The Delegation underlined the importance of increasing participation of experts from developing countries in WIPO meetings, and stressed the importance of providing documentation in Arabic documents for technical meetings organized by WIPO. In conclusion, the Delegation wished WIPO and the Director General all success in their endeavor towards making the protection of intellectual property a tool of welfare and prosperity for all.

153. The Delegation of Singapore noted that under WIPO's strong leadership, global awareness of IP continued to grow, and IP systems throughout the world were being modernized in response to new technological and legal developments. WIPO and its Member States were constantly challenged to come up with new and better ways to promote IP creation, protection and exploitation. In 1998, WIPO had made unprecedented steps to

initiate change and renewal throughout the Organization, enhancing transparency, accountability and effectiveness in all aspects of the planning, programming and implementation of its activities. Greater emphasis had been placed on the use of information technology and the digital agenda, and WIPO had been reinforcing its efforts to actively engage all its stakeholders to shape, adapt to and benefit from a responsive and efficient international IP system. In the past year, Singapore had conducted several joint training activities and conferences with WIPO, including the Europe-Asia Patent Information Conference in September 2002. The Intellectual Property Office of Singapore and the Japan Patent Office would be holding an international conference called OPTIMAL in Singapore in March 2003. WIPO had assisted in the strengthening of Singapore's unique patent regime, a self-assessment system that leveraged on the capabilities of other national offices, and had supported various public outreach efforts, including the development of education CD-ROMs for children and the use of comics on the topics of trademarks and copyright. Singapore-WIPO ties were strong, underpinned by a shared belief that the IP system was a key driver for economic development, global trade and cross-border investment and a shared commitment to the advancement of the international IP system. Singapore looked forward to deepening the strategic partnership with WIPO. Singapore had established the IP Academy, a national IP training institute, to raise the level of IP skills among businesses, researchers and practitioners and to advance research in specific IP issues. Singapore had also set up a specialized IP court for the adjudication of IP-related disputes. In the framework of these two important initiatives, WIPO and Singapore could work together for concrete mutual benefits. In conclusion, the Delegation felt confident that the Singapore-WIPO relationship would continue to grow.

154. The Delegation of Lesotho congratulated the Director General and WIPO staff for the comprehensive program performance report. It expressed its satisfaction with the implemented activities, consistent with maximizing the potential of the IP system as a means of empowering its Member States, especially developing countries. During the period under review, cooperation with WIPO had included: the participation in WWA high level academy session for policy-makers; an on-going Nationally Focused Action Plan (NFAP), a national seminar for technical and vocational colleges; the award of prizes at an exhibition of inventions held in September to mark the African Day of IP and Technology; participation in various courses organized by WIPO, including a regional workshop for LDCs on the implementation of the TRIPS Agreement, in Tanzania, in April 2002; a mission undertaken by the WIPONET team and training of the focal point. The Delegation fully supported the Director General's initiative on the development of a new patent system, and noted that the challenges faced by the system included: the achievement of a cost-effective, simple and efficient patent system, increasing workloads and duplication of work by offices, the needs of small offices, the protection and utilization of traditional knowledge, and the harmonization of substantive laws in Member States. The Delegation hoped that concrete structures would be put in place to ensure the full participation of all Member States, especially developing countries, in this process. This would help maximizing the benefits to developing countries enabling them to shift from being mostly consumers to being producers equipped to compete and trade in a world becoming increasingly smaller due to globalization. The Delegation associated itself with the recommendations made by the Policy Advisory Commission that the new WIPO Patent Agenda be presented to political leaders at the highest level, and that the PCT reform be pursued in a coordinated manner taking into account the new Patent Agenda. While the Delegation commended the work done on PCT Reform, it felt that there was a need for broader participation of developing countries in order to ensure that the end-result would be all-inclusive and acceptable. The Delegation commended the Director General for expanding the mandate of WIPO to cover genetic resources, traditional knowledge and

folklore and it hoped that the valuable knowledge gained from this would form part of the Patent Agenda. In conclusion, the Delegation expressed appreciation with the leadership of the Director General as WIPO faced new challenges and carried out its mandate. In particular, the Delegation pointed out the transparency and accountability prevailing in the Organization since the Director General took office in 1998.

155. The Delegation of the Republic of Korea commended WIPO for its efforts in carving a more user-friendly international patent system, as well as for providing developing countries with technical assistance. The Korean Intellectual Property Office (KIPO) had signed a framework agreement of cooperation with WIPO in November 2001, and had expanded its function as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent of Cooperation Treaty (PCT). Recently, KIPO had concluded agreements with a few IP offices under which it acted as a competent ISA/IPEA for PCT international applications filed by residents or nationals of each country. The Delegation believed that such agreements created new opportunities for further mutual cooperation as well as for exchanging PCT-related services. KIPO had provided consultation services to help customize an automation model for IP offices in the Asia-Pacific region, and it would continue to find possible ways and means to provide IP offices of developing countries with consultation services for office automation, based on the experience and know-how accumulated in the development of KIPONET. At the WIPO Conference on the International Patent System, held in Geneva in March 2002, the importance of the mutual exploitation of examination results to avoid redundant examinations had been emphasized. KIPO and IP Australia had agreed, in July 2002, to mutually exploit the examination results from 2004, which would help reducing the examination workload of the two offices. The Delegation invited other IP offices to discuss with KIPO the mutual exploitation issue. KIPO had achieved remarkable results from its IPR Acquisition Campaign for SMEs. A brief explanation of the campaign was available on the WIPO website. KIPO would continue to upgrade existing SME assistance programs and would join WIPO's efforts in developing effective SME policy tools. KIPO had implemented various policies to expand the IP-creation base in the pre-filing stage and to assist the commercialization of inventions in the post-grant stage. In 2002, a White Paper would be distributed explaining in detail KIPO's recent policies, hoping that the Paper would encourage other IP offices in developing their own IP policies. To achieve the goal of the patent system, it would be important for the general public to effectively utilize the patent information. KIPO had therefore developed and distributed a software called the Patent Information Analysis Software (PIAS), which automatically searches and analyzes published patent information through the Internet. PIAS was a basic instrument for showing the direction of certain technological developments. It was a valuable tool for SMEs which lacked the capacity to utilize patent information. KIPO would be pleased to distribute it to all IP offices of WIPO Member States, hoping that it would facilitate effective utilization of published patent information, especially by SMEs and the general public. In conclusion the Delegation introduced the 2002 Seoul International Invention Fair, which would be held from December 4 to 8, 2002, to which Member States were invited to participate.

156. The Delegation of Kenya pledged its support for the Director General's Vision and Strategic Direction of WIPO through its participation in WIPO's various program and projects. Regarding the modernization of IP infrastructure, the Delegation acknowledged the assistance received from WIPO in enacting new legislation on intellectual property rights to improve Kenya's IPR administration and management and its conformity with its obligations. The Industrial Property Act 2001 established the Kenya Industrial Property Institute (KIPI), as a corporate body with an expanded mandate to administer industrial property rights, screen

technology transfer agreements and licenses, provide patent information to the public, promote innovation and invention in Kenya as well as offer training in IPR to the public. KIPi's autonomy status strengthened its operations in the execution of its mandate. The legislation was in conformity with the TRIPS Agreement and provided for stringent measures to address current global issues, like access to medicines. In this regard, the law had become a role model, especially for developing and least developed countries. The new Copyright Act 2001 was in conformity with the TRIPS Agreement, the WCT and WPPT, provided a legal framework for countering piracy and counterfeiting of copyright and neighboring rights, and included border measures to address the importation and exportation of infringing goods. The Act established an autonomous copyright office with a Copyright Board, to be launched on October 4, 2002. The Delegation stated Kenya's intention of joining the WIPO Internet Treaties immediately after the launch of the Act. Amendments to the Trademarks Act were enacted in 2002, bringing the law in conformity with the TRIPS Agreement, the Trademarks Law Treaty and the Madrid Agreement and Protocol. Legislation on geographical indications and layouts of integrated circuits were in progress. The Delegation noted that in spite of these efforts, acts of counterfeiting and infringements were on the increase and were threatening the integrity of the IP system. In this regard, the Delegation requested WIPO's assistance in organizing seminars targeting all sectors of the economy, and noted that the Government had established an inter-institutional committee to address the issues of counterfeiting. Regarding the WIPO Digital Agenda, Kenya had actively participated in the work on the Internet domain name system and it supported the dispute settlement activities by the WIPO Arbitration and Mediation Center. WIPO's support in computerizing and automating KIPi and the Copyright Office was particularly commended, and KIPi had started using the WIPONET facilities, with staff working closely with IP offices in the region to implement the WIPONET facilities and facilitate networking among these offices, ARIPO and WIPO. Kenya recognized the importance of the protection of traditional knowledge and folklore, believed in the recognition of sovereignty in access to genetic resources, supported the activities of the IGC in collaboration with CBD, FAO, UNESCO and other relevant organizations, and urgently called for the speeding up of this process. The extension of the SME program to Kenya was appreciated, although the challenge remained to integrate the work of the IP offices with that of SMEs. WIPO had contributed to Kenya's effort in human resource development in IPR, by supporting both long and short term IPR courses, seminars and workshops, including the most recent held for Kenyan universities on the exploitation of IPRs. The Delegation noted Kenya's intention to request WIPO assistance for addressing the lack of patent application drafting skills. It also noted that Kenya had seconded some personnel to ARIPO and WIPO, thereby contributing to the global intellectual property network. In conclusion, the Delegation looked forward to continued cooperation with WIPO and expressed its satisfaction with the performance of WIPO in the biennium 2000-2001.

157. The Delegation of South Africa congratulated the Director General for the work done, as shown in the documentation presented. South Africa strongly supported the intellectual property system, and is in compliance with the international treaties or conventions in the area of IP. South Africa was in the process of reviewing and implementing its IPRs laws, to align national policies with international IP policies. The Delegation stated that the IP system, led by WIPO, should encourage special provisions on generic medicines, like the Roche-Bolar provisions, and go beyond the pharmaceutical, chemical or agro-processing issues to cover all patent disciplines. Countries should address public health and competition issues within the framework of national policies and international treaties like the TRIPS Agreement. The Delegation viewed Articles 6 to 8, which address the protection and enforcement of the IP system and contribute to technological innovation and transfer of technology, as needing interpretation to balance conflicting interests within the context of national or international



policies. South Africa was addressing this issue because it noted a dearth of international authority, and felt that WIPO could help in this area, seeking balance among the conflicting interests. WIPO needed to formulate model legislation in this regard, and the Delegation felt that failure to do so would be failing its Member States, particularly developing countries. It stated that there may be a question as to whether bilateral agreements between developed nations and developing nations in these areas were stifling international law or not. The Delegation stated that protection and commercialization of indigenous knowledge systems should be taken very seriously, in light of the decision of the Intergovernmental Committee, to the effect that States and regions should first develop regulatory frameworks within their jurisdictions. These crosscutting issues could slow progress in WIPO programs, such as the WIPO Patent Agenda or the audiovisual treaty. South Africa did not support concluding the Patent Agenda process without having concluded *à priori* certain issues relating to traditional knowledge systems. Similarly on the subject of technology transfer, the issue of traditional knowledge should be addressed politically prior to concluding related technology transfer issues. As to IP searching and examinations, the Delegation held the view that countries should be independently encouraged to take policy decisions proportional to their stages of development. Issues of geographical indications also related to traditional knowledge systems, and WIPO could provide leadership in that regard. It felt that IPR enforcement should be treated very carefully: South Africa regarded WIPO as the respected custodian of intellectual property principles, therefore the promotion of intellectual property enforcement through the establishing of a Committee by WIPO should be accompanied by other supporting structures. However, punitive action should not be taken against any Member State on the information used by individual Member States when acting unilaterally. WIPO should take a definite stance on these crosscutting issues and foster strong relations with other United Nations Agencies. In this regard, WIPO should reclaim its custodial position as to IPRs, so that international treaty conventions and policies could address and reflect economic, social and developmental issues. Regarding the Digital Agenda and domain names, the Delegation indicated that legislation relating to these issues had been enacted, and that all national legislation would be brought in line with this legislation. The Delegation raised their concern regarding the registration of country domain names. WIPO was invited to assist South Africa in implementing aspects of the World Summit on Sustainable Development, where that involved traditional knowledge and folklore, as well as in joining both the Madrid Protocol and the Geneva Act of the Hague Agreement, in the near future. Regarding collective management of copyrights, legislation was already in place. South Africa's Policy and Legislation Divisions have been formed, and the Registration Division cooperated with WIPO on promotional activities for the PCT, and on issues relating to the Nice Agreement and International Patent Classifications. In conclusion, WIPO was invited to increase its cooperation with African regional institutions, such as the African Union and the New Partnership for African Development (Nepad). Nepad may have Observer status at WIPO, and the Delegation encouraged WIPO to extend its hand also to the Southern African Development Community (SADC), as well as other African regional economic forums.

158. The Delegation of Algeria addressed sincere thanks to the Secretariat for the quality of the documents prepared and also for the excellent summarizing work done for the reports. The Delegation declared itself pleased with the vigor imparted to WIPO in recent years under the leadership of the Director General, and emphasized the latter's efforts and the part he had played in bringing about profound changes in the international intellectual property protection system and the transformation of WIPO into a forward-looking institution. It reviewed the various development cooperation activities undertaken by WIPO from which Algeria had benefited, notably the legal advice that had made it possible to bring its laws into line with internationally applicable standards and into conformity with the Agreement on

Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). It welcomed the initiatives in connection with staff training and the strengthening of means of action such as the modernization of management tools, which had been important aspects of cooperation. The Delegation then said how much it had appreciated the implementation of WIPO's cooperation program. It mentioned the holding of two seminars in Algiers, one on distinctive signs, including Internet domain names, and the other on the TRIPS Agreement. It wished also to see more analytical work done on intellectual property protection issues concerning small and medium-sized industries, and its relations with biodiversity, traditional knowledge, folklore and genetic resources. It paid tribute to the efforts made by WIPO to implement efficient IT facilities, and to the action taken in connection with the introduction of WIPONET and digital intellectual property libraries, not to mention the PCT computerization project. It said that it was particularly pleased with the distance-learning program launched by the WIPO Worldwide Academy, and noted the growing interest shown in the program. It announced that Algeria's accession to the PCT in 1999 had stimulated patent activities, with the industrial property administration recording more than 175,000 designations since it came into force in March 2000.

159. The Delegation of Venezuela referred to the assured leadership of WIPO in the face of new challenges, its ability to adapt to the constantly changing needs of countries and users of the intellectual property system. The intellectual property dimension encompassed all aspects of the creative activity of mankind that were specifically related to the economic and cultural environment, including education, health, technology transfer and innovation. Given the international community's broad participation in and access to the intellectual property system, it had to be considered an appropriate means of narrowing the gap between developed and developing countries, promoting the establishment of an appropriate framework for healthy, non-exclusive competitiveness. The Delegation pointed out that the development cooperation activities carried on by WIPO had been consolidated, with particular attention being paid to the need to forge collaborative links and empower national and regional intellectual property systems in such a way that they might contribute more effectively to national programs, especially in areas that previously were not protected. In the world context, that had brought about numerous changes in protection systems and had caused questions to be asked regarding their possible consequences. The main criticism was focused on the fact that protection was possibly being extended to countries that were creators or producers of new technology at the expense of a majority of other countries which saw themselves reduced to the role of importers. The Delegation said that the challenge was to overcome those problems of perception to ensure that the intellectual property protection system did not become an obstacle to development, but rather gave impetus to new opportunities. In that connection it expressed appreciation for WIPO's technical cooperation, and viewed with interest its global network strategy which aimed at not only streamlining communication and information but also allowing members to make maximum use of the advantages offered by the intellectual property system. The Delegation commended WIPO for the work done, especially through the Cooperation for Development Bureau for Latin America and the Caribbean, to identify needs and conduct its activities. One good initiative was the participation of officials from developing countries in WIPO's meetings and working groups. With regard to the protection of traditional knowledge, folklore and biological diversity, it was hoped that WIPO would broaden its own program and also the programs that focused on the development of SMEs. Bearing in mind that small and medium-sized enterprises were creators of jobs and producers of creative technological innovations for those purposes, their intellectual property rights should be duly recognized and preserved. The SME program should make it possible to upgrade international cooperation policies concerning them, and strategic alliances should be made to link local SMEs to the major

national and transnational cooperations. That would promote the improvement of the export and competition potential of SMEs in developing countries and at the same time provide the conditions for access to new markets and the protection of their own intellectual property activities. The Delegation spoke of the importance of the matter of indigenous and local traditional knowledge, and therefore hoped that there would be an increase in the resources set aside for creating national inventories of that type of knowledge. It also considered it important to create protection machinery for traditional knowledge with a view to its incorporation in the dynamics of development. Many countries were facing major challenges with the implementation of the intellectual property agreements (TRIPS), and in that connection any information on impact and cataloguing was crucial.

160. The Delegation of Trinidad and Tobago stated its support for the statement made by the Delegation of Barbados as GRULAC Coordinator, and wished to address some additional points. The PCT offered tremendous possibilities to users, and PCT applications in Trinidad and Tobago continued to rise, which was testing the capabilities of its Office. In this respect, the Delegation hoped that their country could count on WIPO's continued assistance and support. Demands for strategic commercial information in patent databases were also increasing, particularly from importers and manufacturers. Thus their country looked forward to the Secretariat for a rapid implementation of the automation project, in developing a patent database for Trinidad and Tobago. The Delegation urged WIPO to pay critical attention to the development of innovative, practical tools to disseminate intellectual property information, and to continue its excellent work in demystifying intellectual property. It appealed for the development of programs targeting policy makers and senior public servants. The SMEs e-mail newsletter launched by WIPO was praised, for highlighting excellent sources of electronic documents pertaining to intellectual property and SMEs. As a developing country, the Delegation could not overemphasize the importance of WIPO's continued work with SMEs, so that they would be better able to capitalize on the potential of the intellectual property system in commercial development. Trinidad and Tobago was looking forward to an allocation of resources by the Secretariat so that discussions between WIPO experts and SMEs in Trinidad and Tobago could begin to take place. The Delegation encouraged the Director General to continue allocating resources for ongoing consultations in traditional knowledge and folklore. It congratulated the WIPO Arbitration and Mediation Center on its work, particularly with the settlement of domain name disputes, and encouraged further extension of its operations to substantive work in mediation. Mediation in intellectual property in Trinidad and Tobago was becoming very important as an alternative to referring intellectual property problems to the Intellectual Property Office rather than the general Court system. The Delegation indicated that the modernization process had become more challenging for Trinidad and Tobago and, because of the consistent support of WIPO, it had been able to maintain its growth and development. Trinidad and Tobago therefore wished to extend its very sincere gratitude to the Director General and the Organization for the assistance given to the development of its Intellectual Property Office, and the leadership role it has shown in the development of other intellectual property Offices, particularly among developing countries.

161. The Delegation of the Philippines extended congratulations to WIPO for its accomplishments during the 2000-2001 biennium especially under the reported areas of IP Demystification, Modernization of the Intellectual Property Infrastructure, the Digital Agenda and Response to New Challenges. With reference to Cooperation for Development, the Delegation deeply appreciated the approval of the Nationally Focussed Action Plan (NFAP) on "Assistance in Enhancing the National Capacity for Intellectual Property Public Outreach of the Philippines," and looked forward to an early, closely-coordinated and successful

implementation that would demonstrate the usefulness of IP assets and the IP systems in development. Relevant activities would include the review and analysis of SMEs including compilation of success stories of local inventors and creators, university-based case studies on commercial and/or commercialized research, and the requisition of a mobile information kiosk. The Philippines reiterated its satisfaction with the progress made in WIPO's program for Cooperation for Development, together with other development partners. It gave assurances of its continuous support and readiness to participate in the various projects undertaken in the Asia and the Pacific region and suggested that WIPO expand the number of activities in the region and expressed willingness to organize them in the Philippines. The Delegation urged WIPO to assert a more active role in other international intellectual property fora, including the WTO TRIPS Council, so as to use its expertise, and contribute to reasoned and equitable protection of intellectual property among nations. As to programs undertaken by WIPO related to the legal aspects of intellectual property in areas of policy planning and formulation, particularly the promotion and preparation of IP legislation and other related issues, the Delegation urged WIPO to continue to extend advice and technical assistance related to infrastructure modernization of their Intellectual Property Office. In terms of national legislation, information technology requirements, and human resource development, the Delegation requested assistance to expand their ability to participate more fully in the Global Protection Systems, particularly in light of the WIPO Patent and Digital Agendas. Such assistance was crucial towards enhancing the capacity of its country to meet the challenges of the global economy, driven by rapidly changing technology. The Philippines, in this connection, mentioned that WIPO's assistance was invaluable in the implementation of the PCT following the country's accession in August 2001. The Philippines sought expanded training programs for its enforcement authorities – investigative, prosecutorial, customs and police officers, the judiciary, business and consumer associations – to strengthen institutional frameworks for more effective and efficient intellectual property rights enforcement. The Delegation likewise expressed its support for continuation of WIPO's work on enforcement, not only at the national level but also through regional and international cooperation. This could be undertaken in conjunction with aims to demystify intellectual property, including a wide spectrum of advice covering the youngest students through to the most mature members of the population. The Delegation fully supported regional initiatives, and specifically in the Philippines, enhancing SME competitiveness through IP promotion and protection. It took note of the work undertaken under the ambit of WIPO-ASEAN cooperation, specifically studying intellectual property and SMEs in the ASEAN, and its contributions to economic development. Policy makers recognized the increasing importance of assisting entrepreneurs to utilize these intellectual property system tools, to become more effective engines of national economic growth and producers of wealth. Thus the review and analysis of SMEs in the Philippines proposed under the NFAP in 2002 was an initial step in this direction. The Delegation strongly urged that the Diplomatic Conference on the Protection of Audiovisual Performances be reconvened, and that an international agreement be adopted, to safeguard performers' rights against the unauthorized use of their performances in audiovisual media. When established, such a treaty would be of foremost importance to Filipino performers as well as of major impact for the Philippine film, music and television industries, by facilitating exchanges of culture and entertainment worldwide. Performers, as beneficiaries, would see their economic and moral rights protected internationally. They would receive the same protection as was already granted to producers of sound recordings in the WIPO Performances and Phonograms Treaty (WPPT) as to the use of their talents and skills, not only in traditional media, but also on the Internet and in digital media. The Philippines was pleased to announce that it had deposited the instruments of accession to the WIPO Copyright and the WIPO Performances and Phonograms Treaties, on July 4, 2002. The Delegation referred to the WIPO High Level Regional Policy Forum to be held in the Philippines,

December 3-5 2002, with the assistance of the Japan Patent Office, and urged the Heads of the IP Offices in the region to mark those dates, in view of the great importance and significance of the matters to be discussed and the rare opportunity for IP Office Heads to meet personally. The Philippines expressed full support to WIPO's vision of using the intellectual property system as a vehicle for development, and looked to continue partnering with WIPO toward the realization of this vision.

162. The Delegation of Antigua and Barbuda endorsed the statement made by the Delegation of Barbados on behalf of GRULAC. The Delegation wished to congratulate the Director General and the entire WIPO Organization on the development of intellectual property, especially in addressing some of the concerns of developing countries. Antigua and Barbuda commended the tremendous work done in the areas of SMEs, traditional knowledge and folklore, and domain names. Special appreciation was offered for the WIPONET project, geared toward the modernization of intellectual property Offices with limited financial or technical resources, and for offering training opportunities to their office staff. The full development of the distance learning program would be timely, and Antigua and Barbuda looked forward to an increase in the number of courses available. WIPO's initiatives in the international patent system reform and the laws of trademarks, industrial designs and geographical indications were also timely. The Delegation hoped that these reforms would make the registration systems more user-friendly, as well as economical, encouraging innovators from developing countries to invest their talents and resources in the development of effective economic products. It hoped that these initiatives would continue to demystify intellectual property subjects for the public at large. Congratulations were offered by the Delegation on the implementation of the WIPO Copyright Treaty and the WIPO Phonograms and Performances Treaty. Antigua and Barbuda would be working towards ratifying these Treaties, and looked forward to the development of an agreement addressing the concerns and giving adequate protection for broadcasters' rights. Antigua and Barbuda had made strides in its efforts to strengthen the administrative structure for intellectual property. New legislation had been drafted and the drafting of the regulations to those draft laws would also be completed in the near future. The Delegation announced that a package of Bills would be passed by Parliament before the end of 2002. A site had also been identified for their new Intellectual Property Office and it was expected that the necessary infrastructure would be put in place for its efficient operation. Antigua and Barbuda were grateful for the cooperation received from WIPO, especially in drafting substantive legislative items and regulations, and looked forward to implementing an effective development program for the year 2003. It reiterated that improving their programs that were geared towards public awareness was critical. Several recommendations were made at the Ministerial-level meeting for Caribbean Ministers responsible for IP, in June 2002, held in Suriname. It was deemed crucial that WIPO address recommendations pertaining to the creation of programs for educational institutions, and that programs targeting policy makers, and the public in general, should be made priorities. The Ministers also recognized that the knowledge of the Heads of IP offices, judges and enforcement officers would need to be upgraded constantly so that enforcement mechanisms would continue to improve. Individual offices needed a proper assessment of their administrative structures and automation requirements. The Caribbean countries were faced with the challenge of developing regional mechanisms that would effectively promote, preserve and develop the region's intellectual property rights. However, while individual States had their own peculiar elements, the common historical, economical, cultural and social experiences were responsible for several common characteristics. In view of those obvious similarities and differences, the CARICOM Member States have to create a system addressing the needs of each individual State, while promoting themselves as a single territory in trade, investment and tourism areas. The Delegation therefore requested WIPO to assist the region

in every possible way, by defining a system that would address most of their concerns, and by devising a model that could be customized to suit its regional needs. Antigua and Barbuda confirmed its support for the Director General and WIPO and also its commitment to the development of intellectual property.

163. The Delegation of Jamaica concurred with the statement made by Barbados on behalf of GRULAC. The extensive documentation, particularly the 2000-2001 Program and Performance Report, showed that WIPO had been widening the scope of its programs to respond to the many growing IP needs of its Members. The Delegation noted WIPO's efforts to demystify the use and protection of IP, and stated that public awareness and outreach programs were vital to encouraging innovation and creativity. The commemoration of World IP Day and the National Intellectual Property Week in Jamaica were part of Jamaica's efforts to increase awareness and understanding of IPRs and their importance to nation building and economic development. Outreach activities were ongoing, with tertiary institutions such as the Norman Manley Law School and the University of Technology, as well as with law enforcement officers and the Jamaican Federation of Musicians. Plans were underway to extend education programs to as many secondary schools as possible. At the WIPO Ministerial Level Meeting on Intellectual Property for Caribbean Countries, held in Suriname in June 2002, Ministers had requested WIPO's assistance for the planning and implementation of a common strategy for the launching of an effective public awareness and enforcement campaign in the region. The Delegation observed that the WIPO Digital Agenda established a framework for initiatives responding to developments brought on by advances in digitally-based technologies. Jamaica welcomed the entry into force of the WIPO Internet Treaties, and noted that Jamaica had acceded to the WCT and the WPPT, following the deposit of the instruments of accession, during the Director General's official visit to Jamaica in March 2002. With regard to WIPONET, Jamaica was pleased that the project had commenced in the Caribbean sub-region and anticipated full participation by all Caribbean IP Offices. The Delegation noted Jamaica's active participation in the WIPO Diplomatic Conference on the Protection of Audiovisual Performances, in December 2000, and it anticipated further work in this area in the very near future. Jamaica was home to many SMEs, and ensuring their competitive performance in the globalized economy was tremendously important. Jamaica had supported the Director General's SME initiative in September 2000, and was pleased to see that a number of activities had been carried out, including national or regional workshops, and the launch of the SME website. The Delegation noted that the work of the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore was of considerable importance to developing countries. Cognizant that a well enforced IP system and modernized administration were essential components in promoting economic growth, Jamaica had taken significant steps to centralize all aspects of IP. This was made possible with the creation of the Jamaica Intellectual Property Office (JIPO) in 2000. The Delegation commended WIPO for its technical assistance to JIPO and requested further assistance in the areas of automation and training. According to the published UNCTAD study on Electronic Commerce and Music Business Development in Jamaica, the music industry offered the opportunity for development of an innovation-based competitiveness strategy for developing countries such as Jamaica. The UNCTAD study further stated that this global music industry was worth approximately 40 billion US dollars. This sector was of considerable importance to Jamaica, and it was putting into place the necessary infrastructure to safeguard the industry and ensure proper remuneration for Jamaicans. It would continue working with WIPO to implement an anti piracy system in Jamaica, along with a regional system for the collective management of copyright and related rights. The Delegation, in conclusion, desired to continue receiving the Secretariat's advice and assistance, through the NFAP for Jamaica.

164. The Delegation of the Islamic Republic of Iran noted that intellectual property rights were very important in the world economy. IP rights were an award by the world community for the new ideas and thoughts in scientific, technical, industrial, artistic and literary areas, so as to protect the rights of scientists, artists, innovators and researchers, and promote the process of growth, as well as scientific and artistic works in the community. Developing countries owned valuable treasures, in terms of literary and artistic works, as well as traditional knowledge, folklore and genetic resources. As a result, they needed fundamental and effective cooperation from the world community. In view of these issues and to protect national interests, Iran had made great efforts and taken serious steps to preserve and protect cultural values, by promulgating necessary amendments in various legal-economic fields, in order to benefit from globalization and promote permanent development. To achieve these objectives in the shortest possible time, Iran had created a close relationship with international organizations and societies; becoming a member to WIPO was one example. During the past year Iran had taken, with the close cooperation and technical, legal and training assistance of WIPO, effective and important steps for the promotion of intellectual property rights in the country. After becoming a WIPO Member State, a legal committee comprised of university professors, lawyers and judges began, with the cooperation of WIPO, a major substantive review of the existing laws and regulations relating to intellectual property matters, and amended them in accordance with international standards. The relevant draft laws would be prepared and submitted to the Parliament for final approval. A working group related to the High Committee of Traditional Knowledge had held regular meetings to review and study traditional knowledge, folklore and genetic resources, with the cooperation of different ministers and organizations, and that committee had been very successful. The serious and effective steps taken by WIPO in order to establish certain policies and systems for the international protection of traditional knowledge and folklore, should be continued and even increased. Developed countries should cooperate with the developing countries to achieve these efforts. A bill for the accession of the Islamic Republic of Iran to the Madrid Protocol as well as to the Madrid Agreement had been handed to the Council of Ministers and then submitted to Parliament for final approval. With the cooperation of WIPO, in order to increase awareness of university students, some preliminary steps had been taken to establish a Master's degree course on intellectual property rights in the two main universities of Iran. During the year 2001 some judges, university professors and experts of the Industrial Property Office, as well as different experts from various ministries and organizations, were sent abroad to undergo training. In the meantime, experts from WIPO had also visited Iran, to provide required training to local experts. With the cooperation of WIPO, a Regional Seminar on Patents and another Seminar on Copyright were held in Iran in 2001. In the years 2002 and 2003, an Inter-regional Seminar on Traditional Knowledge and a National Seminar on the PCT, Copyright and Customs were to take place in Iran. A project for modernization of the Iranian Industrial Property Office, which had started some years ago with the cooperation and direct supervision of WIPO, was currently being finalized and the Office would soon be able to provide services to IPR owners that would meet world standards. In conclusion, the Delegation of the Islamic Republic of Iran wished to express its sincere gratitude to WIPO, and in particular to the Director General, for the valuable and effective efforts taken to enhance intellectual property matters in the world, and for the valuable, unrelenting support and assistance to the developing countries. This Delegation announced its full support for the Director General's plans and projects.

165. The Delegation of Morocco subscribed to the statement made by the Delegation of Algeria on behalf of the African Group, and mentioned the main events that had occurred in Morocco in the intellectual property field. In legislation, the draft implementing decree of

Law 17/97 on Industrial Property Protection had been completed and was expected to come into force shortly, namely six months after its publication in the Official Gazette. It reported the progress in the number of applications for industrial property titles filed in the course of the first eight months of 2002: 3% for industrial designs, 14% for trademarks and 86% for patents. Apart from that, the Moroccan Industrial and Commercial Property Office (OMPIC) had held its third Board meeting in January 2002, at which time it had adopted a development plan for the 2002-2004 period focused on five things, namely the legal environment of industrial and commercial property; the promotion of innovation; the dissemination of information; procedural modernization and simplification; and training and awareness. In addition, as far as the modernization of its means of work were concerned, the development of the Office's Industrial and Commercial Property Information System (SIPIC) had continued, making it possible for applications for industrial property titles and also data concerning the Corporate Trade Register to be managed and monitored. The system provided moreover for the management of international applications under the PCT. An electronic archiving system for patents had also been introduced. At present the Office had a database of patent graphics coupled to the bibliographic database, and was planning to provide online Internet access to patents filed in Morocco, which represented more than 500,000 pages. With a view to the strengthening of its regional presence, the Office was in the process of expanding connections with its regional agencies by 10 to 18 as compared with the 28 that it already had. The Delegation mentioned the close relations it entertained with WIPO, but also with regional and national offices such as the European Patent Office (EPO), France's National Institute of Industrial Property (INPI) and the Spanish Patent and Trademark Office (SPTO). That cooperation took the form of technical assistance, notably in connection with structural modernization, staff training, data processing and documentation, and the organization of seminars and workshops. As for the program of cooperation with WIPO on training, it mentioned that the Office received delegations of officials from Arab and African national offices and also regional industrial property entities in connection with study tours and continuous training. It ended with the announcement that OMPIC was currently hosting a regional training workshop within the framework of WIPONET.

166. The Delegation of Sudan endorsed the statement made by Algeria on behalf of the African Group and commended the Secretariat's transparent reporting methodology. The Delegation noted that the Organization had delivered many new initiatives, including the new agenda for development of the international patent system, and the modernization on a wider scale of national IP Offices and their infrastructures. It considered the progress made in WIPO's public awareness and global outreach campaign as the driving force which would place IP at the center of socio-economic development policies. The Delegation expressed the view that WIPO's future work could be built upon an expansion of the cooperation for development activities related to IP, as well as on improving access to information on WIPO's work and the economic, cultural and social benefits which could be derived from it. The Delegation noted the progress in the modernization of the IP infrastructure during the biennium under review, based on the WIPO-WTO joint initiative aimed at extending technical assistance to LDCs, to enable those countries meet their requirements under the TRIPS Agreement. The Delegation expressed its country's gratitude to WIPO for its assistance to its national agencies in undertaking the reorganization of the IP department by "delinking" it from other institutions not dealing with IP as a priority in their area of competence, the review of the Patent and Trademark Acts, the technical assistance with respect to the process of finalizing measures to ratify the Madrid Protocol, and to WIPONET, and IP office automation projects in terms of extending equipment and training. However, we stand to be technically assisted by WIPO in the process of finalizing, in particular, the automation project. The Delegation noted that the reduction of costs associated with obtaining a patent through



WIPO's global protection system had increased the volumes of patent applications. The Delegation indicated that its long-term perspective with regard to the PCT conforms to a Patent Agenda which envisaged a patent system working as a catalyst for utilization of the IP potential, producing economic benefits in all countries, and Sudan looked forward to participating in the proposed international symposium in the near future. The new agenda, in the view of Sudan, is complementary to existing projects and would, if implemented in a balanced manner, make the benefits from patents within reach of all stakeholders. The Delegation noted the progress and activities made in the area of SMEs, notably IP sensitization, training of trainers, workshops and missions. It expressed its belief that the ground had been leveled for SMEs to take advantage of WIPO's support and advisory assistance, to enhance the productive capacity of the sector and improve its competitiveness. The Delegation pointed out, however, that it was the responsibility of national governments to build on this momentum and to provide the necessary resources for the empowerment of SMEs. With regard to modernization of the IP system, the strengthening of the capacity of developing countries and LDCs in formulating policies and updating legislation had been successful. The Delegation noted that 22 NFAPs had been completed, producing results such as institution building and enhanced IP administration for better services and results. The Delegation observed the implementation of 12 new NFAPs providing expert advisory missions, on-the-job training, and office automation, as well as the provision of information technology equipment to 57 national IP Offices. The Delegation concluded by offering support and cooperation to WIPO.

167. The Delegation of Romania congratulated the Director General and the Secretariat for the clear vision, the work and the results achieved, as detailed in the Program Performance Report and in the Program Implementation Overview. The Delegation welcomed the Director General's vision on demystifying IP and the efforts WIPO had made in that regard, and congratulated him for raising to the public agenda issues concerning traditional knowledge, genetic resources and folklore, and for the Consultation Meeting on Enforcement. The Delegation believed that the foregoing issues and activities, together with the achievements listed in the reports, all reflected the dynamic and strong character of the Organization. Regarding the importance of IP in Romania, the Delegation referred to the visit of the Director General to Romania in 2001, including meetings with the Romanian President, the President of the Constitutional Court, senior members of the Deputy Chambers, and members of the Government. The President of Romania had participated in the work of the second session of the WIPO Policy Advisory Commission, in October 2001, which dealt with the improvement of the international patent system with a possible evolution toward generalization and globalization, and the protection of genetic resources, traditional knowledge and folklore. The President of Romania emphasized a synthetic approach to Romania's requirements and the potential to connect to the evolution in the IP field, as well as the commitment of Romanian authorities to promote greater awareness of the value of IP and to strengthen the IP system in Romania. In 2002, the Prime Minister of Romania, in a meeting with the Director General expressed appreciation for the Cooperation Agreement concluded between the Romanian Government and WIPO, which constituted the framework of further development for training in IP, and illustrated the close cooperation between Romania and WIPO. The Delegation noted the activity at the Romanian Patent Office, which had processed several thousands applications for patents, trademarks and industrial designs, a number which had been constantly increasing in the last two years. The Delegation pointed to the ratification of the Geneva Act of the Hague Agreement Concerning the International Deposit of Industrial Designs; the law which amended the law of the repression of unfair competition; the law concerning the activity of professional representatives in the field of industrial property; and the law regarding the enforcement of industrial property rights in

Customs operations. Recently, the new law amending the Patent Law and the new law regarding the fee regime in the field of industrial property, were enacted. Procedures by the Parliament were underway concerning the bill for the accession of Romania to the European Patent Convention, as well as a bill to amend the Design Law. Regarding the activities of dissemination of information in the field of industrial property, the Delegation noted that in the last two years, several national seminars had been organized in various areas of Romania, with participation in fairs and exhibitions, and further development in sustained activities of the 14 regional centers for the promotion of industrial property protection. In June 2001, a seminar on the enforcement of industrial property rights had been organized in Romania by WIPO and WTO. In the framework of the Cooperation Agreement between the Romanian Government and WIPO, a Seminar on Intellectual Property in Small and Medium-Size Enterprises had been held. The Delegation referred to World Intellectual Property Day, and noted that to mark the event, the Romanian Patent Office and the Romanian Copyright Office had organized an anniversary symposium under the patronage of the President of Romania. For the same occasion, the Romanian Copyright Office had organized, in cooperation with the local private anti-piracy associations, a series of actions for the dissemination of information concerning the IP system, in different high schools in Romania. The Delegation observed that building of the extension of headquarters of the Romanian Patent Office had been concluded, and had become functional for all employees; further development in technical equipment for the automation system was underway. The Delegation concluded by thanking WIPO for its constant support and cooperation.

168. The Delegation of France thanked the Secretariat for the work done in the course of the 2000-2001 biennium and the first half of 2002. In its eyes, there were three priorities to be considered. First, it considered it necessary to continue the reform of the patent system in the interest of applicants. With that in mind, the Delegation was pleased with the achievements of the last two years as a result of the reform of the procedure, and hoped for the most significant harmonization possible of substantive patent law (SPLT negotiations). It emphasized the importance of the computerization of the filing procedure by means of the IMPACT project, the elements of which had to be compatible with those of the European Patent Office (EPO), and which should result in gains in productivity and in significant procedural simplification for applicants. The policy of reducing fees for applicants should be maintained in spite of the investment needs of WIPO. The Delegation went on to express its support for an enhancement of the role of industrial property in long-term development. In order to achieve that aim, it said that everything had to be done to ensure that the instruments of industrial property were better known to and used by operators in developing economies. That applied to patents and trademarks but also to designs and geographical indications, notably in the field of folklore, handicraft and local produce. It declared itself in favor of any measure of cooperation between national offices at a regional level, but also between such offices and WIPO. It pointed out that the French authorities were participating actively, notably with the involvement of French funds in trust, in intellectual property training and awareness-building. Finally, there should be some tailoring of industrial property use to the needs of the companies and economies concerned, with emphasis being placed in particular on positive action against counterfeiting for the benefit of consumers, but with an eye to cost-saving and procedural simplification. The Delegation also considered it essential, as its third priority, to protect creation and cultural diversity. It mentioned the motivating role that WIPO had to continue to play in the protection of creators and cultural industries, in such a way as to promote the development of the cultural aspect of globalization and in order to strike a balance between the protection of the owners of copyright and related rights on the one hand and the widest possible dissemination of cultural works on the other. The Delegation said that it was willing to apply its resources and skills to that essential task.

169. The Delegation of Haiti subscribed to the statement made by the Delegation of Barbados on behalf of the Group of Countries of Latin America and the Caribbean, and paid tribute to the work done by the Secretariat. It thanked WIPO for its assistance in terms of cooperation for development and human resources, which had enabled a number of Haitian officials to take part in the training sessions of the Academy, as well as various workshops and meetings organized by WIPO. The Delegation considered it essential to build up institutional capacity, that being a key prerequisite of the development of a lasting intellectual property policy. It encouraged WIPO to continue in its efforts to strengthen the assistance that it gave developing countries in that area. With regard to technical assistance, especially that connected with IT services, it said that it was one of the beneficiaries of WIPONET, the world information network project, and that it was awaiting the implementation of subsequent stages with interest. The Delegation wished to reiterate its support for the Least Developed Countries (LDC) Unit, as the economic status of those countries meant that they required special assistance. It went on to praise the various initiatives of the Unit, notably the joint WIPO-WTO workshop organized in Tanzania for the implementation of the TRIPS Agreement which followed the Doha Ministerial Conference. It ended with the wish that the Unit might be provided with additional means in terms of both human and financial resources.

170. The Delegation of Honduras said that its country was a full participant in the globalization process and a beneficiary of the economic opportunities that it afforded. Honduras had made considerable efforts in recent years to attract investment with a view to providing more employment opportunities and worthy living standards for its people. A vital requirement, if capital were to be attracted, was to bring about a situation in which investors had confidence in the country, and in order to create such confidence it was necessary to have a trustworthy protection regime for intellectual property, and to improve the country's understanding of intellectual property, including its significance, scope and benefits. The Delegation further announced that improvements had been made to the legal framework for intellectual property, while an inter-agency system had been created. In all those efforts they had been able to rely on highly effective cooperation from WIPO, which ranged from technical input to the development of information systems and training. It said that the introduction of WIPONET had provided its country with an extremely valuable instrument for the processing and transfer of information. It announced the organization of a workshop on intellectual property and its significance for small and medium-sized enterprises. It encouraged WIPO to continue to work on improving the capacity of the governmental and private sectors with a view to providing small and medium-sized enterprises with appropriate intellectual-property-related services. It also mentioned that Honduras had recently ratified the WCT and WPPT, and requested WIPO to organize a workshop in consultation with its Government to help publicize the implementation of the two treaties at the national level. Apart from that Honduras had submitted a proposal on the protection of the rights of broadcasting organizations, with a view to its being included in the comparative table of proposals received by the Government in relation to the eighth session of the Standing Committee on Copyright and Related Rights, due to be held from November 4 to 8, 2002. The Delegation made a special mention of the collaboration received from the WIPO Cooperation for Development Bureau for Latin America and the Caribbean, and hoped that it would continue to receive cooperation with emphasis on educational and training aspects. Finally, the Delegation was pleased to note documents A/37/3 and A/37/4 on the programs implemented by the International Bureau of WIPO during the period under review, and expressed interest in WIPO continuing to provide cooperation and technical assistance in following up the requests submitted by the Government of Honduras.

171. The Delegation of Bangladesh observed that, under the Director General's leadership, WIPO was now better equipped to meet the challenges of a rapidly evolving intellectual property environment. In this era of globalization, countries such as Bangladesh found it difficult to keep pace with the developments. While export-led growth in LDCs was taking firm root, those countries' share of world trade was steadily declining. Coupled with shortcomings in technology and economic development, the Delegation believed that LDCs had failed to derive benefits from the opportunities of globalization. The Delegation underscored that intellectual property was a relatively new area, and it indicated that LDC's must develop the capacity to utilize the IP regimes currently in existence. For this reason, capacity-building in LDCs was vital. Seminars and workshops were important and useful tools for creating awareness, but it was equally important to develop indigenous capacity in the institutions. The Delegation stressed that WIPO was in a unique position to contribute positively to the growth and development of IP knowledge in LDCs. Through its knowledge-based professional services, WIPO could render invaluable assistance. WIPO's programs and activities in creating greater public awareness, infrastructure development and capacity-building had been noteworthy. The Delegation requested that WIPO define policies and design strategic measures for long term capacity-building in the LDCs, complemented by country-specific technical assistance programs. The Delegation noted that it was heartening that WIPO had expanded its reach to areas of traditional knowledge, genetic resources, electronic commerce, and SMEs. The potential in each of these areas was vast, and there was a need to explore all opportunities for the greater benefit of everyone. Equally important for LDCs was the TRIPS Agreement, which had added new dimensions to IP regimes, and in which there was a powerful tool to utilize for the common good. The Delegation indicated that WIPO had identified five core areas of deliverables to generate knowledge capital, and called upon WIPO for the speedy and expeditious implementation of programs in those areas. The Delegation observed that in Bangladesh, WIPO had taken up projects for modernizing IP offices under a Nationally Focussed Action Plan (NFAP), and discussion was underway for initiating the WIPONET project. Also, Bangladesh was in the process of installing a basic integrated industrial property database for its patent office, with the assistance of WIPO. The Delegation pointed out that with financial support from WIPO, a number of IP and enforcement officials from Bangladesh had been able to attend WIPO-sponsored seminars and training workshops. The Delegation thanked WIPO, for the support and assistance in developing and modernizing IP systems in Bangladesh, and noted that it was pleased with WIPO's commitment to the issues of particular concern to the LDCs. It would like to see enhanced allocations to the cooperation for development activities in the LDCs, to enhance the assistance provided to the LDCs in capacity-building, infrastructure development, and human resource development.

172. The Delegation of Madagascar said that it fully endorsed the statement made by the Delegation of Algeria on behalf of the Group of African Countries. It addressed its thanks to the Secretariat for the clarity of the documents submitted, and was pleased that the objectives mentioned in the report on program implementation during the 2000-2001 biennium had been achieved. It expressed satisfaction with the implementation of information technology through the WIPONET project, and sincerely thanked WIPO for having made it one of the first countries to benefit from the project; the material and equipment for the purpose had already been conveyed to the Malagasy Industrial Property Office (OMAPI), but the network was not yet operational, as the completion of the subsequent stages was being awaited. It expressed the wish to hold a national seminar on the PCT for the benefit of the private sector, in view of that sector's important contribution to the economic development of its country, and it asked for WIPO assistance in organizing it. The seminar would also be open to the staff of universities and research and development organizations. It ended by restating its desire to

consolidate its relations with WIPO, notably in the field of staff training and the modernization of its country's industrial property structure.

173. The Delegation of Malta expressed deep gratitude to the Director General for his leadership of the Organization. Under his leadership, Malta had benefited from the technical cooperation program of WIPO. The Delegation also expressed its appreciation to the Division for Cooperation with Certain Countries in Europe and Asia for their assistance throughout the biennium. The assistance received from WIPO had been vital for Malta to meet its obligations under the TRIPS Agreement, not only in terms of the legislation that had been enacted, but also in terms of capacity building and training for various officials. In concluding, the Delegation thanked the Secretariat for preparing the documents under consideration.

174. The Delegation of Tajikistan noted that in July 2001 Tajikistan had received observer status at WIPO and that it was fully determined to become a full-fledged member of the Organization within the next two years. The Ministry of Trade and Industry in Tajikistan was well aware of its role to protect intellectual property, and the Patent Office had drafted a new law on inventions and industrial designs to be handed to Parliament very soon. A draft law on geographical indications, following present trends in WIPO, had been finalized. The Delegation pointed out that all draft laws fully corresponded to the requirements of the TRIPS Agreement. In 2001, World IP Day was celebrated in Tajikistan for the first time ever, and April 26 had become a public holiday. The Delegation expressed its gratitude to the Director General for his attention to the national intellectual property system in Tajikistan, including for assistance regarding problems related to the WTO. In conclusion, the Delegation expressed its full approval with the program performance report for the 2000-2001 biennium and the program implementation review for the period January 1 to June 30, 2002.

175. The Delegation of the United Republic of Tanzania endorsed the statement made by Algeria on behalf of the African Group and expressed its satisfaction with the overall performance of the Secretariat, as presented in documents A/37/3 and A/37/4. Through the Nationally Focused Action Plan (NFAP), Tanzania had received various technical assistance from WIPO. One example was the project aimed at introducing an anti-piracy device for music and other audiovisual recordings, which required the strengthening of copyright protection, including the strengthening of the copyright office. Tanzania had also benefited from two seminars, in 2001 and 2002, on the handling and processing of PCT applications. In April 2002, Tanzania had the privilege of hosting a regional workshop for Sub-Saharan Africa and Haiti, sponsored by WIPO, the WTO and the Government of the United Republic of Tanzania, on the implementation of the TRIPS Agreement. Tanzania was, through its Copyright Society (COSOTA), in the final stages of negotiating with the users of copyrighted works, for purposes of collecting royalties for distribution to the right owners. The Delegation thanked the Director General for WIPO assistance in this process. For two consecutive years, Tanzania had been marking the African IP Day on September 13, resulting in an increased awareness of IP among intellectual property stakeholders and the establishment of a *de facto* IP forum. Members of the forum included universities and other higher education institutions, research and development centers, the business community, individual researchers and inventors, creators of literary and artistic works, etc.. Plans were underway to legally formalize the forum and it was believed that it would kick-start the preparatory works for the formulation of Tanzania's Intellectual Property Policy, scheduled to begin in the next budget period of the IP office. In conclusion, the Delegation noted that the forum would also coordinate the use of technical information contained in patent documents in the future, for which WIPO assistance would be highly appreciated.

176. The Delegation of Pakistan noted that Pakistan's intellectual property institutions would be rationalized by bringing together the existing three intellectual property offices, dealing with patents, trademarks and copyrights and presently reporting to different Ministries, under a single autonomous intellectual property authority. This would introduce greater efficiency in the administration of the intellectual property system and would permit long-term planning for the strengthening of the system. It would further allow a proper consideration of cross-cutting issues, such as intellectual property and competition policy. Pakistan was also rapidly moving towards a modernization of the intellectual property legislative framework and it would soon be depositing its instrument of accession to the Paris Convention. Serious consideration was also being given to joining the Patent Cooperation Treaty and the Madrid Protocol. A number of projects were being undertaken aiming at benefiting from the linkages between IP and economic development and enhancing the country's capacity to utilize these linkages. Such projects included: the establishment of centers, in association with major research and academic institutions, that would provide patent information services to researchers and businesses to enhance national research and development capacity; the establishment of databases on traditional knowledge, especially on traditional medicine, to protect traditional rightholders; the setting up of databases on geographical indications of local products, and establishment of the necessary mechanisms for protecting such geographical indications; the creation of greater awareness in the business sector on the need for using the trademark system, especially by pursuing branding strategies for their products and services; the sensitization of SMEs on the necessity for using IP mechanisms in order to enhance their competitiveness; the incorporation of IP concerns into the regulatory framework being developed for the conduct of e-commerce; and, the introduction of proper teaching and training courses on IP in law and business schools and engineering faculties, aiming at developing a community of IP practitioners. The Delegation noted that in several of the above areas, Pakistan had received significant assistance from WIPO, and it looked forward to continuing the cooperation. It concluded by expressing its support for WIPO's vision of enabling countries to fully realize the developmental effect of intellectual property, and stated that it would endeavor, in cooperation with WIPO, to translate that vision into reality in Pakistan.

177. The Delegation of Yugoslavia addressed its sincere thanks to the Secretariat and said that it was grateful for the various forms of cooperation that it had received to date. At the national level, it announced that important changes had been made to all intellectual property laws with the support of the European Union's Reconstruction Agency and the World Trade Organization (WTO). The revised laws on patents, trademarks, copyright and related rights, designs, appellations of origins and topographies were due to enter into force by the end of the year. On international issues, the Delegation mentioned that it was in the process of ratifying the Geneva Phonograms Convention, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). It spoke of the delegation pointed to the implementation of specific measures on enforcement machinery and on the collective management of the copyright and related rights in works, and announced the introduction of training for judges in intellectual property litigation. It concluded by expressing the wish that the current discussions on a cooperation contract with WIPO might continue.

178. The Delegation of Costa Rica fully supported the text of the statement made by the Delegation of Barbados as GRULAC coordinator. The Delegation thanked WIPO for all the assistance provided, especially in strengthening the institutional mechanisms of intellectual

property. Costa Rica attached great importance to intellectual property development, since that stimulated human creativity, broadened the frontiers of science and technology, and enriched the world of literature and the arts. In addition, intellectual property rights were a key factor in the development of economies, technological innovation, interaction between different sectors of society, culture and traditional knowledge. Intellectual property should be a development instrument for peoples, which respected the ideas that each day transformed societies. The new millennium presented significant challenges. The evolution of the areas of information technology and the Internet obliged States and WIPO to respond to new challenges. Intellectual works such as inventions, designs, marks, books, music and films were, *inter alia*, essential elements of human reality, and should be stimulated and protected by appropriate means. Everyone was agreed as to the task of finding responses to new challenges and demands through the competitiveness of markets and worldwide technological modernization. Costa Rica supported WIPO's fundamental priorities, the demythologizing of industrial property, the modernization of intellectual property infrastructures and the digital program; as well as the expansion and scope of programs on traditional knowledge, genetic resources and folklore, electronic commerce and assistance for small and medium-sized enterprises. Moreover, the Delegation highlighted the importance of topical themes in the age of technology as a priority in the development program. The Intellectual Property Registry in Costa Rica was undergoing a modernization process in areas such as the production and use of electronic files and the Internet, the development and use of a conciliation and arbitration center in the National Registry, and the auditing of computer systems used by Government bodies. It was hoped that the cooperation processes with the Organization would continue in areas such as training, software development, technical cooperation through specialized advice and acquisition of technical documents. As regards copyright, the administration encouraged a process whereby the Registry was strengthened. The principal task was to equip it not only with logistical support, but also to train its staff to carry out conciliation and arbitration duties between users of the service and also of audits. As to industrial property, the main actions undertaken were the modernization of computers and technology in general, and staff training, as well as generating significant legislative reform. In the area of genetic resources, traditional knowledge and folklore, it was important to establish a precise framework for action and protection of the descendant indigenous and Afro heritage. The protection of the knowledge of our ancestors and the appropriate use of natural resources should be rationally applied within a framework guaranteeing and protecting rights of their lawful owners. The Delegation noted the great importance of cooperation and joint work with WIPO, and welcomed the organization of seminars and visits by WIPO experts and officials. The Delegation also provided information on the creation of an administrative registration tribunal, the task of which would be to issue case-law on registration matters. This tribunal belonged to the National Registry and replaced the duties carried out in this area by the Second Chamber of the Supreme Court of Justice. Furthermore, the Delegation pointed out that the WCT and WPPT had been ratified by Costa Rica, thereby providing it with a body of rules which safeguarded the interests of creators in cyberspace, and opening up new horizons so that composers, artists, authors and other persons could use the Internet in the knowledge that they could create, distribute and monitor the use of their works in the digital environment. Finally, the Delegation indicated that safety should be provided for the protection of intellectual property through administrative, legal and judicial channels, since this was considered to be one of if not the most important element(s), for the purpose of consolidating inventions and, in particular, providing inventors or authors with dignity.

179. The Delegation of the Republic of Moldova wished to express its support for the re-election of Dr. Kamil Idris as WIPO Director General for a second term in office. The Delegation also noted the high quality of the presented documents and approved the Program

Performance Report for 2000-2001, which fully reflected the Program and Budget adopted in 1999 by Member States. The Delegation expressed its gratitude for the assistance that WIPO had provided to the Republic of Moldova, including the training of national IP Office officials and teachers from the Intellectual Property Institute, the organization of various seminars on enhancing the level of protection of inventions, trademarks, geographical indications, and industrial designs, the introduction of new databases, the WIPONET project, and assistance in bringing national IP legislation in line with European Community requirements. The Delegation hoped that WIPO would continue its support to the Republic of Moldova in the future in the field of IP and SMEs and in introducing progressive technologies into the national economy. The Republic of Moldova currently holds the chair of the CIS Interstate Council on Industrial Property Protection, and WIPO's assistance in organizing seminars on this issue was therefore highly appreciated. In conclusion, the Delegation was confident that the cooperation between WIPO, the Republic of Moldova and the CIS Interstate Council on Industrial Property Protection would promote the further enhancement of the role of IP in the CIS countries.

180. The Delegation of Colombia shared the sentiments of the statement made by the Delegation of Barbados on behalf of GRULAC. It mentioned the great importance of intellectual property as an instrument of economic, social and cultural development, and the prominence that it had been acquiring in recent years in the technological environment. For that reason it considered that the main task incumbent on WIPO was to rise to the great challenges in a firm and efficient manner, driving the protection of intellectual property forward and strengthening systems at the regional level through programs of cooperation for development, promoting and also facilitating innovation and the encouragement of small and medium-sized industries. It recognized the valuable contribution that WIPO could make with technical assistance and academic training, both essential cooperation mechanisms for the strengthening of intellectual property systems and easing of integration in the globalized world economy. It expressed thanks for the cooperation received from WIPO, and expressed interest in continuing to benefit from that cooperation, especially for physical, technological and training infrastructures.

181. The Delegation of Nepal endorsed the statement made by India on behalf of the Asian Group and thanked the Director General for his dynamic leadership, vision, and personal commitment. It noted the results-oriented nature of the program performance report for the 2000-2001 biennium, and expressed its appreciation that the concerns of developing countries, and in particular LDCs, had been taken fully into account during program implementation. The Delegation expressed its full support for innovative initiatives, in line with the Director General's Vision and Strategic Direction of WIPO, such as the WIPO Digital Agenda and the modernization of IP infrastructure. It noted that the WIPO-WTO joint initiative to provide legal and technical assistance for the implementation of the TRIPS Agreement was particularly useful. WIPO had assisted Nepal in the preparation of national IP legislation compatible with WIPO administered treaties and the TRIPS Agreement, and a number of seminars had been conducted, in cooperation with His Majesty's Government of Nepal, as well as the civil society. The role of the WWA had been very important in providing teaching, training, advisory and research services and the Academy had created a forum for policy and decision-makers from LDCs, including Nepal, to debate the implications of IP in economic and social development. The Delegation expressed its full appreciation for the development cooperation rendered by WIPO. It noted that the main challenge ahead for LDCs policy-makers, scientists and civil societies was to preserve and apply the acquired knowledge for sustainable development. SMEs were the driving force in the LDCs, but their innovation and creativity had not been exploited to the optimum level. The Delegation



invited WIPO's further assistance in this matter. LDCs were rich in genetic resources, traditional knowledge and expressions of folklore, which were important part of their cultural and natural heritage. Therefore, the need for the protection of genetic resources, traditional knowledge and expressions of folklore should be viewed within the context of a larger socio-economic and cultural development. The WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore provided an opportunity to exchange views on these issues. In order to empower LDCs to better reap the benefits of the global IP information resources, IP Offices in LDCs needed to be equipped with Internet connectivity and provided with basic equipment and training. The Delegation expressed its appreciation for the WIPONET program, and noted that the implementation of WIPONET had started in Nepal. Global cooperation was becoming increasingly necessary in the knowledge-based economy and WIPO should play a leading role in bridging the knowledge divide and should be taking more effective part in further narrowing the existing digital divide. The Delegation concluded by assuring its close cooperation with Member States and the Director General in making WIPO a truly member-driven international organization.

182. The Delegation of the Democratic Republic of Congo endorsed the statement made by the Delegation of Algeria on behalf of the Group of African Countries, and thanked the Secretariat for the work that it had undertaken in the course of the 2000-2001 biennium, and for the quality of the documents. It then gave an account of the main action undertaken by its country in the course of the year in close collaboration with WIPO. The Congolese Ministry of Industry, Trade and SMEs had for instance organized an awareness seminar the previous May on industrial property activities and the PCT patent registration system for the benefit of officials, magistrates, economic operators, researchers and inventors. It announced that, as a result of the seminar, its country was contemplating accession to the system under the PCT, and that other dossiers were under consideration, including the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods and the Hague Agreement Concerning the International Deposit of Industrial Designs. It said that the law governing industrial property was at present undergoing revision to bring it into line with international standards in force. The new text, finalized in collaboration with WIPO, should be promulgated by the national legislative authorities in the course of 2003. The Delegation spoke of its gratitude to WIPO for the technical assistance received, notably the supply of IT materials to the Ministry of Industry, Trade and SMEs, which would soon be connected to WIPONET. With regard to copyright and related rights it mentioned that its country had a vast store of cultural and artistic potential, and considered it necessary to draw up rules for its proper management. It went on to say that the Ministry of Culture and the Arts was currently engaged in "resurrecting" the old National Society of Artistic Publishers and Composers (SONECA), a body that would provide management facilities for musical performers. It also announced that Congo had asked for WIPO assistance with the revision of the law on copyright and related rights. It ended by expressing the view that it was essential to relaunch intellectual property awareness activities in its country in order to arouse interest in intellectual property in all people, including young students and academics, by incorporating an introductory course on intellectual property in their program.

183. The Delegation of Kyrgyzstan commended the activities undertaken by WIPO in the biennium 2000-2001, particularly those carried out in respect to cooperation for development, the WIPO Worldwide Academy, the WIPONET, SMEs and traditional knowledge, genetic resources and folklore. Concerning Kyrgyzstan's cooperation with WIPO, two national seminars had been organized; on TRIPS related matters and customs measures relating to IPR, technical assistance had been received for enhancing the national system of collective management of copyright and neighboring rights, and with WIPO's support Kyrgyzstan had

become a member of the International Confederation of Societies of Authors and Composers (CISAC). During the biennium, Kyrgyzstan had acceded to four international treaties administered by WIPO: the Patent Law Treaty (PLT), the Trademark Law Treaty (TLT), the WIPO Performance and Phonograms Treaty (WPPT) and the WIPO Copyright Treaty (WCT). In declaring the great importance attached to the cooperation with WIPO and the recognition of the key role played by WIPO in the 21<sup>st</sup> century, the Delegation stressed the special significance of the visit of the Director General to Kyrgyzstan in February 2001. It emphasized that this visit had greatly contributed to give new momentum to the cooperation between Kyrgyzstan and WIPO. It noted that the national Intellectual Property Office, set up with the assistance of WIPO, would celebrate its 10<sup>th</sup> Anniversary in 2003 and that its mandate was currently including matters related to science, technology and intellectual property in order to ensure a good synergy among these interrelated fields. In concluding, the Delegation underscored the importance of SMEs in the social and economic progress of Kyrgyzstan and requested WIPO's assistance for the organization in 2003 of a seminar for SMEs and IPR specialists.

184. The Delegation of Liberia expressed its gratitude to the Director General and the Secretariat for the assistance provided to Liberia in strengthening its intellectual property system. The Delegation referred in particular to a three-day awareness seminar, held in June 2001 in Monrovia, on Intellectual Property, Trade Development Protection and Administration, and to WIPO's sponsorship of a five-day study visit to the Ghana Copyright Office by three staff members of the Liberia Copyright Office, and of the participation of two staff members of the Liberia Industrial Property Office to a three-day seminar in Lusaka, Zambia, in May 2002. The Delegation expressed the hope that Liberia would continue to benefit from WIPO's support in its endeavors to bring its intellectual property system in line with international standards. It declared its satisfaction for the entering into force in 2002 of the WIPO Performance and Phonograms Treaty (WPPT) and the WIPO Copyright Treaty (WCT), and stated that Liberia followed with special attention the copyright developments taking place at the international level within WIPO and was pleased to participate in the discussions that were relevant to the development of the global copyright industry. It further reported that the Liberian Copyright Act, which was passed in 1997, gave the Copyright Office a wide mandate, including to ensure compliance with the Copyright Act, to encourage the establishment of national collective societies and the formulation of policies to empower these societies to enforce authors' rights, the safeguard of intellectual property rights related to folklore, and the promotion of the dissemination of national works in Liberia and abroad. The Delegation added that, in spite of its financial and human resources limitations, the Copyright Office had resolved to conduct a nation wide awareness program on the importance of copyright, had compiled substantial data on pirated intellectual property works (music cassettes and audio video cassettes) in Liberia, and had solicited cooperation from the Ministry of Justice for the enforcement of copyright. Furthermore, necessary arrangements were being made for the establishment of a collective copyright society in Liberia. The Delegation urged WIPO to provide further technical assistance to support the Copyright Office in its endeavors. In respect to the field of industrial property, the Delegation expressed its appreciation for WIPO's assistance in the drafting of a new Industrial Property Law which was presently awaiting enactment by the Liberia National Legislature. The Delegation acknowledged the important role played by SMEs in economic growth and development and stated that the Government of Liberia had put in place a mechanism to encourage active participation of indigenous entrepreneurs in the national economy and, in this respect, it expressed its hope that the WIPO Nationally Focus Action Plan for Liberia, the implementation of which had been foreseen for 2000-2001, would be updated and to include,

*inter alia*, the provision of equipment and of training opportunities related to SMEs, and implemented accordingly.

185. The Delegation of Nigeria endorsed the statement made by Algeria on behalf of the African Group and commended the Director General for his innovative policies and programs, such as the WIPONET, the WIPO Digital Agenda and the WIPO Worldwide Academy, each of which contributed to the empowerment of developing countries and, to their enhanced capacity to participate in the global economy. The Delegation noted with appreciation the Program Performance Report for 2000-2001 and the Program Implementation Overview covering the period January to June 2002, which showed the quest of WIPO to make intellectual property relevant to all societies, States and actors, be they governments, civil society or the private sector. The Delegation stated that the New Economic Program for Africa's Development (NEPAD), elaborated by African leaders and endorsed by the General Assembly of the United Nations in 2002, identified two IP issues as very critical to African development, namely the bridging of the digital divide and the issue of traditional knowledge, genetic resources and folklore. The Delegation acknowledged that WIPONET and the automation of intellectual property Offices represented a great contribution to the narrowing of the digital divide and it looked forward to a completion of WIPONET in the near future. Likewise, it hoped that the ongoing discussions in the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore would enable the protection of traditional knowledge in Nigeria and enhance benefit sharing. The Delegation expressed its appreciation for WIPO's assistance in facilitating the implementation of projects, such as the promotion of geographical indications, promotion of textile designs, and on the development of computer software for collective management of copyright in African countries (AFRICOS). The Delegation joined other Delegations in their request to WIPO to allocate more budgetary resources to the cooperation for development activities in Africa. In conclusion, the Delegation thanked the Director General for the assistance received in 2001 for the automation of the Intellectual Property Offices in Nigeria and for assistance in making the national intellectual property legislation compatible with Nigeria's obligations under the TRIPS Agreement. It also stated that it looked forward to the possibility of organizing a PCT seminar in Nigeria, in cooperation with WIPO.

186. The Delegation of Angola associated itself to the statement made by the Delegation of Benin, on behalf the Least Developed Countries (LDCs). It expressed its full appreciation for the creation within WIPO of a Least Developed Countries Unit and for the significant contribution that unit had already made to the development of intellectual property institutions in LDCs.

187. The Delegation of Armenia announced that, by governmental decree of March 6, 2002, the Armenian Patent Office and the National Copyright Agency had been merged, forming the Intellectual Property Agency of the Republic of Armenia, under the Ministry of Trade and Economic Development. In 2001, within the framework of the Partnership and Cooperation Agreement between Armenia and the European Union, work had been undertaken to align the legislative instruments of the Republic of Armenia relating to industrial property matters with those of the European Union. In addition, work towards aligning its law on patents with the provisions of the WIPO Patent Law Treaty was continuing. On April 26, 2001, Armenia celebrated the World Intellectual Property Day. On this occasion, the Patent Office cooperated with the National Copyright Agency to hold a grand meeting in the Academy of Science's Assembly Hall, providing an opportunity to emphasize the significance of creativity and innovation in peoples' daily lives. On January 26, 2002, the Armenian Patent Office celebrated its 10<sup>th</sup> anniversary and, in cooperation with WIPO, organized a national Seminar

on Valuation and Commercialization of Industrial Property Assets, held in Yerevan in March 2002. Armenia underlined that one of the main activities of the Copyright Agency was the improvement of protection of copyright and related rights matters; it was thus undertaking updates to its Law on Copyright and Related Rights, with amendments that would harmonize with international conventions, including the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The issue of Armenia's accession to the Rome Convention and the Geneva (Phonograms) Convention had passed the National Assembly, and had been submitted to the President of Armenia for ratification. The Delegation stated that an active policy against copyright piracy continued to be pursued. It also indicated that new non-governmental collective rights societies, which had been established and in operation since 2001, had taken over from the National Copyright Agency the collection and distribution of authors' royalties. Armenia was pleased to inform that in 2001 some 155 applications for inventions and 13 applications for utility models were filed with the Patent Office: a 21.6% increase over 2000. Meanwhile, 407 international applications through the Madrid Agreement and Protocol, and 806 trademark applications were filed in 2001, as well as 4680 trade names being registered. The Agency paid special attention to the education and specialization of its staff and to the maintenance and improvement of information technologies, through modernization of hardware, and software. CD-ROMs were produced containing official information on patents, utility models, industrial designs, registered trademarks and service marks. It welcomed the opportunities provided by WIPONET, permitting better protection for intellectual property rights, and thanked the WIPO Academy for assistance in the development of human resources, particularly through distance learning. Armenia announced that the Intellectual Property Agency would continue to cooperate with and participate in all WIPO projects and activities.

188. The Delegation of Australia noted the work accomplished over the past year, and looked forward to the work still to be done. It commended the Director General and his staff on their dedicated work and expertly informed strategic thinking under the Director General's leadership: the current program for promotion and development of the international intellectual property system had made excellent progress. The entry into force, in early 2002, of both the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty realized a high priority for both the WIPO Digital Agenda and the Development of Copyright and Related Rights program. Australia remained committed to introducing legislation to enable it to accede to these important treaties. The Delegation took particular note of the work done by the Standing Committees: on Patents (SCP); on Copyright and Related Rights (SCCR); and on Trademarks, Industrial Designs and Geographical Indications (SCT), as well as the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The progress achieved by those Committees was commendable and Australia was pleased to have participated in that work, addressing many issues critically important to the vitality and continued relevance of the international IP system. The Conference on the International Patent System convened by the Director General was further testimony to his determination to grapple effectively with the immediate and long range, strategic challenges to the IP system. Australia had engaged in discussions and cooperative work with other Member States' Patent Offices during 2002, to promote the mutual exploitation and recognition of results stemming from patent search and examination, by developing agreed frameworks and benchmarks on quality. Australia looked forward to discussing the cooperative outcomes of the conference, and possible future work on these important issues, during the 2002 Assemblies. The Delegation welcomed the proposal to hold informal, high level discussions of "hot topics" during these Assemblies: this initiative was a practical use of the opportunity afforded for senior policy developers to exchange their views, during the Assemblies, on current important issues facing the IP community. It stated that the

deliberations and decisions coming out of other relevant Organizations were to be taken into account in the planning of future work. One notable example stems from the Doha WTO Ministerial meeting in November 2001, the outcomes of which were particularly significant to several WIPO programs. Australia noted as key elements of the Doha meetings, the issues of TRIPS and public health, geographical indications, benefit sharing from genetic resources, the protection of traditional knowledge and folklore, and technical assistance. Australia was already actively engaged internationally in the discussion of those subjects, and was committed to continue. Within its Asian and Pacific region, Australia had taken a leading role in the promotion and development of strong, effective IP systems, consistent with international norms, and Australia's collaboration with WIPO delivered a useful range of technical assistance programs. The most significant of these was the recent Regionally Focussed Action Plan for the South Pacific, under the terms of which it began jointly assisting 14 South Pacific Forum Island Countries to develop their IP systems, in ways adapted to both their own needs and world standards. The Delegation noted that, although there was much to be pleased with in terms of the work done and progress made by WIPO and its Member States over the last year, one must not be complacent about the state of developments in the international intellectual property system. All were aware that criticisms had been leveled at the system, in terms of its balance of public versus private rights, its capacity to deliver benefits to both the industrialized and developing economies, and its responsiveness to rapidly emerging technologies. It was increasingly incumbent on those countries that were able to do so, to commit their best efforts to this work, contributing to the constructive debate of these issues. Australia had demonstrated its willingness to make this commitment and would continue to do so.

189. The Delegation of Austria congratulated the Director General and the WIPO staff on the progress made and results achieved during the 2000-2001 biennium and the first half of 2002, particularly in demystifying intellectual property. It noted that the reports were in line with the Program and Budget criteria, providing a transparent synopsis of the implemented activities in the first years of the new millennium. The growing number of adherences to the Unions and Treaties administered by WIPO illustrated the increasing confidence accorded to the Organization and its management. The Delegation supported the efforts to make the systems created by those treaties even more attractive to users and involved offices, and it noted with satisfaction the achievements made concerning reform of the PCT, and in modernizing the intellectual property infrastructure. It congratulated the Director General's initiative to launch the WIPO Patent Agenda, which provided a substantive input to the on-going processes such as PCT Reform and the Standing Committee on Patents. The Delegation also noted the options presented for the development of the International Patent System, which took into special account the needs of SMEs as approved in 2000. It welcomed the results achieved by the WIPO Worldwide Academy, in providing professional training to a growing number of participants. Some of those activities had taken place at the Austrian Patent Office in Vienna, and the Delegation assured WIPO of its continued support in this area and its willingness to further participate in the WIPO ICSEI Program. Regarding the new construction project, it noted with satisfaction that the Secretariat had given its assurances that the implementation of this project would not affect the resources available for priority activities of the Organization. In conclusion, the Delegation indicated that the results for the 2000-2001 biennium could be considered highly satisfactory, and it was convinced that under the Director General's leadership WIPO was on the right track to meet, and even exceed, the expectations for the 2002-2003 biennium.

190. The Delegation of Barbados noted that its legislative history in the field of IPRs had evolved, since its original laws were enacted while it was a colony. As recently as the

1940's, the country's IP laws had protected the colonial interests, however, following the country's independence, new intellectual property laws were passed during the mid-1980's and the late 1990's. Those provided for the grant of various categories of intellectual property rights to all persons in line with international standards. As a result of its history, the local population had been generally unfamiliar with the IP system, and Barbados did not have a long history of promoting or using the IP system as a strategy for economic growth and development. The Delegation underscored that the current challenge in Barbados was to demystify the IP system and to bring its benefits to the consciousness of the average person. The Delegation observed that, since Barbados became a member of WIPO in 1985, the country had received *ad hoc* technical assistance from WIPO, including advice on treaty accession, the drafting of new IP legislation, training, and a variety of expert missions designed to offer advice and to make recommendations for strengthening the country's IP administration system. The Delegation felt that until recently, such assistance was neither focussed nor sustained, and had had little impact on raising the awareness of the average Barbadian about the benefits which the IP system can have in everyday life. The Delegation pointed out that, beginning in 1997, due in very large measure to the re-energized focus and vision of WIPO under the creative leadership of its Director General, the administration of IPRs in Barbados had been transformed. The Organization's focus on program budgeting, introduced in the late 1990's, had enhanced the internal management of the Organization and contributed positively to the manner in which WIPO provided technical assistance to its many constituents. In that regard, a Nationally Focused Action Plan (NFAP), which set out the various programs and activities undertaken with WIPO assistance, had laid the basis for the holistic development of the country's IP system. WIPO assistance had ranged from comments on draft legislation and amendments to existing legislation intended to facilitate the process of meeting the obligations under the TRIPS Agreement; the provision of IT equipment; the development and installation of custom software to strengthen the capacity of the IP Office to enable it to process trademarks more efficiently; and to the provision of staff training through the WWA. The provision of public awareness materials included brochures and CD-ROMs for dissemination among local entrepreneurs, artists and inventors. The Delegation noted that in the latter part of 2002, WIPO would facilitate the holding of national seminars in Barbados for various constituencies, including the judiciary, local entrepreneurs, small businesses, patent attorneys and members of the community. Important work on demystification of the IP system, and stimulating the widespread use of the IP system by Barbadians, was well underway. The Delegation offered its thanks for the new vision of WIPO and of the Director General which had enabled many achievements in the country, in a relatively short time. The Delegation concluded by offering its congratulations to WIPO for the excellent documentation, and looked forward to many years of close cooperation.

191. The Delegation of Belarus expressed its profound gratitude for the successful implementation of the cooperation program it had signed with WIPO in 2000, and for the support of its Director General in implementing the Program for the 2000-2001 biennium and for the period from January 1 to June 30, 2002. During the ten years in which its national industrial property system had operated, the necessary legislative, standard-setting and methodological foundations had been established, and virtually all industrial property subjects were currently protected in Belarus. In 2002, the Law on Geographical Indications was adopted and entered into force, while the Patent Law had been updated to comply with the Patent Law Treaty (PLT), and was being examined by Parliament. On January 18, 2002, Belarus became a party to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. On August 7, 2002, Decrees of the President were signed: on the Accession of the Republic of Belarus to the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their

Phonograms, and on the Accession of the Republic of Belarus to the Rome Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Work was also conducted to accede to the Hague Agreement Concerning the International Deposit of Industrial Designs, the Trademark Law Treaty (TLT) and the Patent Law Treaty (PLT). In July 2002, regional consultations, organized by WIPO, were held in Belarus on matters of electronic commerce and intellectual property, which were notable for bringing together Internet service providers and specialists in the field of protection and enforcement of intellectual property rights. This had a positive effect towards such subjects as: the use of intellectual property in domain names, the provision of rights to trademarks, settlement of domain name disputes and others. The Belarus State Patent Committee was transformed into the National Center of Intellectual Property within the State Committee for Science and Technology, attached to the Council of Ministers. The Committee on Copyright and Related Rights was abolished and its functions transferred to this new National Center. Belarus commended WIPO's efforts to use information and telecommunication technologies in achieving its programs, and noted the successful completion of many other tasks related to the protection of intellectual property rights.

192. The Delegation of Bhutan expressed its appreciation to the Director General and the Secretariat for the excellent documentation for this meeting, and deeply appreciated the Organization's hard work and dedication in implementing its Cooperation for Development programs. The Program Performance Report provided a comprehensive view of WIPO's activities and results. The Delegation noted with satisfaction the successes and achievements in areas that have the highest potential to benefit developing countries, particularly in the areas of traditional knowledge, genetic resources, folklore and the SME programs. The Delegation recalled that Bhutan had joined WIPO in 1994, and since that time WIPO had been involved in a wide range of activities covering training of personnel, office automation, assistance and advice in drafting IP laws. Bhutan noted it had acceded to the Paris Convention, as well as to the Madrid Agreement and Protocol, during the biennium in review. Bhutan recognized the value and benefits from joining those treaties, and indicated it was seriously considering joining other treaties or conventions administered by WIPO: the Patent Cooperation Treaty and the Berne Convention. The Delegation noted that the lack of skilled manpower at all levels, including within the IP Office, as well as the lack of proper infrastructure and awareness of IP issues, posed formidable challenges in the implementation of IP structures. In this context, Bhutan welcomed the proposed Nationally Focused Action Plan (NFAP), and looked forward to its early implementation. The Delegation stated that Bhutan had launched its ninth five-year economic development plan cycle containing a multi-pronged development strategy, which would include the promotion of the private sector and the development of SMEs. Bhutan's rich cultural traditions and biodiversity provided a tremendous base for development in the areas of traditional knowledge, genetic resources and folklore. Accordingly, the implementation of the NFAP was timely and beneficial.

193. The Delegation of Cameroon endorsed the statement made by Algeria on behalf of the African Group. It reiterated the importance of intellectual property as a tool for development in the present context of globalization, and acknowledged the leadership and direction that WIPO continued to provide in ensuring an equitable sharing of the benefits. During the period under review, a number of WIPO sponsored programs had been implemented in Cameroon: experts had been trained in a pilot project on the protection of geographical indications; a seminar on licenses and the transfer of technology for SMEs and industries had been organized in Yaounde, in July 2002; under the WIPONET project, equipment had been provided and a regional seminar to train national coordinators had been organized in Yaounde, in September 2002; WIPO had donated prizes to some "best inventors" in

Cameroon; and WIPO had provided assistance for the restructuring of the copyright sector. In conclusion, the Delegation noted its satisfaction with the achievements of WIPO in making IP more accessible and usable, but stressed the need to move further in areas such as geographical indications, SMEs and IP, traditional knowledge and folklore, and the development of a new patent system. All these areas were very important for the development of the Cameroon economy.

194. The Delegation of Canada commended the Secretariat for its many constructive initiatives since September 2001, and noted that WIPO's work was vital and critical to the future of intellectual property globally. Creativity, innovation and invention were the greatest assets and nations must ensure that these attributes were exploited for the socio-economic well being of the entire planet. WIPO continued building momentum on several strategic fronts, including the new WIPO Digital Agenda, demystification of intellectual property, modernizing IP infrastructures and, strengthening the Secretariat to meet these challenges. The Digital Agenda had established a framework for initiatives such as the Arbitration and Mediation Center, which offered rapid, non-litigious solutions to disputes between alleged cybersquatters and holders of established trademark rights, as well as WIPONET. In September 2001, WIPO Member States, encouraged by the Director General, had supported the WIPO Patent Agenda initiative, pushing the development of a strategic blueprint for the future evolution of the international patent system. Canada was pleased to note the launch of a new joint WIPO-WTO initiative to help LDCs maximize the benefits of intellectual property protection, and the increasing importance of intellectual property as a tool for technological advancement, economic growth and wealth creation, especially for LDCs. WIPO had recognized that unprecedented advances, in biotechnology and communications technologies would pose significant challenges for the IP system in the 21<sup>st</sup> century. Canada was grateful that this recognition was reflected in the conferences organized by WIPO to promote increased awareness among policy makers and the business community, of the key role that IP played in safeguarding and enhancing inventions, as well as in fostering economic development. The Delegation assured WIPO that Canada expected to increase its own international role, and that Canada, like WIPO, was committed to modernizing intellectual property laws and regulations. As part of this commitment, Canada would remain firmly engaged in the various norm-setting activities conducted under the auspices of WIPO. In the copyright field, on June 22, 2001 Canada had published "A Framework for Copyright Reform," outlining the context and reform process to further modernize Canadian copyright legislation. The Federal Government had also proposed amendments to Section 31 of the Copyright Act at the end of 2001, with the intention of clarifying some aspects of the compulsory license applicable to the retransmission of copyright-protected works in signals broadcast over the air by television and radio stations. Finally, in the copyright field, the Federal Government had prepared a report on the provisions and the operation of the Copyright Act, which was to be reviewed by Parliament in late 2002. On April 1, 2002, amendments came into force to ensure that Canadian patent legislation was in conformance with Canada's international obligations under the PCT. At the end of April 2002, CIPO had placed on its website a paper pertaining to the legal and technical implications of Canadian adherence to the Madrid Protocol, to develop a Canadian position with respect to the utility of its adherence to the Protocol. Canada recognized that increasing globalization of trade was making international protection of trademarks more important than ever. It also appreciated that the Madrid System offered the possibility of obtaining trademark protection in countries of the Madrid Union by filing a single international application. Canada celebrated the second World IP Day on April 26, 2002, with a variety of activities. The Delegation also noted that CIPO's successful organization, in cooperation with WIPO, of its third specialized training course on Client Service and Quality Management in the Delivery of Patent Services



in May 2002, attended by twelve representatives from Asian developing countries. CIPO continued to make encouraging advances in electronic service delivery. Currently, all clients could file any IP application electronically with additional transactions, such as trademark renewals and patent maintenance fees being added on an ongoing basis. CIPO's goal was to run a fully automated environment within the next five years, with processing capabilities for the full life cycle of IP protection transactions in both the domestic and international spectra. As part of its Client Relationship Management (CRM) initiative, CIPO had conducted a survey of its clients in December 2001, of which some 80% of responses expressed satisfaction with the service they received, and CIPO, as an organization, had received a 75% approval rating. As CIPO implemented its CRM approach, it would accumulate client data more systematically, allowing it to dedicate its resources and efforts to the provision of products and services its clients valued most. In order to meet the growing demand for patents and trademarks, CIPO was hiring examiners, and it expected to continue expanding its longer-term recruiting efforts to meet its rising international responsibilities, such as those that would ensue if CIPO becomes an ISA/IPEA under the PCT. These activities all reflected CIPO's commitment to two key strategic priorities: improving service to clients and expanding CIPO's role in the international IP marketplace. In conclusion, Canada assured that it would continue to contribute to the pursuit of WIPO's global goals, thereby advancing the agenda directed at promoting the socio-economic prosperity of the entire planet.

195. The Delegation of the Central African Republic thanked the Secretariat for the efficiency of its work carried out during the 2000-2001 biennium and referred to the close cooperation links which bound the country to WIPO. It reiterated its support for WIPO's cooperation for development activities and also expressed its gratitude to the Organization for the assistance provided, in particular the connection to the WIPONET Project, the supply of a complete workstation, and staff training at various seminars and colloquia. It also said that specialized staff training in the field of intellectual property was a priority and, in conclusion, reaffirmed its willingness to consolidate its relations with WIPO.

196. The Delegation of Cuba acknowledged the quality of document A/37/3 since it provided detailed information, in explicit form, with a quantitative and qualitative analysis offering a clear idea of what WIPO had done in relation to the proposed aims and results obtained by means of output indicators. The Delegation mentioned the way in which WIPO continued to broaden the scope of the programs on traditional knowledge, genetic resources and folklore, electronic commerce and assistance for small and medium-sized enterprises, and that it also continued to implement the main information technology projects (including WIPONET and PCT-EASY). It highlighted WIPO's role in establishing the action plan on patents, the aim of which was to generate a strategic plan for the future development of the international patent system, and to promote the search for solutions to the most immediate problems, above all in relation to the excessive workloads faced by various offices. This action plan complemented and strengthened the projects in progress, such as the reform of the PCT and the harmonization of substantive patent law. The Delegation also highlighted the role played by WIPO in the development of the Digital Program, especially the work done by the WIPO Arbitration and Mediation Center which strengthened its position in that it provided quick solutions, without litigation, to disputes between parties which were alleged to have committed acts of cyberoccupation and the owners of rights of established marks, as well as the work done in relation to the WIPONET Project. It emphasized the work done by the Intergovernmental Committee on Intellectual Property and Traditional Knowledge, Genetic Resources and Folklore, which had broadened the debate on genetic resources, biotechnology inventions and biological diversity. Particular reference should be made to the studies carried out in relation to the establishment of model intellectual property clauses for the contractual

agreements governing access to genetic resources and profit-sharing, as well as the cataloging of traditional knowledge in the public domain and its inclusion in the patent examination process as part of the prior art: an aspect of great interest to developing countries. The Delegation recommended that the process of research and strategic analysis in relation to the protection, management and use of intellectual property rights should be continued, in particular the relationship existing between intellectual property and the economic development of developing countries, as well as policies of public interest such as health, food safety, technology transfer, sustainable development in non-restrictive and abusive conditions, and, most of all, identifying viable ways for the least developed countries to receive special and different treatment. The Delegation highlighted the work done by WIPO in the Sector of Cooperation for Development, in particular to strengthen the capacity of the human resources responsible for policy formulation, administrators, employers, officials entrusted with ensuring compliance with the law, legal experts, researchers and academics, through participation in regional and national symposia and conferences, and taking part in exhaustive debates on topical issues relating to intellectual property. It considered the WIPO Worldwide Academy program to be of vital importance, in particular the distance learning program. Finally, it drew attention to the need to raise to higher development levels the human resources training plan and to increase the number of scholarship holders from developing countries, since the figure had fallen in relation to the previous biennium.

197. The Delegation of the Czech Republic endorsed the statement made by Latvia on behalf of the group of Central European and Baltic States. It expressed its appreciation for the results achieved by WIPO during the 2000-2001 biennium, particularly in the field of the development of international IP law, the WIPO Digital Agenda, WIPONET and global IP issues. It welcomed the increase in the number of contracting States party to the international treaties administered by WIPO, particularly the PCT, the Madrid Agreement and the Madrid Protocol, as well as the entry into force of the WIPO Internet Treaties. After congratulating the Director General and the Secretariat for the successful endeavors in the field of IP, the Delegation noted the importance attached by the Czech Republic to the future development of the international patent system, PCT reform and substantive patent harmonization. Full support was expressed for the activities carried out by WIPO in the area of cooperation for development. The Czech Industrial Property Office confirmed its willingness to further cooperate with to the WWA in the organization and delivery of training programs. The Delegation noted that the Czech Republic had acceded to the European Patent Convention on July 1, 2002, thereby becoming a Member State of the EPO. A new Act on the Protection of Geographical Indications and Designation of Origins, the provisions of which were fully compatible with the relevant international instruments and European Union legislation, came into force on April 1, 2002. This Act empowers the Czech Industrial Property Office to decide on the protection relating to designation of origin or, as appropriate, geographical indication. The Delegation noted that the Copyright Act, which came into effect two years ago, had been successfully applied and that, on October 10, 2001, the Czech Republic had deposited its instrument of accession to the WCT and the WPPT. In this connection, the Delegation welcomed the fact that WIPO had started addressing the issue of the effective implementation of the Internet Treaties and reaffirmed that it was monitoring the discussions taking place in WIPO in the area of copyright and related rights, including the protection of the rights of broadcasting organizations and the protection of expressions of folklore.

198. The Delegation of Denmark thanked the Director General and the WIPO staff for revitalizing the Organization and generating and evolving WIPO's work in the field of intellectual property rights. It noted that innovation was a prerequisite for creating economic growth and wealth on a global scale. The building of effective worldwide intellectual

property rights protection was therefore important in order to promote the best conditions for innovation environments in enterprises and society at large. IPR were increasingly part of a tremendous development with the WIPO Patent Agenda as one of the most important initiatives. As a result, Danish industrial experts had been invited to present their views on a future new IPR system. They were in agreement that a way forward would be the establishment of a differentiated patent system as the protection of pharmaceuticals and information technology inventions fit badly in the current patent system. One task would be to find out whether it would be possible to adjust the extension and duration of protection in individual fields of technology while, at the same time, assuring that future technologies would not be barred from protection. Increased regionalization of the patent system was also suggested, by which regional patent authorities would grant patents to a number of countries. This would reduce existing burdens under the current national systems and would ease the ability of regional offices to compare and harmonize procedures, thereby ensuring a greater international transparency in the patent system. Denmark expressed the opinion that future efforts should be directed towards further streamlining and harmonization of the existing patent system in the formal administrative area, since national offices currently duplicate data and rarely mutually recognize searches and examinations, resulting in more work and increased costs for the applicant. The establishment of a quality system providing member states with sufficient confidence in the work done by others, would be essential in order to reduce the duplication of efforts in the national and regional phases. Such a quality system would also assist the process on substantive patent law harmonization. The Danish government had initiated a project aimed at evaluating whether there would be a need for changes in the IPR system or for further work to be done before an optimal IPR-protection scheme could be described. The results of this project would be made available to WIPO. Denmark reminded the Assemblies of its presidency of the European Community, its work with the Software Directive, and its commitment to making progress with the community patent. In cooperation with the European Commission, Denmark would host a conference on intellectual property on October 28-29, 2002: *Presidency Conference on Growth, Prosperity and Patents* ([www.dkpto.dk/en](http://www.dkpto.dk/en)) with participants from EU member States as well as Central and Eastern European candidate States. The agenda would include: an insurance scheme for patents; the role of national patent offices, the European Patent Office and the Japanese and US patent offices in promoting the patent system; and, the Software Directive. Work had been continued on the IPscore® tool for strategic management of companies' patents. IPscore® 2.0 would soon be available presenting qualitative and quantitative evaluation functions (with financial forecast depicting the net present value of the evaluated technology). The tools available in Danish and English, were launched in Denmark on September 1<sup>st</sup> and for the international market would be launched on October 1<sup>st</sup>. Finally, Denmark affirmed that it was in the process of revising its patent law, anticipated to come into force during spring 2003. The purpose of the revision was to implement the PLT, the EPO Treaty on cost reduction and the changes in the PCT. In conclusion, Denmark wished for a future IPR system both simpler, stronger and more user-friendly.

199. The Delegation of the Democratic People's Republic of Korea congratulated the Secretariat on the activities conducted during the 2000-2001 biennium. It supported WIPO's activities for the protection of intellectual property, and the modernization and computerization of the intellectual property system, and backed WIPO's efforts in these areas. It was in favor of statutory reform for WIPO and expressed the desire for increased technical cooperation and strengthening of human resources. It emphasized the fact that its country attached particular importance to the development policy concerning patents, marks, industrial designs and intellectual creation activities in general. The Delegation mentioned further that more than 250,000 inventions had been displayed during the past year at

numerous invention exhibitions, including six prize-winning entries, which had received WIPO gold medals. Similarly, more than 2200 pieces had been presented at exhibitions of marks and industrial designs. It said that its intellectual property laws were currently being revised so as to bring them into line with international treaties. It also stated that its country had acceded, in 2001, to the Strasbourg Agreement Concerning the International Patent Classification and to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. In conclusion, it hoped that its relations with WIPO would be consolidated.

200. The Delegation of Finland thanked the Director General and the Secretariat for the excellent documentation and was satisfied with the scope and quality of the operations of WIPO, as very clearly presented in the 2000-2001 biennium program performance report. It noted with pleasure the continuing growth of the PCT system and the new record set for annual PCT applications. Finland supported the WIPO Patent Agenda as a means to promote discussions among Member States on broader, long-term objectives and to find solutions to more immediate problems, attaching great significance to the reform of the Patent Cooperation Treaty, as well as the harmonization work under way in the Standing Committee on the Law of Patents. Finland wanted to contribute to the strengthening of the PCT system and thus submitted to the PCT Assembly an application for the appointment of Finland as an International Searching Authority and International Preliminary Examination Authority under the PCT. The Delegation was convinced that its National Board of Patents and Registration had the necessary qualifications for conducting novelty searches and examination work and hoped that their application would receive a positive response. Finland followed with satisfaction the valuable training work WIPO effectively does in the IPR field, particularly with developing countries and countries in transition, in which Finland had also participated. The National Board of Patents and Registration was celebrating a jubilee year, as the Office was established in 1942, while the Finnish patent system, was much older: the first Finnish patent was granted by the Finnish Senate in 1842. Thus, 2002 was the 160<sup>th</sup> anniversary of the first Finnish patent and, at the same time, the 60<sup>th</sup> anniversary of their Office. In addition, the Delegation concluded by sharing that the first utility model was registered ten years ago.

201. The Delegation of Germany expressed its appreciation for the excellent results achieved by WIPO in spreading intellectual property culture, and in creating a global intellectual property-minded community. Those results were clearly demonstrated in the Program Performance Report and the Program Implementation Overview, and the Delegation commended the Director General and the Secretariat on both documents. It noted that the ever-increasing numbers of international registrations under the PCT and Madrid systems confirmed the attraction of WIPO's cost-effective Global Protection Systems, and their global acceptance. The Delegation noted the numerous activities undertaken, aimed at the demystification of the role of intellectual property at the general public level. The Delegation stressed that such activities were instrumental in assisting developing countries and other countries to comply with their obligations under the TRIPS Agreement. It commended the WIPO Worldwide Academy on its performance and encouraged further use, by the Academy, of the global and interactive features of the Internet. The German Patent and Trademark Office had continued its worldwide technical cooperation with other offices and organizations, and a number of seminars and training courses for foreign experts had been organized. In cooperation with WIPO and the Carl Duisberg Society (CDG), the German Patent and Trademark Office had organized the second workshop on the promotion of innovation for experts from developing countries. Regarding the legal framework for intellectual property, the legal infrastructure must constantly be updated and revised to keep pace with technological and market advances. Through the development of internationally

recommended principles, complementing the traditional treaty-based approach, WIPO had facilitated consensus building and accelerated the process. The Delegation encouraged this new “soft-law” approach as a supplementary tool that would give the Standing Committees the flexibility they needed. Nevertheless, norm setting in the traditional sense remained important, and the Delegation considered the WCT and the WPPT to be of paramount importance in meeting the challenges of the digital millennium. The two treaties struck a good balance between the protection and the exploitation of intellectual property, and the Delegation was pleased that they had come into force. The Delegation observed that recently, a degree of anxiety had been expressed in some quarters over the balance between right holders and various segments of society in the context of health care, the environment and other subjects. In striking an appropriate and fair balance, the Delegation felt that there appeared to be no universal solution, but also felt that WIPO should contribute to finding practical and result-oriented approaches. With respect to the protection of traditional knowledge and folklore, the Delegation hoped that the present activities of WIPO would generate meaningful alternatives for dealing with these issues. The Delegation noted that the world was witnessing a rapid convergence of digital data processing and telecommunications. The Delegation was impressed by the way WIPO had responded on many fronts to those developments, by investing in IT infrastructure as well as by key initiatives aimed at external users. The Delegation continued to support the PCT IMPACT and the WIPONET projects. The Delegation noted the rapidly growing use of the on-line dispute resolution service for domain names provided by the WIPO Arbitration and Mediation Center. It was pleased to see the international intellectual property community respond so positively to this service, and supported the idea of expanding the scope and breadth of the services that the Center could provide. The Delegation confirmed its support to WIPO and its Secretariat.

202. The Delegation of Ghana expressed its highest respect to the Director General and the WIPO staff for their work in revitalizing the Organization and generating new ideas in the intellectual property field. The Delegation was pleased that WIPO was ready for new challenges and was reforming the Organization in line with world changes. Ghana expressed its appreciation for the assistance that it and other developing countries received from WIPO in the field of intellectual property. The years in review witnessed important developments to the modernization of the IP system in Ghana. The Twenty-fifth Administrative Council Session of the African Regional Industrial Property Organization (ARIPO) was held in Accra, in November 2001, concurrently with the WIPO-ARIPO Round Table on certain Global Intellectual Property Issues. This event was coorganized by WIPO, ARIPO and the Government of Ghana, and enabled 26 participants from the region and 100 from Ghana to exchange views on various global intellectual property issues affecting the region and the Organizations. A copyright Regional Seminar was also organized by WIPO in collaboration with Ghana. Four Copyright Office Heads from the African region were sponsored by WIPO to participate in the International Publishers Association Conference hosted by Ghana, which focussed on the promotion and awareness of intellectual property protection benefits, as well as on improvements for client access to efficient services. In conjunction with ARIPO and the European Patent Office (EPO), the Office of the Registrar General organized a Workshop on Intellectual Property for students at the Kwame Nkrumah University of Science and Technology (Kumasi), and the University of Ghana (Legon). The World Intellectual Property Day was celebrated on April 26, 2002, and intellectual property issues received increasing public and media attention through a mass media campaign marked by the actual participation of the Registrar General and the Copyright Administrator. Educational programs were broadcast via television and radio, highlighting the role and contribution of intellectual property in the economic, cultural and social development of the country. Due recognition

was also to be given to WIPO for its continued support to the Intellectual Property Office in the form of technical assistance, expert guidance and training, as well as for provision of the necessary computer equipment. With WIPO's assistance, Ghana also participated in the meetings of the Standing Committee of Patents (SCP), the Standing Committee on Copyright Related Rights (SCCR), the Standing Committee on Information Technologies (SCIT), and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, in Geneva. Participants benefited from the training courses on: the Administration of Patents in Oslo; WIPONET training in Harare; copyright and related rights in Sweden; and in the WIPO Worldwide Academy's Distance Learning course. Through the Cooperation for Development Division, Ghana was privileged to send an expert to Mozambique to help in the preparation of Security Device Regulations. Delegates from Liberia, Kenya and Tanzania visited Ghana under this program to study the security system. The Copyright Administrator was invited to Malawi to deliver a paper at the celebration of the tenth anniversary of the Copyright Society of Malawi (COSOMA). The Honorable Attorney General and Minister of Justice of Ghana, invited by WIPO, gained greater insight into intellectual property administration when he came to Geneva on a study visit to discuss intellectual property issues. The Chairman of the commission on culture also participated in the WIPO-SIPO Intellectual Property Forum, organized in China. The Delegation of Ghana anticipated even greater collaboration with WIPO in intellectual property areas in the coming year, especially in genetic resources, traditional knowledge and folklore, and hoped that more officials from the IP office would benefit from future training programs to help strengthen its human resource capacities. In conclusion, the Delegation noted with satisfaction the outstanding work done by the Organization under the able leadership of the Director General, as outlined in the Program Performance Report and applauded the reporting procedures adopted by the Organization.

203. The Delegation of Guinea-Bissau congratulated the Director General and the Secretariat on their efforts and the quality of the activities undertaken during the 2000-2001 biennium, in particular as part of the protection of folklore, biotechnology, electronic commerce, PCT reform, electronic filing according to the PCT and, finally the IMPACT and WIPONET projects, from which Guinea-Bissau would soon benefit. It supported the efforts made by the Secretariat to harmonize national intellectual property legislation, provide international registration services, establish cooperation links with developing countries and introduce information technologies as valuable assessment tools. The Delegation expressed its gratitude for the technical and financial assistance received, and thanked the Secretariat for the computer equipment supplied. It mentioned further the broad program of activities organized as part of World Intellectual Property Day. It then expressed satisfaction at the recent agreement between WIPO and the Community of Portuguese-Speaking Countries (CPLP), and said it was sure that the use of Portuguese would promote the cooperation for the development of the integration of Portuguese-speaking countries into WIPO's activities. In conclusion, the Delegation made clear its willingness for cooperation between WIPO and Guinea Bissau to be strengthened further so as to develop the intellectual property system.

204. The Delegation of Hungary considered the 2000-2001 biennium as the gateway of WIPO into the third millennium. The Program Performance Report for the biennium manifested that the Organization's successful entrance through this gateway was due to its responsiveness to the challenges of a changing world environment. It congratulated the Director General and the Secretariat for the very successful implementation of the biennial program. The Delegation expressed Hungary's general support for WIPO's Patent Agenda, including PCT reform, and especially agreed with endeavors to establish a well-balanced system, that would equally take into account the needs of users and of patent offices. In the

short term, Hungary saw addressing the workload crisis of the larger offices a priority, while it felt that certain suggestions for further centralization of the international patent system might make the workload situation even worse. Hungary firmly believed that smaller offices would continue to play important roles in developing the international patent system. It had repeatedly emphasized the important co-relation between the harmonization of substantive patent law in the framework of the SCP, and the PCT reform process. The Delegation announced that the Hungarian Government had accepted a proposal in July 2002 regarding the integration of the Hungarian patent system into the European system, and the Parliament had passed a decision on Hungary's accession to the European Patent Convention to which it would become a member as of January 1, 2003. Among the necessary amendments to the Hungarian Patent Law would be the modification of the time limit under Article 22 of the PCT to 31 months as of January 1, 2003. Concerning the protection of industrial designs, Hungary would soon be in a position to ratify the Geneva Act of the Hague Agreement, by virtue of its new industrial design law, which had entered into force on January 1, 2002, drafted in compliance with the relevant European Union directive and the provisions of the Hague Agreement. The substantive examination of industrial design applications had been maintained under this new law. Great importance was attached to the recent agreement between the French National Office of Industrial Property and the Hungarian Patent Office (HPO), on the establishment of a common database of industrial designs, which Hungary hoped would see greater use in international cooperation. The Delegation noted that the Budapest Treaty had become more important recently due to the revolutionary progress in biotechnology. A Symposium would be organized jointly by WIPO and the HPO in Budapest, on the occasion of the 25<sup>th</sup> anniversary of that Treaty in October 2002. In the field of copyright, the *sui generis* protection of databases had been introduced into Hungarian legislation by an amendment to the Hungarian Copyright Law in 2001, in compliance with the relevant European Union directive. Hungary would welcome an inclusion of this subject matter in the activities of the Standing Committee on Copyright and Related Rights. The Delegation expressed its hope that the next Diplomatic Conference for the adoption of a new Treaty on audiovisual performances would soon be reconvened by WIPO and noted that Hungary was ready to contribute to bring this process to a successful conclusion. It approved the results of WIPO constitutional reforms and hoped that the specific features of the Organization would be taken carefully into consideration in the further reform process. In connection with Hungary's IP policy making process, the Hungarian Intellectual Property Council, established in 2001, proved to be an effective support. Within the HPO, the recently implemented integrated financial system had opened up new opportunities to management for controlling all internal services and cost flows. This was expected to result in a more service-oriented administration, and effective cost management. The HPO had further developed its industrial property training system, and a cooperation agreement between WIPO and the HPO on teaching intellectual property would be concluded by the end of 2002, with new common projects to start as early as 2003. On World IP Day in 2001 and 2002, the HPO had organized special professional and cultural events. Finally, Hungary looked forward to the forthcoming visit of the Director General to Hungary, which would present an excellent opportunity to give fresh impetus to Hungary's cooperation with WIPO.

205. The Delegation of Iceland congratulated the Director General and the Secretariat on the excellent work done in the period under review, as documented in the Program Performance Report for 2000-2001, which showed that many of the objectives had been accomplished. The Delegation referred to the WIPONET project, and noted that good progress had been achieved in the preparation and implementation of the project. By the end of 2001, WIPONET had been installed in 19 IP offices, including the Icelandic Patent Office, and in April 2002, one of its employees had participated in a training workshop for WIPONET.

WIPONET was a significant first step in enhancing communication between WIPO and the intellectual property community, and the country's experience with the network had been very promising. The Delegation welcomed the establishment of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The Committee had held its third meeting in June 2002, and the fourth meeting was scheduled for December 2002. The Delegation believed that significant progress had already been made in identifying the relevant issues, and hoped that the future work of the Committee would facilitate the discussions and lead to a better understanding of the inter-related intellectual property issues regarding genetic resources, traditional knowledge and folklore. The Delegation noted the 10-year anniversary of the Icelandic Patent Office in 2001. Among the activities that had been arranged to mark that occasion was a symposium on the theme "IPR - Quo vadis?", the publication of several IP brochures and other material useful to the Office's clients, and the publication of a book, entitled *The History of Industrial Property in Iceland in the 19th and 20th Century*. With regard to applications at the Icelandic Patent Office, the number of applications decreased in all sectors of intellectual property in 2001, after a long period of growth, with trademarks decreasing 15% and patents 13%. During the year 2002, the number of trademark applications had continued to drop, and was now 16% lower than the previous year. The number of patent applications had, on the other hand, increased by 20%, and the share of domestic applicants had increased by 50% since 2001. Since patents were considered reliable indicators of performance in industry, the Delegation considered that to be a very positive development for the Icelandic industry and economy. It noted the Icelandic Patent Office's ambition to create a favorable framework for applicants and to increase the awareness of IP rights, and noted that a forum for exchange of information and ideas regarding IPR had been established among interested circles. The Delegation also noted that a decision from the Minister of Industry regarding Iceland's accession to the European Patent Convention (EPC) was expected before the end of the year 2002. The Delegation stated that to create a more favorable framework for patent applicants, they were no longer required to file an Icelandic translation of the specification for patents granted, which could either be in Icelandic or English, as of January 1, 2002. Those changes were in line with the London Agreement on the EPC, and the Delegation believed that those changes would facilitate the procedure and reduce the cost of obtaining patents in Iceland. The Delegation was confident that national laws would be increasingly harmonized, which would also include simplifying the translation requirements, and that this progressive step in Iceland could be an example for other States to follow.

206. The Delegation of Ireland commended the Director General for the excellent work carried out by WIPO. It noted that intellectual property had become a key element of national industrial and economic policy and was one of the central elements of international co-operation and harmonisation in policies to encourage creativity and intellectual diversity. The example of WIPO demonstrated that international geo-governance could operate successfully alongside sovereign systems of government and could deliver benefits to all those who would actively engage and participate in such institutions. The Delegation expressed its assurance that this issue, as well as the opportunities for greater exploitation of international co-operation for the benefit, in particular, of civil society would be explored in greater detail in the course of the Roundtable to be held during the Assemblies meetings. The Delegation recalled that Ireland became party to the Madrid Protocol on July 19, 2001 and commenced accepting applications from October of that year, bringing the number of WIPO-administered Treaties to which Ireland was party to twelve. The Delegation expressed its strong commitment to the aims of WIPO and to the benefits to be attained by active membership, as one of the most effective responses to the effects of globalisation for a



smaller nation state was to participate in processes of international co-operation and agreements that establish common standards and opportunities for all. It noted that enabling provisions for legislation to be brought forward to give effect in due course to the Geneva Act of the Hague Agreement had been included in its recently enacted Industrial Designs Act 2001. This was a logical follow-up to the contribution made to the negotiation of the Geneva Act at the Diplomatic Conference in 1999 by the Irish delegation and to the signature by Ireland of that Treaty in 2000. The Delegation expressed its firm intention to ratify and engage with the enhanced Hague system at the earliest possible date. A number of activities had been organised by the Intellectual Property Unit of the Department of Enterprise, Trade and Employment, in conjunction with the Irish Patents Office, to mark the second World IP Day in April 2002. The Delegation concluded that it looked forward to working with the Director General and WIPO staff in developing the Intellectual Property agenda and in ensuring that international co-operation would be successful in providing the rewards for innovation and creativity being so crucial in the global society.

207. The Delegation of Italy began by recalling its privileged geographical position, at the crossroads between the countries in the Northern Alps and the Mediterranean, and the East of the European continent. It mentioned that it belonged to the group of industrialized countries but said that its history, geography and politics were also close to the requirements of developing countries. It therefore assumed the role of partner for all countries wishing to benefit from their economic development in order to achieve a high quality of life. In the field of intellectual property, the Delegation stated that it was convinced of the need to promote, among all levels of society, a true intellectual property culture so that they may understand the urgency for their country of adapting their national legislation to the rules for harmonizing the laws concerning the protection of intellectual property. In that regard, the Delegation added that Italy was well aware of the importance of rationalizing its technical cooperation programs provided within WIPO, by means of new legal instruments able to create favorable institutional contexts in which to place new cooperation initiatives. Moreover, the Delegation said that the Italian Government wished to play a more and more active role in the field of intellectual property, in line with its participation in the European Union and G8 Summit. It referred further to the relaunch of the Italian Intellectual Property Office within the Ministry of Production Activities and the holding, in Rome on October 2, 2002, of a Conference on the subject “the protection of ideas: research, enterprise, patents.” The Delegation said that it wish to adopt more effective computerization of the verification and registration system currently in operation, in particular via the electronic management of applications. This vast project would be implemented through the setting-up of a special office for the verification of novel features included in industrial patent applications, pending the adoption of a community patent. In cooperation with the European Patent Office (EPO), the Italian Patents and Marks Office had also implemented a program for disseminating intellectual property culture through the introduction of seminars, intended essentially for small and medium-sized enterprises (SMEs) and the least industrialized Italian regions. The Italian Office had also established 52 information centers (PATLIB), recognized by the EPO, on national and European procedures, and the PCT, as well as on access to patents already granted. The Delegation highlighted the strong increase in filings, in particular within the PCT. In this context, the initiative had been launched, two years previously, for training courses for “postgraduates” in the Faculty of Law of the University of Turin, in which 40 specialized intellectual property experts participated, and 50% financed by the Italian Government and WIPO. The Delegation referred to the secondment to WIPO by the Italian authorities of a “Junior Professional Officer” responsible for implementing programs for developing countries. It said that in view of the success of these courses, they would be

converted in forthcoming years into a seven-month “Masters” program. The Delegation reaffirmed its willingness to create, in the long term, a worldwide center for intellectual property specialists from different countries in the world, in order to confront more effectively the new challenges posed by ever-more globalized economies.

208. The Delegation of Japan stated that the aim of building an intellectual property-based nation was to achieve sustainable economic and cultural development. To build such a nation, an efficient functioning of the Cycle of Intellectual Creation was necessary, along with new social and economic systems to enhance and exploit intellectual creations. Japan had established a Strategic Council on Intellectual Property in February 2002, consisting of the Prime Minister, relevant cabinet ministers and specialists. In July 2002, the Council adopted the Intellectual Property Policy Outline, addressing IP policies aimed at making Japan a nation built on IP. For the implementation of the Outline by 2005, Japan was making preparations for the establishment of an Intellectual Property Basic Law by the ordinary Diet session in 2003. The three pillars of the Outline were: revitalizing the Cycle of Intellectual Creation; setting up an IP Strategy Headquarters which would take the leadership in the collaboration among relevant ministries and agencies; and formulating an IP Strategy. The most important items in the Outline included: enhanced efforts towards a World Patent; creation of the practical function of a “Patent Court”; tougher anti-counterfeiting measures; more adequate protection of trade secrets; encouragement of universities to produce intellectual creations, and improved management of such creations; and development of human resources in IP. This new approach had been launched by Japan due to the decrease in industrial competitiveness, from a top rank to the 26<sup>th</sup> position globally from 1991 to 2001. With Japan’s scarce natural resources and high labor costs, IP was essential as a strategic tool to create wealth. Many improvements were required to make Japan an IP-based nation but by addressing those challenges Japan’s industrial competitiveness could be recovered and the economy could be revitalized. The Delegation recalled that Japan once had achieved economic success based on its highly efficient manufacturing technology obtained by adding improvements to technologies introduced from Western nations, effectively utilizing the IP system. The Delegation noted that SMEs accounted for over 99% of all manufacturers, yet about half of all patent application filings came from a small number of leading manufacturing firms. This suggested a potential for creating intellectual property by SMEs, and Japan had made various efforts to encourage the use of IP by SMEs, including a reduction of patent and examination fees for R&D-based SMEs, and an adoption of an accelerated examination system. With economic globalization, an international framework allowing users to obtain a patent in multiple countries at a lower cost had become necessary. The Delegation noted the need for streamlining the international application handling processes under the PCT and the Paris Convention, for continuing PCT reform to increase the use of the PCT, and for promoting the substantive harmonization discussed at the SPLT and the mutual exploitation of search and examination results. Japan would continue to actively provide information on its experiences with the formulation and implementation of IP policies in order to contribute to the worldwide discussions on this issue. Technological inventions, in particular in the field of information technologies and bio-technologies, were considered key to new business possibilities. However, the scope and conditions of protection of such inventions gave rise to complicated problems, such as the protection of computer programs recording media. With the revision of the Patent Law in April 2002, it was made clear that the act of transmitting via Internet any patented computer programs without the consent of the right holder, was to be regarded as a patent infringement. The Delegation noted that the most important thing when formulating national IP policies was to hear the opinion of various stakeholders. This had been the case in Japan for the revision of both the Examination Guidelines and the Patent Law. The Delegation believed that this should also apply to the

international community, and opinions from various parts of the world should be taken into consideration when discussing the new patent system. Economic globalization and emerging new technologies have sharply increased demands for adequate patent protection, reflected in the surge of patent application filings in developed countries. This rising activity level has also influenced patent Offices in other parts of the world. Adding changes to the patent system did not seem to be the solution; instead a global approach should be taken. At the WIPO Conference on the International Patent System in March 2002, the issue of the heavy burden on both IP Offices and applicants, due to the increase in international application filings, had been raised. While discussions about an extended use of the PCT system and substantive harmonization was, of course, important in handling this issue, the Delegation felt that more emphasis should be placed on enforcement-related aspects rather than only right obtainment aspects. The Delegation noted that Japan's Copyright Law had been updated in accordance with the discussions of the WIPO Internet Treaties. Japan had acceded to the WCT in June 2000, and to the WPPT in July 2002, and the Delegation was pleased that both treaties had entered into force, with their first assemblies held during the present session of the Assemblies of Member States. Recognizing the importance of these treaties for copyright protection on the Internet, the Delegation expressed the commitment of the Government of Japan to implement the treaties in an appropriate way. The Delegation noted that a Diplomatic Conference concerning an audiovisual treaty was on the Agenda of the present General Assembly, and that WIPO would make a proposal to call an *ad hoc* informal meeting to exchange information on remaining differences. The Government of Japan considered this proposal a very positive step for maintaining momentum for concluding the Treaty and it expected the proposal to be adopted. Finally, the Government of Japan also hoped that a new international instrument concerning broadcasting organizations, which was now being discussed at the WIPO Standing Committee on Copyright and Related Rights, would be established at the earliest opportunity.

209. The Delegation of Malawi congratulated the Director General and the Secretariat for continuing to provide effective leadership in the provision of various IP services to Member States in the face of the many challenges and demands of this century. The Delegation supported the statement made by Algeria on behalf of the Africa Group. On its own behalf, the Delegation noted with satisfaction, and offered its continuing support for the achievements made in the implementation of a number of programs, as outlined in the Program Performance Report for the 2000-2001 biennium, as well as the Program Implementation Overview for the period January 1 to June 30, 2002. The Delegation offered profound gratitude to WIPO for the assistance that had been rendered to the Government of the Republic of Malawi during the period under consideration, especially in the areas of human resource development, modernization of the IP infrastructure, and the provision of equipment to the IP Office. The Delegation offered its support for the revised Program and Budget for 2002-2003, which it believed had fine tuned existing programs in order to achieve flexibility and enhance efficiency, and which would further strengthen the Organization's capacity to respond to Member States' needs and increasing demands for WIPO services. The Delegation renewed its Government's commitment of support for the activities and initiatives of WIPO.

210. The Delegation of Mali thanked WIPO for the assistance provided. It also expressed its appreciation for the fruitful and dynamic cooperation with other partners such as the French National Industrial Property Institute (INPI), the Swiss Federal Intellectual Property Institute (OFPI), the European Patent Office (EPO) and the United States Patent and Trademark Office (USPTO). The Delegation said that the Government of Mali, aware of the importance of industrial property to social and economic development, had created an independent body, the "Mali Center for Industrial Property Promotion," responsible for implementing industrial

property programs. With that in mind, the Delegation requested the assistance of WIPO and the other partners for the implementation of the Center's programs.

211. The Delegation of Mozambique thanked the Director General for his dynamic leadership and congratulated the Secretariat for the work accomplished during the 2000-2001 biennium. It also expressed satisfaction with the activities undertaken by WIPO, in particular those relating to the strengthening of the legal and administrative intellectual property infrastructure, the computerization of intellectual property systems, the promotion of inventions and innovations, and the enforcement of intellectual property rights. The Delegation welcomed WIPO's focus on new areas emerging from technological development. It highlighted the importance of the work carried out in areas such as Internet Domain names, information technology, IP and electronic commerce and made particular reference to WIPONET, which will benefit developing countries and the LDCs and contribute to increasing their inventive activity. The Delegation informed the Assembly of the adoption of the Industrial Property Code, which had marked an historic step forward in the protection of industrial property rights in the country. It noted that the provisions contained in the Code were in conformity with the relevant international and regional international instruments ratified by Mozambique, and aimed at ensuring extended intellectual property protection as well as efficient, swift administrative procedures. It added that its main challenges in the intellectual property field were the consolidation of protection systems, the dissemination of industrial property information, such that the public and private sectors were informed on the importance and the benefits of industrial property. To this end, a National Institute of Industrial Property, endowed with legal and financial autonomy, would be established shortly. The Delegation was grateful to WIPO for the assistance received, particularly for the organization of a PCT national seminar, and expressed the hope that Mozambique would benefit from further support from WIPO and other relevant specialized international organizations, in terms of technical assistance and institutional capacity building.

212. The Delegation of New Zealand noted that it endeavored to actively participate in international IP activities wherever possible. Over the past year, several legislative changes had taken place in New Zealand, such as: addition of a Sixth Schedule incorporating the Nice Classification Eighth Edition for trademarks; change of PCT Chapter I time limit from 21 to 31 months, and removal of the extension of time fee for late filing of verified English translations of national phase application documents. The updating of the Trade Marks Act 1953 had begun and a new Bill had been progressing through Parliament and was awaiting its second reading. The Patents Act 1953 was also being reviewed: the first and second stages dealt with updating technical and operational aspects of the Act, and work was proceeding on drafting a Bill to amend these aspects of the Act. Stage 3 of the review was well advanced and included issues relating to patentability of life-forms, computer software, methods of medical treatment, and business methods. The Government had released a discussion document as the basis for public consultations in April 2002 on these issues, and submissions were being examined. A review of the Plant Variety Rights Act 1987 was being undertaken in tandem with the review of the Patents Act 1953. A discussion document reviewing the patent attorney profession in New Zealand was nearly finalized and was expected to be released within the next few months, as the basis for consultation with interested parties. The Government had undertaken a limited review of the Copyright Act 1994, as to the implications of digital technology for copyright, and after wide consultations progress was notable on the development of possible options for addressing the issues raised. Work was also proceeding on the drafting of a Bill to amend the Copyright Act 1994 to implement a limited ban on the parallel importation of motion picture films (including videos, DVDs and video CDs) and to make changes to the onus of proof in civil cases concerning copyright

infringement by specified imported products (software, films and sound recordings). The Delegation noted that representatives of the Intellectual Property Office of New Zealand (IPONZ) over the past year had attended: the annual conference of the Intellectual Property Society of Australia and New Zealand, Australia, August 2001; the New Zealand Institute of Patent Attorneys, New Zealand, November 2001; the 2<sup>nd</sup> and 3<sup>rd</sup> Sessions of the WIPO Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, December 2001 and June 2002; the SCT, Geneva, November 2001; the SCP, Geneva, November 2001 and May 2002; the Licensing Executives Society of Australia and New Zealand, Australia, April 2002; the Australian Institute of Patent and Trademark Attorneys, Australia, April 2002; the APEC IPEG XIV and XV meetings in Taiwan, July 2001 and Los Angeles, July 2002 respectively (New Zealand would host the next meeting in Christchurch, March 2003); the IP Enforcement Symposium, Los Angeles, July 2002; and, the WIPONET training, Singapore, July 2002. New Zealand received six representatives from the State Intellectual Property Office of the People's Republic of China in July 2002, who presented a seminar to New Zealand practitioners on the Chinese patent system, two representatives from the Office of Harmonization for the Internal Market (OHIM) in November 2001, on the occasion of a IPONZ organized seminar on the European Community Trademark, and various WIPO staff. The Delegation noted the contributions made by its Government to WIPO initiatives, including comments on the patent reform process, *force majeure* patent provisions, multiple invention and complex documents, its active participation in the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, and its celebration of the World IP Day on April 26. In the business year July 1, 2001 to June 30, 2002, IPONZ had received 7,267 patents, 19,173 trade marks and 937 industrial designs applications. The IPONZ examination staff of about 40, aimed at examining all new applications within five business days. This objective had been met in 95% of all applications. For PCT national phase applications, IPONZ had attempted to rely on the International Search Report and International Preliminary Examination Report (when available) where possible, and had conducted searches of published specifications in New Zealand to ensure that legislative requirements were met. IPONZ had kept abreast of PCT application numbering changes and had ensured its computer system was able to cope with the changes. Technology developments in IPONZ have included the release of on-line trade mark application and renewal functionality and the continued imaging of all current patents.

213. The Delegation of Niger congratulated the Secretariat on the intensity of the activities carried out during the 2000-2001 biennium and the first half of 2002. It referred to the increase in WIPO activities, in particular that in cooperation for development and the significant changes in PCT filings. It expressed its gratitude for the multifaceted assistance received, which had led to the industrial property department being modernized, the awarding of prizes to inventors and the development of human resources through various seminars organized for judges, researchers and industrial property officials. It further encouraged WIPO to continue its awareness-raising activities for decision-makers in its country in relation to the role of intellectual property. It announced the introduction of an intellectual property teaching program in professional and technical institutions and requested WIPO's assistance in launching a teaching module which had just been validated via a national workshop. In conclusion, the Delegation expressed Niger's gratitude to WIPO for having been chosen as a beneficiary of the WIPONET Project, and awaited with interest the future stages of its installation.

214. The Delegation of Norway commended the Director General and the Secretariat for the many major developments and achievements in the period under review. It noted that the draft program for 2002-2003 was in conformity with the Organization's long-term strategy

and that the results-based programming and budgeting had improved the transparency and accountability of the Organization's activities. The Delegation encouraged WIPO to further develop the transparency and link between a particular activity in the sub-programs and their respective budget and expenditure figures. It urged continued support for the work done in respect of meeting the intellectual property needs and concerns of SMEs. Last year the Delegation had expressed its encouragement when this topic had been put on the agenda of the General Assemblies. It seemed, however, that lack of resources had hindered the necessary steps forward in this area although the Delegation strongly felt that the greatest potential for future expansion of the IPR-field lay within the SME field. These short-comings had been of some concern to Norway, which encouraged both the Secretariat and the Member States to put this area into focus and back on track again. Norway would therefore very much welcome a more ambitious action-plan with sufficient allocation of financial resources within the sub-program on Small and Medium-Sized Enterprises and Intellectual Property. The Delegation noted with satisfaction that while the negotiations on the further development of the PCT were well on track, it would be possible, in parallel, to look into the more basic questions of the functioning of the International Patent System and the possible need for changes. Concerning activities and developments on the national level, Norway was well on its way in the process of accessing the Patent Law Treaty, the Geneva Act of the Hague Agreement and the Trademark Law Treaty. Accession to these treaties was expected within 2004. As for copyright issues, Norway would most likely access the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty within the same period. Despite the fact that knowledge and awareness of IPR was quite unsatisfactory, a positive tendency was noted in Norway with regard to a greater IPR-focus. A national IPR-forum had been established, with participants from relevant private and public sectors, aiming at placing IPR on the political agenda as a strategic measure towards increased competitiveness. The Delegation noted that the collaboration with the WIPO Academy had turned out to be a success and that it would be happy to continue this program. Finally, the World IP Day had been celebrated at the Norwegian Patent Office, and the occasion would continue to be marked in the future.

215. The Delegation of Poland congratulated the Director General and the Secretariat for the work carried out by the Organization during the period under review, along the lines of the Vision and Strategic Direction of WIPO. It welcomed the transparent approach reflected in the report on the Organization's activities, and believed that it was crucial for WIPO to take on new challenges and reforms in conformity with the worldwide changing needs of the users of intellectual property systems. It praised WIPO's efforts aimed at demystification of the patent system, and promotion of the importance of strong intellectual property protection worldwide. The Delegation noted that the Program Performance Report for the 2000-2001 biennium had been prepared in accordance with the Program and Budget criteria as approved by Member States. The Report constituted a clear and comprehensive synthesis of the implementation of the approved WIPO work programs and allowed the identification of areas that required further evaluation and support. The Delegation expressed its satisfaction with the progress achieved with respect to simplification of WIPO's Assemblies and streamlining the governance structure at WIPO, and it supported the recommendations of the Working Group on Constitutional Reform. The Delegation supported the work of the Standing Committee on the Law of Patents related to the drafting of the Substantive Patent Law Treaty. The Delegation supported the proposed amendments of the PCT Regulations, especially those in respect to an enhanced International Search and Preliminary Examination System, and the operation of the designation system, which would significantly contribute to the simplification of the PCT system. These items should be built into the Agenda for the development of the international patent system. The Delegation fully subscribed to that initiative, and welcomed the survey of major issues confronting the international patent system. It supported the

proposed steps towards the identification and consideration of the measures needed to be applied in the process of reshaping the international patent system, which would allow a further reduction in costs for obtaining a patent and would be conducive to the sound development of the patent system in the world. Poland had 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. The Polish Patent Office had proceeded with preparations for the accession to the European Union, and the Act amending the Industrial Property Law had been adopted by the Polish Parliament in June 2002, bringing Polish regulations on the protection of biotechnological inventions and industrial designs in full conformity with the respective European Union directives. Significant efforts had also been devoted to the preparatory work related to the accession to the European Patent Convention; ratification procedures had been instituted, and an Act implementing the Convention was before the Parliament. The Polish Patent Office had paid special attention to the education and specialization of its staff, and to the maintenance and continuous improvement of information technology through modernization of hardware, software and organizational solutions. Registration activity at the Polish Patent Office had continued an upward trend, both in relation to the PCT and the Madrid systems, with growth in PCT applications from around 31,000 in 1998 to nearly 66,000 in 2001. Regarding copyright and related rights, Poland had just initiated ratification procedures for accession to the WCT and the WPPT. Concurrently, legislative efforts for bringing Polish copyright law into line with those treaties had started, and an Act amending the Copyright and Neighboring Rights Law was awaiting its second reading in the Parliament; it was expected to become effective as of January 1, 2003.

216. The Delegation of Portugal underlined the important role that intellectual property plays in technological, economic and social development strategies of enterprises, countries and world regions. Portugal considered that increasing the number of users of intellectual property systems was a strategic aim for WIPO. Correspondingly, it was important that enlarging the coverage and efficiency of those protection systems should be accompanied by an increase in potential users. As such, efforts directed to reinforce the efficiency and harmonization of the Intellectual Property Systems managed by WIPO were important: the PCT system should be given emphasis, and efforts to promote the use of Intellectual Property and the role of by Member States and their Offices in international cooperation should be increased. Portugal gave credit on these issues to the work realized by WIPO – under the clarified vision and the dynamic action of its Director General. It had taken efforts to harmonize its substantive legislation in several areas, the first related to its adoption of the Trademark and Patent Law Treaties. It noted that efforts leading to PCT reform, and its alignment with the Patent Law Treaty, would undoubtedly bring more flexible procedures, benefiting not only patent applicants, but also the interface between WIPO, its Member States and the examination and international preliminary examination Offices. Efforts related to changes in the international examination and international preliminary examination systems might be enhanced, through the automatic indication of designations within the PCT application process. Portugal commended itself on its adaptation of the International Patent Classification to the Electronic Field, rendering this tool more universal and efficient in the field of technological knowledge research. Portugal started the ratification process to the Geneva Act of the Hague Agreement and to adhere to the Locarno Agreement. The Delegation stated that Portugal's new Industrial Property Code was nearly concluded, inspired by WIPO's promotional efforts in legislative harmonization. Concerning international cooperation, Portugal had been reinforcing its participation in WIPO initiatives. It had co-organized a Seminar on industrial property and the PCT, as well as a Cooperation Meeting for the Member States of the Portuguese Speaking Countries (CPLP) last December,

in Lisbon, and had received trainees from the Portuguese-speaking countries. Portugal intended to increase its involvement within the distance learning program of the WIPO Academy, by participating more in content production and in the supply of tutors. Returning to the promotion of intellectual property use – an area in which WIPO could effectively increase its role – Portugal noted that it had launched a network of “Units for Industrial Property Promotion” (UIIP), which might be a useful concept to be disseminated internationally. These UIIP were established in several scientific and technological entities, and add benefit by offering a relevant innovation network. All the initiatives concerning the protection of legitimate rights related to traditional knowledge, folklore, and genetic resources of local populations, should be positive for the intellectual property system. In conclusion, Portugal also applauded the efforts toward constitutional simplification, as reinforcement of efficiency within the WIPO Organization itself, which would greatly contribute to the functional, operational and substantial aims of the intellectual property systems managed by WIPO.

217. The Delegation of the Russian Federation congratulated the Director General and the Secretariat for the successful activities implemented during the period under review, and in particular noted the efforts made to harmonize intellectual property legislation, the PCT reform, and the streamlining of WIPO’s activities. The Delegation noted the further increase in international registrations within the PCT, Madrid and Hague Systems and expressed its satisfaction with WIPONET and the related project for the electronic filing of applications according to PCT procedures, as well as the new initiative relating to the international patent system. It emphasized the need to create a long-term strategy and plan for WIPO’s activities with longer-term and higher-level goals than those reflected in WIPO’s two-year programs. Regarding the cooperation between the Russian Federation and WIPO, two fora had been held in Moscow, devoted to intellectual property and information technologies and the role of the intellectual property system for SMEs. Seminars had been organized on the strengthening of the administrative system for the protection of IPR, and the first Meeting of Heads of Copyright Offices from the countries of the Caucasus, Central Asia and Eastern Europe had taken place. The Delegation also noted WIPO’s assistance for the streamlining of the system of collective management of copyrights and the training of employees in that field. The Russian Federation had played an active part in the first and second WIPO Internet domain name process, and the assistance provided by WIPO in the preparation and publication in Russian of the corresponding WIPO reports had been highly appreciated by the Russian Federation and other CIS countries. The Delegation underlined the importance of further cooperation in the preparation of Russian translations of various WIPO publications, in particular the text of treaties, recommendations and surveys. It noted the fruitful cooperation and assistance provided by WIPO in preparing Russian-language distance-learning modules and in adapting the distance learning software as a means of developing the capacity of intellectual property specialists. A meeting with the WIPO Worldwide Academy was planned in Moscow in October 2002, for the streamlining of training processes. CIS representatives would participate in the meeting, together with Russian teachers working in the field of intellectual property in various institutes and universities. The Delegation noted the assistance provided by WIPO in laying the ground for the future accession of the Russian Federation to the WIPO Internet treaties and to the TRIPS Agreement. In conclusion, the Delegation noted that draft intellectual property laws, which had been prepared after consultations with, or assistance from, WIPO, were currently being examined in the State Duma.

218. The Delegation of the Slovak Republic noted that the document “WIPO Patent Agenda: Options for Development of the International Patent System” clearly outlined the ways for the



further development of patent protection throughout the world and the role of WIPO in this process. It noted that in the rapid development of new technologies and human creativity, only an efficient and dynamic intellectual property system would be able to support and encourage technological innovation, bringing more and better products into the market for the benefit of the whole society, and promoting investment and technology. WIPO's role in this process is irreplaceable and the Delegation expressed its full support for the global strategy concerning the development of the international patent system. The protection of intellectual property rights linked to e-commerce, biotechnology, biological diversity, traditional knowledge, Internet domain names, automation of PCT operations etc., necessitated a new and intensified co-operation and harmonization of various legal disciplines, with an important role to play for WIPO. During the past year, important changes had taken place in almost all fields of IPR legislation in the Slovak Republic. After nearly 11 years without any significant change in patent legislation the Parliament approved the new Patent Act on October 4, 2001, which came into effect on November 1, 2001. This new legal regulation had become necessary due to changes in the society after November 1989, and to take account of recent and future developments relating to the Slovak Republic's ambitions for European integration as well as of the global harmonization process of national patent legislation. The new Patent Act integrated EU patent-related standards and other international patent-related regulations adopted during the last decade. The adoption of the Patent Law Treaty in WIPO was also reflected in the new patent legislation. The Government of the Slovak Republic had deposited its instrument of accession to the Patent Law Treaty on July 16, 2002. Other important international agreements reflected in the Patent Act included the TRIPS Agreement and obligations following its provisions, including compulsory licensing, the concept of preliminary measures and the principle of national treatment. With regard to trademarks, the amendment of the Trademark Law was adopted and became effective as from January 1, 2002. A new Act on Industrial Designs, incorporating the EU Directive on the legal protection of designs, was approved by Parliament and would become effective on October 1, 2002. The Slovak Republic acceded the European Patent Convention together with three other candidate countries and became party to the regional patent organization as of as July 1, 2002. This important milestone in the history of the Slovak IPR protection meant that more emphasis would be given by the national Office on external services to the public at large, inventors, industries, academic circles, business community and other interested circles. It would still take some time, especially in the countries in transition, to enhance the public awareness of the importance of protecting the intellectual property rights of inventors, private legal entities and producers. The Delegation expressed its keen interest in participating in WIPO's future activities as much as their resources would allow, including in the activities of the WIPO Worldwide Academy. The Industrial Property Office of the Slovak Republic (IPO SR) would continue its own training and education programs provided by the Intellectual Property Academy, which is part of the IPO SR and accredited by the Ministry of Education. The 2-year duration study of the Academy consisted of four levels and was module-based. The Delegation requested WIPO to extend assistance to the IPO SR in providing lecturers, especially for the highly professional topics in the last module. The Office continued publishing the Intellectual Property Journal which enjoyed a good publicity and popularity among the public and interested circles. In conclusion, the Delegation noted that its experts were regularly participating in the activities of almost all WIPO Committees. Because of limited national funds however, the Delegation would welcome the allocation of more funds for this purpose from the WIPO budget.

219. The Delegation of Spain said that its country was fully prepared to continue contributing and extending the conception of intellectual property titles as a relevant element in the modernization and economic development of countries, in an ever-more globalized

context. The Spanish Patents and Marks Office (OEPM), the institution responsible for industrial property in Spain, was currently undertaking major efforts, both in the various committees and working groups within WIPO, and in other institutions in the industrial property sphere, in relation to new emerging subjects: *inter alia* the reform of substantive patent law, PCT reform, domain names, geographical indications, traditional knowledge, the WIPO initiative on development of the international patent system. In this connection, the Delegation expressed its Government's interest in acceding to the international industrial property treaties such as the 1999 Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, which was currently being ratified by the Spanish courts; and the Revision Act of the European Patent Convention of November 29, 2000, which would be approved by the Council of Ministers in the following few days. The Delegation emphasized that during the Spanish presidency in the first half of 2002, the meetings held within the framework of Internal Market policies on the adoption of the Community patent had constituted a major priority for the OEPM, as evidenced by the adoption of a joint focus proposal to continue the debates on the adoption of regulations on the Community patent during the current Danish presidency. Similarly, the OEPM had organized various national and international events on different subjects such as network protection and innovation, and had discussed projects on the electronic publication of patent applications for Ibero-American countries, and exchange of information on patents and electronic publication of patent applications for Latin America, in order to establish a documentary platform in Spanish on Latin American patents on the Internet, within the Espacenet system for consulting patent applications. The Delegation recalled the increasing amount of work done since 1995 as a PCT International Searching Authority in Spanish and the conclusion, in 2001, of the Agreement with WIPO for administering the preliminary examination in Spanish. Royal Decree No. 996/2001 on the procedure for granting national patents with prior examination for all technical sectors, as well as the introduction of the substantive examination within the procedure for granting national patents, constituted factors which would guarantee satisfactory exercise of this new requirement. The Delegation invited all Spanish-speaking countries within the system established by the PCT to send, in future, to the OEPM, patent applications concerning the conduct of the international preliminary examination. The Spanish language should be taken into consideration as a necessary asset in the construction of a complete international industrial property system. In this connection, the OEPM was involved in intense collaboration with Ibero-American industrial property offices through the holding of seminars or dispatch of missions. This was evidenced by the holding, in cooperation with the Secretariat of Central American Economic Integration (SIECA), of regional workshops for the dissemination of the new Nice Classification in Spanish. The Delegation also mentioned the setting-up of the CIBIT project, created at the Havana Summit of Ibero-American Heads of State and Government, on November 13 and 14, 1999, and an instrument for dissemination of the international patent system, and a means of exchange and provision of OEPM's experience to examiners from Ibero-American Patent Offices. As regards marks, the consideration of Spanish as a possible official language in the Madrid Agreement system would be a factor in the generation of added value and may attract new States and users to the international mark. The efforts made by OEPM in the dissemination and construction of a modern industrial property system were also apparent in the bilateral cooperation efforts maintained with various countries. The Delegation highlighted the visit by the Vice-Minister of Panama, Mr. Temistocles Rosas, the aim of which had been to sign a new Memorandum of Cooperation with the OEPM as part of the updating process being implemented by OEPM. The Delegation described the holding of the traditional and prestigious patents and marks training courses, designed for staff of the Ibero-American offices, which had helped since their creation to train more than 500 industrial property officials and senior representatives from Ibero-American countries. The OEPM had also

focussed its efforts on the fight against infringement of industrial property rights or piracy. It had cooperated in producing a document-proposal on the creation of an Anti-Piracy Observatory as an institutional base for coordinating the actions of European Union Member States. The OEPM promoted the joint organization, with WIPO and the EPO, of a seminar for Ibero-American judges and prosecutors in November 2002. The Spanish General Council of the Judiciary, together with OEPM, had drawn up a proposal, currently being negotiated with WIPO, on industrial property training for judges and prosecutors. The Delegation referred to the intense efforts of OEPM in the process of revising and updating the legal rules governing the various industrial property titles. In December 2001, a new Marks Law had been approved, which had been in force since July 31, 2002. This reflected the accommodation of the Spanish marks system in the new international and Community context, as well as the modernization of the law on marks, thereby establishing a smooth and rapid procedure and at the same time protecting owners against invasions of their titles. This Law included the introduction of the multi-class system, the recognition and intensive protection of renowned and well-known marks, the use of the mark on the Internet, and legal measures against the piracy of marks. As regards the legal rules governing patents, an important amendment relating to biotechnology had been incorporated in legislation, in accordance with advances in biology and genetic engineering. On April 29, 2002, the Law was approved which incorporated into Spanish law Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions. Reference was made to the advanced state of consideration of the preliminary draft of the Design Law which introduced a new regulation on the simplification of the grant procedure, together with other important changes in line with the Community standard in this area. On copyright, the Ministry of Education, Culture and Sport had worked for the promotion and development of intellectual property rights. In Santiago de Compostela an International Conference of Copyright was held with important discussions on the present and future of copyright. Intensive work had been done on the transposition of Directive 2001/29 on the harmonization of certain aspects of copyright and related rights in the information society. This would presuppose the adaptation of intellectual property rules to the new challenges of the digital environment, in line with the 1996 WCT and WPPT. A contribution has also been made to the organization of the Fourth Ibero-American Congress on Copyright and Related Rights, to be held in Panama in October 2002. Grants have been awarded to Ibero-American professionals for training courses with the Ministry of Education, Culture and Sport. The Intellectual and Industrial Property Anti-Piracy Commission has strengthened cooperation between all empowered officials in the fight against piracy, including both public and private sector bodies. Together with the General Council of the Judiciary, the most important body for judges in Spain, and the Public Prosecutor's Office, conferences have been organized to exchange experiences and knowledge with police forces and representatives of intellectual property rights management bodies.

220. The Delegation of Sri Lanka thanked the Director General for his dynamic and visionary leadership which had transformed WIPO into a forward looking and results oriented Organization, and in particular commended the clear goal setting, transparency, efficient management practices and successful delivery of program implementation. It noted that the cooperation provided to developing countries deserved particular mention and believed that an efficient and results-based programming and budgeting had significantly contributed to the success of those programs. The Delegation noted that in addition to Sri Lanka's continued efforts to introduce a modern legal framework, an efficient and cost effective enforcement mechanism and a user friendly administrative system, a multi-faceted program on IP was being implemented with WIPO's assistance and guidance, covering: the demystification of IP and public out-reach; human resources development; introduction of automated support to

the IP office; promotion of the use of the IP system by businesses, in particular SMEs; encouragement of collective management of copyright; and, promotion of creativity and innovations. The Delegation noted the positive results of these initiatives and hoped that the cooperation with WIPO would continue and be further strengthened. It also stated its particular interest in areas such as e-commerce, use of information technology in IP management, and protection of genetic resources and traditional knowledge. In conclusion, the Delegation expressed its interest in promoting the cooperation on intellectual property within the SAARC and BIMSTEC regions, and noted the encouraging guidance and assistance extended by the Director General for the strengthening of regional and sub-regional cooperation.

221. The Delegation of Suriname congratulated the Director General and the Secretariat for the excellent quality of the documents submitted. It expressed gratitude to the Director General of WIPO for the continuous support in the development of intellectual property in Suriname, which greatly contributed to enhance the intellectual property system in the country. The Delegation stated that this year, for the first time, a Minister responsible for intellectual property visited WIPO Headquarters. It indicated that Suriname had also hosted the WIPO Ministerial Meeting and the WIPO Meeting of Heads of Intellectual Property Offices of the Caribbean and added that this region was looking forward to the implementation of the recommendations of the Meeting with the assistance of WIPO. The Delegation informed the Assemblies that in 2001 responses on Suriname's intellectual property legislation under the TRIPS Review before the WTO were submitted while the country was still in the process of drafting new laws to comply with the TRIPS. Accordingly, new responses would be submitted again to the TRIPS Council as soon as the Parliament in Suriname had approved the new intellectual property legislation conforming to the TRIPS Agreement. In this connection, it expressed the hope that WIPO would continue to provide assistance to help the country meet its obligations under the TRIPS Agreement as well as other intellectual property international obligations. Finally, the Delegation stated in a near future Suriname would be adopting the WIPO Internet Treaties as well as the PCT Treaty and the Locarno Agreement.

222. The Delegation of Sweden congratulated WIPO for the achievements as well as for the scope and the quality of the activities carried out as presented in the program performance report. It expressed special appreciation for the work done on a global scale to increase awareness of intellectual property and its importance for technological development and economic growth. The Delegation praised the results achieved under the programs for cooperation for development, considering the number of participants who benefited from it, and reiterated Sweden's commitment to continue to provide assistance and support to WIPO in the organization of training courses related to intellectual property. In this connection, it recalled that training courses have been organized jointly with WIPO for a number of years, totaling almost 400 participants. While indicating that the development of information technology for information purposes and electronic filing of patent applications remained a highly prioritized area, the Delegation acknowledged WIPO's achievements during the biennium in the field of information technology and, in particular, WIPO's website for its very useful and quickly accessible information. It also looked forward to the improvement of the PCT system once each phase of the IMPACT and PCT SAFE projects would have been completed. In considering the enhancement of PCT as instrumental to the development of an effective international patent system, the Delegation expressed its full support to the PCT reform and confirmed its interest in continuing to participate in it. Satisfaction was equally expressed in relation with the process, in which Sweden had participated very actively, adopted by WIPO to address issues relating to Internet Domain Names. The Delegation stated

that it attached great importance to gender equality and noted with appreciation that this criterion had been fully applied by WIPO in the appointments of staff during the last biennium. Finally, the Delegation reiterated Sweden's commitment to the goals and activities of WIPO and to its cooperation with WIPO for the promotion and the development of user-friendly intellectual property systems in the world.

223. The Delegation of Switzerland praised WIPO's efforts to promote intellectual property rights. On account of its expertise WIPO was more than ever being called upon to interact with the public at large in order that it might understand the intrinsic value of intellectual property to economic, social and cultural development. The Delegation said that better knowledge of the benefits of intellectual property could only be of benefit to all. In that regard, it congratulated the Director General on having organized a Round Table on the fringes of the current Assemblies. WIPO should not slacken its efforts to promote the implementation of intellectual property rights, but without neglecting the continued development of international intellectual property law. It assured WIPO of its support. It wished moreover to congratulate the Secretariat warmly for the considerable amount of work done during the 2000-2001 biennium. The Delegation then reported on the latest intellectual property developments at the national level. The entry into force of the new Federal Law on Industrial Designs, on July 1, 2002, had enabled the ratification instrument to be deposited, on September 11, 2002, concerning the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs. This new law played a pilot role as regards the procedure for and management of intellectual property rights which could henceforth be done entirely by electronic means. As regards the development of the use of protection systems in Switzerland, the symbolic milestone of the registration of the 500 000<sup>th</sup> mark had been achieved in June 2002. That figure demonstrated that more and more SMEs were recognizing the interest of protecting their marks. The Delegation said that, since January 1, 2002, the national fee for filing an application for the registration of a mark and that for extending the registration had been reduced by 12.5%, thereby making this protective title even more accessible. The revision of the Swiss law on patents had continued in order to bring it into compliance with the Patent Law Treaty (PLT) and the Agreement on Languages, signed by Switzerland with the European Patent Office (EPO) in October 2000, which would allow the cost of translating a patent to be reduced by up to 75%. As a result of this new regulation, it would no longer be necessary to have drafted patents translated into English. Other adaptations of Swiss law on patents concerned the protection of invention in the field of biotechnology. Swiss copyright law was also in the process of being revised with a view to allowing ratification of the WIPO Copyright Treaty (WCT) and of the WIPO Performances and Phonograms Treaty (WPPT), as well as adapting the protection of Swiss copyright to modern information technologies. In relation to international activities for the development of intellectual property, the Delegation said that it had participated in various international fora, including the WIPO Intergovernmental Committee on Intellectual Property, Traditional Knowledge, Genetic Resources and Folklore, meetings connected with the Convention on Biodiversity (CBD), and the TRIPS Council of the World Trade Organization (WTO). In this context, the Delegation gave details of its active participation in the discussions leading to the adoption of the "*Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising Out of Their Utilization*" as part of the Convention on Biological Diversity (CBD) in April 2002, or also the presentation of a study on the certification of biological exploration activities. At the TRIPS Council, Switzerland had also put forward the idea of an international gateway for the traditional knowledge administered by WIPO. As part of the Fourth WTO Ministerial Conference, held in Doha, Qatar in November 2001, and at meetings of the Council for TRIPS, Switzerland, joined by an ever-growing number of countries, both industrialized and developing, had continued to promote an

improvement in the international protection for geographical indications through an extension of what was known as additional protection for geographical indications identifying all products, so that in the future it was no longer reserved only for geographical indications identifying wines and spirits. As regards technical cooperation, the Delegation expressed satisfaction at the continuation of the cooperation program launched in June 2001 in cooperation with the Viet Nameese Intellectual Property and Copyright Offices. Four cycles of seminars had taken place in Viet Nam relating, in particular, to the process of accession to the WTO according to the TRIPS Agreement, copyright and related rights, the protection of industrial designs and plant varieties. Several other activities were included in the program such as study trips to Europe by Viet Nameese intellectual property experts, the examination of the compatibility of Viet Nameese intellectual property legislation with the TRIPS Agreement, the translation and summary of international intellectual property treaties, the establishment of a modern library, English courses and various expert appraisals. The Delegation underlined the efforts made by the Working Group on Statutory Reform. In that regard, it welcomed the proposals to amend the treaties recommended by the Working Group and hoped that the procedure could be initiated. It assured WIPO of its support in any future discussion on the matter. It also expressed satisfaction at the success of the PCT but said that measures designed to rationalize and make more effective the PCT system should be examined, and that progress in relation to the harmonization of material patent law was, however, necessary. The Delegation continued by welcoming the introduction of the re-establishment of rights in cases where the deadline assigned for the opening of the national phase was not respected, and also the proposals by the Secretariat concerning the availability of priority documents. During the special SCT sessions, which had related to the report on the second Internet domain name consultation process, a number of delegations and observers had indicated the need to guarantee protection in addition to marks as part of the domain names system. The Delegation said that it supported these recommendations and, most of all, that designed to instruct the SCT to examine the issue of the protection of geographical indications as part of the domain names system.

224. The Delegation of the Former Yugoslav Republic of Macedonia congratulated the Director General and the Secretariat on the excellent preparation of the documents for the meetings of the Assemblies of WIPO. The Delegation noted that the Director General's mission, and the new programs covering all aspects of intellectual property rights protection, have contributed much to understanding the important role of IP in social and economic development. The Delegation underscored that its country aimed at establishing a system that could guarantee IP protection rights in its territory and, fully aware of the significance of harmonization of the system for the protection of IPRs, was working on building its system in full harmonization with the international system of protection. The Delegation referred to the accession of the Former Yugoslav Republic of Macedonia to the WTO, and the signing of the Stabilization and Association Agreement with the European Union, and observed that those events obligated the country to have an IPR system that would be in compliance with the principles of the TRIPS Agreement and the EU Directives. It noted that the Law on Industrial Property had been passed by the Parliament in June 2002, and that the amendments to the Law on Copyright and Related Rights would provide a legal framework in harmony with those standards. The drafting of new legislation required expert assistance, and in that context, the Delegation thanked WIPO, the German Agency for International Cooperation (GTZ), and the colleagues from the State Office of Croatia. The Delegation underscored that the IP protection system must provide efficient enforcement of rights, as well as coordination of all entities involved in the process of protection, which included the IP Office, inspection mechanisms, courts, prosecutors, police and customs officials. It was also important to increase public awareness on the importance of the protection and observance of IPRs. The

Delegation offered its support for WIPO's initiatives in the field of enforcement, such as the establishment of a special committee, an electronic forum, further training of human resources involved in the process, elaboration of best practices, and requested further assistance from WIPO in this field. Certain activities had already been undertaken through WIPO programs, through the RIPP program of the EU within PHARE, and in the seminars which the country had organized independently or in cooperation with the American Bar Association. However, the Delegation stressed that practical training with real cases would be more efficient. The Delegation indicated that the country would also like to start a campaign for increasing public awareness regarding the fight against counterfeiting and piracy, for which it would appreciate support from WIPO and from others who could contribute to its efficient realization. The country's activities in the field of IPRs would continue within the CARDS program of EU. The Delegation emphasized the good cooperation with EPO, and indicated that it also expected to establish good cooperation with the Office for Harmonization of Internal Market. The Delegation noted that in December 2001, the Macedonian Parliament had ratified the Madrid Protocol, the Budapest Treaty and the Strasbourg Agreement, which had resulted in increased interest in protection of industrial property rights in the country. In conclusion, the Delegation thanked WIPO, and the Director General in particular, for the support given to the Former Yugoslav Republic of Macedonia and expressed confidence that the cooperation would continue.

225. The Delegation of Tunisia endorsed the statement made by the Delegation of Algeria on behalf of the African Group and thanked the Secretariat for the assistance and support given to its country. It expressed satisfaction at the action taken by WIPO to demythologize intellectual property, expand the scope of programs relating to traditional knowledge, genetic resources and folklore, and also aid for small and medium-sized enterprises (SMEs). It considered, as a matter of urgency, the guidance of efforts toward the establishment of regulatory instruments and the generation of benefit from the recent work done by UNESCO on the Convention on the Cultural Heritage. The Delegation noted with interest the partnership between WIPO and the University of Turin, and expressed the wish that greater publicity concerning these courses should be generated among Member States, with a view to meeting the pressing needs of training and improvement for their human resources. As regards the diplomatic conference on the protection of audiovisual performances, the Delegation pointed out that it was essential to reconcile the differences of opinion that had occurred in December 2000. From this point of view, it subscribed to the proposals made in paragraphs 4 and 5 of document WO/GA/28/5. It announced that the Tunisian government had put in place an overall strategy designed to make intellectual property a social and economic development tool. This strategy aimed at developing and promoting not only the activities of the body responsible for protecting and managing industrial property rights, and that of copyright, but also other participants in this area such as the University, the scientific and technical research sector, the judiciary and customs authorities. Within this framework, a cooperation program with WIPO had been drawn up and was aimed at the organization of workshops and training seminars, the exchange of information on intellectual property as part of the WIPONET project, and assistance with the computerization and modernization of the working procedures of intellectual property bodies. Furthermore, a Diploma of Higher Specialized Studies (DESS) had existed for a number of years in the Faculty of Law in Tunis. However, the training acquired from this diploma was limited to the purely legal aspects of intellectual property. For that purpose, the Delegation called for WIPO's assistance with a view to the introduction, within the country's engineering schools and research centers, of training systems relating to the scientific and technical aspects of industrial property such as patent systems, technology transfer and information technologies. The Delegation said that Tunisia was considered to be one of the first countries to have ratified the World Trade

Organization (WTO) Agreement as well as the partnership agreement with the European Union. In that regard, it believed it was essential to bring its industrial property legislation into line with the requirements of the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). Four laws, together with their implementing decrees, had therefore been drafted with WIPO's assistance and had entered into force following their approval by the government. These laws concerned patents, factory or trade marks, industrial designs and the topography of integrated circuits. In addition to the revision of legislation, and with a view to facilitating the protection of patent rights at the national and international level, Tunisia had acceded, on September 10, 2001, to the Patent Cooperation Treaty (PCT), which had entered into force (for Tunisia) on December 10, 2001. The Delegation added that the necessary steps for accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure had been undertaken. In conclusion, the Delegation said that it attached priority to the promotion of intellectual property and to the implementation of related treaties.

226. The Delegation of the United States of America commended the Director General and the Secretariat for its high-quality work in promoting the protection of intellectual property worldwide. It appreciated the comprehensive Program Performance Report, which demonstrated WIPO's continued efforts to improve transparency and accountability. The Delegation noted its strong belief that the protection of IP promotes economic, social and cultural development around the globe, and that WIPO plays a key role in this regard. Through its activities on the progressive development of international IP law, cooperation for development activities and its global protection services, WIPO was helping its Member States to realize the benefits of intellectual property protection. The Delegation applauded WIPO's efforts to demystify the intellectual property system and to promote the importance of strong IP protection worldwide. It believed that, as more and more Member States would implement the substantive IP components of the TRIPS Agreement, the time had come to focus WIPO cooperation for development activities on assistance with enforcement of IPR. The Delegation also applauded the efforts of Member States in adopting the substantive provisions for the protection of intellectual property; however, it noted that this was only the first step in providing solid IP protection. The second step should include the implementation of TRIPS-compliant enforcement protection, a complex but critical task without which the substantive laws were rendered meaningless. The Delegation urged WIPO to coordinate and emphasize its enforcement training so that all Member States could achieve solid intellectual property regimes. WIPO's work in narrowing the information divide for those IP offices which had difficulties in gaining access to and use of IP resources, through WIPONET and other information technology projects, was appreciated, as the flow of information among Member States was essential in carrying out the mission of the world's IP systems. The Delegation commended WIPO's work supporting technological, literary and artistic developments around the world. The United States Patent and Trademarks Office (USPTO) had played a vital role in the economic development of the United States by granting inventors patents for their inventions, and it was now celebrating the bicentennial of what was now the USPTO. The Constitutional mandate for granting patents began in 1790, when the first U.S. patent was issued. The systems of copyright and trademark protection, and other forms of intellectual property, had played a similarly vital role in the development of the United States. The Founding Fathers of the United States understood that an agrarian colony could never move to become a technological and economic nation unless there was an incentive for inventors and creators to give them the financial motivation for that limited period of time to enjoy the fruits of their creation. The Delegation noted that the IP system was not static and that it required continuous evaluation and improvement. In the past year, the United States had addressed the growing workload demands facing the U.S. Patent and



Trademark Office (USPTO) by developing a 21<sup>st</sup> Century Strategic Plan, reflecting both a thorough internal process review and a systematic attempt to incorporate the best thinking of applicants, and the experiences and best practices of IP offices in other countries. The Strategic Plan was only the first step toward creating a quality-focused, highly productive, responsive USPTO supporting a market-driven IP system for the 21<sup>st</sup> Century. Once the initial phases of the Plan had been implemented, the USPTO would explore further options to enhance its ability to operate more like a business. The Strategic Plan would be refined and updated periodically to adjust to changing conditions and to incorporate the best thinking of the entire IP community. The Delegation believed that WIPO should continually seek to improve its services and activities, and to promote enhanced cooperation and improvement of the international IP system. It fully supported WIPO's efforts to simplify and streamline the IP system, whether through harmonization or reform of existing systems. The Delegation noted that, in this age of fast-changing technology and strong demand for WIPO services, a careful plan of personnel, information technology and workplace structure investment was required. The United States welcomed the high quality of management analyses carried out by the Washington-based National Academy for Public Administration and by the Federal Audit Office of Switzerland. The United States concurred that it was necessary for the Organization to invest in the construction of new premises, fully provided with appropriate modern technology, maximizing the number of staff working in WIPO-owned premises. While the United States found that a consensus had developed on the issue of the conference facility, which it would not block, it nevertheless wished to make, for on the record, several comments concerning the facility. After a careful assessment of available or future conference facilities in Geneva, the United States found that justification for the proposed conference facility was difficult: it was uneconomic, redundant, and would consume 30 million or more Swiss francs, which could be of better use for other programs or investments, or for the reduction of fees charged for WIPO services. The United States expressed its intent to work closely with the Secretariat to examine the various underlying projections for the financing of new premises, considering that WIPO should take into account the serious possibility of lower demand and revenues. In conclusion, the Delegation hoped that WIPO's activities would continue to flourish and it believed that prudent and thoughtful management was required to continue progress toward the objectives of Member States and other stakeholders, whose interests and activities were directly affected by WIPO.

227. The Delegation of Uruguay said that the National Directorate of Industrial Property (DNPI) continued to work to establish collections of documentation on marks and patents, on a magnetic carrier, for internal and external consultation, and the setting-up of the industrial property administrative case-law database was already complete. The DNPI was intending to prepare guidelines on technology policies for the production of electronic patent data, so as to participate actively in the WIPO-EPO-OEPM project and to promote the exchange of patent information and electronic publishing systems. In addition, within the framework of the development of policies for the dissemination and promotion of industrial property, an industrial property gazette containing topical articles on that subject would begin to be published again, with a view to creating an industrial property culture. The Delegation said that steps were being taken with the Office for Harmonization in the Internal Market (OHIM) for the holding, in April 2003, of a training workshop on industrial property for judges, using the case-study methodology. Actions had begun to be coordinated with the competent government authorities and various associations of SMEs so that such enterprises could benefit from the industrial property system, with emphasis being placed on advisory activities. The DNPI continued to work to promote innovation and inventive activity, by devising strategies to foster the country's capacity for innovation, disseminate the patent system and strengthen the community of national inventors. For this purpose, the DNPI had orchestrated

a policy of agreements with public and private sectors: (i) a cooperation agreement had been drawn up with the Association of Chemical Engineers with the aim of implementing training, disclosure and technical assistance programs, and to facilitate access to the technological information contained in patent documents; (ii) an agreement would be signed soon with the National University for the conduct of joint activities, exchange of technological information and patent-related advice; and (iii) in November, a seminar would be organized with WIPO's cooperation on industrial property, inventions and technological information, followed by the first national workshop on drafting patent applications, intended for national research bodies.

228. The Delegation of Viet Nam warmly congratulated the Director General and the Secretariat on the successful implementation of a wide-ranging program of activities aimed at promoting the protection of intellectual property around the world and assisting Member States in developing their intellectual property systems. Such assistance was extended especially in strengthening the legal and administrative infrastructure, the computerization of intellectual property administration, promotion of innovations and inventions as well as the enforcement of intellectual property rights. The Delegation stated that 2002 had been a special year since it had marked the 20th anniversary of the introduction of the IP protection system in Viet Nam. It added that the Government had made enormous efforts and paid great attention to the improvement of the national intellectual property system towards meeting requirements of international integration in the field of intellectual property. Accordingly, the intellectual property system had been continuously strengthened in respect of all aspects, such as legal framework, management, administration and enforcement of intellectual property rights and, to date, the IP legal system in Viet Nam almost complied with the requirements of the TRIPS Agreement. Moreover, the public awareness of intellectual property had also been constantly enhanced. In expressing deep appreciation for the efficient assistance provided by WIPO under various forms, the delegation acknowledged that they had significantly contributed to Viet Nam's achievements in the field of intellectual property and made special mention of WIPO's support in strengthening Viet Nam's intellectual property information system, by providing the necessary equipment for INTERNET access in 2002. It was noted that the implementation of the TRIPS Agreement as well as the commitments under the bilateral agreements that Viet Nam has signed, required the country's intellectual property system to be further enhanced. Moreover, the intellectual property protection system in Viet Nam was facing uphill difficulties due, on the one hand to the increasing number of industrial property applications and of cases of IPRs infringement, and on the other hand to the limited trained human resources available. However, the Delegation expressed the belief that these difficulties would be overcome, that future challenges would be appropriately met and that the national intellectual property system would be further improved thanks to the experience already accumulated by Viet Nam and to the assistance from WIPO, other international organizations and countries.

229. The Delegation of Yemen opened by recalling the history of its intellectual property protection system, which began in 1940 and followed the British system until the civil law emerged in 1980. Under that system, which in one Article incorporated intellectual property (covering trademarks, patent, industrial designs and copyrights) notably only trademarks required 'actual use.' In the north of Yemen, before the union, the protection of industrial property rights began in 1976. After national unity had been achieved, the two registration offices were incorporated into one Office. Thereafter, the authority of Yemen established the General Administration for Intellectual Property Protection under the Ministry of Industry and Trade. Yemen became a WIPO Member State in September 1979. The General Administration consists of three sectors for dealing with deposit, registration, and patent and industrial models, supported by sections for computerization, documentation and a secretariat;

the staff consists of 25 officials, most having university certificates. The following data showed the usage of the General Administration: Trademarks (25,951); Registered trademarks (21,261); Patents (135); and Industrial models (175). The Delegation of Yemen indicated that the General Administration, with the cooperation of the World Intellectual Property Organization, had recently finished the design phase for a new registration system for trademarks, industrial models and patents. In this regard WIPO provided the administration with computer equipment and sent experts to install and give training on the operation of these systems. This support aimed to improve the performance of the administration and its officials with development of a database for trademark registration.

230. The Delegation of the Croatia thanked the Director General and WIPO staff for their extensive efforts in the field of intellectual property. It noted that during the past year, the State Intellectual Property Office of Croatia had continued to systematically improve its activities with regard to the granting of industrial property rights and in the field of copyright and related rights. The Office had also, as the central focal point of the Croatian intellectual property system, maintained its existing and developed new relations with WIPO, the EPO and national intellectual/industrial property offices. The Office had been an active participant on the world scene of intellectual property, and good connections to recent regional and world information and communication systems had been ensured. The Delegation furthermore noted that the Stabilization and Association Agreement of the European Commission had been signed in 2001, starting the process of preparation for the association of Croatia to the European Union, and which, among other things, would imply the harmonization of the Croatian IP legislation to the relevant EU Directives. Croatian IP legislation already complied with the provisions in the TRIPS Agreement, being one of the pre-conditions for the accession of Croatia to the WTO, and with some of the EU Directives. The contacts to the EPO had been intensified in order to establish institutional cooperation between Croatia and the EPO. The harmonization of the Croatian IP law with the PLT was forthcoming. The Delegation noted that solutions recommended by the WIPO Patent Agenda, in particular to small countries, had been formalized in the Patent Law of 1999. It also noted that any changes in the field of IP, apart from new regulations and procedures, required a long-term and persistent activity to change ideas and behaviors in all relevant parts of society. The State Intellectual Property Office, in association with other State administration bodies and the judiciary, had developed a wide range of activities to improve the existing situation in this respect. In conclusion, the Delegation noted that Croatia and the State Intellectual Property Office, as the focal point of the national IP system, would continue to support, cooperate and participate in the projects and activities of WIPO to the maximum extent possible and gave its full support to the Director General. It believed that with the joint and harmonized activities of all Member States, in cooperation with the Director General and the Secretariat, the world IP system and national IP offices would continue to be successfully maintained and improved.

231. The Delegation of Georgia thanked the Secretariat for well-prepared documentation that greatly facilitated the work of the Assembly. The Delegation emphasized that 2002 is a special anniversary year for the National Intellectual Property Center of Georgia, "SAKPATENTI." When it was established in 1992, it created the first steps toward their national intellectual property system. Today, seven intellectual property laws are in force, covering most of the important industrial property areas, as well as copyright and neighboring rights. Also, for the enforcement of intellectual property, special articles were established in the Criminal Code, the Code of Administrative Violations and the Law concerning the Monopolistic Activities and Competition. In 2001, Georgia acceded to both the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. The Delegation noted that in 2000, Georgia became a member of the WTO and was bound by the TRIPS

Agreement. Procedures were underway for the purpose of acceding to six additional international agreements: the Nice Agreement; the Budapest Treaty; the Hague Agreement; the Geneva Act of the Hague Agreement; the Rome Convention; and the Lisbon Agreement. In the IP Office of Georgia, greater use of advanced information technologies, establishment of applicable databases and development of skills for working with remote information resources were priorities. The emergence of the latest WIPO projects (e.g.: WIPONET, IMPACT), prompted improvement of the SAKPATENTI automated system, and the full-scale engagement of Georgia in the global patent-information system. During 2001-2002, after the affiliation in 2000 of the State Copyright and Neighboring Rights Agency with SAKPATENTI, improvement of copyright and neighboring rights became a top priority. Georgia was actively working on perfecting its copyright legislation, introducing new administrative tools necessary for the protection of rights of local and foreign holders, and increasing the efficiency of the copyright Collective Management System and other related issues, in close cooperation with WIPO experts. Another priority was the protection of appellations of origin and geographical indications, since Georgia has an ancient tradition of viticulture and wine production. The Delegation noted that, in February 2002, a Law was approved for the enforcement of appellations of origin of wines, brandy and mineral waters. As of September 2002, the Agreement between the CIS countries "On the Prevention and Restrictive Measures of the Use of False Trademarks and Geographical Indications," which was signed in 1999 in Minsk, had been ratified by 10 CIS countries. Within the scope of that Agreement, a special draft Agreement relating to the establishment of an Interstate Register of Geographical Indications had been prepared and submitted to the CIS Interstate Economic Council. This project was undergoing final consideration and Georgia expressed its hope that the Agreement would be enacted in the near future. Negotiations had already started with the partner-countries on mutual recognition of their appellations of origin and geographical indications. Georgia intended to start analogous negotiations with the European Union in the near future, and announced its support for the European Union's initiative to provide for the creation of a global registration system for geographical indications. Georgia held the opinion that WIPO was capable of playing an important advisory role on these issues. Georgia highly appreciated the award of a WIPO Gold Medal in recognition of its activities undertaken to improve their IP systems. Nevertheless, to achieve full compliance with international standards, Georgia recognized that it still had much to do, for example, in further developing and perfecting its national legislative base, and in increasing the efficiency of new information technologies. In those matters, Georgia expressed its hope for continued assistance and support from WIPO. Finally, the Delegation emphasized the invaluable role that WIPO had played in proposing solutions for many issues relating to the formation of Georgia's national intellectual property protection system, and took the opportunity to thank the Director General of WIPO and the entire WIPO staff.

232. The Representative of the African Intellectual Property Organization (OAPI) congratulated the Secretariat for the work done during the past twelve months and thanked the Director General for holding the Round Table, organized on the fringes of the current Assemblies. He expressed the joint aims of the OAPI and WIPO: promoting the effective contribution of intellectual property, protecting effectively intellectual property rights and contributing to the technological development of countries with weak economies. He also sought to recall the cooperation links between the two organizations and expressed satisfaction with the results obtained through the work of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore. Furthermore, he announced that, to commemorate the 40<sup>th</sup> anniversary of the OAPI, a ministerial conference had been held in Libreville, bringing together ministers of industry and health, which had produced an initiative for the protection and development of drugs resulting from the traditional

pharmacopoeia. The representative added that he wished, in cooperation with WIPO, to organize new meetings so as to raise the awareness of decision-makers as to the contribution that could be made by intellectual property to economic, social and cultural development. He expressed the wish that the solidarity links between the OAPI and WIPO should be strengthened so as to continue the activities undertaken in relation to the protection of audiovisual performances, the development of the international patent system, Internet domain names, the contribution to the establishment of penalty systems for adapted rights, performances and phonograms, the intensification of the activities of the WIPO Worldwide Academy, and the setting-up of the WIPONET Project. He also said that the OAPI had recently held training courses for WIPONET representatives from a number of French-speaking countries.

233. The Representative of the African Regional Industrial Property Organization (ARIPO) affirmed that ARIPO continued to value the cooperation between WIPO and ARIPO and between WIPO and the fifteen Member States of ARIPO. The Representative stated that ARIPO had noted with satisfaction WIPO's cooperation activities in respect of the development of industrial property law, the development of the international patent law system, the reform of the PCT and the progress made by the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore. He also indicated that ARIPO commended WIPO for the implementation of the WIPONET project at the ARIPO Office and in some intellectual property offices of ARIPO's Member States, as well as for the two WIPONET training courses already delivered in cooperation with ARIPO in Harare. However, he added that such cooperation had to be put in the wider context of the new political and economic situation of Africa's continent marked, in particular, by the adoption, in 2002, of the New Partnership for African Development (NEPAD) and the launching of the African Union (AU). He indicated that the preamble to the Act of the African Union expressed the wish of the African political leadership to accelerate the establishment of the African Economic Community in order to promote social economical development for the continent and face the challenges of globalization, whereas NEPAD aimed at charting a new vision of an African-owned and African-led development program. He added that ARIPO perceived itself as one of the building blocks of both the African Union and NEPAD and, in this perspective, it had to be relevant to both. For that reason, the Council of Ministers of ARIPO, at its meeting in Malawi, in August 2002, made three landmark decisions affecting the Organization: to extend the mandate of ARIPO to include copyright and related rights; to extend ARIPO's mandate on traditional knowledge to include genetic resources and folklore; to request ARIPO's Secretariat to carry out a study on the feasibility of establishing an inventory or database on traditional knowledge. The Council had also mandated the ARIPO Secretariat to implement all its decisions within the shortest possible time. In this context, the Representative of ARIPO anticipated that, in order to implement the Council's decision, ARIPO wished to participate in all meetings organized by WIPO in the field of copyright and related rights with particular interest in matters concerning the WIPO Internet Treaties, and likewise wished to continue to be actively involved in the sessions of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore. Furthermore, in order to implement its new mandate on copyright and the feasibility of an inventory or database on traditional knowledge, ARIPO would be seeking WIPO's assistance and, in particular, that of the WIPO World Wide Academy in order to meet the new training needs of the staff of ARIPO and of the offices of its Member States. Finally, the Representative of ARIPO indicated that ARIPO's new mandate also made the construction of a new Regional Training Center, envisaged to start in January 2003, even more urgent

234. The Representative of the International Organization of the Francophonie (OIF) expressed satisfaction at the strengthening of relations between the OIF and WIPO since the ratification of the cooperation agreement between the two organizations at the 35<sup>th</sup> Assemblies, which had allowed closer cooperation links to be formed. In addition, joint cooperation activities for the benefit of the 55 Member States or governments, in particular for developing and transition countries, had been organized, with reliance being placed on WIPO's intellectual property expertise. The Representative mentioned WIPO's participation in the third ministerial conference on culture, held in Cotonou in June 2001, on the subject of cultural diversity, as well as other fora organized by the OIF such as the recent Tunis colloquium on the subject "Diversity and Cultural Rights." She then reported on the implementation of training seminars and those on copyright awareness, for example in Central Africa, Gabon, and mentioned various instances of cooperation in the cultural industries, which attested to the convergence of the aims and common concerns of both organizations in relation to promotion and protection of works of the mind, enhancement of traditional knowledge and cultural heritages, the use of new information and communication technologies, and support for social and economic development. In conclusion, she expressed her profound gratitude to the Director General for his efforts in support of dynamic cooperation as regards intellectual property, which respected a plurilingual framework and the dialog of cultures. The representative announced that this would be the main subject of the Summit of Heads of State and Government of the Francophonie, to be held from October 16 to 18, 2002, in Beirut, and expressed the wish that WIPO would be present on that occasion.

235. The Representative of the European Commission reported on the main developments in intellectual property since October 2001. He said that priority had been given to work on the *Proposal for a Regulation on the Community Patent*, which aimed to create, at the Community level, a new unified industrial property title for obtaining, according to a single procedure, patents benefiting from uniform protection and producing their effects on the whole of Community territory. This new system would coexist with the national patent and European patent systems. A clause in the new Treaty on European Union, concluded in Nice in December 2000, allowed a specialized court to be created for patent purposes, at the Community level, which would in particular be competent to deal with disputes concerning the validity and counterfeiting of the Community Patent. In that regard, on August 30, 2002 the Commission issued a working document on the court planned for the Community patent. Furthermore, the Council of the European Union finally adopted, on December 12, 2001, *Regulation (EC) 6/2002 on Community Designs*. This new Regulation introduced a single Community system for the protection of designs, with a simple and low-cost procedure for registering designs with the Office for Harmonization in the Internal Market (OHIM), based in Alicante, Spain. The Regulation also provides for the protection of unregistered designs, applicable since March 6, 2002. As regards registered designs, on February 13, 2002 the Commission presented to the Member States a proposal for a regulation on procedures for applying Regulation (EC) 6/2002, in order to provide the OHIM with the legal and administrative instruments required for registering Community designs. This regulation should be adopted by the end of 2002, so that it will be possible to register Community designs with the OHIM from 2003 onwards. Enterprises will also retain the possibility of opting for registration according to national law. In addition, on February 20, 2002 the European Commission presented a *proposal for a directive concerning the patentability of inventions implemented by computer*. The aim of this proposal is to clarify the legal situation in the European Union as regards case-law and practice in this field. Currently, such inventions can already be patented by the European Patent Office or national patent offices, but the precise patentability procedures vary. The basic principle of the proposal is that the concept of "technical contribution" is the fundamental criterion for any patentable invention.

Thus, computer programs as such cannot be patented, nor can methods for the exercise of economic activities (*business methods*), which are based on existing technological ideas. Finally, the European Commission considers that the protection of marks and other distinctive signs is of particular importance within the information society. For that reason, the Commission continues to support WIPO's initiatives with a view to drawing up international rules for preventing and settling disputes between marks and other distinctive signs and Internet domain names. For its part, on July 30, 2002 the Commission launched online consultations to solicit the opinion of the people faced with the problems of cybersquatting in their Internet use. The aim is to assist the Commission in drawing up rules designed to prevent speculative and abusive registration of domain names in the first level domain ".eu" being devised, in accordance with Regulation (EC) 733/2002, adopted by the European Parliament and the Council of the European Union. As regards copyright and related rights, as part of the work within WIPO on the protection of the rights of broadcasting organizations, on September 28, 2001 the European Community and its Member States presented a proposal in treaty language for a new international instrument. This proposal aimed to structure the discussions on the international protection of broadcasters and the fights against piracy of signals. In accordance with the final provisions of Directive 93/83/EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, on July 26, 2002 the Commission presented a report on the application of this Directive. The report describes the state of transposal of the Directive into the national legislations and its specific application. Furthermore, the report on the application of the public lending right within the European Community was adopted on September 12, 2002. This report updates the state of transposal in Member States and recalls the content and limits of the public lending right harmonized by Directive 92/100/EEC on rental right and lending right and on certain rights related to copyright in the field of intellectual property. Finally, when Directive 92/100/EEC was adopted, the Commission made a political commitment to produce a report on the ownership of cinematographic works, to be adopted soon by the Commission, in order to verify whether the measures provided for in the Directive have led to greater complexity in the use of these rights. In cooperation with the Spanish Presidency of the Council of the European Union, the European Commission organized an international conference entitled "European Copyright Revisited," in Santiago de Compostela in July 2002, which provided an update on the seven Directives already adopted by the European Community in the field of copyright. The 250 participants from 40 countries, representing all the interested parties from both the public and private sector, were able to avail themselves of this opportunity for exchange and discussion on important subjects such as rights management, the principle of the country of origin in the face of territoriality and expectations relating to the work of international organizations. The conclusions of the conference confirmed the relevance of the Commission's current work on a report on rights management, as well as the need to examine the possibility of changes in the *acquis*. As to the fight against counterfeiting and piracy, the Commission has continued the gradual implementation of its plan of action, presented on November 30, 2000. The powers of the European Police Office, Europol, have been expanded by a decision of the Council of the European Union, dated December 6, 2001, to take account of new serious types of international criminal activity, including counterfeiting and piracy. In addition, the Commission has ordered a study with a view to defining a methodology for the collection, analysis and comparison of data on counterfeiting and piracy in the internal market. The results of this study should be published in the autumn of 2002. At the same time, the Commission should also present a *proposal for a directive on respect for intellectual property rights*. The aim of this proposal would be to harmonize the legislation of European Union Member States in relation to the means for observing intellectual property rights, and to establish a general framework for administrative cooperation and the exchange of information

between the Member States and the Commission. The approach used would be that of “good practices,” i.e. the measures and procedures which have proved their worth in one or more European Union Member States.

236. The Representative of the World Association for Small and Medium Sized Enterprises (WASME) joined other Delegations in congratulating the Director General for his result-oriented approach, his dynamic policy thrust and for his positive commitment and vision. He requested WIPO to further expand its support to ensure an increasing use by the SMEs of the intellectual property system, so that their increased competitiveness and financial security would reduce the risk for job losses. This was particularly important as SMEs, micro-enterprises and village industries employed over 300 to 400 million people around the world, and therefore accounted for a very large percentage of employment in the industrial sector, as well as for about 40 to 50% of direct exports by most countries represented in WIPO. Over the last two years WASME, which has members and associates in 112 countries, had cooperated with the SMEs Division of WIPO. Deep appreciation was expressed for the user-friendly content of the publications “IP for Business” and “IP for E-commerce” on the WIPO SMEs website, and it was noted that the monthly e-mail update service from the SMEs Division was an effective tool for information dissemination. The Representative thanked WIPO for providing 1000 copies of the CD-ROM based on the WIPO SMEs website and for permitting WASME to publish the “IP and Business” articles from the WIPO Magazine in WASME’s news magazine. He also thanked WIPO for participating in WASME 13<sup>th</sup> International Conference for SMEs in Gibraltar in April 2002, and for providing WASME an opportunity to participate in WIPO’s International Forum on SMEs and IP, organized in collaboration with the Russian Agency for Patents and Trademarks in Moscow in May 2002. He reiterated WASME’s offer to co-host an SMEs and intellectual property event in a developing country region in 2003. After noting with satisfaction that WIPO, through the Milan Plan of Action, was aiming at building awareness and understanding of intellectual property issues within the SMEs business community worldwide, the Representative stated that a successful implementation of the Milan Plan of Action required a greatly increased budgetary allocation for WIPO’s activities for SMEs. The Representative of WASME informed the Assemblies that in India, over 5 millions SMEs were operating, employing over 40 million people, and that the Government of India had set up a Ministry for Small Scale Industries that had an Institute called NISIET, responsible for the training of SME managers from Asian and African countries, and was initiating emphasis in its courses on use of the IP system by SMEs. Additional budgetary allocations would enable WIPO to aid NISIET, and similar institutions, in other countries. He recalled that at the session of the WIPO Assemblies in 2000, WASME had made several suggestions, including, *inter alia*, to seek WIPO’s support in a systematic and empirical analysis of SMEs intellectual property issues, that a focus on the intellectual property needs of SMEs be duly reflected in WIPO’s Program and Budget, and that a quarter of the budget allocated to the Cooperation for Development activities of the Organization be earmarked for the promotion of the awareness and use of the intellectual property system amongst SMEs. In conclusion, the Representative suggested that the SMEs activities should be included in the program and budget of WIPO as a “main program” and not as a sub-program, and strongly recommended that WIPO consider, for the current and future biennia, a significant budgetary increase for its SMEs-related activities, from the meager operational funding of 800 thousand Swiss francs to three and four million Swiss francs, respectively. This additional funding allocation should be used only for program implementation worldwide, for assistance to national institutions offering intellectual property support to SMEs. This would also be essential for ensuring an effective implementation of the Milan Plan of Action. WASME would also suggest that in the next Assembly of Member States, the SMEs activities should be included in the program and



budget of WIPO as a “main program” and not as a sub-program, and thereby become one of the main sectors of the WIPO and its activities, on a par with the Cooperation for Development sector which is focussed on strengthening the industrial property offices and copyright administrations.

237. The Director General thanked the Chair for his support, and the Delegations for their kind words. He thanked the Government of China for its decision to host the “WIPO Summit on Intellectual Property in the Knowledge Economy,” to be organized in Beijing in April 2003. He stated that he was most grateful for this expression of solidarity with the goals of the Organization, and also for the invaluable contribution and input the Organization had received from the Chinese authorities with respect to that historic event. The Director General underscored that the Summit would be a significant, high-profile event for the international intellectual property community, bringing together Heads of State and leaders of industry in a meeting that would greatly enhance awareness of intellectual property, and highlight its importance on the global agenda. He looked forward to working together with all Delegations, Member States and industry, in the forthcoming months, with the preparations for that important event. Referring to the substance of agenda item 5, the Director General offered his thanks to all Delegations which had contributed, either by taking the floor or by submitting a written statement. He indicated that the final report would provide the Secretariat with a rich pool of observations and comments that would help to align WIPO’s activities even more closely with the needs and wishes of Member States. He emphasized that the feedback received was vital to ensure that Member States would not only reap the greatest benefit from the resources available at the international level, but would also leverage value from the experiences of other Member States. It was through such opportunities, that is, the exchange of information and the sharing of reflections, that the pulling together towards a shared vision and following a common strategy could be ensured. By working together, he stressed, the collective strength could be increased, the commitment reinforced and the results of such efforts enhanced. The Director General observed that he had heard many expressions of appreciation for the quality, transparency and efficiency of the work of the Secretariat, and in that regard, thanked all present, on behalf of the Secretariat, for the warmth and sincerity of that support. Such support, he reflected, would fuel the resolve of the staff of WIPO to make the Organization into a tool that would be as powerful and efficient as possible in its service to its stakeholders and its owners. The Director General promised to convey the thanks offered by the delegations, for the hard work and the results achieved, as well as the hopes and expectations expressed for the future, to the staff of the Organization. The Director General pointed out that some delegations had made generous and welcome offers to share their national experience and knowledge with others, which underscored yet again that concrete and meaningful results came from partnerships and cooperation. Only with the sense of unity, linked to a strong commonly shared goal, would the common purpose of the betterment of humankind through harnessing activity and innovation be achieved. The Director General thanked the delegations and representatives for their many kind words concerning the path of the Organization, the path, he noted, which the Organization had taken during his current term of office. He observed that the most profound satisfaction came from such confirmation that the work of the Organization had been beneficial to each constituent, that it had helped to improve the intellectual property system, nationally and internationally, and that it had been moving successfully towards realizing some of the hopes of its owners. That, he underscored, had been possible only through the dedication and hard work of the multi-national, multi-lingual and multi-talented staff, who were the vital life-force of the Organization, referring to colleagues seated on the podium, and those who were behind the scenes. He pointed out that their efforts had enabled WIPO’s vision to take form and that without them, it would surely have faded away. In concluding, the Director General

expressed his sincere appreciation to the Chair for his skillful handling of the discussions which had taken place and thanked all present, Member States and Observer Organizations, for their invaluable contributions and thoughts on the work of the Organization.

238. The Assemblies of the Member States of WIPO, each as far as it is concerned, approved the contents of document A/37/3, and noted the information contained in document A/37/4.

ITEM 6 OF THE CONSOLIDATED AGENDA:

COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

239. See the report of the session of the WIPO General Assembly (document WO/GA/28/7).

ITEM 7 OF THE CONSOLIDATED AGENDA:

REVISED PROJECT BUDGET FOR THE NEW CONSTRUCTION  
AND REVISED PROGRAM AND BUDGET FOR 2002-2003

240. Discussions were based on documents A/37/2, A/37/9 and A/37/10.

241. The Chair of the General Assembly invited the Chairman of the Program and Budget Committee to report on the results of the discussions that had taken place at the fifth session of that Committee, held from September 9 to 11, 2002.

242. The Chairman of the Program and Budget Committee, Mr. Jennes de Mol (Netherlands) summarized the issues contained in the documents for consideration under Agenda item 7. He noted that the Committee's meeting had been constructive and effective. He recalled that two informal briefings had been organized, during which, interested Member States had the opportunity to request additional clarifications on various points from the Swiss Federal Audit Office, the architects and the Secretariat. He noted that the Program and Budget Committee had welcomed the report of the Swiss Federal Audit Office, which provided a solid basis to fulfil the mandate given by the Assemblies of Member States of WIPO at their 36<sup>th</sup> session in September-October 2001 (document A/36/15). This report served as a useful foundation for decision-making by the current session of the Assemblies. Following the discussions, which are reflected in A/37/9 (see paragraph 50 of its Annex), the Committee recommended:

(i) to approve:

(a) the construction of an administrative building as proposed in document WO/PBC/5/2, modified to maximize the number of working places, as well as to optimize the technical design in accordance with recommendations to achieve costs savings and efficiency gains;

(b) the appointment, in accordance with WIPO procurement procedures, of an external consultancy firm to participate in project management;

(c) the further study by the International Bureau with a view to providing for additional parking spaces and necessary consultations with Geneva authorities;

(d) the entrusting of the Program and Budget Committee with overseeing the construction project, in particular with regard to the finalization of the technical design, receiving regular reports from the International Bureau, and the establishment of a consultation process, within the framework of the Program and Budget Committee, between interested delegations and the Secretariat in order to validate financial projections and underlying assumptions;

(ii) to take note of the International Bureau's assurances that the implementation of the construction project will not affect the resources available for programs in the framework of Cooperation for Development (Part III of the Program and Budget) or other priority activities of the Organization.

(iii) to take a decision on the proposal (document WO/PBC/5/2) to construct a conference room, on which the Program and Budget Committee was near consensus in favor, taking into account the need to coordinate with UNOG in order to maximize the utilization of conference facilities.

243. As stated in paragraph 3 of document A/37/2, the Assemblies are invited to take note of the proposals and to decide on the above recommendations. Should the Assemblies approve the project as proposed, this would also imply a reduction on the 2002-2003 Program and Budget as outlined in section III of the attachment to document A/37/2.

244. The Chairman of the Program and Budget Committee also reported on the discussion within the Program and Budget Committee about a proposal made by the Delegation of Egypt on the availability of documents in Arabic at certain WIPO meetings of a more technical nature, as well as a proposal made by the Delegation of Denmark on behalf of the European Communities, on the issue of financing the participation of representatives of indigenous and local communities in relevant WIPO meetings. It was then decided that the proposal by the Delegation of Denmark would be further discussed by regional coordinators. The Chairman of the Program and Budget Committee concluded by expressing his gratitude to the members of the Secretariat for their support provided before and during the meeting of the Program and Budget Committee, to the Swiss Federal Audit Office for the evaluation report submitted to the Assemblies, and noted the fruitful meeting which provided a good basis for the discussion to take place at this session of the Assemblies.

245. The Delegation of Denmark, speaking on behalf of the European Communities and its Member States, Norway and Switzerland, requested the following proposal to be considered by the Assemblies on the financing by WIPO of the participation of indigenous and local communities in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore: "the General Assembly authorizes, in principle, the funding, within existing resources, of the participation of representatives of indigenous and local communities as observers at the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore at the sessions of the Committee in 2003, without creating a precedent for any other WIPO body or any other international organization, via mechanisms to be decided upon at the December

2002-session of the Intergovernmental Committee following consultations between the International Bureau and the regional groups. As an interim measure the Director General is requested to invite the United Nations Permanent Forum on Indigenous Issues to send up to three representatives to attend as observers the December 2002-session of the Intergovernmental Committee.”

246. Noting the request made by the Delegation of Denmark, on behalf of the European Communities and its Member States, with regard to the financing by WIPO of the participation of indigenous and local communities in Intergovernmental Committee meetings, the Chair proposed to revert to it at a later stage in the meeting.

247. The Delegation of Latvia, speaking on behalf of the Central European and Baltic States, endorsed the conclusions and recommendations of the Program and Budget Committee. Having expressed its regret as to the delays in the construction work due to incorrect assessments, the Delegation conveyed its support to the proposed construction project, including the conference hall.

248. The Delegation of Barbados, speaking on behalf of GRULAC, thanked the Secretariat for the consultations and documentation provided on the new construction. It also conveyed its appreciation for the Evaluation Report prepared by the Swiss Federal Audit Office and took note of the recommendations contained therein, particularly those concerning technical specifications. It emphasized the International Bureau’s need for additional premises to deal with new demands placed upon the Organization due to its considerable expansion over the years. It hoped that on-going consultations on the matters of additional storage space and provision of parking spaces for delegations would be resolved satisfactorily in the future. It stressed that the additional funding needed for the new construction should in no way adversely affect WIPO’s cooperation for development activities or other priority activities of importance to GRULAC. While expressing support for the Revised Program and Budget for 2002-2003, the Delegation pointed out that priority should be accorded to such areas as the cooperation for development, human resource training, the promotion of SMEs, the protection of Genetic Resources, Traditional Knowledge and Folklore and the use of intellectual property as a tool for development. Concern was also raised about the decrease in the financing of the WIPO Worldwide Academy, and the International Bureau was urged to ensure that the financing reached the levels of previous years. In conclusion, the Delegation requested the International Bureau to increase the funding of government delegates, particularly those from developing countries to WIPO meetings, in particular to the meetings of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

249. The Delegation of Algeria, speaking on behalf of the African Group, conveyed its gratitude to the Secretariat for the informal consultations held on the new construction project. The African Group believed that the recommendations of the evaluation report of the Swiss Federal Audit Office would enable the implementation of the new building on reliable parameters and thus strengthen the feasibility of the project. The Group emphasized that the new construction should not adversely affect the cooperation for development activities, nor the fees and contributions. It recalled the confirmation provided by the External Auditor for the project budget of 190.5 million Swiss francs as being realistic. The Group recommended that additional parking places be provided for government delegates and visitors so as to overcome existing parking problems. On the issue of the conference hall, the African Group considered it as an integral part of the project designed to promote the independence and autonomy of WIPO. It expressed its hope that a consensus would emerge on this part of the

project as well. In conclusion, the African Group confirmed its support for the proposal of the International Bureau.

250. The Delegation of Australia expressed its support for the recommendation of the Program and Budget Committee set out in document A/37/2 to proceed with the construction of an administrative building. It however pointed out that no compelling case was made in the evaluation report with regards to the construction of a new conference facility. Nonetheless, the Delegation noted that it was a desirable outcome for WIPO to have convenient access and usage of suitable conference facilities, preferably through its ownership in order to allow WIPO to fulfil an important part of its role. It believed that, in light of the high risk of cost over-runs in all major building projects, it might be more prudent to contain the magnitude of the risk if additional commitments such as the new conference center could be avoided. It also believed that if the decision was taken to proceed with the construction of the conference center, it would be critical that the International Bureau engage management expertise, as appropriate, to ensure that it can meet the assurances given in document A/37/2 that the costs of this commitment would not affect the resources available for programs in the framework of cooperation for development or other priority activities of the Organization.

251. The Delegation of the United Kingdom speaking on its behalf and on behalf of Canada, Guatemala, Spain and the United States of America emphasized that the underlying basis for its position on the new building proposal was its concern for the well-being of WIPO, particularly for both its current and future financial well-being. It said that it wanted WIPO to be an Organization that was well-equipped to tackle the demanding challenges of the international intellectual property system, and in that regard, was keen to ensure the Organization spent money wisely and on priorities. It praised the report provided by the Swiss Federal Audit Office as being an excellent piece of work and conveyed its gratitude to the Office for such an important aid to decision-making. It noted that the economic and business case made in the report for an administrative building was clear: WIPO had grown rapidly in recent years to the point where existing facilities no longer met the Organization's needs. The continued renting of office space was not a sensible economic choice. Therefore, the Delegation fully supported the recommendation of the Program and Budget Committee to approve the construction of a new administrative building. However, it emphasized the point made in the evaluation report on the need to maximize the use of space in the new building to increase the number of places for people to work. It urged WIPO to work with the architects to integrate all the technical solutions and savings suggested in the evaluation report. Both of these aspects were essential in terms of making this building as effective and as efficient as it could be. It also advised WIPO to keep Member States informed in advance of its plans in this regard and supported the establishment of appropriate oversight mechanisms to aid this process. In contrast to the proposal for an administrative building, it noted that no economic or business case had been made for a conference center, which would justify a capital investment of 30 million Swiss francs or more. It said that the External Auditor had made it clear that there was not an economic case for a conference room, with this conclusion not having been contested thus far. It noted that Member States had been invited to consider other factors to justify the construction of this facility. The main arguments put forward were that the Organization's existing facilities were no longer adequate to cope with the growth in WIPO's membership and the increased interest in intellectual property. The Delegation agreed that the existing facilities were clearly inadequate, as the current meeting was proving. It noted however that there were two ways to tackle that problem: finding other facilities available in Geneva or building a WIPO-owned facility. It said that Geneva had plentiful supply of conference rooms where availability was not a problem. It gave the example of the conference hall in the *Palais des Nations*, which could comfortably accommodate all

delegates to WIPO's current meeting. Even though there were peak periods when rooms were less available, careful planning and advance booking could address those problems. Moreover, WIPO and all other United Nations Organizations based in Geneva should find economies of scale by making the most use of United Nations common facilities in Geneva. Building WIPO a conference center offered greater convenience and flexibility, but it said that it would be a mistake to assume that there were no opportunity costs from taking such a decision: the arguments came down to a matter of economic choices. The depletion of WIPO's reserves to fund the building will require replenishment from the Organization's income stream in future years. If income were to grow, WIPO's programs may not be affected adversely. By contrast, if income would not grow or even were to decrease, then the resources would be committed to pay for the conference center. Consequently, that commitment presented a risk to all areas of the Organization's activities. The Delegation further indicated that it had listened carefully over many months to all the arguments that had been put forward, but it was still of the view that a conference center was not a priority for WIPO. There were other aspects of this Organization's work, including technical cooperation, which should take priority. The Delegation said that the potential benefits that a conference center offered did not merit the risks to the Organization and the services and activities WIPO provided. This was even more the case as acceptable and less risky solutions existed. In conclusion, the Delegation reiterated its agreement with the Swiss Federal Audit Office that there was no economic justification for the construction of a conference center, while no alternate compelling argument was made to support such a major capital investment project.

252. The Delegation of Venezuela expressed its support to the position set out by the United Kingdom and considered it to be of great importance to follow up on the recommendations by the Swiss Federal Audit Office to maximize the number of working spaces and to optimize heating, air conditioning and other technical installations. It raised its concern on the possible impact financial commitments involved in the conference hall would have on resources available for cooperation for development activities.

253. The Delegation of Malaysia conveyed its support to the construction of an administrative building, including a conference hall, as it considered absolutely necessary for the organization to have a modern and fully-equipped office building ready to serve its Member States, in view of WIPO's rapid growth and expansion. It was of the view that a bigger conference hall was needed to accommodate the increasing number of delegates attending large WIPO meetings, such as the General Assembly, Diplomatic Conferences and Intergovernmental Committee meetings. It further expressed its satisfaction for the fact that the new construction budget would not have adverse implications on the cooperation for development programs. In sum, the Delegation endorsed the revised project budget for the new construction with proposed modifications to maximize the number of working places and to achieve cost savings and efficiency.

254. The Delegation of Ecuador expressed its support to the statement made by the Delegation of Barbados on behalf of GRULAC. It welcomed the report of the Program and Budget Committee as it reflected all discussions where the Delegation had taken an active part. It considered necessary to have additional appropriate office spaces for WIPO so that its staff could fulfil their duties adequately. The project should follow the guidelines elaborated by the Swiss Federal Audit Office and the Member States should be fully informed at all times on the project progress. Moreover, it hoped that the project would not adversely affect other activities and services of WIPO, in particularly its cooperation for development activities.

255. The Delegation of Mexico referred to recent consultations carried out by WIPO with delegations on technical and budgetary issues of the project. It said that it could not participate in those consultations as it was engaged in other WIPO meetings and requested the Secretariat not to hold simultaneous meetings in the future.

256. The Delegation of the United States of America associated itself with the position of the United Kingdom, particularly with the views expressed on the conference hall. It also had concerns over several other aspects of the project. It questioned in particular the usefulness of the additional underground storage in view of its estimated cost of 13 million Swiss francs. Concerning the financing of the project, the Delegation had a number of concerns: first, on the efficiency gains of 23% claimed due to the introduction of IMPACT automation project as of 2004. It said that the USPTO experience suggested that Information Technology investment provided higher productivity but little or no reduction in staff costs. Second, the proposed project budget depended on projections of continued strong growth and fee income from the registration unions and from the arbitration and mediation center. In view that PCT filings in the US were down for 2002 and US projections for growth in PCT filings were in the range of four to six per cent for 2003, the Delegation was of the view that WIPO's income projections were over-optimistic. Third, the Delegation noted that these projections did not allow for any fee reductions. This was in contrast to the previously scheduled PCT fee reduction corresponding to the decrease in the minimum number of designations from five to four and that the Delegation expected it would go into effect as of January 2003, as previously planned. Fourth, it noted that in September 2000, the General Assembly agreed to link excess in reserve and working capital funds to the budget process of each Union and no longer to place them in the Special Reserve Fund. It said that the financial plan appeared to ignore that decision circumventing the biennial budget process. Furthermore, it noted that the unit cost of workplaces in the November 2001 construction plans were about twice as those of the HCR, Dupont and the new WMO buildings in Geneva. It requested that the number of working spaces under the proposed plan be sharply increased to bring the cost per workplace in the new construction closer to that of other office buildings cited in the evaluation report of the Swiss Federal Audit Office. Finally, the Delegation wished no further delays for WIPO's plans to construct a new building and expressed its support for the building project without the additional storage space and conference facility.

257. The Chairman of the Program and Budget Committee said that the statements made by different delegations were the reflection of the discussions and subsequent conclusions adopted by the Program and Budget Committee. It noted that the Committee had reached an agreement on the administrative building with certain provisos and had been near consensus in favor of the conference center.

258. The Secretariat provided a number of responses concerning questions raised by Member States: with regard to the income projections, which underpin the funding of the construction project, it was noted that additional information and clarifications were provided by the Secretariat during a briefing held at the second day of the Assembly. The briefing addressed in particular the efficiency gain anticipated from the IMPACT project and the anticipated reductions in rental cost once the new construction project would be finalized. As outlined in the briefing, a 23% efficiency gain had been identified in a study conducted by a consultant company in 1998. This gain had been calculated as compared to the cost and post structure existing for the PCT operation at that time. With the growth in PCT applications during recent years, the associated budget growth had been limited essentially to increases in short-term support at lower cost. Although this could have been viewed only as a temporary

arrangement, the approach facilitates the introduction of a modified PCT operation following the conclusion of the IMPACT project. As a result of such adjustments during recent years, the budget reductions for the PCT operation following the implementation of IMPACT were estimated in the range of 5 to 7% from 2003 to 2004. As indicated during the briefing on financial projections, those estimates had been incorporated in the presentation of financial indicators for the construction project as illustrated in table 15 of document A/37/2. Whereas the anticipated IMPACT efficiency gains appeared reasonable, it was noted that the estimates were being re-examined for presentation in the context of the proposed program and budget 2004-2005. With regard to the building project, it was noted that the organizational development has not been accommodated with the availability of appropriate office space and conference facilities. WIPO had to rent a large number of office space at high cost and appropriate conference facilities were increasingly difficult to obtain. The new building complex, including the administrative building and the conference hall, was an economic investment had it been available today. It was even more apparent when looking ahead with foresight and examining the needs of WIPO as of 2007, the date of project completion. With regard to alternative options for such a capital investment, and the issue concerning opportunity costs, the Secretariat noted that the reality of the budget process was subject to a number of constraints which limited the flexibility to increase programs by the amount now proposed for the building complex. Looking at past experience, a likely alternative to the proposal of addressing the urgent building needs of WIPO would be to continue with a costly and inadequate infrastructure, together with a high reserve level. With regard to some of the concerns raised by the Delegation of the United States of America, the Secretariat recalled that the project evaluation was based on the technical specifications which were established in November 2001. Since then, progress had been made in improving project details, particularly the space efficiency of the technical design of the building, conference room and parking facilities. In this context, the Secretariat assured that it would continue its work to optimize the project's technical design based on the recommendations of the Swiss Federal Audit Office and in line with the decisions of the Program and Budget Committee. Concerning the underground storage, the Secretariat indicated that it had proposed an additional study to look at the utilization of space and possibilities for its improvement. The Secretariat stressed also that, in regard of future needs, the decision to build a conference hall should be taken now.

259. The Delegation of the United States of America reiterated its concerns, particularly with regards to the conference hall. Expressing its disassociation from a consensus on the part of the project dealing with the conference hall, it however indicated that it would not seek to block the continuation of the new construction project.

260. The Delegation of the United Kingdom indicated that it too had serious concerns and was not prepared to join consensus on the decision to build the conference center. It believed that this was an unwise decision and wished to disassociate itself from it. It however stated that it would not stand in the way of consensus.

261. The Delegation of Uruguay associated itself with the statements made by the Delegations of the United States of America and United Kingdom.

262. The Chair of the General Assembly summarized the deliberation under Agenda item 7 (Revised Project Budget for the New Construction and revised program and budget for 2002-2003). With regard to the administrative building, he recalled the unanimous support expressed for the project. With regard to the conference hall, the Chair noted that no objections existed in principle, while a number of comments and reservations had been made.



The Chair emphasized that these reservations would be duly included in the report. He noted that on the basis of the support expressed, the Assembly of Member States decided:

- (i) to approve:
  - (a) the construction of an administrative building with a budget of 157,500,000 Swiss francs as proposed in document A/37/2, modified to maximize the number of working places, as well as to optimize the technical design in accordance with recommendations to achieve costs savings and efficiency gains;
  - (b) the construction of a conference hall with a budget of 33,000,000 Swiss francs as proposed in document A/37/2, taking into account the need to coordinate with UNOG in order to maximize the utilization of conference facilities.
  - (c) the appointment, in accordance with WIPO procurement procedures, of an external consultancy firm to participate in project management;
  - (d) the further study by the International Bureau with a view to providing for additional parking spaces and necessary consultations with Geneva authorities;
  - (e) the entrusting of the Program and Budget Committee with overseeing the construction project, in particular with regard to the finalization of the technical design, receiving regular reports from the International Bureau, and the establishment of a consultation process, within the framework of the Program and Budget Committee, between interested delegations and the Secretariat in order to validate financial projections and underlying assumptions;
  - (f) the revision of Sub-program 18.4 (New Construction) of the program and budget for the biennium 2002-2003 as proposed in document A/37/2, including a decrease in the budget allocation from 52,338,000 Swiss francs by 2,514,000 Swiss francs to 49,824,000 Swiss francs;
- (ii) to take note of the International Bureau's assurances that the implementation of the construction project will not affect the resources available for programs in the framework of Cooperation for Development (Part III of the Program and Budget) or other priority activities of the Organization.

263. The Chair, referring to the proposal made earlier by the Delegation of Denmark on behalf of the European Community and its Member States, Norway and Switzerland for a possible decision on the funding of the participation of representatives of indigenous and local communities as observers at the sessions of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore ("the IGC"), recalled that this proposal was not intended to set a precedent for other WIPO agencies. He noted that the proposal would facilitate the participation of indigenous and local communities in the IGC meetings which were of direct interest and concern to them. He noted that an interim solution had also been suggested for the current year, given that the IGC would next meet in December 2002.

264. The Delegation of Canada expressed its support for the proposal made by the Delegation of Denmark on behalf of the European Community and its Member States,

Norway and Switzerland. It pointed out that such initiative should be funded with WIPO's existing funds and the process of selecting candidates to be financed should be transparent.

265. The Delegation of Malta supported the proposal.

266. The Delegation of Australia registered its support for the intent of the proposal. In order to maximize the involvement of indigenous communities, it suggested that the General Assembly should strongly urge national governments to include representatives of indigenous communities in their national delegations to the IGC and also to fund, where appropriate, indigenous communities to attend as observers. The Delegation suggested that it might also be appropriate for WIPO's assistance for this purpose to be channeled through national delegations, as this would avoid setting a precedent for direct funding of non-governmental participation. Responding to a question posed by the Chair, the Delegation confirmed that it would be comfortable broadening its suggestion to include local as well as indigenous communities. It reaffirmed that national governments could support and fund the inclusion in their delegations of indigenous communities, but could also fund non-government organizations to attend as observers. This would avoid the issues about WIPO directly funding non-governmental organizations.

267. The Delegation of Algeria, speaking on behalf of the African Group, advised that the African Group had considered and endorsed the proposal. The Group recommended that that funding mechanisms should ensure regional participation and that consultations be held on the terms of participation of indigenous communities as observers in the IGC.

268. The Delegation of South Africa, expressing support for the view expressed on behalf of the African Group and confirming the need for this proposal not to set a precedent, underlined the need for WIPO to work closely with national governments in determining who exactly is an indigenous person, noting the possibility of problems at the level of national jurisdictions.

269. The Delegation of Bahrain deemed the proposal as very important, but considered that the particular background could give a better picture of the whole subject and therefore requested further background to the proposal.

270. The Delegation of the United States of America expressed its understanding for and sympathy with the concerns raised by the proposal, and support for inclusiveness in the meetings of the IGC and other WIPO entities. The Delegation felt that the proposal should be viewed in the context of fiscal restraint that applied generally, and indicated that it could not support the funding of non-governmental organizations to WIPO meetings, including the IGC. Instead, WIPO should encourage national delegations to include indigenous representatives on their delegations and to fund those representatives within the national delegation. Even though the proposal was stated not to be a precedent for future action, the Delegation was concerned that this may in fact be the consequence. The Delegation was looking into how other United Nations organizations may provide funding for like circumstances, but observed that WIPO was in a much different situation to most other United Nations organizations in terms of its funding base.

271. The Delegation of Japan expressed sympathy with the proposal, observing that the wide participation of indigenous and local communities would activate the discussions in the IGC. Yet the Delegation felt that WIPO funding should in principle be used for the participation of the representatives of Member States. The Delegation accordingly agreed with the suggestion

made by the Delegation of Australia to encourage Member States to include indigenous and local communities into their delegations.

272. The Delegation of Kenya supported the views expressed by Algeria on behalf of the African Group and the further comment made by the Delegation of South Africa. It stated that care should be taken to ensure the involvement of genuine indigenous bodies and not other groups. Collaboration with the countries concerned would help in identifying the appropriate recipients of invitations or financial support.

273. The Delegation of Denmark provided further background to the proposal as requested by the Delegation of Bahrain, noting that background was available in the non-paper circulated by the Secretariat and the reports of the IGC. At its meeting in June 2002, the IGC Chair concluded that the Program and Budget Committee would look further into the issue and that the IGC would therefore leave the matter pending. The discussion in the Program and Budget Committee was referred to in the report of that Committee (WO/PBC/5/4). The Delegation observed that the European Community and its Member States were proposing a pragmatic way of undertaking good governance. The IGC consisted of the same Member States taking part in the present meeting. The IGC had undertaken its work and passed on this issue for consideration. The present proposal was framed as a way of giving decent treatment to that request, yet in as pragmatic a way as possible and taking note of the concerns that had been expressed. The Delegation stressed that the proposal was explicitly not intended to set a precedent, and that an implementing mechanism would be decided upon at the December 2002 IGC meeting. This would leave any continuing sensitivities for further discussion at that time; for the present the General Assembly would establish a positive background and the actual mechanism would only be established after consultations. The Delegation called on the Assembly, even if it did not accept the proposed wording, at least to find a wording that would permit the necessary work to continue, and thus to undertake what the same Member States, present in the General Assembly, had asked to be done at the IGC meeting in June.

274. The Chair expressed appreciation for this clarification and for the spirit behind the proposal, affirming that, in addition to the explicit support that had been expressed, all were interested in having the representatives of indigenous communities participate more fully in WIPO discussions on the issues of interest and concern to them. There was general support for the principle of involving the representatives of the indigenous communities in these discussions, and the only remaining question was what form of practical implementation of this idea was appropriate. The Chair noted the particular concern expressed by the Delegation of Kenya as to the possible misuse of this mechanism, and the other concerns that arose on the question of funding and the risk of unintentionally creating a precedent.

275. The Delegation of the Philippines supported the objectives of the proposal, but proposed that funding should be made available to Member States, particularly developing and least developed countries, who should choose whom among the communities, whether indigenous or local, should be included in their delegations to the IGC. The Delegation cautioned that even where there was a clause stating it would not create a precedent, it may still have that effect in practice.

276. In expressing support for the proposal, the Delegation of Peru pointed out that it should not detract from funding given already by WIPO to governmental representatives in this committee.

277. The Delegation of Bolivia welcomed the proposal, considering that participation in the discussions of the IGC of indigenous people would ensure that any specific proposals took account of their requirements. The Delegation was interested in consultations on the proper mechanisms for their selection and participation.

278. The Delegation of Honduras took note of the proposal, considering that the participation of indigenous representatives would make for interactive participation. Their selection would have to take place with due authorization from the government concerned, and their participation should not be detrimental to the funding of developing country participation.

279. The Delegation of Panama thanked the Delegation of Denmark for the efforts made with regard to the initiative in favor of the indigenous communities. It felt that funds should be channeled through governments, because that would enable the clear identification of the communities that would be better represented in the meetings of IGC. The Delegation stressed that there should be careful consideration of the way funds would be channeled, no precedent effect, and no detriment to the participation of government representatives.

280. The Delegation of Mexico endorsed in general terms the first paragraph of the proposal, yet averted to the need for attention to the nature of the invitation for representation of indigenous communities. Turning to the proposal that the Permanent Forum on Indigenous Issues be requested to designate three participants for WIPO to invite to the December IGC session, the Delegation stressed that this should not be a precedent but an interim measure, since there is not yet a consensus on the terms of participation. The Delegation pointed out that the Forum would next meet in February 2003, so it was not clear how the Forum could decide who to send to the IGC in December: this practical issue should be taken into account. The Delegation maintained support for the proposal concerning the Permanent Forum, yet for now it would only be possible, in practical terms, to take a decision on the first paragraph, since there would not be enough time for the Permanent Forum to send delegates or representatives for the IGC session in December 2002.

281. In supporting the proposal, the Delegation of Venezuela underscored that indigenous communities should be heard on topics such as traditional knowledge, in forums such as the IGC and in all discussions in this regard.

282. The Chair observed that there were some difficulties described by delegations, even by those among the majority who had supported the proposal. He suggested that a practical conclusion could entail three points. First, the Director General could invite the Permanent Forum on Indigenous Issues to take part in the December IGC meeting. This would be funded by the Secretariat out of existing resources. Second, Member States would be invited to include representatives of indigenous communities on their delegations, on their own responsibility. Third, on the basis of the ideas put forward by Denmark on behalf of the European Community and its Member States, Switzerland and Norway, and broadly supported in the Assembly, discussions would continue on promoting better participation by indigenous communities in the IGC. These consultations would aim to reach a conclusion by the next General Assembly and would take account of the comments made in the Assembly about funding, precedent-setting and identifying real indigenous representatives.

283. The Delegation of the United States of America reaffirmed its sympathy with the views expressed on the participation of indigenous peoples and communities. However, it questioned whether the participation by representatives of the Permanent Forum on Indigenous Issues should be funded by WIPO. Without further instructions, the Delegation

would have serious concerns about this use of WIPO funds. This was an area of uncertainty, and it was not clear what precedents applied within the United Nations system and how funds are used to support such participation. The Delegation preferred that the first point of the proposed solution be limited to an invitation without an offer of funding, and pointed to the need to consider the delicate distinction between representatives of indigenous peoples and communities on one hand, and non-governmental organizations on the other.

284. The Delegation of Bolivia asked whether the second aspect of the Chair proposal would include financial support from WIPO for the participation of indigenous delegates on official delegations. The Chair clarified that the proposal was to encourage all Member States to include indigenous representatives on their delegations, but on their own responsibility including their own financial responsibility.

285. The Delegation of Morocco sought clarification of whether a specific decision was necessary for the current session of the Assembly. The Delegation still needed time to understand the full dimensions of this issue, especially as it is linked to item 9 of the agenda, concerning conditions for the admission of national NGOs to the work of the Organization. Hence it appeared there would be no final decision on the issue of funding of indigenous representatives during the current session. The Delegation proposed that the invitation of three representatives of the Permanent Forum be undertaken in close consultation with Member States, with preliminary consultations preceding the dispatch of any invitations.

286. The Delegation of Barbados, speaking in a national capacity, sought clarification on the proposal to invite representatives of the Permanent Forum and the source of the necessary funds. The Delegation pointed out that since the last meeting of the IGC would be in June 2003, it would be necessary to consider the timing implications of continuing discussions on the approach taken to the participation of indigenous and local communities. Hence an Assembly decision might be pre-empted by the assumption that there may be no further meeting of the IGC.

287. The Delegation of Denmark expressed appreciation for the efforts of the Chair in moving the discussion into a constructive phase but noted that the proposed conclusion went beyond his Delegation's mandate. He noted that other Member States associated with the proposal might wish to express their views as well. His Delegation's essential concern was to have the General Assembly create a vehicle for constructive discussion to continue, which was the aim of the first paragraph of the original proposal. The third part of the Chair's conclusion, concerning continued discussions on modalities, was therefore an essential element of the proposal put forward by the European Community and its Member States, Norway and Switzerland.

288. The Secretariat confirmed that the present mandate of the IGC was to report to the Assemblies in 2003. The Assemblies would then need to consider the IGC report and to decide what further work to be undertaken from that point. The Secretariat noted that there was some ambiguity surrounding the term 'invite' in relation to representatives of the Permanent Forum on Indigenous Issues. If this were taken to include funding the attendance of three representatives, then it would be possible to find these resources by appropriate reallocations within the existing program dealing with this subject matter.

289. The Chair observed that some delegations remained opposed to any WIPO funding of the participation by the Permanent Forum. He noted that there might be a need to consult with capitals on unforeseen difficulties with this very important subject, yet suggested it

would be valuable to make a decision in relation to the December 2002 session of the IGC. He proposed setting aside the question of financing and simply requesting the Director General to invite the Permanent Forum on Indigenous Issues to attend the IGC. This part of the original proposal put forward by the Delegation of Denmark would raise no objection if it did not extend to funding this participation. On the second point of the Chair's proposal, it would be up to each Member State to determine their delegation's composition, so this would raise no difficulty. The Chair considered that the observation by the Delegation of Barbados was salient, and that it would be necessary to consider the position in 2003 in the light of the terms of reference of the IGC and the decisions that the General Assembly may take. In any event, it would be useful to have a continuing debate on this issue, which would still be topical in 2003. In the meantime, he suggested the IGC could take the decision it considers appropriate, based on consultations involving the Secretariat and regional groups, and could report on this to the General Assembly for consideration and further action as necessary.

290. The General Assembly decided:

(i) the Permanent Forum on Indigenous Issues should be invited to participate in the December 2002 session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore;

(ii) Member States should be encouraged to include representatives of indigenous and local communities on their delegations to the Intergovernmental Committee;

(iii) following consultations including the Secretariat and regional groups, the Intergovernmental Committee should consider suitable further mechanisms, as appropriate, for facilitating the involvement of representatives of indigenous and local communities in its work for the 2003 meetings, and to be reflected in its report to the General Assembly in 2003.

#### ITEM 8 OF THE CONSOLIDATED AGENDA:

##### CONSTITUTIONAL REFORM

291. Discussions were based on documents A/37/5, A/37/11 and A/37/12.

292. The Secretariat explained that the final recommendations of the Working Group on Constitutional Reform ("the Working Group") were contained in document A/37/5. It was recalled that the Working Group had been established in 1999 by the General Assembly, and had held six sessions in total. The Working Group had three recommendations to the General Assembly, namely: (i) the abolition of the WIPO Conference; (ii) in respect of the unitary contribution system and the changes in contribution classes, the formalization in the treaties of what was already in practice; and (iii) a change in the periodicity of the ordinary sessions of the WIPO General Assembly and the other Assemblies of the Unions, from once every two years to once every year.

293. The Working Group had made a subsidiary fourth recommendation, which concerned the abolition of the Executive Committee of the PCT. The Working Group had suggested,

however, that since the possibility of reform of the PCT was under consideration, this could conveniently be left until decisions were taken about the reform of the PCT.

294. The Secretariat also recalled the timetable that was foreseen in the event the Assemblies decided to authorize the Director General to initiate the process for amendment of the treaties. The proposed amendments would be communicated by the Director General to the Contracting Parties of the concerned treaties in February 2003. The proposed amendments would be considered and adopted by the WIPO Conference and the concerned Assemblies in September 2003.

295. The Member States were not being asked now to adopt the precise wording of any proposals for amendments. The Secretariat invited Member States to transmit any observations that they might have on the drafting proposed for the implementation of the suggested reforms, before December 15, 2002.

296. The Delegation of Mexico expressed its gratitude and thanks to Mr. Marino Porzio (Chile), Chair of the Working Group, for his very skilled leadership of the discussions of the Working Group. The Delegation expressed its support for all three recommendations of the Working Group. In reference to document A/37/11 ("Draft Texts of Proposed Amendments to the Convention Establishing the World Intellectual Property Organization"), the Delegation indicated that it would prefer Alternative A2 of Article 8(1) (c) on the Coordination Committee. In the Delegation's view, the abolition of the WIPO Conference would make this provision unnecessary. Furthermore, the nomination of *ad hoc* members to the Coordination Committee made it possible for a quarter of WIPO Members that are not Members of the Paris Union or the Berne Union to participate as members of the Committee. The Delegation stressed that although considerable headway had been made in respect of constitutional reform, it still wanted to express its dissatisfaction with the fact that there had been no consensus on other reform proposals. The Delegation expressed the wish that the proposals for reform on which agreement had not been reached would not be left on the shelf and that in the future, when conditions were more adequate, they would be taken up again so that Members could have in WIPO a more efficient intergovernmental apparatus at their disposal.

297. The Delegation of the Republic of Moldova expressed its gratitude to the Working Group for its work, and for seeking to provide a solid legal basis for the proposed modifications aimed at enhancing the Organization's effectiveness. On the basis of the analysis of the Report provided by the Working Group, the Delegation of the Republic of Moldova agreed with the Working Group's recommendations but raised a question in respect of the unitary contribution system and changes in contribution classes.

298. In response, the Secretariat indicated that what was planned in respect of the unitary contribution system and changes in contribution classes, was simply to formalize them, as they were not yet reflected in the texts of the treaties.

299. The Delegation of Brazil expressed its support for all three recommendations of the Working Group. The Delegation underlined that Brazil had been an active member of the Working Group, but was disappointed by the limited results achieved by the Working Group. In particular, the Delegation of Brazil would have preferred the creation of a unitary Assembly which would have made the work in WIPO more effective and dynamic. The Delegation also thanked Marino Porzio (Chile), adding that the achievements of the Working Group were a result of his excellent leadership.

300. The Delegation of Barbados, on behalf of GRULAC, wished to thank Mr. Porzio of Chile for his hard work and his excellent leadership of the Working Group. GRULAC had noted the Chair's Report contained in document A/37/5, and agreed with the recommendations contained in paragraphs 7, 8, 10 and 11 of that document. GRULAC was, however, disappointed that the Working Group had been unable to resolve the outstanding matters regarding a unitary Assembly, the Executive Committees of the Paris and Berne Unions and the Coordination Committee.

301. The Assemblies of the Member States of WIPO, each in so far as it is concerned, noted the proposed amendments to the WIPO Convention and other WIPO-administered treaties, adopted the three recommendations of the Working Group on Constitutional Reform, as set out in paragraph 292, above, and decided that Member States were invited to communicate any observations that they might have on the proposed texts for implementing the said recommendations, as set out in documents A/37/11 and A/37/12, to the Secretariat before December 15, 2002.

#### ITEM 9 OF THE CONSOLIDATED AGENDA:

##### ADMISSION OF OBSERVERS

302. Discussions were based on document A/37/8.

303. Referring to document A/37/8, the Secretariat recalled that there were four questions on which the Assemblies were invited to pronounce themselves: (i) the Assemblies were invited to accept the admission of a new intergovernmental organization (IGO) on the basis of the existing principles approved by the Assemblies; (ii) the Assemblies were invited to accept the accreditation of three new international non-governmental organizations (NGOs) on the basis of the existing principles and guidelines; (iii) the Assemblies were invited to consider the possibility of admitting national NGOs as observers; and (iv) depending on what was decided under (iii), the Assemblies were also invited to consider the possibility of admitting four national NGOs. The admission of national NGOs was discussed by the Assemblies at their September 2001 sessions. On that occasion, the Assemblies requested that the Secretariat propose certain principles that could be used to evaluate the requests presented by national NGOs. Paragraph 16 of document A/37/8, contained a proposed set of principles that the Assemblies might wish to consider in extending invitations to national NGOs as observers.

304. The Delegation of Mexico indicated that it was pleased to support the admission as observer of the *Asociación Nacional de Intérprete* (ANDI), which in the Delegation's view, had done an excellent job of promoting performers' rights in Mexico. The Delegation noted with satisfaction that three of the four candidates for national NGO observer status, came from developing countries.

305. The Delegation of Algeria, speaking on behalf of the African Group, declared that the African Group would support a greater participation of national NGOs in WIPO. This would mean greater integration of civil society in intellectual property matters. In respect of the principles applicable in extending invitations to national NGOs as observers, however, the Delegation declared that the African Group wished to propose some amendments to subparagraphs (c) and (d) of paragraph 16 of document A/37/8, and to insert a new



subparagraph (e). The African Group was of the view that the admission of national NGOs as WIPO observers should be the subject of previous consultations between Member States and the Secretariat.

306. The Delegation of Brazil expressed its support for the admission of the South Centre, as an IGO observer, given the support provided to developing countries by the South Centre. The Delegation also expressed its support for the Brazilian candidate *Associação Brasileira de Emissoras de Rádio e Televisão* (ABERT), since the latter addresses issues related to intellectual property, radio and television broadcasting beyond national borders. In the Delegation's view, it would be appropriate for ABERT to take part in the discussions held at WIPO.

307. The Delegation of the United States of America expressed its satisfaction with the document prepared by the Secretariat and sought clarification on the amendment proposed by the Delegation of Algeria on behalf of the African Group.

308. The Delegation of France thanked the Secretariat for having provided it with some flexibility with respect to the question of the admission of national NGOs as observers. The Delegation pointed out that it was necessary to preserve the international nature of WIPO, and that rigorous criteria were needed for admission of observers, in particular as concerns national organizations. In that regard, the Delegation called for a careful consideration of the proposal made by the Delegation of Algeria on behalf of the African Group.

309. The Chair summarized the discussions as follows: there was no difficulty in admitting the South Centre and the NGOs that had applied for observer status in WIPO. This was evident in the support expressed for several individual organizations by a number of delegations. As regards the principles applicable in extending invitations to national NGOs as observers, a proposal for amendment had been submitted by the Delegation of Algeria on behalf of the African Group. The Delegations of the United States and France wished to examine the said proposal.

310. In the ensuing discussion, it was suggested that the following parts of paragraph 16 be modified as follows:

(c) The organization shall have an established headquarters. It shall have democratically adopted statutes, adopted in conformity with the legislation of the Member State from which the NGO originates. One copy of the statutes shall be submitted to WIPO;

(d) The organization shall have authority to speak for its members through its authorized representatives and in accordance with the rules governing observer status; and

(e) The admission of national NGOs to observer status shall be the subject of prior consultations between Member States and the Secretariat.

311. The Delegation of Algeria declared that the proposal as accepted by the regional groups perfectly reflected the position of the African Group on this item. The Delegation had no problem with the proposed formulation, but did not wish to presume to speak for the other members of the African Group on the issue. The Delegation of Algeria invited any Member of the African Group that had reservations on the proposed criteria to express its views on the matter.

312. The Chair recalled that the word “democratically” was used by the Economic and Social Council (ECOSOC) in New York, and had been approved unanimously.

313. The Delegation of Morocco endorsed fully the proposal made by the African Group, as modified by all the regional groups.

314. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following intergovernmental organization: South Centre.

315. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following international non-governmental organizations: *Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA)*; International Cooperation for Development and Solidarity (CIDSE); International Federation of Wines and Spirits (FIVS).

316. The Assemblies of the Member States of WIPO, each in so far as it was concerned, agreed to adopt the following proposals as principles applicable in extending invitations to national non-governmental organizations, as observers:

(a) The organization shall be essentially concerned with intellectual property matters falling within the competence of WIPO and shall, in the view of the Director General, be able to offer constructive, substantive contributions to the deliberations of the Assemblies of WIPO;

(b) The aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of WIPO and of the United Nations;

(c) The organization shall have an established headquarters. It shall have democratically adopted statutes, adopted in conformity with the legislation of the Member State from which the NGO originates. One copy of the statutes shall be submitted to WIPO;

(d) The organization shall have authority to speak for its members through its authorized representatives and in accordance with the rules governing observer status; and

(e) The admission of national NGOs to observer status shall be the subject of prior consultations between Member States and the Secretariat.

317. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following national non-governmental organizations: American Intellectual Property Law Association (AIPLA); *Asociación Nacional de Intérpretes (ANDI)*; *Associação Brasileira de Emissoras de Rádio e Televisão (ABERT)*; *Association Bouregreg (BOUREGREG)*.

ITEM 10 OF THE CONSOLIDATED AGENDA:

DIPLOMATIC CONFERENCE ON THE PROTECTION OF  
AUDIOVISUAL PERFORMANCES

318. See the report of the session of the WIPO General Assembly (document WO/GA/28/7).

ITEM 11 OF THE CONSOLIDATED AGENDA:

REPORT ON THE POLICY ADVISORY COMMISSION (PAC)

319. See the report of the session of the WIPO General Assembly (document WO/GA/28/7).

ITEM 12 OF THE CONSOLIDATED AGENDA:

AGENDA FOR DEVELOPMENT OF THE  
INTERNATIONAL PATENT SYSTEM

320. Discussions were based on document A/37/6.

321. The International Bureau in introducing document A/37/6, noted that the WIPO Patent Agenda had been launched by the Director General some 12 months ago and that the initiative had been welcomed by the Assemblies in 2001. It recalled that, since that time, several events had occurred: one was that WIPO had invited Member States and all interested circles to submit comments on questions relating to both the functionality and the policy base of the international patent system. WIPO had further convened an international conference on the international patent system which was held in Geneva in March 2002 and was attended by a considerable number of delegates, at which an open discussion of many of the issues that were currently under consideration in the international patent system had taken place. The International Bureau pointed out that a preliminary summary of the views so far expressed was contained in document A/37/6, which was certainly not the final word on the subject; rather, it was submitted as the tentative first word in a new phase of consideration.

322. The Delegation of Barbados, speaking on behalf of the countries of GRULAC, stated that GRULAC recognized the importance of an effective international patent system and the contribution it should make to the economic and technological development of Member States. The Delegation stressed, however, the importance of adopting a balanced approach for the initiation of discussions of a possible international patent agenda in order to take account of the different interests and levels of development of WIPO Member States, particularly those which were developing countries. The Delegation noted that it was clearly not in the interests of developing countries if they were forced to deal with an international system which imposed even greater obligations on them, while denying them the necessary flexibility to address their legitimate public policy concerns. Further, the Delegation added that the discussions on the international patent agenda should in no way be detrimental to

achievements in other international fora, which recognized the sovereign rights of Member States to protect and promote public policies.

323. Recalling a decision requesting the Secretariat to prepare a study on the impact of the International Patent Agenda on developing countries, which had been adopted by the WIPO Assemblies, GRULAC was disappointed that this study had not been carried out. Since the information from such a study was critical for developing countries to initiate discussions with a view to making informed decisions in the future, the Delegation indicated that GRULAC could not agree with the view expressed in the last sentence of paragraph 9 of document A/37/6, given that the preparation of a study of appropriate scope should be a first step to initiating consideration of any plans in this area. In the light of potentially serious conflicts between the international patent agenda and other key areas of public policy such as public health, nutrition, biodiversity and many others, the Delegation reiterated the decision by the Assembly that the Secretariat prepare a comprehensive study on the impact of the international patent agenda on developing countries, which should be carried out as a matter of urgency. The Delegation stated that GRULAC was consequently unable to begin consideration of any of the recommendations contained in document A/37/6, until such time as the study was completed and Member States had had an opportunity to benefit from the information contained therein.

324. Regarding the overall approach of the document, GRULAC noted that the document was not balanced, since it seemed to focus principally on the interests of the users of the patent system. Therefore, the Delegation stated that the needs and concerns of a broader constituency needed to be taken into account, for example, the interests of governments, consumers and civil society, which were crucial to consideration of the potential negative effects of higher levels of patent protection. The Delegation further stated that the document should have had avoided a one-sided approach that could strengthen a one-size-fits-all model of protection of intellectual property rights. In addition, the Delegation expressed disagreement with the linkage made in paragraph 9 of the document between the agenda for the international patent system and progress in the work of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore. These activities were not, and should not be treated as, trade-offs. The Delegation further pointed out that paragraph 5 of Annex I incorrectly limited the scope of the Doha Ministerial Declaration on the TRIPS Agreement and Public Health to the HIV/AIDS pandemic, and that the document should have had incorporated the spirit of the Declaration into the analysis on the international patent agenda.

325. Finally, the Delegation of Barbados indicated that GRULAC recognized the workload problem facing many patent offices, including those in developed countries, and the utility of simplifying patent procedures. Therefore, the Delegation expressed GRULAC's willingness to participate constructively in discussions to deal with this problem, which could be focused on reforms of a functional and administrative nature, aimed at rationalization of patent procedures. While strengthening of national patent offices through technical cooperation was another crucial aspect of addressing this problem, GRULAC did not consider that further harmonization of substantive patent standards, a "global title" or a so-called "world patent," was the answer to those specific administrative problems.

326. The Delegation of Denmark, speaking on behalf of the European Community and its Member States, welcomed the document, which in its view contained many interesting aspects and options for future work. The Delegation drew attention to some of the issues which it considered of particular importance. The immediate difficulties in processing patent

applications, resulting in ever increasing backlogs, were one of the most urgent challenges, and the paper contained some interesting views on that issue, for instance an enhanced regionalization in order to promote cooperation within the system. The Member States of the European Community were further of the opinion that the important work on patent law harmonization and reform of the PCT should be carried on, having due regard to the interests of the users. The Delegation also mentioned quality management as another priority, as well as the wish to see WIPO acting in partnership with all its Member States. In the Delegation's view, the tailoring of WIPO's legal and technical assistance to the needs and development of Member States would be a key factor in moving ahead. Valuation of patents and enforcement of patent rights were other issues of great interest, which some of the Member States of the European Community had been working on for some years. The Delegation also supported the idea of creating a mechanism for collecting information and exchanging national experiences. Finally, the Delegation assured WIPO of the full support and cooperation of the European Community and its Member States.

327. The Delegation of the United States of America thanked the Director General and the International Bureau for the comprehensive document, regarding many issues with respect to the future of the international patent system. The United States shared the view that WIPO was important to the shaping of such a system, as a forum for norm setting and the exchange of ideas. In that regard, the Delegation strongly supported continued efforts to develop a streamlined and simple system for obtaining patent rights, particularly with respect to the ongoing discussions of the SCP and efforts regarding reform of the PCT. The Delegation further recognized the important role of training and advice that WIPO provided for Member States. It stated however that many of the proposals contained in this document appeared to go well beyond the mandate of WIPO. This was the case, for example in respect of proposals regarding the creation of a substantive "Central Patenting Authority," potentially including tribunals. It felt also that mechanisms regarding non-intellectual property issues should be discouraged as going beyond the role of WIPO and having the potential for large, unfocused and undisciplined expenditures and the diversion of resources that would be better directed elsewhere.

328. The Delegation of the United States also made specific comments with respect to the particular areas highlighted in Annex II of the document. The United States supported the options discussed in the document with respect to difficulties in processing patent applications. The current workload crisis had been recognized on a global scale and it affected not only national Offices, but the PCT system and other international aspects of patent practice, as well. Patent Offices and the International Bureau should ensure that processes were streamlined and effective and delivered a high quality service. These had been goals of the United States in the PCT Reform process, as well as domestically. The Delegation also strongly supported the continued efforts of the SCP and PCT Reform processes. The reduction of duplication of work had already been recognized as a priority in the PCT Reform Committee and there had been wide agreement in the SCP for the goal of "deep harmonization" that was consistent with streamlining the process. The Delegation also agreed that quality and consistency should be addressed and supported consideration of these issues. The upcoming revision of the PCT Search and Examination Guidelines would present a great opportunity to achieve higher standards and more uniformity in the search and examination of the international system. The Delegation also supported the continued development of common IT standards, databases and the like. The continued work of WIPO, in conjunction with the Member States, in matters such as developing a comprehensive electronic filing and application handling systems in the PCT-SAFE and PCT-IMPACT

projects, as well as developing information infrastructure such as WIPONet would be a great benefit to users and Offices alike.

329. In the area of responding to the needs of small Offices and looking toward the longer term future, the Delegation of the United States supported continued use of WIPO resources for technical assistance and advice with respect to developing countries. These types of programs had been and would continue to be beneficial to smaller Offices in developing appropriate infrastructure and training to adequately serve the intellectual property needs of the affected communities. However, the Delegation could not support the proposal to create new “regional” authorities with the International Bureau acting as a “Central Authority.” Rather, the continued development of regional patent granting authorities based on existing models should be encouraged as a measure for conserving resources and improving patent protection in certain areas of the world. Furthermore the proposal appeared to be unworkable. It first stated that national Offices would retain control over final decisions on patentability. If this were the case, resources setting up such a system should be saved and instead spent on encouraging interested Offices to rely on the current search and examination reports generated by the PCT system. This type of system was currently in use and was apparently working in a satisfactory manner. The proposal further suggested that such a system would require “no need for a skilled workforce capable of making the decision as to whether or not to grant a patent.” If this were the case, it was not clear who would make the patentability decisions mentioned above. Although not expressly stated, in such a case, the Delegation concluded that either the International Bureau itself, or a search/examination authority on its behalf, would make this decision. This would essentially make the International Bureau a regional patent granting authority, which would be an ill-advised role; WIPO had no competence in such matters. Such a role might include the need for opposition boards or other bodies at WIPO that would require large investments of resources on behalf of a few Member States. In addition, if WIPO were acting as authority for multiple regions, as proposed, those resources would have to be made for each of these systems. The Delegation stated that such a role could also cause a conflict of interest for the IB in carrying out its basic mission of promoting intellectual property and providing a neutral forum to advance the global aspects of patent law. Indeed, as the EPO, EAPO, OAPI and ARIPO are today, WIPO may become an interested party in patent law development discussions potentially desiring a seat in particular committees as an interested observer or member, on behalf of its regional States. This did not appear to be a workable system. The Delegation considered that instead of attempting to become such a substantive patent granting authority, WIPO should focus its efforts in this area on advising interested parties to form regional authorities using existing models.

330. In respect of issues looking toward the longer term future, the Delegation of the United States had some concerns with respect to any vision of the PCT that looked towards creating the sort of “global title” protocols mentioned in document A/37/6. Again, such protocols would appear to create “regional-type” agreements with the International Bureau acting as a type of substantive central authority. The proposal further suggested the creation of “centralized,” likely at WIPO, international appellate tribunals and opposition proceedings, as well as enforcement and invalidity boards. Each of these suggestions went well beyond the role that the Delegation considered WIPO should play in the future international patent system. Instead, the International Bureau should, again, focus on training and advice to offices interested in these types of systems to create regional systems or other multilateral systems on the model of existing regional systems, each having its own central authority. The Delegation considered that an alternative type of “protocol” that should be considered in this light would be voluntary agreements on the part of PCT Member States to consider positive examination reports from the International Authorities to be binding as to determinations of

patentability in their national systems. That would accomplish the goals of conserving resources, based on the PCT system, yet would still leave final determinations of validity, that is by opposition board, courts or the like, to national or regional Offices, rather than creating potentially unwieldy international bureaucracies. For the shorter-term, the International Bureau should focus resources on the continued discussions regarding reform of the PCT and the development of harmonized standards of substantive law in the SCP. These were the building blocks necessary to create a more comprehensive international system. In addition the United States believed that it was important that changes to the PCT itself be made to reflect the current progress of the reform process.

331. Commenting on matters relating to clarifying the role of patents, the Delegation of the United States supported the continued training efforts of WIPO in assisting Member States, particularly developing countries, in developing modern intellectual property systems and meeting the obligations of international agreements regarding intellectual property, most notably the TRIPS Agreement. The Delegation also supported the addition of sources of non-patent literature, including databases of traditional knowledge, into the PCT minimum documentation to improve patent search quality. However, it was felt that any efforts regarding proposals to invest significant WIPO resources with respect to non-IP issues would be an invitation to undisciplined spending and use of resources that would go well beyond the competence of the Organization. The Delegation had great concerns about developing “mechanisms” dealing with actual or perceived policy tensions between the patent system and other non-IP issues, such as anti-competition practice or the public funding of research and development. As economies grew more dependent upon intellectual property, relations between IP and other policy areas grew increasingly complex. WIPO did not currently have the resources to perform meaningful programs with respect to non-IP areas, and it would not be a good idea to attempt to allocate resources in this manner. Many of these issues were better suited to other international organizations and should remain there.

332. The Delegation of the United States further supported continued training efforts on behalf of WIPO with regard to Member States, in particular, developing countries, with respect to developing innovation on a national level and believed that sharing of that information could be helpful. However, once again, the Delegation felt that efforts should not reach beyond areas of expertise for this agency. Therefore, areas mentioned in the document such as valuation of patents or marketing and commercialization of inventions, that would require experts in economics or commercial practices, should not be encouraged. However, perhaps advice on certain patent licensing techniques may be appropriate. The Delegation supported the continued development of standards for making patent information more easily and widely available. Efforts should continue in developing the WIPONet system in order to increase the availability of patent related information. However, the Delegation was wary of any attempts to use this justification to add large new, undefined IT programs at potentially large expense. The United States supported the International Bureau investigating methods to bring its training programs more effectively to a wider audience. In this manner, the increased use of “distance learning” techniques, such as video conferencing, that would cut down on unnecessary travel costs as well as involving more people in the announced training, should be encouraged.

333. Finally, in respect of enforcement and dispute resolution, the Delegation of the United States supported the efforts of WIPO to identify challenges and best practices in enforcement of intellectual property rights. For many users, enforcement was the most important issue that they faced. It was felt, however, that the identification of best practices should be linked to training efforts in conjunction with Member States to help develop appropriate enforcement

procedures in the Member States. The United States had not had the opportunity to vet the issue of wider use of ADR with its interested circles. The Delegation would inform the International Bureau of its recommendations once consultations had taken place.

334. The Delegation of India, speaking on behalf of the Asian Group, shared the conviction which inspired the Director General's initiative. The future evolution of the international patent system should not only make it more user-friendly and accessible, but also provide an appropriate balance between the rights of inventors and the interests of the general public. It should also ensure that it was consistent with the development aspirations of developing countries. The Delegation recalled that the Assemblies in 2001 approved the Director General's proposal to invite written comments from governments, organizations and users, based on which the Secretariat was to prepare a discussion paper, taking into account possible implications of the proposal on developing countries.

335. The Delegation of India stated that the Asian Group was convinced that the patent system was essential for the growth and development of societies everywhere, in developed as much as in developing countries. But the evolution of the patent system must not hamper the ability of societies to deal with urgent policy issues. The challenge posed by HIV/AIDS served to highlight this aspect, but was not the only policy concern that confronted the international community. Many of those who closely followed the issue, both in developed and developing countries, were concerned about the appropriateness of granting patents to certain new and emerging technologies, especially biotechnology.

336. The Delegation of India, on behalf of the Asian Group, recalled that the discussion paper drew attention to the increasing time taken to grant a patent and the difficulties that this leads to for both the applicants and for third parties. It noted, in this context, that the idea behind patent law harmonization that animated WIPO was to give patent authorities access to a common operational platform with common standards, and common or interoperable systems that permitted them to take advantage of search and examination results of other countries, exchange information, share resources and benefits and reduce duplication in their work. It was recognized that the resulting reduction in costs might lower the threshold for access to the international patent system for innovators in developing countries, small and medium enterprises, research institutes and individual inventors. However such harmonization could also have significant implications for the public, including in developing countries. As was sometimes the case, the law of unforeseen consequences might lead to outcomes not necessarily favorable to those who are the most vulnerable – the people living in developing countries. Therefore a one-size-fits-all system was not appropriate. It should be flexible enough to be tailored to the specific situations obtaining in different countries, in particular the developing and the least developed countries. States needed to bear in mind that the subject of patents continued to cause apprehension among sections of the population in many countries. The appropriate way to address these concerns, of course, was not to slow down the issuing of patents by clogging up the system by the sheer volume of applications. Public welfare was best served by addressing concerns head on – not by burying them.

337. The Delegation of India further stated that the Asian Group believed that the appropriate organization for issues and concerns relating to intellectual property to be addressed, including, in particular, those relating to patents, was WIPO. It was therefore important for WIPO to take a strong leadership role in developing the patent system to facilitate the harnessing of the creative potential for economic development. WIPO's Patent Agenda could have far reaching implications for developing countries, especially for those still in the process of developing their intellectual property systems. It was imperative, therefore, that



developing countries participate actively at every stage in the consultations. The Asian Group would actively participate in the consultations initiated by the WIPO for this process.

338. The Delegation of India, speaking then on its own behalf, commended the inputs provided in document A/37/6 on the Patent Agenda. The Delegation also supported, in principle, the options proposed in Annex II of the document. The approach was in line with the Delegation's perception of WIPO's primacy in intellectual property matters and the belief that any constructive response to emerging intellectual property issues must emerge through consultations based on objectively researched studies.

339. Having said this, the Delegation of India underscored that the progress and the successful realization of the futuristic Patent Agenda would be possible only if the approach was firmly rooted in ground realities and accompanied by a firm resolve to address all concerns effectively. This was not only necessary but imperative. If this was not so, the outcome of the Agenda could easily become the proverbial straw on the camel's back for many developing countries. Therefore, even while noting that the implications for developing countries was a part of the proposed approach, the Delegation re-emphasized some basic issues. It unequivocally advised that the framework of an international patent system, both in the short and long term, would need to be clearly outlined and Member States be educated about the dimensions of the system. There should be clarity about issues like:

(i) the jurisdictional aspect of the international system *vis-à-vis* the sovereign prerogative obtaining under the national patent laws;

(ii) the legislative implications for national patent laws; it must be noted that the TRIPs-driven changes had not been without public resistance in several countries and that anything remotely resembling a "TRIPs plus" agenda was unlikely to be enthusiastically received even while several countries were still in the process of meeting their TRIPs obligations; and

(iii) the extent of administrative changes and restructuring envisaged, the costs involved, and the support planned.

340. The Delegation of India further pointed out that these concerns were only illustrative. Work on the patent agenda would need to be circumscribed within the concerns of countries adjusting not only to TRIPs driven changes, but also the increasing imperatives and costs of IP protection/management in today's world. There were also issues of public awareness and opinion to be addressed – a major factor in all democratic systems. There were costs to be incurred and human resource development issues to be resolved. In addition, there were issues relating to transfer of technology, traditional knowledge and public health, among others. It was, therefore, the Delegation's firm belief that only a constructive and substantive plan of action for effectively addressing these concerns would go a long way in catalyzing the furtherance of the Patent Agenda.

341. The Delegation of Japan noted that document A/37/6 compiled various important issues comprehensively and thus appeared to be extremely useful for all patent Offices. The Delegation, however, considered it necessary to give priority to urgent issues which should be addressed expeditiously. At the WIPO Conference on the International Patent System in March 2002, the former Commissioner of the Japan Patent Office had clearly stated that a workload problem, which was recognized by patent Offices all over the world, including small and medium-sized Offices, should be tackled as a priority issue, otherwise the patent

system would be in crisis. The Delegation still considered it important to take necessary measures against such a problem immediately. The Delegation stated that priority should, against this backdrop, be given to workload related issues and that the discussion on the Substantive Patent Law Treaty (SPLT), PCT reform and mutual exploitation or recognition of search and examination results should be encouraged in conjunction with the realization of a world patent system.

342. On behalf of the African Group, the Delegation of Algeria expressed its thanks to the Director General and to the Secretariat for the excellent quality of the document presented on the issue of the WIPO Patent Agenda. It believed that WIPO was the most appropriate organization for carrying out such an exercise. In its opening statement to the Assemblies the African Group had already emphasized its interest in consultations towards drawing up a consistent and effective program of work for the future development of the international patent system. The objective would be to make it both simpler and more accessible. The African Group had also noted that the study of the international patent system needed to take into account the impact which the system would have on developing countries. The Delegation recommended that consultations on this crucial strategic issue, which would have a direct effect on international property issues generally, should ensure that the exercise was carried out in a balanced way, having regard to the interests of all Member States and other parties involved. The African Group was pleased to note from the document that studies would be carried out to measure the possible effects of the system on developing countries. It was hoped that this would take place at the same time as the consultation on the international patent system was actually taking place so that the approach would take the studies on the impact on developing countries into account.

343. The Delegation of Algeria, speaking on behalf of the African Group supported the proposals for improving the effectiveness and simplicity of the system of applying for patents, through the adoption of common standards and the like. In particular, measures were supported allowing for the system to respond better to the needs of small Offices. Measures to be taken here should however bear in mind the consensus which was reached as part of the development agenda. More studies, more expertise and more consultation were necessary in order to evaluate the effect of the Patent Agenda on developing countries, particularly in areas which had an ethical dimension, such as biotechnology. It was hoped that this ambitious program would also take into account developing countries' needs in term of traditional knowledge, genetic resources and folklore. This would also be an ideal opportunity to integrate new information technology systems on the basis of sustained and harmonized standards. Finally, developing countries should benefit from appropriate technical assistance. The Delegation stated that the African Group supported the idea of making databases accessible to all countries, whatever their level of development, with the full participation of developing countries. This should be achieved progressively, bearing in mind the countries' level of development. It was also pointed out that the international patent system needed to be a tool for economic and social development. National intellectual property communities should consider this carefully as a basis of consensus, allowing WIPO to make the best progress in its work on these questions.

344. The Delegation of South Africa, supporting the intervention on behalf of the African Group as well as that of GRULAC, made by the Delegation of Barbados, referred to the report of the recent Consultation Meeting on Enforcement, according to which WIPO should not look for a one-size-fits-all solution. The Delegation stated that the Patent Agenda should never be systematically concluded without the following matters being addressed. First, the Delegation stated that research and development issues should be taken into account, as had

been stated by the Delegation in connection with agenda item 5. The Delegation then noted that public health issues, such as compulsory licensing and parallel importation should be addressed. The Delegation encouraged WIPO to take a lead in formulating workable solutions around those issues, since provisions under current international treaties and domestic legislation were not sufficiently workable. Considering that, under various treaties regarding intellectual property, national governments were allowed to take decisions which dealt with certain areas of concerns, such as nutrition and public health issues. The Delegation stated that competition policies based on national and international best practices should be taken into account. Referring to the issue of technology transfer, licensing and contractual arrangements, the Delegation stated that small businesses and other parties should be able to negotiate their interests. Further, the Delegation noted that issues concerning traditional knowledge, genetic resources and biodiversity should also be considered. In this context, the Delegation emphasized and supported an accession to the bio-safety protocol. As regards interpretation of international treaties, the Delegation indicated that no international treaty should be interpreted in a manner that it prevailed over other international treaties. As customary international law had been developed, the Delegation noted that intellectual property treaties should also fall within the domain, in particular in the context of United Nations agencies.

345. Regarding the issue of search and substantive examination, the Delegation of South Africa considered that, if countries, in particular developing countries, could build capacities around search and substantive examination, those would be commended in view of rich biodiversity, genetic resources and indigenous knowledge in those countries. Against this background, the Delegation indicated that search and examination capabilities were not only patenting issues, but also participation in the total issues of intellectual property, including indigenous knowledge system, utility models and petty patents. The Delegation further pointed out that focus should be placed on whether it should take individual steps or collective steps, as developing countries should maximize their resources. The Delegation suggested that the Director General confer not only with experts, but also with the Heads, Ministers and policy makers of Member States by way of, for example, writing in person to the Heads of State and policy makers in order to receive optimum attention. The Delegation further indicated that the views of all players, such as consumers, users and inventors, should be taken into account. Since the patent system was not in isolation from other disciplines, the Delegation was of the view that it was wrong to say that WIPO should not engage on issues which impact negatively or positively on the patent system. The Delegation stated that harmonization of the patent system should be resorted to when the above issues had been considered. In this context, the Delegation indicated that, not only the PCT Reform and the SPLT, but also trade secrets and databases should also be taken into account when dealing with these issues. Noting that WIPO might play a role in this difficult task and commending the Director General for having introduced the Patent Agenda, the Delegation stated that no hasty conclusion should be reached.

346. The Delegation of Switzerland wished to congratulate the Secretariat on the excellent documents provided for this agenda item. Like the Danish Delegation, speaking on behalf of the European Union (of which Switzerland was not a member, though it was a founding member of the European Patent Organization), the Swiss Delegation emphasized the need to attach priority to the harmonization of substantive patent law which was important for cooperation in the examination and granting of patents. However there was also another change which needed to be met in having an operative, predictable and, as far as possible, simple system of protection which was accessible to everybody. There was a need to have systems which avoided the provision of protection which failed to meet the requirements

stipulated. This was where the notion of the quality of protection came in. Quality was important not only for the effectiveness of protection but above all for competitors, who should not have to shoulder the burden of defending themselves against protection which had been granted without foundation. The notion of quality had been dealt with quite considerably in the context of Reform of the PCT and in the accompanying distribution of tasks in the worldwide protection system, under which States quite rightly sought to avoid duplication of work. The Delegation considered how the desired quality might be obtained. Document A/37/6 referred, *inter alia*, to the concept of regionalization, the effect of which could also have a positive impact on quality and on the enhancement of quality. It was recalled that there were currently discussions which should enable the European Patent Office to consolidate the important role which it already played in the PCT system. The relative slowness of that discussion reflected the strength of Europe in the context. The European Patent Office was a body whose members included not just one state but 24, and that number would soon be expanded. Therefore the EPO was a perfect example of the type of regionalization that the Secretariat's document described. For more than a quarter of a century now, the EPO States had been accumulating experience in defining and particularly in implementing optimum quality of the procedures to be followed and the protection to be granted. This was in a multilateral setting, involving discussions and negotiations between Member States. The Swiss Delegation was certain that Europe's voice would continue to be heard loudly and clearly in discussion of the issues over the next few years.

347. The Delegation of France pointed out that the PCT system had, since its establishment, represented significant progress for applicants. It had facilitated the grant of national protection, lowered the cost of expanded protection, and had been quite useful. But it was a victim of its own success. There had been a tremendous increase in filings that was increasingly difficult for national Offices to cope with. That was why France favored a coherent framework for an international system of patents for the benefit of the users, be they large, small or medium-sized. This should be the main objective of any such program. An international system for filing applications and for granting patents should continue to be based on quality. That was the only way to meet the needs of the users and to inspire their confidence. The Delegation wished in particular to see rationalization and simplification of the system, as well as an elimination of duplication of work by industrial property Offices and PCT Authorities. The number of Authorities responsible for international searching was increasing and there could be benefits in identifying problems of quality with a view to providing cooperation between various Offices, while respecting national sovereignty. The amendment of PCT Article 22, in addition to the strength and system of international searching, should significantly relieve the burden of work of the national authorities while maintaining the quality of processing of applications. France supported the amendments of the PCT Regulations, for example, to reduce fees for electronic filing. In order for the objectives of simplification, maintenance of quality and expediting processing to be met, it was important that the written opinion on patentability be sufficiently comprehensive. The possibility of having additional searches by other Authorities should also be allowed; this was something that the users themselves had called for. The French Delegation favored harmonization in the area of patents and that this was an essential part of a converging system of patents throughout the world for the benefit of users, whatever the level of development of the country from which they came. The Delegation indicated that it might submit further comments to the Secretariat in writing at a later stage.

348. The Delegation of Canada stated that the document prepared by the Secretariat provided an exhaustive and comprehensive overview of the myriad of issues facing the international patent system, taking into account the various pressures facing WIPO's membership. The

Delegation expressed the view that the issues confronting WIPO Members could be largely grouped around the following themes: patent administration; the role of patents in global policy matters; outreach and awareness; technical cooperation; and effective enforcement of patent rights. According to the Delegation, the Patent Agenda was ambitious, and the work ahead was enormous in scale. Against this backdrop, the Delegation underlined the importance of WIPO Members' working collectively to develop a work plan that was achievable, and which fully reflected, in a balanced manner, the needs and objectives of all Members. It further expressed the view that WIPO's immediate attention and efforts should focus on those activities which would yield an early harvest of concrete and tangible results. In particular, the patent system should be easy to use, and greater efforts should be made in streamlining and harmonizing the various procedural and substantive requirements for obtaining patent protection. In this regard, WIPO Member States should continue their important work on substantive harmonization efforts under the SCP and consider further reforms to the Patent Cooperation Treaty to make it simpler and less burdensome, including possible amendments of the Treaty itself. The Delegation pointed out that this would lead to greater uniformity and predictability in the acquisition and maintenance of patent rights. These efforts would help applicants contain their costs, provide them with greater certainty in the acquisition of patent rights on a global scale, and encourage better cooperation among patent administrations, which would lead to a reduction of duplication of efforts worldwide. Further, harmonization efforts would help encourage patent administrations to work collectively in developing and introducing greater efficiencies in the delivery of patent services through increased use of information technology solutions and adoption of common standards.

349. The Delegation of Canada also mentioned that, on the global policy front, there were a number of issues raised by other WIPO Member States, in particular those relating to genetic resources and the protection of traditional knowledge, which were currently being considered by the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Delegation recalled that it had been an active participant in that forum and would like to see discussions in that forum continue in order to build a common understanding among WIPO Members on the best means, legal or otherwise, of addressing and moving work forward on these issues. It was important that WIPO members remained committed to the Intergovernmental Committee and provided it with the necessary support so that full consideration of these important issues may take place. The Delegation noted that, while there may be place within the SCP for future discussion of at least some aspects of these issues, further work was required by the Intergovernmental Committee to fully explore and discuss the issues currently before it.

350. The Delegation of Cuba emphasized the role of WIPO in the establishment of the Patent Agenda, the main objective of which had been to activate a strategic plan for the future development of the international patent system that would promote the search for solutions to the most immediate problems, above all those that had to do with the excessive workloads facing some Offices. It was however important to bear in mind that it was difficult to achieve a degree of harmonization in the substantive aspects of patent law, as there were different levels of development between developing and developed countries and any harmonization of substantive aspects would accentuate the degree of commitment to the more stringent provisions, thereby placing a burden on the less-favored countries. Another point to be considered was that it was necessary to maintain the balance between individual interests and the public policy interests, such as public health, food safety and the transfer of technology. It signalled the need for WIPO to submit a study on the impact of the international patent system on developing countries, which would provide access to more extensive information

on the subject. Lastly, the Delegation endorsed the statement made by the Delegation of Barbados on behalf of GRULAC.

351. The Delegation of Brazil, fully agreeing with the statement made by the Delegation of Barbados on behalf of GRULAC, regretted that the decision of the Assemblies of the Member States of WIPO last year on the preparation of a study concerning possible implications of the proposals on developing countries had not been put into practice. From the standpoint of developing countries, the Delegation noted that the preparation of a comprehensive study would be a matter of extreme importance in order to initiate a more in-depth study of the proposals put forward in the document prepared by the Director General. In the absence of such a study, which would allow delegations to fully understand the impact of the options, the Delegation stated that it was not in a position to initiate consideration of any of the recommendations that were contained in document A/37/6. Under those circumstances, the Delegation reiterated the request to the Secretariat to carry out, as quickly as possible, the mandate given by the Assemblies for preparation of this study. In his view, once the study was prepared, Member States would be in a position to analyze costs and benefits for developing countries. After careful evaluation of the impact of the proposal on an international patent system, the Delegation would be in a position to take well-informed decisions on this issue.

352. The Delegation of Brazil drew attention, in particular, to the recent report issued by the Intellectual Property Rights Commission (CIPR) of the Overseas Development Department in the United Kingdom. The Delegation considered that the report, which was prepared following extensive research by renowned representatives from various backgrounds and nationalities and which was entirely independent of the official British Government positions, provided well-balanced conclusions and recommendations. In particular, the Delegation agreed with the comments made in the CIPR report according to which intellectual property protection of some kind was appropriate at some stage for developing countries. The system provided incentives to invent and develop new technologies that might benefit society, but incentives worked differently depending on the supply response. The cost/benefit analyses would differ according to the economic and social circumstances of the country where they were applied. Standards of intellectual property protection that might be suitable for developed countries might produce more costs than benefits when applied in developing countries which relied on large part on knowledge generated elsewhere to satisfy their basic needs and faster development. The Delegation agreed in particular with the view that policy makers needed to consider the available evidence, imperfect as it might be, before further extending intellectual property rights. In its view, the interest of the producer dominated in the evolution of intellectual property policy and those of the ultimate consumer were neglected in intellectual property discussions between developed and developing countries. The Delegation considered that a similar imbalance also existed when developing countries negotiated from a position of relative weakness. The Delegation supported the recommendation that high standards should not be pressed on developing countries without a serious and objective assessment of their impact on development and poor people, and noted that the focus of the Commission's report would be important for balanced discussions of the subject in various international fora in future. On document A/37/6 and in agreement with the statement of GRULAC, the Delegation expressed its concern that the focus of the document failed to take into account a number of contributions made by representatives of civil society and academics presented at the WIPO Conference on the International Patent System in March 2002. By way of example, the Delegation drew attention to the contributions made by the non-governmental organizations, such as *Médecins Sans Frontières*, Oxfam, Third World Network and others. The Delegation did not agree with the suggestion contained in

paragraph 8 of the document that the processing and defining of patent rights were unrelated to the way in which the rights and the technologies were used. The Delegation pointed out that overly strict rules could impact its strict access to technology and the way in which the technology was used. The Delegation also expressed its serious concern regarding the conclusions of the last sentence of the same paragraph which seemed to challenge the flexibility that was provided for in Article 27.3(b) of the TRIPS Agreement, which allowed WTO Members to exclude plants and animals from the scope of patentability. Similarly, the Delegation reserved its position on paragraph 10, which seemed to suggest that a reduction of flexibility in granting patent rights would be one way of raising quality and reducing costs. The Delegation considered that the document seemed to favor the interests of the users of the patent system, but did not consider the concerns and needs of other stakeholders.

353. Further the Delegation of Brazil stated that it could not endorse the statement in paragraph 20 according to which: “For a truly international system for granting patents it is also generally held that full harmonization of national laws relating to patentability is essential.” The Delegation was of the view that the patent harmonization exercise in the SCP had demonstrated the lack of consensus on the issue. Therefore, the Delegation was also unable to subscribe to the affirmation in paragraph 20 that there would be a “general support” for such an exercise. In addition, the Delegation reserved its position on Section VIII of the document, concerning alternative dispute settlements, in particular paragraph 161 regarding the identification of best practices in the area of enforcement. The Delegation realized, however, that it was urgent to reduce the excessive burden of work borne by Patent Offices and that it was necessary to modernize and simplify procedures in order to avoid an excess of examinations. The Delegation believed that it was possible for the work of WIPO to focus objectively on administrative and functional ways to simplify procedures, which would benefit users of the system, be they in developed or developing countries, in addition to reducing costs, avoiding duplication in procedures.

354. The Delegation of Egypt expressed its appreciation for document A/37/6, which dealt with complex issues and attempted to cover a wide range of options and risks for the development of the international patent system. The Delegation highlighted the particular sensitivity of patents among intellectual property protection issues, which had caused patents to be the object of increased international attention in past years. The Delegation therefore felt that caution was required while examining the development of the system, in order to avoid upsetting the delicate compromises which had been reached at the international level in a way that would benefit a small number of countries or interests at the expense of other groups. The Delegation recalled that the main focus of developing countries in past years had been to work towards compliance with their obligations under the TRIPS Agreement, which required not only reform of national legislation but modernization of national institutions in the field of intellectual property protection. Many developing countries, including Egypt, were still devoting significant efforts as well as material and human resources to providing their institutions with modern working methods and equipment and skilled personnel, especially in the field of patents.

355. Consequently, while understanding the desire to simplify the functioning of the international patent system and make it more effective in dealing with the increasing workload in some Offices, the Delegation of Egypt did not feel that it was appropriate to establish new technical or procedural standardization measures whose implementation would require additional resources beyond the means of developing countries, particularly in the absence of data and studies demonstrating the costs and benefits which could be expected. The document in particular addressed the issue of substantive harmonization of patent law,

highlighting its general benefits. The Delegation saw this process as a collective effort towards convergence between the national practices of different countries in granting patents, but was concerned at the impression from the discussions that some States expected that this should result in the change of rules and practices in many countries to accord with those of a limited number. This could represent a step backward from the flexibility which is contained within the TRIPS Agreement and could explain the significant divergence of opinions, which could be seen in the work of the SCP. The document therefore suggested the possibility of focusing on certain issues where progress might be achieved. However these matters, such as the concept of novelty, were also a matter of significant divergence of opinion. Consequently the Delegation felt that, rather than necessarily the intensification of work in this area, what was needed was a frank dialogue and exchange of views between all parties concerning the goals of this process and their expectations regarding its results, in order to achieve benefits from it to all countries, not just a small number of them.

356. The Delegation of Egypt further noted the consideration by the document of the importance of regional cooperation. The Delegation agreed with this in principle, but felt that a necessary first stage was to strengthen the national offices in search, examination and procedural matters so that they can play a meaningful role and ensure that any regional framework works properly to the benefit of the countries participating in it. With regard to the references to enforcement in the document, the Delegation agreed that this is an essential pillar of any system of intellectual property rights, but referred to the conclusions of the Chair of the enforcement meeting held September 11 to 13, 2002, and noted that there was no agreement concerning the identification of best practices in this area.

357. The Delegation stated that Egypt's priorities concerning the development of the international patent system related to the establishment of a system that was more just and equitable, enabling inventors from developing countries to benefit increasingly from it. Furthermore they related to the establishment of mechanisms which encouraged transfer of technologies. The Delegation also accorded great importance to providing effective international protection to the genetic resources and traditional knowledge possessed by developing countries in a way that prevented their misappropriation. In respect of these issues, the Delegation noted the proposals made at the Conference on the International Patent System convened by WIPO in March 2002 and in the Report of the Commission on Intellectual Property Rights, which merited further study. The Delegation expressed its concern that efforts towards improving the efficiency of the international patent system in its present state might result in aggravation of the imbalances which it contained. The Delegation also wished to highlight the importance of the principle of sovereignty in international law. This was not to be regarded as either a rigid or a purely formalistic one. Rather, the Delegation viewed it as a flexible and dynamic principle, allowing developing countries to adjust to the changes brought by economic globalization, while retaining the flexibility commensurate with the economic, social, environmental and health conditions prevailing in each country. Consequently the Delegation saw some difficulty in following policy orientations which deepened the internationalization of the patent system in a way which might reduce the degree of sovereignty retained by developing countries under the present system. In conclusion, the Delegation felt that the document deserved further consultations and should not be the subject of hasty decisions. The Delegation reaffirmed the need for a study on the effects of the proposals on developing countries and looked forward to the Patent Agenda being, first and foremost, an Agenda for Development.

358. The Delegation of China noted that document A/37/6 presented many in-depth ideas and proposals for development of the international patent system. The Delegation stated the



following principles. First, the importance of protecting intellectual property rights fairly and efficiently should be recognized. The Delegation noted that intellectual property systems should encourage innovation and investment and should promote technical advance and economic development worldwide. Second, the Delegation pointed out that reform of the international patent system should be conducive to the simplification of examination procedures, enhancement of the quality of the examination, expeditious procedures, lower costs and a higher quality of service to inventors. The Delegation was of the view that it should be beneficial for promoting science and technology and for sharing the benefits of science and technology advances with other nations. Third, the Delegation pointed out that the interests of developing countries should be fully considered so that their development would not be constrained.

359. While paying attention to the costs and technology transfer, the Delegation of China noted that there should be appropriate fees for developing countries so that they would be in a better position to utilize patented technologies. The Delegation emphasized the necessity of providing sufficient assistance to people in developing countries to enable them to achieve economic development and a higher standard of living. The Delegation advocated that, since the establishment of the new international patent system would be a long and complicated process, it was necessary to listen carefully to the opinions of Member States and to strike a balance between the interests of patent holders and the general public as well as Member States. The Delegation stressed that special attention should be given to the progress of science and technology in the context of economic development in developing countries.

360. The Delegation of Argentina recalled the Assemblies in 2001, at which Member States considered document A/36/14, which urged Member States to participate fully in discussions on the timeliness, appropriateness and purpose of modifying the international patent system that currently exists. These discussions would take place with a view to developing the system over the next few years. The Assembly had agreed that a preliminary consultation process should be commenced with the submission of comments, which the Secretariat would subsequently compile in a document. The Secretariat would also prepare a document in which it examined the implications of the agenda for developing countries and in meeting developing countries requirements. Argentina had followed carefully not only the consultation process but all the activities and wished to thank the Secretariat for document A/37/6. The Delegation felt that this should be understood as a preliminary move towards the possibility of taking specific action. The Delegation stressed the importance for Member States, particularly the developing countries and the least developed countries, of having the necessary information to be able to judge what had been done so far and to determine whether or not this was in line with their specific requirements. Countries had to be able to evaluate the implications of any program. This required a study, which had already been requested by the Assemblies in 2001. In some respect, the document had tried to meet this requirement, but the Delegation considered that it was only partially successful in helping to draw conclusions.

361. The Delegation of Argentina was of the view that the issues needed to be treated with a great deal of caution. The pillars on which the Patent Agenda was based needed to be examined. The PCT Reform Committee was still in the early stages of its work. The PLT had not yet been ratified by enough countries to come into force. A treaty on substantive issues of patent law was only at the very preliminary stage of negotiations. Given the state of play on these treaties or draft treaties, the Delegation did not think that a point had been reached where the practical implementations could be assessed effectively. Therefore, it was difficult to know whether there would really be an improvement to the existing system.

Furthermore, it should be noted that a significant portion of Member States of WIPO had only very recently implemented standards of protection to meet the commitment they took on in the WTO. Consequently, many countries were still at an initial stage of implementing new standards and the costs and/or benefits involved in those could not yet be evaluated accurately.

362. The Delegation of Argentina recalled that, the previous week in Geneva, the final report of the Commission on Intellectual Property Rights set up by the United Kingdom had been launched. That report analyzed various aspects of the effects of intellectual property rights on development policy. In one part of that report, it was indicated that developing countries should not be required to provide higher standards of intellectual property protection without serious and objective analysis of what the impact on the development process would be. The report also highlighted several times the need not to limit the flexibility which the TRIPS Agreement provided to these countries. The report also indicated the need to tailor national intellectual property systems in developing countries appropriately. The costs involved in that should not exceed the benefits. Consequently Argentina appreciated the efforts made by the Director General to find solutions to some of the problems which WIPO had identified with respect to the current existing patent protection system. However an exercise of such scope as this required agreement between Member States in respect of its objectives, appropriateness and timeliness. In order to achieve this, the Delegation believed it essential that further in-depth discussion should take place in WIPO, reflecting the full array of opinions on these issues, with each issue being given the same level of attention and priority. The Delegation concluded by emphasizing that it also endorsed the statement made by the Delegation of Barbados on behalf of GRULAC.

363. The Delegation of Venezuela supported the contents of the statement made by the Delegation of Barbados on behalf of GRULAC, as well as the statement made by the Delegations of India and Egypt. The Delegation stated that the international patent system must be adapted to the needs and developments of its country, and questioned the wisdom of introducing new burdens and obligations for developing countries. The Delegation recalled that each country dealt with different circumstances, and that it was on the basis of the circumstances of each country, taking into account current levels of economic, social, scientific and technological development, that a patent system should be established that was adapted and balanced. In order to achieve this, it was necessary to have an in-depth and well-documented discussion on various forms of cooperation and intellectual property protection systems. To establish restrictions before having exhaustively examined the various mechanisms could have an impact on the development of some countries. The Delegation insisted that a much more in-depth discussion of this subject should take place on the basis of well-documented studies, and that this was the only way to achieve progress.

364. The Delegation of the Republic of Korea pointed out that that it was widely acknowledged that the intellectual property regime was facing a number of challenges, including duplication, the increasing workload of intellectual property offices, new technology and policy issues such as public health. The Delegation therefore welcomed the WIPO Patent Agenda under the leadership of the Director General as a way of tackling these challenges. The Delegation believed that the Organization should focus its efforts on renewing the existing intellectual property systems in the short-term in projects such as PCT reform, patent law harmonization and WIPONET. With its abundant experience in electronic filing, examination automation, and its system of unexamined utility models, the Republic of Korea, as an International Searching Authority and International Preliminary Examining

Authority under the PCT, was willing to take part in future discussions on the new intellectual property system.

365. The Delegation of Peru thanked the Director General and the Secretariat for preparing document A/37/6. The Delegation supported the GRULAC statement made by the Delegation of Barbados. The proposal to improve and facilitate the international patent system was welcomed, but it was necessary to take into account the interests not only of the patent administrators and users, but also of governments and civil society as a whole. The patent system had been evolving and some countries had adopted higher levels of protection based on their scientific and technological developments. Such flexibility should be maintained for developing countries. Peru therefore did not agree with a one-size-fits-all approach. The purpose of patents was not merely to reward an inventor but also to make it possible for knowledge to be disseminated and for development to take place. The Delegation was concerned by the lack of balance in document A/37/6 because it only acknowledged the problems faced by administrators and users of the international patent system. It was necessary therefore to bring about a new balance and to take into account the statements made by many earlier speakers calling, amongst other things, for flexibility for developing countries, greater emphasis on the public interest, and technical assistance for developing countries. Finally, the Delegation reiterated the need for a study to be undertaken on the possible impact of the international patent system on developing countries.

366. The Delegation of the Democratic People's Republic of Korea thanked the Secretariat of WIPO for the preparation of document A/37/6. WIPO had taken important actions in inviting comments on these issues in order to identify and establish priorities for the development of the international patent system. The Delegation supported the principle of WIPO's vision, that is to increase the effectiveness of existing activities such as those relating to the Patent Law Treaty, the draft substantive Patent Law Treaty, reform of the PCT, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and current information technology projects. In addition to these, it was very important to find the best solution to challenges confronting the international patent system. Cooperation and discussion among Member States, in particular developing countries, was necessary. The harmonization of the criteria for patentability was very important. However, as indicated in paragraph 51 of the document, it was important that the definition of the subject matter of patentable inventions should be flexible. The Delegation was convinced that the objectives of the WIPO Patent Agenda would be accomplished successfully by cooperation between the Secretariat and the Member States.

367. The Delegation of Uganda emphasized that it fully supported the statement made by Algeria on behalf of the African Group and wished merely to make a brief supplementary statement. It had been stated by several delegations that the importance of intellectual property in advancing the cause of socio-economic development of society could not be over-emphasized. However the promotion and protection of intellectual property rights was not an aim in itself, but rather a means to help achieve Member States' policies, including objectives such as development. Among the issues set out in document A/37/6, it was stated that the Director General's initiative relating to the WIPO Patent Agenda was intended to prepare "a coherent orientation for the future evolution of the international patent system," and further that "the international patent system should become more user-friendly and accessible and provide an appropriate balance between rights of inventors and the general public while at the same time taking into account the implications for the developing world." The Delegation wholeheartedly supported such an approach and commended the Director General for such a vision. However, at this stage it was not quite clear how these objectives

were supposed to be met. It then stated that the overall objective of the process should be further harmonization and rationalization of substantive patent laws and procedures in order to achieve enhanced legal certainty while continuing to streamline and simplify practices and procedures. However, the study on the impact of the proposed patent reforms on developing countries had yet to be undertaken, which would provide a guide for informal discussion. The Delegation wished to add its voice to what other developing countries had said before, that is, in emphasizing the need for a flexible system that took into account the different levels of development of Members States and in particular the concerns of developing countries.

368. The Delegation of the Ukraine stated that it fully supported WIPO's initiatives to define future actions for the development of the international patent system, taking into account the international processes of economic and trade globalization. The patent systems of the member States of the Paris Union could not be developed, without taking into consideration the processes undertaken at the international level, relating to political, economic and social aspects of the activities of each State. Harmonizing national laws and practice, and using general standards and effective processing of application materials, based on the use of common or mutually compatible systems or databases, would simplify matters and make the system easier to use by applicants. In the view of the Delegation, the continuation of such international harmonization work would assist the further development of the international patent system. Answers needed to be found to questions relating to the protection of rights, and attempts needed to be made to find unified approaches to resolving the problem of revoking invalid patents in various countries. The Delegation indicated that since the Ukrainian patent system was still in its infancy, Ukraine was faced with resolving precisely those problems at the moment. The Delegation stated that it would do its utmost to ensure that Ukrainian experts played an active part in all the actions proposed by WIPO for the development of the international patent system.

369. The Director General noted the very interesting debate and welcomed the comments and views expressed. He expressed his appreciation for the very open, and fair dialogue, which was the precise objective behind this agenda item. He stated that the intention was to provoke a discussion, noting that the international patent system was already evolving. The inclusion of the item on the agenda did not mean that a decision should be taken today, but rather the WIPO Patent Agenda denoted an ongoing process that would give some guidance to the international intellectual property community and to WIPO in the shaping of the international patent system. The Director General referred to paragraph 2 of document A/37/6, where it was stated that the objective was to prepare "a coherent orientation for the future evolution of the international patent system, ensuring that the work undertaken by the International Bureau and by Member States in their cooperation with the Organization was directed towards achieving a common goal." Another key element was the achievement of a "balance between the rights of inventors and the general public, while at the same time taking into account the implications for the developing world." The Director General further recalled that participation by developing countries at WIPO had always been ensured and would continue. By no means was there any intention behind any process in WIPO of marginalizing any group.

370. On the policy issues which had been raised, relating to very sensitive and critical areas such as public health, the Director General pointed out that focal points to deal with these issues had been established in the Secretariat.

371. With regard to the study on the impact of the patent system on developing countries, the Director General reiterated his commitment to that study being undertaken. He recalled that

the study was to be prepared on the basis of comments received from the Member States, intergovernmental organizations, non-governmental organizations and interested individuals. The Secretariat would welcome further comments from the various stakeholders, and the study would take them into account. The Director General recalled that, so far, comments had been received from 26 countries, 3 intergovernmental organizations, 17 non-governmental organizations and 9 individuals. He encouraged governments who had not yet done so to submit comments and views to assist the undertaking of the study. He further suggested that, if it was the wish of Member States, the International Bureau would undertake consultations with some interested governments and regional groups, insofar as this could be done within the framework of budget constraints.

372. With regard to the mandate of WIPO, the Director General stated that it was not the intention of the International Bureau to go beyond the boundaries of intellectual property or the policy implications arising therefrom, which many of the Delegations had referred to.

373. The Director General further stated that part of the exercise was to provide elements for the “roadmap” setting out future directions. The situation was evolving, not only in WIPO but also elsewhere. He pointed out that many stakeholders were discussing the evolution of the international patent system, and that both Member States and the market sectors had an interest in that evolution and the role that WIPO might play. The questions raised were not intended to receive an immediate answer, but it was up to all stakeholders to assist in formulating the roadmap and to say how they wanted WIPO to proceed in the future. He appealed to all those delegations present to encourage WIPO in the process and to lead the Organization in the right direction. Above all, this issue should be kept on the Agenda of WIPO, which would be subject to an open and free discussion by the 179 Member States. He thanked all delegations for the very open dialogue and promised that it would continue at both formal and informal levels in the future.

374. The Chair thanked the Director General for his intervention and concluded the discussion by stating that this important issue would remain on the agenda for the future.

375. The WIPO General Assembly, the Paris Union Assembly and the PCT Union Assembly noted the contents of document A/37/6 and decided to keep the WIPO Patent Agenda issue on the Agenda for discussion at their next session in 2003.

#### ITEM 13 OF THE CONSOLIDATED AGENDA:

##### INTERNET DOMAIN NAMES

376. See the report of the session of the WIPO General Assembly (document WO/GA/28/7).

ITEM 14 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE STATUS OF THE ADVISORY  
COMMITTEE(S) ON ENFORCEMENT

377. See the report of the session of the WIPO General Assembly (document WO/GA/28/7).

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE WIPO COPYRIGHT TREATY (WCT)

378. See the report of the first session of the WIPO Copyright Treaty Assembly (document WCT/A/1/2).

ITEM 16 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE WIPO PERFORMANCES AND  
PHONOGRAMS TREATY (WPPT)

379. See the report of the first session of the WIPO Performances and Phonograms Treaty Assembly (document WPPT/A/1/2).

ITEM 17 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE MADRID UNION

380. See the report of the session of the Madrid Union Assembly (document MM/A/34/2).

ITEM 18 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

381. See the report of the session of the PCT Union Assembly (document PCT/A/31/10).

ITEM 19 OF THE CONSOLIDATED AGENDA:  
MATTERS CONCERNING THE BUDAPEST UNION

382. See the report of the session of the Budapest Union Assembly (document BP/A/18/2).

ITEM 20 OF THE CONSOLIDATED AGENDA:

DRAFT AGENDAS OF THE 2003 ORDINARY SESSIONS OF THE WIPO GENERAL  
ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE  
BERNE UNION ASSEMBLY

383. Discussions were based on document A/37/7.

384. The WIPO Coordination Committee adopted Annexes I and II, the Paris Union Executive Committee adopted Annex III, and the Berne Union Executive Committee adopted Annex IV of document A/37/7.

ITEM 21 OF THE CONSOLIDATED AGENDA:

APPROVAL OF AGREEMENTS WITH  
INTERGOVERNMENTAL ORGANIZATIONS

385. See the report of the session of the WIPO Coordination Committee (document WO/CC/48/3).

ITEM 22 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

386. See the report of the session of the WIPO Coordination Committee (document WO/CC/48/3).

ITEM 23 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORTS

*387. This General Report was unanimously adopted by the Assemblies and other Bodies of the Member States of WIPO concerned, on October 1, 2002.*

*388. Each of the 18 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 1, 2002.*

ITEM 24 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

389. The Delegation of the United States, also speaking on behalf of Group B, and the Group of Central European and Baltic States, thanked the Chair and other officers for leading the meeting and clarifying differing views to all delegations. The Delegation thanked the Director General for his leadership, the Secretariat for their professional, good natured and thorough support and, last but not least, the interpreters for their eloquence and endless patience.

390. The Delegation of Belarus, on behalf of the Group of countries of Central Asian, Caucasus and Eastern Europe, expressed its thanks for the great deal of work that had been done by the Secretariat which had worked day and night and, in particular, thanked personally the Director General, Dr. Kamil Idris, who was present at almost all the sessions and who had played a very active role in the discussions, ensuring that compromise decisions were reached. The Delegation also thanked the Chair of the General Assembly, the Ambassador of France, for the magnificent work he had done as Chair.

391. The Delegation of Barbados, speaking on behalf of GRULAC, thanked the Chair for all his hard work and congratulated both the Director General and his team, particularly the interpreters, on the successful conclusion of this series of meetings. On a more personal note, the Delegation stated that it found its role as GRULAC Coordinator during the Assemblies to be a very demanding but rewarding exercise, and wished to express its personal thanks to its colleagues and the Secretariat, headed by the Director General for all of their assistance and cooperation, assuring them of its continued support and gratitude. The Delegation of Barbados stated that it looked forward to continuing its active participation in WIPO activities during the coming year.



392. The Delegation of China wished to congratulate all delegates on the complete success of the Assemblies. That success was attributed firstly, to the capable leadership of the Director General, Dr. Kamil Idris; secondly, to the excellent preparations made by the Secretariat with regard to the documents and; thirdly to the active participation and cooperation of the Member States. Moreover, the Delegation wished to express its special gratitude to the Chair of the Assembly for his coordination and guidance. The Delegation also wished to thank the interpreters for their work. The series of decisions taken at the Assemblies indicated that WIPO has made substantive progress in the field of intellectual property protection. The Delegation believed that, under the leadership of Dr. Idris, the role of WIPO would become stronger and stronger and that the system of IP protection would further develop. The head of the Chinese Delegation had announced that the Chinese Government had accepted WIPO's proposal and would host the WIPO Intellectual Property Summit from April 24 to 26, in 2003. This announcement had already received active responses and expressions of interest from many countries. The Delegation welcomed the active participation of the Member State, and believed that the Summit would succeed and the world intellectual property system would continue to develop.

393. The Delegation of India, speaking on behalf of the Asian Group, at the 37<sup>th</sup> Series of Meetings of the Member States of WIPO stated that extremely useful discussions had taken place and led to some crucial decisions for the Organization. To mention just a few, it was heartened to see the unanimous and overwhelming support for re-election of Dr. Kamil Idris as Director General for a second term. To this end, the Delegation looked forward to actively participating in the special session of the General Assembly to formalize the re-election. Matters relating to the composition of the Program and Budget Committee had been amiably resolved. The General Assembly approved the construction of a new administrative building to extend WIPO's premises as well as the conference hall adjacent to it. Once completed, the complex would allow WIPO to regroup its staff in a consolidated building complex with effective savings in rental. The decisions regarding the admission of observers incorporated the concerns of Member States. The informal discussions to resolve outstanding issues relating to the audiovisual performances would take place in the first half of 2003. The Delegation noted the debate that continued on the agenda for development of the international patent system and noted the establishment of a single committee, primarily to serve as an advisory body within the Organization for facilitating discussions, sharing experiences of protection and enforcement related issues of relevance to all Member States, both developing and developed. It stated that a large part of the credit for the satisfactory conclusions were due to the untiring efforts and persuasive skills of the Chair in convincing all sides to see the merits of consensus. The Asian group expressed its deep appreciation for his efforts in coordinating the proceedings with dexterity. The Group thanked the Director General for his dynamic leadership, direction and vision for the Organization, for the program and activities to implement his vision and for ensuring that the interests of developing countries remained an important component of WIPO's program. Last, but not least, the Asian Group thanked the Secretariat of WIPO for their diligence and untiring efforts and congratulated them for the excellent documents.

394. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Chair for the excellent way in which he conducted his work. The Delegation also thanked the Secretariat and the Director General, Dr. Kamil Idris, for their very valuable assistance. The African Group welcomed the unanimous support for the efforts made by Dr. Idris in implementing his programs. The work was highly successful and the Delegation very much appreciated the diplomatic talent and the wealth of experience from which the Director General drew and led the discussions.

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

“We have come to the end of the work of the 37<sup>th</sup> session of the Assemblies of the Members States of WIPO, the high point in the Organization’s life during which we have commented on, weighed up and shaped the project and prepared for the future the necessary impetus to our future work.

“The harvest was good and our barns are full, now everyone must benefit from it without anyone being left out, in examining the reports on the implementation of the 2000-2001 biennium, and the present biennium.

“Each delegation presented in detail, and in a constructive spirit which I applaud, its concerns, its proposals and its ideas for the continuous enrichment of intellectual property at the world level, we have adopted important decisions for the future of the Organization in giving it new offices and a new conference hall. I thank those delegations who, although they had reservations about certain parts of the program, did not block the consensus. We accomplished the constitutional reform, set up a new advisory committee on enforcement, welcomed new international organizations and defined the principles for the new non-governmental organization’s candidates, the WIPO patent agenda initiative has been given new life and we have once again decided to examine whether conditions are ripe to resume consultations for a diplomatic conference on audiovisual rights that would reach a consensus and be successful. On the initiative of Denmark on behalf of numerous countries we have decided to promote the participation of indigenous communities in our work and we have also made progress on the protection of Internet domain names.

“We have heard a very important communication from China, which announced its intention to hold, in April 2003, a world summit on intellectual property, we thank China for its initiative and we look forward to meeting in Beijing for this magnificent occasion.

“We have done good work, and I would like to thank all of you very warmly, with particular mention of the regional coordinators who have defended with rigor and strength the viewpoints of their groups. I would also like to thank the Chairs and vice-chairs of the Unions, WIPO bodies and the Coordination Committee who have also done excellent work. I thank each of the members of the Secretariat for their professionalism and the passion that they bring to their work. Thanks also to our interpreters who are our facilitators and who will remind us that linguistic diversity is the salt of the earth.

“Last, but not least, I would not forget the very important decision that we have taken relating to the re-election, by consensus, of our Director General, ladies and gentlemen, may I associate myself once again with a unanimous tribute paid by our Assemblies to Dr. Kamil Idris. The praise addressed to him is commensurate with the zeal with which he accomplishes his mission. He has created within WIPO a unique climate of confidence, he looks after each and every one and applies all his energy, and the Lord knows that he has a lot of energy, to the service of solidarity, shared mutual benefit, the continuous enrichment of intellectual property for the benefit of all. By opening up the way to new areas of reflection and action, in particular through the recognition and the development of traditional knowledge or genetic resources, he

enables us to share in his innovative visions. We thank him most sincerely and we would simply ask him to continue the good work.

“Ladies and gentlemen the tools for the protection of intellectual property, which in the 18<sup>th</sup> and 19<sup>th</sup> centuries were the sole preserve of the highly industrialized countries, have gradually spread to the rest of the world. This is the example of a successful type of globalization we should continue by making powerful efforts for the benefit of the developing countries. I am thinking for example of access to medical drugs for the poorest, we should continue by evaluating and making good use of all the resources of mankind. We should get down to the very sensitive but exciting task of inventing new intellectual property tools at the service of sustainable development. I am quite sure that WIPO is the best place for such initiatives to prosper.

“In conclusion ladies and gentlemen, dear friends may I quote Mrs. Rigaberta Menchu of Guatemala, Nobel prizewinner, “cultural diversity is the mirror of natural diversity” and on the same theme the President of the Republic of France, at the world sustainable development summit said “there will be no controlled globalization with a human face without the respect of the diversity of cultures and languages. The dialogue of cultures is necessary for peace, nobody has the key alone to the complex problems confronting us,” this is why we must work for progress in exchanging experiences and visions. This I think is what we have done here and I would like to thank you from the bottom of my heart.

“I declare the 37<sup>th</sup> Series of Meetings of our Assemblies closed.”

[Annex follows]

## ANNEX

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

(The numbers refer to the paragraphs in this document)

Delegations of States:

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- <sup>1</sup> On behalf of the African Group  
<sup>2</sup> On behalf of the Latin America and Caribbean Group (GRULAC)  
<sup>3</sup> On behalf of the Central Asian, Caucasus and Eastern European Countries  
<sup>4</sup> On behalf of the Group of Least-Developed Countries (LDCs)  
<sup>5</sup> On behalf of Australia, Belgium, Canada, Denmark, Greece, Japan, Luxembourg, Monaco, New Zealand, Portugal, Spain, Switzerland and the United Kingdom  
<sup>6</sup> On behalf of the European Community, plus Norway and Switzerland  
<sup>7</sup> On behalf of the European Community  
<sup>8</sup> On behalf of the Asian Group  
<sup>9</sup> On behalf of the Group of Central European and Baltic States  
<sup>10</sup> On behalf of the Member States of the South Asian Association for Regional Cooperation (SAARC)

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[End of Annex and of document]

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<sup>11</sup> On behalf of the Organization of the Islamic Conference (OIC)  
<sup>12</sup> On behalf of the Association of South East Asian Nations (ASEAN)  
<sup>13</sup> On behalf of Canada, Guatemala, Spain and the United States of America  
<sup>14</sup> On behalf of Group 'B'  
<sup>15</sup> On behalf of the Arab Countries