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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

ASSEMBLIES OF THE MEMBER STATES OF WIPO

Forty-Second Series of Meetings
Geneva, September 25 to October 3, 2006

REPORT

adopted by the Assemblies

	Paragraphs
INTRODUCTION.....	1 to 5
ITEMS OF THE CONSOLIDATED AGENDA (see document A/42/1)	
Item 1: OPENING OF THE SESSIONS.....	6 to 8
Item 2: ADOPTION OF THE AGENDA	9
Item 3: ELECTION OF THE OFFICERS	10 to 12

Item 4:	PROGRAM PERFORMANCE REPORT FOR THE 2004-2005 BIENNIUM; PROGRAM IMPLEMENTATION OVERVIEW – JANUARY 1 TO JUNE 30, 2006.....	13 to 153
Item 5:	REPORT ON THE OUTCOME OF THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A REVISED TRADEMARK LAW TREATY (TLT).....	154 (and WO/GA/33/10)
Item 6:	PROGRAM AND BUDGET COMMITTEE AND RELATED ISSUES	155 to 195
Item 7:	UPDATE ON CONSTITUTIONAL REFORM	196 and 197
Item 8:	REPORT OF THE PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO A WIPO DEVELOPMENT AGENDA (PCDA).....	198 (and WO/GA/33/10)
Item 9:	PROTECTION OF AUDIOVISUAL PERFORMANCES.....	199 (and WO/GA/33/10)
Item 10:	PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS.....	200 (and WO/GA/33/10)
Item 11:	MATTERS CONCERNING THE ADVISORY COMMITTEE ON ENFORCEMENT	201 (and WO/GA/33/10)
Item 12:	REPORT ON THE PROGRESS OF THE STANDING COMMITTEE ON THE LAW OF PATENTS IN RESPECT OF THE DRAFT SUBSTANTIVE PATENT LAW TREATY (SPLT) AND CONSIDERATION OF A NEW WORKPLAN FOR 2007	202 (and WO/GA/33/10)

Paragraphs

Item 13:	REPORT ON THE WORK OF THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE.....	203 (and WO/GA/33/10)
Item 14:	MATTERS CONCERNING INTERNET DOMAIN NAMES	204 (and WO/GA/33/10)
Item 15:	EXCHANGE OF PRIORITY DOCUMENTS IN THE AREA OF PATENTS	205 to 220
Item 16:	MATTERS CONCERNING THE MADRID UNION.....	221 (and MM/A/37/4)
Item 17:	MATTERS CONCERNING THE IPC UNION.....	222 (and IPC/A/24/2)
Item 18:	MATTERS CONCERNING THE PCT UNION.....	223 (and PCT/A/35/7)
Item 19:	MATTERS CONCERNING THE PATENT LAW TREATY ASSEMBLY	224 (and PLT/A/2/3)
Item 20:	DRAFT AGENDAS OF THE 2007 ORDINARY SESSIONS OF THE WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY	225 and 226
Item 21:	ADMISSION OF OBSERVERS	227 to 229
Item 22:	APPROVAL OF AGREEMENTS WITH INTERGOVERNMENTAL ORGANIZATIONS.....	230 (and WO/CC/55/3)
Item 23:	STAFF MATTERS	231 (and WO/CC/55/3)

Item 24: ADOPTION OF THE REPORTS.....232 and 233
AND OF THE INDIVIDUAL REPORTS OF
EACH GOVERNING BODY

Item 25: CLOSING OF THE SESSIONS.....234 to 252

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

INTRODUCTION

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

- (1) WIPO General Assembly, thirty-third (16th extraordinary) session
- (2) WIPO Conference, twenty-fourth (7th extraordinary) session
- (3) WIPO Coordination Committee, fifty-fifth (37th ordinary) session
- (4) Paris Union Assembly, thirty-seventh (20th extraordinary) session
- (5) Paris Union Executive Committee, forty-third (42nd ordinary) session
- (6) Berne Union Executive Committee, forty-ninth (37th ordinary) session
- (7) Madrid Union Assembly, thirty-seventh (21st extraordinary) session
- (8) IPC [International Patent Classification] Union Assembly, twenty-fourth (9th extraordinary) session
- (9) PCT [Patent Cooperation Treaty] Union Assembly, thirty-fifth (20th extraordinary) session
- (10) PLT [Patent Law Treaty] Assembly, Second (1st extraordinary) session

meeting in Geneva from September 25 to October 3, 2006, 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/33/10), WIPO Coordination Committee (WO/CC/55/3), Madrid Union Assembly (MM/A/37/4), Paris Union Executive Committee (P/EC/43/1), Berne Union Executive Committee (B/EC/49/1), International Patent Classification Union Assembly (IPC/A/24/2), PCT Union Assembly (PCT/A/35/7) and the Patent Law Treaty Assembly (PLT/A/2/3).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 25, 2006, is set forth in document A/42/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/42/1) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 21, 24 and 25	Ambassador Enrique Manalo (Philippines) Chair of the General Assembly, and for Item 4, on September 26 and 27, Mr. Usman Sarki (Nigeria), Vice Chair of the General Assembly
Item 15	Mr. Emil Žatkuliak (Slovakia) Chair of the Paris Union Assembly
Item 16	Mr. James Otieno-Odek (Kenya) Chair of the Madrid Union Assembly
Item 17	Mr. Gilles Barrier (France) Chair of the IPC Union Assembly

Item 18	Mrs. Nadia Ibrahim Mohamed Abdallah (Egypt) Chair of the PCT Union Assembly
Item 19	Mrs. Darina Kyliánová (Slovakia) Chair of the PLT Assembly
Items 20, 22 and 23	Mr. Muktar Djumaliev (Kyrgyzstan) Chair of the WIPO Coordination Committee
Item 24	The Chair (or, in his absence, a Vice-Chair, or, in the absence of the Chair and both Vice-Chairs, an <i>ad hoc</i> Chair) of one of the ten Governing Bodies concerned, that is for the General Report, the Report of the WIPO General Assembly, the Report of the PCT Union Assembly, the Paris Union Executive Committee, the Berne Union Executive Committee, Ambassador Enrique Manalo (Philippines); the Report of the Coordination Committee, Mr. Maximiliano Santa Cruz (Chile); the Report of the Madrid Union Assembly, Mr. James Otieno-Odek (Kenya); Report of the IPC Union Assembly, Mr. Gilles Barrier (France); the Report of the PLT Assembly, Mr. Usman Sarki (Nigeria).

5. An index of interventions by Delegations of States and Representatives of Observers, including 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/42/1 and A/42/INF/3 respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

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

7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened at a joint meeting of all ten Assemblies and other bodies of the Member States of WIPO by the Chair of the General Assembly, Mr. Enrique Manalo (Philippines), who made the following statement:

“Distinguished Ministers, Excellencies, Honorable delegates, ladies and gentlemen, friends, at the outset I wish to express my gratitude to all Member States for trusting me again with the Chairmanship of this august assembly. It is indeed a great personal honor to take the helm of the Assemblies for a second time. Ladies and gentlemen please rest assured that I shall conduct our meeting in a fair, open and inclusive manner, and in this regard I would like

to thank all Member States for the cooperation that they have extended to me during my chairmanship, and would request them to continue working with the same spirit of openness and flexibility.

“The decisions of this General Assembly shall be the sole responsibility of the Member States. My task is to facilitate and encourage constructive dialogue and consensus decision-making by the Member States. While I cannot guarantee that all delegations shall realize everything on their respective wish lists, I can however promise to help provide conditions for an open and inclusive negotiating process which I believe is essential for a successful outcome for any meeting. Having said this, I also wish to especially thank Director General Kamil Idris for his, and the International Bureau’s complete support extended to me over the past year. Ladies and gentlemen I wish to emphasize that while we may have a relatively shorter agenda than last year’s General Assembly, this does not necessarily mean that we shall also have a lighter workload. We are particularly constrained by the fact that at least two subsidiary bodies were unable to recommend courses of future action, thereby passing this task on to us, the General Assembly. I nevertheless hope we shall find a consensus solution to these outstanding matters well within the limited time frame we have at our disposal. Now with a view to conducting our meetings in the most effective and efficient manner possible, I would wish to emphasize the following ground rules that I intend to follow, of course with your cooperation and support. Number one, I intend to hold regular consultations with the Group Coordinators. In this regard I plan to meet the Group Coordinators as much as needed each day, either before the start of each session or after the close of each session, whichever time is deemed more useful. I also intend to hold extended sessions, if necessary, including night meetings, except tonight. In order to ensure that we discuss all the agenda items satisfactorily I hope to be strict with our coffee breaks, we might have to forego them in certain instances, and I count on your support for this. I will also undertake, as necessary, informal consultations on certain issues with all interested delegations during our session. Any such consultations will be announced at the same time. I encourage delegations and groups to exercise their own initiative in ironing out differences amongst themselves on certain issues during the course of our meeting. I believe this procedure will also be an important means of assisting me, the Chair, in advancing our work. Number two, on general statements under Item 4 in our draft agenda, Member States are encouraged to submit their statements in writing, which in turn will be fully reflected in the records of our proceedings. For those States or groups making oral statements, I strongly urge them to limit their remarks to not more than five minutes. I would request regional groups to limit their remarks to not more than seven to eight minutes while NGOs would have up to three minutes. If I feel this is not being sufficiently observed, I may have to exercise my discretion to interrupt such statements. In this regard I would like to apologize in advance for this and request delegations or speakers not to take such action personally, nor is it a reaction to the substance of their interventions, but view it as an effort to ensure the expeditious flow of our work. I will follow the WIPO process insofar as the order of speakers is concerned. Number 3 the list of speakers will be drawn up by the Secretariat, and delegations wishing to speak should inscribe themselves on the list. Number four, please note from the tentative timetable set out in the draft agenda that it is envisaged that items 1 to 4 be completed today. It is my hope we can achieve this and begin consideration of item No. 5 by tomorrow morning. Number five, please also note that not all our agenda items call for detailed discussions. Certain items provide information to the Assemblies and do not necessarily call for any decision on our part. I propose that our consideration of those items be as brief as possible that way we can save time for discussion on those items that may require more detailed consideration. Hence, when we get to items where no decision is actually called for, I will request invited delegations simply to note those items and whatever

is written in the relevant document. Number 6 on our decision making process, I shall follow the WIPO Rules of Procedure, the applicable Treaties and Conventions, and most importantly the practices and traditions of this Organization, particularly one tradition of reaching consensus on all items of the agenda. Ladies and gentlemen I thank you once again for the trust you have reposed in me as Chair of the Assemblies, I look forward to fruitful discussions and deliberations and I have no doubt all our decisions will be taken in the interest of our Organization. With your help and collaboration I look forward to a successful outcome of our meetings. I thank you.”

8. At the invitation of the Chair of the General Assembly, Ambassador Enrique Manalo, the Director General made the following statement:

“Thank you very much, Mr. Chairman. Honorable Ministers, Excellencies, distinguished delegates and dear friends.

“If I had to sum up in one word, just one word, what I have been working to achieve since the beginning, and will continue to pursue as an objective in this Organization, that word would be “inclusion”.

“As a global body encouraging creativity and innovation as well as a market-oriented provider of services for a demanding cross-section of users, WIPO’s constituency is wide. Our goal has been to ensure that the totality of that constituency is included in the drive to help identify, protect and use intellectual assets. Inclusion, dear friends, brings empowerment which is, I believe, a central goal of our work. If we truly wish to democratize the intellectual property system, we must ensure access for all those wishing to make use of it and provide a forum for all who wish their voices to be heard in the debate on its future development.

“To this end, we have energized our communication with existing partners and initiated dialogue with new ones. We have also reached out to those who know little about intellectual property, to demonstrate the power of the system to transform their innate ability to create and innovate into personal satisfaction and financial gain.

“The result has been an expanded cast of actors on the intellectual property stage, contributing to an increased sense of inclusion and purpose at the global level, which is vital for the healthy development of the intellectual property system and its ability to tackle the complex problems facing it.

“The quest for inclusion began with you, our Member States, and the drive to respond well to your demands in all aspects of the work we do. This required an optimal exchange of information, and steps were taken to help channel your expectations and concerns to the International Bureau of WIPO and, thereafter, to provide you with clear feedback.

“To do this, I introduced a series of informal consultations with delegations, both individually and with regional groups. The goal was to encourage an open and in-depth dialogue, particularly with a view to enhancing the Program and Budget process, to reflect to the greatest extent possible your various needs and wishes as well as your vision for future improvements in the Organization’s work and operating procedures. This has evolved into the proposed consultation mechanism currently before you for approval.

“To support this dialogue – a prerequisite for any inclusive process – sweeping changes were instituted within the Secretariat at the administrative and organizational levels. Among these featured:

- a strategic, results-based Program and Budget, allied to an enhanced, annual Program Performance Report, with performance indicators;
- an enhanced office of Controller, bolstered by an Internal Audit and Oversight Division (to support and constantly refine the results-based management system), which has, itself, been recently enhanced by the adoption of a WIPO Internal Audit Charter and the setting up of a new WIPO Audit Committee.
- and a contracts review structure that includes a Procurement and Contracts Division and a Contracts Review Committee.

“These changes threw a spotlight on the Secretariat’s accountability to you and also sought to help you fulfill your own responsibility to assess the efficiency and effectiveness of the Secretariat’s activities. The far-reaching and sometimes challenging changes that have steadily moved us towards an organizational philosophy of enhanced inclusion and transparency, have resulted in a current program and budget that reflects as closely as possible the wishes of Member States.

“The search for wider involvement continued in the substance of the Organization’s work. The governance structure was strengthened by four Standing Committees – on the Law of Patents; on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT); on the Law of Copyright and Related Rights; and on Information Technologies – designed to provide Member States with an effective means both of exchanging information and of coordinating and prioritizing the work.

“Other fora enhancing the inclusive nature of the Organization’s approach have been set up in response to expressed need, most recently, the Provisional Committee on Proposals Related to a WIPO Development Agenda. The main challenge here is to bring clarity and focus.

“Among other decisive steps forward has been the setting up of the WIPO Worldwide Academy. The Academy has brought a new dimension to the drive for inclusion, reaching out with specific programs for policy-makers, intellectual property professionals, government officials, academics and the business sector. It has also brought the intellectual property message to the wider world, for example, through its rapidly expanding and diversifying distance learning service. The first “cyber” course went on-line in 1999. It was offered in English and some 150 students signed up. This free general course on intellectual property is now offered in seven languages and almost 7,000 students signed up for the last session. New, fee-paying courses are being added to the Academy’s distance-learning section – copyright and related rights in 2004, followed by electronic commerce and intellectual property, biotechnology and intellectual property as well as, jointly with the International Union for the Protection of New Varieties of Plants (UPOV), the international protection of plant varieties. This month, the Academy held its first executive business program. Response to the course was overwhelming and 50 participants from over 20 countries took part in a highly successful two-day event in which they examined the role of intellectual property as a strategic business tool and discussed how best to integrate it into their business strategies. Building on the success of this first event, additional courses are planned.

“This inclusive approach to substance continued through various initiatives to address specific needs of individual Member States; of certain groups of countries; and of the user community. Cooperation with developing countries, for instance, focused on helping them to customize their collaboration with the Organization. The wide range of activities in this area included the development of nationally focused action plans, aimed at capacity-building and office automation.

Special attention was brought to bear on areas of particular and evolving interest and importance, such as traditional knowledge and traditional cultural expressions.; From the first round of consultations and dialogue with traditional knowledge holders to the resulting comprehensive draft study – which was made available for comments both on-line and in worldwide consultations – this most inclusive of debates gained in pace and intensity, leading, in 2001, to the setting up of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The Committee’s work has been said to be a “unique blend of practical experience, legal materials and policy ideas” and its spirit of inclusion has given rise to developments such as the accreditation of more than 120 NGOs representing local and indigenous groups and the setting up of a Voluntary Fund to finance their participation.

Other initiatives designed to address specific concerns included the creation of:

- the Least-Developed Countries initiative, which in addition to four global ministerial events, has, through a series of regional, interregional and national meetings, collaborated with some 1,250 high-ranking and senior officials and professionals from the LDCs since its inception;
- the Copyright Collective Management and Related Issues area, designed to boost the work of the Organization in a specific area of great economic and cultural interest for all Member States;
- the Small and Medium-Sized Enterprises project, seeking to increase intellectual property awareness within this sector, commonly held to be the “economic backbone” of so many countries; the aim is to extract the maximum benefit from information technology, disseminating the message, networking and sharing information over the Internet; an indication of the resulting success is the 193 per cent increase in subscriptions to the electronic newsletter during the last biennium;
- the Enforcement and Special Projects Division, working closely with the Advisory Committee on Enforcement, which had its inaugural meeting in June 2003;
- the Intellectual Property and New Technologies Division, giving support, in particular, to developing countries and countries in transition in strengthening their capacity for local development, management, and commercialization of intellectual property as a national economic asset;
- and, most recently, the Creative Industries Division.

“The overarching drive for inclusion also powered the work undertaken to facilitate access by developing countries to information technology. This is of great importance in the light of ongoing efforts both to strengthen intellectual property protection in the electronic

environment and to use the power of digital technology to make the intellectual property system cheaper and more efficient and user friendly. At the practical level, in addition to providing Internet connectivity to some 101 intellectual property offices and training some 260 focal points, the Organization has contributed to the automation of 70 intellectual property institutions and given assistance with automation to some 75 countries.

“While the Internet domain name processes helped set out the regulatory framework for this system, the Organization also became involved, through its Arbitration and Mediation Center, in providing a speedy, cost-effective means of resolving domain-name conflicts through the application of the Uniform Dispute Resolution Policy (UDRP). The Center’s annual caseload has constantly grown and, last year, saw a 20 per cent increase in filings over the previous year. Now established as a leading global provider of UDRP services, the Center has dealt with parties from some 131 countries and handled over 9,000 cases since the first case was filed in December 1999.

“Work in the copyright field continued moving forward on several fronts, from digital rights management and licensing to the role of the creative industries as major contributors to national economic health. The most recent advance was the recommendation, currently before you, for a diplomatic conference on the protection of broadcasting organizations. Discussions had been based on a revised consolidated treaty text containing input from all concerned participants.

“The setting up of World Intellectual Property Day (April 26) in 2001, helped heighten awareness as did a new range of attractive information products designed to inform and intrigue those who might not previously have heard of intellectual property. Increased efforts were made to include children and young people in these outreach efforts, as they will fill that vital pool of creativity and innovation from which the human race will draw for its future well being.

“The WIPO website, which has recently been remodeled, also played an important role in this area and, as language is a vital element of inclusion, the site was quickly made available in all official WIPO languages. The website facilitates access not only to important general information, such as the texts of the WIPO treaties, but also to more specialized data, often with considerable value-added, such as the searchable intellectual property digital libraries, which include databases of applications and registrations under the Hague, Madrid and PCT systems. Other key tools include the Collection of Laws for Electronic Access (CLEA). This database went on-line in September 1999 with information on the intellectual property legislation of some 35 countries; it now contains legislative information on over 120 countries.

“The Organization’s openness to dialogue bore many fruits, including greater and more interactive participation of intergovernmental and non-governmental organizations in WIPO meetings. Increased interest in the Organization and its work is illustrated by the growing number of requests for visits and briefings; the last biennium saw some 150 groups, representing over 3,700 persons, receive general and specialized information on WIPO and its work.

“The Organization also reached out to intellectual property users, seeking to provide them with the finest services possible. Effective inclusion is achieved through increasing accessibility and reducing barriers such as cost. Great efforts have, therefore, been made to make filing and registration easier, cheaper and more efficient for users of WIPO services.

Two substantial IT projects were launched with these goals in mind. One of these projects has resulted in full, in-house automation for the handling of PCT applications and publications; and the PCT-SAFE project allows on-line filing of PCT applications. This facility was greeted with great enthusiasm and, since 2005, less than 50 per cent of applications have been filed in paper form only. The continued and strong increase in PCT use is a reflection of the user community's confidence in the system and a recognition of its efficiency and cost effectiveness (since 1997, for example, PCT fees have been reduced by some 45 per cent; and in 2004, a fee reduction of 75 per cent was extended to applicants from least-developed countries (LDCs). The last biennium saw an increase in PCT filings of more than 14 per cent over the previous biennium, as well as an upsurge of activity from developing countries, with a 46 per cent increase in filings in that period over the previous biennium.

“The push towards inclusion is also seen in the trademark area, with such positive recent developments as the introduction of a 90 per cent fee reduction for least-developed countries (LDCs) under the Madrid system; the introduction of a weekly, electronic edition of the WIPO Gazette of International Marks; and a new service allowing on-line renewal of international registrations, all of which further reduce costs and increase efficiency. This should further increase the use of the system, which already saw a 34 per cent increase in registrations in the last biennium over the previous one.

“Other significant developments in the trademarks field, that helped widen its appeal, include the introduction of Spanish as a working language of the Madrid Protocol and the accession to the Protocol of the United States of America and the European Community as well as the adoption, following the successful holding of this year's Singapore Diplomatic Conference, of the Singapore Treaty on the Law of Trademarks, aligning the Trademark Law Treaty with the technological developments of the last decade.

“The Organization continued with its work in the development of international intellectual property norms, helping to ensure a strong, efficient, stable framework on which nationals of Member States can rely in protecting and commercializing their intellectual property assets. In addition to the Singapore Treaty, other notable events in this field have been the entry into force of the so-called WIPO Internet treaties and the adoption of the Patent Law Treaty and of the new Act of the Hague Agreement.

“Distinguished delegates, one measure of our success as an inclusive Organization may be seen in the increase in the membership of the various WIPO treaties in the last nine years. This has included 18 new members of the WIPO Convention; 26 new members of the Paris Convention; 35 new members of the Berne Convention; 39 new members of the PCT (of the current membership, 60 per cent are developing countries); and 46 new members of the Madrid Protocol.

“Inclusion has been a goal not only for relations between the Secretariat, Member States and the outside world but also within the Secretariat itself. A restructured Human Resources Management Department quickly put in place new bodies to deal with specific staff needs. These included the in-house Medical Unit, the Staff Development Section, and the Staff Welfare Unit. The internal justice system has also been extensively expanded and updated, and, in addition to the post of Ombudsman, includes a Joint Grievance Panel and a Rebuttal Panel.

“The importance given to inclusion can also be seen in the composition of the Secretariat itself. In 1998, its 690 staff members came from some 71 countries; today, we have some 890 staff members from some 94 countries.

“Office accommodation for WIPO staff has been high on the agenda during the last several years. Following approval of the purchase of a plot for a new headquarters extension in 1998, an architectural competition resulted in a design for a new building, construction of which, it is planned, will restart in 2007. The purchase and renovation of the new annex building has already allowed a sizable part of the employee body, housed in various offices around Geneva, to be relocated close to the main building.

“I have spent the last nine years working to turn the vision of an inclusive, forward-looking Organization into a reality. Over that time, WIPO has grown immensely in size and greatly expanded the substance it deals with. The workload has increased and the range of its activities expanded. The Organization is now better known both by experts and non-experts. The work in achieving this has been stimulating, often challenging, but always rewarding. The Secretariat has been under pressure, particularly in some areas, where demands have increased, where timeframes have decreased or where Member States’ priorities have differed.

“After these productive years of foundation-building, it is time to consolidate and unify our activities to reap the benefits of these investments for the future. To do so, we must be clear about our common priorities and goals and also supportive of our individual needs and specific problems and constraints. We must pool our strengths and ambitions and work towards clear, well-defined objectives, with confidence and enthusiasm.

“Distinguished delegates and dear friends, as we begin a week of intensive work, we are all mindful of the challenges which the Member States and the Organization face today. Namely, how to preserve the success of the past and the institutional strength of our great Organization. Allow me to appeal to all Member States to show understanding of each other’s positions, to preserve the multilateral dialogue, to keep channels of communication open at all times. And when the time comes to accommodate each other, to be ready to compromise. Everyone will and must gain from this process, but no one party or side can hope to gain all at the expense of the other. We must strive for a win-win situation.

“The solution therefore, dear friends, is in inclusion and empowerment, with mutual respect for our rich diversity. We will not find solutions through any north-south confrontation but rather through goodwill, commitment and cooperation among us all.

“We rely on you to applaud us when we prevail; correct us when we fail. But more than that, let us all recognize that this Organization has clearly made positive and important progress and impact in achieving our objectives.

“This Organization has crafted programs of benefit to all nations; it is a world-class provider of intellectual property services; and the main global intellectual property norm-setting body. It must seek not only to maintain but to advance and strengthen that position and to inspire for future generations a genuine, inclusive, well-grounded intellectual property culture.

“Thank you very much for your attention.”

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/42/1 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. Consideration of this item was based on document A/42/INF/1 Rev.

11. The following officers of the WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee, were elected on September 27, 2006:

for the WIPO Coordination Committee
Chair: Muktar Djumaliev (Kyrgyzstan)
Vice-Chair: Maximiliano Santa Cruz (Chile)
Vice-Chair: Zigrīds Aumeisters (Latvia)

for the Paris Union Executive Committee
Chair: Jorge Amigo Castañeda (Mexico)
Vice-Chair: Paul E. Salmon (United States of America)
Vice-Chair: Li Dongsheng (China)

for the Berne Union Executive Committee:
Chair: James Otieno-Odek (Kenya)
Vice-Chair: Mikhail Faleev (Russian Federation)
Vice-Chair: Josip Pervan (Croatia)

12. The list of the officers for the Assemblies and other bodies appears in document A/42/INF/4.

ITEM 4 OF THE CONSOLIDATED AGENDA:

PROGRAM PERFORMANCE REPORT FOR THE 2004-2005 BIENNIUM; PROGRAM
IMPLEMENTATION OVERVIEW: JANUARY 1 TO JUNE 30, 2006

13. Discussions were based on documents A/42/2, A/42/3, A/42/8, A/42/12 and A/42/13, respectively.

14. The Delegations and Representatives of the following 106 States, one Entity, six Intergovernmental Organizations and 15 Non-Governmental Organizations made statements concerning Agenda Item 4: Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of Congo, Denmark, Dominican Republic, Egypt, Ecuador, El Salvador, Ethiopia, Finland, Germany, Ghana, Guinea, Guinea Bissau, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malaysia, Mauritania, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Norway, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Seychelles, Singapore, Slovakia, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Zambia, Zimbabwe, Palestine, African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), African Union (AU), Commission of the European Communities (CEC), Eurasian Patent Organization (EAPO), World Bank, *Asociación Latinoamericana De Industrias Farmacéuticas* (ALIFAR), *Asociación Nacional de Intérpretes*(ANDI), *Association pour la promotion de la propriété intellectuelle en Afrique* (APPIA), Civil Society Coalition (CSC), Consumers International (CI), Electronic Frontier Foundation (EFF), Electronic Information For Libraries (EIFL), European Broadcasting Union (EBU), *Fundação Getulio Vargas* (FGV), German Association for Industrial Property and Copyright (GRUR), Institute for Policy Innovation (IPI), International Federation of Film Producers Associations (FIAPF), International Federation of Library Associations (IFLA), IP Justice, North American Broadcasters Association (NABA).

15. As part of their statements, Delegations paid tribute to the outgoing Deputy Directors General, Ms. Hayes and Mr. Yu, praising their dedication and hard work, and welcomed the incoming members to the WIPO Senior Management Team, Mr. Sabharwal, Mr. Keplinger, Mr. Onyeama and Ms. Wang. Delegations also praised the Chairman for his dedication and ability to skillfully conduct the debates during the Assemblies.

16. The Delegation of Switzerland, on behalf of Group B, thanked the Secretariat for its work in preparing the Assemblies. It stated that Group B believed that WIPO was an important international institution and that the Group took a strong interest in WIPO's core programs, particularly the PCT, the Hague Union, the Madrid Union, and Mediation and Arbitration services, but that the interest in WIPO and IP was much broader than that, since IP was increasingly recognized as an integral tool for economic and social development and a key underlying condition for the achievement of many of the Millennium Development Goals. The Delegation further stated that in the past year Group B had engaged constructively and showed flexibility in many areas of the work of the Organization, in order to find realistic and workable solutions in the interest of all WIPO Members. Group B therefore deeply regretted that it was not always possible to come to concrete results on important issues, such as the harmonization of patent law and the development agenda, but it was nevertheless the Group's goal to bring all key processes forward within WIPO. The Delegation noted the positive outcome of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty and the constructive spirit during that Conference, and it encouraged Member States to continue to work with the same spirit during the Assemblies

and the coming year. The Delegation stressed that Group B was deeply disappointed by the lack of results at the last informal session of the SCP, but stated that the Group continued to believe that a limited work plan for the SCP was the way forward and remained committed to establishing such a plan, as it was in the interest of all stakeholders to improve the quality of patents, reduce the duplication of work of Patent Offices, make the patent system more accessible and establish more consistent examination standards. Therefore, patent issues had to remain a top priority for WIPO and its Member States. Group B therefore also appreciated that practical measures might be implemented in the future, such as the establishment of a digital access service for priority documents, and hence supported to explore that proposal further taking into account its financial implications. The Delegation furthermore stressed that Group B believed that IP had a positive role to play for development and supported strengthening WIPO's development dimension. Group B therefore regretted the lack of outcome of the two PCDA sessions, despite serious efforts, but noted that the door was still open for further constructive discussions and it believed that the compromise proposal presented by the Chairman of the PCDA was a very workable and balanced solution combining content and process, the linkage of which was essential for Group B regarding all further work in this regard. The Delegation also stressed the importance attached by Group B to the work of the IGC and the progress made by the Committee on the questions of TK, folklore and genetic resources, and stated that Group B would continue to engage constructively in the future work of the Committee. The Delegation applauded the positive outcome of the Diplomatic Conference on the Revision of the Trademark Law Treaty, but noted that important works were still ongoing in the field of trademarks, especially in the Madrid system. The Madrid system was increasingly relevant, and Group B therefore supported the continuation of the ad hoc working group on the legal development of the system. Concerning the SCCR, Group B appreciated its work, and strongly supported the developments and eventual conclusion of a treaty on broadcaster's rights. With regard to the work by the Advisory Committee on Enforcement, the Delegation noted that awareness raising and education about the benefits of IP rights and the need for their enforcement were important issues for all WIPO Members, and Group B looked forward to the next session of the Committee in order to exchange views on coordination and cooperation at the international, regional and national level. The Delegation also expressed Group B's satisfaction with the PBC's work in the past year, and noted that the proposed new mechanism to further involve Member States in the preparation and follow up of the program and budget was a major step forward. Group B therefore recommended the adoption of the new mechanism and a review of progress of its implementation at the next General Assembly. The Delegation further thanked the Secretariat for the information on the implementation of the recommendations of the JIU, and looked forward to a confirmation by the JIU of the effectiveness of the actions taken. The Delegation noted the updated information concerning the desk-to-desk review of human and financial resources, which Group B considered a task of high priority, and stated that to be credible the review must include top management. Concerning the comprehensive review of WIPO human resources policies and practices, the Delegation welcomed the updated information and noted that the desk-to-desk assessment would be a key source of information and orientation for that review. As regards the WIPO Audit Committee, the Delegation encouraged its Members to continue their work and to actively seek dialogue with Member States, while it acknowledged that the mandate and resources of the Committee needed to be reviewed and improved in the near future. In this regard, Group B believed that the Audit Committee should be represented at the WIPO Assemblies. Group B had also taken due note of the comments made by the Internal Auditor in document A/42/8, and the Group was convinced that sufficient resources were essential to enable WIPO's Internal Audit and Oversight Division (IAOD) to fulfill its mandate in accordance with the WIPO Internal Audit Charter. The Delegation also recalled Group B's

support for the strengthening of IAOD through the recruitment of a Director and two officers, and expected their appointment without delay, after which an update of IAOD's needs should be undertaken. In this regard, Group B requested the Audit Committee, at its earliest opportunity, to review and confirm the appropriate charter, structure and resources needed for effective internal audit and oversight in WIPO, and noted that Group B remained committed to the careful consideration of the adequate resourcing of IAOD. In concluding, the Delegation assured Member States that Group B would continue to engage constructively in the discussions during the Assemblies.

17. The Delegation of Croatia, on behalf of the Group of Central European and Baltic States, underlined the importance of WIPO as the key international body dealing with IP. It noted that the growing awareness of the importance of innovation, protection and exploitation of IP meant increasing importance of the work of WIPO and its different bodies. The Delegation urged WIPO to seize this opportunity and to alert key international stakeholders of the need to increase IP awareness and understanding, as well as to intensify its work on the integration of IP in national development policies and programs in conjunction with the work to progressively develop international IP law, which would significantly contribute to wider acceptance of IP standards and at the same time bring the Organization closer to attaining its strategic goals within the UN system. WIPO should also continuously strive to improve the quality of its services in respect of the PCT, Madrid, Hague and Lisbon systems in order to enhance the attractiveness and user friendliness of those systems for clients and offices. The Delegation further noted the great efforts that had been made in streamlining the work of the Organization and various measures undertaken in order to achieve better financial discipline and to strengthen control and management of WIPO, as described in the presented meeting documents. However, the Group believed that despite the work done in the past year, efforts should continue to enable WIPO to reach its strategic goal of greater efficiency of management and administrative support processes. The Delegation applauded the successful outcome of the Diplomatic Conference for the Adoption of the Revised Trademark Law Treaty, and noted that the same constructive spirit had enabled Member States to reach agreement on the nominations for the new DDG and ADG positions within the framework of the Coordination Committee. The Delegation endorsed and welcomed the decisions of the PBC, especially on the proposal on a new mechanism to further involve Member States in the preparation and follow up of the Program and Budget. The Delegation also noted that the decision reached during the last session of the SCCR to launch a diplomatic conference to update the rights of broadcasting organizations was a milestone, and hoped for further consensus on the most important issues, so that a successful outcome could be reached at the conference. On the other hand, the Delegation pointed out that significant difficulties still existed, reflected in the lack of progress of negotiations concerning the development agenda, the IGC and SCP. The outstanding issues were intrinsically connected, and therefore the Group believed that a consistent and pragmatic approach would be needed in the future work within the respective Committees. The Delegation further welcomed WIPO's assistance to countries within the Group, in cooperation with the EU, EPO and other international organizations, in raising IP standards and helping to realize the potential benefits of active IP protection, and urged WIPO to continue its support. In this regard, the Delegation particularly highlighted the seminars on Strategic Use of IP for Economic and Social Development. Besides obvious benefits to the local and regional scientific community, government institutions, NGOs and SMEs, the seminars had been particularly helpful to the diplomats from the Group. The seminars had helped understand better the different challenges countries are facing in implementing the IP in their everyday life on the pathway of development. Therefore, the Delegation believed that it would be useful to continue the practice of holding such seminars and to involve diplomats that were covering the agenda in Geneva. In this

context, the Delegation was looking forward to nominating in the future equal number of diplomats as other Regional Groups to take part in the WIPO seminars. In addition, the Delegation pointed out that countries of the Group had an excellent profile regarding the protection of IP and adherence to the relevant international Agreements and Conventions administered by WIPO. The Group also played an active and constructive role in the ongoing negotiations within WIPO which, unfortunately, had not been appropriately reflected and recognized when it came to participating in the administration of the Organization. In this context, the Group felt that its candidates had been marginalized when appointing the principal officers in the WIPO structure. For instance, among 15 positions in the organizational scheme of the administrative structure there was not one single officer from the countries of the region. Among 86 positions from the list of “WIPO Principal Officers” there were only three representatives from the region. Moreover, out of 890 WIPO staff members, only 17 originated from the Group of Central European and Baltic States, and none of the DDG and ADG positions reflected the existence of the Group. Therefore, the Group expected that future decisions regarding the nomination of WIPO staff members, at all levels, would take due account of regional distribution. Lastly, the Delegation hoped for a positive outcome of the Assemblies reflecting the interest of all countries, and a consensus among Member States during the next year to ensure that progress could be made to overcome outstanding issues in various WIPO fora.

18. The Delegation of Indonesia, on behalf of the Asian Group, thanked the Director General for his presentation which would be instrumental in extending the scope of IP for the benefit of a large number of developing countries, through the promotion of an IP culture as a key vector of economic, cultural and social development. The Delegation believed that, in today’s rapidly changing world, WIPO could be expected to demonstrate its role in assisting Member States to pursue and achieve their development, and in order to hasten this process, it urged WIPO to continue to adapt to the various needs and characteristics of its Member States. To this end, the Delegation assured WIPO of the Asian Group’s continuous support in its efforts to become a more efficient and effective Organization, especially in the context of the ongoing UN reform process. The Delegation re-emphasized that WIPO’s technical assistance program should continue to be provided on a demand-driven basis whilst balancing the respective interests of all stakeholders, and that the program should aim at developing and improving the institutional capacity of Member States with a view to enabling them to meet the requirements of the IP system with their respective development aspiration. The Delegation also reiterated that the mainstreaming of the development agenda in WIPO represented the fundamental position of the Asian Group, and stressed that the inability of the PCDA to reach consensus on concrete outcomes should not lead to the end of the process. In this context, it noted that despite divergences of views, many delegations had expressed their strong willingness to continue the process, and the Delegation therefore strongly recommended that the General Assembly explore all possible modalities to this end, including renewing the mandate of the PCDA while providing clear and workable guidance to ensure the mainstreaming of the development agenda. In this process, the Asian Group was ready to work with other Member States and to play a constructive role in reaching consensus on the way forward. Concerning the outcome of the 15th session of the SCCR, the Delegation took note of the recommendation to convene a Diplomatic Conference on the Treaty on the Protection of Broadcasting Organizations, to be held from July 11 to August 2, 2007. In order to ensure a successful outcome of the Diplomatic Conference, the Delegation underlined the importance of convening a two-day special meeting in January 2007, and requested the General Assembly to mandate such a meeting to achieve consensus on some outstanding issues. The Delegation also suggested that the General Assembly provide clear instructions that would serve as guidelines and working method for that meeting. On the issue of the

SPLT, the Delegation maintained that negotiations in the SCP should be carried out in a balanced and inclusive manner, as the Asian Group was of the view that harmonization should take into account the interest and concerns of all Member States. It was essential that improvements of the patent system would contribute to the promotion of technological innovation, to the transfer and dissemination of technology, as well as to the creation of social and economic welfare. The Delegation was supportive of a balanced and equitable international patent system that reflected the interests of all Member States and was respectful of the public policy objectives and policy space of developing countries. Concerning the current work of the IGC, the Delegation reiterated the Asian Group's appreciation for the work accomplished by the Committee. The Group was of the opinion that the IGC should build on its past achievements to ensure tangible outcomes and that the Committee should concentrate its work on all issues in relevant documents under discussion, in its integrity. Regarding the management of WIPO, the Delegation stressed the importance of equitable geographical distribution and gender balance at the managerial level, as the Group believed that it would be in the interest of all in order to ensure that Member States' concerns were reflected in WIPO's work. Lastly, the Delegation extended the Group's thanks to the two outgoing Deputy Director Generals, and looked forward to working with the incoming new management team which it hoped would bring about increased good governance, transparency and accountability in all of WIPO's work taking due account of the views of all Member States and other stakeholders.

19. The Delegation of Nigeria, on behalf of the African Group, commended the Director General for his leadership and efforts to promote a culture of IP as a tool for development world wide, and the strategic use of IP assets for economic development, especially in developing and least developed countries. The Delegation also thanked the Director General for his opening statement, and stated that the African Group shared his vision and had participated in the processes of the Organization in a constructive way. In this context, the Delegation underlined the Group's active involvement in the adoption and implementation of the recommendations of the JIU, and noted that measures such as the establishment of the WIPO Audit Committee, the adoption of the WIPO's Internal Audit Charter, the involvement of Member States in the preparation and follow-up of WIPO's program and budget, the engagement of outside consultants to oversee the construction of the new WIPO Headquarters, had all received the Group's full support, as it believed in adequate oversight functions and the need for accountability, transparency and best practice. However, the Delegation also stressed the necessity of allowing officials elected or appointed by Member States to discharge their functions without undue pressure being mounted on them, and noted that the oversight mechanisms should not be another way of micro-managing the organization, nor a way of limiting the development assistance to developing countries. The Delegation also referred to the desk-to-desk review, and stated that although the Group shared the objectives of this exercise, it should not restrict the ability of the Organization to exercise its statutory functions, nor should it affect the moral and motivation of staff. The Delegation therefore believed that the desk-to-desk review should be conducted in two phases, the first involving the appraisal of the situation regarding non-permanent staff by the Secretariat, including the internal audit function, for positions up to the P4 level, and by the external auditor and the WIPO Audit Committee for senior management positions. The Delegation further underscored the African Group's appreciation to WIPO for organizing regional seminars on the strategic use of IP for social and economic development, which it considered a useful initiative to be continued, and it urged WIPO to allocate additional resources to the program to enable an increased participation of developing and least developed countries. Concerning the overall implementation of the Program and Budget for 2004-2005, the Delegation highlighted the cooperation for development programs and activities carried out,

such as on national IP audits, promotion and protection of geographical indications in Africa, the AFRICOS Software, the protection and exploration of African inventions related to traditional medicines, and regional instruments on TK and Expressions of Folklore. The Delegation also expressed the Group's appreciation for the automation of several industrial property Offices in the region, and noted WIPO's active engagement with African States within the framework of the Quadripartite Agreement. Concerning the establishment of a Development Agenda for WIPO, the Delegation recalled the comprehensive program of action submitted by the African Group, which took into account the situation in Africa, and the developmental goals set out in the Millennium Development Goals, the NEPAD Plan of Action, the World Summit on the Information Society, the Doha Summit Declaration and other international initiatives. It stressed that the WIPO Development Agenda was the highest priority of the African Group, and that Member States should actualize it without further delay, showing flexibility and good will. In this regard, the African Group recommended that: the General Assembly renew the mandate of the PCDA with a practical work program and targets to achieve, including a time frame for completion of its work; the PCDA should hold three five-day sessions in 2007 devoted to a discussion of substantive issues to produce a balanced set of recommendations, including for technical assistance and issues such as norm setting; WIPO should sponsor the participation of the existing aggregate of 111 proposals with a view to their rationalization in order to address them effectively; a new approach be adopted for phased implementation of the proposals taking into consideration the administrative and financial imperatives; and the WIPO Secretariat should present Member States with different options regarding implementation of the various proposals particularly, norm setting and impact assessments. Regarding the IGC, the Delegation reiterated the importance attached by the African Group to the process and a speedy outcome, and stated that the discussion on substantive provisions should proceed in order to define the legal essence of the required protection, as individual national legislation was not enough to offer adequate protection. The Group was therefore concerned with the slow pace of work in the IGC and it urged the Committee to finalize the process of adoption of a legally binding international instrument without further delay. The Delegation also called upon the General Assembly to integrate all useful and practical comments and proposals made during the last IGC into the existing documents in order to present balanced bases for future agreement, and noted that this process should logically lead to the convening of a diplomatic conference. Concerning the SCP/SPLT, the Group was of the view that the process needed reinvigoration by developing a new work program, and to this end, another open forum should be held where substantive issues could be discussed in detail and recommendations made. On the protection of broadcasting organizations, the Group reiterated that web casting and simulcasting should not feature in the draft basic proposal, and that the proposal should adequately protect the public interest by the inclusion of safeguards, exceptions and limitations. Also, Member States should continue their discussions on substantive matters in follow-up informal and formal meetings. As regards enforcement, the Delegation said that the African Group was of the view that the focus of developing countries should be on copyright, counterfeiting and piracy within the context of creative industries, and it requested WIPO to intensify its work in increasing public awareness on combating piracy and other unauthorized copying of protected works. The Delegation concluded by stating that the African Group would participate in the Assemblies with a positive mind and constructive spirit to ensure successful outcomes.

20. The Delegation of Kyrgyzstan, on behalf of the Group of Central Asia, the Caucasus and Eastern European States thanked the Director General for his opening statement and the Secretariat for the well prepared documents. The Group welcomed the assistance to countries in the region, but was concerned about the proportion of such assistance provided to Members of the Group. The Delegation expressed its satisfaction with the results of the Singapore

Diplomatic Conference and the adoption of the revised Singapore Treaty on the Law of Trademarks, which was a significant event in the life of the Organization. It noted the usefulness of the work of the SCP and the open forum in March 2006, which had led to a constructive exchange of views. The Group hoped that the dialogue would continue to harmonize approaches in this area. The Delegation then stressed that the definition of the contribution of WIPO to economic and social development was a priority to the Group, and noted that the Group had actively participated in the two sessions of the PCDA. The Delegation also noted the importance of the work done on improving the management of WIPO and the internal audit office, and welcomed the work of the WIPO Audit Committee. It also supported the recommendations of the Joint Inspection Unit to the Secretariat, and stressed the importance of implementing those recommendations promptly. The Delegation finally hoped that the Secretariat would continue its efforts to extend its use of Russian in the work of the Organization, including in WIPO publications, and noted that it would like to see greater translation into Russian of WIPO documents.

21. The Delegation of China thanked the Director General for his opening statement and the Secretariat for the presented documents, and hoped that the Assemblies would result in furthering deliberations on key issues, as well as in enhancing common understanding and reducing differences, thus laying down a sound basis for future discussions on various important issues. The Delegation expressed its satisfaction that programs had been carried out in accordance with the 2006-2007 Program and Budget. It considered the objectives and expectations by Member States as corner stones of all WIPO initiatives and activities, and observed that WIPO continued to have an important role to play in promoting the use of the IP system for national benefits and in assisting nations to take full advantage of IP for development. The Delegation continued that due to the increased globalization of the world's economy, the development of all countries, especially developing countries, had a bearing on global development and prosperity. It suggested that in WIPO utilize its limited resources in a rational way in assisting developing countries in using the IP system. The Delegation stressed the need to balance IP protection and public interests by adapting IP protection standards to the specific situations of developing countries. The Delegation was of the opinion that the on-going discussions on the WIPO development agenda would not only have a far-reaching influence on the future of developing countries, but also benefit developed countries whose interests were interwoven with developing ones. It observed that several meetings on this topic had already been held under the framework of IIM and PCDA, but regretted that no substantial progress had been achieved. It therefore called upon all interested parties to constructively continue the discussion on the basis of existing proposals and stated that it would support the establishment of a working group which could be used as a standing forum to conduct further studies on, and identify solutions to, development-related problems. The Delegation believed that this would facilitate active and candid exchange of views and opinions among interested parties, and help them seek common grounds while reserving differences in the discussions on relevant issues. The Delegation reaffirmed its support to the work of the IGC and stressed the importance to developing countries of comprehensive protection of genetic resources, TK and folklore, and looked forward to reach a preliminary consensus on the possible conclusion of a binding international treaty on this subject. Commenting on IP norm-setting, the Delegation observed that for historical and practical reasons, developing countries and LDCs were facing social and economic difficulties, and that increasingly enhanced IP protection standards would only add to their difficulties and make it practically impossible for them to comply with those standards. According to the Delegation, the key to successful norm-setting would be to strike a reasonable balance between the protection of right-holders and public interests by taking into consideration the realities and development levels of all countries and ensuring that the cost of

IP protection would not surpass its benefits. The Delegation also reiterated its firm commitment to protection of IP rights in the country. It stated that development and improvement of the IP system in China were not only necessary to its further opening-up process, but also an intrinsic demand from its own socio-economic progress. It highlighted the launch of a series of measures by the Government to strengthen IP protection, which had resulted in equal importance being given to IP protection and national innovation strategies, strengthened enforcement, a greater number of IP awareness-raising activities, as well as enhanced awareness of IP protection among consumers, enterprises and relevant institutions. The Delegation assured Member States of the continuous support and active participation of China in the work of the Assemblies and other WIPO committees. It also paid tribute to the outgoing Deputy Directors General and looked forward to cooperate with the new management team. Regarding the HongK ongS pecial Administrative Region (Hong Kong SAR), theDelegation noted that the copyright policy environment of Hong Kong had been changing rapidly, which had resulted in a major legislative exercise to refine the copyright framework. Various stakeholders would also be consulted in the near future about copyright protection in the digital environment to ensure an appropriate balance of interests between owners and users. The Delegation also reported on the IP Department's electronic services, which had developed from online search, filing, payment and publication of trademarks, patents and designs, into an instantaneous service, meaning that owners of registered rights could go online and directly change records relating to their rights. Lastly, the Delegation highlighted the ongoing public IP education programs, which last year had been expanded to include an anti-internet piracy youth project.

22. The Delegation of Singapore, speaking on behalf of the Association of South East Asian Nations (ASEAN) thanked the Director General for his comprehensive opening statement and the WIPO Secretariat for the presented documents. It underscored the importance that IP was playing for economic, social and cultural development, noting that WIPO must continue to focus on the development of balanced international IP laws, responsive to the emerging needs and taking into account the different levels of national development. The Delegation highlighted the increasing recognition of the IP generated by universities and research institutes within ASEAN, as well as the importance of ASEAN's rich TK and genetic resources – these being among the key factors underlying the mutually beneficial partnership between ASEAN and WIPO, which had intensified in activities and scope. The Delegation noted that WIPO had carried out some 40 missions in the ASEAN region in the last year on a range of issues such as: assisting in the formulation of IP policies and strategies, strengthening IP infrastructures, and enforcement. In this regard, the Delegation stated that ASEAN is keen to further enhance the qualitative aspects of IP cooperation with WIPO, in order to build on the achievements of past programs and activities, and added that ASEAN's priorities included: strengthening national IP legal infrastructure and institutional capacities; provision of technical and legal advice; assistance in the full integration of IP into national economic, social and cultural policies; building IP awareness; and use of IP to protect TK and folklore. The Delegation highlighted the institutionallinkages between the two organizations, such as the annual consultation between the Director General and ASEAN Ambassadors, and consultations between WIPO and the ASEAN Working Group on Intellectual Property Cooperation. In this regard, the Delegation announced the successful conclusion of two studies initiated after the 9th consultation on the feasibility of establishing a network of IP business development services hubs in ASEAN and the compilation of guidelines and directions in the area of IP portfolio management. The studies would contribute to fulfilling the objectives of the ASEAN Intellectual Property Rights Action Plan 2004-2010. The Delegation mentioned that ASEAN was also benefiting from the WIPO Singapore office. These institutional linkages and regular interactions between ASEAN and

WIPO helped to keep WIPO-ASEAN activities relevant and forward looking, and allowed for discussion of developments in major areas of the work of WIPO. The Delegation acknowledged WIPO's contribution through cooperation and assistance to ASEAN's progress, on which ASEAN would continue to build. The Delegation stated that ASEAN was conscious of the important changes taking place in the global economy and of the need to take stock of such changes to understand how they would affect ASEAN's IP strategies. In this regard, the Delegation stated that ASEAN would continue to work closely with WIPO in shaping the international IP framework, taking into account the specific needs and circumstances of WIPO's diverse membership.

23. The Delegation of Finland, speaking on behalf of the European Community (EC), its 25 Member States and the acceding states of Bulgaria and Romania, stated its commitment to make progress on the issues before the Assemblies and reiterated its support for the development of the international IP system. The Delegation was pleased with the adoption of the Singapore Treaty on the Law of Trademarks since it proved WIPO's ability to achieve concrete results, and regretted the lack of progress in some other areas. The Delegation took note that the work towards a WIPO Treaty on the Rights of Broadcasting Organizations had progressed and looked forward to a decision on the convening of a diplomatic conference to be held next year. Finally, the Delegation announced that the EC was about to adhere to the Geneva Act of the Hague Agreement, noting that this should provide benefits for the applicants and holders of design registrations in terms of simpler procedure and cost savings.

24. The Representative of Benin, speaking on behalf of the group of Least Developed Countries (LDCs), deplored the fact that LDCs were not benefiting more from the rapid progress in the global economy and from the liberalization of policies resulting from that progress. Such changes concerned not only new technologies, but also new management techniques, resulting in transformations in the relations between business, industry and science. Those technological changes had completely transformed international economic relations by creating new commercial trends and through the emergence of new intellectual property rights. For the LDCs, 2006 marked the mid-term review of the Programme of Action adopted at the Third United Nations Conference on the Least Developed Countries, held in Brussels in May 2001. The Representative was satisfied with the multifaceted assistance that WIPO had been providing continuously since that date. The Organization had drawn up and presented a sector-based report on the activities carried out on the initiative of the Director General or in response to ministerial decisions. In that context, in June 2006, the Organization had presented the report to the Ministerial Conference of the Least Developed Countries, held in Cotonou, and also to the meeting of the United Nations General Assembly, held in New York on September 18 and 19, 2006. In Cotonou, the Ministerial Conference had identified a clear strategy, and had formulated specific recommendations for LDCs, on the inclusion of intellectual property in their national development strategies, with the assistance of the Organization and other partners. Moreover, given that 45 of the world's 50 LDCs were members of WIPO, the Representative was convinced that those 45 countries could use intellectual property as a powerful tool in the fight against poverty, in view of its beneficial impact on economic growth, their integration in the global market and job creation. The progress WIPO had made in favor of LDCs was particularly appreciated, especially its IP capacity-building activities its assistance to intellectual property offices in order to modernize their infrastructures; its assistance to small and medium-sized enterprises (SMEs), and the training of focal points for the benefit of Member State governments, for SMEs, business councils, entrepreneurs and inventors; its assistance in the creation of bodies for the protection of the rights of artists, authors and composers to benefit from their creative activities, and its specific studies conducted in order better to define the folklore and

traditional knowledge sector. Moreover, at the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (TLT), held in Singapore, a resolution had recognized special and differentiated treatment for LDCs in terms of its implementation, with regard to the technical assistance to be provided to them. The Representative commended all of the actions that would be carried out jointly by the Organization and its various partners in order to make intellectual property a development tool. Finally, the Representative of Benin supported the statement made by the Representative of Nigeria on behalf of the African Group.

25. The Delegation of Brazil stated that the international community had become increasingly aware of the importance of discussing IP in all its aspects, particularly its effects on social and economic development, as illustrated by the Doha Declaration on TRIPS and public health. It was of the opinion that development could only be ensured if there was a balance between IP rights and obligations and the public interest. The Delegation further stressed that in view of the widening scope of IP, all stakeholders should enter into a serious debate about the direction that IP protection should take, as failing to do so would endanger the development in the majority of countries worldwide and jeopardize access to health, science, culture and sustainable environment. The Delegation expressed the view that, regrettably, the system had already been driven to such an imbalanced situation that the original purposes of IP had been subverted. The Delegation illustrated this point by stating that patents had become tools for anti-competitive practices, technological measures of protection threatened the public domain and such exceptions and flexibilities as fair use and private copying. Furthermore, there was no empirically proven relation between IP and the attraction of investment. The Delegation was also of the view that the flexibilities and safeguards that remained in the international system were instruments that enabled countries to adapt multilateral commitments to their various levels of development. Nevertheless, the extension of the IP rights protection standards would surely hinder the already insufficient ability of developing countries to pursue public interest policies. In this regard, the Delegation pointed out that there was no empirical evidence of the need to broaden existing protection standards. Therefore, the Delegation was concerned with the normative negotiations currently under way in WIPO. Concerning the draft treaty on the protection of broadcasting organizations, the Delegation was concerned with the fact that the basic treaty proposal, approved by the SCCR remained the object of disagreement both among developed and developing countries. The Delegation therefore noted that should the Assemblies confirm the convening of a diplomatic conference with a view to finalizing the treaty, Member States should be aware that many questions remained to be resolved. The Delegation urged the Assemblies to discuss this issue, and to consider the risk that should the diplomatic conference be confirmed notwithstanding many pending issues, the failure of the diplomatic conference of the year 2000, which was meant to approve a new audio-visual treaty, could be repeated. The Delegation further pointed out that at the international level, many organizations were already engaged in assessing the impact of IP, including the UN, UNESCO, WTO, WHO, CBD, and UNCTAD and would be contributing to the debate on IP and development. The Delegation was therefore proud of having presented, with Argentina and 13 other co-sponsors, the proposal on a WIPO Development Agenda, and it noted that the General Assembly was expected to adopt relevant decisions to incorporate the development dimension in all its activities. The Delegation further stressed that the Development Agenda was crosscutting and multidisciplinary in nature, and that it made concrete recommendations that would enhance WIPO's activities regarding governance, norm setting activities, technical assistance and technology transfer. In doing this, WIPO would convey the message that it was committed to ensuring that IP works to the benefit of all countries. The Delegation noted that the fact that several countries had submitted concrete proposals during the discussions at WIPO, pointed to the acceptance of the initiative and to the relevance of the debate. The

Delegation concluded by assuring Member States of its active and constructive participation in future debates, and underlined its commitment to seeking balanced results reflecting the concerns of all WIPO Member States.

26. The Delegation of Argentina, on behalf of the delegations of Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran (Islamic Republic of), Kenya, Peru, Sierra Leone, South Africa, United Republic of Tanzania, Uruguay and Venezuela, reiterated their commitment to the WIPO Development Agenda, and stated that the Agenda aimed to strengthen the link between IP and development and to make the IP system more responsive to the needs of different stakeholders. It noted that Member States had discussed the issue during a period of two years, which had been a valuable process to enable proposals to be refined and positions to be further explained. Considering the need to move the process one step forward, the Friends of Development would welcome the adoption of a General Assembly resolution covering five areas of the development agenda: norm setting, impact assessment, technical cooperation, transfer of technology and institutional matters and mandate. The Delegation further stated that such a resolution on the continuation of the process was needed to guide Members towards concrete implementation of proposals. The best approach would be an inclusive process in which all positions were taken on board and seriously debated on substance and merit. The renewal of the mandate of the PCDA for another two years until 2008 would allow the process to move ahead, and meetings of the PCDA could be scheduled between now and the 2007 General Assembly, to allow the renewed PCDA to present, to the next General Assembly, a substantial draft recommendation on a first set of actions and a framework for the way forward. During the second year, the PCDA would work out the remaining proposals into another draft recommendation to be adopted by the 2008 General Assembly. However, the Delegation pointed out, that the distribution of documents related to item 8 of the Agenda did not seem to be fully compatible with paragraph 205 of the PCDA/2/4 document, and it would therefore expect all documents to be distributed before considering this item of the agenda. Concerning patent harmonization, the Delegation stressed that in the last session of the SCP, the Friends of Development and other developing countries had reinserted the items that were of interest for the discussion of patent harmonization. The package of issues included exception and limitation, public interest flexibilities, curbing of anti-competitive practices, transfer of technology and disclosure. Unfortunately, the discussion in the SCP did not produce any recommendations to the General Assembly due to the resistance of some Member States in accepting anything outside the reduced package of issues: prior art, grace period, novelty and inventive steps. The Delegation therefore stressed that unless the discussion on patent harmonization was open to input from all Member States, it would be very difficult for the General Assembly to agree on a procedure for moving the SPLT process forward. Furthermore, the Delegation recalled the decision by the SCCR at its 15th session, to recommend the convening of a diplomatic conference on a treaty for the protection of broadcasting organizations. The Delegation pointed out that this decision needed to be confirmed by the General Assembly, and that the basic proposal contained provisions on exemptions and limitations, competition and cultural diversity, among others, which were regarded as indispensable by developing countries and many other stakeholders. It also recalled that the exclusion of simulcasting and webcasting from the draft basic proposal and the diplomatic conference itself was a condition for proceeding with the diplomatic conference. The Delegation underlined the strong view of the Friends of Development in this regard. The Delegation concluded by assuring Member States of the full cooperation of the Friends of Development in order to achieve a successful outcome at the Assemblies.

27. The Delegation of Japan thanked the Director General and WIPO staff for preparing the Assemblies. Regarding Japan's national IP activities, the Delegation stated that it was essential to establish a so-called intellectual creation cycle, comprised of three components: creating, protecting, and exploiting IP, and that Japan therefore in 2003, had established the IP Policy Headquarters to promote Japan's overall IP strategies and formulate IP strategic programs on an annual basis. The Delegation, in this context, also highlighted that during the past three years a collaborative framework among industry, academia and Government had been created, 22 IP-related laws had been enacted, the number of patents obtained by universities and public research institutions had increased 2.5 times from 2002 to 2005, and an IP High Court had been established in 2005. In addition, more examiners had been employed, more prior-art searches had been outsourced to the private sector, tougher criminal penalties had been introduced in the process of creating more effective anti-counterfeit measures, IP-related laws had been revised to better control the exportation of counterfeit goods, and the region-based collective mark system had been introduced to provide more appropriate protection of local brands. The Delegation also stated that the next three years would constitute the Phase II of the IP Strategic Program aiming at Japan becoming the most advanced IP-based nation in the world. The Delegation stated that although a new Prime Minister would be designated on September 26, it was believed that the fundamental policy would be continued without changes under the new administration. Regarding development issues, the Delegation also noted that a resolution for providing technical assistance to LDCs had been adopted at the Diplomatic Conference on the Trademark Law Treaty, in March 2006, which clearly showed that the importance of development issues had been recognized. Japan had been assisting developing countries in their efforts to achieve economic development based on IP, through the WIPO-Japan Fund-in-Trust, which represented a contribution by Japan of 2.5 million Swiss francs per year, other contributions by the Japan Patent Office, and activities of the Japan International Cooperation Agency (JICA). The Delegation also said that based on the realization that IP and development issues should be treated from a broad perspective, Japan, at the Assemblies in 2005, had proposed hosting a new WIPO Office in Japan as a research center which would conduct basic and empirical research on IP and development. The Delegation was pleased to announce that the WIPO Japan Office had been established in September 2006, with Japan covering the expenses related to the establishment of the Office and its operations. In this context, the Delegation stated that Japan would support research activities on issues involving the interaction between IP policies and other international public policies, and it noted that the WIPO Japan Office was currently preparing a research project on the impact of IP systems on economic development in collaboration with the UN University. The Delegation expected that the results of the new Office's activities would contribute not only to the establishment of IP policies in developing countries, but also to international discussions on IP. The Delegation also highlighted the organization of the WIPO High Level Forum on IP Policy and Strategy, in January 2006, in collaboration with the Japan Patent Office, with the participation of top officials from IP Office of approximately 40 countries. In this regard, the Delegation strongly believed that by sharing a common understanding of the role of IP and by maintaining and enhancing the momentum to establish and improve IP policies, the foundation for a practical international discussion on IP would be constructed. Regarding the WIPO Development Agenda, the Delegation regretted that agreement had not been reached on this issue during the past two years. It noted that the best way to achieve results was to discuss the issue in a constructive manner, based on the common understanding that IP contributed to economic development, starting with a discussion of feasible proposals and moving forward on a step-by-step basis. The Delegation hoped that on the basis of the 111 proposals emanating from the first PCDA, the discussions would advance, and it assured Japan's constructive participation in the process. Regarding harmonization of the patent system, the Delegation regretted that no

progress had been made during the discussions on the SPLT and noted that some of the issues which had been listed were at an early stage needing further discussion, and that some of them needed to be discussed in other committees. The Delegation stated that Japan had been proposing to give priority to the four issues relating to prior art, as these were indispensable to keep up with the upsurge in patent examination workloads and the discussions on these four issues already were at a mature stage, and also stated that it did not mean to exclude other issues. Concerning copyright protection, the Delegation hoped that those countries which had not yet joined the WCT and the WPPT, would do so in the near future. The Delegation also stressed that the WIPO Broadcasting Treaty was indispensable to the comprehensive protection of copyrights arising from the digitization and a networked environment. It felt that since discussions on that treaty had been ongoing since 1998, the treaty could now be taken up at a diplomatic conference, and it hoped that the Assemblies would pass such a decision. It also hoped that Member States would continue to make an effort to reach an early agreement with regard to the WIPO Audiovisual Performances Treaty. In addition, the Delegation urged WIPO as the UN organization specialized in the field of IP to continue to contribute to discussions on IP-related issues, taking place in various fora outside of the Organization. Concerning management at WIPO, the Delegation stressed that it was essential for WIPO to improve its transparency and effectiveness and to establish a management system that would enable the Organization to meet such expectations. Among the recent positive actions taken, the Delegation highlighted the balancing of income and expenditures in the 2006/07 Program and Budget, the adoption of the WIPO Internal Audit Charter, and the establishment of the WIPO Audit Committee. Additional initiatives currently being discussed included a new budget preparation mechanism and the desk-to-desk review, and the Delegation hoped that these would be implemented early in order to improve the quality of WIPO activities. In concluding, the Delegation noted that because IP was very important for economic development, issues such as harmonization of IP systems, assistance to developing countries, and cooperation in examination would be increasingly important in the future. The Delegation therefore urged WIPO to assume a leading role in the relevant discussions under adequate governance, and the Delegation stated that Japan would of course positively take part and contribute to such activities.

28. The Delegation of the Republic of Korea thanked the Director General and WIPO staff for results achieved during the 2004-2005 biennium, in particular in setting globalIPR standards and establishing international norms for new types of IP such as genetic resources and TK. The Delegation supported WIPO's commitment to the harmonization of international IP systems, and noted that the Republic of Korea had repeatedly shown such support by positively participating in the negotiations of the Patent Law Treaty of 2000, the Trademark Law Treaty of 1994, and the amendment of the Trademark Law Treaty in 2006. Regarding the SPLT, the Delegation stressed its intent to collaborate fully with WIPO. Furthermore, the Delegation highlighted the Republic of Korea's cooperation with WIPO in developing countries through the Korea Funds-in-Trust in which almost two million US dollars had been invested since 2004. During the first two years, various projects had been conducted such as the IP consultation service, international roundtables on the PCT and the Madrid system, and development of the PCT Receiving Office Administration system (PCT-ROAD), which had been disseminated in seven countries with another eight currently in the pipeline. In addition, seven new projects, such as on arbitration of patent disputes, would be undertaken during the third year. Cooperation with WIPO had also included the development of cyber educational material called *IP Panorama*, and the Delegation announced that by June 2007, ten learning modules were expected to be developed. The Delegation invited Member States to consult a completed module in the WIPO lobby during the Assemblies. The Delegation also mentioned that since the establishment of the

International Intellectual Property Training Institute (IIPTI) in 1987, the Republic of Korea had collaborated with WIPO in organizing various international seminars and training programs. Thus far, 1,294 IP officials from developing countries had been trained at the institute. The Delegation was pleased to announce that WIPO, in March 2006, had designated the IIPTI as its first official partner training institute. In addition, the joint IIPTI-WIPO Worldwide Academy distance learning course had been offered since March 2004, and a total of 123 local IPR experts had successfully completed the course. The Delegation also mentioned that from 2003 to 2005, patent applications had risen dramatically at an annual rate of 15 per cent, and that in 2005, the Republic of Korea had ranked third in the world for patent and utility model applications with a total of 193,000 applications. To efficiently respond to the tremendous increase in IP applications, KIPO had expanded its pool of highly qualified patent examiners over the past three years by 214. Consequently, KIPO expected to shorten the average first-action pending period for patents to just 10 months by the end of 2006. The Delegation further stated that KIPO was actively developing a highly efficient automation system for patent administration, with the launch in January 1999 of an Internet-based e-filing system, KIPOnet, and its more technically advanced version, KIPOnet II, in 2005, which enabled on-line processing of all phases of work. As a result, in 2005, 96.7 per cent of patent applications were filed electronically. In addition, the Delegation mentioned that KIPO paid particular attention to the creation and utilization of IPRs. To help universities and public institutes create their own IP and enhance their R&D productivity, KIPO had established various systems that promoted the utilization of patent information. In addition, KIPO was managing 31 regional IP centers which were offering assistance to SMEs and individuals with respect to the creation and management of IP. The Delegation further pointed out that the Republic of Korea had increased its level of subsidization for the transfer and commercialization of patented technologies, and was now endeavoring to promote the utilization of IPRs through a patent loan system that enabled patent holders to borrow money by using patents as collateral. The Delegation noted that it would do its utmost to collaborate further with WIPO in harmonizing international IP systems, and hoped that all Member States would share their IP experience and cooperate with others in setting international IP norms. The Delegation concluded by assuring that, through the Korea Funds-in-Trust, KIPO would continue to assist developing countries to enjoy the benefits of the IP system for national development.

29. The Delegation of Morocco commended the Director General's efforts in favor of the promotion of intellectual property and thanked the International Bureau for the quality of the documents made available. It associated itself with the statement made by the Representative of Nigeria on behalf of the African Group and observed that the progress made in several negotiation processes within the Organization remained below its aspirations. In that context, it invited the parties to demonstrate the flexibility and commitment necessary for the establishment of a constructive dialogue in order to make the appropriate decisions. From that point of view, the Delegation reiterated its interest in the continuation of the deliberation process on the Development Agenda and on the renewal of the mandate of the PCDA, the objective of which was to take advantage of the accomplishments of the past two years and to reach concrete results leading to achievable implementation. The Delegation was of the opinion that the multiple proposals submitted should permit a common platform to be identified. The interest that Morocco attached to the Development Agenda was part of the country's framework of commitment through its "National Initiative for Human Development", which was the stimulus in the Government's policy to move away from all practices that were detrimental to the country's development. To that end, the Delegation recalled the recommendation of the Heads of State and governments of the G77 countries and of China, at the Second South-South Summit, held in Doha in June 2005, calling upon WIPO,

as a specialized agency of the United Nations, to integrate the development dimension into all of its future plans and activities. Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, it encouraged the various parties to go beyond the debate on the conceptual aspects in order to devise concrete measures intended to create an international instrument against any misappropriation or misuse. The debate on issues relating to genetic resources should continue by emphasizing the requirement to disclose genetic resources and associated traditional knowledge in patent applications, consistent with the principles of prior informed consent and equitable benefit-sharing. In that respect, the increased interest attached to that issue had been expressed through the growing calls for an amendment to the TRIPS Agreement, to include disclosure of origin as a condition for the grant of patents. From that point of view, the Delegation welcomed the creation of the Voluntary Contribution Fund to finance the participation of the representatives of indigenous communities, as well as the formation of an advisory committee responsible for managing the Fund. With regard to the Standing Committee on Copyright and Related Rights (SCCR), the Delegation expressed its satisfaction with the recommendations which had arisen from the 15th session of the Committee for the holding of a Diplomatic Conference from July 11 to August 1, 2007, in order to update the rights of broadcasting organizations, and called upon Member States to show political determination to achieve a reliable and sound basic proposal which would guarantee a favorable outcome for the Conference. Finally, concerning the work of the Standing Committee on the Law of Patents, the Delegation, although perfectly aware of the complexity of the subject and of the differences of opinion, called for a revival of the debate on patents, which would take all concerns into account. The Delegation also stated that Morocco was firmly determined to establish a well-defined intellectual property strategy within the framework of its national development plan and that, in particular, in addition to its main tasks of registering and granting patent, trademark and industrial design titles, the Moroccan Industrial and Commercial Property Office (OMPIC), had been entrusted with a broad mission to promote the intellectual property system and to implement the “2010 Strategy”, adopted on February 14, 2005. The main components of that strategy were the legal environment, innovation and technology watch, the information system, marketing and communication and the organization of resources. Among the objectives of that strategy, the Delegation emphasized the 20 per cent increase in patent applications, with a national share of 40 per cent, to achieve 1,500 applications in 2010; the 12 per cent annual increase in trademarks, with a national share of 80 per cent, to achieve 10,000 filings in 2010, and an annual increase of 20 per cent for industrial designs, with a national share of 90 per cent, to achieve 1,000 filings in 2010. In terms of legislation and regulations, the main event that year had been the entry into force, on February 20, of the Industrial Property Act, which had introduced new provisions in response to the concerns for the national industrial property system to be updated and for the procedure for filing applications for industrial property titles to be modernized. The updating of the national system had included the introduction of *inter partes* proceedings for trademarks, the extension of protection to sound and scent trademarks, the creation of a national register for geographical indications and appellations of origin, and the introduction of suspension measures at borders for suspected counterfeit goods. The modernization of the filing procedure for applications for industrial property titles had included new provisions concerning, firstly, the request for continued processing where an incomplete application had been filed, and secondly, online filing of applications for the registration of trademarks. The latter permitted filings to be dealt with noticeably more quickly and with a reduction in fees. The Delegation emphasized that, as a result of those innovations, Morocco was keeping up with global industrial property reforms and was aligning itself with countries with which it maintained cooperation and partnership relations. Moreover, the Delegation stated that the entry into force of that Act had taken place in a favorable context in terms of the increase in

the number of filings, and that all industrial property titles had reached record levels in 2005. OMPIC had received 660 patent applications (with a 34 per cent increase in the portion of national origin), 6,390 applications for the registration of trademarks, and 697 applications for industrial designs. The same trend had been confirmed for the first eight months of 2006, with 605 patent applications (an increase of 39 per cent, with company filings representing 29 per cent of the total), 4,932 applications for the registration of trademarks (an 11 per cent increase), and 546 applications for industrial designs (a 26 per cent increase). The Delegation stressed that Morocco was aware of the fact that today, industrial property required daily action and commitment so that Moroccan private individuals and businesses would be more aware of its importance. Morocco had always paid particular attention to cooperation and partnerships, and even more so recently, in view of the objectives fixed by its "Vision 2010", in the form of participatory collaboration with players such as businesses (particularly SMEs, which accounted for the greatest part of the Moroccan economic fabric), government authorities, professional associations and universities and research centers. Morocco had therefore established a framework aimed at clients and businesses, and had organized and participated in several national and international events relating to industrial and commercial property, as well as in regional and sector-based actions. Finally, in terms of organization, the Delegation announced that OMPIC was working on obtaining ISO 9001:2000 certification, had devised an automation program to make online services a strategic element in its development policy, and that, in addition to the panel of services already available through the Internet, it had introduced other online services, in particular summary financial statements for Moroccan companies, including legal information about those companies, and the official catalogue of trademarks. Those innovations had earned OMPIC, for the second year running, the "Promotional Award for Quality Services" for its "DirectInfo Marques" service. The Moroccan Copyright Office had been equipped with new legal instruments which had strengthened its activities for the promotion and development of artistic and literary property in Morocco, and the implementation of an action plan adopted during national meetings on copyright. There had been major amendments to the law, in particular to improve the national system by promoting the updating of the national arsenal of legal provisions, to enhance the protection of rightsholders and of consumers against acts of counterfeiting and piracy, to extend the term of protection for economic rights, to strengthen border measures, to improve legal protection against the circumvention of technological security measures, and for the control of the use and exploitation of copyright and related rights on the Internet. The new legal provisions had strengthened the role of the Moroccan Copyright Office through, for example: the right to institute legal proceedings to defend the interests entrusted to it; the swearing in of officials to observe breaches of the law; the seizure of phonograms, videograms and other usable recording devices, as well as any equipment that had been used for their unlawful reproduction from the time that the breaches were discovered; the assistance of government authorities to support the action taken by the Office and by its officials, and through the coordination with Internet service providers in order to identify any author of an alleged infringement of copyright or related rights. Concerning the fight against counterfeiting and piracy, the Delegation mentioned the adoption of a national action plan, the formation of a permanent interministerial commission for the control of sound and audiovisual recordings, the creation of a civic copyright culture, the strengthening of the legal system, and the promotion of sectors based on copyright. In conclusion, the Delegation emphasized the importance of the actions carried out at WIPO since the previous Assemblies, in order to respond to the concerns expressed by certain delegations in connection with the oversight function within WIPO. On that subject, the Delegation commended the creation of the Audit Committee, the establishment of the Internal Audit Charter defining the internal audit mandate and its inclusion in WIPO's Financial Regulations and finally, the negotiations in progress on a new mechanism to increase the participation of Member States in the

preparation of and follow-up to the Program and Budget. It was convinced that those measures would help to improve the governance of the Organization and to ensure dynamic interaction between the Organization and its Member States, and reaffirmed its determination to make a positive contribution to the current meetings by making those meetings a place for constructive dialogue in order to achieve concrete results.

30. The Delegation of Iran (Islamic Republic of) offered its thanks to the Director General for his comprehensive opening statement, and to the Deputy Directors General and the WIPO Secretariat for their cooperation and assistance, and welcomed the new management team and offered its support. The Delegation associated itself with the statement made by the Delegation of Indonesia on behalf of the Asian Group, and with the statement made by the Delegation of Argentina on behalf of the Friends of Development. The Delegation noted that the Islamic Republic of Iran had committed itself to intellectual property in several ways, including by holding national and international seminars to introduce the country to the intellectual property system. IP activities in the last biennium also included accession to the Lisbon Agreement for the Protection of Appellation of Origins and their international registration; and the introduction of new laws before the Parliament concerning ratification of the Geographical Indication Act, and on Patents, Designs, Marks and Trade Names. The Delegation stressed the importance of intellectual property, in particular with respect to emerging new economic and technological needs, but noted that intellectual property had different implications on Member States in accordance with their respective level of development. The process of norm setting by itself was not a goal, but rather should respond to the developmental requirements of developing countries in a flexible manner. Moreover, in the interaction between the norms at national and international level, the infrastructures and capacity of developing countries in implementing the commitments should also be taken into account. The Delegation thanked WIPO for its cost saving activities, and for improving management, and noted the Organization's efforts towards implementing the JIU recommendations. However, the continuation of that process should not compromise the interest of developing countries, in particular, on developmental issues. The Delegation underscored that the percentage of developing countries in the international registration of Trademarks was very low, such that, in the process of norm setting and development of relevant treaties, sufficient safeguards needed to be guaranteed in the process of any kind of harmonization. The Delegation offered its appreciation of the work of the Advisory Committee on Enforcement, and requested that it concentrate its efforts on education, training and awareness building. The Delegation observed that the Member States had welcomed the Development Agenda, which, with new and additional proposals and with the cross-cutting nature of the subjects, required sufficient time for in-depth discussions of all proposals. Therefore, it proposed that the PCDA required an extension of two more years for its work. In that initiative, the Delegation felt that the Member States, in their discussions, could identify the proper ways of structuring the debate of different clusters, and also proper ways of continuing the process. Regarding the SCP, it noted that all subjects under discussion in that forum were of great importance for all Member States. The Delegation stressed that it had always been ready to continue the discussions on all those topics of concern to all Member States, on an equal footing and in a win-win environment. It observed that genetic resources, traditional knowledge and folklore have been important issues for developing countries in the IGC, and offered its appreciation for the hard work of the Secretariat for providing a substantive framework on the subjects under discussion. Nevertheless, it felt that little progress had been made, in particular after the renewal of the IGC, and that the IGC should, with the international dimensions in mind regarding all subjects under discussion, keep its focus on concluding a binding instrument. Finally, regarding the SCCR, the Delegation recognized the need to protect the rights of traditional broadcasting organizations,

but felt that the process needed more transparency while taking into account the right of all stakeholders and the public interest, on the one hand, and safeguarding the interests of developing countries, on the other hand. Therefore, the process for the conclusion of the treaty on the rights of broadcasting organizations should be continued in an inclusive and transparent manner in respect to procedure and substance, to avoid any failure of the process.

31. The Delegation of Egypt expressed its sincere appreciation to the Director General for his statement which contained a comprehensive vision regarding the Organization, and thanked him and the International Bureau for their tangible efforts in managing the various and broad activities of WIPO, which were felt to have effectively contributed to the enhancement of the capacities of developing and least developed countries in all fields of intellectual property. The Delegation observed that rapid global developments, economically, socially, culturally and even politically, reflected the increasingly important role of intellectual property in development and innovation, due to the direct impact of intellectual property on human creativity and technological advancement. The challenges currently facing the international intellectual property system were a normal consequence of the growing awareness of the need to approach intellectual property from a comprehensive developmental manner. In light of that, the Delegation regretted the inability, over the last two years, to translate the constructive debate between the Member States, which were at various levels of development, into the establishment of a comprehensive Development Agenda and a concrete outcome which addressed the collective ambition. It noted, however, that the mere fact of the deep, collective involvement in that important process, including international governmental and non-governmental organizations, and representatives of the civil society reflected the conviction of the Member States on the need to create a clear and sustainable balance between intellectual property protection and the public interest at large, so that intellectual property could truly become a valid and effective tool of economic and social development. The Delegation offered its support for the proposals contained in the statements made on behalf of the African Group and the Friends of Development regarding the continuation of the Development Agenda process. It also supported the visions reflected in those statements on many of the issues on the agenda of the General Assembly, which, in its opinion, revealed in a complementary manner the expectations of a large group of developing and least developed countries. The Delegation expressed its belief that the challenges faced today, which might be the most important challenges since the creation of WIPO, should not be solely addressed in the mechanism responsible for the Development Agenda discussions, but rather in all committees and bodies of WIPO which could harmonize their objectives and consolidate their efforts towards maintaining the credibility of the international intellectual property system.

32. The Delegation of Thailand offered its thanks to the Director General for his comprehensive statement and clear outline of WIPO activities, and to the WIPO Secretariat for the excellent preparations for the meeting of the WIPO Assemblies. The Delegation associated itself with the statement made by Indonesia on behalf of the Asian Group, and with the statement made by Singapore on behalf of ASEAN. The Delegation underscored its belief that in today's knowledge-driven economy, new and emerging intellectual property issues played a significant role in national development. In that regard, it expressed appreciation for WIPO's on-going technical assistance rendered to Thailand, and offered as examples the study on the relevance of intellectual property tools for the One Village, One Product project which included recommendations on how to utilize the intellectual property system for the benefit of village producers, and the legal and technical advice provided on accession to the Patent Cooperation Treaty (PCT), as well as convening the "Workshop on Traditional Culture Expressions, Genetic Resources and Traditional Knowledge: Global Concerns and Thailand's

Perspective.” The Delegation recognized that the Organization and the Member States were facing a critical and challenging time with many issues still waiting to be resolved during the current meeting of the WIPO Assemblies. It expressed its concern that there had not been much progress achieved on the Development Agenda and in respect to the Substantive Patent Law Treaty (SPLT) since last year’s meeting of the WIPO Assemblies. It hoped to see the eventual mainstreaming of the development dimension into various activities of WIPO in line with the work of the United Nations aimed at fulfilling the UN Millennium Development Goals, and therefore called for the revival of more structured PCDA discussions and further consideration of the possibility to establish a new permanent body to serve as a focal point for a comprehensive and holistic treatment of the Development Agenda. It also hoped that the dialogue on development issues would proceed with a more realistic and compromise-based approach in order to make substantial progress at the current meeting of the WIPO Assemblies. The Delegation noted that within the TRIPS Council, Thailand had been a strong advocate to amend the TRIPS Agreement so as to include the disclosure of origin of genetic resources and traditional knowledge in patent applications. In a similar fashion, it had reiterated the need to address the issue of misappropriation of genetic resources in the different WIPO committees such as the SCP and the IGC, and it hoped to see more tangible outcomes on those issues. In that regard, the Delegation expressed its belief that it was essential to find an inclusive work plan for the SCP, taking into consideration the interest and developmental levels of Member States. It also commended the IGC for the progress which the IGC had made to seek ways to better protect traditional knowledge and traditional cultural expressions as a means to preserve national identity.

33. The Delegation of South Africa expressed its support and appreciation for the work done by the Director General and the WIPO Secretariat over the past year and in particular the preparations for the current meeting of the WIPO Assemblies. The Delegation noted that the current meeting of the 42nd Assemblies had come at a time when the Secretary General of the United Nations, on September 19, 2006, said that “...the world is divided by an unjust economy, world disorder and widespread contempt for human rights and the rule of law...” The Delegation believed that the stalled WTO Doha Development Round confirmed the Secretary General’s statement, and also reinforced the suspicion with which developing countries viewed global trade initiatives that did not benefit poor countries despite the politically correct labels attached thereto. In the same vein, the Delegation noted that WIPO was challenged with the task of ensuring that the Development Agenda was taken seriously, was member-driven, and became deeply entrenched in all of WIPO’s rules, treaties, policies and programs. The Delegation believed that intellectual property was regarded as one of the tools to achieve development because it had the potential to stimulate economic development, provided that it balanced the interests of all stakeholders. The Delegation considered intellectual property important in the promotion of economic, social and cultural development within South Africa, where the country had adopted a holistic and balanced approach in its intellectual property legislation, and had taken into consideration the interests of both rights-holders and end-users. To date, the country had finalized legislation that would protect indigenous knowledge, cultural expressions and genetic and biological resources. Future amendments to existing legislation would provide exceptions to copyright in order to address concerns regarding access to knowledge for learning institutions. At the international level, the Delegation felt that such a balanced approach needed to be accommodated in current and future treaties. It stressed that WIPO needed to promote innovation and technology transfer to developing countries; in that regard, intellectual property rules should support the development objectives of all developing countries, because it was the responsibility of Member States of WIPO to ensure that intellectual property rules and norms were supportive to the attainment of the Millennium Development Goals. The Delegation supported and

aligned itself with the statements made on behalf of the African Group and the Friends of Development. It highlighted some of the agenda issues of importance to the Delegation which reflected South Africa's views and expectations. The Delegation welcomed the integration of the Program and Budgetary process; however, it was of the view that external auditors should adjust their schedules to present their report earlier in order to accommodate the date for the meeting of the WIPO Assemblies. With regard to the Development Agenda proposal, the Delegation called for the continuation of the Development Agenda process in 2007, with the view to agreeing on a set of constructive recommendations which would reflect both substantive and technical assistance issues. South Africa would not support recommendations that were not balanced, as the country was firmly of the view that the Development Agenda was about more than just technical assistance. Norm setting was at the core thereof. The Delegation stressed that the Development Agenda must be incorporated into all areas of WIPO's activities, committees and structures, rejected a "one size fits all" approach, and favored different standards of protection depending on the stage of development. It therefore welcomed and urged the General Assembly to extend and renew the mandate of the PCDA to continue its work on the Development Agenda. With regard to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Delegation in its engagement with the IGC had been very supportive of its work and had participated actively in that forum, which had enabled the country to complete its legislation much quicker than expected due to the intense debates about Traditional Knowledge and because of all the information currently available within WIPO. The Delegation supported the General Assembly's previous decision to extend the mandate of the IGC to the next budgetary biennium, and appreciated the progress made during the last session of the IGC when concerned Member States offered constructive comments on certain aspects of the substantive provisions of the IGC documents. The Delegation felt that the challenge now was to include those constructive comments and update the documents accordingly in order to make further progress towards the ultimate aim of developing an international, legally binding instrument. Domestic legislation needed to be complemented by such an instrument in order to create a comprehensive and effective solution to combat biopiracy and misappropriation of traditional knowledge and cultural expressions. The Delegation pointed to the 15th Session of the Standing Committee on Copyrights and Related Rights (SCCR), which had agreed on a recommendation to convene a Diplomatic Conference on its Draft Basic Proposals. The exclusion of simulcasting and webcasting from the draft basic proposal, as had been agreed in the 14th Session of the SCCR, should be maintained as a condition for proceeding to a Diplomatic Conference, as it believed that the holding of a diplomatic conference in the absence of consensus on key substantive issues was clearly contentious and premature. On the issue of enforcement, the Delegation supported the proposed future work of the Advisory Committee on Enforcement (ACE), particularly the need to integrate development dimensions into all areas of enforcement. The Delegation concluded by observing that, given the growing international awareness of the importance and impact of intellectual property, South Africa supported the Group of Eight's (G8) 2006 position on continuing high level discussion on the Development Agenda.

34. The Delegation of Algeria expressed its gratitude and support to the Organization and to its Director General for their work to support the development of intellectual property, in particular in developing countries. The Delegation associated itself with the statement made by the Representative of Nigeria on behalf of the African Group and expressed satisfaction that, at the global level, a consensus was finally emerging on the importance of intellectual property for development. For that reason, it encouraged the Organization to intensify its cooperation for development activities and, in that regard, it was pleased that a broad agreement had been reached regarding the need for a development agenda within WIPO,

although differences of opinion on certain subjects continued to exist. The Delegation emphasized the need to renew the mandate of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) for at least two sessions during 2007 and it also said that at the third session of the intergovernmental meeting held in Geneva in July 2005, Algeria had, within the African Group, initiated a draft decision on the Development Agenda. The draft had aimed at the adoption by consensus of a text which, however, had not been examined owing to a stalemate. It reaffirmed its willingness to continue its efforts to reconcile the different positions so as to allow the process to be completed. Furthermore, the Summit of the Heads of State and Government of the G15 countries, held in Havana on September 14, had just reaffirmed the interest which the Group attached to the subject, by calling on WIPO, as a United Nations specialized agency, to incorporate the development dimension in all its future activity plans covering development promotion, access to knowledge, technical assistance and technology transfer. The Delegation regretted that genetic resources were often exploited without the countries of origin being able to enjoy the benefits produced in an equitable manner. For that reason, it supported the preparation of a binding international instrument in order to guarantee effective protection against misuse and misappropriation. For that purpose, it reiterated its support for the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which had made significant progress, and encouraged it to continue its efforts to produce a basic document for the negotiation of a relevant international treaty. Furthermore, it attached particular importance to the issue of a treaty on the protection of the rights of broadcasting organizations. The Delegation therefore reiterated its position that the Basic Proposal should focus only on the protection of broadcasting and cablecasting organizations in the traditional sense. It said that it did not oppose the holding of a Diplomatic Conference on the protection of broadcasting organizations in 2007. It considered, however, that the success of such a Conference was dependent on the settling of the differences which had legitimately been raised by delegations at the 15th session of the Standing Committee on Copyright and Related Rights (SCCR). It noted that Algeria had acceded to most of the international treaties or agreements signed within the WIPO framework and cited *inter alia* the Ordinance on Copyright and Related Rights of July 19, 2003, which had introduced an update in accordance with the TRIPS Agreement. It also referred to the project to establish an intersectoral committee in the fight against counterfeiting, the aim of which was to define a common strategy for the sectors concerned such as culture, justice, national security and trade, in order to combat the phenomenon. It said that awareness was a valuable resource in terms of intellectual property promotion policy and, in that regard, it referred to major events such as World Intellectual Property Day, African Intellectual Property Day and the National Innovation Day. Most recently, the Algerian National Industrial Property Institute (INAPI) had, on September 12, 2006, under the high patronage of the national President, celebrated African Technology and Intellectual Property Day. That event had enabled new prospects to emerge such as the possibility of developing cooperation on intellectual property between African countries. In conclusion, the Delegation said that in the past few years intellectual property had improved significantly in relation to industrial property, and a growth rate in excess of 80 per cent had been recorded in the past five years.

35. The Delegation of Iceland addressed the Assembly to highlight a point of particular importance. The Delegation stressed the importance of effective international cooperation, noting that globalization had led to a greater need for international systems that facilitate global IP protection, such as The Hague system for international registration of industrial designs, of which Iceland became a member of the Geneva Act in July 2001. The Delegation stated that though Iceland's experience of the system was generally good, there was one flaw in the system that Iceland felt obliged to point out, namely the fee system. The Delegation

explained that according to the Icelandic Design Act, the Icelandic Patent Office does not make a substantive examination of design applications, nor of international designs; however, the Office publishes international designs registrations in the official Gazette, even though it is not obligatory in the Geneva Act. The Delegation explained that in Iceland the publication of registrations is considered of vital importance, not only for the right holder, other designers, possible infringers and the information society as a whole, but also to promote use of intellectual property in industry. The Delegation noted that since Iceland does not examine applications it only receives the supplementary fee for each designated international design, which is a fixed sum for each application which remains the same for all non-examining countries, although costs and emphasis differ between countries. The fee schedule takes no consideration of other services that countries may provide, such as publication. The Delegation reported that a recent study done at the Icelandic Patent Office on the costs of international design registrations in the year 2005 shows that the cost of each application is much higher than the supplementary fee. According to the study, the average cost per application is 185 Swiss Francs, however the fee received for each application is approximately 42 Swiss Francs. Therefore, the Delegation stated, Iceland had to subsidize each application by 145 Swiss Francs, not including other costs. The Delegation stated that this is a clear disadvantage for non-examination countries and as a whole for this otherwise promising system. The Delegation pointed out that the Geneva Act and The Hague system have a lot of potential to grow to become a widely used system, however it noted that a number of potential Member States to the Geneva Act, who do not make a substantive examination, have expressed the same concern and the possibility that this could discourage them to accede to the Geneva Act. The Delegation reasoned that as it is of great interest to the users of IP to increase the number of Member States, and, with that, strengthen the system. In light of that, the Delegation urged WIPO to regard this flaw in the system and consider a possible solution. The Delegation stated Iceland's intention to sign the new Singapore Treaty in the coming months and ratify it within the next few years. The Delegation noted that the global harmonization of patents, sought with the SPLT, is a difficult task, but stated that Iceland was confident that it would be possible to find a compromise within WIPO. The Delegation reported on the signing of an agreement in July between Iceland, Denmark and Norway, establishing an intergovernmental organization for cooperation in the field of patents, i.e. the Nordic Patent Institute (NPI). The Delegation stated that NPI was hoping for a positive response to their request for appointment as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty during this Forty-Second series of meetings of the WIPO General Assemblies. The Delegation concluded with a report the on-going work in Iceland regarding implementation of the WTO General Council decision of August 2003 on compulsory licensing on pharmaceuticals products, highlighting that Iceland aimed to provide for the necessary legal framework within the next 6 months.

36. The Delegation of Costa Rica stated that the world was facing major changes and that WIPO, as an institution of the United Nations system, was also closely affected by those changes, which were necessary to meet the new requirements of the reality. The Delegation pointed out that in a world where competition was increasingly fierce, human ingenuity was the response to encourage the development of many States. In order to promote that development, an appropriate legal framework was necessary, as well as favorable conditions between nations, not to mention the need to take into account the particular features of developing countries, economies in transition and the Least Developed Countries. The Delegation emphasized that the past year had been one of intense debate, in lengthy and substantive working sessions in each of the various committees, aimed at defining, for each of the issues, an effective course that would permit intellectual property to be transformed into a

tool for development. The Delegation took note of the Program Performance Report for the 2004-2005 Biennium and of the Program Implementation Overview for January 1 to June 30, 2006, which aimed to ensure efficient, transparent and responsible management of resources, in accordance with the plans, objectives and programs defined by the Organization. The Delegation fully supported the proposals of the Program and Budget Committee, aimed at creating a mechanism that would permit increased participation by States and a better follow-up to the Organization's Program and Budget. The Delegation expressed its wish that construction work on the new building would restart soon. Concerning the appointment of Deputy Directors General and Assistant Directors General, the Delegation supported the proposal adopted by the Coordination Committee at its session held in June 2006. However, recalling the concern expressed by the Regional Group, it reiterated the need, in the near future, to consider the issue of proper representation in senior posts, and in that respect, supported the formation of a working group to study and identify mechanisms to rectify imbalances in future appointments. The Delegation highlighted the outcome of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (TLT), recognized the efforts of the Secretariat in its successful organization, and reiterated its gratitude to the Singapore authorities for their good treatment and attention given to delegates. It hoped that the Assembly's adoption of that new instrument would provide the international community with a dynamic and modern tool for the standardization of the procedures of trademark offices. The Delegation emphasized that the instrument would reaffirm the importance of trademarks as one of the main intellectual property assets, which was due to their role in promoting trade, consolidating business and increasing consumer confidence. The Delegation reiterated its support for the renewal of the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and highlighted the establishment of the Voluntary Contribution Fund for the financing of the participation of representatives of indigenous communities. The Fund would guarantee the full participation of those representatives in the debates. The Delegation further expressed its satisfaction with the consensus reached in the Standing Committee on Copyright and Related Rights (SCCR), in order to advance the negotiations on a treaty on the protection of the rights of broadcasting organizations. The Delegation believed that it was essential for the central process to concentrate on issues relating to traditional broadcasting and cablecasting organizations. Finally, the Delegation emphasized that it would continue to be essential to promote the presence of officials from developing countries, and in particular from Central America, in professional roles within the Organization, due to the major imbalance that existed within the Organization. The Delegation reiterated its wish to see a positive outcome to the Assembly's painstaking work, and pointed out that while it was obvious that there were many visions and points of view to be reconciled, what was of the utmost importance was for everyone to have a single aim: to guarantee full development to the respective peoples. Intellectual property was an essential tool for development and it should be given full recognition.

37. The Delegation of Ethiopia associated itself with the statement made on behalf of the African Group. It expressed appreciation for the accomplishments of the Director General, particularly in enhancing the efficiency of the Organization, reducing overall operational expenditure and ensuring that WIPO remain a development partner to developing countries and LDCs. The Delegation noted that the agenda items before the Assemblies had a direct implication on the development efforts, and therefore the Delegation stressed the importance of giving due attention, showing flexibility, at arriving at a desirable consensus on the issues surrounding the establishment of a WIPO Development Agenda. In this regard, while endorsing the proposals outlined by the African Group in respect of the way forward, the Delegation expressed the view that renewing the mandate of the PCDA was crucially

important and that time was of the essence in completing the process of establishing the Development Agenda, if Member States wished to reaffirm the contribution of WIPO to the implementation of the Millennium Development Goals and poverty reduction strategies. The Delegation affirmed that seizing the opportunity to follow the process to its logical conclusion would ensure the relevance of WIPO in the development equation. The Delegation expressed Ethiopia's readiness to positively engage in deliberations on the protection of the rights of broadcasting organizations, but stressed that Ethiopia had not yet been convinced of the potential implications of the proposed treaty, including the extent to which the treaty would be of interest to the general public in developing countries and LDCs, and be consistent with basic human rights, such as the principles of freedom of expression and the right to access to information. The Delegation stated that it was important to ensure that there were no ambiguities regarding the contribution of the proposed treaty to the development of broadcasting organizations in developing countries, and that more time and opportunities were needed to fully address such concerns. The Delegation hoped that the recommendations of the SCCR meeting in September 2006 would be further enriched and made more balanced by the Assemblies. In regard to the work of the IGC, the Delegation acknowledged that in-depth discussions had taken on the subject matter and effort was now needed to arrive at a final outcome in an expedited manner. The Delegation reiterated the view that a legally binding international instrument on the protection of TK was becoming increasingly imperative. The Delegation welcomed the Program Performance Report and the Program Implementation Overview, and noted WIPO's efforts in addressing the capacity constraints of IP institutions in LDCs. It acknowledged WIPO's technical support in strengthening the human resources capacity of the Ethiopian Intellectual Property Office. In particular, the Delegation expressed gratitude for WIPO's involvement in a roundtable held in July 2006, in Addis Ababa, on the implementation of the IP strategy, which was instrumental in raising the awareness of various stakeholders. The Delegation also announced that work had begun on the formulation of a comprehensive automation plan for the Ethiopian Intellectual Property Office for which Ethiopia hoped WIPO would commit the necessary technical and financial assistance.

38. The Delegation of Ecuador indicated its satisfaction in noting that the different WIPO fora in which it participated made great efforts to achieve their aims, on occasions without major difficulties and on others, unfortunately, with certain obstacles, as evidenced by the positions which to date had not been reconciled. The Delegation predicted that the obstacles could shortly be overcome as in the case of the WIPO Development Agenda and the Draft Substantive Patent Law Treaty. It referred to the work being done by the Provisional Committee on Proposals Related to a WIPO Development Agenda and said that all the valuable proposals put forward by States should be included. Similarly, it emphasized that the larger the number of issues to be discussed by the Standing Committee on the Law of Patents, the greater would be the benefit of harmonizing substantive law in that area. In that regard, the Delegation confirmed its agreement with the statements made by the distinguished Representative of the Republic of Argentina on behalf of the Friends of Development, of which Ecuador was a part. The Delegation stressed that Ecuador had modern intellectual property legislation and was currently in the process of setting up specialized intellectual property courts and tribunals, and introduced programs, on a permanent basis, to strengthen institutions with WIPO's valuable support. In that connection, the Delegation received with particular approval the mechanisms made available by the Director General in undertaking management aimed at strengthening institutions and small and medium-sized enterprises, as well as in relation to subjects concerning aspects that were of fundamental interest for the country such as traditional knowledge, expressions of folklore, and genetic resources, within a development vision. The huge efforts made in those areas should involve benefits for all

developing countries. Finally, the Delegation congratulated and thanked the Secretariat for coordinating and preparing the documents that had been provided.

39. The Delegation of the former Yugoslav Republic of Macedonia stated that it had been a very significant year for the protection of industrial property rights, and that the large number of activities implemented by the State Office for Industrial Property had significantly contributed to the promotion and simplification of industrial property protection. The Delegation, in particular, highlighted the passing of the Law on Changes and Amendments to the Law on Industrial Property in 2006, which promoted the harmonization with the EU directive 98/44/EC for legal protection of biotechnological inventions, and further noted that the basic provisions for implementing the regulations of the European Parliament and Council 1768/92 and 1610/96 for the creation of an additional protection of medical products and plant protection products, were contained within the Law on Industrial Property, and the conditions and the procedures for issuing the certificates were contained within the Regulation. The most recent change had been the transfer of the provisions from the Regulation into the Law. The changes in the Law had consequently lead to changes of the Regulations required for the implementation of the Law. The Delegation also mentioned that based on an initiative of the State Office for Industrial Property to enhance the cooperation of all institutions dealing with the administration of IP protection, the Government of the Republic of Macedonia had passed a decision to form a Coordinating Body. The Delegation further announced that the Administrative Council of the EPO had invited the Republic of Macedonia to accede to the European Patent Convention in its March session in 2006, which means access for the Republic of Macedonia to the European market with its inventions, increased technology transfer and larger guarantees for foreign investments in the country. The Delegation then highlighted the Republic of Macedonia's accession to the Singapore Treaty on the Law of Trademarks, immediately after it was approved, and it noted that the Singapore Treaty was a step forward in the simplification and harmonization of the formal requirements for the filing of national and regional applications. The Delegation also mentioned the EU financed Project to assist the State Office for Industrial Property, 04/MAC01/04/002, which had included the establishment of a common IT platform and Data Management Systems for use by all institutions responsible for the administration of industrial property rights. In addition, as part of the Regional CARDS program, an industrial property rights assessment mission had been carried out to assess the extent to which an adequate infrastructure and capacity in the different sectors existed and to confirm whether the country was ready to implement the *acquis communautaire* upon accession. Also within the CARDS program, and in cooperation with WIPO, the State Office for Industrial Property had organized a University and R&D Initiative seminar which had included representatives from the universities in the region. Lastly, the Delegation announced that the State Office for Industrial Property of the Republic of Macedonia had signed a protocol for cooperation with the Patent Office of Albania.

40. The Delegation of Peru associated itself with the statement made by Argentina on behalf of the Friends of Development. The Delegation thanked the Director General for his opening address and for having underlined the role of inclusion or inclusiveness in WIPO's work. It said that that was a basic principle of multilateral work on which the Organization, together with all States, should continue to focus its efforts in order to achieve better levels of participation, cooperation and efficiency. The geographical balance within WIPO should also be part of that desire for inclusion and participation in the Organization. The Delegation referred to and supported the proposal by Costa Rica to establish a working group or some form of analysis of the subject. It emphasized that Peru had benefited from important cooperation activities with WIPO in the previous twelve months. Different courses, seminars

and activities which allowed officials of the institution responsible for intellectual property, the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), and also other institutions to improve themselves on a continuous basis. It offered its deep gratitude to WIPO for that work which it was hoped would be maintained and strengthened in the future. The Delegation also mentioned that WIPO's valuable cooperation, which would allow intellectual property protection standards and promotion levels to be improved, did not on many occasions benefit society in general, since the system did not allow all the benefits that could be derived from intellectual property to be obtained. IP had still not become a key element that would facilitate the development of nations. The Delegation stated that that could and should be achieved, but for that purpose it was necessary to work at the national, regional and international levels in order to arrive at a situation where the link between intellectual property and development was effective and did not remain merely theoretical. It believed that that was the reason behind the struggle undertaken to produce a substantive development agenda. Although the work done had not as yet borne fruit in the sessions of the Provisional Committee, the mandate should be extended in order to achieve success by reconciling positions, accommodating interests and taking specific decisions that would allow WIPO to be given a clear and specific mandate to cooperate with States in order to place the intellectual property system in harmony with a main aim that would respond to a more urgent need, i.e. that of achieving the economic and social development of nations. The Delegation said that it also hoped that in the current year the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore would produce specific results. For Peru and for a large number of Member States, especially developing countries and those with great biodiversity and cultural wealth, the possibility of creating a binding instrument that would allow natural resources and traditional knowledge to be protected would be a concrete and real way of bringing intellectual property together with the fundamental aim of development. The African Group, Thailand and other countries had already referred to that need which was shared by the Delegation.

41. The Delegation of Bahrain thanked WIPO staff for their efforts in promoting cooperation among Member States and noted that through its various meetings, WIPO provided opportunities for constructive dialogue for the realization of common objectives. The Delegation believed that the appreciation of WIPO's management and performance was a clear illustration of the Organization's important achievements. The Delegation then noted that the increasing interest in IP had evolved considerably especially due to the significant challenges facing the academic, commercial, economic and artistic sectors, in their efforts to promote the protection of IP. This constituted one of the major challenges for Governments seeking to ensure security, stability and welfare based on protection and justice. In this context, the Delegation stated that Bahrain, since its accession to WIPO, made every effort to ensure protection for authors, creators, investors and producers by providing an environment where IP protection was guaranteed by national legislation and international treaties. The Delegation was pleased to announce that Bahrain issued lately the new 2006 Law on Copyright and Related Rights, which was a comprehensive and modern Law in line with new developments in the field. Bahrain's efforts were also geared at modernizing other relevant Laws and Regulations, and a Free Trade Agreement had been concluded with the United States of America, effective since mid-2006. Furthermore, Bahrain had acceded to a number of international treaties, including the Berne and Paris Conventions, and had worked towards accession to the PCT, Nice Classification, WCT, WPPT, Rome Convention, TLT, PLT, Madrid Protocol, Budapest Treaty, and the UPOV Convention. Finally, the Delegation appreciated the fruitful and effective cooperation with WIPO, under the leadership of the

Director General, and noted that this cooperation played a significant role in the enhancement of awareness-building, training and development activities.

42. The Delegation of the Russian Federation hoped that the Assemblies would make a definitive contribution to the further development of not just the international patent, but the whole IP system, and regretted some of the problems which had not been resolved during the period under review, even though discussions had been constructive. The Delegation noted the increasing importance of IP also to other international organizations, such as the WTO, the Social Commission of the UN, and the Human Rights Council. The Delegation was therefore of the view that WIPO should not just be the coordinator but should act as the leader when it comes to IP, including on issues relating to social and economic development as economic progress for all countries worldwide had to be based on a knowledge-based economy. This, in the view of the Delegation, underlined the need for some kind of uniform legal standard for protecting IP rights and their enforcement. It stressed that WIPO should become the leading organization in this process. It further underlined the importance of the outcome of the Diplomatic Conference in Singapore, and stressed the need for WIPO to inform other international organizations about its success in concluding the treaty and also about treaties that were currently being discussed. The Delegation further underlined Russia's support to the growing attention been paid within WIPO to development issues, and stressed the importance of taking duly into account the interests of developing countries in WIPO's work. In this context it noted that if Member States were unable to resolve the development issue, it would impede the future development of the organization. The Delegation then referred to the usefulness of the sessions of the SCP, but noted that future meetings should be focused on achieving concrete results based on a set of agreed objectives taking duly into account the interests of all countries, irrespective of their level of development. It stressed that patents and other IP rights were extremely important and that right holders were active defending those rights and using them to mobilize external funding, not just in the private but also in the public sector. This highlighted the recognition of the importance of IP for new products and services, but the Delegation noted that it should be kept in mind that IP not only had benefits but also costs. It should also be recognized that some potential participants in the market might not be able to use certain innovations in the way that they would have liked, which was particularly the case in those countries being at the border line between developing and developed countries. Countries in transition also had particular problems in trying to catch up with the technological leaders partly due to their limited financial resources. On the other hand, those countries had untapped genetic resources which were far from being exhausted and new genetic material and new kinds of biotechnology was constantly being developed. However, sometimes genetic resources were being taken without adequate compensation being paid. The Delegation therefore stressed the need for discussing this issue at the Assemblies. Lastly, the Delegation stressed the need for WIPO to have a results-based budget, increased transparency, clear goals, and a clear methodological and balanced approach.

43. The Delegation of Burkina Faso expressed its gratitude to the Organization for the technical and financial assistance it had provided to date and invited WIPO to continue its cooperation for development activities. It added that the proposal on establishing a development agenda had aroused great interest in Burkina Faso and the country fully supported the proposal. The Delegation outlined the main events relating to intellectual property which had taken place in Burkina Faso during the past year, in most cases in cooperation with WIPO. It made particular mention of World Intellectual Property Day on April 26, which had given rise to various innovation-related activities, and also mentioned the National Scientific Research and Technological Innovation Forum (FRSIT) and the

Ouagadougou International Arts and Crafts Fair (SIAO), which were both major events for promoting inventive activity and SME creation. The Delegation also expressed its gratitude to the Organization for the help it had given to the Forum, including in the form of prizes awarded, the various seminars organized, and in carrying out an evaluative study of the Forum, a draft of which had already been submitted to it. The Delegation wished to see the study undertaken as soon as possible in order to produce quick and appropriate answers to issues of a functional and institutional nature, as well to provide feedback on the Forum's impact on the promotion of technological research and innovation. The Delegation further referred to its cooperation with WIPO and the African Intellectual Property Organization (OAPI) on the "Promotion and Protection of Geographical Indications" project, which had now entered its final phase. The creation of the Product Selection Committee was complete, the members of that Committee were at work, and two products had been selected and would be submitted to OAPI for registration. The Delegation also cited the organization of seminars for those involved in the application of laws, in particular for individuals working in customs, the gendarmerie, the police and the legal profession. The Delegation wished to see the Organization's technical and financial assistance strengthened, with emphasis being placed on training and the creation of legal and institutional frameworks for intellectual property management, as well as in relation to IT and office equipment. Finally, the Delegation stated that it had high hopes for the "WIPO University Initiative" project and wished to see it revived. The Government of Burkina Faso had moreover instructed the relevant intellectual property departments to include the subject in the syllabuses of the top graduate schools from the next academic year.

44. The Delegation of Chile referred to its high and effective intellectual property standards and said that adequate protection was a form of reassurance for firms, creators and inventors, but also for citizens. In that sense, it described intellectual property as a tool for growth and something that could be useful for development. It also pointed out that on occasions intellectual property affected fundamental areas of the tasks facing humanity, such as the right to health, education, access to knowledge, freedom of expression, competition and trade. For that reason, the Delegation's participation in WIPO's work in the past few years had focussed on seeking balanced IP development. That balance was considered fundamental and should be sought on various levels in relation to intellectual property. Firstly, balance should exist between the rights and obligations of rights owners; secondly, it should also exist between the rights of different owners; thirdly, there should be a balance between the rights of owners and the rights of citizens; fourthly, a balance between intellectual property and competition; and, finally, a balance should exist between the interests of developing countries and those of developed countries. The Delegation highlighted two initiatives which moved in that direction, since both indicated that it was also governments that should take initiatives regarding the flexibility of intellectual property rights that could not remain solely in the hands of private interests. In the Provisional Committee on Proposals Related to a WIPO Development Agenda, the Delegation had strongly supported the initiative to establish the Agenda. In that Committee, the Delegation had made a proposal aimed at recognizing the importance of and promoting access to content in the public domain, for example, in the area of patents and copyright. Secondly, in the Standing Committee on Copyright and Related Rights (SCCR) the Delegation had made a proposal for discussion with a view to agreement on minimum exceptions and restrictions, specifically for disabled persons, libraries and archives, and exceptions and restrictions for educational purposes. Regarding the specific subjects discussed at the General Assembly, in relation to the discussions concerning a treaty on the rights of broadcasters, the Delegation supported the development and consolidation of such a treaty. However, it agreed with those that believed that the current state of discussions was not sufficiently developed and of the requisite high quality to bring them to a conclusion

in the near future. The Delegation made clear its preference that work should continue throughout the year and into 2007, and for the following year's General Assembly to take a decision on the call for a possible Diplomatic Conference in that area. As to the Development Agenda, it stated that a decision should be taken to renew the Agenda. On the Standing Committee on the Law of Patents, the Delegation rejected the initiatives that aimed to reduce the results to a small number of subjects.

45. The Delegation of Tunisia thanked the Organization for its multi-faceted assistance and associated itself with the statement made by the Delegation of Nigeria on behalf of the African Group. The Delegation stated that Tunisia was ensuring that the intellectual property treaties were being implemented and was introducing a global strategy of human resource training and the promotion of activities for the various partners involved in intellectual property. In that respect, it announced that the new Tunisian intellectual property legislation had yielded major positive results, as could be seen from the considerable development in recent years with respect to patent and trademark protection. Similarly, the opposition and conciliation system for the filing and registration of trademarks introduced by this legislation had resulted in major benefits for the parties in conflict, particularly with respect to savings in time, energy and costs arising from the possible need to have recourse to legal proceedings. Furthermore, the Delegation was convinced that cultural matters played an important part in economic and social development. For that reason, Tunisia had undertaken a number of measures and actions for strengthening the protection of literary and artistic property, including the decision in May 2006 to update the Law on Literary and Artistic Property in order to bring it into line with developments observed at the international level. The Delegation confirmed the importance of ensuring that developing countries took part in, and benefited fully from, the exploitation and commercialization of their traditional knowledge and genetic resources. They should themselves also have the means to exploit their national wealth by taking advantage of essential assistance in establishing a sound, technological skills base. In that context, it was necessary to strengthen the development and awareness-building programs in intellectual property for the benefit of developing countries. The Delegation expressed particular interest in the establishment of the WIPO Development Agenda and expressed the wish that efforts be made to speed up the negotiation process with a view to producing a set of proposals reflecting the collective desires of all Member States. The Delegation also congratulated the Organization for its efforts in moving forward the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and expressed the desire for this work to be accelerated with a view to establishing an international protection instrument. It also confirmed its interest in the work of the Advisory Committee on Enforcement, particularly in respect of information exchange on matters relating to enforcement and the fight against counterfeiting and piracy. It looked forward to continued assistance from WIPO in respect of training and awareness building in order to develop and extend its program of action and diversify the means available. The Delegation concluded by announcing that Tunisia would host, in 2007, the fourth WIPO/League of Arab States Arab Regional Coordination Meeting for Heads of Industrial Property and Copyright Offices, and expressed the wish that progress would be made on that occasion in respect of development and promotion in those areas of activity.

46. The Delegation of Turkey expressed appreciation for WIPO's work aimed at helping countries to establish IP systems, then briefly reported on recent development in Turkey in the area of industrial property, mentioning the Turkish Patent Institute's (TPI) continued work within the lines of the strategic plan for the period 2005-2009. The Delegation noted that TPI had created synergy in IPR awareness activities by closely cooperating with various institutions, thus increasing the Information Bureaus around the country to 28. In the context

of Turkey's many bilateral and multilateral cooperation activities organized with WIPO, WTO and the EPO, the Delegation highlighted the high-level regional workshop on "Strengthening administrative and innovation support capacity in Industrial Property Offices", organized in Ankara with the support of the European Patent Office. The Delegation reported that the event had led to the creation of the Ankara Network, an online platform amongst the workshop participants on which their national Industrial Property Offices could share and discuss experiences and thus contribute to the development of better IP practices. TPI served as Secretariat for the network, and should be contacted by countries interested in joining. The Delegation mentioned the Organization of the Islamic Conference (OIC) project initiated by the Turkish Patent Institute that aims at establishing technical cooperation in OIC Member States' Industrial Property Offices, including TPI, in order to create efficient industrial property systems compatible with international standards, and announced that, in this context, TPI in cooperation with OIC will be organizing an international conference between the OIC Member States' IP offices in Ankara in December 2006. The Delegation concluded that the cumulative effect of Turkey efforts when combined with WIPO's support would ensure the effective enforcement and dissemination of industrial property rights in the region.

47. The Delegation of Barbados noted that the General Assembly would be called upon to make important decisions concerning matters such as the diplomatic conference on the protection of the rights of broadcasting organizations, the work plan for the year 2007 for the SCP, the possible renewal of the mandate of the PCDA to enable substantive discussions of the 111 proposals that were on the table and determining the way forward for the IGC, and stated that Barbados stood ready to participate in this process. The Delegation reported that the issue of law enforcement in Barbados continued to be pursued by policymakers through a supportive legislative framework, the setting up of a tribunal and training of rights holders and law enforcement agencies. The Delegation acknowledged the technical training and assistance received from WIPO in the field of Patent Law and procedures and office automation. The Delegation was pleased to report on the National Intellectual Property Plan formulated with WIPO, under which a national IP audit was undertaken to evaluate the strengths and weaknesses of Barbados with respect to the development and management of IP assets. The audit, which was completed this year, ascertained IP trends and patterns as well as a national framework to support IP development and utilization. The terms of reference with respect to such a framework were now being considered. The Delegation announced that Barbados would host the upcoming WIPO meeting of heads of Intellectual Property Offices of Caribbean countries as well as the Ministerial level meeting, which would both be held, consecutively, from October 31 to November 3. The Delegation thanked WIPO for its continued support and ensured the Secretariat and Member States that Barbados continued to be committed to working with all parties in the promotion of the protection of IP rights.

48. The Delegation of Bangladesh associated itself with the statement made by Benin on behalf of the LDCs. The Delegation noted that in recent years there had been signs of improvements in many LDCs economies and the challenge now was to spread the benefits to all LDCs and to sustain it. Meeting LDCs development challenges would require enhanced and rapid investment, productivity growth and technological development, only then, the Delegation said, would LDCs be able to meaningfully integrate into the fast-advancing global economy. It noted that in 2006, in Cotonou, during the meeting to prepare for the mid-term review on the progress of the Brussels Program of Action, LDC Ministers had underscored the importance of IP, and had recognized that lack of technology, national IP institutions and information communication technology had deterred LDCs from integrating into, and accruing benefits of, the process of globalization. The Delegation was thankful to the Director General for spearheading a WIPO country-driven and needs-based strategy focused

on providing technical IP assistance to the LDCs while recognizing their socio-economic limitations. In this context, the Delegation also commended the in-house restructuring to ensure focused and coordinated delivery of WIPO's technical assistance programs. The Delegation then reported that Bangladesh had been pursuing a coherent policy platform where all agents of the economy could contribute to the development of the economy, and that the private sector had been particularly vibrant in this regard. It stated that, with the assistance of WIPO, a new Trademarks Act had been drafted and was now awaiting approval by Parliament, and that the Copyright Act 2000 had been amended in 2005. The Ministry of Culture had taken steps to widely circulate the Act, along with its amendment, in order to create awareness on copyright and related rights. WIPO had also assisted with the automation of the Bangladesh IP Offices. The Delegation further reported that Bangladesh had hosted the follow-up of the Joint WIPO SIDA Training and Advisory Program on Intellectual Property Rights in the Global Economy for LDCs, in Dhaka, in June, 2006, during which the participants visited a successful local pharmaceutical company in the generic drug market which was benefiting from the grace period given to LDCs' pharmaceutical patents until 2016. The Delegation also reported that WIPO had started two potentially useful study projects in Bangladesh in 2005, one on the Identification, Valuation and IP Protection of Traditional Cultural Expression and the other on negotiating technology licenses. The Delegation reported that the IP development nexus in LDCs had yet to take concrete shape, because of the inherent structural weaknesses of LDCs and because the evolving international economic agenda, driven by rapid technological progress, made it difficult for the LDCs to realize IP's developmental potential, thus WIPO's IP capacity-building assistance would, in particular, be essential to the LDCs. The Delegation outlined some areas where WIPO's contribution could make a difference: coordinated delivery of development components; transfer of technology and facilitating access to improved know-how, in which context WIPO could undertake studies to explore how, given the constraints of the IP system, the LDCs could be helped to acquire technology at affordable prices and build up their knowledge bases; traditional knowledge and genetic resources where WIPO could help the LDCs to identify, categorize and create inventories of their traditional knowledge and genetic resources; the public and business sectors where WIPO could contribute to building awareness in several areas. The Delegation acknowledged the work done by WIPO in these areas. The Delegation finally stated that it was important that WIPO target the bottlenecks that can come up as a result of the IP regime and focus on helping LDCs overcome these constraints.

49. The Delegation of the Philippines associated itself with the statements made on behalf of the Asian Group and the Association of South East Asian Nations (ASEAN). It thanked the Director General for his leadership and his opening statement reflecting his vision of inclusion and empowerment and it thanked the Secretariat for the implementation of WIPO activities and the preparations for the Assemblies. The Delegation applauded WIPO's efforts to promote development, ranging from public information and education campaigns, to capacity-building and technical assistance. It then reported on activities by the Intellectual Property Office of the Philippines in the past biennium. In 2005, it shifted its vision and mission towards cultivating and using IP as a tool for national development and started the Organization's transition towards a financially, self-sufficient agency. The Delegation stated that the Philippines was facing many challenges in IP protection, promotion, enforcement and public information and education, and it appreciated WIPO's technical support in drafting the national IP strategy. The WIPO audit tool had in particular been very useful for the preliminary research. In addition, WIPO's assistance to develop IP and SMEs capacity building programs and to promote the creative industry had also taken off this year. The Delegation then announced that IP Philippines was establishing an IP Training Institute which

would be developed into a center for research and training on IP, with WIPO's and others' support. The Delegation believed that the concerns of developing countries should be addressed at all levels and that a balance should be established between the rights of the public and the rights of IP owners. It stressed that the Philippines was also aspiring to push forward the development agenda for IP within its own country and in the world economy through concrete and constructive approaches, and the Delegation adhered to the basic and fundamental role of IP in promoting research, creativity and innovation. The Delegation was of the opinion that to strengthen this role, there were issues that WIPO should tackle. Firstly, the impact of IP on public health and the prices of medicines, in which context the first IP and Public Health Forum had been organized in 2005, in the Philippines, with assistance from WIPO and WHO. The Forum came up with policy recommendations that the Philippines aimed to implement within the next five years as part of a broader national IP strategy. Secondly, the impact of IP on the tools needed to survive and compete in the knowledge economy, such as textbooks, educational software and other essential goods, which were often priced beyond the reach of developing countries. Thirdly, the constraining effects of IP and technology, such as broad patents and insufficiency of disclosure which prevented the use of technology transfer of IP. Fourthly, preventing the misappropriation of TK and genetic resources, including the need to establish an international framework of understanding concerning prior informed consent and benefit sharing on the use of genetic resources and TK, and avoiding erroneous patent grants. The Delegation believed that IP had a significant role to play in achieving the UN Millennium Development Goals and that collective efforts and joint actions of WIPO Member States were essential to achieve these goals. In this context, the Delegation expressed its support for WIPO's continuing effort of bringing together Member States and other interested parties, to find solutions to the many complex issues and concerns to ensure that IP would become a tool for national development. The Delegation looked forward to stepping up international cooperation with WIPO.

50. The Delegation of Kenya associated itself with the statement made on behalf of the African Group. It expressed its satisfaction with WIPO's strategic goals and the positive results achieved by the Organization. It noted that Kenya had benefited from various WIPO activities that, *inter alia*, had enabled the Kenya Industrial Property Institute (KIPI) to modernize and automate its IP infrastructure, and which had included various seminars and workshops. The Delegation urged WIPO to further enhance its emphasis on the development of human resources in IP in order to bridge the digital divide. The Delegation thanked WIPO for organizing the regional seminar on Strategic Use of IP for Development, in collaboration with the Government of Kenya, in May 2006, at which various recommendations regarding the development of IP in the African region had been agreed. It noted that the regional initiative needed to be deepened to ensure that IP would take the center stage in the regional economic integration, through the East African Community, COMESA, ECOWAS, SADC. The Delegation also expressed its gratitude to WIPO and the Government of Singapore for organizing the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty. It noted that the signing of the Treaty was timely due to its coincidence with the final phase of automation of the Kenyan Trademark processing system at KIPI. The Delegation believed that the Treaty would not only create an Assembly of Contracting Parties, but would also provide an avenue for electronic communication systems, harmonization of trademark laws and simplification of rules for recording trademark licenses. The Delegation then mentioned the recent Third Global Youth Employment Summit (YES) and the Fourth AFRICITIES Conference, hosted by Kenya, which brought together some 2,000 youths from around the world and some 5,000 delegates from local authorities in Africa. The fora had revealed the importance of SMEs as a source of innovation and creativity, to enhance the livelihood of millions of people working in the informal sector. Regarding the work of the SPLT, the

Delegation stated that Kenya was against prioritizing various substantive issues for deliberations and identifying four issues only for fast-tracking on the SPLT, namely novelty, prior art, grace period and inventive step, as put forward in the informal session of the SCP, held in Geneva, in April 2006. Kenya would prefer to incorporate in the Treaty the concerns of the entire WIPO membership in a holistic manner, including the important issues of the Convention on Biological Diversity (CBD) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Issues such as disclosure of origin of genetic resources, access and benefit sharing, prior informed consent, farmers' rights and TK should also be considered in the proposed SPLT. The Delegation re-affirmed its full support and cooperation in this endeavor in future meetings and deliberations. The Delegation was also fully committed to the ongoing discussions within the work of the IGC and called for a consolidation of the progress made with a view to completing the process. The Delegation supported the introduction of a binding international instrument that would include disclosure of certificate of origin and prior informed consent in a patent application, as it believed that this was the only instrument that would guarantee effective protection against biopiracy and misappropriation of TK and expressions of folklore. In this context, the Delegation reported that the Government of Kenya had now established a task force on the protection of TK, folklore and access and benefit sharing of genetic resources to come up with recommendations on the incorporation of the above issues under the existing IP regime or to develop an effective *sui generis* system. In the area of copyright and related rights, the Delegation strongly supported the updating of the protection granted to broadcasting organizations and to audio visual performances in line with the rapid advancements in technology, and it noted that Kenya was in favor of the separation of web casting and simulcasting from the main treaty and the convening of a diplomatic conference on traditional broadcasting as agreed during the last SCCR meeting in May 2006. The Delegation similarly took note of the progress so far made in the IGC with respect to establishment of a voluntary fund to facilitate the participation of indigenous and local communities in the work of the committee. It believed that the next step should be geared towards the formulation of an international instrument for protection of TK, genetic resources and folklore to enable the local and indigenous communities, being the custodians of these resources, to benefit from their exploitation. The Delegation then acknowledged the important role played by the Advisory Committee on Enforcement and it believed that the Committee could play an even greater role in assisting developing countries in devising strategies and sharing experiences in fulfilling their enforcement obligations under the various treaties administered by WIPO. It therefore welcomed the discussion of the development dimension in relation to enforcement. The Delegation reiterated the importance that Kenya attached to the WIPO Development Agenda, and it was confident that the Assemblies would adopt new ideas and strategies to ensure that development issues remain in the forefront of the WIPO agenda. It therefore urged the Assemblies to renew the mandate of the PCDA to enable the Committee to effectively complete the tasks given to it by the General Assembly. It also called for the broadening of assistance, both in scope and content, to enable countries to take advantage of opportunities that were presented by the new challenges.

51. The Delegation of Nepal thanked the Director General for his statement, and in particular the focus on protecting and using IP, result-based management and accountability as well as cooperation activities with the developing countries and LDCs. The Delegation supported the statement made by Indonesia on behalf of the Asian Group and by Benin on behalf of the LDC Group and noted the activities undertaken by WIPO in achieving the objectives of promoting and protecting the intellectual property system over the years. It urged WIPO to continue in this work so that the protection of intellectual property was ensured whilst maintaining a strong development content and hence benefits for the

developing and the least developed countries. The Delegation supported the mainstreaming of the development agenda in WIPO and looked forward to reaching consensus on concrete outcomes in PCDA. The Delegation noted the important role of WIPO in the field of capacity building and human resource development through the provision of technical assistance, the organization of various training workshop at the national and regional levels and the provision to Member State countries of access to various IP related activities. They acknowledged that many countries around the world, despite their capacity constraints, were committed to the protection of intellectual property rights and emphasized how such protection mechanisms not only promoted overall benefits to these countries, but also played a catalytic role in bridging the development gap in an equitable manner. The Delegation recalled that invention and innovation in science and technology had driven progress and development throughout the world through the ages, and their development oriented equitable application and promotion should pave the way for all Member States to join the mainstream of progress and development. The Delegation felt that the SCP negotiations would ensure a balanced and equitable international patent system and requested that the Assembly gave clear instructions to the forthcoming negotiations on all the issues. The Delegation stated that LDCs had, besides other areas, potential IP in the form of traditional knowledge, indigenous technology, genetic resources and cultural expressions and emphasized that capacity building for the purpose of establishing intellectual property institutions in these areas had become increasingly important to contribute to economic growth and to social and cultural development. The LDCs expected support for private sector development, strengthening managerial and technical capabilities and to this end the Delegation requested the establishment of trust funds in WIPO with a view to enhancing the capacity building for LDCs which should be given top priority and be implemented in the shortest possible timeframe. The Delegation felt that the small and medium sized enterprises were important forces in LDCs to get involved in research and development activities but although their capacity was limited it had not yet been fully exploited. These enterprises were not yet in a position to take benefits from the IP regime. The Delegation acknowledged that WIPO had initiated some important work in this area but sought further intensified cooperation to obtain tangible outcomes in this regard. The Delegation reported that WIPO and the Government of Nepal had established a cooperation and partnership for the modernization of the intellectual property system in Nepal and expressed their appreciation for the assistance provided by the LDC Division and the Development Cooperation Division which had enabled Nepal to upgrade their IP system to serve the larger goal of national capacity building along with specific assistance for bringing national legislative and administrative mechanism into conformity with the TRIPS Agreement following Nepal's accession to the WTO. Also appreciated was the commissioning of studies on intellectual property and SMEs and the Delegation looked forward to more comprehensive and enhanced level of activities in the future.

52. The Delegation of Bolivia pointed out that for the first time, Bolivia had an indigenous President who represented the majority of the population that was traditionally excluded. Bolivia was undergoing democratic changes, and increasing importance was being attached to the demands of the majority of the population, which was of indigenous origin. Referring to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Delegation stated that it was known that the people were the ones who suffered most from unlawful acts of biopiracy, given that it was the ancestral knowledge, genetic resources and folklore of their community that were plundered in favor of private, foreign monopolies, which were permitted by international and multilateral intellectual property rules. The Delegation stated that earlier, a person from a developed country, in trying to explain that situation, had mentioned that unfortunately, there were still

many cases that were ethically reprehensible, but legally valid at the international level. The Delegation pointed out that such practice was not the best one to follow and that in Bolivia, attempts were being made to change those practices. It therefore hoped that it could rely on the multilateral support of government and civil society authorities. Efforts to achieve results as soon as possible should therefore be intensified, in order to correct such distortions and to take into account fundamental aspects in the patent legislation relevant to that area, such as disclosure of source and of country of origin, prior informed consent, and equitable benefit-sharing. The Delegation was surprised at the slow progress being made in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which was now in its tenth session. If it did not produce the results that the people and other peoples required in the shortest time possible, an evaluation of the effectiveness and efficiency of that mechanism would not be ruled out. The Delegation was also concerned that firstly, in many meetings, it seemed that not all the positions of the Members had been given due consideration, a situation that, if it continued, could detract from the usual principles of the United Nations system, such as the search for consensus, democracy and transparency. Moreover, on the development theme, it had been noticed that WIPO was one of the last multilateral organizations to have started a process to incorporate that theme completely, through the Development Agenda, which was attracting attention given that the majority of the Members were developing countries. Setting aside the fact that the process had been initiated only two years ago, the Delegation considered that the proposals and interests of developing countries should be given serious consideration in that and in other areas, to avoid representing only certain interests, which could cause a loss of legitimacy for the Organization. Referring to the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), the Delegation pointed out that negative experiences should not be replicated when instead, best practice could be replicated. Moreover, the Delegation made an appeal to incorporate the proposals on that theme, as a matter of priority, without exclusion, otherwise the spirit of consensus that was the goal in every multilateral organization would not be respected. In conclusion, the Delegation supported the statement made by the Delegation of Argentina on behalf of the "Friends of Development".

53. The Delegation of Angola congratulated the Director General for his opening speech as well as WIPO's efforts to defend IP in general without overlooking the constant concerns of developing countries, and in particular the least developed countries, and also for its excellent report on the implementation of programs for the first half of 2006. Angola is a country whose economy is moving slowly towards development, after many years of problems and difficulties known to everybody. The Delegation indicated that Angola's development would only be secured if many factors came together, including the importance of intellectual property, and more particularly, innovation. The modernization of laws and infrastructure, as well as human resource training, are concerns towards improving the efficiency and protection of the intellectual property system in Angola, in particular, with regard to the combating of counterfeiting and piracy at borders. These activities have been possible only with support from WIPO at the very highest level and the contribution of governmental bodies as well as civil societies. In April 2006, WIPO together with the Portuguese Institute of Industrial Property held a meeting with ministers of the Portuguese-speaking Countries Community (CPLP). During this meeting, a lusophone portal was established, enabling interchange and development among Portuguese speaking countries. This program will certainly facilitate access for the countries that belong to the CLCP patent database. The Delegation noted that the Director General had said on several occasions that intellectual property could be seen as an end in itself and earlier in the morning the Brazilian Minister of Culture, a famous singer, and a direct beneficiary of copyright and related rights, had also

made a similar statement. This goal could only be fully beneficial for countries if WIPO paid attention, not only to the developed countries, but also to the needs and interests of developing countries and indeed the least developed countries. This was particularly the case with genetic resources, traditional knowledge and folklore which were some of the real concerns that were on the PCDA's agenda; the Delegation supported the continuation of PCDA on these items. The Delegation endorsed the statements from Brazil, Nigeria and Benin on behalf of the Group of Friend of Development, the African Group and the Least Developed countries respectively, who had unanimously recognized these items. Angola believed that the Director General and the Vice Director Generals, and all of the staff of WIPO would endeavor to ensure that the least developed countries attained shortly a level of development which would be for the good of IP. The Angolan Government, for its part, would do all it could to adhere to the WIPO treaties and conventions, to ensure that Angola was better integrated within the Organization. Over the coming few months, Angola will deposit the Instruments of Accession to the Paris Convention and the PCT and approve new laws on industrial property and copyright which were currently being examined by the Government.

54. The Delegation of Malaysia supported the statements made by distinguished Delegates from Indonesia and Singapore, on behalf of the Asian and ASEAN Groups. The Delegation expressed their appreciation concerning the deliverables and achievements in the program performance report for the 2004 and 2005 biennium, and for the implementation of the work within the budgetary constraints, without having compromised the Organization's overall ability to achieve its expected biennial result. Malaysia supported the new proposed mechanism to further involve Member States in the preparation and follow-up of the WIPO Program and Budget which would strengthen Member States' role in the substantive review of the program performance. Additionally, the Delegation appreciated WIPO's continued role in assisting Member States to use the intellectual property system to meet their obligations under multilateral intellectual property instruments to which they were a party as well as the use of intellectual property rights to support their development efforts. The Delegation underlined the importance of WIPO's technical assistance program being demand-driven, so as to ensure an appropriate balance between public policy goals and international IPR commitments. The Delegation believed that a balance should always be maintained between the rights and interests of holders and the users and were keen to see the continuation of WIPO's assistance to these programs as one of the priorities for the next biennium. Seminars and workshops which WIPO and the Malaysian IP Office co-organized during 2006 were found to be helpful as they were specially tailored for IP practitioners, judges, lectures, researchers as well as SMEs. In addition, Malaysia, having acceded to the Patent Cooperation Treaty in 2006, had cooperated with WIPO in successfully organizing a Seminar on Patent Cooperation Treaty for IP officials and IP practitioners. Concerning the outcome of discussions held in the SCCR for the Treaty on the Protection of Broadcasting Organizations, Malaysia was pleased to note that the proposed treaty would focus only on rights relating to traditional broadcasting. In this respect, Malaysia supported the recommendation of the 15th SCCR to convene the Diplomatic Conference and fully supported the convening of a two-day special meeting in January 2007. It was hoped that this special meeting would be able to resolve outstanding issues of concern to developing countries such as the scope, limitation and exceptions, as well as technological protection measures. The Delegation believed that this special meeting would greatly facilitate the work of the Diplomatic Conference towards achieving consensus. Malaysia welcomed the series of discussions concerning the Development Agenda issues in WIPO as these had contributed to a better understanding of the implications of various IP policies and measures to developing countries and noted the significant convergence on the need for discussion on the Development Agenda to be

continued but in order to ensure a substantive result, discussions should be conducted in a body with a clear mandate and within a clearly specified period of time in order to ensure continuity, sustainability and cost effectiveness. Malaysia supported the work of the Intergovernmental Committee on IP and Traditional Knowledge, Genetic Resources and Folklore (IGC) to prevent the misuse or misappropriation of genetic resources and to provide an equitable protection system for traditional knowledge and traditional cultural expression. The Delegation felt that the IGC should continue its work with the view to reaching consensus by the end of this biennium in order to establish a good protection system for traditional cultural expressions and traditional knowledge. Also the harmonization of the Patent Law would benefit all stakeholders, including the general public, rights holders and IP offices provided issues that needed to be resolved to achieve harmonization of substantive patent law took into account the interest and concerns of all Member States. In this regard, Malaysia recognized the importance of the future work of the SCP in respect to the draft Substantive Patent Law Treaty (SPLT) to arrive at a balanced and equitable international patent system. In concluding, the Delegation reiterated their appreciation of WIPO's commendable work and looked forward to the continuation of effective cooperation and assistance with WIPO in the next biennium.

55. The Delegation of Sri Lanka associated itself with the statement made on behalf of the Asian Group, and commended the Director General and the Secretariat for the preparations of the Assemblies, as well as for the successful implementation of the program of activities. The Delegation expressed its appreciation of the importance and the extent of the contribution that the IP system can make to the economic and social development of any given country, and noted that the promotion of national creativity, the protection of IP rights and the use of the IP system for the benefit of society were receiving Sri Lanka's constructive and coordinated attention. Current activities in Sri Lanka included: capacity building in the IP Office which included the use of IT; human resource development including the training of public and private sector officials; promoting public awareness of IP; encouraging the enterprises to use the IP system for their competitive advantage; enhancing effective enforcement of IP rights; and expansion of the services of the IP Office beyond its traditional activities which included various development oriented activities such as awareness building, training, teaching, inventor support, enterprise guidance, strengthening public sector / private sector cooperation on IP-related matters, dispute resolution, consumer protection and promoting the use of IP assets for economic development. The Delegation underscored its interest in constructively addressing the issues relating to the protection of genetic resources and TK. The Delegation observed that Sri Lanka had been a beneficiary of many development cooperation activities of WIPO, and had also had the opportunity to become a partner in some activities, such as by successfully conducting two regional programs for SAARC and the Asian region in Colombo in 2006, with two more similar activities having already been scheduled. The Delegation expressed its appreciation to those Member States which had extended cooperation to Sri Lanka in IP-related technical cooperation activities, namely USA, Japan, Republic of Korea and EU. Lastly, the Delegation reaffirmed Sri Lanka's commitment to the promotion and protection of IP in overall economic development.

56. The Delegation of Pakistan associated itself with the statement made on behalf of the Asian Group, and expressed its appreciation to the Director General for his comprehensive statement on the many initiatives taken under his leadership, which, in its view, had contributed greatly to the achievement of the Organization's core objectives, particularly the objective of empowering countries to utilize the IP system for attaining developmental goals. The Delegation noted that Pakistan had in recent years greatly benefited from WIPO's enhanced focus on development. The country had maintained high economic growth with the

real GDP growth rate averaging 7 per cent during the last 3 years. In order to sustain that pattern, the Government was putting in place a regulatory and institutional framework that was necessary for a modern competitive economy. The establishment of the Intellectual Property Organization of Pakistan (IPO-Pakistan), an umbrella organization for the integrated management of IP, constituted an important step in that direction. IPO-Pakistan was actively engaged in modernizing Pakistan's existing IP infrastructure and simultaneously improving its service delivery. Under the country's national IP strategy, IP registries were being automated and enforcement mechanisms were being strengthened. In all those activities, WIPO had offered invaluable assistance, particularly in cooperation with the European Union as well as the IP Offices of Singapore and Australia. The Delegation stressed that in its experience, WIPO's ability to undertake customized programs and to work in consultation with other partners was clear evidence of the Organization's increase in capacity to effectively address the developmental needs of Member States. The Delegation observed that, in its view, five issues on the Assembly's agenda merited particular attention. First, serious consideration must be given to making progress on proposals relating to the development agenda. The issue at the heart of the development agenda discussions was the need to ensure that the IP system provided Member States, with different levels of development, the necessary policy space to meet their developmental needs. It was particularly necessary to address the possible effects of IPRs on accessibility and affordability of medicines, textbooks, educational software and modern technology. Approximately 111 proposals had been tabled in the PCDA, as such, if progress were to be made, it was necessary to agree on the following: at least two more meetings of the PCDA; a clear direction to the PCDA to evolve a methodology to streamline and prioritize the proposals; and clearer recommendations for action by the PCDA for the next Assemblies. Second, the deliberations on the protection of TK and folklore were also at a crucial stage. The Delegation believed that a clear signal should be sent to the IGC that the extensive work that had been done in this area should result in an international framework that would foster effective protection of TK and cultural expressions. Third, the lack of a work program for the SCP should be a matter of concern to all Member States. The Delegation felt that the differences on the proposed substantive Patent Law Treaty were too wide to be bridged in the near term, and that continued effectiveness of the international patent system in promoting innovation was dependant on addressing two broad sets of issues: one related to public policy aspects of the patent system, and the other to the quality of patents being granted. In its view, the mandate of the SCP to consider the elements of a balanced work program and to present its recommendation on such a program to the 2007 Assemblies, was critical. Fourth, the SCCR had recommended that a diplomatic conference should be held next year on the protection of the rights of broadcasting organizations. The Delegation's view was that the diplomatic conference, if it were to be a success, must be preceded by intensive preparatory work. There were still many concerns among Member States and different stakeholders on the implications of the proposed basic text. Those issues needed to be addressed in the proposed preparatory meeting in January 2007. As a first step, the Delegation recommended that maximum participation of capital-based experts be ensured in that meeting through the financing of participants from developing countries, even beyond the customary five participants from each region. Also, if need be, the duration of the meeting be extended beyond the two day limit. Finally, the Delegation suggested that the Assemblies would need to take a careful look at the management and the budgetary reform processes in which the Organization was engaged. The Delegation was greatly encouraged by the seriousness with which the Secretariat had proceeded with reform measures, however, it remained concerned that overly elaborate audit and reporting procedures could lead to unnecessary administrative and financial burdens on the Organization. To avoid this, the Assemblies should agree on reviewing the current audit

mechanisms and budgetary reporting requirements at its next session, which review could be based on recommendations to be given by the PBC.

57. The Delegation of Romania associated itself with the statements made by the Representatives of Croatia, on behalf of the Group of Central European and Baltic States, and of the European Union (EU). It also announced that the next Summit of French-Speaking Countries would take place very shortly in Romania. Reporting on the various activities conducted in cooperation with the Organization, it cited the main initiatives launched during the first half of the year. On January 17, the State Office for Inventions and Trademarks had celebrated the 100th anniversary of its founding and of the publication of the first Romanian patent law. It said that it was proud that the guests present at the festivities in honor of that event had included high-level representatives from WIPO, the European Patent Office (EPO) and the Office for Harmonization in the Internal Market (OHIM), as well as intellectual property offices from various countries. The centenary had also been celebrated in February, when an exhibition was inaugurated at WIPO providing a summary of the greatest Romanian inventors and thereby an insight into the history of industrial property and the State Office for Inventions and Trademarks. Also, the Romanian Copyright Office had celebrated its tenth anniversary on June 26, 2006. On that occasion, the Office had organized a series of events including the round table entitled “A Decade of Copyright” which had taken place with the support of the Ministry of Culture and Worship and which had brought together public institutions, NGOs and collective management societies. The Delegation stated further that Romania had had the honor to organize the Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy, which had been held in Bucharest on July 11 and 12, in cooperation with the Steering Committee of the Global Congress and under the Chairmanship of WIPO. During their opening addresses, the President and Prime Minister of Romania had emphasized the strength of their commitment to more effective application of intellectual property rights. The aim of the Congress, which had brought together high level representatives from governments and the private sector in 46 countries, had been to prepare the work of the Third Global Congress on Combating Counterfeiting and Piracy, to be held in Geneva in January 2007. That meeting produced the Bucharest Declaration, which stated, among other things, that “effectively protecting the intellectual property rights is critical for sustainable economic growth” and that “attacking the trade in counterfeit and pirated goods at the national, regional and global levels should be elevated as a top priority.” It further formulated recommendations to be implemented regionally and internationally through the common efforts of governments, regional and international organizations and the private sector. The measures that Romania had designed to better address the issues of counterfeiting and piracy—such as the adoption of a strategic action plan in the field, the conclusion of a protocol of collaboration between public authorities, the private sector and NGOs, the training of enforcement officers with the support of WIPO—were introduced to the Member States of WIPO at the Advisory Committee on Enforcement (ACE), which had proved to be an excellent forum for sharing ideas and experiences on the topic of education and awareness. The Delegation reaffirmed its commitment to the continuation of the work of the ACE, but noted, however, that strengthening the enforcement of IP rights was not the only domain of IP that had captured Romania’s interest in the recent period. Based on the premise that IP protection can spur development, Romania had embarked, in cooperation with WIPO, on establishing the link between the copyright-based industries and economic growth. An agreement had been signed between WIPO and the Center for Research on Culture, with the Romanian Copyright Office’s assistance, for the drafting and releasing of the “Study on the Contribution of Copyright and Related Rights Industries to the Gross Domestic Product of Romania.” The Delegation observed that the whole range of projects which had been undertaken with WIPO showed that the Organization

had much to offer and that improving its potential should be a common and constant aspiration of all Member States. In that respect, the Delegation fully supported the ongoing process of reviewing the human and financial resources, and of increasing the involvement and the responsibility of Member States, in drafting and the follow up on the budget and program of the Organization. However, the Delegation did not see a need to change the mandate of WIPO. As it had stated in the discussions on the Development Agenda, development was already a strong and undeniable dimension of WIPO. While it was also true that that dimension needed to be further improved, the Delegation strongly believed that the Organization had to keep its specific mission, as stipulated in its Constitution, which included, among other things, the harmonization of laws for the benefit of all countries, users and the public alike. In that sense, it welcomed the results of the conference in Singapore in March 2006 and indicated that Romania was already among the signatories of the Singapore Treaty on the Law of Trademarks. However, the Delegation regretted the lack of progress it had experienced in other instances, and specifically in the forum on the Development Agenda. It hoped that more commitment to positive results from all Member States could enhance the productivity of the Organization.

58. The Delegation of El Salvador expressed its gratitude for the work done by the World Intellectual Property Organization in the period from 2005 to date. The Delegation emphasized that intellectual property had become an instrument which, accessible and useful to humanity, helped to enhance the assets of and demystify the system. It said that El Salvador was a country committed to human development and, within its Government's plan "a Government with a Human Sense", it had devoted a special chapter to youth and science and technology, and had even created a Vice Ministry of Educational Technology with a special program entitled E-Country. Significant efforts had been made under that program with regard to industrial policy and a national innovation system had been set up for development and technological innovation. The Government continued to work on a permanent basis and to involve all the institutions responsible for and committed to enforcing intellectual property rights. The Delegation recalled that on September 19, 2006, the amendment protocol had been deposited through which the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), done at Geneva, Switzerland, on December 6, 2005, would be amended. Said instrument was a triumph in the public health negotiations with the World Trade Organization (WTO), which would benefit developing countries and the Least Developed Countries. Similarly, the Delegation emphasized that since August 17, El Salvador had been a party to the PCT and also to the Budapest Treaty. With regard to the agenda for the forty-second series of meetings of the WIPO Assemblies, the Delegation wished to highlight only a few points. Firstly, it referred to the agreement reached on September 13, 2006, in the Standing Committee on Copyright and Related Rights (SCCR), in which it had been recommended to the Assemblies of the Member States of WIPO to hold a diplomatic conference on the protection of broadcasting organizations, and it emphasized the Delegation's satisfaction with that agreement. Similarly, referring to the Singapore Trademark Law Treaty, the aim of which was to streamline and simplify the administrative procedures relating to national and regional applications for the registration of marks and the maintenance of those registrations, the Delegation also congratulated the Organization. The aspects that had been introduced with said Treaty preserved the flexibility which the Government of El Salvador had been seeking. The inclusion of a section relating to the electronic filing of marks registration applications and related communications was considered very positive for offices since they provided services online. In relation to maintenance, as an agenda item on the Diplomatic Conference on the Protection of Audiovisual Performances in 2000, the Delegation said that with the adoption of that Treaty rights would be conferred on that category of owners of related rights which the International

Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, known as the Rome Convention, had not envisaged. Positive results were predicted in the discussions that would reopen for that purpose. Finally, it thanked the Secretariat for the continuous efforts made in relation to training in different areas and, in that connection, highlighted the project which was being implemented in El Salvador, which consisted of a training program for the judiciary on the enforcement of intellectual property rights; that was a proposal prepared jointly by the National Council of the Judiciary, the Ministry of Economy and the National Registration Center, with WIPO's support and cooperation. The aim of said project was to provide specific knowledge of intellectual property, so that judges could have available information that would facilitate the taking of decisions in cases related to the enforcement of intellectual property rights. In that project, which would last for one year, the subjects of copyright and related rights would be covered.

59. The Delegation of Bosnia and Herzegovina thanked WIPO staff for their hard work in preparing the WIPO Assemblies. It further noted that the past year had been very important for the Intellectual Property Institute of Bosnia and Herzegovina due to the splitting of the former Institute for Standards, Metrology and Intellectual Property into three independent institutes, and many other IP development activities including the harmonization of legislation with the TRIPS requirements and with the *Acquis Communautaire*. The Delegation stated that following the Law of October 2004, the establishment of the Intellectual Property Institute of Bosnia and Herzegovina would be effective by the end of 2006, and that the Institute would continue its mandate in the field of IP protection. In September 2005, a Director of the Institute had been appointed and the organizational structure had been confirmed. The Institute's headquarters would be moved from Sarajevo to Mostar, with two Agencies established in Sarajevo and Banja Luka, with a total number of 64 employees, up from the current 12 persons. The Delegation also mentioned that the Institute had started preparations for the ratification by Bosnia and Herzegovina of international IP conventions, such as the Rome Convention, the Phonograms Convention, the Strasbourg Agreement, the Budapest Treaty, the Madrid Protocol, the Geneva Act 1999 of the Hague Agreement, and the Washington Treaty. Furthermore, at the Diplomatic Conference for the adoption of the revised Trademark Law Treaty held in Singapore, Bosnia and Herzegovina had signed the Singapore Treaty on the Law on Trademarks as well as the Final Act Adopted by the Diplomatic Conference. In addition, the Institute was preparing several bylaws for implementation of the current IP legislation. The Delegation also pointed out that in accordance with the European Partnership document, the Institute had been included in the IPR legislation harmonization process with the *Acquis Communautaire* and the TRIPS Agreement. In this context, the Laws on Industrial Property Protection and Copyright and Related Rights were expected to be amended by August 2007. The Institute had also prepared a Law on Protection of Integrated Circuits, and the Delegation believed that the Law would be adopted by the end of 2006. Furthermore, the Delegation pointed out that the CARDS Project for assistance to the Institute and other stakeholders, financed by the European Union, would start next year, and that the Institute was participating in the WIPO University Initiative and other activities related to the implementation of the CARDS Regional Project. Among the major activities in 2005 and 2006, the Delegation highlighted the organization of a seminar on Community Trademark and Community Design, in cooperation with the EPO and OHIM, held in Sarajevo, in April 2006, and activities related to the process of the accession by Bosnia and Herzegovina to the WTO and the European Union.

60. The Delegation of the United Republic of Tanzania associated itself with the statement made by the Government of Nigeria on behalf of the African Group. It congratulated the Director General on WIPO's achievements since the Assemblies in 2005 and expressed its

support for the goals enunciated by the Director General, including the goal of inclusiveness of which Tanzania had been a major beneficiary. The Delegation then reported on the programs undertaken in Tanzania in cooperation with WIPO, and stated that Tanzania was in the process of mainstreaming IP policies in the overall national economic development policy, and to this end, an industrial property assessment of the country had been carried out and a study on the impact of the creative industries on the economy was underway. The Delegation highlighted that WIPO had also provided support in the area of capacity building, including a regional training course for LDCs in Dar es Salaam, organized in collaboration with the Swedish Government, and a meeting of the East African Community which focused on the harmonization of IP laws within the Community and strategies for exploiting the full benefits of flexibility within the TRIPS Agreement. In the area of technology transfer and information technology, the Delegation thanked WIPO for the successful automation of the Tanzania mainland and Zanzibar Industrial Property Offices which were now better able to play the role of a vital hub in the economic and technology development process in the country. In this context, WIPO had also assisted Tanzania in establishing an information and advisory service center on IP at the Commission for Science and Technology and in carrying out outreach programs targeting universities and other research and development institutions. In the field of copyright, the Delegation mentioned WIPO's assistance in setting up copyright offices and collective administration systems in Tanzania mainland and Zanzibar, as a result of which, the first distribution of royalties for public performances had recently taken place. Furthermore, Tanzania would organize shortly a retreat for national broadcasting organizations. The Delegation then underlined the importance of capacity building and requested that adequate resources be made available to WIPO's technical assistance program.

61. The Delegation of Serbia notified the Assemblies that following the outcome of the referendum on independence held in Montenegro in May 2006, the States Union of Serbia and Montenegro did no longer exist. On the basis of Article 60 of the Constitution Charter of Serbia and Montenegro, the Republic of Serbia was continuing the state and legal identity of the former States Union of Serbia and Montenegro, as of June 3, 2006. Therefore, the Republic of Serbia continued to exercise its rights and to honor all its commitments deriving from all international conventions, including those administered by WIPO, which were signed and ratified by the States Union or its predecessor States. The IP Office in Belgrade continued to function as the agency for the Republic of Serbia, preserving its entire competencies, premises, staff and equipment. The Delegation stressed that the Republic of Serbia recognized the validity of all the industrial property rights constituted in the former States Union as well as applications either submitted directly to the IP Office of the former States Union or submitted on the basis of international conventions administered by WIPO with the designation of the former States Union. It also stressed that the same applied to European patents and patent applications whose validity was extended to the former States Union on the basis of the cooperation agreement concluded with the EPO. The Delegation notified the Assemblies of the new two-letter code for Serbia, RS, adopted by the International Organization for Standardization. The Delegation then reported on the work carried out in completing IP protection legislation in the former States Union as well as in Serbia, including the passing of new laws for the protection of copyright and related rights, patents, trademarks, designs, topographies of integrated circuits, a law on special competencies for efficient enforcement of IP rights, a decree on border measures empowering the various inspectorates and the customs authorities to act more efficiently against piracy and counterfeitig, and amendment of the criminal law to authorize the public prosecutors to act *ex officio* against alleged perpetrators of IP crimes and to provide for more strict sanctions. The Delegation stressed that the new legislation had been harmonized with the TRIPS Agreement and the legislation of the European Union. It mentioned that to enable the

effective implementation of the legislation, the institutional capacity of the customs authority, the police, and some inspectorates had been reinforced, with the assistance of WIPO, the EU, through the regional and national CARDS programs, as well as by the Government of the United States of America, through various USAID programs. The Delegation further highlighted the successful implementation of WIPO's industrial property automation system, IPAS, for processing trademarks, and announced that IPAS would be used very shortly to process designs. It also mentioned that the Republic of Serbia had benefited from various WIPO seminars and training courses, including on successful technology licensing, in Belgrade, in 2005, which would be continued in October 2006, and on evaluation of IP, co-organized by WIPO, in Belgrade, in 2004. In this context, the Delegation thanked the Director General and the relevant organizational units of WIPO for their valuable assistance and support. Finally, the Delegation emphasized the Republic of Serbia's commitment to further advance the IP culture and strengthen IP rights protection.

62. The Delegation of Kazakhstan commended WIPO for its work and praised the personal contribution of the Director General to strengthening and developing the international system of IP protection. It said that Kazakhstan devoted particular attention to IP issues and thanked WIPO for its constant support and assistance in this process. The Delegation mentioned that a new national development strategy had been defined aiming towards Kazakhstan becoming one of the 50 most competitive countries in the world, and that the strategy outlined the creation of a program for industrial and innovation development for the years 2003-2015, and the strengthening of Kazakhstan's reputation as a strict guarantor of the protection of copyright and trademarks. Within the framework of the strategy, the Delegation stated that the State Investment Fund, Kazakhstan Development Bank, the National Innovation Fund, the Center for Marketing and Analytical Research and the Center for Engineering and Technology Transfer were all in operation, and in addition, a number of technology parks and business incubators had been set up. A program of development for the national patent system for 2007-2011 had also been devised, the aim of which was to increase the effectiveness of the national patent system by ensuring the timely examination of patent applications and the reliability of the documents issued providing protection, strengthening patent licensing activities and supporting inventive activity. The sphere of copyright and related rights was of equal importance, in particular the guarantee of the rights of broadcasting organizations, and in this context, the Delegation pointed out that the Revised Draft Basic Proposal for a WIPO Treaty on the Protection of the Rights of Broadcasting Organizations was a balanced document and satisfied the requirements of most Member States. It stressed that broadcasting organizations as subjects of related rights were insufficiently protected and there was clearly a need to hold a Diplomatic Conference as a treaty would at last make it possible to define the status of broadcasting organizations as the owners of related rights. It was also necessary to limit the number of cases of free use of the transmissions of broadcasting organizations, and to create conditions for protecting the interests of such organizations. The issue of providing technological measures and the digital management of rights was also particularly acute and could not be dealt with successfully by a single broadcasting organization. The Delegation further considered WIPO's work to demystify IP of the utmost importance. In that connection, the decision of the Cambridge University Press to prepare and publish jointly with WIPO a new dictionary of IP terms had been received enthusiastically, as it would facilitate the further harmonization of international IP law. The Delegation also commended the process initiated by WIPO to conduct research concerning the contribution made by creative industries to national gross domestic product as it allowed all parties to assess clearly the financial contribution made by this sector. The Delegation pointed out that preparatory work was currently being done to conduct such research in Kazakhstan, to which end, the *WIPO Guide on Surveying the Economic Contribution of the*

Copyright-Based Industries would be particularly useful. Finally, the Delegation concurred with the Director General's opening statement that it was not natural resources but IP that carried with it the seeds of future wealth.

63. The Delegation of Cuba said that the greatest challenge facing WIPO in the future was the full integration of the development dimension in all the Organization's activities and initiatives. That should be WIPO's strategic direction in compliance with the Millennium Development Goals adopted by the United Nations. For that reason, it was hoped that the Assemblies of the Member States of WIPO would endorse the proposal to establish a WIPO Development Agenda, in which the interests of all Member States were incorporated, especially those of the developing countries, taking into account the proposals on the Development Agenda submitted by the Friends of Development. In those proposals, intellectual property standards should promote development, facilitating the transfer and dissemination of technology in a fair and equitable manner, and be consistent with basic policies such as those relating to food, nutrition and public health. The Delegation also emphasized that greater harmonization of substantive patent law was not in the interest of developing countries. It was necessary to preserve the existing flexibility and safeguards, especially in relation to public health. It was therefore fundamental for patent laws to be adapted to the needs and conditions of developing countries, taking into account the consequences which the adoption of greater levels of protection would have on countries' development prospects. It was essential to maintain the balance between the interests of rights owners and those of society as a whole. Finally, the Delegation supported the statement made by the Delegation of Argentina on behalf of the Friends of Development.

64. The Delegation of Belarus thanked the Director General and WIPO staff for the work and results reflected in the Program Performance Report for the 2004-2005 biennium, and noted that those results demonstrated that the reporting period had been completed with positive financial results without reducing the effectiveness of the provided services. The Delegation also welcomed the outcome of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty and the progress achieved in reforming the PCT. It was certain that the future development of the Madrid and PCT systems would help to increase the number of services provided through those systems, which in turn would enable WIPO to broaden its participation in creating and strengthening an IP culture throughout the world. The Delegation pointed out that the leading role of IP in the technological, economic, social and cultural development of society was recognized more and more and therefore WIPO's assistance to countries working actively to create stable national IP systems was extremely important. The Delegation then mentioned that Belarus devoted great attention to developing and strengthening the national IP system and that the National Center of Intellectual Property of the Republic of Belarus was currently working, in close cooperation with other State management bodies, to devise a State Program for Intellectual Property Protection and Management up to the year 2010, the adoption of which was planned for the fourth quarter of 2006. The program was already the second of its kind in the field of IP and was in essence a national IP strategy for the coming years. The Delegation reported that the National Patent Office was working hard to create public awareness of the increasing role of IP in social and economic development, and thanked WIPO for supplementing Belarus' efforts, primarily in providing IP training for staff. For example, in May 2006, Belarus, together with WIPO and the Eurasian Patent Office, had held a regional conference on current IP education issues, in which representatives of scientific and academic organizations from 17 countries had participated. As part of the conference WIPO awards had been given for invention-related and rationalization activities. The Delegation believed that the development of education programs was among the most important WIPO activities and urged WIPO to continue its

work in this area. In concluding, the Delegation was sure that the cooperation agreements between Belarus and WIPO would facilitate the country's future innovation development and the establishment of a national IP protection and management system, and would add fresh impetus to the conduct of joint projects.

65. The Delegation of Nigeria associated itself with the statement made on behalf of the African Group and welcomed the statements made by other African delegations. It thanked the Director General for his leadership and the Secretariat for the presented documents. The Delegation then recalled that during the second session of the IIM, the African Group had submitted a set of proposals as part of the development agenda debate in WIPO, which *inter alia* stated that IP could and did play an important role in fostering creativity, innovation and economic growth, and that IP was just one among many factors of development and should be used to support and enhance the economic aspirations of all developing and least developed countries. IP should therefore not only serve as a tool for development but for empowerment, and IP should serve people and not the other way round. IP should have a human face and should take into consideration the different levels of development of societies and reflect these differences in the treatment of individual countries, especially with regard to norm-setting. The Delegation therefore called upon Member States to be more constructive and flexible in their disposition to the WIPO development agenda and to ensure that it would be actualized by the Assemblies in 2007. To this end, at the second session of the PCDA in June 2006, Nigeria had submitted a concrete set of proposals to carry the process forward. The Delegation hoped to table these proposals in coming days in conjunction with the African Group for consideration, and that the Secretariat would be given the opportunity to assist Member States in advising on the guidelines for eventual implementation of the process. Regarding the SCP/SPLT, the Delegation considered the process in WIPO to be inanimate at the moment, and it noted that if Member States wanted to advance the patent agenda, they had to be reflective of the concerns and interests of each other. It outlined the two main difficulties of devising an acceptable work program that would carry the process forward, and agreeing on the substantive issues for discussion. The Delegation stressed that irrespective of what compromise would emerge, a balanced framework should be arrived at, taking into consideration not only the four points proposed by developed countries, but also the eight issues proposed by some developing countries. On the work of the SCCR, the Delegation said that it had no reservations about proceeding towards a Diplomatic Conference if issues raised by developing countries during the 14th and 15th sessions of the Committee were properly addressed. On the desk-to-desk review, the Delegation referred to its statement at the last PBC and expressed its support for the proposal by the African Group. The Delegation then stressed the crucial importance of the IGC process and it hoped that progress would be made in this area and that a Diplomatic Conference to adopt a legally binding international instrument for the protection of TK and folklore would eventually be convened. It noted that access to technology was another vital issue for Nigeria which it did not want to see negatively affected by more patents. The patent system should therefore take into consideration its demand for prior informed consent, access to benefit sharing and disclosure of origin, especially in matters related to genetic resources and TK. Patents should prevent bio-piracy and also provide policy space to developing and least developed countries. The Delegation concluded by expressing its readiness to participate positively in the proceedings of the Assemblies.

66. The Delegation of Bhutan associated itself with the statement made on behalf of LDCs and requested the PCDA to note LDCs' concerns. It commended the Director General for his leadership and the performance of the Organization during the period under review. It stated that Bhutan had always adopted a very proactive approach to the protection of IP rights, as a

result of which, there was now a realization of the potential of IP as a tool for enhancing social and economic growth and enriching the quality of lives. This awareness and respect for IP rights had been reached with the support and assistance of WIPO, including the drafting and development of appropriate legislation, institutional strengthening, national public awareness seminars and training of administrative staff. The Delegation also mentioned that it was regularly celebrating World IP day with a range of cultural programs and national essay writing competitions on IP topics. Since joining WIPO in 1994, Bhutan had conducted eight national seminars on IP rights. The Delegation stressed, however, that like other developing countries Bhutan was not well equipped to fully unleash and reap the benefits of IP in its economic development strategy, and it therefore urged WIPO to continue advising and supporting the country in its process to modernize its IP system, meet its international obligations, formulate and implement a proper IP policy and strategy, build requisite institutions and acquire necessary skills. The Delegation appreciated the on-going work in the IGC and reiterated its interest in working towards a binding international instrument for the protection of TK and folklore. In concluding, the Delegation expressed its support for WIPO's goals and objectives, as it believed that rightful owners and creators should get the full benefit of their creativeness.

67. The Delegation of Paraguay expressed satisfaction with the direction of the debates during the Assemblies and expressed the hope that success similar to that on previous occasions would be achieved. It expressed its gratitude to the International Bureau for the various reports provided, which demonstrated its interest and determination in perfecting its working methods and improving its quality, supervision and transparency. All those elements were extremely important for an Organization that administered huge resources and protected fundamental rights both of States and of individuals. It also expressed its approval of the success achieved at the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, held in Singapore, which would help to strengthen one of the most widespread disciplines of use in intellectual property, i.e. that of marks. Intellectual property covered a great variety of events and disciplines, in which it was not always easy to achieve a balance between the needs and aspirations of developing countries and the interests of developed countries. That was a necessary goal which should be pursued constantly, since it was the very basis of WIPO's existence and the collective mandate of its Member States. The Assemblies' responsibility was to find solutions within a balanced framework so that the desires and expectations of all were envisaged. The improvement of marks and patent systems, and other intellectual property systems, should promote both developed economies and those of developing countries, and be accompanied by certain measures such as those referring to effective recognition for the rights derived from genetic resources and traditional knowledge. The Delegation highlighted the enormous importance of the program to identify specific development measures, with which the Provisional Committee on Proposals Relating to a WIPO Development Agenda (PCDA) had been entrusted. The work in that sphere should continue without losing sight of the genuine aims, but with the essential flexibility to be able to move forward within a multilateral framework. It was hoped that the participants in the Assemblies would reach the agreements that were lacking for WIPO to continue operating in better conditions and in order to support the efforts of its Member States, while ensuring that intellectual property was an effective and efficient instrument for development.

68. The Delegation of Nicaragua joined the congratulations given to the Chairman and praised the work done by the Deputy Directors General who were leaving the Organization. It also thanked the WIPO Director General and Dr. Ernesto Rubio, as well as the Bureau of Economic Development for Latin America and the Caribbean, for all the support provided. The Government had undertaken to protect and promote intellectual property through its

constitutional mandate and, in that regard, three major events should be highlighted. The first had been when Nicaragua had joined WIPO in 1985, which had allowed it to benefit from the technical and legal assistance and training of professionals in different spheres, including the enforcement of intellectual property rights. The second big event was the accession to almost 15 agreements or treaties administered by WIPO, both those which protected intellectual property and those relating to international registration and classifications, the provisions of which had already been incorporated in Nicaraguan legislation, both in relation to marks and patents. Another aspect to be highlighted was Nicaragua's accession to the UPOV Convention which had provided significant results in the promotion, protection and development of national agriculture. In 2006, two major international treaties had entered into force: the Budapest Treaty and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration. The third event was in relation to the Free Trade Agreement concluded with various countries which had allowed, in a single act expressing the vocation of Central America, the establishment of a broader free trade zone and the adoption of provisions serving as public trade policy instruments, in which the rights and obligations under the agreements administered by WIPO and UPOV, as well as the TRIPS Agreement, were reaffirmed. The Free Trade Agreement between the United States of America and Nicaragua had entered into force on April 1, 2006, and the provisions of Chapter 15, entitled Intellectual Property Rights, were drafted in a broad manner in order to determine the most appropriate method of applying such provisions, provided that the measures that were implemented were not barriers to trade nor infringed the provisions of said Agreement. That Agreement strengthened the legal and economic framework linked to the opening and consolidation of new international markets, the promotion of direct investment, research and development, employment generation and technology transfer. As to the work done in relation to the customs union, the Delegation stressed that particular support had been given to the harmonization of the forms for filing marks applications in order to simplify the procedures for registration and protection of distinctive signs in the Central American region, especially with a view to promoting the culture of protection among SMEs. Another important aspect was the work done in relation to the single Central American manual for the protection of patents in the region. In that connection, the Delegation expressed its gratitude for the work done by WIPO, the European Patent Office and the Spanish Patent and Trademark Office, which had provided intense support in the drafting, approval and use of the first single manual for the filing of patent applications, produced by the offices of the Central American isthmus and the Dominican Republic, work on which would be concluded in 2006, and which would be implemented at the beginning of 2007. Another aspect was the implementation of the PCT in Nicaragua and the training of new specialists in patent examination, searches and processing. Statistics showed the good results achieved in comparison with the years before the entry into force of the PCT. Furthermore, the cooperation received from WIPO had helped to achieve very positive results despite the financial restrictions. However, greater support was required both for the performance of new activities that would consolidate the work of intellectual property as an economic and cultural development tool in the country, for example the projects relating to new automated systems for the filing of applications, the training of national authorities in the application and enforcement of new international treaties such as the Trademark Law Treaty. The Delegation also thanked those friendly governments that had participated in cooperation activities, among them the Mexican Institute of Industrial Property, the Industrial Property Directorate of Chile, the Spanish Patent and Trademark Office, the European Patent Office and the United States Patent and Trademarks Office, which had helped to train Nicaraguan professionals. The Delegation requested further that WIPO assist with an accelerated study on the new Trademark Law Treaty adopted in Singapore in order to provide familiarization in greater

detail with its scope, application and appropriateness. Finally, it reiterated its support for the holding of a Diplomatic Conference on broadcasting organizations, if possible in 2007.

69. The Delegation of Trinidad and Tobago thanked WIPO for the continued assistance provided by the Organization to the development of Trinidad and Tobago's IP Office and its IP system through various missions undertaken to the IP Office. The Delegation reported on a process started in 2002 to ensure the transformation of Trinidad and Tobago into a developed nation by 2020. The process rested on two pillars: innovative people and competitive businesses – thus the use of IP laws was a key facet. This required increasing public awareness campaigns to promote greater use of the IP legislation. As part of this effort, a documentary had been created on the work of the IP Office. The Delegation commended WIPO's program for SMEs and its wealth of valuable documentation and case studies, and suggested that WIPO investigate the feasibility of producing audiovisual recordings of the highlights of the SMEs' seminars for distribution on DVD. The Delegation reported on the use of the patent system as a benchmark indicator of innovation in Trinidad and Tobago, noting that 92 percent of the patent applications received in 2005 came via the PCT. The Delegation underlined Trinidad and Tobago's satisfaction with the user-driven reform of the PCT and the attempts to streamline the system, highlighting that though the number of national patent applications entering the international phase of the PCT remained low, it was steady. The Delegation acknowledged the value of the WIPO Patent Information Services for Developing Countries to their IP Office. The Delegation also commended WIPO for the good faith with which it had launched the work plan of the SCP, emphasizing the importance of a comprehensive patent system to Trinidad and Tobago and its trading partners. The Delegation expressed interest in the success of the work of the IGC, and reported that a legal firm had been retained to advise on the feasibility of challenging certain U.S. patents for steel pan related processes that had been in the public domain for several years, and that a committee had been appointed to make recommendations for the protection and promotion of the steel pan and the preservation of Trinidad and Tobago's intangible cultural heritage. The Delegation reported on the 'Buy Originals' anti-piracy campaign to stop the infringement of music and on the re-introduction of the Copyright Amendment Bill into Parliament, the aim of which was to facilitate the prosecution of piracy offences for the police, highlighting that the Bill would facilitate accession to the WCT and the WPPT. The Delegation urged WIPO to offer more training courses for law enforcement officials to equip them to address the infringement of IP rights. The Delegation expressed indebtedness to WIPO for financing the training of several staff members of the IP Office, noting that the training they received permitted them in turn to offer training at the national level and to their Caribbean neighbors. The Delegation encouraged WIPO to continue its assistance to the various regional groups, however recommended that the Cooperation Agreement finalized in November 2003 be revisited and revised in order to improve the collaboration between WIPO and Member States of the Caribbean region. The Delegation reported that the IP Office had commenced a revision of its staff structure in August 2005 in order to improve its ability to deliver timely, efficient and quality services, and that it was also making improvements to its automated systems, with WIPO's assistance. In this regard, consideration is being given to creating an interface with the Customs and Excise Division of the Ministry of Finance, which would serve in the detection and seizure of pirated and counterfeit goods. In closing, the Delegation congratulated the Director General for his strong leadership of the Organization and expressed trust that his vision and strategic direction for the future of the Organization would take into account the interests of smaller Member States. The Delegation noted that WIPO must continue to evolve transparently and to create systems that provide equitable benefits for all.

70. The Delegation of Cambodia thanked the Director General and the Secretariat for the excellent arrangements made for the Assemblies and for facilitating the technical assistance to LDCs and, in particular, to Cambodia. The Delegation associated itself with the statements made by Indonesia on behalf of the Asian Group and Benin on behalf of LDCs, and particularly stressed the need to enhance WIPO's technical assistance and capacity building programs. The Delegation reported on the benefits to Cambodia from WIPO's assistance including the drafting of IP legislation, strengthening of institutions, establishment of an IP institute and training of human resources. The Delegation stressed that Cambodia was committed to modernize its IP system in order to provide value-added services beyond traditional registration activities and to use IP as a catalyst for encouraging innovation and attract investment. The Delegation also said that Cambodia was currently engaged in preparing a number of draft legislation, which were awaiting adoption by the legislative institutions, including the draft Law on Geographical Indications, and draft Laws on Layout Designs, Undisclosed Information and Plant Variety Protection. The challenges facing Cambodia was to draft sub-decrees to implement the adopted Laws and provide training in enforcement. The Delegation stressed that WIPO's assistance in this process would be highly appreciated and was crucial for Cambodia to realize the development potentials of IP. The Delegation suggested that the technical assistance should be provided at the right times, right places, and in a sustainable manner.

71. The Delegation of Viet Nam underlined its recognition of the role of IP for the industrialization, modernization and international integration of the country, and the importance of IP protection as part of the strategy for social, economic, scientific, and technological development. It reported that national IP legislation had been continuously improved since 1995 when Viet Nam filed its application for accession to the WTO, and that the promulgation of the IP Law in 2005 had been a significant step forward in this process. This showed the determination and efforts of the Government to improve the IP system in order to promote creative activities and technology transfer, to increase the competitiveness of the national economy, to improve the environment for investment and to meet the requirements for international integration of the country. The Delegation stressed that the IP Law and regulation of Viet Nam were in conformity with the TRIPS agreement and it had therefore made the country ready for its accession to the WTO. Viet Nam had also adhered to international treaties and regional agreements in the field of IP, such as the Berne, Geneva and Brussels Conventions and, in 2006, Viet Nam became a member of the Madrid Protocol. The Delegation stated that Viet Nam was currently considering adherence to the Rome Convention, the Hague Agreement and the UPOV Agreement. It then expressed its appreciation for the assistance provided by countries and international organizations in the field of IP, including WIPO's assistance in the development of human resource, seminars and workshops on various IP rights issues, public awareness activities, promotion of innovative and inventive activities and modernization of the IP administration, for which the Delegation was grateful. Finally, the Delegation reaffirmed its full support for initiatives toward improving the international IP systems such as the Trademark Law Treaty, the SPLT, the Madrid system, the PCT, and the IPC.

72. The Delegation of Papua New Guinea associated itself with the statement made on behalf of the Asian Group. It commended the Director General for his comprehensive report and thanked the Secretariat for the presented documents. The Delegation stated that the importance of IP rights had prompted Papua New Guinea to continue to engage itself in policy discussions of importance to the region, and it underlined the need for taking into account the national circumstances when determining future directions, programs and activities to achieve the UN Millennium Development Goals. The Delegation also noted that

IP was used in many countries as a policy instrument for economic, social and cultural development, in particular in relation to food security, health, trade, TK, genetic resources and folklore. The Delegation therefore urged WIPO to continue playing a leading role in supporting Member States' efforts, in particular those of the developing countries and LDCs, to foster the necessary conditions to encourage creative and innovative activity. It noted that the region was faced with many challenges, especially in the area of enforcement of IP, and stressed that emphasis, in this context, must be placed on creating public awareness and strengthening the capacity of enforcement agencies to effectively combat the illicit trade of counterfeit and pirated goods. The Delegation noted with interest the debate on the WIPO development agenda, and underlined that the crosscutting feature of the agenda was to ensure that all WIPO's activities directed at shaping IP systems, including norm-setting activities, would be enhanced, balanced and responsive to national development goals and would be for the benefit of all Member States. The Delegation therefore strongly recommended that the General Assembly explore all possible modalities to continue the process, including by reviewing the mandate of the PCDA, and provide clear and workable guidance on the future process. Finally, the Delegation expressed its appreciation for WIPO's support and technical assistance and looked forward to further cooperation with the Organization.

73. The Delegation of the United States of America supported the statement made on behalf of Group B. In addition, it stated that there were several important issues on the Agenda and pledged its support in helping to find constructive and positive outcomes to those issues.

74. The Delegation of Australia reported that Australia had actively participated in a number of WIPO meetings over the past year, including the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty and extended its congratulations to Singapore for its successful hosting of this significant event. It was hoped that other fora within WIPO could learn from this success. The Delegation expressed disappointment at the lack of progress on the draft Substantive Patent Law Treaty and urged Member States to focus discussions at this year's Assemblies on developing a workplan for 2007 and similarly that Member States had not taken the opportunity to move forward in the Provisional Committee for a Development Agenda for WIPO. The Delegation felt that many of the recommendations appeared to have merit and support from many Member States. The Delegation asked Member States to think creatively and be flexible when considering options to implement a development agenda for WIPO and carefully evaluate the impact of their suggestions and decisions on the economic success of all member states and on the future of WIPO. At the Advisory Committee on Enforcement (ACE) held in 2006, Australia had presented a paper highlighting its commitment to engage in IP enforcement while acknowledging that the challenge was a evolving one, and believed in a balanced approach to IP enforcement. Reviews of Australia's IP legislation were being undertaken to ensure that it could deal effectively with emerging enforcement issues. Australia placed great value and emphasis on the provision of education and awareness information on the benefits and use of IP rights and their enforcement within the national community and valued the contribution that WIPO was making to work undertaken at an international level on IP enforcement through fora such as the ACE and the Global Congress Combating Counterfeiting and Piracy which it would host in January 2007. The Delegation was encouraged by the progress made with the quality management initiatives developed by the Meeting of International Searching and Preliminary Examining Authorities under the PCT and the introduction of the eighth edition of the IPC in January 2006. These were significant developments which helped in further refining and improving the patent system. Australia was also working constructively on further trade mark issues through the Standing Committee on Trademarks and meetings of the *ad hoc* Working Group on the Legal Development of the Madrid System for the International Registration of

Marks. Australia strongly supported initiatives concerning WIPO reform and encouraged the expeditious completion of measures such as the desk-to-desk review. Australia had been actively involved in discussions in the Standing Committee on Copyright and Related Rights regarding the proposed broadcasters' rights treaty. The Delegation supported the recommendation to the General Assembly that it schedule a diplomatic conference to consider adopting a treaty text. The Delegation highlighted an initiative that would improve accessibility to the Australian Trade Mark system, namely the successful introduction of their trade marks assisted filing service which had successfully attained ISO 9001 certification. This new service offered a simple and fast pre-assessment of the registrability of a trade mark and had been developed to assist first time and low-volume trade mark users to more successfully file for a trade mark with a minimum of delay. Australia celebrated the centenary of the first Federal trademark application in Australia in July 2006. Australia continued to undertake a range of technical cooperation and capacity building programs with countries in the Asia-Pacific region and the Delegation gave the following examples. IP Australia had been working with WIPO to develop the capacity of Pacific Island countries to develop new IP and administration systems. With its wealth of expertise in IP public education and awareness delivery IP Australia had been working with Chile, Mexico, Thailand and Viet Nam to improve capacity to undertake such work. This work had been partially funded through the Asia-Pacific Economic Cooperation (APEC) forum. IP Australia had also been working with the Hong Kong Intellectual Property Department and the Intellectual Property Office of Singapore, to deliver public education and training and resources to all APEC member economies. IP Australia had conducted advanced patent and trade mark examiners training courses for ASEAN IP Offices and had undertaken an expert mission to Pakistan for WIPO to deliver a patent examiner capacity building program. IP Australia had also concluded a project with Nepal focusing on trademark examination and public outreach and hosted a visit from Viet Nam to help assist with their TRIPs compliance and WTO accession process. In April 2006, an Australian expert had attended a copyright seminar in Colombia, that was jointly sponsored by WIPO, where consideration was given to the copyright implications of the Colombia-US Free Trade Agreement. The Delegation recommended closer cooperation between WIPO and other IP Offices and organizations providing capacity building and technical programs to developing countries: such cooperation would be enhanced through a better understanding of the development programs of WIPO and those that IP Offices in developing countries were seeking to implement. Accordingly, it encouraged WIPO to work more cooperatively in the development of programs and strategies within each country or region to ensure more effective outcomes, better quality delivery and to avoid duplication of effort by donor organizations. IP Australia planned to implement better coordination of its own efforts with other IP offices and WIPO, particularly those activities delivered in APEC and ASEAN economies. Australia had achieved a number of milestones relating to IP protection in the past year including a number of amendments to their IP legislation. Amendments to the Copyright Act came into operation in December 2005, which conferred on film directors a share of the copyright in their films. In May 2006, Government approval had been granted for major amendments to the Copyright Act, which included new exceptions that would recognize contemporary consumer and other user practices while ensuring conformity with relevant treaty organizations. Other amendments were directed at providing more effective enforcement against piracy. The Delegation expected further amendments to the Copyright Act to ensure full compliance with obligations under the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, as Australia continued working towards formal accession to these treaties. Other amendments to Australian industrial property legislation included amendments to the Trade Marks Act to strengthen trade marks protection in Australia, reduce administrative burden on trade mark applicants and more closely align the various procedures for IP protection in Australia.

Amendments to patent legislation sought to further simplify and strengthen the industrial property system were currently progressing through the parliamentary system. The Delegation concluded by reporting that 2007 would be Australia's host year for APEC and IP Australia would hold a major regional IP Symposium from 28-30 January, 2007 entitled "Trading Ideas – The future of IP in the Asia Pacific". The Symposium would bring together leading regional IP experts from governments, the IP professions and businesses operating in APEC economies, and would provide valuable insight into current and emerging IP challenges in the Asia-Pacific Region and provide an ideal platform for discussions and contributions concerning the future direction of IP in this Region.

75. The Delegation of Austria associated itself with the statement made on behalf of Group B and the statement made by Finland on behalf of the European Union and its Member States. It congratulated the Director General and WIPO staff on the progress made and results achieved during the past biennium and the first half of 2006, despite budgetary restraints, and it welcomed the implementation of cost saving measures to face this challenge. The Delegation stressed the special importance it attached to the strategic goal of creating an IP culture and development cooperation activities, and highlighted the Austrian Patent Office's involvement in such activities, namely the WIPO-Austria Seminar on Industrial Property, held in Vienna, in June, and the ICSEI Program. In this context, the Delegation pledged Austria's continued assistance and support. The Delegation also noted the important role played by SMEs in economic and technological development worldwide, and it welcomed the special attention which had been paid to the needs of SMEs to raise their level of awareness and to increase their use of IP systems. Concerning development cooperation, the Delegation appreciated the increased emphasis on cooperating more closely with beneficiary countries to better assess their respective needs, because it felt that such an approach, in combination with the forthcoming desk-to-desk-review, was going to foster the effectiveness and efficiency of the Secretariat. The Delegation also considered transparency and predictability to be the main criteria in regard to the mechanism concerning preparation and follow-up of WIPO Programs and Budgets. In this regard, it welcomed the fact that the Secretariat's proposal on a future mechanism, with new features to further involve Member States in this process, had met overall acceptance in the PBC. The Delegation therefore supported the respective recommendations of that Committee. It also looked forward to the presentation of the Internal Auditor's report as one of the new features. Underlining the importance of WIPO's task in setting international IP-norms, the Delegation noted with appreciation the successful outcome of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, and it thanked the Government and people of Singapore whose generosity and hospitality had invaluable contributed to the positive spirit of the Conference. It stressed that the adoption of the Singapore Treaty on the Law of Trademarks, clearly set an outstanding example and confirmed WIPO's status as the most suitable forum to discuss and develop international IP law. With reference to the consensus achieved in Singapore on some important development aspects in regard to the implementation of the Singapore Treaty, i.e. technical assistance and other forms of support to enable developing countries and LDCs to fully benefit from that Treaty, the Delegation hoped that the WIPO Assemblies would arrive at a similar compromise in regard to the future work on the development agenda. It remained committed to continue discussions on this important topic with an open and constructive spirit, and hoped that concrete results could be achieved in the near future. Furthermore, the Delegation was convinced that a viable and harmonized patent system would be beneficial for all stakeholders. The Delegation therefore regretted to voice its concern that so far no breakthrough could be achieved in the meetings of the SCP, despite the flexibility shown by delegations. While the Delegation strongly believed that four issues, prior art, grace period, novelty and inventive step, were fundamental questions in regard to patent procedures

throughout the world, it was of the view that some other issues raised during the deliberations were also directly linked and interrelated with these procedures, and the Delegation therefore remained open to include those issues in the discussions. The Delegation further pointed out that the number of accessions to the Treaties and Unions administered by WIPO, in the period under review, was an encouraging sign and demonstrated the global importance and acceptance of these international instruments and the systems created by them. In this regard, the Delegation commended the Secretariat on the results achieved in making the systems even more attractive to users and offices involved, and it especially took note of the progress made in the deliberations on the legal development of the Madrid System and supported the respective recommendations of the Working Group in regard to amendments of the Protocol and the Common Regulations. The Delegation also endorsed the proposal to extend the mandate of the Working Group to continue its work. The Delegation further pointed out that in its capacity as an ISA and IPEA under the PCT, Austria had taken active part in the discussions about a reform of the PCT to make the system more transparent and user-friendly and was committed to continue to do so. The Delegation therefore fully supported the proposals concerning future work in Document PCT/A/35/1 and the proposed amendments of the Regulations under the PCT as contained in Documents PCT/A/35/2 and 2 Add. The Delegation had also closely followed WIPO's efforts and initiatives since 2004 to create a more user-friendly patent system in regard to priority documents by taking increased advantage of IT. It supported this approach and welcomed the convening of an *ad hoc* Working Group to discuss further details concerning the proposal to establish a digital access service for priority documents. In conclusion, the Delegation assured the Director General and the Assemblies of Austria's commitment to continue contributing to the pursuit of WIPO's global goals and to engage constructively in future deliberations.

76. The Delegation of Azerbaijan, stated that Azerbaijan fully supported WIPO's initiatives aimed at broadening the range of activities, in order to achieve full coverage in the development of the IP system for its use as an instrument of economic, social and cultural progress in different countries. The Patent Office of Azerbaijan fully appreciated WIPO's multifaceted support, in relation to IP protection. Evidence of that had been the visit of the Director General to Azerbaijan in March 2006. The result of the meetings he had held at various levels was the increased interest of State bodies in the settlement of different IP protection issues. Thanks to the policy he had implemented in this sphere, many matters had already been resolved and, in that connection, the Delegation was grateful that the project of automation of the National Office (IPAS) had begun and it was sure that it would be successfully completed. The WIPO Worldwide Academy provided tangible assistance in the training of national staff through its system of distance learning and it was hoped also that a number of courses would continue to be provided in Russian. On a different subject, active work was currently being done towards the further harmonization of national legislation and Azerbaijan had in fact acceded to the Protocol Relating to the Madrid Agreement only the previous week and was preparing to sign the Geneva Act of the Hague Agreement. The country subscribed to the unanimous opinion concerning the effectiveness with which WIPO continued to prove that IP was a foundation for the peaceful coexistence of all cultures and the whole of humanity.

77. The Delegation of Bulgaria reported on the institutional, structural and functional development of the Bulgarian Patent Office (BPO) for the period 2006 to 2009 which was especially important as Bulgaria would shortly be joining the European Union, and it was hoped that, in cooperation with WIPO, the EPO and the other national patent offices, the BPO would be an important element in the future advances in the IP system not only in Bulgaria, but world-wide. The Bulgarian Patent Office had undertaken concrete engagements to the

Government of the Republic of Bulgaria corresponding to the Government's IP protection policy. This had led to a number of structural and functional changes in the Office since December 2005. The new strategy for the development of the Patent Office was considered in the context of the seven tasks corresponding to the political objectives adopted by the EU and incorporated in the well-known Lisbon Strategy. There had been an increase in international cooperation in making the Office a part of the regional and world network for fighting counterfeiting and organized crime in the field of industrial property and the BPO had elaborated an Anticounterfeit Strategy. Another priority task had been the strengthening of the role of the Bulgarian Patent Office as a basic motive power in the promotion and cultivation of IP culture in the community. The Patent Office had initiated various activities including: setting up PATLIB centers, under the bilateral cooperation with the European Patent Office and, in order to raise public IP awareness a number of information-and-consultation centers (IP Points) at university level had been set up. These centers were intended to be a place where researchers and university students and lecturers could get information and advice on various IP issues and learn how to use the IP system. Training was an important part of the strategy. Training of specialists in the field of industrial property through a Program of Development of Industrial Property Educational Activity was initiated. Also important was the training of representatives of the mass media, which were a basic agent for IP promotion. A project was also being prepared for popularization of industrial property among children and teenagers. The harmonization of the national IP legislation with the European law had been finalized as part of process of accession to the EU and human resources had been strengthened in those areas of the BPO that would communicate with EU institutions, also the BPO was updating and reviving its relations with IP offices in other countries. The Office received the Vice-President of the European Patent Office in April 2006 for the celebration of the World IP Day, and also in 2006, the Deputy-Chairman of the Administrative Council of the European Patent Organization. In concluding, the Delegation stated that the Patent Office of the Republic of Bulgaria looked forward to meeting the challenges of the present day and welcomed the opportunity of collaborating actively with their partners from other national offices and with WIPO in order to contribute to the enhancement of the inventive activity in order to improve the competitive power of their national economies, i.e. to encourage the creativity, innovations and entrepreneurship which was a key factor and guarantee for economic and intellectual growth.

78. The Delegation of Cameroon congratulated the Director General on the skill he had demonstrated in managing the Organization, and the Secretariat for the excellent arrangements made for the 42nd series of meetings of the Member States of WIPO, which was being held in a context marked more and more by the awareness of the Member States of the importance of intellectual property for their social and economic development. The growing number of States joining the Organization was eloquent testimony to the interest of intellectual property for the future of different nations. The African continent, which was subject to the increasing phenomenon of poverty despite the immense riches which it possessed, had a right to expect a lot from the work currently being done. The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, technical assistance for development, the modernization of the informal sector and the development of small and medium-sized enterprises were all battlefields for the whole of the African continent. Aware of the importance of intellectual property and its role in economic and social development, the Delegation said that Cameroon was currently studying the possibility of acceding to certain WIPO treaties, such as the Hague Agreement Concerning the International Deposit of Industrial Designs. During the year, Cameroon had organized several important events and meetings: it had celebrated World Intellectual Property Day on April 26 and African Intellectual Property Day on September 13,

and had held the National Technology Days on counterfeiting and other infringements of intellectual property rights on June 14, 2006, on the fringes of World Anti-Counterfeiting Day. Cameroon was pursuing a campaign of public awareness of intellectual property matters, in particular through activities intended for firms, State officials and students. As part of its Program of Cooperation with WIPO, Cameroon had helped to set up the National Committee of Industrial Property Experts, coordinated by WIPO as part of the WIPO/Economic and Monetary Community of Central Africa (CEMAC) project to devise national industrial property strategies and policies. The program entitled “WIPO University Initiative” offered developing countries such as Cameroon a strategic framework of action for the production and management of intellectual property assets with a view to enhancing the scientific knowledge and technological innovations resulting from research work more effectively. As a result of the program, a network of intellectual property information and documentation units, bringing together seven universities and six research institutes, had been created. Similarly, the Cameroon Ministry of Scientific Research and Innovation had, from May 29 to 31, organized in cooperation with WIPO an information and awareness-raising workshop for researchers on intellectual property, which had also generated national awareness of the importance of intellectual property in the economic, social and cultural development process. The Delegation said that, in the same way as other developing countries, Cameroon expected the discussions at the Assemblies to result in the return of funding by WIPO for the participation of African states in the Organization’s technical meetings. It emphasized that Cameroon would provide support for regional initiatives with a view to promoting WIPO’s ideals and aims, while undertaking to work towards preserving and safeguarding the interests of the African continent. It stressed that in order to establish a modern structure intended to make investments secure, Cameroon had just adopted an investment charter providing for the creation of an intellectual property center in Yaoundé and the country wished to benefit from the support of WIPO and the developed countries that had experience in the field so that the center could play its role fully as an instrument for the promotion of the private sector and development.

79. The Delegation of Canada commended WIPO for many of its initiatives over the last year, which were vital and essential to the future of IP globally. The Delegation made specific note of the redesign of the WIPO web site, the adoption of the Singapore Treaty on the Law of Trademarks which underscored WIPO’s commitment and efforts devoted to this important initiative to update the 1994 Trademark Law Treaty, and the launch of the WIPO Academy Executive Program which would be instrumental in addressing the growing demand for quality IP education from businesses around the world. The Delegation reported on Canada’s activities in the last year, which were committed to modernizing IP laws and regulations. In this regard, an important section of the *Act to amend the Patent Act* in Canada came into force in February, which provided a 12-month window of opportunity for patent holders and applicants to review the fees paid on their patents and patent applications and make the necessary corrective payments to secure their patent rights. The Delegation noted that Canada was currently working towards the creation of a longer-term solution whereby patent holders or applications could avail themselves of a relief mechanism under certain conditions. The Delegation also reported on Canada’s continued involvement in a wide range of policy-related work, which included hosting by CIPO, in partnership with WIPO, of the annual Executive Workshop on the Application of Management Techniques in the Delivery of Intellectual Property Services, in May 2006. The Delegation highlighted CIPO’s activities committed to enhancing its international profile. To this end, CIPO attended the Asia-IP Office Forum in New Zealand and the Asia-Pacific Economic Cooperation-Intellectual Property Experts Group (APEC-IPEG) meetings held in Viet Nam and Mexico. The Delegation stated that the promotion of greater regional economic and

social cooperation remained a critical objective for Canada, which continued to be pursued through the promotion of trade liberalization and facilitation within the APEC forum while also working to expand opportunities for Canadian businesses. Furthermore, the Delegation stressed CIPO's commitment to improving the quality of its core services and highlighted the implementation of a service improvement strategy to respond to the key satisfaction drivers identified in a customer survey. The Delegation concluded with an assurance that Canada would continue to contribute wholeheartedly to the pursuit of WIPO's global goals, thereby advancing the agenda directed at promoting the socio-economic prosperity of the planet.

80. The Delegation of the Central African Republic thanked the Organization for greatly facilitating its participation in the General Assembly. It also congratulated the Director General of WIPO and the Secretariat on the quality of the documents. Like the other African countries, it supported the proposals made by Nigeria on behalf of the African Group.

81. The Delegation of Chad expressed its deep gratitude to the Organization, particularly to its Director General and his staff for the efforts they had made and continued to make to enable Member States in general, and Least Developed Countries (LDCs) in particular, to improve their intellectual property systems. Despite the difficult international context, WIPO had achieved more promising results, thus confirming its adaptability and management capacity, which had been observed for several years. Those results naturally increased the assurance and confidence that the Delegation had continuously placed in the Organization and in its senior management. In that connection, the Delegation communicated a message of support, and in particular of satisfaction, from the authorities of the Republic of Chad to the Organization's governing bodies. The Delegation fully supported the various actions that the senior management wished to carry out within the context of the flourishing of intellectual property throughout the world, and in particular in LDCs, of which Chad was one, and urged the senior management to strive towards that goal, given that, in terms of intellectual property in LDCs, there were still many obstacles to overcome. It further emphasized that the Government of Chad appreciated the true value of the assistance it was receiving from WIPO, in particular in terms of technical and material support provided to the national industrial property service, the training of executive staff, awareness raising among economic players, the connection of the national industrial property service to WIPONET, and the organization of collective management societies for copyright and related rights. The Delegation stated that the Government of Chad had a strong wish to continue benefiting from WIPO's benevolence and its support in the implementation of certain projects relating to the promotion of intellectual property, in particular the training of executive staff, technical assistance in drafting and implementing national intellectual property legislation, and above all, the strengthening of the equipment of the industrial property service and of the Chad Copyright Office.

82. The Delegation of the Comoros praised the Secretariat for its efforts in preparing the documents submitted to the Member States and reiterated its unflinching support for the whole of the program launched by the Director General. It expressed its gratitude to the Organization for the technical and financial assistance received to date, but also recalled its main concerns, the most important of which included reducing the digital divide and strengthening institutional capacities, technical assistance and scientific research, the dissemination of technology and industrial policy strategies, and finally the protection of creative inventions and innovations for developing countries and the Least Developed Countries (LDCs). In conclusion, it explained that the recent accession of the Union of the Comoros to WIPO in April 2005 was the fruit of a long period of cooperation sown between the Organization and the country over a very long period of time.

83. The Delegation of the Congo congratulated the International Bureau of WIPO and in particular the Director General for the clarity of documents submitted and the impressive results achieved by WIPO in respect of achieving objectives. It welcomed the progress made by the Organization in implementing both the 2004-2005 program and the current program. With respect to demystification of intellectual property and the creation of an intellectual property culture, it welcomed the initiatives taken to provide a new publication for schoolchildren entitled "Inventions and Patents" which provided substantive teaching material for use in classrooms throughout the world. The Delegation expressed the wish that these publications be extended to cover all aspects of intellectual property. With respect to the University Initiative, it expressed the desire to see continued implementation of the "Research Network" project which would enable students and research workers to be brought closer to intellectual property information. With respect to the WIPO Development Agenda, it regretted the lack of consensus within the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) to reach a proposal for the WIPO Development Agenda, knowing that one of the strategic goals of WIPO was to promote intellectual property policies and ensure their integration into development plans and strategies. Since it was proving impossible to reach a consensus in the PCDA, it was necessary to extend the Committee's mandate, re-specify the main lines of activity and request WIPO to make new proposals on the basis of those from Member States in order that the PCDA could examine them after consultation with the Regional Groups. Concerning the progressive development of international intellectual property law, the Delegation welcomed the Singapore Trademark Law Treaty and hoped that WIPO and its development partners would provide the necessary assistance to the country for implementing this Treaty which the Congo signed following the Diplomatic Conference on March 28, 2006. In respect of traditional knowledge, expressions of folklore or traditional cultural expressions and genetic resources, the Delegation observed that the work of the Intergovernmental Committee did not appear to result in or lead to international legal instruments capable of producing appropriate protection effects. The Delegation expressed the wish that the Intergovernmental Committee expedite and orient its work towards international instruments which would effectively protect traditional knowledge and traditional cultural expressions. The Delegation thanked WIPO and in particular the Director General for the assistance provided to the Congo in respect of strengthening its capacities for professional training. It wished every success for the work of the session while supporting the statement made by Nigeria on behalf of the African Group.

84. The Delegation of Croatia reported on the progress made in the National Intellectual Property System (NIPS) in Croatia during the last year. A National Strategy for the Development of the Intellectual Property System of the Republic of Croatia 2005-2010, which had been initiated in 2004 by the State Intellectual Property Office (SIPO) had been adopted by the Government of the Republic of Croatia in October 2005. The Strategy was directed towards the improvement of the investment climate and the stimulation of economic, scientific and cultural development by providing a reliable and stimulating system of protection of intellectual property rights (IPRs) through the improvement of the legal, institutional and program framework for the effective protection, maintenance, enforcement and use (exploitation) of intellectual property. The basic strategic goals of the Government included the adaptation of the legislation framework in the field of IPRs in accordance with the EU and international legal order in the field of IP; the improvement of the IP institutional framework in the Republic of Croatia and the use of IP as a power tool for economic, technological, scientific, cultural and overall social progress by developing public services for the collection, storage, processing and dissemination of business, technological and legal information intended for all the interested sectors; and an increase in the level of public

awareness concerning the importance and value of IP. A significant segment of the strategy in the field of improvement of the institutional framework was related to SIPO, defining strategic guidelines for its development. The guidelines included strengthening the role of the Office in the collection, interpretation and provision of information about IP to the all relevant sectors of public and other stakeholders; provision of a high quality, reliable, efficient and cost effective procedures for granting IPRs; active performance of all tasks within SIPO's competence in the field of copyright and related rights; improvement of its capacity and equipment for the implementation of the most modern information and communication technologies (ICT). Concerning the revision of IP legislation the Delegation reported that IP related laws and regulations passed in 2003 had already taken into account the majority of internationally harmonized standards in IP protection, as well as of the IP related *acquis communautaire* of the EU. During 2005, several new and amended legal regulations in the field of IP had entered into force, starting with the Act on Representation in the area of IPRs, through the harmonization of the Patent Act of 2003 with provisions of the Patent Law Treaty, to the Ordinance on qualifying exams for authorized representatives in the field of industrial property. The Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and the Trademark Law Treaty also entered into force in 2005. The Delegation informed the meeting that Croatia had participated in the Diplomatic Conference for Adopting the Revised Trademark Law Treaty held in Singapore, and had signed the adopted Treaty. The Delegation reported on a number of initiatives undertaken in SIPO in terms of recruitment of new staff, comprehensive training in EPO, OHIM and relevant national offices and several ICT projects aimed at improving the office's automation systems as well as a Public Information facility that had been enhanced by the provision of new premises. Regarding international cooperation the Delegation reported that bilateral cooperation had been established with the Austrian Patent Office, the Danish Patent and Trademark Office, and the Hungarian Patent Office. A multilateral regional cooperation had been established with Central and Eastern Europe in the field of exchange of IP information services initiated by the Rumanian State Office for Inventions and Trademarks, and SIPO had hosted a Coordination Meeting of CARDS Regional Project for Western Balkans. The Delegation reported on the progress of the negotiations for the accession to the EU and noted that the Government of the Republic of Croatia had nominated SIPO as competent authority for Chapter 7 – Intellectual Property. In the first quarter of 2006 the Explanatory Screening and Bilateral Screening sessions had been successfully completed in Brussels. Following the 104th meeting of the Administrative Council of EPO held in December 2005, where the Republic of Croatia had been invited to accede to the European Patent Convention, Croatia was preparing the corresponding Act on the accession to the EPC. The Delegation also expressed Croatia's willingness to explore all possible avenues for international cooperation in the area of intellectual property that would bring further benefits to the system and to all of its members.

85. The Delegation of the Czech Republic thanked the Director General and WIPO staff for results achieved during the period under review as described in the Program Performance Report for the 2004-2005 biennium. It appreciated WIPO's ongoing efforts to promote the use and protection of IP globally, and welcomed the steps taken to improve transparency and accountability, and to enhance the involvement of Member States in the process of preparing the Program and Budget. The Delegation was pleased to see the successful conclusion of the Singapore Treaty on the Law of Trademarks, and believed that the Treaty would become an important part of the world trademark system. The Delegation also expressed its support to further develop the international IP system, and because it was convinced that patent law harmonization would be beneficial to all Member States, it wished to see real progress and concrete results in this field. The Delegation further welcomed the proposal to establish a

digital access service for priority documents in accordance with the relevant provisions of the PCT and PLT. It noted with satisfaction the development of the PCT, Madrid, Hague and Lisbon systems, and welcomed the completion of the basic period of the IPC reform and welcomed the entering into force of the eighth edition of the IPC adapted to the electronic environment. In this regard, the Delegation reported that the Czech Industrial Property Office had been using the advanced level of the reformed IPC since January 1, 2006. The Delegation also welcomed the meetings of the Advisory Committee on Enforcement and its activities, and it mentioned in this context that a new Czech Act on Enforcement of Industrial Property Rights and a new Amendment to the Czech Copyright Act, implementing the EU Directive 2004/48/ES on Enforcement of Intellectual Property Rights, had been adopted. The Delegation stressed that the Czech Republic was paying great attention to the fight against crime in the field of IP, and noted the importance of an exchange of information and cooperation between state administration bodies in this regard. The Delegation also supported the activities of the IGC and the discussion on the WIPO Development Agenda where it believed that further substantive discussions would lead to concrete results, as WIPO's program of cooperation for development was one of the most important WIPO activities. The Delegation further underlined the importance of its cooperation with the WIPO Worldwide Academy. Regarding copyright issues, the Delegation stressed the urgent need to update the international protection of broadcasting organizations' rights and believed that all the previous negotiations, together with the draft basic proposal, constituted a sound basis for a Diplomatic Conference. It was confident that the proposed consultations and seminars would help resolve outstanding issues. With regard to the protection of audiovisual performances, the Delegation appreciated WIPO's efforts to make progress in this field and supported the intention of the Director General to organize national and regional seminars on this issue in 2007. It also welcomed that the topic would remain on the agenda of the WIPO Assemblies in 2007. In concluding, the Delegation stated that the Czech Republic would continue to participate in WIPO's activities and looked forward to further cooperation with WIPO in the future.

86. The Delegation of the Democratic People's Republic of Korea thanked the Director General and WIPO staff for preparing the Assemblies and for the Program Performance Report and Program Implementation Overview. It noted WIPO's emphasis on the creation of an IP culture, protection of IP and development of the IP system, and enhancement of the efficiency of the Secretariat. It also noted the increasing number of Member States who carried out awareness-raising activities on the occasion of World IP Day, and the increase in the membership of WIPO-administered treaties and conventions. The Delegation applauded the adoption of the Singapore Treaty on the Law of Trademarks in March 2006. It further said that following recent WIPO initiatives, such as the electronic processing of PCT applications and the reduction of fees for applicants from LDCs for the filing of patent, trademark and industrial design applications, the number of such applications had increased considerably. In particular, the international applications originating from developing countries had increased with 46 per cent. The Delegation then praised WIPO for its efforts to enhance the efficiency of the Secretariat, including the reduction of overall operational expenditure, the strengthening of internal oversight functions, and the establishment of the WIPO Audit Committee. It noted that the progress made in the field of IP protection systems and services proved that the global interest in IP was growing and that the responsive efforts of WIPO and its Member States were being strengthened. The Delegation noted that much progress had been made in WIPO's cooperation for development activities, in particular with regard to the programs of the WIPO Worldwide Academy, the automation of IP Offices, and legal assistance to developing countries and LDCs. However, much still needed to be done, and the Delegation hoped that WIPO would expand such activities emphasizing capacity

building, modernization of IP systems, and human resources development, which it hoped would be duly reflected in the Program and Budget for the biennium 2006/07. The Delegation then reported on activities in the Democratic People's Republic of Korea, and noted that IP was becoming the driving force of the nation. The legal system for the protection of IP had been strengthened with the adoption and entering into force of a new regulation for advertising, and the revision of the Laws on Trademarks and Industrial Designs. The Delegation also highlighted the Government's priority to science and technology, which had encouraged innovation and creativity in the country. The Delegation then highlighted a number of IP-related events which had been organized, including the annual National Exhibition of Innovations and New Techniques, which had greatly contributed to enhanced public awareness on the importance of IP. The Delegation then announced the Democratic People's Republic of Korea's adherence to the Lisbon Agreement in 2004, and noted the progress made in the modernization of the national IP Office and in strengthening national capacities in the field of IP. It finally highlighted the country's intention to enact new IP laws and supplement relevant regulations.

87. The Delegation of the Democratic Republic of the Congo congratulated the Secretariat on the outstanding work it had done and on the quality of documents submitted to the Member States. It associated itself with the statement made by the Representative of Nigeria on behalf of the African Group, and Benin on behalf of the Least Developed Countries (LDCs). It expressed its entire gratitude to WIPO for its fruitful cooperation and also mentioned that the Congolese Minister for Culture and Arts, when in Geneva the previous month, had participated in a meeting with the staff of the Economic Development Bureau for Africa to examine progress in the rehabilitation process for the National Society of Editors, Composers and Authors (SONECA). These exchanges served to outline a certain number of problems linked with both the legal nature of the structure and the process of introducing legislative and statutory texts. It requested the assistance of WIPO, which could take the form of sending one of its experts. It confirmed its desire to work towards establishing an institutional and legal framework for the development of copyright and related rights in the country which would involve a revision of that Law. In conclusion, the Delegation recognized that intellectual property activities in the country had remained dormant in recent years. However, it explained that the next Government to take office after the Presidential election on October 29, 2006, would aim to revive those activities as quickly as possible.

88. The Delegation of Denmark thanked the Director General and WIPO staff for their excellent work. It highlighted the establishment of the Nordic Patent Institute (NPI) by Iceland, Norway and Denmark, which would act as a formal instrument for cooperation in the patent field between these countries, and which would seek approval for status as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT. The Delegation noted that the addition of another PCT authority should be seen as a contribution to adding further competent resources to those presently available for coping with the increasing workload within the PCT system, and it hoped for a favorable consideration by the PCT Assembly. The Delegation further highlighted the expanded activities of the Danish Patent and Trademark Office in terms of international development projects. In 2005, the Office had been engaged in major projects in Europe, including Poland and Romania, and smaller assignments in Bulgaria, Croatia, Malta, Turkey, India and Russia, where significant results had been achieved in areas such as awareness raising, training of staff and overall capacity building. The Office was now turning its attention to Asia, a region with significant economic growth. The Delegation stressed that the benefits of this work for the Danish Patent and Trademark Office were several: firstly, the projects benefited the Office's international cooperation in general, as the Office had gained

important new knowledge about the infrastructure in the beneficiary countries and had established new contacts with a number of Offices; secondly, a better IP rights infrastructure in the recipient countries would potentially benefit Denmark and Danish companies operating abroad; and thirdly, staff of the Office were benefiting personally as well as professionally from their participation in the projects and valuable networks had been established through these activities. The Delegation further noted the importance of the enforcement of IP rights, being a recurrent theme in the projects currently in the Office's portfolio. It stated that a central issue was how to make institutions interact to facilitate the daily work of the operational staff on the borders and of police officers, and pointed out that the Danish Patent and Trademark Office had facilitated such cooperation in some of its project countries with the development of suitable IT information networks, which had to be supported by a commitment from the involved institutions to work together on a daily basis. In addition, the Office had spent considerable time to train sister organizations and authorities working with IP rights on enforcement. The Delegation furthermore referred to Denmark's participation in the meeting of the WIPO Advisory Committee on Enforcement, in May 2006, and praised WIPO for addressing and focusing on this issue. In this context, the Delegation reiterated the lessons learned with regard to anti-counterfeiting, training and awareness raising which Denmark presented to the Committee: the best way to facilitate learning was to provide trainers who knew the issues from their own daily work; a successful training would require a pre-training needs assessments to be conducted and flexibility in the course of the training; effective anti-counterfeiting measures would require close cooperation between all stakeholders; and, the incorporation of presentations from various rightholders in the training program had proved highly valuable. With regard to the SCP and SPLT, the Delegation stated that Denmark, as a small country, was strongly in favor of harmonization in the area of patents, and it firmly believed that any such harmonization preferably should take place in the framework of WIPO, which, as an international organization, held the necessary capacity and knowledge to function as the norm setting role model in this area. The Delegation was therefore convinced that the utmost should continue to be done in order to get the SPLT process back on track. In this regard, it underlined that Denmark continued to be committed towards reaching an agreement on the future work plan of the SCP and it very much hoped for a positive outcome of the discussions on this matter. Finally, concerning the Geneva Act, the Delegation strongly supported the opinion expressed by Iceland, that the fees related to the Geneva Act were too low to cover the actual costs under that agreement. Without a balanced budget, and therefore a fee increase, it could be difficult for Denmark to ratify the Geneva Act. The Delegation therefore called for and looked forward to receive a proposal containing a change in the fee structure under the Geneva Act at the WIPO General Assembly in 2007.

89. The Delegation of the Dominican Republic thanked the Secretariat for preparing the documents made available to the Assembly. It pointed out that the use of intellectual property as a means of achieving national development objectives in different areas was an issue of the utmost importance, and WIPO therefore played a very important role in the achievement of those objectives. In recent years, the Dominican Republic, through its national intellectual property offices, had embarked on various projects aimed at disseminating information, raising awareness and making use of everything connected with intellectual property rights. To that end, a project was being developed in conjunction with the National Competitiveness Council, designed to improve awareness of the link between intellectual property and competitiveness. In the legal sphere, the draft amendment to the Copyright Act was in the process of being adopted in the National Congress, and work was also under way on draft laws on the book, cinema, cultural heritage and craft industries. Concerning industrial property, the existing regulatory frameworks were being reviewed and consultations being conducted in parallel with international experts. Regarding the enforcement of intellectual

property rights, the authorities were resolute in their determination to combat piracy and counterfeiting. Moreover, preventive measures were being taken at the same time as educational activities were being carried out, to raise awareness among the population of respect for intellectual property rights. Concerning the cooperation and technical assistance offered by WIPO, the Delegation was grateful for the positive work that had been done in the national industrial property and copyright offices. On a general note, courses, workshops and seminars had been held, at the national and regional levels, and through the WIPO Worldwide Academy officials had been trained and their technical capacity in those areas strengthened. The Delegation urged WIPO to continue with that positive work. However, it considered that the cooperation for development related to intellectual property should also be aimed at achieving greater flexibility for the implementation of national policies of public interest, which were beneficial to developing countries and Least Developed Countries, in important areas such as education, health, access to knowledge and culture, in order to achieve the Millennium Development Goals and to maintain national policy spheres. Concerning the establishment of a WIPO Development Agenda, of which the Dominican Republic had been a sponsor since its inception and to which the Delegation reiterated its commitment, the Delegation considered the documents submitted and the discussions held during the past two years, both in the Intersessional Intergovernmental Meeting (IIM) and the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), to be of great value, and work should therefore continue to incorporate the WIPO Development Agenda so that the main aim could be achieved, i.e. WIPO's activities and the discussions on intellectual property rights should be geared towards achieving results that incorporated the development dimension in the Organization's activities. It supported the adoption by the General Assembly of important recommendations on the full scope of the Development Agenda covering all the areas of interest and, at the same time, the renewal of the PCDA mandate. Finally, it aligned itself with the statement made by the Delegation of Argentina on behalf of the "Friends of Development", and with the statement made by the Delegation of Costa Rica, calling for the creation of a working group to assess the geographical balance in all the Organization's bodies and in its operational structure, so that all regions could be represented equally.

90. The Delegation of Finland noted that among upcoming challenges was the new work plan for the SCP and the future of the patent law harmonization, and reiterated its support for the continuation of the harmonization process within WIPO. The Delegation noted the progress made in the Working Group on Reform of the PCT, and the successful outcome of the Diplomatic Conference for the adoption of a revised Trademark Law Treaty. During this Conference, Ghana and Finland had signed a Memorandum of Understanding between Ghana and the National Board of Patents and Registration (NBPR) of Finland. The NBPR had now completed its first year as an International Searching and Examining Authority under the PCT, and the Patent Office had started functioning as a PCT Authority on April 1, 2005. The first year of operations had exceeded all expectations, and the Patent Office aimed to maintain the positive attitude of its clients by developing its operations and practices, an example being the introduction of a new quality control system based on the ISO 9001/2000. At the national level, the Patents Act had been amended in order to implement the EPC 2000 and the Patent Law Treaty, and preparations had been started to join the Geneva Act of the Hague Agreement. World IP Day in 2006 had been organized in Finland by the Support Association for Finnish Inventors in co-operation with the NBPR, the Ministry of Trade and Industry and the Foundation for Finnish Inventions during which the Konsta awards had been given to exemplary representatives of inventive and innovative activity. In 2005, the NBPR had published the Idealuotsi project, which, in cooperation with WIPO, aimed to create practical means of making the services of the IP system an integral part of SMEs' business practices at

the grass root level. Annual IP-related events had included INNOFINLAND, the purpose of which was to promote creativity, skill, entrepreneurial spirit and co-operation in Finland in a practical and creative way in order to improve opportunities to increase national well-being, INNOINT, the invention contest for conscripts, and INNOSCHOOL, the innovation event for school children. The Delegation expressed the view that protection of IP could not be realized without sufficiently extensive and effective international co-operation. IP co-operation continued to develop between Finland and neighboring countries, European and other industrial states, and developing countries, and the European Union presidency during the latter part of the year 2006 had considerably increased Finland's activities in IP issues. Finland supports the constructive and valuable work of WIPO and its Secretariat in the field of Intellectual Property.

91. The Delegation of Germany underlined its continued belief in the importance and potential of IP as a tool for wealth creation and development, and noted that in the 21st century, IP served as a key element in supporting creativity and investment, and therefore, the work of WIPO and its role as the main forum for international IP policy-making, was of utmost importance to both industrialized and developing countries. The Delegation pointed out that WIPO had a long-standing tradition of a fruitful and mutually supportive cooperation with all Member States and it commended the Director General and WIPO staff for the achievements set out in the Program Performance Report and Program Implementation Overview. It also thanked the Director General for his responsiveness with respect to organizational matters. The Delegation was very pleased that the Secretariat had taken further steps to implement key recommendations of the Joint Inspection Unit (JIU), and stressed that the desk-to-desk review should be taken up as soon as possible with a view to enhancing the Organization's efficiency. It appreciated that the newly established Audit Committee had commenced its work and would also oversee the desk-to-desk review. The Delegation also trusted that a more results-oriented management and other improvements would be possible and would enhance the Organization's capacity to fully live up to the expectations of its Member States. As regards norm-setting, the Delegation highlighted the Diplomatic Conference in Singapore as an important step in the development of international trademark law, and noted that the Singapore Treaty on the Law of Trademarks took into account the advantages and potential of electronic communication facilities, while recognizing the varying needs of both developing and developed countries. The discussions had also resulted in a firm commitment by industrialized countries to provide adequate technical assistance and other forms of support to strengthen the institutional capacity of developing countries to enable them to take full advantage of the Treaty. The Delegation hoped that the positive outcome of the Conference would send a strong signal to strive for further progress in other areas. The Delegation further noted the progress of the SCCR towards a new WIPO Treaty on the Protection of Broadcasting Organizations, and expressed its appreciation for the efforts made on the question of convening a diplomatic conference on such a treaty. The Delegation also pointed out that unfortunately, no progress had been possible in the field of patent law harmonization, but hoped that Member States would approach this issue with an open mind. It continued to believe that the SCP was the appropriate forum for achieving progress on the further international harmonization of substantive patent law, being an important subject, not only for Offices, but also for applicants and the public at large. It stressed that since the project did not aim at enlarging the scope of patentable subject matter, it was unlikely to disadvantage developing countries. The Delegation therefore strongly urged all parties to make progress on this issue, and it believed that it would be necessary to streamline the discussions and initially focus on a "first package" of prior art related issues, on which substantial progress already had been made, without in any way considering other issues to be less important. The inclusion of other topics at this stage was likely to jeopardize the truly

international approach to harmonization of substantive patent law and its potential benefits. As regards WIPO's development dimension, the Delegation stressed that WIPO had a specific mandate to promote development cooperation as an integral part of its work, and it looked forward to participating in the further development of this aspect in a constructive way. The Delegation also continued to attach great importance to the new IP related issues discussed in the IGC, and it noted that due to the complexity of the topics and the different interests involved, a solution that would fit all demands could not be expected in the near future. This, however, was no reason to slow down efforts or to shift the work carried out by the IGC to other fora. Regarding the work of the German Patent and Trademark Office (DPMA), the Delegation announced that 57,751 patent applications had been filed directly with the Office in 2005, comparable with the number from 2004. The Office had also received 107,490 PCT applications in the international phase in 2005, an increase of about 7,300 applications over the previous year. Moreover, in 2005, some 2,471 international applications had entered the national phase at the Office. As regards the filing of national trade marks, the Office had received 70,926 applications in 2005, compared to 65,918 in 2004, an increase of 7.6 per cent. The Delegation also highlighted DPMA's continued world-wide technical cooperation with other Offices and IP-related organizations, and noted that a technical cooperation agreement had recently been signed between the Instituto Nacional da Propriedade Industrial (INPI) in Brasilia and the DPMA. Finally, the Delegation assured WIPO of its continued support to the Organization as well as to individual Member States.

92. The Delegation of Ghana thanked the Director General and the WIPO Secretariat for the comprehensive documents for the Assemblies and also for the dynamic, transparent and efficient way in which activities were managed. The Delegation was pleased to note that WIPO continued to play a significant role in the promotion and development of an equitable IP System and encouraged WIPO to continue to exploit its core competencies to ensure a better appreciation of IP, and develop the IP system for the benefits of its members. The Delegation had been following with keen interest the work of the Standing Committee on the Law of Patents (SCP) and supported a work plan geared towards the common interest of all member states and their nationals. With regard to the Intergovernmental Committee on IP, Genetic Resources and Traditional Knowledge (IGC), the Delegation considered issues being discussed of great importance, especially given that Ghana was extremely rich in TK and folklore. The Delegation urged all member states to continue the discussion with an open mind and adopt a flexible position that would enable all Member States benefit from GR, TK and TCEs. The Delegation had closely followed discussions on development issues and encouraged all Member States to strive for a greater consensus in setting an equitable international norm that responded to the concerns of all countries, in particular developing countries whose aim was the promotion of a balanced global economic development. The last year had witnessed a marked development in Ghana's legislative process, in a quest to further modernize industrial property laws, and comments had been received from WIPO and UPOV to enable Ghana take full advantage of the flexibility available to developing countries under TRIPS. The Ministry of Trade had initiated a process to implement the IP component of the Trade Sector Support Program which was aimed at enhancing the competitiveness and innovative competence of businesses for both domestic and foreign markets. The enactment of implementing regulations for the new laws presented new challenges to the Industrial Property Office, but the Delegation was confident that, with the continued cooperation of WIPO, the office would overcome the initial impediments and contribute to the promotion and greater use of the intellectual property system. The Delegation was pleased to note that the Organization continued in its efforts to demystify intellectual property, particularly among small and medium-sized enterprises, a sector which had been identified by the Government as the engine for growth in economic, social and cultural development in Ghana. Greater

collaboration was anticipated with WIPO in the coming year in the areas of trademarks, geographical indications, industrial design, genetic resources, traditional knowledge and folklore. The Delegation associated itself with the statement made by the Delegation of Nigeria on behalf, of the African Group.

93. The Delegation of Guinea made particular mention of its support for all strategic directions followed by WIPO under the Director General within the framework of promotion and protection of intellectual property rights. It expressed satisfaction with the continued assistance provided by WIPO in professional training, in public awareness raising, and in initiating a project for the promotion and protection of Geographical Indications. It requested assistance in fighting counterfeiting, in introducing intellectual property into the University syllabus, and in the creation of specialized tribunals. It stated its opposition to the unilateral use of knowledge and was in favor of continuing the development Agenda. In its view, the introduction of an international instrument for the protection of traditional knowledge and intellectual property rights should not hinder development. The Delegation concluded by confirming its support for resolving all pending matters.

94. The Delegation of Guinea-Bissau associated itself with the statement made by the Delegation of Nigeria on behalf of the African Group and that made by Benin on behalf of the Least Developed Countries (LDCs). It thanked the Director General and Secretariat for preparing the Assemblies and the quality of the documents provided. The Delegation expressed its gratitude to WIPO for the excellent work done throughout the past year and made clear its satisfaction with the Program Performance Report for the 2004-2005 biennium and the Program Implementation Overview: January 1 to June 30, 2006, which indicated that a large number of the aims set had been achieved, in particular the task of creating an intellectual property culture, which Guinea-Bissau supported in particular. The Delegation also thanked WIPO sincerely for its valuable collaboration with the African Intellectual Property Organization (OAPI), in particular for organizing in Yaoundé on September 4 and 5 a workshop to finalize the African instruments relating to the protection of traditional cultural expressions and traditional knowledge. It expressed satisfaction that the Director General and his staff had ensured that intellectual property promotion and protection enjoyed a prominent position among the priorities of the high-level political representatives of the Member States, as evidenced by the holding of a Ministerial Conference on Intellectual Property for the Community of Portuguese-Speaking Countries (CPLP) in Lisbon (Portugal), which had been a huge success. In conclusion, it said that such an activity was very important since it contributed to the promotion and enhancement of intellectual property throughout the Portuguese-speaking community in general, and Guinea-Bissau in particular.

95. The Delegation of Haiti said that it was in favor of devising and implementing a new specific policy to make the decisive role of industrial property more dynamic in the prosperity of nations and sustainable development, in particular in Haiti, for the purposes of introducing an intellectual property culture and promoting that culture as an asset for social, economic and cultural development. It was also convinced of the need for Haiti to foster an appropriate environment in which intellectual property would be recognized, enhanced and respected, in cooperation with WIPO and the Member States, in particular the countries of the Caribbean Community (CARICOM) and, in broader terms, the Group of Countries of Latin America and the Caribbean (GRULAC). For that purpose, it said that a series of measures should be envisaged aimed, on the one hand, at consolidating relations with international partners, and secondly at popularizing, enhancing, promoting and protecting intellectual property throughout the territory. It emphasized that in order to achieve that aim, immediate action would be taken. Firstly, relations with WIPO would be strengthened through accession to

certain treaties, agreements and conventions to which Haiti was not as yet a party (WIPO Copyright Treaty (WCT), the WIPO Performances and Phonograms Treaty (WPPT), the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention), the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks, the Patent Cooperation Treaty (PCT), the Patent Law Treaty, and the WIPO Cooperation Agreement with the Countries of the Latin American and Caribbean region, signed at St. John's in 2003). Relations would also be strengthened through the notification to the WIPO Secretariat of the agreements already ratified and for which the ratification instruments had not yet been dispatched (Hague Agreement Concerning the International Deposit of Industrial Designs, and the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods). Finally, they would be strengthened through the ratification of treaties already signed such as the Singapore Trademark Law Treaty of March 2006. Secondly, the Haitian Copyright Office (BHDH) would also become operational. Thirdly, the Directorate of Legal Affairs of the Ministry of Trade and Industry, which dealt with intellectual property, would be reinforced. Fourthly, the possibility of merging institutions working in the intellectual property sphere into a single entity would be explored. Fifthly, intellectual property would be included in the curriculum for secondary and higher education in Haiti. Furthermore, the Delegation emphasized that Haiti approved in general terms of the proposal relating to a new mechanism to involve Member States more closely in the preparation of and follow-up to the Program and Budget. It regretted, however, as had been recognized by the Secretariat, that said proposal had not given sufficient consideration to the suggestion aimed at synchronizing the examination of the program performance reports and the financial management reports submitted to Member States for each financial biennium. It therefore suggested that during the current series of meetings, the possibility of re-examining the timetable of forthcoming WIPO Assemblies (even if it were from 2008-2009 onwards) should be envisaged. The Delegation reaffirmed its willingness to make a firm commitment to the pursuit of the aims cited so that intellectual property could henceforth become an active reality in Haiti and constitute a further sure foundation for sustainable development.

96. The Delegation of Hungary addressed two main issues of outstanding importance for Hungary: the recent developments concerning the global protection treaties with regard to Hungary; and the cooperation with WIPO. The Delegation believed that one of the core tasks of WIPO was to play a leading role in the international development of IP law. Hungary had always encouraged the different initiatives aimed at the international harmonization of IP legislation, and welcomed in this regard the adoption of the Singapore Treaty on the Law of Trademarks, which was an important milestone in the context of international cooperation in the field of trademark protection. Hungary believed that the simplification of procedural and formal requirements would further improve trademark protection on a global scale, and intended to sign the Treaty during the Assemblies. The Delegation expressed appreciation for the agreement of the Standing Committee on Copyright and Related Rights to convene a diplomatic conference in 2007 to update the rights of broadcasting organizations, and highly supported the endorsement of this recommendation by the General Assembly, and encouraged other Member States to do so. Moreover, Hungary also hoped that progress could also soon be made concerning the protection of audiovisual performances. As concerned cooperation activities between WIPO and Hungary, these had been extremely fruitful. In the near future, the aim in particular was to develop more common activities and initiatives in the field of IP education and awareness raising, and the Delegation therefore looked forward to strengthening the relationship with the WIPO Academy. The Delegation strongly believed in the importance and usefulness of multilateral cooperation under the auspices of WIPO and was persuaded that WIPO was the most appropriate international forum for dealing with the

issues of IP protection. The Delegation was prepared to work hard and constructively, with a positive and flexible approach, on the different issues on the Agenda of the Assemblies.

97. The Delegation of India began by conveying its support for the recommendations adopted by the 9th and 10th sessions of the PBC. Multilateral negotiations like the ones held at WIPO on wide-ranging issues related to IP provided a very valuable insight into the thinking process of various Member States which was extremely important for arriving at mutually acceptable arrangements. In order to meet the expectation of progress on issues it was important to take regular stock of the progress made in such meetings and devise a road-map for further progress, and to avoid the situation where certain important issues within the domain of WIPO, particularly those dealing with trade and commerce, were deliberated bilaterally or negotiated in other fora. The Delegation expressed its eagerness to move forward with respect to harmonization of IP laws, a subject matter of the Standing Committee on Patents, but was concerned about the lack of movement with respect to evolving a Development Agenda. WIPO had been mandated by the Millennium Development Goals to effect development with equity, and seek a rapid amelioration of poverty around the world. Building a Development Agenda for WIPO was a first concrete step towards achieving these twin objectives, but it appeared that valuable time was being lost in achieving these goals. The Delegation stressed its willingness to adopt a flexible and realistic approach to help achieve the goals, and would support giving another opportunity to working out the specifics of a Development Agenda, but hoped that discussions would be done in a time-bound manner with the expected results of such an exercise broadly agreed beforehand. Although several meetings had been held during the past year to discuss issues of harmonization, norm setting, prioritization of issues for inclusion in a possible development agenda, working out of the broad contours of a treaty on broadcasting, and the development of a consensus on protection of TK, related genetic resources and traditional cultural expressions, progress had been below expectations and some issues remained to be addressed. The Delegation suggested that a more pro-active role could be played by the International Bureau before formal meetings on each of these subjects were held, in particular on issues falling within the scope of the Standing Committee on Patents (SCP), which could usefully serve to allay apprehensions about the issues, particularly those of developing countries. The Delegation expressed its appreciation of the technical assistance being provided by WIPO to Member States and would support any move to augment resources ear-marked for this purpose. India looked forward to continuous engagement with WIPO in further modernizing and strengthening its IPR regime, and had found the assistance being provided in setting up and developing an IP Management Institute to be particularly useful. In conclusion, the Delegation endorsed the statements made by the Asian Group, and urged the GA to consider all of them in a spirit which would facilitate progress.

98. The Delegation of Israel thanked WIPO, and its Director General, for their assistance, support and guidance in the development of the ILPO, and the installation of the computerized patent administration and registration system in the Israeli Patent Office, as well as WIPO for the continued assistance provided to the PCT Division of the IPO. To cope with the growing demand from both internal and external users the Israeli Patent Office, in cooperation with WIPO, launched the next phase of modernization to introduce customer-oriented online services, like electronic filing and paperless environment for Patents, Designs and Trademarks, which would be extended and enhanced to integrate all IP processing, while the ILPO had already taken steps towards an automation upgrade including the allocation of human resources, digitization of paper copies and electronic communication with WIPO. The Delegation reported that in 2006, the number of international applications had continued to rise significantly. The PCT-SAFE (EASY mode) software remained the most popular means for

electronic filing international applications in Israel with more than 95 per cent of the International applications filed using this software. With reference to the practical issues of cooperation between WIPO and the Israeli Patent Office, the Delegation expressed the desire to be closely involved in the further development of the new pioneering projects in the field of automation of PCT information systems. The Delegation also reported that the Israeli Patent Office had participated in the development and testing of the PCT-ROAD (Receiving Office Administration) System, which enabled a PCT Receiving Office to start electronic filing under the PCT. And that the Office's internal Patent system was directly connected to WIPO's Global PatentScope system, which was now in daily use. Concerning the PCT Reform, the Delegation welcomed and supported the simplification of the PCT system as well as the supplementary international searches, and believed that the proposed amendments to the PCT Regulations would contribute to further enhancing the PCT system. In April 2006, the IPO and WIPO had held a seminar in Israel concerning the most recent PCT changes and current issues. The seminar had been co-organized by the Israeli group of AIPPI, the Association of Patent Attorneys in Israel and WIPO. The seminar had been held in Jerusalem and some 250 IP personnel participated and had been very successful. In the matter of Trademarks, the Delegation noted constant growth in the number of new trademark applications that had been filed in Israel representing a 4 per cent increase in 2004 and a 13 per cent increase in 2005. The Office was in the process of finalizing a new web-based application, which would enable them to act as a paperless Trademark department – thus all trademark activity to and from the office would be processed through a special application prepared for the benefit of the applicants, practitioners and the examiners on the Office's web site. This included applying for new applications, answers to examinations, requests for registering changes, renewals, payments etc. The Delegation reported that preparations to join the Madrid Protocol were being finalized and Israel expected to be able to ratify to the Protocol by the end of 2006. Concerning Patents, the number of applications filed during the first 8 months of 2006, showed an increase of 27 per cent compared to the same period in 2005. The Delegation gave the proportion of patent applications filed in 2006, according to main fields of technology with Chemistry 31 per cent, Biotechnology 10 per cent, Pharmacology 9 per cent and Mechanical / electrical 50 per cent. In March 2006 the Israeli Government had decided to transform the Israeli Patent Office into an independent authority working as an Executive agency, 42 new work posts had been approved in 2006 and the new patent examiners would begin a two year training program starting in November 2006. In June 2006, the Office received a group of three trainees through the WIPO Academy on a program that had proven to be a very productive for all parties and it was hoped that this collaboration would continue in the future. The Delegation assured the meeting that Israel would continue to support, to the extent possible, the invaluable work of the International Bureau in moving WIPO's agenda – the creation of the harmonized, streamlined, efficient and user-friendly international patent system, forward.

99. The Delegation of Italy stated their support of the statements made by the delegation of Finland on behalf of the European Community and by the delegation of Switzerland on behalf of Group B. The Delegation affirmed Italy's engagement to strengthening and developing the intellectual property system at a national and international level and its commitment to WIPO in continuing to support the enforcement of an international intellectual property system. The Delegation highlighted the prominent role played by the Italian Government in supporting multi-lateralism in general and WIPO activities in particular. The Delegation stated that the key elements to make Small and Medium-sized Enterprises (SMEs) more competitive in the international economic fabric are to provide access to new forms of know-how and to the tools of the international IP system. In this regard, the Delegation stated that Italy had promoted and developed a series of measures aimed at facilitating a more efficient exchange

of information on new technologies from public and private research institutions to SMEs, and that Italy is ready to share the results of its experience at a multilateral level as well as with other countries and delegations. The Delegation expressed satisfaction with the further involvement of Member States in the preparation and follow-up of the program and budget and welcomed the information provided on the implementation of the JIU's recommendation. The Delegation stressed the importance to training, highlighting, in this regard, Italy's continued support in the academic year 2006/2007 of the post-graduate master program on the intellectual property, jointly organized with the WIPO Academy, which allows 40 experts from all over the world, especially the developing countries, to attend specific courses at the UN center in Turin, Italy. The Delegation proudly announced that the third International award for Intellectual Property, organized by the city of Venice in remembrance of the first bill on patents approved by the Republic of Venice in 1474, went this year to Mexico, and in particular, to the Director of the Mexican institute for Intellectual Property in recognition of the purpose and determination with which the goal of improving and promoting the Mexico's IP system is pursued and of Mexico's constructive and pragmatic approach to all issues. It is the first time that the award has gone to a specific national office. In regard to the development agenda for WIPO, the Representative endorsed the statement of Finland on behalf of the EU and the statement of Switzerland on behalf of group B and expressed the hope that the constructive attitude of delegations shown during the Singapore Conference for the adoption of a Revised Trademark Law Treaty, should continue during the Assemblies, so as to would achieve a positive outcome on the matters of a development agenda. The Representative took note of the progress made by the IGC, and, in this regard, announced that the Italian Parliament had approved a law on the legal protection of the biotechnological inventions early in the year, which would require the disclosure of origin of biological material at the moment of the request of a patent.

100. The Delegation of Lesotho endorsed the statement by the Delegation of Nigeria on behalf of the African Group and that of Benin for the Least Developed countries and thanked the Secretariat for the comprehensive documentation supporting the work of the Assemblies. In the period under review WIPO had assisted with capacity building by training three officials with the cooperation of the government of Sweden and also funded the successful training of one official in the WIPO Turin LMM Program. At the request of Lesotho, WIPO had retrained staff in the use of the Industrial Property Automation System (IPAS) system. On 26 April, Lesotho had commemorated the World Intellectual Property Day by holding a seminar for inventors, innovators, instructors from training and vocational schools, musicians, authors, artist and traditional healers under the theme provided by the Secretariat: "IT ALL STARTS WITH AN IDEA". The Delegation felt that the theme for 2006 had helped to demystify IP and had been well received. The importance of using April 26 to sensitize the public on the value of IP could not be over emphasized as it was only once people knew about IP that its potential could be fully realized. Lesotho expressed its gratitude to the Director General for his tireless efforts to demystify intellectual property so that it could be understood and utilized as a power tool for economic development. The Delegation noted the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and hoped that it would form a legally binding international instrument. The Delegation also thanked the Secretariat and the Government of Singapore for facilitating their participation in the Diplomatic Conference for the Adoption of the Revised Trademark Law Treaty and reiterated their position that in its implementation the special needs of Least Developed Countries should be taken on board and technical assistance provided when needed.

101. The Delegation of Liberia thanked the Director General and WIPO staff for the professional manner in which WIPO's activities were implemented and commended the Director General for his commitment and leadership. The Delegation noted with appreciation WIPO's continuous assistance and support to Liberia's IP system, including in the context of the new Industrial Property Bill which had been passed into Law and was currently being reviewed by the newly elected members of the lower and upper Houses of Parliament in conformity with the Government's National Restructuring Program. The Delegation expressed its gratitude to WIPO for its involvement in the upgrading of the capacity of the staff of the Liberia Copyright Office, and for creating international awareness about the activities of the Office. In this connection, the Delegation was pleased to announce that the Copyright Office had begun issuing a series of regulations aimed at regulating the sale, rental, production, transmission, stamping and distribution of copyright works in the country, and that the Copyright Society of Liberia (COSLIB) would be established under the supervision of the Copyright Management Board. The functions of COSLIB would include the establishment of a collective administrative structure for the country's collective societies. The Delegation also stated that the implementation of the statutory mandates of the Copyright and Industrial Property Offices of Liberia had further increased the need for staff training, and it looked forward to WIPO's assistance in this regard.

102. The Delegation of Madagascar associated itself with the statements made by the Delegation of Nigeria, on behalf of the African Group, and the Delegation of Benin, on behalf of the Group of Least Developed Countries (LDCs) respectively. It expressed its gratitude and reiterated its thanks to the Organization for the fruitful cooperation with Madagascar. The cooperation had been translated in particular through the provision of documents to national intellectual property (copyright and intellectual property) offices, the grant of training scholarships, and the bearing of the costs of the participation of delegations from Madagascar in meetings or seminars organized by WIPO. It was convinced that intellectual property played a fundamental role in the economic, cultural and social development of a country, and for that reason it expressed a strong desire for the draft WIPO Development Agenda to be implemented in the near future, and to include in it access to knowledge, technical assistance and technology transfer, so that the Member States could benefit from the use of intellectual property in order to promote national growth. It also referred to the preparation of draft legislation which was designed to comply with the WTO TRIPS Agreement. Nonetheless, it recognized that much remained to be done in order to introduce a true intellectual property culture in Madagascar since piracy and counterfeiting remained a significant problem in relation to the enforcement of intellectual property rights. In order to deal with those challenges, the Delegation encouraged the strengthening of cooperation with WIPO in order to consolidate a reliable system of intellectual property protection and to promote the establishment of an attractive environment for foreign investors and international economic players. It further requested the Organization's assistance in the computerization and automation of systems with a view to guaranteeing the provision of timely and efficient public services.

103. The Delegation of Mauritania associated itself fully with the statement made by the Representative of Nigeria on behalf of the African Group, and with the statement made by the Representative of Benin on behalf of the Least Developed Countries (LDCs). It expressed its deep gratitude to the Secretariat for its efforts to promote the IP culture around the world, and in particular in developing countries and LDCs. It further expressed its gratitude to the Organization for the assistance given to Mauritania, particularly through the WIPO Economic Development Bureaus for Arab Countries and for Africa. In conclusion, it expressed strong hopes that such cooperation would continue and would be strengthened in the future in order

to help Mauritania to benefit more from the intellectual property system and to be more closely involved in WIPO's development strategies.

104. The Delegation of Mongolia offered its congratulations in connection with the successful organization of the Diplomatic Conference for the Adoption of the Revised Trademark Law Treaty (TLT) and the adoption of the Singapore Treaty in March 2006. The Delegation took the occasion to inform the Member States of the newly revised laws of Mongolia on Patents and on Copyright and Related Rights, these laws being part of the efforts of Mongolia to improve IP-related legislation towards international standards and trends.

105. The Delegation of Mozambique commended the Director General and the Secretariat for their work in demystifying IP and thanked them for the support provided to Member States in their efforts to use IP as a real instrument of development. The Delegation endorsed the statements made by Nigeria and Benin on behalf of the African Group and the LDCs. Mozambique had recently undertaken initiatives aimed at disseminating and promoting the strategic use of IP for the economic development of the country and for combating poverty. The Delegation informed that a new Industrial Property Law had entered into force in June 2006, and that the elaboration of an IP strategy had become a national priority. These initiatives had been undertaken with the full support of WIPO, which provided technical assistance in the realization of a survey of the IP situation in the country using its IP audit tool, and in the organization of workshops aimed at gathering the concerns of various IP sectors and actors in the country. The Delegation highlighted other workshops organized in Mozambique, namely: on aspects relating to IP enforcement for judges, police and customs officials; and on the use of IP for the promotion of competitiveness of SMEs. Over 200 individuals had benefited from these events. In the area of training, many officials had benefited from training courses organized at WIPO Headquarters or in other countries. The Delegation also announced that at least three Universities in Mozambique would introduce the teaching of IP in their curricula, which constituted an important step towards the reinforcement of the IP culture in the country. Therefore, Mozambique was having a lot of expectations about the IP training and research symposium that would be organized by the WIPO Worldwide Academy in November 2006. In the area of institutional strengthening, improvements were already visible through the actual running of a database of IP rights. Progress made by Mozambique in the area of IP was then summarized by the Delegation as follows: higher sensibility to IP in every sector; increase in the number of beneficiaries of training programs; increase in the number of registrations; improvement and simplification of procedures for registration, as well as reduction of the time for the concession of rights; and introduction of IP curricula in universities. The Delegation stated that all these results could not have been attained without the support of and cooperation with WIPO and appealed for such cooperation to continue. The Delegation also underlined the importance of the initiatives by the Friends of Development on the Development Agenda, believing that putting it into practice would transform IP into an effective instrument of development, beneficial to everyone. Concerning the IGC, the Delegation made an appeal that current negotiations would yield concrete results. Finally, with reference to the mechanisms for the monitoring of WIPO's resources, the Delegation welcomed the efforts made in increasing controls and transparency, and hoped that such efforts would not hinder WIPO's ability in providing support to developing countries.

106. The Delegation of Namibia thanked the Secretariat for the meeting documents and paid tribute to the Director General's leadership of the Organization. The Delegation noted that among the issues under discussion during the Assemblies, those of critical importance to Namibia were issues pertaining to the SCT, the IGC, the proposed treaty on the protection of

broadcasting organizations, and future work on the WIPO Development Agenda. Regarding activities at the national level, the Delegation highlighted the amendment of the Copyright and Neighboring Rights Protection Act, Act No. 6 of 1994, in order to bring it in line with other modern legislations and relevant provisions of the WIPO Internet Treaties, i.e. WCT and WPPT. The amended Act would be tabled to the Namibian Parliament before the end of 2006, and Namibia would then be in a position to accede to the WCT and WPPT. In addition, the second copyright collective management organization, the Namibian Reproduction Rights Organisation (NAMRRO) was launched on September 18, 2006 in Windhoek, with the financial support of UNESCO and CISAC through the Global Alliance for Cultural Diversity project, and the logistic support of IFRRO. The Delegation noted that Namibia would approach WIPO for assistance in training NAMRRO staff. Furthermore, Namibia had hosted the Anti-Piracy Train the Trainers Workshop in September 2006 for the law enforcement agencies and copyright societies in the SADC region, which had been sponsored by UNESCO. At the end of that workshop, some 20,000 phonographic products, worth US\$400,000, that had been confiscated through a joint anti-piracy operation by the Namibian law enforcement agencies prior to the workshop, were destroyed. The Delegation also reported that WIPO and other stakeholders had made positive contributions to the Industrial Property Bill, expected to be tabled to the National Assembly before the end of 2006. Finally, the Delegation was optimistic that Namibia would be a signatory to the Singapore Treaty on the Law of Trademarks in the near future.

107. The Delegation of Norway thanked the Secretariat for its excellent preparatory work for the meeting. The Delegation reported the particular importance of the appointment, during 2006, of the Nordic Patent Institute as a PCT International Searching and Preliminary Examining Authority, which would substantially benefit both PCT users in the Nordic region and the PCT system as a whole. Regarding the Organization's performance during the last year, the Delegation fully supported the general statement made by the Spokesman of Group B and expressed the importance of improving the Member States' ability to monitor the economy of WIPO. The Delegation welcomed the initiatives that had already been taken to improve transparency and encouraged further efforts in this regard. The Delegation considered that the deadlock with respect to the progress of the Substantive Patent Law Treaty (SPLT) gave rise to serious concern and strongly believed that the establishment of a SPLT would be beneficial for all Member States and that WIPO was the appropriate forum to further develop and harmonize this type of patent legislation. The Norwegian delegation was of the opinion that it was important to find a way forward taking into consideration the special needs of all Member States and encouraged all Member States to contribute to positive progress within the framework of the Development Agenda. Concerning activities and developments at the national level, the Delegation was pleased to inform that Norway would accede to the Geneva Act of the Hague Treaty within 2006 or early in 2007. However, the Delegation noted that they had serious concerns regarding the fee system of the Geneva Act, which was poorly adapted to the operations of the Norway Designs Office and other similar offices in the Nordic countries. In June 2006, Norway hosted a group of 12 trainees in collaboration with the WIPO Academy and, as in past years, World Intellectual Property Day was also celebrated at the Norwegian Patent Office. In concluding the Delegation reported that the rate of national patent applications had increased in 2005, in correspondence with the positive trend in PCT-filings.

108. The Delegation of Poland associated itself with the statements made on behalf of the European Community and its Member States and Central Europe and the Baltic States. It congratulated the Director General and WIPO staff for the presented reports reflecting the progress made and results achieved by the Organization in the biennium 2004-2005, and

noted with appreciation the transparency of those documents. Regarding the new workplan for the SCP, the Delegation reiterated its support for the continuation of the patent law harmonization process within WIPO in order to improve the quality of patents and reduce workloads. The Delegation also highlighted the WIPO Development Agenda and the extension of the IGC mandate as being important issues, and stated that Poland supported the activities of the IGC and hoped that the WIPO Assemblies would decide on the extension of the Committee's mandate for 2007 to enable it to continue its work. The Delegation equally supported the continuation of the discussions on the WIPO Development Agenda and believed that those would result in concrete conclusions in the near future. It hoped that a compromise would be reached and the proper balance found between interests reflected in the Development Agenda and the need to foster and further develop IP protection globally. Poland was committed to work constructively on these issues and would show a spirit of compromise in order to move ahead. The Delegation was furthermore pleased with the progress made in the Working Group on Reform of the PCT which had agreed on a number of proposed amendments to the PCT Regulations. It took note of the deliberations in the *ad hoc* Working Group on the legal development of the Madrid system and supported the proposal to continue this work in 2007. The Delegation was also confident that it would be possible to enhance the protection of the rights of performing artists in the audiovisual field and that this issue would remain on the agenda of the WIPO Assemblies in 2007. The Delegation further underscored that Poland's cooperation with WIPO was in concurrence with national programs aimed at encouraging the knowledge, innovation and business-driven economy to be more competitive. The Polish Patent Office had been actively involved in the implementation of these programs and had made great efforts to transform itself into a modern, more user-friendly institution engaged in disseminating knowledge on industrial property protection. In this context, activities had included, *inter alia*, the celebrations of World IP Day in cooperation with WIPO and the European Commission, the hosting of an exhibition organized jointly with the European Patent Office and the German Patent and Trademark Office, the organization of a Regional Baltic States Seminar in 2005, and a follow-up round table on exchange of IP policy experiences and practices in September 2006 within the framework of the INTELTRANS 2006 Conference. Regarding recent legislative developments in Poland, the Delegation highlighted the amendments of the Industrial Property Law and the Act on Filing European Patent Applications and the Effects of the European Patent in the Republic of Poland, which had been drafted and submitted for consultations to the Ministry of Economy. The draft included a number of regulations aimed at streamlining and speeding up proceedings for the grant of exclusive rights for inventions, utility models, industrial designs and geographical indications at the Patent Office. The amendments had been dictated, on the one hand, by a need to further adapt Polish law to European law and to meet the obligations under international agreements, and on the other hand, by a need to streamline the Office's work as called for by the community of inventors and patent agents. Finally, the Delegation informed the Assemblies that Poland had just started the procedures for the ratification of the Hague Agreement Concerning the International Registration of Industrial Designs and the Trademark Law Treaty.

109. The Delegation of the Republic of Moldova thanked the Director General and WIPO staff for preparing the Assemblies and noted that it welcomed WIPO's efforts directed towards the revitalization of its institutional capacities, the strengthening of the role of IP in economic growth and the contribution, along with other UN agencies, to sustainable development worldwide. It noted that Moldova wished to keep the development agenda on the table, without prejudice to the Organization's other constitutional responsibilities, and it hoped that progress would be made at the Assemblies on sensitive issues such as the SPLT and the treaty on broadcasting organizations. It welcomed the recent successes of WIPO

efforts directed towards the development of a modern international legal framework making the IP system more accessible for not only developed, but also developing countries and countries in transition. The Delegation stated that Moldova was a member of the majority of the WIPO-administered treaties and agreements and that it welcomed the adoption of amendments to some of those. It also supported the constitutional reform process. In this context, the Delegation announced the recent enactment of Law 89-XVI of April 20, 2006, on accepting amendments to WIPO treaties. It also announced that Moldova had signed the Revised Trademark Law Treaty immediately after its adoption, and that the ratification procedure was currently ongoing. The Delegation then reported on the increased involvement of the State Agency on Intellectual Property of the Republic of Moldova (AGEPI) in activities aimed to promote the transformation of knowledge into high quality and accessible goods and services. In this context, and in cooperation with the Moldovan Academy of Science, research and development institutions and universities, AGEPI was organizing various activities to enhance the understanding of a wide range of stakeholders on the importance of IP for technological development and economic growth. To this end, a Business Club, joining business and research communities, had also been launched. Concerning IP protection and enforcement, the Moldovan Government was working hard to improve the relevant IP laws and regulations, bringing them in line with the latest developments in international law. The Delegation further noted that most normative activities were carried out within the EU-Moldova Action Plan and were targeted at ensuring the conformity of domestic legislation with international and EU standards. Presently, new draft laws on patents, trademarks, industrial designs, geographical indications and plant variety protection were being prepared. In addition, the Delegation reported that the modernization of the collective management of copyright and related rights system was underway, and it thanked WIPO for its assistance provided for the drafting of the Moldovan copyright legislation. It also referred to a sub-regional seminar on copyright and broadcasting to be organized in collaboration with WIPO and CISAC. The Delegation appreciated WIPO's worldwide work on counterfeiting and piracy, and encouraged the Advisory Committee on Enforcement to continue its work. It stressed that enforcement issues remained one of the main priorities of the Moldovan Government and that the implementation of the EU Directive and the TRIPS provisions on enforcement were part of an action plan prepared by AGEPI. In this context, the Delegation stated that measures were being undertaken to ensure the effective collaboration between national institutions involved in anti-counterfeiting and anti-piracy activities and that a national commission on IP enforcement issues would be created shortly. In order to upgrade copyright enforcement, sanctions for copyright and related rights infringements had been introduced in the Penal Code in December 2004, and a draft law providing penal sanctions for industrial property was to be adopted before the end of 2006. The Delegation then stressed the need for training and capacity building of AGEPI staff and thanked WIPO for the organization of various training courses and publications. The Delegation concluded by ensuring Member States of its full support in identifying the best solutions to the matters under discussion.

110. The Delegation of Saint Kitts and Nevis expressed pleasure at being represented for the first time at the Assemblies following the presentation of its instruments of accession to the PCT just over one year ago. St. Kitts and Nevis had benefited from WIPO support, which was ongoing, in the many seminars organized in the areas of trademarks, patents, geographical indications and plant varieties; provision of computer equipment and automation assistance; and training, including that received by judges in preparation for possible future cases in relation to infringement of IP rights for World Cup Cricket 2007. The Delegation looked forward to continual implementation and compliance with the Cooperation Agreement signed in Antigua in June 2003 between WIPO and the Governments to the

Caribbean Islands. Efforts were ongoing to enact legislation to be in compliance with the TRIPS Agreement, including in the areas of Industrial Designs, Geographical Indications and Plant Varieties which were expected to be ready soon for tabling in Parliament, and in the preparation of regulations for the Trademarks and Patent Acts to enable their proper administration and permit the installation of the WIPO software for registration of Trademarks and Patents. The Delegation informed of forthcoming participation of their Government in the Ministerial Level Meeting and the Meeting of Heads of IPOs in Barbados, and of the continued emphasis on raising public awareness in respect of IP rights, and the importance of IP as an effective tool for economic and social development.

111. The Delegation of Saint Lucia expressed its gratitude to the Director General and WIPO staff for their continued support in the development of the national IP system. It noted that since 2004, Saint Lucia had benefited from: a Workshop on the Enforcement of IP Rights for Police and Customs Officers; a WIPO Regional Training Workshop on Trademarks for Officials of Caribbean IP Offices, held in Jamaica; a Sub-regional Symposium on IP for SMEs, held in Saint Lucia, and organized by WIPO and the Caribbean Export Development Agency in Barbados and hosted by the Ministry of Commerce, Investment and Consumer Affairs in Saint Lucia; a Workshop on the Nice and Vienna Classifications; a regional Workshop on Industrial Designs and Geographical Indications, held in Saint Lucia; and a WIPO Regional Outreach Workshop for Officials of Caribbean IP Offices, held in Jamaica. The Delegation further pointed out that the countries of the region faced many challenges while attempting to stimulate economic growth and social development, and that appropriate IP development and management policies and practices were critical in such endeavors. In this regard, and in light of the introduction of the Caricom Single Market and Economy in 2006, the Delegation stressed that WIPO's role could be enhanced and that the national and regional requirements could be addressed more substantially. The Delegation further announced that the Draft Regulations for the Patents Act were currently under review, and stressed the need for staff training to effectively administer the legislation, and the development of a public awareness program which would target various sectors. The Delegation concluded by looking forward to enhanced collaboration with WIPO in the future.

112. The Delegation of the Seychelles appreciated WIPO's support through its "policy of inclusion", which aimed to enhance and improve the enforcement and implementation of IP rights, and had resulted in activities including, *inter alia*, technical assistance to enable electronic access to PCT pamphlets; information on automation of the National IP Office under IPAS; participation in the National IP Audit for French and English speaking countries carried out jointly by WIPO and COMESA, which had assisted awareness-raising in IP and laid the basis for progressing a national IP Policy; and attendance at the Diplomatic Conference for the Adoption of the Revised Trademark Law Treaty. International IP Day had been marked with numerous activities aimed at increasing awareness as to usefulness of IP, in daily life, and in the economic development of the country, with special emphasis on protection of IPRs and respect to owners of registered IP assets. There was willingness on the part of the Republic of Seychelles to revise relevant national legislation to keep abreast of the technological changes and developments in the services offered by WIPO to its Member States. The Delegation looked forward to well balanced negotiations and discussions on the issues on the agenda, and expected comprehensive proposals and recommendations which could be submitted to the next GA, and expressed full support for the statement made by the Nigerian Delegation on behalf of the Africa Group and trusted that all points of concern raised would be favorably considered.

113. The Delegation of Singapore acknowledged the increased level of cooperation between Singapore and WIPO, such as the organization of the Diplomatic Conference for the revised Trade Mark Law Treaty, now known as the Singapore Treaty, that have benefited Singapore and Member States in the region since the opening the WIPO Singapore Office. The Delegation stated that countries should educate and empower their people, using the intellectual property system to leverage the individual innovative potential and expressed appreciation for the opportunities provided by WIPO to fulfill this noble principle. The Delegation highlighted certain events in 2006 that had been the keystones for Singapore in its relationship with WIPO and in its commitment to promote and nurture IP in Singapore. In this regard, the Delegation mentioned the Singapore Treaty on the Law of Trademarks, adopted by consensus on March 27, 2006 and expressed appreciation for the cooperation of key stakeholders, which was invaluable in allowing Singapore to fulfil its objective of holding a successful conference. The Delegation expressed the hope that the event would pave the way for other Diplomatic Conferences to be held in the Asian region, in recognition of the increasing international participation and importance of IP in the Asian-Pacific region and among developing countries. With regard to IP initiatives, the Delegation announced that following the Heads of IP conference, held in Singapore on Sept 20 and 21, Singapore, Hong Kong and Australia were launching a new program to share and equip developing APEC Member economies in the with the skills, tools and resources to implement public education and awareness campaigns to promote the protection and enforcement of IP. In the field of continuing education, the Delegation announced that Singapore's IP Academy had successfully organized its first Global Forum in IP and that the 4th Europe-Asia Patent Information Conference (EAPIC) 2006 had been jointly organized with the European Patent Office the previous week. Two regional workshops had also been jointly organized with WIPO in Singapore, and another was soon to follow on patent drafting. On the legislative front, the Delegation reported that Singapore was studying possible amendments to its patent legislation to provide alignment with changes to the Patent Cooperation Treaty (PCT) and to repeal current provisions relating to restrictive covenants. The Delegation also announced that Singapore is in the midst of amending its trade mark legislation to give effect to the provisions of the Singapore Treaty. The Delegation summarized that the past year had been a seminal year for the relationship between WIPO and Singapore, with the successfully collaboration on the Diplomatic Conference and regional conferences and stated that Singapore would continue to support WIPO in its future activities.

114. The Delegation of Slovakia expressed its appreciation of the numerous activities undertaken by WIPO to demystify the role of IP at the general public level, thus making this complex domain accessible to all through awareness-building. The Program Performance Report and the Program Implementation Overview clearly provided positive achievement of defined objectives, and a transparent synopsis of the implemented activities. The Delegation were appreciative of the Secretariat's efforts to enhance the transparency and involvement of Member States in preparation for the Program and Budget, and welcomed the establishment of an Audit Committee, which through the participation of delegates of Member States, as well as representatives of the Secretariat, guaranteed an efficient and transparent fulfillment of its objectives. The Delegation expressed satisfaction that the Singapore Treaty on the Law of trademarks had been adopted in March 2006, and were confident that this Treaty would enable an important simplification and streamlining of registration of trademarks. In view of the important role of the IGC on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Delegation appreciated the progress achieved last year, and underlined the importance of further discussions in these areas. The implementation of effective tools for protection of intellectual property rights had become especially important in the digital environment, and in light of this, the Slovak Republic appreciated the strong

position and results of WIPO, and welcomed its growing involvement and activities in the field of domain names under its Arbitration and Mediation Center. The Delegation emphasized the continuous efforts made in the Slovak Republic to build public awareness about the importance of IP and its strategic role for business and economical growth. One of the major long-term objectives of the IP Office was to be a partner for companies in creating and integrating their IP strategy into an overall business strategy. To intensify contacts with the public at the highest possible level, the Office had already opened a number of Contact and Information Points and Patent Information Centers, whose main role was to answer basic questions, inform about possible ways of IP protection, and make basic IP literature available. Underscoring the importance of Small and Medium-Sized Enterprises (SMEs) in the social and economic progress of the Slovak Republic, the IP Office was co-operating very effectively with the National Agency for Development of SMEs as well as with the Chambers of Commerce by means of an exchange of information on relevant educational activities, and was making a strong effort to make all the relevant and latest information accessible. During 2006, the IP Office had joined WIPO and other IP Offices in celebrating the World IP Day with a variety of professional and cultural events. In order to keep up with recent legal developments, the IP Office had prepared a new draft act on utility models and submitted this for approval to the Government, and Geographical indication legislation was also going to be amended. The Delegation stressed the importance of ongoing co-operation with WIPO to strengthen intellectual property rights in the Slovak Republic, and in this respect, underlined the positive feedback and success of the International Seminar on Strategic Use of Intellectual Property for Economic and Social Development which had been organized in co-operation with WIPO during the summer of 2006 in Bratislava.

115. The Delegation of Sudan congratulated the WIPO Director General for his opening speech and thanked the WIPO Secretariat for its great efforts and excellent documentation. The Delegation also praised the outstanding role played by WIPO in the safeguard of intellectual property rights and promotion of innovation and creativity worldwide. The Delegation associated itself with the statement made by Nigeria on behalf of the African Group, which covered all the concerns and expectations of African countries. The Delegation of Sudan expressed appreciation of WIPO's activities in providing effective protection for intellectual property. Such activities contributed to the economic and social development of countries, particularly developing countries, as the world moved towards the creation of a new and integrated economy based on intellectual creativity and production, solid infrastructure and efficient human and material resources. In the field of generic resources, traditional knowledge and folklore, the Delegation believed that the IGC has made a real progress and achieved concrete results towards the establishment of a stronger and more transparent international framework. The Delegation said it expected more to be done in this field. It also appreciated the role played by ARIPO in organizing a Consultative Forum in Zimbabwe with the aim of preparing, reviewing, discussing and elaborating a legal tool for ARIPO Member States in particular, and African Countries in general, for the protection of genetic resources, traditional knowledge and folklore. The Delegation expressed gratitude for WIPO's efforts in organizing programs for the promotion of protection and commercial use of intellectual property in developing countries. WIPO had pledged support for national agencies created by various Member States, following the Seminar held in Kampala, Uganda, in November 2005. The main objective for such agencies would be the elaboration of national IP strategies. In conclusion, the Delegation wished to express appreciation and gratitude to the Government and people of Singapore for their great efforts and kind assistance which led to a successful conclusion of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (TLT).

116. The Delegation of Swaziland expressed satisfaction with the support and assistance it had received from WIPO, in particular related to the assessment of IP Office automation and resourcing needs. There was keen interest in progress in the areas of TK, genetic resources and folklore, and it was important that Research and Development institutions and health systems should study ways of utilizing traditional medicines in combating emerging diseases, while at the same time ensuring that financial royalties accrued to the societies and communities owning such knowledge. It was hoped that amendments of the Trade Marks, Patents Utility Models and Industrial Designs legislation would be passed by Parliament in the first half of the coming year, and new law on Copyright and Neighboring Rights was being drafted, which would take into account the results of a needs assessment mission by WIPO. Once the revisions of IP legislation was complete, there would be full compatibility with international obligations in the field of IP. Further assistance from WIPO would be appreciated in drafting of legislation on Geographic Indications, Layout Designs (Topographic) of Integrated Circuits, and unfair competition in the area of examination and enforcement; and in giving seminars to create awareness among stakeholders of the importance of IP as a tool towards economic development. The Delegation stressed its commitment to all WIPO's initiatives in making IP benefit both the rights holders and the end users, with fewer constraints.

117. The Delegation of Sweden supported the statements made by Switzerland on behalf of Group B and by Finland on behalf of the EC and its Member States and Acceding States Bulgaria and Romania, and reiterated Sweden's support for the development of an international intellectual property system, which promoted the economic, social and cultural development of all and underscored their commitment to multilateralism in general and to WIPO in particular. The Delegation declared Sweden's commitment to take forward the work on the proposals on establishing a development agenda for WIPO and commend and supported the efforts made in this respect by the Chair of the Provisional Committee. Regarding the progress of the ongoing work in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore Sweden welcomed the implementation of the Voluntary Contribution Fund and encouraged others to join as donors. Sweden remained committed to agreeing on a new work plan for the Standing Committee on the Law of Patents (SCP). The Delegation expressed the great importance to Sweden of progress in respect to the draft Substantive Patent Law Treaty, aimed at the development of a more cost-effective and more accessible international patent system and improvement of patent quality and reduction of duplicated work. In the field of trademarks, Sweden welcomed the successful adoption of the Singapore Treaty on the Law of Trademarks and supported the continuation of the review of the Madrid system as proposed by the *ad hoc* Working Group on the Legal Development of the Madrid system for the International Registration of Marks. In the Delegation's view, these were all-important steps towards simplified and effective procedures for trademark registrations. The Delegation expressed Sweden's satisfaction that the Standing Committee on Copyright and Related Rights had recommended organizing a diplomatic conference from July 11 to August 1, 2007, on a treaty concerning protection of the rights of broadcasting organizations and fully supported this recommendation. The Delegation considered the work in the Advisory Committee on Enforcement important and supported the convening of the Committee at appropriate intervals during the following biennium. The Delegation expressed its great appreciation for the cooperation with the International Bureau in the organization of the three yearly Sweden International Development Agency-financed Programs relating to various aspects of intellectual property in the Global Economy; one on copyright, one on industrial property and one aimed at Least Developed Countries. Regarding developments in Sweden the Delegation informed the meeting that the Swedish Parliament had approved the Agreement on the

application of Article 65 of the European Patent Convention – the so-called London Agreement – and had amended the Swedish Patents Act in order to implement the Agreement. The date of deposit of the instrument of ratification and thus the entry into force of the amendments of the Patents Act would be decided by the Government. Since February 1, 2006, the Swedish Patent and Registration Office had accepted PCT applications that had been filed electronically. Up to September 2006 approximately 40 per cent of the PCT applications had been filed online. Moreover, the application fees for national patent applications would be lowered by 25 per cent starting 1 October 2006, i.e. the fee would be reduced by 1000 SEK or approximately 135 USD. In concluding the Delegation looked forward to continued successful co-operation within WIPO on the development of the international intellectual property system to the benefit of economic, social and cultural development of all.

118. The Delegation of Switzerland associated itself with the statement made by the Representative of Group B and wished to make several preliminary comments on the items on the Agenda of the Assemblies. The Delegation first welcomed the success of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty and added that the amendments adopted were very positive. It emphasized the very good spirit with which the various regional groups participated in the negotiations and which was a determining factor in the success of the Conference. It also appreciated the work carried out by the Standing Committee on Copyright and Related Rights and supported the developments and the conclusion of a Treaty on the Protection of the Rights of Broadcasting Organizations. Harmonization of substantive patent law was an important objective for Switzerland since the improvement in the quality of patents, the reduction in the duplication of work carried out by the Offices, the fact of making the patent system more accessible, and the establishment of more consistent examination standards were in the interest of all parties involved. For that reason, it considered it important that work in that area should continue at WIPO. However, the Delegation regretted that it had not been possible to define, during April 2006, a valid work program for the Standing Committee on the Law of Patents. It expressed satisfaction that practical measures such as the creation of a digital access service to priority documents could be implemented and supported its adoption. It also supported the work of the Working Group on the Reform of the PCT, in particular the proposals which it had submitted concerning the declaration of the source of genetic resources and traditional knowledge in patent applications (see document PCT/R/WG/8/7). It stated that intellectual property had a positive role to play in development and, in that sense, supported the activities of the Organization, in particular those concerning the management of international registration systems and the development of the law. However, it regretted that, despite the flexibilities shown by a large number of countries, including Switzerland, at the meetings of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), it had not been possible to achieve concrete results for submission to the current Assemblies. The Delegation stated that it remained fully committed to finding a solution in order to move ahead in dealing with the proposals submitted during the IIM and PCDA proceedings. It pointed out that only a solution bringing together process and content, in line with the proposal made by Kyrgyzstan at the second session on the PCDA, would enable the work to progress further. It considered it essential that those two elements be present in any decision which could be found in the course of the week in order for work to continue on the WIPO Development Agenda. It also regretted that the ICANN Intellectual Property Group had put aside the possibility of extending the UDRP to country names, invoking the lack of an international legal framework. According to the Delegation, the current international legal framework for geographical indications (particularly the TRIPS Agreement) which included country names, was quite adequate for extending the UDRP to the latter. The Delegation

insisted that WIPO follow up and participate actively in the implementation of the recommendations approved by the Assembly concerning the names of international intergovernmental organizations, particularly within ICANN at its session in December 2006 in Sao Paulo. It also expressed its satisfaction concerning the work carried out by the Program and Budget Committee over the year. It considered that the new mechanism to involve Member States further in the preparation of and follow-up to the Program and Budget was a useful step forward and therefore supported its adoption. It welcomed the strengthening of the Internal Audit and Oversight Division, to which the necessary resources and independence should be granted for it to carry out its duties appropriately. In that context, it expressed satisfaction at the establishment of the Audit Committee and the very useful opinions it had provided to Member States. In order to improve the Committee's effectiveness, its Mandate should be examined and possible changes made, in order to coordinate it with the mandates of the Internal Auditor and the External Auditor, and to ensure that the Audit Committee had sufficient resources to carry out the tasks for which it was responsible. The Delegation noted with interest the information provided by the Secretariat on the implementation of the recommendations made by the Joint Inspection Unit (JIU) and, as required by Group B, was pleased to obtain the JIU's assessment of the matter. Reporting on the main events in the IP sphere during the first half of the year, it said that at the national level the revision of the Swiss Patent Law had continued, which had enabled it in June 2006 to deposit its ratification instruments for the Act Revising the European Patent Convention and the European Patent Office (EPO) Language Agreement. It added that the second phase of the revision was being examined by the Parliament, the main aim of which was to provide appropriate protection for biotechnology inventions, while establishing clear limits in order to avoid obstacles to research and to guarantee an appropriate balance between the interests of patent owners and those of the community. Furthermore, in the spring Switzerland had deposited its last ratification instrument relating to the amendment of December 6, 2005 of the TRIPS Agreement allowing the WTO decision of August 30, 2003, to be legally enforced, concerning the possibility for WTO member countries that had a pharmaceutical industry, to provide in their national law for compulsory licenses for the manufacture and export of patented pharmaceutical products. Furthermore, in relation to copyright, the revision of the Swiss Copyright Law had also continued and aimed at guaranteeing balanced protection meeting the requirements of the information society. The proposed measures aimed to maintain a fair balance between the interests of the different players concerned: creators, cultural economy, users of works and services protected by copyright and the information society in general. That revision would subsequently allow Switzerland to ratify the WIPO Internet Treaties (WCT and WPPT). It further announced that the Federal Institute of Intellectual Property had during the current year developed the activities of the Counterfeiting and Piracy Contact Point and, in cooperation with the International Chamber of Commerce (Switzerland), had established the platform to combat counterfeiting and piracy under the slogan "Stop Piracy". Reviewing the various international fora in which Switzerland continued to participate actively, it said that within the WTO, Switzerland and various other member countries of the Organization had continued to promote an improvement of the international protection of geographical indications, in particular through the extension of the additional protection under Article 23 of the TRIPS Agreement to products other than wines and spirits. It had continued its commitment to the international work concerning the protection of genetic resources, traditional knowledge and folklore, be it within WIPO or in other international fora, such as the Convention on Biological Diversity (CBD) or the WTO TRIPS Council. In conclusion, it said that in addition to its traditional activities welcoming delegations as part of its collaboration with the WIPO Worldwide Academy, the EPO or bilateral contacts and participation as a speaker in international seminars, Switzerland had continued its cooperation project with Viet Nam

beyond the framework initially set. In particular, the opening of a second local office of the National Patent Office in the center of the country (Danang), the publication of three films on traditional knowledge in Viet Nam, the creation of a database on medicinal plants and the certification of a first product in the field of geographical indications should be noted. That project would enter a second phase at the beginning of 2007. The Delegation announced that, strengthened by that very positive experience, Switzerland, through the Federal Institute, planned to launch new technical cooperation projects shortly.

119. The Delegation of the Syrian Arab Republic thanked the Director General of WIPO for his continuous efforts in the promotion and development of intellectual property. It also thanked all WIPO staff for their cooperation, particularly the Arab Bureau for supporting the development of work in the field of intellectual property in Syria. The Delegation stated that its country carried effective measures for the enhancement of role of IP in various fields. It reported on Syria's achievements over the last three years, namely accession to the Paris Convention (Stockholm Act), PCT, Madrid Agreement and Protocol, Nice Classification, Berne Convention, Rome Convention and WIPO Convention. Following entry into force of the PCT, some 60 applications designating Syria for the National Phase were received. International Trademark applications under the Madrid Agreement and Protocol totaled 1,500. The Delegation added that preparations were underway for accession to the Hague Agreement Concerning the International Registration of Industrial Designs. After a two-year period of examination and preparation, the Draft Law on Trademarks, Industrial Designs and Geographical Indications was finalized and ratified for final promulgation. The Delegation said it benefited from WIPO's expertise in the preparation of that Law. Comments from WIPO were also received concerning the Draft Law on Patents, which was currently in its final review stage in cooperation with the competent authorities. The Delegation recalled that the 13th Edition of the Al Bassil Fair for Creations and Inventions was organized in Hama, Syria, from April 20 to 26, 2006. The closing ceremony of the Al-Bassil Fair coincided with celebrations of the World IP Day on April 26, 2006. The Delegation reported that WIPO participated in that event by granting Gold Medals to best inventor and best young inventor. WIPO's officials also visited the various stands and underlined the importance of that event in promoting authors and creators by displaying their works to the public. The Delegation said that various WIPO publications and CD-ROMs were distributed during the ceremony. The Delegation also stated that the Syrian Arab Republic participated in the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (TLT), which was held in Singapore from March 13 to 31, 2006 and noted that the Final Act adopted by the Diplomatic Conference, included a Resolution supplementary to the Singapore Treaty on the Law of Trademarks and the Regulations thereunder, which requested WIPO and Contracting Parties "to provide additional and adequate technical assistance comprising technological, legal and other forms of support to strengthen the institutional capacity of those countries to implement the Treaty and enable those countries to take full advantage of the provisions of the Treaty." In connection with work development, the Delegation mentioned that the Office was provided with new workstations, as an important step in the automation of work at the Directorate of Commercial and Industrial Property. The computerization process includes electronic archiving and deployment of automation program supported by WIPO. In this context, the Delegation referred to WIPO's expert mission to Syria in June 2006 to finalize the automation process and to undertake an IT needs assessment review with possible areas for assistance of WIPO, including in the establishment of a network between the head office and district branches. Such network links would result in rationalized and streamlined work procedures as well as easier public access to office services, namely the registration of trademarks, patents and industrial designs through the intermediary of district branches. The Delegation stated that PCs were being installed in the Internet Room for free public access. In addition,

researchers, creators and inventors would have free access to services, including to patent technical information through patent databases worldwide. The Delegation also mentioned the preparation of CD-ROMs containing extensive information on intellectual property, aimed at disseminating an IP culture and increasing public awareness. The Delegation also referred to the finalization of the Syrian patent website which would include an inventory of Syrian inventors, with names and addresses, in order to promote the use of patents. The website will be linked to the WIPO and EPO websites. Progress was also made towards the creation of an Intellectual Property Library, in cooperation with WIPO. The Delegation expressed Syria's expectations from this year's Assemblies which will discuss the IP-related treaties as well as their implementation and development and hoped that the Assemblies would reach significant results for the enhancement of WIPO's performance, especially with regard to the development dimension and its role in the protection of intellectual property. The Delegation declared that it supported any development that would benefit the Organization and promote international cooperation and economic progress. In conclusion, the Delegation wished to express gratitude for WIPO's assistance, and mentioned in particular the organization of two study visits for eight staff members to Egypt and Morocco, and the participation of two staff members in the WWA courses.

120. The Delegation of Togo congratulated the Secretariat on the excellent work accomplished during 2004-2005, for program implementation from January 1 to June 30, 2006, and for the clarity of documents submitted to the Member States. It expressed satisfaction that the rapid, effective introduction of management economies following the 2004 Assemblies had enabled financial equilibrium to be attained without resorting to the reserves or to increasing fees. In parallel with the change in the financial situation, the Delegation observed that extremely useful discussions were being held at several levels on the operation of the Organization and on the means of strengthening its management, its control bodies, and the central position which Member States should occupy. It added that a common effort by the Member States and the Secretariat in respect of those matters had enabled concrete measures to be adopted such as the setting-up of an Audit Committee or the establishment of an internal audit charter. It also welcomed the proposals of the Provisional Committee on Proposals Related to a WIPO Development Agenda which, when implemented, would allow the Organization to contribute to achieving the United Nations Millennium Development Goals of September 2000. However, it considered it essential that the Organization concentrate its efforts in the coming years on establishing a global development assistance program for the African States which had to face up to unprecedented technical advancements. The Delegation expressed its satisfaction with the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and wished to see the establishment of an appropriate international legal instrument taking into account the realities of the African continent and its traditional communities. With respect to the fundamental rights of peoples in health matters, in particular access to antiretrovirals at acceptable prices and other essential pharmaceuticals, the Delegation recognized all the efforts undertaken by WIPO and WTO in implementing the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). In that context, improved application of adequate national provisions concerning that Agreement, but particularly adaptation of the flexibility arrangements of August 2003 to the actual situation in the developing countries, had shown that the international community had the clear intention of making intellectual property contribute to the promotion of new ideas and innovations while ensuring that those most in need could obtain that which they needed. However, it added that, according to the World Health Organization (WHO), 11 years after the signature of the Agreement, out of the 40 million people in the world living with AIDS, six million were still in a state of health urgently requiring antiretrovirals. It was therefore necessary to

be far more active in introducing a patent protection system aimed at legitimate equilibrium between private and public interests. The Delegation again expressed its gratitude to the Organization for its sustained technical and financial assistance. It cited several concrete examples of this: organization on November 11, 2005, in Lomé, of a national conference on the theme “The Hague System for the International Deposit of Industrial Designs”; funding for participants in the regional WIPO/OAPI Seminar on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore held in Cotonou, Benin, from January 24 to 26, 2006, and funding of the Togolese Delegation attending the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, held in Singapore from March 13 to 31, 2006. In conclusion, the Delegation added that its country had started to transform its social and political environment thanks to the benefits associated with numerous treaties which it had already signed since the creation of WIPO. It was also in the process of taking the necessary steps to adhere to the various other agreements and make the essential institutional adjustments so that intellectual property would be a lever for growth and sustainable human development.

121. The Delegation of Uganda reported the positive progress in the formulation and implementation of IP issues in the foregoing period. Training in the various fields of IP had been undertaken for various individuals and stakeholder institutions with the support and coordination of the Secretariat. Among the activities which had benefited Uganda directly, the Delegation highlighted: a national workshop to help formulate a National Intellectual Property Strategy; a Round Table, held in Uganda in 2005, on topical issues in IP, in particular the current state of the contribution made by intellectual property assets to national economies in the ARIPO region; a meeting in Kampala on TK and expressions of folklore to craft a harmonized traditional knowledge instrument for the Africa Region; the installation of the IPAS for automation of trademarks registration, and training of staff to commence the process of data capture; technical support to copyright owners on how to enforce their rights and pursue the relevant legal reforms; and, finally, training for various staff of government departments and private individuals in different areas of IP including for SMEs. The Delegation reported that, with the support of WIPO, Uganda had also been able to participate in regional workshops and new initiatives to harmonize strategies in the development of intellectual property, notably the participation in the Diplomatic Conference on the Singapore Treaty on Trademarks and seminars on the Madrid System of Registration of Trademarks held in the Republic of Kenya. Vital legal reforms in IP had been achieved during the reporting period. An updated Copyright and Neighbouring Rights Act had been passed and was due for publication. The Uganda Law Reform Commission had finalized drafts for the Trademarks and Service Marks Bill, Industrial Property Law Bill, Trade Secrets Bill and Geographical Indications Bill, and the Ugandan Government had undertaken to have these Bills passed by Parliament in the period 2006-07. A national instrument on protection of TK and expressions of folklore had been drafted by the Uganda Law Reform Commission. The Delegation commended the work of the International Bureau and looked forward to continuing constructive cooperation and engagement with all the stakeholders in addressing pending issues such as the work of the IGC and the WIPO Development Agenda.

122. The Delegation of Ukraine stated that the world economy was now developing under the influence of the latest information and telecommunication technologies which required significant intellectual efforts. The main asset of modern society were therefore the highly qualified specialists who used their intellectual potential effectively, generating new ideas aimed at improving technology. The copyright and related rights industry was also becoming the main source of economic growth in the developed countries of the world. Consequently, Ukraine’s move towards Europe and, accordingly, the need for it to integrate into a specific

high-technology environment necessitated an innovative approach to economic development and an effectively functioning State system of IP protection. In this context, the Delegation stressed that during Ukraine's 15 years of independence, the main task had been accomplished in achieving an appropriate level of protection for proprietary and non-proprietary IP rights, including a modern normative and legal base in the field of IP and an effective infrastructure. This achievement was highlighted by the fact that, in 2006, the United States of America, had decided to restore Ukraine's benefits within the Generalized System of Preferences, and had amended Ukraine's foreign country status within the Special 301 Priority Watch List; a very important step to Ukraine's accession to the WTO. The Delegation further noted that the legislative and organizational measures taken to strengthen IP rights protection necessitated the enhancement of the effectiveness of the training of qualified IP specialists. Therefore, Ukraine now had 16 higher education institutes in which specialists and masters students could be trained in IP, and was now devising a system of IP training and retraining for State employees, local government officials and the heads of State firms, institutions and organizations. The Delegation welcomed the activities of WIPO Member States aimed at strengthening and improving the global system of IP protection, and it believed that the production of unified legal norms, standards and mechanisms for their implementation would allow the discrepancies existing in national IP systems to be eliminated. It noted that Member States' efforts to improve the existing system had been demonstrated by the signing of the Singapore Treaty on the Law of Trademarks. The Delegation also expressed its gratitude to WIPO for its contribution to the development of the IP national system, in particular, for its support for the organization of the Regional Seminar on Reprographic Rights and Collective Management in the Digital Environment, and significant input into the Tenth Anniversary International Conference on Current Intellectual Property Issues. Finally, the Delegation looked forward to continued fruitful cooperation between Ukraine and WIPO.

123. The Delegation of Uruguay thanked the Director General of WIPO for his introductory speech dealing in depth with the role of intellectual property in the millennium and the role of WIPO as a specialized body in that area. Substantive issues of great interest for Uruguay were included for discussion by the Assemblies, and the Delegation hoped that the painstaking work ahead would lead to positive results establishing a balance between the protection of the rights of intellectual property holders and the interests of the general public, with particular reference to access to knowledge.

124. The Delegation of Zambia congratulated the Secretariat and the Director General for their dedication to work, which was shown by the number of useful and comprehensive documents presented to the Assembly, and thanked WIPO for the technical support it continued to receive. The Delegation informed the meeting that the industrial property activities of the Zambian Office had been automated and staff had benefited from the various training programs provided by WIPO to build capacity in IP offices. Zambia was reviewing its industrial property legislation to bring it in line with international trends and norms and was in the process of formulating a national IP policy to guide the development of, and usage of industrial property for development purposes, and to this effect, a team of IP experts had been constituted. In order to ensure that the process was properly executed, WIPO would be asked for guidance in this matter. The Delegation supported the statement made by Nigeria on behalf of the African Group, especially on matters relating to the PCDA, the Protection of Signals for Broadcasting Organizations, the IGC and Enforcement.

125. The Delegation of Zimbabwe thanked the Director General and the Secretariat for the assistance rendered to developing countries and LDCs in the field of IP, and in particular for

the technical assistance provided to Zimbabwe during the period under review. Such assistance had included the installation of the Industrial Property Automation System (AIPAS) at the Zimbabwe IP Office (ZIPO), which had been officially launched on the occasion of the inauguration of the ARIPO Regional Training Centre. In addition, Zimbabwe had benefited from various training programs of the WIPO Worldwide Academy. The Delegation hoped that future WIPO assistance would include areas such as integrating IP into national development strategies and policies and development and modernization of IP infrastructures. Regarding the WIPO Development Agenda, the Delegation fully associated itself with the African proposals presented to the First Session of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA). It noted that the issues tabled in the African proposals, i.e. human resource development, technology transfer and reform of the informal sector in Africa, were key to development and would allow countries in the region to make maximum use of IP as a tool for their national development. The Delegation therefore hoped that the WIPO Assembly would renew the mandate of the PCDA to enable the committee to complete its mandated task and be in a position to submit its report and recommendations to the WIPO General Assembly in September 2007.

126. The Representative of Palestine associated itself with the statement made on behalf of the Asian Group and thanked all Member States which supported the request of Palestine to be granted observer status, in line with the practice in other United Nations Specialized Agencies. It also thanked the Director General and WIPO staff for their efforts in developing and fulfilling the Organization's role and objectives and for the active role played in Arab countries, including Palestine. The Representative noted the widespread recognition of the key role of IP in the social, technological and sustainable economic development of nations, as well as of its importance in the dissemination of knowledge, culture and creativity. Such role was a further illustration of WIPO's vision as a proactive, humanitarian and innovative Organization. The Representative emphasized WIPO's leading and unique role in the field of IP and its contribution to the fulfillment of the United Nations Millennium Development Goals. In that regard, the Representative reiterated the statement by the Group of 77 at the Second South Summit in Doha, June 2005, which called upon WIPO to integrate the development dimension in its program planning and activities. The Representative noted the importance of proposals by Arab, Islamic and other developing countries, in particular those calling for a balanced and effective international system for the protection of IP which took into consideration, and gave priority to, the elaboration of constructive and clear developmental strategies for developing and least developed countries. The Representative welcomed the work of the WIPO IGC towards the preparation of an internationally binding instrument for protection against misuse and misappropriation of TK and folklore. The Representative further stated that what is happening in the occupied Palestinian territory, including the destruction of infrastructure and institutions and the targeting of Ministries, including the Ministries of Economy and Culture which deal with IP matters, was in contradiction with WIPO's objectives. Finally, while thanking WIPO for providing technical assistance and equipment, the Representative hoped that future support would include a field visit to report on the IP situation in the occupied Palestinian territory and to assess current needs; assistance for the development of IP legislation; training of human resources in the Ministries of Economy and Culture, the judiciary, customs, police and private sector; workshops and seminars to raise awareness in IP-related sectors; and provision of equipment.

127. The Representative of the African Union (AU) congratulated the Secretariat on the quality of the documents submitted to Member States for consideration and noted with satisfaction that such fundamental issues as those relating to the WIPO Development Agenda, genetic resources, traditional knowledge and folklore, and technical assistance had been

included in the Agenda. She aligned herself with the statement made by the Delegation of Nigeria on behalf of the African Group, and announced that the theme of the next African Union Summit, to be held in January 2007, would be science and technology, with a strong emphasis on intellectual property. She stressed that one of the challenges facing Africa remained the enormous task of harmonizing IP protection systems in a continent which was marked by considerable diversity among its members. She therefore wished to see the WIPO Development Agenda continued. Concerning genetic resources, traditional knowledge and folklore, she pointed out that the African continent had enormous potential in terms of biodiversity and a rich culture as a result of its centuries-old traditions, particularly in the fields of medicine and healing. A rational exploitation of all of those resources and knowledge would be of considerable help to the continent's development efforts. She wished to see specific measures taken in that area. Referring to the work on patent law, she encouraged a holistic approach in order to achieve a balanced outcome. Regarding the protection of broadcasting organizations, it was essential that the work of the 2007 Diplomatic Conference should take into consideration the interests of all African countries. She also referred to the joint project with the Organization on the awarding of medals and rewards to the best African inventor, which was ongoing. She expressed her gratitude to the Organization for all the support it continuously provided to the African Union in the form of technical assistance. Finally, she made an urgent appeal for appropriate means and resources to be made available to Africa, to permit the production and procurement of medicines which would be accessible to its citizens. Nobody could have failed to notice that the African continent was severely and disproportionately affected by infectious epidemics and diseases, a large proportion of which were due to HIV/AIDS, malaria and tuberculosis.

128. The Representative of the African Regional Intellectual Property Organization (ARIPO) associated itself with the statements made on behalf of the African Group and on behalf of LDCs. He observed that the activities undertaken by ARIPO in cooperation with WIPO had increased considerably during the biennium and that the working relationship between the two Organizations had grown stronger. The Representative recalled that ARIPO was an inter-governmental organization composed of 16 Member States, with an overall objective provided for in the Lusaka Agreement, which created the Organization in 1976 to harmonize, promote and develop IP in Africa. He also stated that ARIPO, recognizing the need for concerted efforts in matters related to IP, had recently invited a number of Observer States to join the Organization. The Representative stated that the management in the processing of applications lodged through the ARIPO route, the registration of industrial property rights in ARIPO Member States under the Harare and Banjul Protocols, was being enhanced through the use of existing information technology, particularly the Polite Software Project, developed with the assistance of the EPO. The Representative announced that, in view of the disparities which still existed between the ARIPO Protocols and the national laws of its Member States, which hindered the grant and registration of IP rights under the ARIPO route, WIPO had agreed to make comments on both the ARIPO Protocols and the national laws of Member States, and noted that these comments would form a basis for terms of reference for a study to be commissioned thereafter. The Representative reported on improvements being made in the administration and management of IP by the deployment in ARIPO Member States of the Intellectual Property Automation Systems (IPAS), which would interface with the Polite Project once completed. The Representative announced that over 95 per cent of patent applications at ARIPO came through the PCT route and that the processing of these applications had been streamlined with respect to formalities, substantial searches and examinations and publications. The Representative stressed the importance of patent information in the technological and economic development of ARIPO Member States, a need that ARIPO satisfied through the state-of-the-art facilities and joint WIPO workshops and

seminars. The Representative announced that ARIPO had launched a Regional Training Centre on March 15, 2006, which would serve as a Centre of Excellence in the field of IP, and acknowledged the assistance being received from WIPO to develop training programs. The Representative reported that a harmonized OAPI/ARIPO document on the protection of TK, Genetic Resources and Folklore was being drafted into a legal instrument for consideration by the administrative councils of the two Organizations. In the area of copyright and related rights, the Representative highlighted ARIPO's commitment to establish programs to facilitate compatibility of copyright management systems of ARIPO Member States with international standards and systems and to assess the national databases and data distribution networks and the development of anti-piracy and counterfeit programs. In this respect, the Representative reported on the recently concluded agreement between IFRO and ARIPO to cooperate, along with WIPO, on development of training modules on collective management of reprography. The Representative highlighted activities aimed at ensuring harmonization between the two regional IP organizations in Africa, ARIPO and OAPI, such as training strategies and the development of a legal framework on TK, Genetic Resources and Expressions of Folklore, previously mentioned. The Representative reported that the harmonization of the IP system in Africa had also caught the attention of the African Union, and thus non-members of OAPI and ARIPO, therefore the issue was also under discussion in the framework of the Quadripartite Agreement. Finally, the Representative reported that in November 2005, ARIPO developed a five-year strategic plan for the period 2006 to 2010, giving a clear focus and direction to the Organization's work and prioritizing its activities to increase efficiency and become more competitive.

129. The Representative of the World Bank underscored that the World Bank had an interest in WIPO's work as it related to the World Bank's mission to enhance development and reduce global poverty. In that regard, he hoped that the work that the World Bank had done to elucidate the economic relationship between intellectual property rights and development would be considered within the work of WIPO as it considered matters of development. He also noted that the World Bank's interest in the work of WIPO existed because the mission of the World Bank required that it was also a producer, consumer and distributor of knowledge and information in nearly all forms of media.

130. The Representative of the Eurasian Patent Office (EAPO) reported that the first ten years of EAPO's activity had shown that the Eurasian patents awarded in compliance with all the latest examination requirements were reliable indicators for the investments made in the national economies of the region. In the ten years up to, and including 2005, 11,500 patent applications had been filed from more than 80 countries. A source of satisfaction was the annual increase of 20 per cent achieved in the number of Eurasian applications filed. During the past five years the number of applications had more than doubled. The main share of Eurasian applications were those filed in accordance with PCT procedures, which represented more than 80 per cent of the overall number. All those factors indicated the worldwide recognition of the Eurasian Patent System and the increased authority of Eurasian patents. Since the very beginning, EAPO's activities had been geared towards assisting the development of national patent offices in the region. In the era of globalization, IP rights protection was a key element of the State policy of many countries and a link between the creation of the results of IP and their use. The actual national rights-enforcement system, an important element of which was the national patent office, helped to create a favorable investment climate. Taking on the functions of the examination and grant of patents, the Eurasian patent system gave the national offices of member countries additional possibilities for the further intensification of their activities in the very important sphere under discussion. The modern level of patent offices' development necessitated the implementation of projects

which, for most of the countries in the region, could not be implemented on an individual basis. Examples of such projects, currently being implemented in accordance with the Program of the Eurasian Patent Organization for 2004-2009, were the creation of joint electronic patent documentation libraries, the electronic filing of applications and the organization of remote access to global patent collections. During the past few years patent offices had been connected to the Internet by means of separate channels and those offices had created websites on the Eurasian web portal and provided access to Eurasian patent documentation systems. Specialists from national patent offices of EAPO member countries attended training courses at the EAPO and, with the Organization's financial support, studied at the Russian State Institute of Intellectual Property. A subject of particular pride was the modern user-friendly Eurasian patent information system which provided broad possibilities for patent information searches for EAPO examiners and national patent offices, Eurasian patent attorneys and other users. The Organization followed with interest the development of other regional organizations. Particular attention should, in the Representative's opinion, be given to the decision of the EPO to create a European patent network, one of the key principles of which was to devise a new policy of cooperation between the patent offices of Member States and the EPO. The Representative said that the EAPO would also do the same in the future. It further thanked WIPO for its help in developing the EAPO, its participation in organizing a conference devoted to the tenth anniversary of the EAPO's formation, and for the high award it had bestowed on the Organization on that occasion. Noting WIPO's efforts to develop the global IP system, especially in view of the financial restrictions in place, and its determination to disseminate and provide joint activities with organizations playing an active role in different regions, the EAPO expressed the hope that WIPO would pay greater attention to developing practical cooperation with regional organizations, facilitating their mutual cooperation and strengthening regional patent offices. In the modern world, regional organizations were able and had to become the key players on which WIPO would rely in its work in the different regions. The policy proclaimed by WIPO for the comprehensive use of resources, the recruitment of sponsors, and the creation of joint activities with regional organizations should be included in the Program and Budget for the forthcoming biennium, with specific goals, programs and results. The Representative was sure that regional organizations could become reliable partners for WIPO in achieving its aims and tasks, and strengthening and developing not only national IP systems in the regions but also the global IP system as a whole.

131. The Representative of the European Commission reported that Directive 2004/48/EC on the enforcement of IP rights, adopted in April 2004, applied to "any infringement of IP rights as provided for by Community law and/or by the national law of the Member State concerned", and that the Commission had published a statement in which it outlined the IP rights which were at least covered by the scope of the Directive. The Delegation said that the Directive had become effective in the 25 EU Member States in April 2006, and that parallel work on the proposed Directive on criminal sanctions on IP infringements had progressed. The Delegation also announced the adoption of Regulation (EC) No. 1687/2005 implementing its decision to lower the fees payable to OHIM, which would make trademark protection cheaper for businesses operating in the EU single market. The Delegation then referred to two proposals presented by the Commission to link the Community Design system with the international design registration system of WIPO, the first of which related to the accession of the European Community to the Geneva Act, and the second of which contained the necessary provisions to give effect to that accession. The Delegation further announced the adoption of Regulation No. 816/2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems, in May 2006, and noted that this legislation implemented the WTO General Council Decision

of August 30, 2003. The Delegation also announced the launch of a public consultation on the future patent policy in Europe, though work on proposal for a regulation on the Community patent and on the proposals for the establishment of a specialized Community jurisdiction on patents had stalled. As a follow-up to the consultation, the Commission was likely to present its views on the future patent policy in Europe by late 2006. In the area of copyright and related rights, the Delegation said that the Commission had adopted a Recommendation, as well as an impact assessment, on collective cross-border management of copyright and related rights for legitimate online music services in October 2005. This was further to the communication on the management of copyright and related rights in the Internal Market adopted by the European Commission in April 2004 and a study published in July 2005. The Study had examined the present structures for cross-border collective management of copyright for the provision of online music services and concluded that the absence of EU-wide copyright licenses for online content services made it difficult for these music services to take off and that entirely new structures for cross border collective management of copyright may be required. The Delegation then reported that a review of the EU Legal Framework in the field of copyright and related rights, which started in 2004, was ongoing, with studies being carried out by independent contractors and an impact assessment foreseen for 2006. Finally, the Delegation announced that nine of the new EC Member States had ratified the WCT and/or WPPT, which the EC and its remaining Member States were preparing to adhere to in the not too distant future.

132. The Representative of the African Intellectual Property Organization (OAPI) firmly believed that WIPO was playing an eminent role in promoting intellectual property throughout the world and particularly in developing countries. He confirmed his desire to consolidate the friendship and cooperation with the Organization. He then reported on various activities carried out in cooperation with WIPO for the promotion of geographical indications, genetic resources, traditional knowledge and folklore, and for the research network on intellectual property. He welcomed strengthening of cooperation with the PCT and the Center for International Industrial Property Studies (CEIPI) which led to decentralization of examination to Yaoundé, under the responsibility of the training center. He mentioned the new challenges to be faced in the coming years, particularly in respect of fighting counterfeiting, the Substantive Patent Law Treaty, the protection of audiovisual performances, intellectual property and genetic resources, traditional knowledge and folklore. He explained that to achieve progress in protecting all aspects of intellectual property, OAPI was aiming to become more efficient and show greater responsibility towards the States and users which it served. Those efforts were being made in all areas of activity, whether in granting industrial property protection titles, dissemination of technical information, promotion of innovation or intellectual property training. However, he recognized that much remained to be done in all those areas.

133. The Representative of the National Association of Performers (ANDI) paid tribute to the excellent work done by the Chairman of the Assemblies and also expressed his respect and admiration for the WIPO Director General who had always shown himself to be sensitive to and concerned with respect for the rights of performers. Over a long period of time, ANDI had sought to make known the voice of hundreds of thousands of performers in Mexico, and of those that were members of the Ibero-Latin-American Federation of Performers (FILAIIE). Although there was no doubt as to the importance of progress on a treaty for broadcasting organizations, it was also necessary to have a treaty that protected the performances contained in audiovisual works. In a world in which technology advanced quickly, it was difficult to understand why thousands, perhaps millions, of performances had not yet managed to create interest in different countries such as to generate an agreement that protected the performers

who participated in such audiovisual works; it was more difficult still to understand that fact when other treaties, such as that mentioned relating to broadcasting organizations, were moving ahead quickly; and when phonogram producers already enjoyed protection under the WIPO Performances and Phonograms Treaty (WPPT). It was a bit like promoting a film, which had not yet been made or produced, for the most important cinema-industry prize. For that reason, the subject should form part of the agenda items of the Standing Committee on Copyright and Related Rights (SCCR) or at least discussion should be invited on the subject. Creating, thinking, imagining, everything began with an idea. Those who were creators and owners of the intellectual property of their creations were very often the most unprotected in the face of the economic forces that governed supply and demand in the world of business. Both producers and broadcasting organizations would have nothing to offer if the original work did not exist and was not in turn performed by performers. It was therefore a historical duty to respond to the true creators of identity and culture. Everything depended on the will, interest and commitment of the Assemblies.

134. The Representatives of the Electronic Information For Libraries (EIFL) and the International Federation of Library Associations (IFLA), speaking on behalf of both organizations, stated that EIFL represented leading academic research and public libraries in 50 developing and transition countries, that IFLA represented the interests of libraries and the users of library services throughout the world, and that they were directing their intervention to the proposed treaty on the protection of the rights of broadcasting organizations. The Representatives asserted that access to knowledge was essential for the functioning of a healthy and democratic society, and that access to knowledge was fundamental to education and research and for the creation of human capital upon which the development of societies depended, which was especially true in the information society, where economic progress depended on having a literate and educated population. They underscored that libraries of all types were the starting point from which citizens could have access to information on an equal basis and in a trusted and neutral environment, and that through their vast collections and resources, libraries enabled access for all members of the community to global knowledge resources, ideas and opinions, thus fostering a creative and innovative society, and increasingly providing access to all kinds of content available over the Internet. The dissemination of information through traditional broadcasting and through new media played an important role in education and development, and thus provided many opportunities for enhanced services and delivery to many more people, especially in developing countries. They noted that libraries also held recorded audio-visual material in their collections, which meant that libraries were intermediaries whose role was to provide access to such materials. The Representatives emphasized that libraries opposed the broadcasting treaty, and in their opinion, there was no compelling public policy reason for such a treaty, given the existence of the Rome Convention. They spotlighted some problem areas in particular. The treaty introduced a new set of rights which libraries would have to clear in order to use the subject material - rights clearance was already a costly and time consuming task. In countries that had a well functioning collective rights society, authors and performers generally allowed their rights to be managed collectively. Broadcasters, film and recording companies, on the other hand, generally preferred to clear rights themselves. Where there were few monopoly organizations, perhaps that was workable; but as broadcasting became more liberalized, and many more players entered the market, that process could become even more difficult. As rights clearance proved difficult if not impossible in many cases, the result would be to hinder access to broadcast material through libraries. The Representatives offered that the inclusion of exceptions and limitations could be considered as a solution to that problem. However, exceptions and limitations were optional and left to the national legislation; also, the list of exceptions could be exhaustive, but many countries did not avail themselves of flexibilities in

their international treaty obligations. That meant that the concessions negotiated at the international level were not translated into public benefits at the national level, especially in developing countries. Thus, the proposed broadcasting treaty would impose an additional burden on already under-resourced libraries in some of the poorest countries of the world. The Representative requested that any broadcasting treaty limit itself to its intent, which was to protect signal theft, and which excluded webcasting entirely. They underscored that the value of libraries, and their contribution to education, culture and society, in particular for development, had been widely acknowledged, and asked that their views be taken into consideration. They also referred to the issue of the WIPO Development Agenda, and observed that the proposals under discussion by the PCDA had, in their opinion, again reached an impasse. The Representatives believed that, from the report of its June meeting, many Member States were working towards compromise and wished to continue to do so, which was important to librarians and library users because libraries were essential to the advancement of knowledge; however, the current copyright regime was hindering that goal, especially in the digital environment. The transfer and exchange of information and knowledge was a global process which closely bound developing and developed countries. Libraries cooperated to deliver global electronic access to information through NGOs such as EIFL. Researchers in developing and transition countries were gaining access to online journals and databases, thus transforming education and research; likewise libraries were using technology to provide innovative new services, which could bring global resources into local settings. Recent examples were the British Library “Turning the Pages Project,” which was opening its public domain treasures to the world, and “Digital Book Mobile Projects” which put thousands of public domain books into schools, homes and libraries in Uganda, Ghana and other countries. However, the Representatives pointed out that some library digital projects had been held back for years, or might never see the light of day, due to copyright issues and the inability to obtain the necessary licenses. Librarians in many countries had publicly stated their concerns about the global trend, which was seriously tipping the scales in favor of rights holders. They felt that there were a narrow range of global commercial interests which were at the expense of society as a whole and in particular at the expense of the developing countries. The Representative noted that access to knowledge and information in the digital environment was being impeded by different factors. The question of digital copyright presented increasing problems for libraries, since the Agreed Statement to Article 10 in the WIPO Copyright Treaty, which allowed the extension of existing exceptions and limitations into the digital environment, had not been implemented in unambiguous terms in all international copyright laws. They referred to new layers of *sui generis* rights on information delivery, such as the EU database right, and the proposed protection for signals for as long as 50 years in the basic proposal for the WIPO broadcasting treaty. In their view, pressure for harmonization of the term of copyright protection leads to the shrinking of the public domain. Creators and entrepreneurs need a strong and viable public domain to provide them with new opportunities for research, scholarship and innovation. Restrictions imposed by technology through the legal protection of technological protection measures not only prevented libraries and users, including disabled people, from benefiting from statutory copyright exceptions, but also frustrated library statutory digital preservation programs. Restrictions could be imposed by contract and in most jurisdictions, licenses and contracts were allowed to override statutory exceptions to copyright—yet many of those licenses and contracts were diminishing the rights of users provided by exceptions and limitations, resulting in a loss of the traditional balance of copyright. In their opinion, national copyright legislation needed to provide for compulsory licensing schemes and for all information and copying licenses to be subject to national limitations and exceptions to copyright. For those reasons, the Representatives emphasized that WIPO must successfully establish and implement a Development Agenda. They found that the proposals were thoughtful and

substantive, and called on Member States to continue discussions in a form and in a manner that was inclusive and which enabled the proposals of Member States to be fully and fairly considered, in which the outcome could be cross-cutting and the development issues could be integrated across all work areas; they believed that it was premature for a permanent body to be established until an agreement had been reached on the substantive issues.

135. The Representative of the Civil Society Coalition (CSC) expressed the view that the CSC was opposed to the convening of a diplomatic conference on a proposed treaty for the protection of the rights of broadcasting organizations, considering it premature. The current draft treaty's exclusive rights-based approach would create a new intellectual property right in broadcasting signals, which would be layered upon existing copyright in the underlying program material. The Representative emphasized that the CSC was opposed to the granting of intellectual property rights in works to parties that simply scheduled and transmitted works. The proposed treaty presented a threat to consumers, and to copyright owners, including millions of persons who released works under creative commons licenses. He noted that up until the final moments of the 15th meeting of the SCCR, there had appeared to be growing support for a more narrow treaty that would have only protected broadcasters and cable casters against signal theft. In his view, there should be no diplomatic conference until WIPO Member States could agree upon the basic paradigm for the treaty: a "rights" approach, or a "signal theft" approach. Once that issue was resolved, it could be much easier to conclude a successful diplomatic conference; however, at the time, he asserted that there was no agreement on anything, and that a diplomatic conference presented too many risks for everyone.

136. The Representative of Consumers International (CI) referred to the WIPO Development Agenda, and expressed that organization's belief that there was a growing interest in developing more analytical and evidence-based policy making capacity at WIPO. He called upon the Member States to request the Secretariat to investigate different approaches for doing impact assessments, which could be controversial, as well as other types of economic analysis, including different models for the creation of an economics bureau within WIPO, a proposal which he felt could be an incremental but tangible step for integrating the development dimension into WIPO's core activities. CI was particularly interested in looking at models that would give Member States the opportunity to frame research questions for an economics bureau, an approach which could reduce the risk that such an economics bureau could become an advocate for policy positions—if the Member States could frame the questions that were relevant and important, then the economics bureau could spend its resources finding the data and evidence in response thereto.

137. The Representative of the European Broadcasting Union (EBU) noted that the EBU represented national broadcasters in no fewer than 54 countries; however, when it came to the broadcasting treaty, all broadcasters around the globe spoke with a single voice. He pointed out that of the current 183 WIPO Member States, as many as 21 had not even ratified the Berne Convention. Less than half had ratified the Rome Convention, and a mere 28 Member States had ratified the Brussels Satellite Convention. The 1996 WIPO Internet Treaties, in ten years, have been ratified by less than one third of all the WIPO Member States. The Representative observed that, while the broadcasters hoped that the WIPO broadcasting treaty would be ratified quickly by an overwhelming majority of the WIPO Member States, no illusions were held in that regard. He therefore wondered why it was, then, that unanimity should be needed, or at least a very broad consensus, before a diplomatic conference for the elaboration and adoption of such a treaty could even be convened. There were, he believed, no WIPO procedural rules which established such a requirement. He

questioned why all those who positively wished to have such a treaty could not be allowed to go ahead on their own, and asserted that, with the world being the way it was today, unanimity, often referred to as a consensus, on anything on a global level would appear to be something from the past, if it had ever existed. The Representative believed that if the broadcasting treaty did not see the light of day, there may be serious cause for concern about the future of any WIPO treaties, including the revision of existing ones. Bilateral or regional arrangements, which were the rule of the 19th century, would then be the only alternative. As European broadcasters, he stressed that the EBU would gladly accept a regional instrument, such as a European Union Directive or a Council of Europe Convention, provided that it would be possible to pluck satellites from the sky and to switch off the Internet. To put it positively, only a global legal instrument could deal with the realities which globalization had brought about. He noted that at the current stage, there were still many open questions—no one could be happy with the draft proposal as it stood today. However, the recent SCCR meeting reached a consensus that the text, with all its alternative proposals, could serve as a useful basis for a diplomatic conference. The last SCCR meeting demonstrated that Member States were not prepared to make any further unilateral concessions at that stage. It was, however, a customary task of a diplomatic conference to iron out misunderstandings, to clarify critical points and to work out compromises, so that a well-drafted treaty text could ultimately be submitted for adoption. The Representative emphasized that the broadcasting treaty was intended to protect the signal, and the signal only, and not the content carried by the signal. The EBU had been a strong advocate of the UNESCO Convention on Cultural Diversity, which had been adopted by such an overwhelming majority of countries. However, he also noted that the EBU was also the first to say that any reference to the UNESCO Convention in the WIPO broadcasting treaty would be out of place, as would any other clauses in the broadcasting treaty which had nothing to do with the signal as such, but which would be driven by obvious concerns over content. Limitations and exceptions were a good example of that. Whatever was permitted under national law with regard to programming content carried by the broadcast signal must also be permissible with regard to the signal, and vice versa. No beneficiary of a limitation or exception would in fact understand, and still less accept in practice, that what was allowed for the one was not allowed for the other. The Representative pointed out that the broadcasters were supported in their desire to hold a diplomatic conference in 2007 in a joint statement which was distributed at the recent SCCR meeting, wherein the same view was expressed, among others, by the authors represented by CISAC, by the film producers represented by FIAPF and by the phonogram producers represented by IFPI.

138. The Representative of the North American Broadcasters Association (NABA), who spoke on behalf of broadcast organizations in Canada, USA and Mexico, was also speaking on behalf of the National Association of Broadcasters (NAB), an organization which itself represents over 8000 radio and television stations and networks in USA. The Representative underscored that both NABA and NAB had worked toward an updated treaty for the protection of broadcast signals starting with the WIPO Symposium in Manila, Philippines, in 1997. The case had been made there that broadcasters, like other Rome Convention beneficiaries, needed their rights updated to take account of new technological realities. The Representative believed that the WIPO process today, which had included symposiums, seminars, regional consultation meetings, as well as 15 meetings of the Standing Committee on Copyright and Related Rights (SCCR), had been exhaustive, and that the next logical step was a diplomatic conference. While NABA shared concerns about some of the treaty proposals, the standing committee had gone as far as it could—outstanding issues should now be resolved within the context of the recommendations of 15th SCCR for the holding of a diplomatic conference in 2007. The Representative expressed her hope that NABA and NAB

could rely on the flexibility and goodwill of all delegations to work to resolve the major outstanding obstacles and clear the way for a successful diplomatic conference, because to not do this would put at risk all the efforts devoted to the broadcasting treaty over almost 10 years, and would thus squander a unique opportunity to make the broadcasting treaty a reality.

139. The Representative of the Institute for Policy Innovation (IPI) explained that the IPI was a 19 year old economic research institute and a civil society NGO at WIPO, which focused its research and advocacy on issues related to economic growth. The Representative expressed the IPI's belief that economic growth was a solution to many public policy problems, as economic growth facilitated education, better health care and the protection of human rights. Conversely, it was almost impossible to promote education, healthcare and human rights without economic growth. In general, economic growth came through participation in markets, and markets did not function without property rights. Property rights were thus essential to the economic growth equation, because property rights created markets, and property rights facilitated rational methods for distributing goods. The Representative pointed out that today, the world was even dealing with problems of pollution by creating a property right for pollution and carbon emissions, and that more often than not, property rights were the solution, rather than the cause, of problems in equalities. IPI's interest in IP was driven by the well known and well established relationship between IP and economic growth, a relationship which was recognized by the vast majority of economists and academics, despite the fact that it had recently become popular among some groups to question the significance of IP as a driver of economic growth. IPI also believed that the right to own a benefit from one's own creations and inventions was a basic human right, as specifically stated in the Universal Declaration of Human Rights. Since IP was so important, a functioning WIPO was also important. Therefore, IPI viewed all proposals at WIPO through the lens of whether or not they were promoting a functioning WIPO, as well as whether they promoted IP as a tool of economic development. The Representative observed that IPI had participated in all meetings related to the Development Agenda during 2005 and 2006, and called for the proposal of the Chairman of the PCDA regarding the Development Agenda to be included in the Report for this meeting of the WIPO Assemblies, as it represented a step in the right direction.

140. The Representative of the Electronic Frontier Foundation (EFF) explained that the EFF was an internationally active NGO with offices in the United States of America and Canada working on technology and public policy for its 12.000 members around the world. He stressed the importance of establishing a development agenda for WIPO and the need for extending the mandate of the PCDA, as development was the lens through which all of WIPO's activities should be viewed. The Representative was also in favor of focusing work on the production of concrete tangible results that would strengthen the effectiveness of the Organization's work, and its institutional capacity to meet its Members States needs. He also called for more economic involvement and more economic evidence in all of WIPO's work. On the proposed broadcasting treaty, the Representative was of the view that a diplomatic conference would be extraordinarily premature, and he recalled the lack of consensus at the 15th session of the SCCR on the draft treaty text on a number of substantive issues, and the divergent views of Member States on whether, for example, the treaty should be employer's rights based or signal protection based. At the very least, a diplomatic conference should not be called until consensus had been reached on such a basic element of that Treaty. Finally, the Representative drew Members States' attention to a letter opposing the inclusion of the Internet in the WIPO Broadcasting Treaty, which had been distributed at the 15th SCCR and provided to the Secretariat, and which had been signed by over 200 podcasters, people or

organizations who distribute original content over the Internet for use of devices like iPods. The Representative noted that podcasting was a new form of cultural distribution that could be seriously harmed by the proposed treaty and he encouraged Member States to consider that position.

141. The Representative of the International Federation of Film Producers Associations (FIAPF) supported the proposals made by the Representative of Nigeria on behalf of the African Group, and by the Delegation of Kyrgyzstan on behalf of the countries of Central Asia, the Caucasus and Eastern Europe, concerning the WIPO Development Agenda. The proposals had in common the good faith and a pragmatic desire to make progress on the substance of issues. The Representative urged Member States, as a priority, to focus their attention on the proposals likely to enjoy a general consensus, and to leave those proposals requiring more thorough examination and detailed negotiations to a later stage. The Representative was also available to those Member States that wished to devise imaginative and feasible plans relating to technical and economic cooperation in the audiovisual production and distribution sector. Concerning the proposed Treaty on the Protection of the Rights of Broadcasting Organizations, the Representative stated that, as a member of the Coalition of Rightsholders, the FIAPF supported the idea of a Diplomatic Conference. However, that support was conditional on the text of the draft Treaty presented to the Assemblies being balanced in terms of the rights offered to broadcasters, namely that broadcasting organizations would be granted only those rights necessary for the protection of their signals. The FIAPF had been very clear on the requirement that the draft articles concerning the technical protection measures and the exceptions and limitations should reflect the approach already adopted in the WIPO Copyright Treaty (WCT) and in the WIPO Performances and Phonograms Treaty (WPPT). It was regrettable that the draft Treaty in its current form did not offer a sufficient basis to resolve those issues. In conclusion, for the time being, the Representative of the FIAPF maintained his reservation concerning the holding of a future Diplomatic Conference.

142. The Representative of the German Association for Industrial Property and Copyright (GRUR) emphasized the scientific character of their activities and the composition of its membership, namely scientists and practitioners who worked in all fields related to the protection of Industrial Property, Copyright and competition law. According to its statutes the Association's objective was training in the area of Intellectual Property rights and the support of the legislative organs, competent ministries and institutions on questions of Intellectual Property and the law of fair trading. The Association had expanded its activities to various fora open to civil societies in the European Union. With some 4,500 individual and corporate members, several hundred residing outside Germany, the Association cultivated a close cooperation with other national and international groupings of civil society. The Representative explained that although the Association was a newcomer to the meetings of the Governing Bodies of WIPO, he had already attended meetings of the Standing Committees and thanked all parties concerned with their acceptance of GRUR as an observer to the General Assembly. The emphasis on the scientific character of the Association's activities did not mean that the Association did not take sides or hesitate to mark its position in political discussions. The Association had continuously and strongly supported the work in the Standing Committee on the Law of Patents (SCP), including the efforts made to promote the further harmonization of patent law and to fix priorities in this regard, whilst fully respecting conflicting interests. The same was true as far as the project of a new treaty on the protection of broadcasting organizations was concerned. The Association fully supported all efforts to bring the discussions in the SCCR to a successful completion.

143. The Representative of IP Justice, an international civil liberties organization that promote balanced IP law, strongly recommended that Member States decide against convening a diplomatic conference on a Broadcasting Treaty. She recalled that at the 15th session of the SCCR, several Member States had made clear their objection against moving forward based on the draft proposal. The SCCR Chairman's decision to convene a diplomatic conference was premature and lacked the consensus necessary for legitimate democratic law making. The Representative noted that the current draft proposal create eight new IP rights for broadcasting organizations, instead of using a more appropriate "signal theft" approach to address unlawful conduct, as recommended by many Member States. The Chairman's proposal continued to regulate Internet transmission of programming in Articles 9 and 14, which significantly was threatening bloggers, podcasters, and other innovative Internet users of programming. In addition, the proposal still contained the unpopular measures against the circumvention of technological restrictions, even after the majority of Member States had expressed concern about their impact on the public domain, and on artists and consumers' rights to use programming. The Representative further stated that by no means, these issues were only political questions, because it remained unclear what implications a new IP right for broadcasters would have on developing countries or the public as a whole, and that too many outstanding questions should be answered before a Diplomatic Conference was convened. The Representative then stated that IP rights could foster economic and social development, but only if a balance was maintained between the rights of creators and users, and only if the special needs of developing countries were taken into consideration. The Broadcasting Treaty in its current form would not help to reach these aims. The Representative was therefore of the opinion, that WIPO should rather focus its efforts on adopting a Development Agenda and a Treaty on Access to Knowledge, and undertaking an examination of the appropriate limitations and exceptions to copyright, as proposed by Chile in 2005, to ensure that WIPO's work was in line with the global public interest.

144. The Representative of the *Fundacao Getulio Vargas* (FGV) supported the statements made on behalf of the Friends of Development, LDCs, the Asian Group and the African Group, and statements made by the Delegations of Brazil, Chile, China and South Africa. He stated that WIPO, as a UN specialized agency, must be guided by the UN principles, bearing in mind, that the IP system should not be understood as an end in itself, but rather as a mean for achieving development. He said that due to countries' various levels of development, all WIPO Treaties should have special and differential treatment for developing countries and LDCs, and therefore before the commencement of discussions on any new treaty, open forums, such as the Open Forum on the SPLT, or similar public discussions, should be held to debate the objectives, feasibility and desirability of the proposed treaty and its eventual impacts, ensuring, additionally, a broader participation of civil society and public interest groups in WIPO activities. The Representative was therefore of the opinion that as no consensus could be reached on the SCP as regards the SPLT, there should be another open fora to continue discussions. He the stated that FGV supported the development and adoption of a treaty or similar mechanism on access to knowledge, and the adoption of non-exclusive systems for fostering creativity, innovation and transfer and dissemination of technology, such as free software and Creative Commons Licenses. In addition, FGV supported the establishment of special PCT application fees for the promotion of research and development activities in developing countries and LDCs. Concerning the WIPO Development Agenda, the Representative believed that the process of the PCDA should be renewed with three five-day sessions. With regard to discussions in the SCCR on a possible Broadcasting Treaty, he mentioned that there were limited talks about the possible impact on public access to information and cultural diversity, and there was no agreement in substance. Having said that, and bearing in mind the growing opposition from different industry groups, the

Representative urged the WIPO General Assembly to reject the recommendation of the SCCR to hold a Diplomatic Conference, and thus promote further discussions with a sufficient participation of relevant stakeholders in order to provide a better understanding of the implications of the treaty. In relation to the work of the IGC, the Representative was favorable to finalizing a legally binding international instrument with no further delay, and stressed the need for the work of the IGC to advance in parallel with the work in other fora, such as the SCP. Finally, the Representative stressed that developing countries as well as their creative industries, should be the focus of the work of the Advisory Committee on Enforcement, including discussions on the broader context of society interests, obligations of right holders, and experience on bio-piracy.

145. The Representative of the Latin American Association of Pharmaceutical Industries (ALIFAR) reaffirmed the importance of the proposal put forward by the Friends of Development and said that international intellectual property standards had established that development was a direct consequence of the strengthening of intellectual property rights. However, experience showed that, at least in developing countries, and in particular in the sector which her Organization represented, that premise had not been fulfilled. By contrast, she warned such standards threatened the development and the actual existence of the pharmaceutical industry in generic products. Intellectual property should not be considered to be an end in itself but rather a means of promoting innovation, access to science and technology, and fostering the creativity of national industries in order to achieve the development and well being of countries. However, she warned with concern that the patent system was being used as a means to obstruct legitimate competition instead of being used as a tool to promote genuine innovation. Patents of doubtful quality were used aggressively against the national pharmaceutical industry, thereby making it difficult to market products that were in the public domain, worsening the situation in the sector, and compromising its future and access to drugs. She also expressed her concern regarding the harmonization of patents, which would subsequently limit the existing lack of flexibility for developing countries. Finally, she pointed out that intellectual property protection standards that were established as part of bilateral trade treaties formed a scenario which would deepen the already existing lack of symmetry and the technological divide between developed and developing countries. For that reason, the wish had been expressed for WIPO to introduce technical assistance and cooperation activities focused on development, so that intellectual property would be an effective tool for the growth of national industries in developing countries and general well being.

146. The Representative of the Association for the Promotion of Intellectual Property in Africa (APPIA) stated that APPIA, based in Yaoundé, was present in around 12 French-speaking and English-speaking African countries, and had around 100 members through which it carried out its mission which was to promote intellectual property in Africa. The Representative encouraged the Organization to support the participation of civil society in its work in order better to reflect the interests in development which African peoples expected to see through intellectual property. He also thanked WIPO for commissioning a Madrid System expert on Intellectual Property Day 2006. He welcomed the creation of a support fund for the participation of representatives from indigenous communities in the work of the Committee on Traditional Knowledge. However, he regretted that much of the work of the Organization was made known to the peoples of Africa only after adoption, particularly work concerning the adoption of international treaties, including work on the possible adoption of a Treaty on the Protection of Broadcasting Organizations. He added that such work should take into consideration the opinions and specific requirements of developing countries, and in particular the needs associated with accessing information, with education

and with freedom of expression. He also considered it too hasty to hold a Diplomatic Conference in 2007, and expressed the wish that a series of regional seminars and conferences be organized in Africa by the Organization, without the need for the States to issue an invitation. Those regional meetings would allow the African Member States and the experts concerned by the text to analyze it more thoroughly and fully grasp all its aspects. That process would also enable the African States to facilitate the implementation of the Treaty rather than simply be subjected to its provisions. Furthermore, he supported the work cycle of the WIPO Provisional Committee on Proposals Related to a WIPO Development Agenda and was in favor of its mandate being renewed for a new two-year cycle. He explained that the diversity of the proposals made should be an indication of the importance which the States attached to the adoption of that Agenda. He concluded by encouraging the Organization to make more tangible the role which intellectual property must play to stimulate development in developing countries and in the Least Developed Countries (LDCs).

147. The Director General thanked all Delegations for the constructive and positive discussions which had taken place under Agenda Item 4, and noted that it was only against a background of clear, accurate and reasoned input regarding national aspirations and constraints that realistic progress could be made towards common goals. The Director General said that everybody was committed to the future of WIPO as the recognized global forum for the development and use of the IP system as a means of economic and cultural enrichment for every nation, and to maintaining and enhancing the stature of the Organization as a dynamic body in which progress was made through a spirit of consensus and creative compromise, and he hoped that this was indeed the spirit of this particular session of the General Assembly. The Director General stated that the progress achieved during these meetings on the issues before the Assemblies validated those commitments. It also reaffirmed what one Delegation had referred to as WIPO's role as an intellectual leader among other Organizations which were increasingly interested in IP issues. The Director General noted that Member States were seeking the understanding, solidarity and flexibility necessary to bring about forward momentum in the various challenges currently confronting them, and that they must therefore be supported in their quest by a Secretariat offering the highest standards of efficiency and responsible management. The Director General referred to the great efforts to attain these standards by incorporating, to the maximum extent possible, the suggestions and recommendations received from all various constituencies, as outlined in the various presented documents. He was therefore pleased to hear Member States' expressions of appreciation of these efforts which had been made both by those staff members charged with the financial and budgetary helms of the Organization and by those whose work had been impacted by the reduction in resources available to them. The Director General also welcomed Member States' expressions of appreciation on issues of substance at the heart of IP. He had also noted with interest the other comments made in the wide-ranging discussion on this agenda item, and had been particularly aware of references to the need to nurture the spirit of consensus to achieve solutions that would take root, thrive and bear fruit. The Director General had further noted many individual requests and comments from Member States referring, for example, to the continuing need for assistance in drafting national IP strategies; the need for balance in all areas; a slow but noticeable improvement in the economies of certain LDCs and the importance of IP capacity building; the need to examine the interface between copyright and education, a very important area raised by some Delegations; the introduction of new national legislation against counterfeiting and piracy, and of course enforcement issues related to this critical question; examination of the link between the copyright industries and the overall economic growth of countries and nations; and the need to make IP protection even more affordable. The Director General assured Member States that these and all other observations would receive careful attention from the

Secretariat. Finally, the Director General underscored the contribution made by the staff of the Organization, and stated that they were unfailingly dedicated and always willing to go the extra distance required of them and tireless in keeping the heart of the Organization ticking. He recalled that he had emphasized on several occasions before the Assemblies and in different other fora that the staff was the most important resource of the Organization. The Director General also reiterated that it was of great importance that staff had the best possible conditions of work, both for their own well-being and for that of WIPO, and stressed that without the staff, the life would go out of the Organization.

148. The Delegation of Brazil, on the subject of document A/42/2, reiterated its appreciation of the Secretariat's efforts to provide Member States with a very extensive and complete Program Performance Report for the 2004-2005 biennium. It pointed out, however, that in its view, there were several instances in the document where perhaps a skewed perception of what development and IP should be was actually made quite explicit in the text, for example, the description of actions taken by WIPO under the Development Agenda fell under the title of Cooperation for Development. The Delegation, in particular, made reference to paragraph 70 in document A/42/2. It pointed out that this perhaps meant that it was still not clear within the Organization that the Development Agenda was something broader than the idea of Cooperation for Development because it had normative implications. It therefore believed that document A/42/2 should be modified and that paragraph 70 should be placed under the title Protection of IP and Development of the IP System. The Delegation also pointed out the many references to IP and development under awareness raising in developing countries on the importance of implementing IP legislations. It was of the opinion that this was also a skewed view of what should be understood by IP and development or being development friendly. It noted that awareness raising needed to encompass a broader vision of IP and it meant working with developing countries to assist them to implement the full scope of their commitments, both the affirmative aspects of protecting rights but also the limitations, exceptions, flexibilities and the compulsory licensing provisions that were at the reach of many Member States as a legitimate tool for curbing anti-competitive practices and for giving them access to medicine and other important sources of provisions that their populations may need. Therefore, the Delegation pointed out, the public interest aspect of IP was not adequately dealt with in the document. It also referred to paragraph 336 which, in its view, stated that measuring the impact of IP on development was a question of measuring or assessing levels of piracy in different countries or in different communities or in different regions, and stressed that Brazil strongly opposed this view. The Delegation was of the opinion that the broader issue of the impact of IP on development was not directly related to levels of piracy, and it wanted impact assessments to take into account a broader view. It believed that this was an issue to do with the economic impact of IP law in general in countries that did not generate large amounts of IP, and that this was intellectually a broader issue than just measuring piracy across different countries. The Delegation strongly opposed this approach and for future documents it wanted the Secretariat to improve the references to the development issue, because it believed that the approach did not conform with what developing countries, who had proposed the development agenda, understood the relationship between IP and development to be. The Delegation also wanted its position to be duly reflected in the final report of the Assemblies, because the adoption of the document A/42/2 by Brazil did not mean that it was in full agreement with the contents of the document or the approaches which had been taken and the way in which development issues were reflected within. In addition, the Delegation announced that Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran (Islamic Republic of), Kenya, Peru, Sierra Leone, South Africa, United Republic of Tanzania and Venezuela, were not in a position to approve paragraph 70 of document A/42/2.

149. The Delegation of Ukraine, on the same subject, wished to make some additional comments to its general statement. While it in general supported the work of the Organization, it requested a very transparent review and analysis of the way in which budgetary resources were allocated among main programs, in particular, those aimed at developing national IP systems in countries in various regional groups. The Delegation believed that it was important to reflect the trend in the allocation of budgetary resources over the past ten years, including a reflection of the way in which the staff of the Division for Cooperation with Certain Countries in Eastern Europe, Central Asia and the Caucasus had developed. The Delegation also had some concerns about the principle of equitable geographical representation of Member States among WIPO staff, and it requested an analysis of the situation and that consideration be given to change it, to give greater administrative flexibility to the Organization.

150. The Delegation of Saint Vincent and the Grenadines noted that the Commerce and Intellectual Property Office of Saint Vincent and the Grenadines was just over two years old, and in a sense, the country was in the embryonic stages of its development of an intellectual property system. The Delegation observed that while the country had made remarkable progress, its obligations continued, given the dynamic nature of intellectual property and the peculiar challenges which confront small island developing states. Since the meeting of the WIPO Assemblies in 2005, the country had continued an on-going legislative process which had seen the passage of legislation concerning the Layout Designs of Integrated Circuits and Industrial Designs. A new Plant Varieties Bill was currently under review, and planning for the establishment of a Collective Society was well under way. The Commissioner of Police of Saint Vincent and the Grenadines had given assurances that all matters pertaining to the enforcement of intellectual property rights had been assigned to the Major Crime Unit of the Royal Saint Vincent and the Grenadines Police Force. The Delegation emphasized that in the immediate future, the Commerce and Intellectual Property Office of Saint Vincent and the Grenadines looked forward to strengthening its internal human and technological capacities, and to implementing and successfully executing its first comprehensive and strategic workplan of outreach activities designed to address every sector of society. Also, the IP Office intended to enhance its cooperation with other Ministries and Departments of the Government of Saint Vincent and the Grenadines, and also with Non Governmental Organizations, Civil Society groups and students, with the objective of merging intellectual property rights into the macro economic, social and cultural landscape of the country. The Delegation expressed its gratitude to the Organization for the varied assistance which it continued to render to the State of Saint Vincent and the Grenadines, congratulated the Director General for his vision and leadership, and recognized the commitment and tireless work of the Organization in every field of intellectual property. In concluding, the Delegation embraced the vision of WIPO and expressed that it was inspired by the commitment to cultivate a system of intellectual property rights which might be used to attain economic growth and development, and equally to improve the standard and quality of human life.

151. The Delegation of Brazil, on the subject of document A/42/3, noted that most of its comments made on the document A/42/2, applied to the document A/42/3 as well, and it recalled the comments that it had previously made regarding the initiatives taken by the Secretariat on impact assessments. The Delegation emphasized the need to involve Member States in the ongoing discussions within the Organization on the issue of impact assessments and also to involve Member States in the discussions that the Secretariat was having with other Organizations on these issues, such as, the UNDP, the World Bank and OECD. The Delegation underscored the huge importance of this issue and stressed that it would be to the

benefit of everybody if broader discussions were held and if Member States were engaged early on in the process, while the issue was still in the stages of formulation of ideas and brainstorming, so that Member States were not only made aware of the results at the end. The Delegation stressed that this would constitute a better working procedure and a better partnership between Member States and the Secretariat. It also stressed that while Brazil took note of the contents of the document A/42/3, it did not mean that Brazil was fully in agreement with the perspectives on development contained in that document.

152. The Director General, responding to the statements made by Brazil and Ukraine, stated that on the structure of the documentation prepared for the General Assembly, the Secretariat was open to any comments, suggestions, improvements or criticisms. He assured Member States that all statements made by various Delegations representing governments, inter-governmental organizations or NGOs, would be duly reflected in the report of the session, including the statements made by Brazil and Ukraine, and therefore, with this understanding and the comments made, he invited Member States to proceed with the adoption of the report.

153. The Assemblies of the Member States of WIPO, each as far as it is concerned, approved the contents of document A/42/2, and noted the information contained in documents A/42/3, A/42/12 and its annex, and A/42/13.

ITEM 5 OF THE CONSOLIDATED AGENDA:

REPORT ON THE OUTCOME OF THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A REVISED TRADEMARK LAW TREATY (TLT)

154. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 6 OF THE CONSOLIDATED AGENDA:

PROGRAM AND BUDGET COMMITTEE AND RELATED ISSUES

155. Discussions were based on documents A/42/9, A/42/10 and A/42/11.

156. Following a point of order by the Delegation of Switzerland, speaking on behalf of Group B, supported by the Delegation of Croatia, speaking on behalf of the Regional Group of Central European and Baltic States, it was decided that all governance and oversight related documents should be dealt with under this item of the consolidated agenda. Therefore, document A/42/8 (“Report on Internal Oversight”), which originally appeared under item 4 of the consolidated agenda, was also considered under this item.

157. In introducing document A/42/9, the Secretariat stated that there had been four sessions of the Program and Budget Committee (PBC) since the 2005 session of the Assemblies, of which two formal and two informal. Through document A/42/9, the Assembly was now invited to approve the recommendations of the ninth session of the PBC (as reproduced in Annex I, paragraph 102 of document A/42/9), and of the tenth session of the PBC (as

reproduced in Annex II, paragraph 25 of the same document). The recommendation adopted by the PBC at its ninth session, in January 2006, concerned budgetary flexibility. It was that pending the revision of WIPO's Financial Regulations, transfers from one program to another should be limited for each given biennial period to five per cent of the amount corresponding to the biennial appropriation of the receiving program or to one per cent of the total budget whichever was higher on the understanding however that this interpretation of Financial Regulation 4.1 would not be applied before the conclusion of the current biennium and after the desk-to-desk exercise and also that it would not prejudice the decision of the 2005 Assemblies on budget adjustments. The PBC had also recommended that a draft comprehensive revision of the WIPO Financial Rules and Regulations be submitted to the April 2007 session of the Program and Budget Committee for consideration. The Secretariat clarified that when this decision had been adopted, the discussion on the new mechanism had not been finalized. Therefore the words "April 2007" appearing in document A/42/9, Annex I, paragraph 102(ii) should be considered to mean "in the first semester of 2007".

158. The second decision the Assemblies were invited to make concerned a new mechanism to further involve Member States in the preparation and follow up of the program and budget of the Organization. This new mechanism was illustrated in the tables contained in Annex III and Annex IV of document A/42/9. The areas shaded in gray in the tables represented the new features of the proposed mechanism compared to previous practice. The new features reflected the five main areas of concern that had been evidenced in the process of consultations with Member States. These were to: (i) further engage Member States in the preparatory phase of the elaboration of the draft program and budget of the Organization; (ii) create stronger linkages between the appraisal of performance of the past biennium and planning for the future; (iii) enable an explicit review and approval of the revised budget for the current biennium; (iv) integrate in the mechanism the Audit Committee (which had been established by the WIPO Assemblies in 2005) and the reports to be produced by the Internal Auditor under the new WIPO Internal Audit Charter; and (v) better synchronize the review of the financial performance of the Organization (as presented in the biennial accounts) with the review of its programmatic performance. Annex III illustrated the transitional mechanism for the 2006-2007 biennium, and Annex IV the mechanism from 2008 onwards, respectively. Subject to the approval of the Assemblies, the Secretariat would start implementing the new mechanism by transmitting to Member States, in October 2006, a circular letter and a questionnaire inviting inputs in preparation for the draft Program and Budget for 2008-2009. It would also convene a first informal session of the PBC in December 2006.

159. Document A/42/10 contained a progress report on the measures adopted by the Secretariat since September 2005 to implement the JIU recommendations. Concerning JIU Recommendation 1, the Secretariat had interacted extensively with the Audit Committee on the definition of the specifications of the desk-to-desk review project, and an international tender based on the agreed specifications had been launched in July 2006. The closing date for this tender procedure was September 20. Several offers had been received within the deadline. It was anticipated that a contract would be signed with the selected firm by mid-November in order to start the exercise immediately after. The selected firm would be required to present a final report on this exercise at the latest by June 2007 in order for the Secretariat to be able to transmit the report, with its observations, to the 2007 WIPO Assemblies. Regarding human resources, one of the recommendations of the JIU was that WIPO should develop a comprehensive HR strategy. The Secretariat had elaborated a preliminary draft of such strategy, as shown in Annex V of document A/42/10. This preliminary draft would be finalized upon conclusion of the desk-to-desk exercise. Also, a number of HR policies had been adopted in follow up to the JIU recommendations, including

the abolition of the possibility of direct recruitment. With regard to the strengthening of internal oversight, a number of actions had been taken. In particular, a new D.1 post had been allocated to recruit, through an international competition, an Internal Auditor with the qualifications required by the WIPO Internal Audit Charter. The current session of the Coordination Committee was being invited to approve the name of the proposed candidate to take up the D.1 post of Internal Auditor of WIPO immediately after the Assemblies. A further two new posts were under competition in the Internal Audit and Oversight Division (IAOD).

160. Three JIU recommendations related specifically to the PCT. Firstly, the JIU had recommended that WIPO carry out a study of the unit cost of processing a PCT application. That study had now been completed and the results were presented in document A/42/10. In summary, the estimated unit cost, in 2006, for processing a PCT application was 886 Swiss francs. In paragraph 15 that cost was broken down into a direct unit cost of 546 Swiss francs or 61.6 per cent of the total cost and an indirect cost of 340 Swiss francs. As shown in the document, the unit cost had gone down from 1,042 Swiss francs in 2004 to 934 Swiss francs in 2005 and to 886 Swiss francs in 2006. This was mainly the result of the re-engineering of the processes within the PCT and of the successful deployment of information technology to provide an electronic dossier for the administering of PCT applications.

161. The second JIU recommendation dealing with the PCT was Recommendation 5. It contained two sub-recommendations. The first one was that WIPO should consider direct payment by applicants in Swiss francs of PCT fees that were due to the International Bureau (IB) of WIPO. As it had already indicated in 2005, the Secretariat believed that there were considerable difficulties with this recommendation and it wished to repeat its reservations with regard thereto. Firstly, because some countries did not have access to hard currency, and this would constitute a considerable obstacle for their applicants in the use of the PCT. Secondly, because in the view of the Secretariat this would involve additional rather than less administration both for applicants and for the offices, since under such system an applicant would be required to file the application with a receiving office, and then to separately send the payment for that application to WIPO. WIPO and the receiving offices would have to then match up payments with applications. The second sub-recommendation concerned fees and currency exposure. The Secretariat recalled that the PCT had a system whereby the PCT fee in Swiss francs was set to an equivalent amount in the relevant local currency. This system provided that if there was a variation in the exchange rate between the local currency and the Swiss franc of more or less than five per cent per month then an adjustment would be made to the equivalent amount at the local level. The Secretariat estimated that this exposed WIPO to a currency loss or gain of 10 million Swiss francs per year. The view of the Secretariat was also that it would be possible to reduce that currency exposure by, for example, applying a system whereby there would be an adjustment of the equivalent amount if there were a currency variation of more or less than 2.5 per cent. In its estimate, this would halve WIPO's currency exposure to five million Swiss francs. The Secretariat therefore suggested that this matter be taken up in the context of the preparation of the next program and budget. The Secretariat additionally wished to look at the structure of PCT fees because of the current heavy dependence on the so-called page fee payable for any page of an application over 30 pages, and the increasing redundancy of this measure in the context of electronic filing. Further information on this issue was available in document A/42/10.

162. Finally, the JIU had recommended that WIPO implement a facility for credit card payment of PCT fees. This had now been done and was operational. The Secretariat wished

to note that this applied only to the operations of the International Bureau as a Receiving Office, since otherwise fees were paid to national offices. Consequently, its impact was relatively small.

163. In introducing document A/42/11, the Secretariat recalled that it provided a progress report on the measures adopted by the Secretariat since the 2005 session of the Assemblies to strengthen its managerial processes. As outlined in the document, these measures included budgetary and control policies and procedures, HR policies and procedures, procurement policies and procedures, and initiatives aimed at strengthening the internal oversight function. The document also provided information on the servicing of the WIPO Audit Committee by the WIPO Secretariat and on revised policies on the management of special projects, including the new construction.

164. Finally, the Secretariat recalled that in July 2006 it had transmitted to all Member States the Financial Management Report for the 2004-2005 biennium. According to the new mechanism, this Report would be examined by the Program and Budget Committee at its first formal meeting in 2007. As shown in the said Report, the initial budget for the 2004-2005 biennium had envisaged a deficit of 50 million Swiss francs. This deficit had been reduced to 14.5 million Swiss francs in the Revised Budget for 2004-2005. The actual result for the 2004-2005 biennium had been, however, a surplus of 11.5 million Swiss francs.

165. The Delegation of Croatia, speaking on behalf of the Group of Central European and Baltic States, thanked the Secretariat for its efforts in compiling an exhaustive set of documents addressing WIPO's housekeeping policies. These documents revealed that the past year had involved a lot of hard work on the part of the WIPO Secretariat directed at achieving better financial discipline and at strengthening control and management. More transparency, discipline and efficiency had been brought in WIPO's work. As shown in document A/42/11, improvements had been made in respect of budgetary practices, human resources policies and procedures and procurement rules and procedures. The Group was interested to receive more information on the methodology for budgeting personnel and non-personnel costs as well as on the comprehensive human resources strategy mentioned in document A/42/11. The Group welcomed the HR strategy set out in Annex V of document A/42/10, and supported the organization of the desk-to-desk project as illustrated in Annex II of the same document. The outcome of the exercise would be very important for future decisions in the area of human resources and would have implications for the future program and budget of the Organization. The selection of the external firm was the most significant step towards a successful outcome of the project. The Group appreciated the work done by the Secretariat to follow up the JIU recommendations as reflected in document A/42/10. It believed that this work should be further elaborated, especially with regard to the JIU recommendation concerning a possible new mechanism for setting equivalent amounts in the different currencies of payment and to make adjustment for the PCT fee schedule in order to reduce reliance on the page fee as a source of income. It also noted the Report on Internal Audit and drew attention to the issue of the lack of resources of the IAOD. This might have a significant impact on its performance. The Group welcomed the results of the audit of the WIPO pension fund and the consequent improvement in the use of electronic means for calculating entitlements. It was also keenly interested in the WIPO evaluation policy because it believed that it would enhance standards and transparency in the work of the auditors and should therefore bring added value to WIPO's results-based management. It welcomed the establishment of the WIPO Audit Committee which had already proved its utility by providing Member States with timely recommendations and analysis in respect of the desk-to-desk review project and the new construction project. Regarding the latter, the Group

wished to note with satisfaction the preparation work carried out so far. It was aware that certain adjustments in the following program and budget would be needed to reflect the delay in the start of the process. The Group believed that the project was being prepared in a transparent and efficient manner and supported the efforts of the Secretariat and all stakeholders in that respect. It also supported the proposed re-estimation of the cost of the project, which in its view, should be carried out by the External Auditor. Finally, it congratulated the Program and Budget Committee for reaching decisions on transfers among programs and on a new mechanism to further involve Member States in the preparation and follow up of the program and budget. Those decisions would further strengthen budgetary practices and good governance.

166. The Delegation of Switzerland, speaking on behalf of Group B, expressed its satisfaction for the work undertaken by the Program and Budget Committee (PBC) in the past year. The proposed new mechanism to further involve Member States in the preparation and follow up of the program and budget was in its view a major step forward. Group B recommended the adoption of this new mechanism and a review of its implementation at the next General Assembly. Group B thanked the Secretariat for the information it had provided on the implementation of the recommendations of the JIU and looked forward to the JIU's confirmation of the effectiveness of the actions taken. Group B had taken note of the updated information provided by the Secretariat on the desk-to-desk review project, which remained a task of high priority and importance in terms of WIPO management. In its view, to be credible the review should also cover top management, focusing on its composition, its *modus operandi*, its methods of appointment and any skills gap. Group B looked forward to engaging with the Secretariat and seeking advice through the Audit Committee as the project progressed. Group B also welcomed the updated information on the comprehensive review of WIPO human resources policies and practices on which the Secretariat had embarked. The desk-to-desk assessment would be a key source of information and orientation for this review and for the new HR strategy, which was under elaboration. Group B noted that the Audit Committee had been established in the current year and had met twice since. It had already produced useful advice to the Member States. Group B encouraged the nine members of the Audit Committee to continue their work and to actively seek dialogue with Member States. Group B acknowledged that the mandate of the Committee needed to be reviewed and improved in the near future and also that the Committee should be adequately resourced and financed. It also believed that the Audit Committee should be represented at the WIPO Assemblies. It had taken due note of the comments made by the Acting Director of IAOD in document A/42/8. A sufficient allocation of resources was essential to enable IAOD to fulfill its mandate in accordance with the Internal Audit Charter that had been adopted by the General Assembly in 2005. The provision of the Charter enabling the Director of IAOD to communicate his yearly report to the General Assembly was highly important, as it ensured IAOD's feedback on the effective allocation of the resources of the Organization. Group B supported the strengthening of IAOD through the recruitment of a Director and two officers and expected their appointment without delay. Once this substantive strengthening had taken place, an updating of IAOD's needs assessment would be required. Group B asked that, at the earliest opportunity, the Audit Committee should review the appropriate charter, structure and resources needed for effective internal audit and oversight in WIPO. Also, it was committed to the careful consideration of the adequate resourcing of IAOD. Finally, Group B had prepared draft decision language relating to documents A/42/8, A/42/9, A/42/10 and A/42/11, which was ready to share with the Assemblies.

167. The Delegation of the Russian Federation thanked the Secretariat for its preparatory work in respect of this item. It hoped that the proposed new mechanism to further involve

Member States in the preparation of the program and budget would enable to actively involve Member States in the process, so that the Organization could have a better idea of their demands. The new mechanism would give Member States the possibility of receiving better information on the implementation of the current program and budget and also to take their views into account when preparing for the following biennium. The Delegation supported the proposal of the Program and Budget Committee to revise the Organization's Financial Rules and Regulations with regard to budgetary transfer. This revision should provide to the Secretariat the required flexibility without, at the same time, make substantial changes to the budget. The Delegation welcomed the establishment of the Audit Committee, and the initial results of its work, and expressed the hope that its work would be directed at increasing the efficiency and transparency of the management of the Organization. It was concerned with the timelines of the new construction project, but supported the efforts of the Secretariat to improve its management. It hoped that the necessary preliminary measures had now been completed and that the project could now start. Finally, it welcomed the Secretariat's efforts to strengthen the Internal Audit and Oversight Division.

168. The Delegation of Finland, speaking on behalf of the European Community (EC), its twenty-five Member States and the acceding states of Bulgaria and Romania, welcomed the Organization's efforts to enhance transparency and the involvement of Member States in the preparation of the program and budget. WIPO needed greater transparency of processes and stronger governance to be run efficiently. In this respect, the EC and its Member States had strongly supported the establishment of the WIPO Audit Committee. They now welcomed its establishment and wished to emphasize that to continue its oversight work, it should be provided with adequate resources. While it was necessary to avoid duplication of work between IAOD and other oversight bodies, it was also necessary to ensure compliance with the decisions of the General Assembly. The EC and its Member States supported the human resource strategy presented by the Secretariat and the desk-to-desk review project and wished to reiterate the need for clearly defined responsibilities and authorities for all staff, as well as for performance assessment and performance-driven career development. The desk-to-desk review project should also cover the top management of the Organization and focus on its composition, *modus operandi* and methods of appointment, as well as on any skills gap. The process of future appointments should be linked with the outcome of the review and Member States should be given the opportunity to endorse the selection of the external firm and to review the terms of reference of the review. Also, the Audit Committee should monitor the review and give advice, as this progressed. The EC and its Member States had taken note of the report provided by the Secretariat on progress made in the implementation of the recommendations of the JIU and looked forward to receiving the JIU's confirmation of the effectiveness of the actions taken. Good governance was important for the efficient running of all international organizations including WIPO. It would have positive implications on the credibility and good reputation of the Organization and on staff morale. The EC and its Member States would welcome the views of the Secretariat on reports concerning the medical arrangements of the Organization. Good governance was not a matter for the WIPO Secretariat alone: it was also necessary to develop a process through which the responsibility of Member States toward effective governance could be realized: the PBC, the Audit Committee and the General Assembly had a crucial role to play in this respect.

169. The Delegation of the United States of America believed that the steps taken by the Secretariat to improve management and control and to give Member States access to program and budget information were very helpful. Given the level of scrutiny that international organizations were receiving in many capitals, transparency and accountability were essential to maintaining support for the important mission and work of WIPO. Procurement was, in

particular, an area where controversy had had an impact on the reputation and standing of international organizations; the steps to improve procurement controls at WIPO were therefore most welcome. Adequate provision for the cost of after-service financial obligations towards staff was also an area where many organizations were making changes in their accounting methods. Taking these obligations into account would have budgetary implications: budgetary restraint, and resulting tradeoffs, were therefore essential. The improved flow of program and budget information to the Member States, the Audit and Program and Budget Committees was an important step in the direction of promoting transparency and accountability. The Secretariat and WIPO's Member States should continue to work together to ensure the continued timely sharing of important information related to the Organization's accomplishment of its mission and objectives. The Delegation welcomed the active analyses and inputs provided by the Audit Committee and the Internal Audit and Oversight Division toward that end. The work of these two bodies was vital and WIPO should ensure that they received adequate resources to carry out their responsibilities. The successful operation of these two bodies was essential to WIPO's effective functioning and good reputation. The Delegation also welcomed the draft human resource strategy, and looked forward to its full elaboration and to receiving updates on its further development, in particular with regard to the further development of a system of ongoing performance appraisal and the institution of a general code of ethics for all staff.

170. The Delegation of Japan stated that it supported the statement of Group B, and the move to strengthen WIPO's governance for seeking transparency, efficiency and enhancing involvement by Member States in the preparation of the program and budget. The proposed new mechanism was an indispensable means of forging trust in the Organization and a prerequisite to achieving its important mission. In respect of JIU Recommendation 5, the Delegation stated that PCT fees comprised two parts: the international filing fee, payable to the International Bureau, and the transfer fee and international search fee, payable to the Receiving Office. The payment of fees was one of the pre-requirements to establish an international filing date. For this reason, paying fees directly to the IB, bypassing the Receiving Office, may create a confusing situation, for the IB, the receiving office and the users themselves. The Delegation wished also to point out that if the PCT fee schedule were to vary more often (due to lowering of the current five per cent standard to 2.5 per cent), the receiving offices would be required to revise their regulations and payment system more frequently, which could be burdensome. In a similar way, if the current period of three months were to be lowered to one month, users may be confused due to reduced time for public notification. In conclusion, the Delegation of Japan hoped that the practical concerns it had expressed in respect of the possible effects of JIU Recommendation 5, would be reflected in future decisions in this area.

171. The Delegation of China thanked the Secretariat for its efforts to improve efficiency and transparency in particular through the establishment of the Audit Committee. With regard to human resources and, in particular, the desk-to-desk review project, the Delegation reiterated the importance it attached to translation into the Chinese language. Chinese was one of the six official working languages of the United Nations. There were more than 1.4 billion Chinese-speakers in the world. The Delegation regretted that translation into Chinese in the Organization had not received due consideration and was surprised to learn that there was only one fixed-term translator in the Language Service of WIPO. The Delegation therefore expressed the hope that the desk to desk project would consider the requirements of the Languages Service of the Organization.

172. The Delegation of the United Kingdom stated that it strongly supported the statements made by Group B and the EC. In reference to paragraph 12 of document A/42/8, it noted the regrettable impact of the lack of resources in the IAOD and asked when the results of the two investigations mentioned in the document would be made known to Member States and what the subjects of those investigations were. Paragraph 40 of the same document had made clear that it was necessary to develop a culture of accountability. This would require real-time interaction between the Secretariat, its Member States and the Audit Committee. The Delegation also looked forward to receiving a report on the steps taken in accordance with paragraph 45 of document A/42/8, which addressed improvements in the results-based budgetary framework, enhancement of program monitoring and the enhanced use of both self- and independent evaluation to assess the outcome and impact of WIPO activities. In relation to document A/42/13, which indicated the impact of the delay in the implementation of the new construction process on the budgets for the years 2008 to 2010, the Delegation looked forward to receiving more information as this was an important component in Member States' deliberations on future activities of the Organization.

173. The Delegation of France stated that it supported the statements made by the European Union and Group B, and that it had taken good note of the numerous documents examined under the current agenda item, for which it thanked the Secretariat. The Delegation stressed the interest to be derived from the idea of taking stock and possibly reviewing, in two years' time, the new mechanism for budget preparation and follow-up in the light of its implementation. The Delegation also thanked the Secretariat for the preliminary draft of WIPO's Human Resource Strategy in Annex V of document A/42/10. It constituted an initial important step towards the optimized development and management of this essential human resource capital. Human resources should be integrated into the global strategy of the Organization in order for the human resource structure to be aligned with the Organization's programs and program objectives. The Delegation encouraged the Organization to continue along that route pointing out that, in addition to the numerous tracks presented in the document, the human resource strategy should henceforth be structured according to the Organization's goals, means of implementation, and anticipated results. A certain number of clarifications were to be made concerning in particular the definition of non-monetary awards, the integration of objective elements and figures which would be rendered more precise by the forthcoming desk-to-desk review, and clearer indications regarding the prospects of a possible recourse to outsourcing, an issue on which the Delegation stated that a certain degree of caution was to be shown.

174. The Delegation of Brazil expressed its support for the initiatives described in documents A/42/9, /10 and /11, which strove to improve the quality of the use of resources within WIPO and enhance the participation of Member States in oversight activities and in the preparation and follow up of the program and budget of the Organization. The Delegation had been actively engaged in discussions on the new proposed mechanism to further involve Member States in the preparation and follow up of the program and budget and supported the outcome that had been achieved at the PBC. The mechanism was an improvement on previous procedures and Member States would now have additional opportunities to express their views regarding the elaboration of future programs and budgets. In the course of the PBC meetings, the Delegation of Brazil had also had the opportunity to address the issue of the Audit Committee. In its view, the Audit Committee and the Internal Audit Charter were positive developments: however, the specific mandate of the Audit Committee should be maintained separate from the one of the PBC, and the Audit Committee should not become a substitute for decisions by Member States at the PBC on the program and budget of Organization. The Audit Committee was not a body that represented Member States. Audit

Committee members were elected on the basis of their personal capacities while the PBC was a WIPO body that was representative of the whole membership. Therefore, although it did have a role to play in what regards auditing, the Audit Committee could not take on functions that were, by nature, part of the PBC's responsibility. The Delegation stated that it supported the evolution of the Audit Committee in accordance with what was already contained in its terms of reference and was against the extrapolation of that particular mandate.

175. The Delegation of Brazil referred also to paragraphs 21 and 22 of document A/42/8 on initiatives on the evaluation of development cooperation activities in the Economic Development Sector of the International Bureau, and in particular on a workshop on evaluation and impact analysis that had taken place in March in Geneva, with the participation of evaluation experts from the United Nations Development Programme (UNDP), the Swiss Agency for Development and Cooperation, the World Bank, and Bradford University in the United Kingdom. The Delegation noted that the aim of the workshop seemed to have been to gain insight into best practices in international development evaluation and to receive input on draft evaluation guidelines. Paragraph 22 mentioned that, as a result of this workshop, there was need to further involve Member States in the monitoring and evaluation processes to be undertaken by the Organization. The Delegation of Brazil strongly suggested that Member States should be involved up front and not after the fact. It requested further clarification of the objectives of the meeting and information as to what had actually been discussed, during this workshop, perhaps in a document form. The Delegation identified references to this same workshop in other documents, for example, in document A/42/3, paragraph 113, which stated that, "As part of a process to set up an effective and cost-efficient evaluation mechanism for development cooperation activities within WIPO, a workshop on Evaluation and Impact Analysis took place (Geneva, March) with the participation of international evaluation experts. The objectives of the meeting were to gain an insight into best practices in the field of development evaluation, and to receive input on draft development cooperation evaluation forms and guidelines. At the meeting, the invited experts stressed the need to create an appropriate monitoring and evaluation framework and system at WIPO in line with other international organizations, through: the adoption and effective implementation of a WIPO Evaluation Policy; promoting an organization-wide evaluation culture; involving Member States in monitoring and evaluation processes; and, evaluation capacity training of WIPO staff and partners (i.e. Member States)." As this was one of the very important elements of the Development Agenda proposed for WIPO - that WIPO enhance its capacity for assessment and impact evaluation studies - the Delegation was of the view that this issue should not be developed further only by the Secretariat, but that Member States should be involved. The Delegation also referred to paragraph 44 of document A/42/8, under the chapter entitled "Challenges" and the sub-heading entitled "Evaluation", which states: "The main challenge regarding evaluation in the immediate future will be the finalization of the WIPO Evaluation Policy for approval by Member States in 2007." The Delegation was of the view that Member States should already be involved in this process in 2006. If WIPO was a member-driven Organization, Member States should be taking part in discussions on such important issues as from the present and not be faced with having to decide on this important issue only in 2007, after the whole exercise had arrived at a conclusion within the Secretariat in its contacts with other entities, experts, or organizations, but not with Member States. The Delegation strongly suggested that further documentation and information should be provided on all of these new evaluation initiatives because of their relevance to the Development Agenda. Also development evaluation should not be limited to cooperation activities: if WIPO was going to make the effort to enhance its capacity to evaluate, it should do so in all of its fields of activity and not only in the field of technical assistance. The Delegation favored seeing that the same kind of exercise include evaluation analysis of the impact of

normative activities, the treating-making activities of this Organization, as this was a very important to the Development Agenda.

176. The Delegation of India conveyed its support of the recommendations adopted in the ninth and tenth sessions of the PBC. It noted that multilateral negotiations like the ones being held at WIPO on a wide range of issues related to intellectual property provided valuable insight into the thinking processes of Member States, their leaders and their societies at large and provided an extremely important input for arriving at mutually acceptable arrangements. Simultaneously, there was the expectation that some progress be made in every round of discussions. Member States, both singularly and collectively, should therefore take stock of the progress made before and after every such meetings and devise a road map to take the process further. Otherwise there was a danger that important issues within the domain of WIPO's work would be deliberated bilaterally or negotiated in other fora, particularly those dealing with trade and commerce. The Delegation was eager to move forward with respect to the harmonization of intellectual property laws, a subject matter of the Standing Committee of Patents (SCP), but was concerned about the lack of movement with respect to the evolution of the Development Agenda. WIPO had been mandated by the millennium development goals to effect development with equity and rapid amelioration of poverty around the world. The Delegation of India stated that building a Development Agenda for WIPO was a first concrete step towards the achievement of the twin objectives of effecting development with equity and rapid amelioration of poverty around the world. It emphasized the importance of not losing sight of this goal, besides valuable time, which would later make things more difficult to resolve. The Delegation further assured the Chairman that it was willing to adopt an approach which is both flexible and realistic and one that would help achieve the goals before the Assembly, rather than only state positions which were by now fairly well known. The Delegation of India would support a move to give another opportunity to working out the specifics of a Development Agenda but hoped that this would be accomplished in a time-bound manner with clearly spelt out and agreed expected results. The Delegation emphasized that in spite of several meetings of the delegations concerned during the past year to discuss issues of harmonization, norm-setting, prioritizing issues for inclusion in a possible Development Agenda, working out the broad contours of a treaty on broadcasting, evolving a consensus on protection of traditional knowledge, related genetic resources, and traditional expressions, the progress made in all these deliberations had been somewhat below expectations, and a number of issues remained unresolved. The Delegation believed this was an indication of the need for a more proactive role to be played by the International Bureau prior to formal meetings on each of these subjects, particularly, issues falling within the scope of the Standing Committee on Patents (SCP). The Delegation expressed its belief that the International Bureau could play a very useful role in allaying the misgivings and apprehensions of developing countries and in breaking the impasse of the SCP. The Delegation placed on record its appreciation of the technical assistance being provided by WIPO under its various programs and to Member States, and stated that it would support any move to augment resources earmarked for this work. Its Government had benefited from such assistance during the year through a series of seminars and expert missions and looked forward to continued engagement with WIPO in further modernizing and strengthening its IPR regime. In particular, the Delegation appreciated the help being received by its Government in setting up an intellectual property management institute which, once developed, could serve as a WIPO-recognized international center for IPR education. The Delegation reposed full faith and trust in the leadership of the Chairman to steer the deliberations of the General Assembly and help evolve consensus on a number of crucial pending issues. The Delegation concluded by endorsing the statements made by the Asian Group and urged the General Assembly to consider all of them in a forward-looking spirit.

177. The Delegation of Nigeria, speaking on behalf of the African Group, welcomed the timely submission of relevant documents by the Secretariat on this item. The African Group reiterated its view that in any entity or organization charged with a modicum of responsibility, especially if it entails the administration of resources, oversight measures were mandatory and needed to be scrupulously observed. In this regard, the African Group noted with pleasure that a number of measures had been put in place by the Secretariat to enhance efficiency and transparency and to ensure the entrenchment of best practice in the Organization. To this end, it welcomed the establishment of the WIPO Audit Committee whose membership included two African states, Nigeria and Togo. The African Group had demonstrated its conviction about implementing oversight measures in this Organization through active participation in all the processes, notably, in drawing up the WIPO Internal Audit Charter, the establishment of the Audit Committee, the enhancement of Member States' participation or involvement in the preparation and follow up of the program and budget, the establishment of new parameters for the WIPO headquarters building project, and other budgetary and administrative matters. On human resource and staffing policies, the African Group reiterated its remark regarding the desk-to-desk review. The Delegation emphasized that apart from oversight mechanisms, the Program and Budget Committee was responsible for proposing the allocation of resources for development programs. In this regard, the African Group was strongly of the view that matters relating to Program 06, as contained in document A/42/3, pertaining to developing and least developed countries, needed to be intensified, with more resources allocated to assist Member States as well as regional organizations to meet their individual and collective responsibilities. Finally, the African Group commended the Director General and the entire staff of the Organization for imbibing the culture of oversight and actually mainstreaming recommendations approved by Member States in the Organization.

178. The Delegation of El Salvador stated that the new mechanism to further involve Member States in the preparation and follow-up of the Program and Budget was highly positive. The Delegation also stated that it was an innovative mechanism and would improve Program and Budget preparation, strengthening links with lessons learned from the evaluation of previous program performance, and that for those reasons the Delegation endorsed it.

179. The Delegation of Kenya stated that it supported the position of the African Group, as well as the recommendations adopted by the ninth and tenth sessions of the Program and Budget Committee, in particular, that modalities for budgetary transfers should be adapted to the specific needs of WIPO. It also welcomed the new mechanism to further involve Member States in the preparation and follow up of program and budget and the greater transparency in issues of ethics and governance, and human resources management.

180. In reply to the questions raised from the floor, the Secretariat confirmed that it had developed a revised methodology for costing personnel resources in WIPO's budget. The methodology had been presented at the meeting of the UN Finance and Budget Network that had been held in August 2006 in Vienna, where it had been very well received. The objective of the methodology was to further improve the accuracy of budgeting for personnel costs, moving away from a standard cost-based to an actual cost-based approach. A prototype was currently under development. With reference to the new construction project, the Secretariat explained that any variation in the amount allocated to Program 31 in the Program and Budget for 2006-2007 would be duly reflected in the revised budget for 2006-2007. Some of the cost that had been budgeted in this biennium would not be incurred in 2006-2007 due to the delayed start of the project as compared to the plan at the time of preparing the program and budget. This concerned in particular the cost of the interest on the bank loan to finance the

construction (this cost was likely to be incurred only as of the next biennium) and the cost of the external management firm that the Secretariat was now in the process of selecting. Referring to the comments made by the Acting Director of the Internal Audit and Oversight Division in his report (as reproduced in Annex to document A/42/8), the Secretariat wished to draw the attention of the Assemblies to the fact that the operational budget of IAOD in 2006-2007 was 33 per cent higher than it was in 2004-2005. Also, it wished to stress that the demands submitted by the Acting Director of IAOD to the Controller for operational resources in 2006-2007 had been integrally reflected in the draft Program and Budget for 2006-2007, which the Member States had adopted. Furthermore, concerning personnel resources, at present six posts were budgeted under Program 24 (Internal Oversight), this was one more post than in the initial budget. This increase from five to six posts would be reflected in the revised budget for 2006-2007. Finally, the Secretariat wished to reassure the Delegation of China on the fact that WIPO had many ways of addressing the need to translate documents into Chinese, of which the employment of fixed term translators was one of many alternatives. Furthermore, the Secretariat was conditioned by an imperative of cost effectiveness. The Program and Budget for 2006-2007 contained an efficiency-gain target to lower the average cost per page of translation. In order to meet this target, the Secretariat operated not only through fixed-term translators, but also through temporary translators and other forms of contractual arrangements. The Secretariat stood ready to discuss in the Program and Budget Committee possible ways to strengthen translation services at WIPO and their budgetary implications.

181. With respect to the timetable for the new construction project, the Secretariat explained that the delay had two main causes, firstly the intention of the Program and Budget Committee that the entire project organization plan be submitted to the Audit Committee. The recommendations of the Audit Committee had been very useful in providing clarifications and in improving the entire project organization structure, and the Secretariat was pleased to mention it in the presence of the Audit Committee Chair who was present at the current session of the Assemblies. The delay was also due to the fact that a more extensive role had been entrusted to the company which would direct the project on behalf of WIPO. The call for tender to find that company had been launched and the Selection Board consisting of representatives from Member States would meet on October 25 to grant the contract to a specialized company which, from that time on, would take the project in hand and in particular would prepare, together with the Secretariat, the call for tender procedure for the general contractor. Concerning the WIPO Medical Service, the Secretariat recalled that the 1998-1999 Program and Budget, approved by the Assemblies of the Member States of WIPO, had provided for the creation of a medical unit in WIPO as in most other specialized agencies of the United Nations. The role of that service was to take action in all medical emergencies, to provide medical monitoring of all staff members who so wished in respect of internal and family medicine, to introduce a prevention policy at various levels, providing advice to staff going on mission, medical travel kits, vaccinations, etc., and to provide, as required, medical care for delegates participating in meetings organized at WIPO.

182. The Acting Director of IAOD, in response to the questions concerning paragraph 12 of the report of the Internal Auditor, document A/42/8, referring to ongoing and completed investigations, stated that the process of investigations does not end with the conclusion of an investigation but it may also include situations that could potentially lead to a number of consequences, including disciplinary measures. This was the case for the investigations referred to, and as such they had to be kept confidential until the full process had been completed. It was however confirmed that once these processes had been completed the information would be made available. With reference to evaluation activities and the

improvement of the evaluation framework at WIPO, referred to in paragraph 45, the Acting Director stated that further improvements were necessary since, as indicated in paragraph 40, this was a learning process within WIPO. The Secretariat looked forward to improving the qualitative or quantitative performance indicators and to include information on targets and baselines in the evaluation framework of the program and budget that would be prepared in future. On the question concerning the involvement of Member States in the enhancement of the evaluation framework and, in particular, in the evaluation workshop which had been held at WIPO, he stated that this workshop was primarily intended to enable colleagues within the Organization to better understand the experience from other Organizations and from experts on how to address evaluation in general and with reference to the development cooperation sector in particular. It had proven to be a very useful experience for WIPO and was expected to evolve into a series of initiatives including the development of a WIPO evaluation policy which, upon completion of the internal process of examination and review, would be submitted to the Member States for their views, their inputs and comments and finally, their approval.

183. The meeting proceeded to consider the draft language proposed by the Delegation of Switzerland, on behalf of Group B, in respect of item 6. The Delegation of Brazil, supported by the Delegations of China, Honduras and Iran, expressed its concern over certain elements of the proposed draft language, particularly in relation to the suggested role of the Audit Committee, and reemphasized the fact that the Audit Committee was not representative of the whole membership.

184. Commenting on the draft language proposed by Group B, the Delegation of Nigeria stated that the establishment of the Audit Committee was a response to certain developments as perceived by Member States, and had been done rather hastily, without a thorough understanding of the implications of the Committee. The relationship between the Audit Committee and the External Auditor had not been given due consideration. This was also true for the terms of reference of the Audit Committee and the Internal Audit Charter. It would be important to ascertain that the contents of the latter two documents were complementary and not contradictory to each other. In discussing the issue related to the Audit Committee, the Delegation believed that the issue of substance, and not of form, needed be addressed. The Audit Committee itself, through its Chairman, had reported that there were certain requirements that were needed to enhance the effectiveness of their work. These included the inadequate duration of their meetings, which were restricted to three days, and the need for more resources to be able to effectively undertake their very large mandate. The Delegation concluded that the Audit Committee, having been established by Member States, could be given any mandate that Member States wished the Committee to undertake and that it therefore had no particular reservations on the proposed expansion the work of the Audit Committee such as giving suggestions or guidelines to Member States on the conduct of the desk-to-desk review and on preparation and follow up of the program and budget.

185. Following these interventions, and at the request of the Chair, the Delegation of Switzerland held informal consultations with the concerned delegations. Following these consultations, and having heard the report of the Delegation of Switzerland, the Chair asked whether the proposal made by Group B as amended after consultations was acceptable.

186. The Delegation of Tanzania, stated that it had no problem with the proposal as negotiated but wished to place on record that over the years, within the international and United Nations system, the Joint Inspection Unit had been considered to be a useless outfit. This was not the comment of Tanzania, but rather a comment that had been very much pushed

and advocated by Group B. The Delegation recalled that, in the seventies and eighties both in New York and in Geneva, Group B had been consistent and persistent in its criticism of the usefulness of the JIU. The Delegation wished to note the irony, that in so far as WIPO was concerned, the JIU should be seen as a useful outfit and wished this point to be put on the record of the meeting.

187. The Assemblies of the Member States of WIPO and the Unions administered by WIPO, each as far as it is concerned:

- (i) approved the recommendations of the ninth session of the Program and Budget Committee as reproduced in Annex I, paragraph 102, of document A/42/9;
- (ii) approved the recommendations of the tenth session of the Program and Budget Committee as reproduced in Annex II, paragraph 25 of document A/42/9, with the understanding that the Program and Budget Committee would report back to the General Assembly on the progress and implementation of the new mechanism to further involve Member States in the preparation and follow up of the program and budget of the Organization;
- (iii) took note of the report of the ninth session of the Program and Budget Committee as contained in Annex I of document A/42/9 (in particular, paragraphs 191, 209 and 219);
- (iv) took note of the report of the tenth session of the Program and Budget Committee as contained in Annex II of document A/42/9 (in particular, paragraph 26);
- (v) took note of the information contained in documents A/42/8 (in particular paragraph 5), A/42/10 and its Annexes, and A/42/11.

188. In addition, the Assemblies of WIPO Member States requested the Secretariat to:

- (a) seek the views of the Joint Inspection Unit (JIU) on the implementation of their recommendations as presented in document A/42/10;
- (b) engage with Member States and the Audit Committee, as the desk-to-desk review and the review of WIPO human resources policies and practices progresses;
- (c) convene an open-ended working group of the Program and Budget Committee with the participation of the Audit Committee and the Director of IAOD, to review the terms of reference of the Audit Committee and to prepare a proposal on adequate resourcing, including the possibility of an independent secretariat. This working group would furthermore assess and review the Internal Audit Charter, the structure and the resources needed for effective internal audit and oversight in WIPO. These should be reviewed at the first formal session of the Program and Budget Committee in 2007;
- (d) invite the Audit Committee to be represented at the Assemblies of WIPO Member States.

189. The Delegation of the United Kingdom stated that at the end of the previous week it had informally circulated a draft text proposing two additional steps in setting up the desk-to-desk review. Both steps were aimed at improving the transparency and credibility for WIPO by involving Member States at two crucial stages: selecting the contractor to carry out the review; and in second place reviewing the initial work program of the contractor before detailed work began. The Delegation further stated that regrettably it had only fully appreciated the lack of Member States' input into this important review late the previous week. It therefore regretted that it had not been able to raise the issue sooner in order to give to the Chair and other delegations more time to reflect and discuss. It was the Delegation's understanding that its proposal had failed to achieve consensus and support not because of the transparency principles it was seeking to uphold, but due to a simple lack of time. The Delegation's proposal had sought to follow the precedent in WIPO of a establishing a special Committee to oversee selection of a contractor for the new building project, where the issues raised had, in its judgement, been of such sensitivity to the Member States as to merit the establishment of an additional mechanism to supplement the usual procurement procedures. The Delegation therefore continued to seek a credible and comprehensive desk-to-desk review that covered all levels of the Organization and looked forward to the full participation of the Audit Committee throughout the process, as well as to a full briefing for Member States at the informal session of the Program and Budget Committee scheduled for December. Furthermore, it expressed the hope that the Chair would be able to use his good offices to help the Member States fulfill their governance and scrutiny role by considering other complementary routes for Member States' inclusion in the desk-to-desk review process as it progressed and developed.

190. The Delegation of Japan stated that it supported the statement made by the Delegation of the United Kingdom as it also attached importance to governance issues such as transparency and involvement of Member States. The Delegation appreciated the initiative of the United Kingdom to raise the awareness of these principles by addressing them. The Delegation expected that the desk-to-desk review should be pursued not only in a timely and productive manner but also in a transparent and credible way.

191. The Delegation of Canada stated that it wished to thank the Delegation of the United Kingdom for bringing this matter to the attention of the Assembly and supported all efforts which would increase transparency and effectiveness in the Organization. It too looked forward to receiving updates on the desk-to-desk review as it progressed and to the participation of the Member States where appropriate.

192. The Delegation of Italy said that it had listened with very great interest to the statement made by the United Kingdom and expressed great satisfaction with that statement. The Delegation added that it considered the desk-to-desk review project to be very important and that it was certain that the position of the United Kingdom clearly added to the positive cooperation already existing between the Secretariat and the Audit Committee in that area. Since the aim to be achieved was transparency, the Delegation emphasized that it hoped that the process could be concluded as soon as possible, while respecting the timetable already established.

193. The Delegation of the United States of America expressed its support for the statement of the Delegation of the United Kingdom and for the desire for a fully transparent process on the desk-to-desk audit. It also stated that it wished to express its thanks to the Secretariat for the briefings that it had undertaken and its willingness to share information with the Member

States, and looked forward to the continuing collaboration between Member States and WIPO as the process went forward.

194. The Delegation of Argentina said that it regretted the fact that the proposal put forward by the United Kingdom had not been considered owing to time constraints and that for the reasons that had already been very clearly explained by other delegations, it shared the stated objectives. As the United Kingdom had pointed out, Argentina trusted that mechanisms could be found, through the good offices of the Chairman of the Assembly, which involved and allowed greater involvement of the Member States throughout the process.

195. The Delegation of Brazil stated that it also supported the general thrust of the statement of the Delegation of the United Kingdom. It considered in particular that the desk-to-desk review was an opportunity to evaluate the efficiencies of WIPO as an Organization, in relation to its mission and objectives. It was of the view that the review could and should be improved in terms of its transparency, in particular with regard to the membership, supported the idea that Member States of WIPO be better mainstreamed into the process so that they could fulfill their governance and scrutiny role and suggested that the Chair might consider complementary routes for Member States' inclusion in the desk-to-desk review process as it progressed. The Delegation supported that last element of the United Kingdom's statement in particular.

ITEM 7 OF THE CONSOLIDATED AGENDA:

UPDATE ON CONSTITUTIONAL REFORM

196. Consideration of this item was based on document A/42/4.

197. The Assemblies of the Member States of WIPO and the Unions administered by WIPO, each as far as it is concerned, took note of the contents of this document.

ITEM 8 OF THE CONSOLIDATED AGENDA:

REPORT OF THE PROVISIONAL COMMITTEE ON PROPOSALS RELATED
TO A WIPO DEVELOPMENT AGENDA (PCDA)

198. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 9 OF THE CONSOLIDATED AGENDA:

THE PROTECTION OF AUDIOVISUAL PERFORMANCES

199. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 10 OF THE CONSOLIDATED AGENDA:

PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS

200. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 11 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE ADVISORY COMMITTEE
ON ENFORCEMENT

201. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 12 OF THE CONSOLIDATED AGENDA:

REPORT ON THE PROGRESS OF THE STANDING COMMITTEE ON THE
LAW OF PATENTS IN RESPECT OF THE DRAFT SUBSTANTIVE
PATENT LAW TREATY (SPLT) AND CONSIDERATION
OF A NEW WORKPLAN FOR 2007

202. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 13 OF THE CONSOLIDATED AGENDA:

REPORT ON THE WORK OF THE INTERGOVERNMENTAL
COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC
RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)

203. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 14 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING INTERNET DOMAIN NAMES

204. See the report of the session of the General Assembly (document WO/GA/33/10).

ITEM 15 OF THE CONSOLIDATED AGENDA:

EXCHANGE OF PRIORITY DOCUMENTS IN THE AREA OF PATENTS

205. Discussions were based on document A/42/5.

206. In introducing its proposals set out in document A/42/5 for the establishment of a digital access service for priority documents, the Secretariat tabled a revised text intended to replace the draft decision set out in paragraph 28 of that document. Under the revised text, the Assembly of the Paris Union for the Protection of Industrial Property, the Patent Law Treaty Assembly and the International Patent Cooperation Union Assembly (PCT Union Assembly) would be invited to:

(a) approve the convening in early 2007 of an *ad hoc* Working Group to consider matters associated with the establishment of a digital access service for priority documents to be administered by the International Bureau;

(b) direct the International Bureau to establish framework provisions and appropriate procedures, according to the recommendations from the Working Group, for administering the digital service;

(c) direct the international Bureau to implement the digital access service in accordance with the established framework provisions and procedures.

207. The Delegation of Canada expressed its support for the proposed establishment of a digital access service for priority documents and the convening of an *ad hoc* Working Group to consider in detail the administrative and technical requirements of the service, and stated that Canada would participate in the work of the Working Group.

208. The Delegation of Iran (Islamic Republic of) stated that, while it did not oppose the establishment of digital access for priority documents, it had general concerns relating to the fact that the authentication in digital systems like electronic signatures, in the process of the work, as it was the case in other issues in this organization, may need specific technologies which are severely lacking in developing countries. The Delegation added that these kinds of technology, in any case, should be accessible and affordable and be provided to all Member States without any discrimination. Regarding the document under discussion, the Delegation, indicated that particularly Article 7 of the draft framework provisions set out in Annex I of document A/42/5 was very vague and broad. The Delegation added that the results of the work of the *ad hoc* Working Group should be referred to the General Assembly for its observations and approval.

209. The Delegation of Japan expressed its support for the proposed establishment of a digital access service for priority documents, stating that this kind of service would be beneficial not only for Offices in developed and developing countries but also for users of the patent system. The Delegation emphasized that cost effectiveness and the need to avoid duplication should be taken into account in considering the architecture of the new system. The Delegation noted that its Office already had a large data base of priority documents, and stated its willingness to participate in constructive discussion in the proposed *ad hoc* Working Group.

210. The Delegation of Finland, on behalf of the European Community, its 25 member States and the acceding States, Bulgaria and Romania, stated that careful note had been taken of the document proposing the establishment of a digital access service for priority documents. The proposal demonstrated that the WIPO Secretariat was constantly assessing how to make the patent system function better, which the Delegation believed to be a very valuable feature of WIPO. The right of priority established by the Paris Convention for the Protection of

Industrial Property was a fundamental feature of the international patent system. The European Community and its member states supported the idea of taking advantage of modern information technology for the processing of the priority documents, and believed that the new initiative would work for the benefit of patent applicants and patent Offices by providing streamlined, less costly and less burdensome treatment of priority documents. The proposed digital access service would also correspond to the provisions in the Patent Law Treaty and the Patent Cooperation Treaty designed to relieve applicants from having to supply documents that were available from digital libraries. The Delegation noted that final details, including the possibility of charging fees under the proposed system, would depend on the results of consultation in the *ad hoc* Working Group, and supported the convening of the Working Group at the earliest convenience.

211. The Delegation of Brazil stated that it found the proposal for establishment of a digital access service for priority documents very interesting. The Delegation had no substantive objections and would like to participate in the proposed system. The Delegation felt, however, a similar concern to that expressed by the Delegation of the Islamic Republic of Iran (see paragraph 208, above) as to the involvement of the Assemblies in this work. The Delegation suggested that the decision taken at the present session should provide for the Assemblies to be informed at their next session about the results of the work of the Working Group in order to enable member States to assess those results, without, however, impeding the establishment of the proposed service.

212. The Delegation of China expressed its satisfaction with the pioneering proposal by the International Bureau and wished to see the early launch by the International Bureau of the proposed consultations including the establishment of an *ad hoc* Working Group. The Delegation stated its willingness to participate actively in the consultations with a view to the establishment of the new service as soon as possible. Having missed the chance to take the floor under agenda item 18 because of the changes made to the agenda, the Delegation added that it looked forward to the active and important role the newly established Nordic Patent Institute would play as an International Searching Authority and an International Preliminary Examining Authority.

213. The Delegation of Australia expressed its support in principle for the establishment of the proposed digital access service, its willingness to participate in the *ad hoc* Working Group, and its wish to participate in the digital access service subject to the resolution of some of the legal and technical issues. The Delegation emphasized that this WIPO initiative needed to harmonize with other activities in the area, such as the work being done by the Trilateral Offices and in the Korean Industrial Property Office, so as to ensure the eventual establishment of a single standard approach. The Delegation noted that some elements of the proposal may be more complex than was required, and urged the Secretariat to ensure that the simplest practicable approaches were adopted. The Delegation believed that the suggested revised decision that had been tabled by the Secretariat (see paragraph 206, above) would provide for improved involvement of member States in the governance of the project, thus meeting the concerns of the Delegation.

214. The Delegation of Iran (Islamic Republic of), clarifying its previous statements (see paragraph 208, above), stated that it supported the proposed establishment of an *ad hoc* Working Group and the Secretariat's efforts in this area. The Delegation's concerns related rather to legal and procedural matters, as well as clarifying the issues associated with the content of Annex I of document A/42/5. Bearing in mind that some Offices were still largely dependent on paper processing, the Delegation emphasized that the mandate of the *ad hoc*

Working Group should be very clear for Member States and added that if the General Assembly mandated the *ad hoc* Working Group to do its mission, why should it not report its feedback to the General Assembly in 2007?

215. The Secretariat, in order to take account of the concerns expressed by the Delegations of the Islamic Republic of Iran and of Brazil, proposed the addition of a further subparagraph (d) to the draft decision set out in paragraph 206, above, whereby the Assembly of the Paris Union for the Protection of Industrial Property, the Patent Law Treaty Assembly and the International Patent Cooperation Union Assembly (PCT Union Assembly) would also request the International Bureau to report to them in September 2007 on the results of the *ad hoc* Working Group and on any implementation of the service that may have commenced.

216. The Delegation of the Republic of Korea expressed its support for the proposed establishment of a digital access services for priority documents, noting that, when established, it would avoid the need for applicants to submit priority documents when filing applications claiming priority. Moreover, patent Offices would derive benefits from the proposed new system, which would streamline the handling of priority documents, reduce costs and other resources required for issuing, handling, and storing priority documents, and reduce the possibility of mishandling. The Delegation believed that the Korean Intellectual Property Office would be able to handle the new system with relative ease, and stated that the Office was willing to share its know-how, based on its experience in electronic exchange of documents with other Offices, and would participate in the proposed Working Group.

217. The Delegation of Sudan noted that Article 4 of the Paris Convention governed the filing of patent applications claiming priority from previously filed applications. The Delegation recalled that the difficulty for some Offices in moving from paper-based to electronic processing had been extensively discussed during the Diplomatic Conference which resulted in the conclusion of the Patent Law Treaty in 2000. That Conference had adopted an Agreed Statement urging WIPO to expedite the creation of a digital library system for priority documents. The Delegation accordingly supported the proposal for establishment of a digital access service and convening of an *ad hoc* Working Group, the results of whose work would be taken into account by the International Bureau in establishing the service.

218. The Delegation of the United States of America welcomed the initiative to establish a digital access service for priority documents and supported the proposed revised decision as suggested and further modified by the Secretariat (see paragraphs 206 and 215, above). The Delegation believed that such a service would provide substantial benefits to applicants and Offices alike, would reduce complexity and costs in administering the patent system, and represented an important step towards the realization of the goal that was committed to in Agreed Statement 3 adopted by the Patent Law Treaty Diplomatic Conference. The Delegation looked forward to participating in the proposed Working Group and to working with the International Bureau to create an effective and efficient system.

219. The Delegation of the Russian Federation supported the proposal to create a digital access service for priority documents and said that such a service would allow simpler and more straightforward access to priority patent applications, as well as the possibility of more efficient processing of such documents and a reduction in the costs of producing true copies. The Delegation expressed the Russian Federation's willingness to take an active part in the activities of a special working group and supported the Secretariat's proposal to prepare structured proposals relating to the digital access service for priority documents.

220. The Assembly of the Paris Union for the Protection of Industrial Property, the Patent Law Treaty Assembly and the International Patent Cooperation Union Assembly (PCT Union Assembly):

(a) approved the convening in early 2007 of an *ad hoc* Working Group to consider matters associated with the establishment of a digital access service for priority documents to be administered by the International Bureau;

(b) directed the International Bureau to establish framework provisions and appropriate procedures, according to the recommendations from the Working Group, for administering the digital service;

(c) directed the International Bureau to implement the digital access service in accordance with the established framework provisions and procedures;

(d) requested the International Bureau to report to them in September 2007 on the results of the *ad hoc* Working Group and on any implementation of the service that may have commenced.

ITEM 16 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE MADRID UNION

221. See the report of the Madrid Union Assembly (document MM/A/37/4).

ITEM 17 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE IPC UNION

222. See the report of the IPC Union Assembly (document IPC/A/24/2).

ITEM 18 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

223. See the report of the PCT Union Assembly (document PCT/A/35/7).

ITEM 19 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PATENT LAW TREATY ASSEMBLY

224. See the report of the PLT Assembly (document PLT/A/2/3).

ITEM 20 OF THE CONSOLIDATED AGENDA:

DRAFT AGENDAS OF THE 2007 ORDINARY SESSIONS OF THE WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY

225. Consideration of this item was based upon document A/42/6.

226. 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/42/6.

ITEM 21 OF THE CONSOLIDATED AGENDA:

ADMISSION OF OBSERVERS

227. Consideration of this item was based upon document A/42/7.

Admission of International Non-Governmental Organizations as Observers

228. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following three international non-governmental organizations: Arab Federation for the Protection of Intellectual Property Rights (AFPIPR); The European Commercial Patent Services Group (PatCom); 3D → Trade - Human Rights - Equitable Economy (3D).

Admission of National Non-Governmental Organizations as Observers

229. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following nine national non-governmental organizations: American BioIndustry Alliance (ABIA); *Association romande de propriété intellectuelle* (AROPI); Confederation of Indian Industry (CII); *Conseil national pour la promotion de la musique traditionnelle du Congo* (CNPMTTC); EXIT Centre - Information Technology Business Support Centre (EXIT Centre - IT BSC); The Federalist Society for Law and Public Policy Studies (The Federalist Society); Japan Patent Attorneys Association (JPAA); National Intellectual Property Organization (NIPO); Syrian Intellectual Property Association (SIPA).

ITEM 22 OF THE CONSOLIDATED AGENDA:

APPROVAL OF AGREEMENTS WITH
INTERGOVERNMENTAL ORGANIZATIONS

230. See the report of the WIPO Coordination Committee (document WO/CC/55/3).

ITEM 23 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

231. See the report of the WIPO Coordination Committee (document WO/CC/55/3).

ITEM 24 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORTS

232. This General Report was unanimously adopted by the Assemblies and other Bodies of the Member States of WIPO concerned, on October 3, 2006.

233. Each of the ten Assemblies and other Bodies of the Member States of WIPO unanimously adopted the separate report concerning its session, at a separate meeting of the Assemblies and other Bodies of the Member States of WIPO concerned, on October 3, 2006.

ITEM 25 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

234. The Chairman made the following statement, "Director General Idris, Excellencies, distinguished delegates, ladies and gentlemen, we are nearing the conclusion of what I believe was a very productive meeting, and in this regard, allow me to convey my sincere thanks to all the Member States for their hard work and diligence throughout the past week. Indeed the spirit of goodwill and cooperation that permeated the halls of this assembly made an immense difference in ensuring our meetings' success. Allow me to say that the positive results of our meetings can also be attributed to all of your unrelenting efforts to arrive at decisions by consensus, especially on the major issues on our agenda. Ladies and gentlemen, the flexibility and constructive stance displayed by all delegations has enabled this General Assembly to agree on, among others, the following key issues. Firstly we have agreed to take the PCDA process forward by extending its mandate and providing it with clear and definite guidelines for its future work. Member States will have an opportunity to examine all the 111 proposals in the development agenda for WIPO, with a view to reaching agreement on as many as possible. Secondly, we have reached a consensus decision on the issue of the Diplomatic Conference on the Protection of Rights of Broadcasting Organizations. I therefore urge all delegations to actively participate in the two special sessions of the SCCR which will be convened in order to examine further the various issues on this matter. Thirdly, we have

decided to continue earnest discussions on a new work program of the Standing Committee on Patents, and in this regard, I sincerely request everyone's cooperation and committed involvement when I initiate consultations on this issue in the first half of 2007. Ladies and gentlemen, I would also be remiss in my duty if I failed to convey my sincere appreciation to the Director General, Dr. Kamil Idris, for his leadership, and for ensuring that the delegates to the General Assembly were accorded the best possible technical support and conference facilities. I also wish to thank, in this regard, the highly professional staff that comprise the International Bureau. The high quality of official documents should also be commended, and of course special thanks must go to the fine work of our interpreters. I also wish to acknowledge the extensive contributions to the Organization of the Deputy Directors General, Mr. Geoffrey Yu and Mrs. Rita Hayes on behalf of the Member States, I also thank you for having lent your considerable talents and expertise to this body. In addition, I would also like to thank all the Group Coordinators for their hard work and cooperation. You effectively served as bridges of understanding between the Chair and their respective constituencies. Ladies and Gentlemen, in conclusion, I wish to remind everyone that the decisions we have taken in this year's Assembly, will certainly require even greater dedication and hard work in the year ahead. In addition to coming up with concrete recommendations on the crucial issues we have agreed upon at this year's assembly, additional issues such as WIPO's biennial budget and the expiring mandate of the IGC on Genetic Resources, Traditional Knowledge and Folklore need to be addressed. It is for these reasons that I urge all Member States to harness the spirit of hard work and cooperation that propelled this year's General Assembly to a successful conclusion, and when we consider these issues during the coming year, I am confident that with your cooperation we shall be rewarded with success. I thank you."

235. The Director General addressed the meeting with the following statement "Mr. Chairman, this is a very successful outcome of the Assemblies of our Member States and I would like to thank you personally, Sir, for the excellent way you have conducted the General Assembly, the informal consultations and the extensive and intensive negotiations. Thank you, Sir, for the excellent manner in which you have conducted this successful outcome of our Assemblies. But I turn to you, distinguished delegates, and I wish to thank you individually and collectively, for the wisdom that has prevailed during this special session, for your political commitment and good will in ensuring that all items handled by the General Assembly were successfully concluded, and I very much hope that this good spirit of determination and commitment will prevail in the years to come, so that our organization can face the challenges lying ahead. Chairman and distinguished delegates, I would like also to use this occasion to thank the entire staff of this organization and the interpreters for their reporting and constructive contribution in bringing this particular session of the General Assembly to the successful outcome. Thank you very much Mr. Chairman, thank you."

236. The Delegation of Indonesia, on behalf of the Asian Group, acknowledged the skillful leadership of the Chair in bringing the Assemblies to such a successful conclusion. As a result of his tireless efforts, energy and dedication, all outstanding issues had been successfully resolved, and the Group wished to express its sincere appreciation, and admiration for the efforts and the approach of the Chair in handling the evolving debate to achieve common ground, especially on the development agenda. The Asian Group, being composed of developing countries particularly appreciated the Chair's outstanding role and contribution in forging the consensus on the renewal of the mandate of the PCDA. The decision reached on the PCDA in the General Assembly, was the best possible compromise that could have been achieved to move the process of mainstreaming development objectives in WIPO forward. The Group very much welcomed the practical framework that had been provided in the decision to maintain and advance sustainability of the process, and hoped that

the framework would effectively ensure a chance for fruitful continuation of the substantive discussions in the PCDA in a balanced and inclusive manner. They also wished to express their special thanks to the Director General, the Secretariat and its staff for all their hard work and support during the meetings of the General Assembly, and noted, with appreciation, their instrumental role in facilitating all the proceedings during the session.

237. The Delegation of Nigeria thanked the Chair and wished to join his distinguished colleague from Indonesia and deliver a statement on behalf of the African Group, in his capacity as Coordinator. He advised the Assembly that it was in the nature of things that when people meet under happy circumstances, and part even under happier circumstances, they find it appropriate to praise themselves and shower praise on each other. He wished to take the opportunity to thank all distinguished delegates and delegations, non-governmental organizations and groups from industry represented at the meeting for their constructive and useful participation. The African Group also wished to thank the Secretariat for its important and valuable role in ensuring the success of the deliberations, especially in the provision, on a timely basis, of documents and interpretation services. In particular, they wished to thank the Director General, His Excellency Dr. Kamil Idris, for his accommodating spirit and welcoming disposition, and paid tribute to the Chair, His Excellency Ambassador Enrique Manalo, who had guided the proceedings with wisdom and considerable tact and skill, ensuring the positive outcomes registered in the Assemblies. They also wished to pay tribute to the two outgoing Deputy Directors General, Ambassador Mrs. Rita Hayes and Mr. Geoffrey Yu. The African Group very much regretted their departure from the service of WIPO, but noted that their loss to the Member States and the Organization would undoubtedly be a gain to their individual families. The Group wished them Godspeed and a happy life in retirement. They welcomed the appointment of Mr. Michael Keplinger and Mr. Narendra Sabharwal to the posts of Deputy Directors General, and were also very pleased to see the continued presence of Mr. Philippe Petit and Mr. Francis Gurry in the Organization. The African Group also welcomed the appointment of Mr. Geoffrey Onyeama, Mr. Ernesto Rubio and Ms. Wang Binying to the posts of Assistant Directors General. Finally, they paid tribute to His Excellency Rigoberto Gauto Vielman of Paraguay for his gallant efforts of chairing the sessions of the IIM and the PCDA, sometimes under difficult circumstances. The African Group had always strived to play a constructive role in this Organization, and had demonstrated this quality in this Assembly by the disposition it had adopted during the several informal negotiations. They were pleased to see that the Chair had wisely adopted the document which formed the basis of a decision and subsequent agreement on the PCDA, and they were grateful to him and to all Member States.

238. The Delegation of Switzerland, speaking on behalf of Group B, sincerely thanked the Chairman for the way in which the discussions had been conducted during the Assemblies. Certain consultations had been less easy than others but on the whole, as a result of the Chairman's patience and moderation, and the constructive spirit and goodwill which the delegations present had shown, it had been possible to conclude the Assemblies on a positive note, which it was hoped would be translated into reality in the coming year. Every effort would be made to achieve that end. The Delegation also expressed sincere thanks to all the WIPO staff who had assisted the delegations during the Assemblies and throughout the year. Such assistance greatly facilitated the task of Member States, in particular in the coordination meetings. Specific mention was made of the interpreters and translators, and also those who had dealt with the logistical aspects of the meetings. Their assistance, especially during Switzerland's chairmanship of Group B, had been invaluable.

239. The Delegation of China expressed its appreciation to all the delegations, for the spirit of compromise, cooperation and pragmatism during discussions on the WIPO development agenda, the SPLT, the diplomatic conference on the protection of broadcasting organizations and other important items. It also wished to thank the Chair, due to whose rich experience and outstanding guidance the Assembly was able to achieve the expected results through seeking common ground while reserving differences on the key issues. Although it was not possible to satisfy all Member States, it was evident that hope exists for future work and the Delegation hoped that the cooperative and pragmatic spirit of expanding consensus and narrowing differences that was seen at this Assembly would continue in future discussions of the agenda items. The Delegation reiterated the importance of Chinese as a working language for the Delegation's participation in discussions of the agenda items. China is now an important member of the PCT Union and the Madrid Union. China's PCT applications reached 2,265 in the first eight months of 2006, an increase of 61.6 per cent over the same period of the previous year; with regard to Madrid applications, China as the Office of origin had ranked eighth for two consecutive years and was also the most designated country within the Madrid system. Unfortunately, Chinese still is not a working language of the PCT Union or the Madrid Union, and during the Assemblies the working documents in these important areas are also lacking in Chinese, which is inconsistent with the development in China in terms of the two Unions. The Delegation hoped that the Assembly would pay attention to this point. The Delegation concluded by paying tribute to the Secretariat for all their hard work and the efforts they had made to support the Assemblies.

240. The Delegation of Kyrgyzstan said that they too wished to associate themselves with the other Groups and, on behalf of the Group of Central Asian, Caucasus and Eastern European countries thanked the coordinators of the other Groups, the Chair of the General Assembly for magnificently chairing the meetings, the Secretariat for its great work in preparing the excellent documents. The Delegation also thanked the Director General, Dr. Kamil Idris for his constructive cooperation and his statements, and noted the excellent work carried out by the outgoing Deputy Directors General, Mrs. Hayes and Mr. Yu and wished them much success in the future. They also welcomed the new Deputy Director General and the new Assistant Directors General. The Delegation also advised that they had transmitted the Coordinator's role of their Group to the Delegation of the Russian Federation.

241. The Delegation of Croatia, on behalf of the Group of Central European and Baltic States, wished to pay tribute to the Chair for his tremendous efforts, skills and wisdom with which he had conducted the meetings. His vision, and diplomatic skills were particularly evident during the intensive discussions and negotiations carried out on the development agenda. Furthermore, they thanked the Secretariat for their excellent efforts in preparing this meeting and assisting Member States in the important work being conducted during the last week. The Delegation also extended their thanks to the Director General and his managerial team. They wished to join those that had thanked Mrs. Hayes and Mr. Yu, for their tremendous contribution to the Organization, and expressed their best wishes for the future. Finally the Delegation expressed its thanks to the Coordinators, because their common efforts had contributed to the very significant and important result of the meeting. Thanks were also given to all Member States for demonstrating their utmost efforts and flexibility in ensuring a positive outcome to the Assemblies.

242. The Delegation of Singapore stated that they were taking the floor in the place of the ASEAN member States in WIPO. The ASEAN Delegation congratulated the Chair and the Director General on the successful conclusion to the 2006 Assemblies of the Member States of WIPO. They took the opportunity to commend the Chair, Ambassador Manalo, for the deft

and efficient manner in which he had presided over the meetings. ASEAN also wished to thank the WIPO Secretariat for the prompt and effective way in which they had organized and facilitated the meetings. ASEAN was pleased that the membership of WIPO had been able to achieve consensus on all the items on the agenda, including the more complicated issues. The spirit of cooperation and flexibility had provided a good basis for everyone to continue their discussions on outstanding issues. They pointed out that intellectual property was increasingly gaining prominence in the ASEAN region and that ASEAN would continue to work constructively with other WIPO Member States and the WIPO Secretariat in molding the international intellectual property regime and harnessing it for economic, social and cultural development.

243. The Delegation of Iran (Islamic Republic of), thanked the Chair for his valuable efforts and his wise guidance during the last ten days to direct the work of the General Assembly to a positive outcome. The flexibilities and cooperation of all Member States in the current General Assembly had ensured the meeting made decisions that will help the Member States to move towards a satisfactory outcome in 2007. He availed himself of the opportunity to thank the Director General, Dr. Kamil Idris, for his positive contribution to the process as he did his Deputies and the efficient team in the Secretariat for their assistance. He also thanked the interpreters and those behind the scenes for their contribution. This year's Assemblies was the end of his mission in Geneva, and he wished to thank and say goodbye to all colleagues in different groups and wished them success.

244. The Delegation of India said that his Delegation wished to pay their compliments to the Chair on his deft handling of the proceedings of the General Assembly. They noted with satisfaction the progress made on several issues, in particular the forward movement of the formalization of a development agenda for WIPO. It was the expectation of the Indian Delegation that the development agenda would, in the near future, come to occupy the center stage of WIPO's activities and programs. Clearly a lot of work would have to be done before the next meeting of the PCDA, India proposed to initiate a process encompassing discussions with its domestic stakeholders on the multifarious dimensions of a development agenda for WIPO, and hoped that such a process would help polarize different strains and above all concretize the position's of Member States with respect to drawing up an action plan for the development agenda. WIPO's facilitative role in this endeavor would be much appreciated.

245. The Delegation of Uruguay thanked the Chairman for the wisdom, commitment and common sense he had shown in taking charge of the meetings, as well as his sense of *rapprochement* and balance in relation to the very contentious issues discussed. The Delegation also thanked the Director General, Dr. Kamil Idris, for the statements he had made, the Secretariat and the whole of the Organization's staff.

246. The Delegation of Honduras thanked the Chairman for his efforts, dedication, above all transparency, equanimity and professionalism in having successfully managed the different items discussed at the Forty-Second General Assembly. In particular, the Delegation congratulated the Chairman on the results achieved in the form of an influential proposal on the Development Agenda, which had allowed the process to move forward to the following stage. The Delegation had witnessed the Chairman's hard work, not only within WIPO, but also in other United Nations agencies, mainly in UNCTAD, through which agreements had been reached that benefited all countries, especially also developing countries including Honduras. The Delegation thanked the Chairman for that and for the unfailingly correct and balanced attitude shown in taking into account the opinions of all countries.

247. The Delegation of the Russian Federation stated it wished to express their thanks to the Chair for his efforts to achieve consensus on the difficult issues that were before the Assembly and hoped that he would not lose his excellent gifts in the future when they might really be needed. The Delegation also wished to express its thanks to the Director General of WIPO, Dr. Kamil Idris, and his collaborators for helping the Assembly to carry out its work, despite the fact that during the Assemblies there were a number of defects such as the lack of documents in Russian. It very much hoped that in the very near future those difficulties would be ironed out. The Delegation expressed the hope that the results of the Assembly reached during the discussions would be achieved within the timelines agreed. It thanked the Delegations of other countries which had also assisted in that work, and in particular thanked the interpreters because without them mutual understanding would be even more complicated.

248. The Delegation of Brazil stated that they wished to highlight the very positive results achieved during this General Assembly which were made possible by the goodwill and flexibility shown by all the membership and the good work performed by the Chair and all of the WIPO staff members under the leadership of the Director General, Dr. Kamil Idris. They wished to thank the Chair for the results which were also made possible through his personal commitment to carry forward some of the decisions under his guidance and, in particular, those concerning the development agenda as well as the consultations on the SCP workplan for the future. They thanked the Director General for his contribution and also for his commitment to cooperating with the membership which allowed positive results to be achieved on several different points of the agenda during the course of the week. He wished to thank all DDGs for their good work, the WIPO staff in general, and thank in particular those who are leaving their positions, namely Dr. Geoffrey Yu and Ambassador Rita Hayes. To Mrs. Hayes, in particular, they wished to say that they considered that the good results they achieved in relation to the SCCR and the Broadcasting Treaty was greatly due to her negotiating skills and ability in bringing together very difficult and opposing positions in a complex issue that we will keep everyone busy during the course of the next year.

249. The Delegation of Mexico congratulated the Chairman on the way in which he had guided the work of the Assembly and displayed his diplomatic skills, and also commended the other delegations for the flexibility and cooperation they had shown. The Delegation also thanked Dr. Kamil Idris and all the WIPO staff, in particular the interpreters, translators and conference staff, for all the support given and professionalism shown throughout the year. Similarly, it wished Mrs. Rita Hayes and Mr. Geoffrey Yu much luck in the new activities they would undertake in the future.

250. The Delegation of Morocco said that it had the pleasant duty to offer the Chairman its sincere thanks for the laudable and tireless efforts he had made during the work of the Assemblies. The positive report on the meetings was largely due to the Chairman's professional qualities, patience and perseverance in the search for compromise solutions, while promoting an approach based on informal consultations. The positive report was also due to the spirit of cooperation and flexibility shown by all delegations. It was to be hoped that the same spirit of cooperation would prevail during future, all future, negotiations, in particular on the main subjects that had been discussed. The Delegation thanked the Director General, Dr. Kamil Idris, for his enlightened vision and his direction aimed at strengthening a frank and constructive dialog, as well as for his efforts aimed also at the daily search for enhancement of the Organization's activities. Thanks should obviously also be given to the International Bureau for the hard work done and for its tireless efforts which truly gave cause for admiration. Finally, the Delegation expressed thanks for and saluted the efforts of Mrs.

Rita Hayes and Mr. Geoffrey Yu, demonstrated in their professionalism and devotion, as they had contributed greatly to the Organization's flourishing.

251. The Delegation of El Salvador congratulated the Chairman on his leadership and in particular the strategy he had developed during the forty-second series of meetings. The subjects discussed were of vital importance for all the Member States and positive and all-encompassing results had been achieved. The Delegation congratulated Dr. Kamil Idris on his hard work and strategic vision. It also congratulated the incoming Directors and Deputy Directors. It particularly wished to thank Mrs. Rita Hayes, to whom the Government of El Salvador paid tribute, and Mr. Geoffrey Yu, also for all his support and guidance on intellectual property matters, which had assumed strategic importance for El Salvador. The Delegation said that El Salvador was also bound to thank the Bureau of Economic Development for Latin America and the Caribbean, led by Dr. Alejandro Roca Campaña, and also Oswaldo Gironés who had become a friend of El Salvador.

252. The Chair, Ambassador Enrique Manalo concluded this session of the Assemblies by stating that he believed that was the last speaker on the list so all that remained for him to do, once again, was to express his deepest appreciation for the words of thanks addressed to the Chair, but most of all he wished to thank and congratulate all the Delegations present. From the statements throughout the sessions and during the afternoon, some key words were flexibility and cooperation, he felt that was basically the main spirit that had prevailed over the Assemblies, and he was confident that because of the results over the past eight or nine days, he was quite sure that spirit would continue throughout the rest of the year when it would be necessary to deal with all the issues before the Assemblies. The Chair then declared the 42nd series of meetings of the Assemblies of the Member States of WIPO closed.

[Annex follows]