

## **Assemblies of the Member States of WIPO**

### **Forty-Eighth Series of Meetings Geneva, September 20 to 29, 2010**

#### **GENERAL REPORT**

*adopted by the Assemblies*

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## INTRODUCTION

1. This General Report records the deliberations and decisions of the following 20 Assemblies and other bodies of the Member States of WIPO:
  - (1) WIPO General Assembly, thirty-ninth (20th extraordinary) session
  - (2) WIPO Conference, thirtieth (11th extraordinary) session
  - (3) WIPO Coordination Committee, sixty-third (41st ordinary) session
  - (4) Paris Union Assembly, forty-third (24th extraordinary) session
  - (5) Paris Union Executive Committee, forty-ninth (46th ordinary) session
  - (6) Berne Union Assembly, thirty-seventh (18th extraordinary) session
  - (7) Berne Union Executive Committee, fifty-fifth (41st ordinary) session
  - (8) Madrid Union Assembly, forty-third (25th extraordinary) session
  - (9) Hague Union Assembly, twenty-ninth (12th extraordinary) session
  - (10) Nice Union Assembly, twenty-ninth (10th extraordinary) session
  - (11) Lisbon Union Assembly, twenty-sixth (8th extraordinary) session
  - (12) Locarno Union Assembly, twenty-ninth (11th extraordinary) session
  - (13) IPC [International Patent Classification] Union Assembly, thirtieth (13th extraordinary) session
  - (14) PCT [Patent Cooperation Treaty] Union Assembly, forty-first (24th extraordinary) session
  - (15) Budapest Union Assembly, twenty-sixth (11th extraordinary) session
  - (16) Vienna Union Assembly, twenty-second (9th extraordinary) session
  - (17) WCT [WIPO Copyright Treaty] Assembly, ninth (5th extraordinary) session
  - (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, ninth (5th extraordinary) session
  - (19) PLT [Patent Law Treaty] Assembly, eighth (5th extraordinary) session
  - (20) Singapore Treaty [Singapore Treaty on the Law of Trademarks] Assembly, Second (1st extraordinary) session.

meeting in Geneva from September 20 to 29, 2010, 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 draft General Report, separate draft Reports have been drawn up on the sessions of the General Assembly (WO/GA/39/14), WIPO Coordination Committee (WO/CC/63/8), Madrid Union Assembly (MM/A/43/3), Hague Union Assembly (H/A/29/2), PCT Union Assembly (PCT/A/41/4), Patent Law Treaty Assembly (PLT/A/8/2) and the Singapore Treaty Assembly (STLT/A/2/2).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 20, 2010, is set forth in document A/48/INF/1 Rev.
4. The meetings dealing with the following items of the Agenda (document A/48/1) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 8,  
9, 10, 11, 12, 13, 14, 15,  
16, 17, 18, 19(i), 19(ii),  
19(vi) 19(vii), 19(viii), 20,  
21, 22, 23, 24, 25, 26,  
27, 28(i), 28(ii), 28(iii),  
28(iv), 28(v), 29, 33, 38  
and 39

Mr. Alberto J. Dumont  
(Argentina), Chair of the  
General Assembly, and in his  
absence, the two Vice-Chairs  
Ms. Yeşim Baykal (Turkey) and  
Mr. Mohamed Abderraouf  
Bdioui (Tunisia)

Item 31

Mr. Li-Feng Schrock  
(Germany), *ad hoc* Chair of the  
Madrid Union Assembly

Item 32

Mr. Li-Feng Schrock  
(Germany), Chair of the Hague  
Union Assembly

Item 35

Mr. Matti Pääs (Estonia),  
Vice-Chair of the Singapore  
Treaty Assembly

Item 30

Ms. Anne Rejnhold Jørgensen  
(Denmark), Chair of the PCT  
Union Assembly

Item 34

Mr. Liviu Bulgar (Romania),  
Vice Chair of the Patent Law  
Treaty Assembly

Items 7, 19(iii), 19(iv),  
19(v), 36 and 37

Ms. Marion Williams  
(Barbados), Chair of the WIPO  
Coordination Committee

5. The written submissions from Member States on document A/48/3 (Medium Term Strategic Plan (MTSP) for WIPO, 2010 - 2015) are reproduced as Annex I, the Director General's Report as Annex II and an index of interventions by Delegations of States and Representatives of intergovernmental and non-governmental organizations mentioned in this report as Annex III of the final version of the present report.

## ITEM 1 OF THE CONSOLIDATED AGENDA

### OPENING OF THE SESSIONS

6. The forty-eighth series of meetings of the Assemblies and other bodies of the Member States of WIPO was convened by the Director General of WIPO, Mr. Francis Gurry (hereinafter referred to as "the Director General").
7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 20 Assemblies and other bodies concerned by Ambassador Alberto J. Dumont (Argentina), Chair of the General Assembly who made the following statement:

"Honorable Ministers, Director General, Heads of Delegations, Ladies and Gentlemen,

"I wish to formally open our series of meetings and Agenda Item 1. I will say a few words. It is an honor for me as Chair of the General Assembly to inaugurate this 48<sup>th</sup> series of meetings of the Assemblies of the Member States of the World Intellectual Property Organization (WIPO). The Assemblies provide the 184 Members of the Organization with the opportunity to review the tasks undertaken during the year, assess the progress made and reflect on future objectives. In this context, we have an excellent opportunity, as members, to consider the strategies and policy options which allow the Organization to meet the challenges of the 21<sup>st</sup> century and to fulfill the mandates which the Member States have entrusted to it.

"I believe that no one doubts the importance that knowledge, and more specifically intellectual property (IP), has exercised throughout the history of humanity. It has constituted a key factor in the creation of our cultures and societies and, as such, affects the daily lives of all our citizens.

"For that reason, it is in the interest of our societies and citizens, and as Member States of this Organization, to work constructively and with the criterion of shared interests within WIPO. Finding creative solutions to our differences, providing a balanced development of the IP system, guaranteeing equity between public and private interests, and encouraging creativity and innovation are some of the permanent criteria which should guide our conduct within the Organization.

"Excellencies, Ladies and Gentlemen, in my capacity as Chair, I have been able to assess progress on this road which we are all taking together at WIPO.

"In particular, I would like to highlight that I appreciate a high level of constructive involvement both on the part of the Member States and also the Ambassadors which represent them in the Organization. This has allowed us to make progress on the Development Agenda, with the approval of new projects and the coordination mechanism. Likewise, we have agreed measures to improve PCT operations and we are working to facilitate access to works with ownership rights for visually impaired people.

"Finally, we have launched negotiations within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). Through different consultation mechanisms, we have been able to agree common positions on some issues such as the membership of the Audit Committee, the new mechanisms for the Intersessional Working Groups and, finally, but no less important, launch the Organization's new logo.

"As already mentioned, we believe that we have made some progress in the past year. It is on the basis of this spirit of cooperation that, in consultation with the Member States, we have agreed to hold this high-level segment on the theme of *innovation, growth and development and the role played by IP and national experiences*. This subject was selected for its inclusive nature and the relevance which the 184 Member States attach to it for the present and future functioning of the Organization.

“The contributions in this regard which we expect from you, esteemed Ministers, Ladies and Gentlemen, and delegates, will allow us to focus together, on the basis of unified criteria, on our future work. We are reassured by the level of representation and participation of ministers and high-level officials, which demonstrates the commitment of all of you to the Organization and reaffirms the importance of the debate on IP and its central role in the public policies of all Member States.

“Excellencies, Ladies and Gentlemen, and Delegates, it is useful to recall when beginning our work in these high-level meetings, and taking into account the substantive portion of our agenda, that IP develops in a field which is changing permanently in the face of technological change. I believe that a quotation from a very well known Argentinean writer and poet, Jorge Luis Borges, applies to this situation. Borges said that “nothing is built on stone, everything is built on sand, but we must build as if the sand were stone”.

“It is with these words in mind that I invite you to seek solutions to meet the current challenges in responding to the opportunities now available to us. As stated, the high-level debate should provide us with a broad overview of the expectations of governments in this regard. In turn, I would like to mention the opportunity provided to us, in specific terms, by the MTSP submitted by the Director General. The document, which is the subject of an internal consultation process between members and the Secretariat, would allow a joint basis for work to be established, and agreed for the coming years, and to incorporate an agreed strategic framework for the future work of the Organization. I invite members to think carefully about this in the coming days and to act on the basis of a consensus on the details.

“Excellencies, Ladies and Gentlemen, Delegates, the agenda which we have before us will also allow the Member States to analyze the reports of Committees and other projects. Similarly, we will be called upon to consider issues such as the language policy, that of external offices, staff matters and other subjects of importance.

“Before beginning our substantive work, I wish to thank the Director General, Mr. Francis Gurry, his team and all WIPO staff, for the excellent support which I have received in carrying out the first year of my term in office. I also wish to recognize the excellent work and cooperation provided by my Vice-Chairs, Mrs. Yeşim Baykal and Mr. Mohamed Abderraouf Bdioui, with whom I hope to continue working during this series of meetings.

“Excellencies, Ladies and Gentlemen, and Delegates, I therefore welcome you to Geneva, I wish you a happy stay in the city and I formally declare open the 48<sup>th</sup> Series of Meetings of the Assemblies of Member States of WIPO.

“Thank you very much.”

## ITEM 2 OF THE CONSOLIDATED AGENDA

### ELECTION OF OFFICERS

8. Discussions were based on document A/48/INF/1 Rev.
9. Following informal consultations among the Group Coordinators, the following officers of the WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee, as well as the Chair of the Lisbon Union Assembly, were elected on September 23, 2010:

for the WIPO Coordination Committee  
Chair: Ms. Marion Williams (Barbados)  
Vice-Chair: Ms. Li Lin Liew (Singapore)  
Vice-Chair: Mr. Heinjoerg Herrman (Germany)



for the Paris Union Executive Committee  
Chair: Mr. Paul Salmon (United States of America)  
Vice-Chair: Ms. Grace Issahaque (Ghana)  
Vice-Chair: Ms. Alexandra Grazioli (Switzerland)

for the Berne Union Executive Committee  
Chair: Ms. Alexandra Grazioli (Switzerland)  
Vice-Chair: Ms. Li Lin Liew (Singapore)  
Vice-Chair: Ms. María de los Ángeles Sánchez Torres (Cuba)

10. The list of the officers for the Assemblies and other bodies appears in document A/48/INF/4.

### ITEM 3 OF THE CONSOLIDATED AGENDA

#### ADOPTION OF AGENDA

11. Discussions were based on document A/48/1.
12. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/48/1.

### ITEM 4 OF THE CONSOLIDATED AGENDA

#### DIRECTOR GENERAL'S SPEECH

13. At the invitation of the Chair of the General Assembly, Ambassador Alberto J. Dumont, the Director General made the following statement:

“Your Excellency, Ambassador Alberto Dumont, Chair of the WIPO General Assembly, Honorable Ministers, Your Excellencies the Permanent Representatives, Distinguished Delegates,

“It is a great pleasure for me to join the Chair of the General Assembly, Ambassador Dumont, to welcome you here this morning, to this session of the WIPO Assemblies. We are honored and delighted that so many Ministers have chosen to attend the Assemblies and to include WIPO in their very busy schedules.

“I am not going to report orally this morning in detail on the results and outcomes of the Organization's activities over the past 12 months. I have provided a separate written Report for that purpose. Rather, I shall use this time to address briefly the theme of the High Level Segment, innovation, growth and development, and its relationship to the work of this Organization.

“Innovation is central to economic growth and to the creation of new and better jobs. It is the key to competitiveness for countries, for industries and for individual firms. It is the process by which we find solutions to the many challenges that confront us economically and socially, since we know that we are not going to solve most of these without new knowledge and new technologies. And it is also the source of improvements in the quality of all aspects of our material life.

“Innovation is also the reason why we have IP. Innovation and its many benefits do not come without considerable investment of time, effort and human and financial resources. IP provides the incentive for that investment.

“Innovation is rarely a simple process. Recognition of the complexity of the journey from an idea to a commercial reality has given us a broader understanding of what innovation means. In addition to technology, we now include marketing, organizational and design information as vital to successful innovation.

“WIPO provides essential services to support innovation in this broader sense through its Global IP Systems – most notably the Patent Cooperation Treaty (PCT), the Madrid System for marks, the Hague System for designs and the Lisbon System for appellations of origin. Protection for an increasing share of the world’s innovative effort passes through these systems.

“The systems enjoy widespread and expanding membership. And from an Organizational point of view, they are the strategic assets that generate over 90percent of the revenue of the Organization, and enable the Organization to offer a wide range of capacity-building and other development services.

“To maintain their position as essential support services for global innovation, it is necessary that we continue to invest in these global IP systems – particularly in relation to information technology – in order to remain competitive in comparison with the alternatives routes to obtaining international protection. It is necessary for us to achieve continuous improvements in the quality of the experience for users. And it is necessary also for the systems to enjoy the support and interest of Member States. In this regard, I am very pleased to note the important efforts led by Member States in the Working Groups for each of these systems, where major initiatives are under discussion to invigorate each of these systems and to extend participation in them.

“The landscape for global innovation is a very dynamic one. Both the geography of innovation and the means by which innovation occurs, are changing, over-turning many of our assumptions and expectations. Whereas, 20 years ago, one might have expected innovation to emerge from the United States of America or Europe, in one of every three cases now, one may expect it to emerge from Japan, the Republic of Korea or China. Trends in economic growth, and patterns of investment in education and R&D, make it clear that further continental shifts will occur in the world of innovation and that the map of innovation will continue to evolve.

“In a similar vein, 20 years ago, one might have expected innovation to emerge from the laboratory of a single enterprise or institution. Since then, the networked and connected economy has unfolded. Information travels more quickly and more cheaply and through networks that simply did not exist previously. This has fostered movement toward open innovation, where enterprises and institutions look outside themselves to satisfy their innovation needs by forming partnerships and cooperating with a variety of actors, including competitors, collaborators, suppliers and customers.

“These changes in the landscape of global innovation give a new importance to WIPO’s role in developing and coordinating global infrastructure. In the past, much of the emphasis of international cooperation in the field of IP has been on the international legal framework. No one would suggest that that area is any less important now. But the technical framework is an increasingly fertile, if not necessary, additional dimension for effective international cooperation. Let me give you just two examples.

“First of all, cooperation in technical infrastructure offers an opportunity to increase the participation of the least developed and developing countries in global innovation and, thereby, to contribute to the aspirations of the Millennium Development Goals (MDGs) and of the WIPO Development Agenda to reduce the knowledge gap and the digital divide.

“We have made considerable progress in the last year in enhancing the availability of knowledge, which is the basis of all innovation. A series of public-private partnerships with publishers and commercial database vendors have been established giving free access to scientific periodicals<sup>1</sup> and technology databases<sup>2</sup> for anyone in an LDC, and access at a very modest cost for those in developing countries. In addition, through the Stakeholders’ Platform, an association between publishers and the World Blind Union, plans are well advanced for an ambitious arrangement for distributing published works in accessible formats for the visually impaired.<sup>3</sup>

“Technology and Innovation Support Centers (TISCs) have been established in a number of developing countries during the past 12 months, as access points and training centers. We have also worked to connect the least developed and developing countries into global networks, with projects in over 71 countries for digitization and automation of industrial property offices.

“As a second example, cooperation in technical infrastructure can also provide a very effective means of improving both the efficiency of the work of patent offices and the quality of their output. Numerous projects are underway in this regard in Member States, in groups of Member States and within WIPO itself. The projects concern a wide variety of subjects, such as classification systems; sharing search and examination reports; and, given the changing geography – and, therefore, changing languages – of technology, machine-assisted translation.

“In some cases, WIPO is involved in the development of these projects, in other cases, not. And whether or not WIPO is so involved, a key role for the Organization in relation to these projects is to act as a conduit for their results to be made available multilaterally. In this way, different pieces of global technical infrastructure will be built and contributed to by different parties, so that, ultimately, we would have a global infrastructure that is built by all, and owned by none.

“The growing importance of cooperation in technical infrastructure does not diminish the importance of cooperation on the international legal framework. In most ways, the success of cooperation on the international legal framework is a test of the relevance of this Organization and indeed of multilateralism. Can the slow processes of multilateralism provide timely answers to the fast changing world of innovation?

“In the past year, as Ambassador Dumont has underlined, progress has been made in various WIPO committees that deal with the legal framework. While there is still much distance to travel, there are real possibilities for concrete progress in a number of areas, including access to published works on the part of the visually impaired, audiovisual performances, broadcasting, folklore and traditional knowledge, designs and trademarks on the Internet. I pay tribute to the work of the technical experts in these Committees and to the very constructive and engaged diplomacy of so many of the Permanent Representatives in Geneva in finding ways forward in this area, and to you also, Ambassador Dumont, as the Chair of the General Assembly, for leading these evolving conversations in Geneva on the international legal framework.

“I shall conclude by saying that, just as we believe that there is an important role for WIPO in innovation, so too we believe that there is an important role for innovation in WIPO. Like all international organizations, we are challenged by the fast pace of change in the external world. We are endeavoring to respond to those challenges in a measured,

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<sup>1</sup> Access to Research for Development for Innovation (aRDi), <http://www.wipo.int/ardi/en/>

<sup>2</sup> Access to Specialized Patent Information (ASPI), <http://www.wipo.int/patentscope/en/programs/aspi>

<sup>3</sup> See <http://www.visionip.org/portal/en/index.html>

structured and energetic way through the Strategic Realignment Program, on which much progress also has been made in the past 12 months.

"I should like to pay tribute in this regard, to the dedication and service of all my colleagues.

"Thank you very much."

14. At the invitation of the Director General, Mr. Francis Gurry, Mr. Stevie Wonder made the following statement:

"Good morning Director General, world leaders, distinguished guests and my United Nations family,

"I am grateful to Mr. Francis Gurry, Director General of WIPO, and Trevor Clarke, for inviting me to address this very important gathering of world leaders who I know can turn inaction into action and dreams into reality. I am also very, very grateful to have been appointed Messenger of Peace, by Secretary General Ban Ki-moon.

"In this room, I am further empowered and inspired to work towards my mission to bring hope and light to the millions around the world who live with disabilities, and, specifically today, those like me who are blind or visually impaired. What I'd like to do today is launch what I call the declaration of freedom for people with disabilities. It is a call to action, a plan that will empower the independence of people with disabilities by providing them with the tools to learn and grow.

"In America, for instance, many African Americans owe their educational success to the government mandate that all individuals be treated fairly and equally. This proactive approach of inclusion created opportunities for people of color to have access to quality education and employment. So now, I ask the question: where would President Barack Obama be if the United States' courts and government would not take or did not take permanent steps to ensure equal access to a quality education for all Americans.

"This is why I am calling for this body and the Member countries to enact a declaration of freedom for all people with disabilities, through your legislative efforts and since this can be created to advance the blind and visually disabled toward the promise of a better life.

"I want everyone in this room to think, to think about how many young people that live in your various countries could be the next Barack Obama, but will never get there because they're visually impaired or have other print disabilities and do not have access to the billions of books on science, medicine, history and philosophy that will allow them to be fully educated and one day live out their dream to be a prime minister, doctor, writer or teacher. We must declare a state of emergency and end the information deprivation that keeps the visually impaired in the dark.

"We must spread the word that the untapped genius of the 300 plus millions who have a visual disability are truly in need of our love today, not tomorrow, but today. While I know it is critical not to act to the detriment of the authors who have created these great works that enlighten and nurture minds, hearts and souls, we must develop a protocol that allows the easy import and export of copyrighted materials so that people with print disabilities can join the mainstream of the literate world. Now there are many proposals on the table that create a safe clearing house for the exchange and translation of books. Please work towards a consensus. I beg you: now is the time to love and your love is the key to unlock the blindness that blocks the acceptability of translating books into a readable format for people with print disabilities.

"Now around this room I know that many of you are dedicated public servants and you've made quite a difference in this world but your work and my work is not done. There's a huge constituency of God's children who need you to put ideological differences aside and come up with a practical solution, and I am respectfully asking all of you to join my

declaration of freedom for the many print disabled and visually impaired, by giving them the tools with which to see their way out of poverty and the darkness that is created when the mind does not have access to something as simple and as powerful as a book. "Now I understand that the European Union, the Group of Brazil, Mexico and Paraguay, the United States of America and the African Group have proposed different plans as to how to address the cross-border transfer of information and other issues on how to develop a protocol that has a binding effect and at the same time respects the rights of all involved. It can be done. We have the greatest minds in the world right here in this room. Please, work it out. Or I will have to write a song about what you didn't do. (Laughter)

"But seriously, please, please, please: sounds like the old James Brown song. Help God's light. Help God's light shine on the 300 plus million that live in the dark. Lead their way into the light. I would like for each country represented here today to adopt and develop with WIPO or their own country a declaration of freedom for people with disabilities. It is our legacy and our gift to the future. Let's do this. Thank you.

"But before I go I have another approach I would like to share with you. Give me a second to go to the keyboard. One second. [strikes notes on the keyboard]. We're going to play this game of, um, do you know this? My Cherie Amour, lovely as a summer day. Do you know that? My Cherie Amour, distant as the milky way. My Cherie Amour, pretty little one that I adore. You're the only girl my heart beats for, how is it you are mine? You know this part? You wanna sing it? Don't be ashamed.

"The reason that you know this song is because it has been accessible to you. You can read the words, you can, I am sure some of you have maybe sung this song, maybe danced to this song. You're the sunshine of my life. That's why I'll always be around. You know that one? (Yeah). And this one. Let me see: No New Year's Day to celebrate. I just called to say, there we go, see.

"So my point is, you know, very simply, we must make the world accessible, the print world accessible to every single person who has a visual disability or who's blind, as well understanding that this is our livelihood. It is so important that we do protect the copyright, making sure that we as songwriters and artists can, no different than you, take care of our families. It's key. What I'd like to do is I'd like to see the declaration of freedom for those who are blind or visually impaired in some way. But not just those who are blind; those who are deaf, those who are paraplegic, quadriplegic or other. We have to have a declaration of freedom to secure and give every single human being the opportunity to live with the freedom of knowing that they have accessibility to information throughout the world.

"Now I promise you, if you can, between now, meaning right here this time, and next year this time, I'll come back and we can do an incredible celebration concert for all of you. It's on you. Do what you've gotta do.

"Thank you and God bless you."

## ITEM 5 OF THE CONSOLIDATED AGENDA

### GENERAL STATEMENTS

15. The Ministers, Delegations and Representatives of the following 108 States, five intergovernmental organizations and one non-governmental organization made statements concerning Agenda Item 5: Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark,

Dominican Republic, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea Bissau, Holy See, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Madagascar, Malawi, Malaysia, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Serbia, Seychelles, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe, African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), African Union (AU), Eurasian Patent Organization (EAPO), League of Arab States, National Association of Performers Rights of Mexico (ANDI).

16. All speakers congratulated the Chair on his election to office for the second year in succession. They also thanked the Director General for all his work and untiring efforts in the cause of IP, together with the Secretariat for the excellent documents prepared for the Assemblies meetings.
17. The Minister for Industrialization of Kenya said that the theme of innovation, growth and development reflected the desire of developing countries to establish knowledge-based and digitalized economies. Any country that did not harness and improve its knowledge base to leverage its creativity and innovation for the purposes of socio-economic development and trade relations could not be competitive. Innovation was a broad concept encompassing the commercial exploitation of ideas in the form of new products, services or process development and one of the challenges faced by developing and least developed countries (LDCs) lay in promoting innovation. That challenge had been recognized in Kenya, which had taken deliberate steps to promote innovation, for example by creating a national innovation system that generated ideas, creativity and inventiveness. Through the Kenya Industrial Property Institute, the country assisted small and medium-sized enterprises (SMEs) in fostering systems of innovation and competence building and commercializing innovation. The Government of Kenya had established an Innovation Fund and set aside money to develop technology incubation centers with the aim of giving incentives for creativity and inventiveness. Initiatives had been implemented to link innovators to industry and explain the role of innovation in a business enterprise. At the policy level, deliberate efforts had been made to demonstrate how innovation determined socio-economic development. A national innovation strategy had been formulated, the focus of which was the interaction between actors and the institutional and policy context and how that context influenced their innovative behavior and performance. Kenya had promulgated a new Constitution that expressly recognized IPRs as crucial to economic growth and development. In the Constitution, the State recognized the role of science and indigenous technologies in the development of the nation, while also recognizing and protecting the ownership of the indigenous genetic resources of the people of Kenya. Furthermore, in August 2010, Kenya had signed the African Regional Intellectual Property Organization (ARIPO) Protocol on the protection of traditional knowledge and expressions of folklore. His Delegation appreciated WIPO's generous support for a number of collaborative initiatives, including a pilot project on Patentscope® and the creation of an electronic registration system for copyright and related rights, as well as training for relevant members of the public and rights holders. The Government of Kenya had remained at the forefront in recognizing the role of IPRs and had often needed to modernize its IP legislation to conform to international standards and best practices and to address emerging issues such as biotechnology, ICT and fighting counterfeiting and piracy. For example, the Government had enacted the Anti-Counterfeiting Act to address counterfeiting. Furthermore, the Anti-Counterfeiting Agency was already operational and was expected to complement the efforts of existing enforcement agencies such as the Enforcement Unit of the Kenya Copyright Board, the police and customs officials. His Government recognized IP as one of the necessary tools for access to reliable, affordable and environmentally-sound energy services, as an

integral part of poverty reduction programs towards the country's realization of its Vision 2030. For example, the Government of Kenya was involved in various activities aimed at harmonizing IP within the East Africa Community (EAC). It recognized that issues of innovation and climate change were important to economic growth and development and therefore welcomed policies that promoted innovation in green technology. Finally, his Delegation was grateful to WIPO for the support that it had provided with regard to IP infrastructure development in Kenya and the provision of staff training on IP matters and the Government of Kenya pledged its continued support to the Organization.

18. The Vice-Minister for Knowledge Economy of the Republic of Korea stated that IPRs were increasingly important in national economic development and the Republic of Korea had used IP effectively to achieve significant economic growth. Furthermore, it was currently endeavoring to use IP as a tool to boost national innovation. In line with those efforts, his Office had submitted a proposal to President Lee Myung-Bak for the establishment of a national organization that would be responsible for formulating national IP strategies. The Framework Act on IP had subsequently been drafted and the bill was expected to be passed at the National Assembly in the near future. In addition, the Presidential Council for National IP was due to be launched in 2011. The concept of innovation became meaningful only when considered in relation to customers, since the goal of innovation was to create customer value. An IP office could contribute to innovation, as well as to national growth and development, by providing services that created value for its customers, which included inventors, applicants and the general public. A customer-service orientation had been established as the first core value of WIPO's Strategic Realignment Program (SRP). IP customers had clear views on the role and responsibilities of WIPO and IP offices and wanted the IP system to be more useful for applicants. It was therefore necessary for the various IP systems to be harmonized. Filing international patent applications was inconvenient when the patent systems and examination standards were inconsistent, since that made it difficult to predict the outcome of examination results. Fortunately, many Offices were now striving to promote work-sharing in the area of patent examinations and such collaboration included WIPO discussions on PCT reform and developments relating to the Patent Prosecution Highway. With regard to trademarks, the reform of the Madrid System should be accelerated so that enterprises could use the system more effectively. The speaker welcomed the various suggestions discussed at the working-group meeting on the legal development of that system, such as the suggestion to abolish the basic requirements of a trademark application. The Republic of Korea would continue doing its utmost to make the system more customer-oriented. Efforts were also needed to harmonize industrial design law and practice and, in recognition of that need, the Republic of Korea had agreed to become a signatory of several major international design agreements. It was hoped that the discussions of the Standing Committee on Trademarks, Industrial Designs and Geographical Indications (SCT) would also lead to the development of a more user-friendly global system of industrial designs. Greater IP protection was essential for any community that valued IP and it was important to remember that the general public were valued customers. Balanced policies for rightsholders and rights users formed the basis of a healthy IPR environment. In keeping with the Government of Korea's major policy direction of building a fair society, the Korean Intellectual Property Office (KIPO) was trying to create a fair IP society by promoting various policies for middle to low-income earners. To boost the creativity of students, KIPO and several major Korean enterprises voluntarily ran an invention education program for disadvantaged youth, which catered especially for young people who had been deprived of an invention education. Since emerging from the ruins of the Korean War in the 1950s, the Republic of Korea had achieved tremendous economic growth and was always keen to share its experience of that transformation with others. In November 2010, the Republic of Korea would host the G20 Seoul Summit, one of the themes of which would be the challenge of bridging the developmental gap. Many tools were needed to bridge the gap but IP was one of the most valuable and the discussions of the WIPO Committee on Development and Intellectual Property (CDIP) were therefore extremely significant. With the active participation of WIPO and its Member States, the Committee's 18 development projects would be implemented promptly and effectively. For several years

the Republic of Korea had been endeavoring to fulfill its responsibilities as a member of the global IP community by undertaking a number of development projects through the Korea Funds-in-Trust at WIPO. It had also proposed several projects to the CDIP, such as the distribution of appropriate technologies found in patent literature and brand support for the products of developing countries, which were currently being implemented.

Another initiative of the Republic of Korea was a project being undertaken in partnership with the Asia-Pacific Economic Cooperation Forum (APEC) entitled "One Village, One Brand", the aim of which was to help local people in the Asian-Pacific region to increase their income through more effective use of IP. The role of WIPO was crucial against the current backdrop of globalization and the Organization had taken many steps to deal with the changing IPR environment, especially by developing the SRP and drafting the MTSP. However, while WIPO played a major role in the development of a global IP system, its efforts were not sufficient alone. Greater interest, support and encouragement were needed from all Member States. The Republic of Korea was wholeheartedly committed to fulfilling its responsibilities and would do its utmost to contribute to the international IP community.

19. The Parliamentary Under-Secretary for State for Business, Innovation and Skills of the United Kingdom said that she was delighted to be attending her first WIPO General Assembly. WIPO was the home of global IP and it needed to be fit for purpose in a world of rapid change, which meant being an efficient and accessible institution. It was not right that some inventors had to wait years to obtain international protection for their ideas. WIPO also needed to bring countries together to tackle global issues such as climate change and it had to be forward-looking. However, the Organization was only as good as its Members. Too often, debate among Member States had focused on what they could not do as opposed to what they could do. IP mattered and it was up to Member States to ensure that WIPO worked. Member States needed to work together to tackle global backlogs in patent and trademark applications, which prevented new products from being brought to market and stifled competition. Effective processes were required for granting IPRs across borders and for that reason the Government of the United Kingdom had pressed for reform of the PCT. It should be made easier for individuals and companies to operate in foreign markets, which meant making national systems transparent and easy to understand. Perceptions about IP had to be changed and IP had to be made real for Member State citizens, by convincing them of the benefits of IP in terms of new products and creativity. For that reason, the Government of the United Kingdom strongly supported WIPO's work to enable increased access to copyright material for the visually impaired. A global IP framework was required that worked for everyone, both small and big countries and rich and poor alike. It had to support both businesses and consumers and be flexible enough to recognize the different stages of development of various Members. Only 10 years before, the vast majority of IP had been generated and owned by just a few countries. That situation had now changed and every year more countries were generating new ideas. Companies from emerging and developing economies should be able to market their ideas. IP was not an easy subject for non-experts to understand and too often it suffered from a negative image. IP was used as a reason to stop somebody from doing something, such as downloading Internet content to an iPod. The Government of the United Kingdom was keen to work with WIPO and other Member States to change that perception. IPRs had been established not simply for companies to profit from their ideas, but to deliver benefits for all. They existed to give people an incentive to invest, create and share. Today, despite all the technological advances, Members were faced with disease, ageing populations, climate change and poverty, which were challenges that crossed national borders. Such challenges required global solutions which in turn required innovation, hence the focus of the 2010 General Assembly on innovation, growth and development. Given the current state of the world economy, there could not be a better theme. At the national level, the Government of the United Kingdom was examining how its IP framework could promote further entrepreneurialism, growth and innovation and was conducting detailed research to evaluate the economic impact of IP on the British economy. At the international level, Members had to remain focused on the ultimate goal of making a positive difference to all their citizens. It was time for Member States to trust each other and compromise and all



officials participating in the meetings should discuss the substantive issues in a spirit of flexibility and open-mindedness.

20. The Chairman of the State Committee on Standardization, Metrology and Patents of Azerbaijan said that WIPO's activities, which promoted the implementation of contemporary mechanisms to strengthen the capacity and capabilities of national patent offices, were a vital driving force for fostering sustainable socio-economic development. The effective and efficient protection and enforcement of IPRs, as well as the stimulation of innovation and creativity, played a key role in ensuring economic growth in developing countries. The Government of Azerbaijan had intensified scientific and technical activities and facilitated the establishment of conditions that encouraged innovation. Given the importance of innovation for economic prosperity, the Government paid special attention to the implementation of effective mechanisms for protecting and enforcing IPRs protection. As a landlocked developing country dependent mainly on energy resources, the Republic of Azerbaijan attached great importance to the development of the country's non-oil sector of the economy and to increasing the competitiveness of the economy as a whole. The contribution of IP, especially the role of innovation, was of the utmost importance in that regard. Azerbaijan was committed to its integration into the multilateral trading system under favorable terms aimed at supporting the Government's economic policy objectives and ensuring further sustainable socio-economic development of the country. Taking into account the recent developments in the global economy, the Government had intensified its efforts and had taken additional measures to boost business activities, attract new technologies and diversify the economy. Coherent and consistent policies and comprehensive reforms adopted in recent years in close cooperation with all major international economic institutions had delivered impressive results in terms of macroeconomic stability, structural changes, attracting foreign direct investment (FDI) and ensuring the overall economic development of Azerbaijan. However, the prospects for growth could be even better in the future as the process of developing the country's natural resources and implementing regional infrastructure projects was well under way. The Government welcomed FDI and advanced technologies, recognizing that they played a vital role in the solid development of the national economy. Monitoring had been carried out in April 2010 in close collaboration with WIPO experts to assess the interaction between various governmental bodies in the field of IPRs protection. The evaluation carried out would contribute to the drafting of a national development strategy concerning the patent system and institutional reforms at the national IP Office. A recent example of the effective cooperation between WIPO and the State Committee on Standardization, Metrology and Patents had been the regional seminar on the enforcement of patent and trademark rights held in Baku in June 2010. The seminar had brought together representatives of WIPO, the World Customs Organization (WCO), various national patent offices, government officials and business representatives. Moreover, with the support of WIPO and together with Azerbaijan's partner country, a draft project on the modernization and automation of the IP databases of the Azerbaijan Patent Office had recently been carried out. The national IP legislation was continuously being improved and harmonized with the requirements of the relevant World Trade Organization (WTO) and WIPO treaties. Amendments had been made to the Law on Patents and the document had been presented for adoption. In July and August 2010, the President of the Republic of Azerbaijan had signed Decrees concerning the country's accession to the Nairobi Treaty on the Protection of the Olympic Symbol and the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs. The protection of copyright and related rights was also a priority issue and the Government paid close attention to the problems of piracy, although there had been a significant decline in the share of pirated audio and video products and pirated software in recent years in Azerbaijan. However, in order to strengthen the fight against piracy, a draft law on the enforcement of copyright and the fight against piracy had been drafted and submitted for consideration. To contribute to the success of the institutional reforms being carried out, a European Union Twinning Project was being implemented at the State Copyright Agency. The Government also intended to create an interagency commission for combating piracy and plagiarism and ensuring the protection of cultural heritage. Finally, it was important that projects and activities were implemented in areas

such as technology transfer and the protection of genetic resources, traditional knowledge and expressions of folklore.

21. The Minister for Culture of the former Yugoslav Republic of Macedonia (FYROM) expressed delight at having the opportunity to address the esteemed Assemblies of Member States of WIPO, stating that she would use that opportunity to welcome the successful development of the activities and numerous projects that had been conducted in recent years by WIPO, the objective of which was to stimulate progress in service-oriented culture. Those initiatives and projects had opened up new perspectives for the promotion and improvement of cooperation between WIPO Member States and had provided all the information necessary regarding matters of great interest to WIPO in that field. The Minister noted that the efforts of the Government of the FYROM and the Ministry of Culture were clear and categorical in the area of copyright and IP protection because it was a matter of authors' human rights, their legacy and their sanctity and an area whose protection it was imperative to guarantee. Being a signatory to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Copyright Convention and a member of WIPO was a responsibility which encouraged fervent efforts to protect freedom of expression and to protect and promote cultural diversity, which was a meaningful pledge for humanity as a whole. As a Member State of international organizations and specialized governmental and non-governmental organizations and associations, the FYROM had embraced the necessary process of international and national standardization in all spheres, in particular that of the protection of copyright and related rights. On its path towards integration in European-Transatlantic organs, the FYROM had achieved significant progress in the field of copyright, as reported in the 2009 European Union progress report. The country as a whole had been working in many different areas and had invested in the establishment of an efficient system for the protection and capacity-building of institutions and for raising public awareness of the significance of IPRs and their benefits. Activities had aimed at emphasizing the importance and necessity of having an IPRs protection system which duly protected and safeguarded the products of creative minds, in other words, a system which stimulated the creative process. The Minister reported that, under the Stabilization and Association Agreement, to which it was a Party, the FYROM had pledged to provide proper and effective protection and implementation of IPRs and to take all measures necessary to ensure a level of protection corresponding to that of the European Union. In compliance with the country's main priorities and the activities necessary for meeting the requisite criteria on the road to full European Union membership, and in order to have an integrated approach to greater effectiveness in the fight against crime – including piracy – in 2007 the FYROM had established the Coordinative Body for IP in order to coordinate different inspection control systems. That action had resulted in a number of positive effects. The Coordinative Body had focused on matters relating to market surveillance, identification of IP-related problems, creation of suitable policies for industrial property protection and copyright and related rights protection, as well as on direct involvement in coordinated actions. As part of an Operational Program for the Fight against Piracy and Counterfeiting, that Body had increased IP protection, and had enabled full and efficient implementation of national legislation in many fields, including the production and reproduction of counterfeit and pirated goods. The Minister underscored that the area of copyright and related rights was one of the many pillars which, along with education, culture, the judiciary, the economy and telecommunications, was indicative of the multifaceted level of development of a given society. IP should be considered an essential asset for the establishment of a safer environment for investment in innovations and creation, as well as of a more appropriate distribution of innovative and creative products and services. The structural changes involved in the distribution and utilization of creations had, however, brought with them a certain amount of disregard for IP. In that light, the FYROM was currently delivering the Government's Strategy for IP for 2009-2012. The fundamental principles of that Strategy endeavored to ensure efficient performance on the part of the institutional pillars and effective implementation of the *acquis* transposed into national legislation for the protection of industrial property and authorship, as well as other related rights. Mindful of the legislative activities carried out by the Government, the Minister was happy to highlight that, on August 21, the Assembly of the FYROM had adopted its new Law on Authorship and Related Rights (LARR), which

had been prepared by the Ministry of Culture. That law complied not only with the WIPO treaties, conventions and seven directives in that area, but also with the latest directive, Directive 32004L0048, relating to the enforcement of IPRs. With the harmonization with that Directive, the FYROM had fully met the integration benchmarks in that field. The LARR provided an extremely precise legal basis for more successful and cost-effective compliance with the positions, competences and responsibilities of different bodies of the system, as set out in separate laws. The new law provided a robust, precise and clear model for efficient performance of the system for collective copyright and related rights management. Preparation of that law had taken account of the points contained in WIPO's latest documents, such as the protection of broadcasting organizations, protection of audiovisual performances, and limitations and exceptions, which had been the main points in the Report of the Standing Committee on Copyright and Related Rights (SCCR) for dealing with current market trends and broadcasting technology and unauthorized access to broadcasting signals. A significant step forward had also been made in the application of the Law on Industrial Property. Further harmonization had been made with three other laws that ratified instruments managed by WIPO, namely the Law on Ratification of the Patent Law Treaty, the Law on Ratification of the Singapore Treaty, and the Trademarks Law. That move had facilitated the procedure for acquiring patent and trademark rights. Furthermore, adoption of the Law on Ratification of the Vienna Treaty provided the basic classification system for figurative elements or marks. The FYROM had been and would remain active in the protection of authorship and IPRs, and the practical application of the legal provisions for attaining a solution to the issues of IP abuse and piracy. Finally, the Minister expressed sincere hope for cooperation with all WIPO Member States, in particular in meeting the many future challenges arising from IP protection since authorship and its attendant rights were of mutual benefit to all.

22. The Commissioner (Vice-Minister) of the State Intellectual Property Office of China stated that although the shadow of the international financial crisis had not totally faded away, the world economy had witnessed some positive changes with the concerted efforts and vigorous actions of the international community. He commended the Secretariat for its vision in organizing, at this juncture, the High Level Segment centering on the theme of "innovation, growth and development", and sincerely wished the Session a complete success. 2010 was a special year for China in the field of IP as 30 years ago, IP was almost unknown in China, and the value of intellectual assets was yet to be recognized until in 1980 when the Government of China made the important decision to join WIPO, thus bringing nearly one quarter of the world's population into the global IP system. He stated that the ensuing 30 years had seen the establishment, development and constant improvement of the IP system in China, conforming to its national realities and needs for development, and consistent with the international rules. The infiltration of IP culture into the minds of its 1.3 billion people had not only played an important role in promoting China's economic, technological, trade and cultural development, but also made positive contributions to the popularization and promotion of the IP system and culture across the globe. He commended the efforts by WIPO over the past three decades to develop and improve the international IP system to ensure that the IP system be extended to more than 90 percent of the world's population. The Commissioner went on to share China's experiences in promoting innovation, growth and development through the IP system. Looking back, he noted that the Chinese nation had been an innovation-advocating nation, rich in inventions since ancient times, with its four great inventions – papermaking, gun-powder, compass and movable-type printing – that had contributed tremendously to the development of the world's civilizations. However, he regretted that since the industrial revolution, the Chinese civilization which had once been leading the world was left behind, until the late 1970s when the situation began to improve with the ever deepening efforts by the Government to reform and open up to the outside world. He said that since then, China's strength in science and technology and its innovation capacity had been significantly improved in witness of a rapid economic development. In that process, the Commissioner acknowledged the irreplaceable role of the IP system, which in fact had gradually become a key source of support for its national science and technology progress, cultural prosperity and economic growth. The Commissioner took stock of its progress made from 2000 to 2009, by saying that the average annual growth rate of patent applications in China reached 22.3 percent, and that from January to

August in 2010, the number of invention patent applications totaled 226,821, up by 18 percent compared with the same period of last year; the number of PCT applications was 7,749, up by 67.9 percent year on year; and the number of PCT applications entering the national phase in China totaled 42,464. In the area of trademarks, registration applications reached 684,000 during the months from January to August 2010, up by 31 percent over the same period in the previous year. It was estimated that over one million applications would be made by the end of the current year, hitting an all-time high; that during the same period, the number of applications of foreign enterprises designating China for territorial extension through the Madrid System totaled 9,867, maintaining the same level as the previous year; and that Chinese enterprises submitted 1,090 applications for international registration of trademarks through the Madrid system, up by 46 percent year on year. He noted that in the field of copyright, China had stepped up its legislative efforts in making and revising laws, with the Interim Measures for the Payment of Remuneration for Audio Products Played by Radio and TV Stations entering into force on January 1, 2010; the decision on revising the relevant provisions of the Copyright Law adopted by the Standing Committee of the National People's Congress (NPC) on February 26, 2010; and the Tort Liability Law entering into force on July 1, 2010, with which China strengthened its efforts in protecting copyright in the online and digital environment, and launched nation-wide special action to crack down on Internet piracy. He emphasized that copyright protection for the marketplace had been significantly improved, especially through the setting up of five organizations for collective management of copyright, and a preliminary framework for public and social services on copyright issues. The Commissioner was happy to share that the improvement of its innovation capacity had further boosted its economic development, and mentioned that in 2009, China's total investment in R&D ranked among the world's top five, the national R&D expenditure accounted for approximately 1.62 percent of the country's GDP, and the export of hi-tech products for nearly 30 percent of its total export volume. He added that in the first seven months of the year, the added value of hi-tech industries increased by 17.1 percent year on year, and that a 1,068 km long high speed railway linking the cities of Wuhai and Guangzhou became operational in December 2009, with a maximum speed of 394 km per hour. The Commissioner recognized that China's economic development mode had some drawbacks that cannot be ignored, which could well be classified as entailing "high investment, high consumption, high pollution and low returns". He observed that the financial crisis had exposed China both to the "crisis" of its traditional economic development mode, and to the "opportunity" brought by the scientific outlook on development - an opportunity that lied in the need for industrial restructuring and upgrading, as well as for the development of high value added industries. He continued that in June 2008, the Government of China issued and implemented the Outline of the National IP Strategy, thus highlighting IP protection as part of the national strategy, and providing both domestic and foreign-funded enterprises with a brand new opportunity for development. He considered that vitalization of IP creativity had expanded cooperation between Chinese and foreign enterprises; that increased commercialization of IP achievements had brought prosperity to the technology market; that diversified means of IP management had strengthened policy stability; and that strengthening of IP protection had created a sound environment for investment. The Commissioner informed that through creative design, technological R&D and branding development, the said National IP Strategy had helped to accelerate the transformation of the economic development from an element-driven mode to a knowledge-driven one. He cited an example that the scale of China's cultural and copyright-related industries surpassed USD \$340 billion in 2009, up by 15.5 percent year on year, and the growth rate was 5 percentage points higher than that of GDP over the same period of the previous year, hence a new growth pole for China's economy in the post-crisis era. He further noted that the improvement of IP protection in China had greatly boosted the confidence of foreign investors, as manifested by the fact that China was one of the countries attracting most foreign investment in the world, with more than 470 enterprises listed in the Fortune 500 having set up their branches in China; that China had attracted a cumulative total of USD \$1,050 billion in foreign investment by the end of last July, ranking the first among developing countries for 18 consecutive years; and that from January to July 2010, the foreign investment absorbed by China had been up by 20.7 percent year on year. He added that the overall operation of foreign-funded enterprises in China was sound and yielding

considerable investment returns, many of which had even become the growth poles and profit centers of their parent companies. All these had shown that the endeavors made by the Government to create a sound investment environment had been recognized by the investors and boosted their confidence. In particular, the Commissioner noted that for five consecutive years from 2006 to 2010, China had implemented an action plan for IP protection every year that constantly enhanced its efforts in IP administrative and judicial enforcement, and launched several special campaigns cracking down on Internet piracy, so as to maintain the market order and further improve the environment for investment. He explained that in the first half of 2010, with the gradual recovery of the world economy, the number of patent applications from abroad began to increase again, with the growth rate reaching 9.8 percent; that the number of patent applications increased by 11.4 percent year on year, back to the level prior to the financial crisis, and that currently, the number of various R&D centers set up by multinational companies in China exceeded 1,200, and foreign-funded enterprises had become a key component of the vigor of R&D and innovation in China. The Commissioner emphasized that economic restructuring and sustainable economic development of China had made great contributions to the recovery and growth of the global economy. He said that in 2009, China's import volume exceeded USD \$1,000 billion; and in the first seven months of the current year, the import volume reached USD \$766.6 billion, up by 47.2 percent year on year, which represented major development opportunities for its trade partners across the world, and created huge demand that benefited the world's major economies as well as neighboring countries, thus making China an important engine for the recovery of the world economy. The Commissioner acknowledged with gratitude that in the history of establishing and developing its IP system, China had obtained ardent support and help as well as genuine understanding and cooperation from the international community, and in particular from WIPO and its previous and present Directors General. He stated that over the past year, cooperation between China and WIPO had been constantly deepened with the personal facilitation by the Director General, which resulted in the joint organization in China of the Regional Seminar on the Implementation of WIPO's Development Agenda in March, a first international conference of its kind held in Asia; the PCT Advanced Roving Seminar in June to further promote the PCT system in China; and the Roving Seminar on the Madrid System for International Registration of Trademarks held in accordance with an MOU on further strengthening cooperation signed in April between the State Administration for Industry and Commerce (SAIC) and WIPO. In the area of copyright, he said that China and WIPO jointly carried out a Research Project on WIPO's Best Practices of Copyright Protection, and co-organized a press conference on the results achieved in the Research Project on Copyright Protection in Nantong to Promote the Development of Home Textile Industry, as well as a launching ceremony for the report (in both Chinese and English) based on the research project. The Commissioner observed that China's development could not be achieved without the world's development. He was pleased to see that in the past year, under the leadership of the Director General, WIPO formulated a MTSP centering on nine major strategic goals aiming at finding solutions to major challenges facing the world. He highly appreciated and endorsed the report by the Director General on the work carried out by WIPO in the past year, and believed that under the leadership of the Director General and senior management, and with the active engagement of all Member States, WIPO would accomplish its mission in a more effective manner and make new contributions to promoting the healthy development of the global IP system, and facilitating IP protection and innovation worldwide. The Commissioner compared the financial crisis to a storm, in which the landscape changed wherever the storm swept across, leaving behind a different world with new changes, new ideas and new directions for the future when the crisis was over. In that regard, he made the following four observations on the relevant international affairs under the WIPO framework. Firstly, he considered it necessary to examine innovation with a broader vision, and to make efforts to achieve a balanced development of the IP system. He believed that in the development of the knowledge-based economy, innovation constantly took new modes, from the previous one relying on sparkling of genius ideas to that of collaborative research and development (R&D). He stated that the IP system had made it an easy task to absorb innovation elements on a global scale, with the institutional support provided by the international IP system administered by WIPO. He believed that only with a balanced international IP system could innovation activities

be vigorously promoted across the globe. He therefore endorsed the unremitting efforts by WIPO to constantly improve the PCT, Madrid and other systems, and to actively advance the various agendas under the auspices of WIPO in order to achieve comprehensive and balanced results that took into account the interests of all parties. Secondly, it was necessary to adopt a holistic approach to IP protection, and to build consensus on development. He stated that protection of IP entailed building awareness of the public, improving the legal environment, and, in particular, addressing the effective demand for IP products. He considered that a fundamental way to curb IP infringements was to promote development and narrow the gap between various countries in development, and that countries should respect each other's development concerns. He called upon the international community to attach importance to IP protection, and at the same time, increase their support to developing countries in technological innovation, and in the application and transfer of technologies, and provide more assistance to them in the follow-up arrangements after the technologies were transferred. Thirdly, it was necessary for countries to conduct cooperation in a more open manner, and to join hands in addressing the various challenges in order to achieve win-win results, especially in view of the fact that on the one hand, the connotation of IPRs was constantly expanding, with conventional IP issues now being interwoven with, among other things, financial crisis, climate change, and public health threat; and on the other hand, as the cycle of global innovation was shortened and innovative activities increased, many countries, in particular major IP offices, were facing tremendous challenges from the backlog of applications and the need for further improving efficiency and quality. He believed that it was the shared need of those offices to reduce duplication of work, share work, mutually recognize search and examination results, and enhance efficiency and quality of examination. He added that deepened cooperation among offices would provide speedier, more efficient and cost-effective services to global innovators and holders of IPRs. He thus called upon all countries to develop, under the guidance of WIPO, a common understanding on these issues, to strengthen international cooperation, and to come up with an effective solution to the problems. Fourthly, he regarded it necessary to promote tolerance and inclusiveness for the benefit of common development. He commented that a sound IP system in its real sense should enable all countries, developed or developing, to benefit from innovation, to enable the world economy to grow in a balanced manner, and to help all human beings shake off poverty and pursue common development with openness and tolerance, and by seeking common ground and reserving differences. The Commissioner concluded by offering continuous support and contributions, as a developing country, to the improvement of the IP system worldwide, and to the sustainable and balanced growth of the world economy.

23. The Minister for Commerce and Industry of Nigeria endorsed the statement by Angola on behalf of the African Group and applauded the role of the high-level segments in raising IP awareness at the highest levels among Member States, while commending the strategic alignment of programs and concrete initiatives that brought IP closer to the people. Nigeria did not view IP as an end in itself, but rather as a catalyst to address legitimate interests of stakeholders in a sustainable manner. The Minister applauded the conclusion of the budgetary review process for WIPO Development Agenda projects, and declared that success in that agenda demanded that appropriate funding for projects should remain a key priority, and that the Assemblies should provide the necessary resources to the Secretariat to implement all programs. Nigeria supported the training and capacity-building programs of WIPO and wished to see more strategic engagement with Member States, particularly developing and LDCs. Nigeria called for expansion of the bounds of protection, to include not only innovations but also such areas as genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs), and hoped that the IGC would reach agreement on a binding instrument. Nigeria also hoped to see real progress in the work of other committees, particularly concerning norm-setting, patents, trademarks, industrial designs and geographical indications as well as copyright and related rights, and called specifically for acceleration of work on the proposed audiovisual treaty by the SCCR. Nigeria fully endorsed WIPO's MTSP, noting that it would lead to a more service-oriented and accountable Organization, and called on the Assemblies to adopt the plan so as to realize its benefits without further delay. The Minister expressed satisfaction with the core elements of the policy on the use of

reserves and the proposal for an integrated Enterprise Resource Planning System (ERP), and identified other areas of specific interest to be human resources development, capacity building, a proactive stance on health and access to medicine, climate change, biodiversity and the engagement of IP for sustainable development. Observing that in 2010 Nigeria would celebrate 50 years of political independence, the Minister confirmed the role of IP in national development. Nigeria had incorporated IP into national economic planning activities, upgraded its IP infrastructure and modernized national IP offices with assistance from WIPO and other partners. The government had promoted IP awareness in society at large so as to enhance transparency and accountability and the effective use of resources to expand productive capacity. Nigeria had also begun gradually to introduce IP into various academic curricula in view of its integral role in national development plans, especially in boosting small-scale enterprises and the R&D capacities of industry, agriculture and related institutions. Nigeria recognized the tremendous potential of its citizens in the creative industries, and the Nollywood phenomenon in particular, as an opportunity to confirm the benefits of rights owners and to provide an enabling environment for investment. Nigeria was striving to provide a congenial legal environment for FDI in IP-driven sectors and acknowledged the support of WIPO and other partners in its efforts. The Minister asserted his Delegation's belief that IP would be instrumental in tackling the development challenges confronting humanity and called on the Assemblies to act boldly with a view to resolving the problems of a global food crisis, environmental degradation, persistent poverty and disease.

24. The Minister for Industrial Development and Promotion of the Private Sector of Congo greeted all the participants in the Assemblies and addressed his warm congratulations to the Chairs and to the Director General of WIPO for his commitment at the head of the Organization as well as to the Secretariat for the quality of documents provided. The Minister also welcomed the efforts undertaken by WIPO to facilitate the use of IP and to make it better understood throughout the world. Aware of the predominant role of IP in the economic development and welfare of nations, the Congo had acceded to several treaties and conventions administered by WIPO. In the program to re-launch the industrial activity of the Congo, a prominent place had been given to the promotion of innovation in civil society, universities and SMEs. To that end, a National IP Development Plan was being formulated with the assistance of WIPO. Among other measures, it aimed at building operational capacity in the administration in charge of IP and creating a Technological Innovation Support Center. Implementing that Plan expressed the determination of the Congo to join the ranks of the countries open to innovation and creativity, thereby strengthening incentives to innovate, such as the Fund for Invention and Technical Innovation, and the Prize of the President of the Republic for the Best Invention. As regards the fight against piracy and counterfeiting, the government regularly organized awareness campaigns for economic operators and Congolese consumers. The Minister was convinced that the WIPO Development Agenda would enable the Congo to strengthen, and even maximize, its work in the cause of IP. Congo invited WIPO to pursue its work to ensure continuing international cooperation in IP.
25. The Deputy Attorney General, and Deputy Minister for Justice, Ministry of Justice and Attorney General's Department of Ghana noted that the protection of IPRs benefited society on many levels and was as much a national issue as it was a global one. In recent times, there had been a lot of debate on the role of the IP protection regime, particularly the role of the patent system in fostering innovation, growth and the development of a country. A brief look at Ghana's legislative history revealed the country's maturation process in the usage of IP protection regimes. The adoption of national legislation for patents in 1992, for instance, was aimed at fine-tuning the patent regime to suit Ghana's national developmental requirements. This was impacted by Ghana's obligations to comply with the TRIPS Agreement and the need to harmonize and strengthen IP protection nationally to conform with the TRIPS minimum requirements. At national level, the business environment was dominated by SMEs and the role of IPRs as a determinant of innovative activity was quite weak. Social and economic development required further policies that were consistent with national integration into the global economy to encourage domestic innovation through effective mechanisms.

Consequently, the Government of Ghana in 2005 adopted a national trade policy that included important IP policy components and recognized the importance of modernizing Ghana's IP regimes and administration to ensure that they adequately served the country's needs in the 21st century. Both the trade and science policies described in broad terms IP priorities and their outcomes and sought to benefit from international best practices and the experience of other governments. Ghana's IPRs regime was undergoing reforms with financial support from the Government of Switzerland. WIPO was also supporting the national IP system modernization with technical assistance. These two complementary projects were being implemented with a view to improving the administration of IP and modernizing the IPRs protection regimes. They would improve the business environment, encourage technology transfer, facilitate exports, economic development, develop local inventive and artistic talents, nurture local IP assets and encourage the exchange of commercially viable information. The reforms contained several features to promote inventive activity by domestic firms, for instance, providing a clear definition of utility models to encourage minor adaptations or improvements. The review was also addressing issues such as pre-grant publication of the specification, post-grant opposition processes as well as narrow claims for inventions. Ghana had, on the adoption of TRIPS, modified its trademarks and industrial designs regimes and adopted comprehensive protection. For instance, the trademark law now covered service marks and was further being reviewed to extend protection to new forms and types of non-traditional trademarks, such as sound marks and shapes. In the area of industrial design, the law had broadened the scope of protection to cover both textiles and designs and had extended the term of protection from 10 years to 15 years. In the area of copyright, the legislation had extended the term of protection from 50 to 70 years. The gradual build up of the technical capacity of research institutions was visible from the rising trends of demand by these institutions to acquire the necessary knowledge and expertise about IPR regimes as well as requests for protection for other innovative activities. The Government of Ghana recognized the need for more work to be done at a national level to ensure that the manufacturing and industrial sectors evolved from being dependent on imports to a regime where products were indigenously produced within a relatively short period. Work had also been done in the area of plant breeders' protection. While considerable effort had been deployed to ensure an efficient and effective IP system that encouraged innovative activities, attention had also been paid to potential abuses of market power in so far as larger international firms had been placed in a position of market dominance by virtue of their marketing advantages. Ghana had devised a national competition policy to shape the Competition Bill and help in dealing with potential abuse of monopolistic power by patent owners. The Deputy Attorney General, and Deputy Minister for Justice was convinced that the introduction of these measures would be an effective means of encouraging domestic firms to undertake minor innovations and eventually foster innovation-based rivalry amongst them. He pointed out that Ghana's experience with implementation of the Swiss IP project and technical assistance from WIPO showed that the provision of increased technical assistance and financing was necessary to build local capabilities. The Government of Ghana had identified relevant agencies and institutions for continuous IP education and had also established specialized courts to deal with IP issues whilst programs had been implemented to enhance the skills of the judiciary and other relevant institutions to handle IP cases effectively. He stressed that the Government of Ghana recognized the important role that IP played in the promotion and progress of science and arts, especially when it evolved together with other institutions in accordance with the identified needs and interests of the socio-economic development of the country. Ghana would continue to devote considerable attention to IP issues and use the IP protection regimes in tandem with other national policies to serve the best interests of its people.

26. The Minister for Culture of the Republic of Cameroon stated that in his opinion the meeting in Geneva demonstrated two major concerns. On the one hand, it showed the determination of the Director General to lead States and their governments to once again assume ownership of IP as a shared universal value. On the other hand, the meeting revived the urgent need for the international community in its entirety to initiate in-depth discussions on the economic and legal challenges related to IP. With respect to the achievements of WIPO, the Delegation of Cameroon congratulated the Director General



on the high quality of the work carried out as Head of the Coordination Committee. The topic chosen in 2010, namely “Innovation, Growth and Development: The Role of IP and Member States’ National Experiences”, was innovative in more than one sense. Indeed, although it had raised itself beyond the statutory duties of WIPO, it better defined the possibilities of intellectual works and creative and cultural industries as catalysts for sustainable economic and social growth and development. For the fragile economies of States, the challenge was just as formidable. That was because intellectual works, developing a system of effective legal protection of IP and implementing, at State level, an action plan in that regard, sat perfectly alongside the MDGs, one of the major challenges of the twenty-first century. In effect, poverty reduction and building understanding between cultures and peoples came at such a price. At the national level, Cameroon’s expectations of WIPO included both capacity building by means of training and support for setting up enterprises that created jobs, and the promotion of rational anthropological heritage. Taking such parameters into consideration creates, in a context of international economic and financial crisis, added value for IP. Concurrently, promoting and popularizing IPRs, the issue of the Patent Law Treaty, that of the fight against intellectual piracy and access to information for the blind and visually impaired should figure prominently on the Agenda of the Assemblies. The Minister recalled that Cameroon attached specific importance to the promotion and protection of IP and to that end had begun some decades ago in-depth institutional and legislative reforms while scrupulously keeping to its convention-based obligations in the matter. Specifically, Cameroon maintained exemplary cooperation with WIPO. At the regional level in Africa, it was honored to host the headquarters of the African Intellectual Property Organization (OAPI) which, according to customary conventions in that regard, enjoyed a diplomatic status in its own right. The Action Plan of Cameroon, with the support of WIPO and OAPI, was underpinned by developing and implementing a national strategy as regards IP, by the creation and setting-up of a national IP center, by launching various national law bodies to better ensure the promotion and legal status of intellectual works and of their creators, by the Development Agenda that WIPO and OAPI had presented jointly on September 7, 2010, by celebrating the day commemorating the creation of OAPI and the Eleventh African Intellectual Property and Technology Day on September 13, 2010 and by the “literary and artistic property” component of the National Development Plan and in the devising and validation of which WIPO and OAPI had taken active roles. A mission of WIPO experts had visited Yaoundé from April 26 to 30, 2010. That followed on from a previous first visit devoted to the “IP” component. At a technical level, WIPO experts had worked as much with the Minister in charge of copyright and related rights as with national intellectual and industrial property bodies. The work plan followed was structured around discussions with IP actors and operators, and the implementation mechanisms of the general and specific objectives of the Plan. The Minister underlined that at legislative level, some incentive measures were noteworthy, in particular in the framework of Law No. 852 on the Protection and Promotion of the Disabled. That addressed the participation of the disabled in the artistic creation and production process, their access to cultural facilities, activities and professions and to occupational training. The Minister stated that the Budapest Treaty signed on November 23, 2001, had recently been internalized. Through such a commitment, Cameroon wanted to raise and ensure the level of security of cultural information both for non-State operators and governmental institutions. In sum, while noting the progress made in furthering the cooperation program with WIPO, Cameroon wished that such cooperation be stepped up.

27. The Minister for Law and Human Rights of the Republic of Indonesia stated that, since as far back as the early 1950s, Indonesia had underscored the importance of the promotion and protection of IPRs and it had become a signatory to the Paris Convention in 1950. Indonesia was now party to six treaties administered by WIPO, all of which had been incorporated into Indonesia’s national legislation. Aware of the benefit of IPRs to the development of its national economy, Indonesia continued to attach great importance to further improvement and enhancement of its national legislation, which included, among others: the ratification of the Madrid Protocol, the Geneva Act of The Hague Agreement, the Lisbon Agreement, the Budapest Treaty, the Singapore Trademark Law Treaty, and the Nice Agreement; amendment of existing national laws on copyright, patent,

trademark and industrial designs; and the preparation of a new law concerning the protection of TK and TCEs and the law on GRs. The Minister noted that, in today's world of economic competition, a creative and innovative knowledge-based economy was vital for economic growth and people's welfare. When combined with an abundance of natural resources and a strong cultural identity, a resource- and culture-based economy could also be a key driver for economic prosperity. Indonesia's National Long-term Development Plan for 2005-2025 outlined policies aimed at strengthening that country's economic competitiveness and resilience. Those policies included improvement of the quality of human resources, R&D, particularly in the fields of science and technology. In order to achieve that object, Indonesia had formulated a road map entitled the "Indonesian Creative Economy Development Plan 2009-2015". Under the plan, 14 "creative industry" sub-sectors had been prioritized for development, the aim of those sub-sectors being to contribute to the increase of the national gross domestic product from the 2008 figure of 7.28 percent to 8 percent by 2015. Furthermore, Indonesia's mid-term development plan for 2010-2014 stressed the importance of a strategy to strengthen a comprehensive, tripartite, national innovation system involving the Government, universities and industry. Moreover, the Government of Indonesia had recently established the National Innovation Committee, while the National Task Force for Tackling IP Infringement, established in 2006 to deal with IP law-enforcement issues, continued to play an important role. The Minister further noted that Indonesia had also ensured that IP protection clauses were incorporated into Indonesia's bilateral treaties. All of those efforts and initiatives reflected the importance that the Government of Indonesia attached to innovation as an engine for economic growth and to the importance of IP in cooperation in scientific and technological fields. He underscored Indonesia's great appreciation of WIPO's assistance in that regard. Indonesia was a culturally, ethnically and linguistically diverse nation with long-standing traditions and rich biodiversity. Given that fact, the protection of genetic resources, traditional knowledge and folklore (GRTKF) was a matter of crucial importance for Indonesia, and thus it continued to support the establishment of an international legally-binding instrument for the protection of GRTKF and fully supported the General Assembly in fulfillment of its recent mandate concerning the work of the IGC on GRTKF. Indonesia also believed that a conclusion of the negotiations on the international legal instrument would end the current imbalances in the global IP protection system. Whilst awaiting the outcome of the IGC negotiations, Indonesia continued to incorporate elements of GRTKF protection into its bilateral treaties. It was confident that the protection of GRTKF at the international level would serve the interests of WIPO Member States, be they developed or developing countries, including Indonesia. To that end, the Minister wished to reiterate the need for Member States to ensure that a legally-binding document on GRTKF could become a reality and he looked forward to the convening of a diplomatic conference in 2011. In terms of wider development issues, Indonesia wished to re-emphasize that the development dimension should be mainstreamed into all aspects of WIPO activities. It considered the Development Agenda to be an extremely important issue which needed to be addressed seriously by WIPO and its Secretariat. It was Indonesia's fervent hope that the 45 recommendations of the WIPO Development Agenda, which had been adopted three years previously, would be duly and faithfully implemented. Indonesia had also noted the WIPO MTSP for 2010-2015, and believed that it should remain faithful to the objective of creating a "balanced and equitable" global IP system in order to promote socio-economic and cultural development in all countries. In that regard, the Minister also underlined the importance of WIPO's cooperation with other international organizations, as well as the need for each and every international organization to take into account the global challenges at stake. He continued that, notwithstanding the above, as in other intergovernmental bodies, Member States should be duly informed and consulted on policies and actions concerning global policy issues, such as climate change, food security, and biodiversity. The Minister noted that, having heard the inspirational speech by Stevie Wonder, it was up to all of those present to ensure that progress was made on the issues of copyright for visually impaired persons, with the hope that consensus on that important issue could be reached for the sake of humanity and welfare of the people. The Minister stated that it was the belief of his Delegation that all Member States should strive to advance and improve the work of WIPO and create a more balanced global IP system that would benefit all Members, not only the more advanced. IP should not be

regarded merely as an economic or enforcement issue. The social and cultural aspects should also be considered since they enhanced people's welfare. In conclusion, the Minister noted that Member States were at an important juncture, where the way in which WIPO could move into the future and how it might contribute to shaping the world would be defined.

28. The Undersecretary (Vice Minister), Director General of the Intellectual Property Organization of the Philippines said that the thought-provoking theme for this year presented a wide range of issues that could be viewed from different perspectives and it could be asked, for example, whether it was possible for innovation to thrive even without IPRs protection. History was full of examples of progress being made through innovation, for instance the industrial revolution and the benefits derived from that process by European and North American countries, and yet in some of those countries there had been little or no formal IPRs protection at that time, which could lend credence to the argument that it was possible for a country to achieve growth and development through innovation even in the absence of IPRs. However, the more important issue now was the significance of IPRs in a nation's growth and development and how IP could be used as a tool for sustainable national development. The Philippines attached importance to the provision of adequate incentives to encourage creativity and innovation and to that end it had progressively refined its laws, policies and practices, with the aim of striking a balance between the interests of rights holders and public welfare. In recognition of the importance of science, technology and innovation to national progress and development, the Philippines Technological Transfer Act of 2009 (Republic Act 10055) had been enacted on March 23, 2010. Furthermore, in response to the Filipino people's need to access affordable, quality and essential medicines, the Cheaper Medicines Act of 2008 had been enacted. To address the needs of indigenous peoples/indigenous cultural communities, a landmark legislation had been enacted which recognized the indigenous peoples/indigenous cultural communities' full ownership, control and protection of their cultural IPRs. The country's scarce resources meant that meeting its obligations under the various IP treaties was a real challenge for the Philippines and to pursue its development goals, it was imperative that the existing flexibilities under the WTO TRIPS Agreement and other IP instruments were preserved. It was also essential that the WIPO Development Agenda recommendations were fully implemented in all activities of the Organization to ensure greater participation of all Members States, but particularly developing countries like the Philippines, in the benefits derived from IP. While the Philippines was aware that effective enforcement was a means of protecting IPRs, it was seriously concerned that developments relating to the promotion and enforcement of IPRs were affecting the already limited policy space that it needed for its continued development. While WTO Members should be free to implement the provisions of the TRIPS Agreement within their own legal systems and practices, the international IP enforcement agenda should recognize the difference between developed and developing countries in terms of their technological, economic and social situation and the resources that they had available for IP enforcement. The Philippines appreciated the technical assistance provided by WIPO for developing countries like the Philippines, but to make the implementation of those projects and programs more meaningful and more development-oriented, there should be greater emphasis on the flexibilities available to address specific country needs. The Philippines agreed that it was necessary to preserve legal certainty in the IP system but believed that there had to be a balance between legal certainty and the equally compelling need to address the unfair exploitation of biological and GRs and TK. The unfair and inequitable exploitation of the country's biological and GRs and associated TK had adversely affected its growth and development. The Philippines supported a WTO proposal concerning disclosure requirements that would provide the basis for a multilateral solution to problems associated with biodiversity and also supported the establishment of pro-development norms in WIPO, particularly in the area of GRs, TK and TCEs and expressions of folklore. The Philippines was greatly encouraged by the progress made in the IGC under its renewed mandate and the technical experts' discussion in the Intersessional Working Group (IWG). Finally, the Philippines appreciated WIPO's support and was committed to working with other Member States to achieve its objectives, which were critical to developing countries like the Philippines.

29. The Deputy Head of the Judiciary and Head of the Registration of Deeds and Properties Organization of Iran (Islamic Republic of) hailed the unprecedented economic importance of intellectual property (IP) rights in a knowledge-based economy, noting their relevance to such diverse topics as public health, food security, education, trade, the environment, industrial policy, TK, bio-diversity, bio-technology, the Internet, and the media. IP had a dynamic impact on people's daily lives and its further development was welcome in so far as that impact remained positive, which required established conditions of justice so that holders and consumers of IPRs alike could equitably benefit from them. The Minister observed that discussions on the role of IP protection in promoting innovation and growth had been controversial at times and that divergence of views persisted with respect to the impact of IPRs upon development prospects. He cautioned that because of different levels of development, a one-size-fits-all approach could not be helpful as various countries introduced specific IP policies, and stressed the importance of knowing what kind of IP policies might most effectively foster creativity and innovation in developing countries, and generate productive employment and new opportunities. New realities in a complex environment necessitated that IP systems be strengthened effectively to address emerging challenges. The Minister stated in this respect that the norm-setting activities of WIPO should be dynamic, holistic and comprehensive, failing which WIPO would lose relevance. Those activities should accord due attention to the development concerns of developing countries and those concerns should be addressed in all areas of WIPO's work. The Islamic Republic of Iran hoped that Development Agenda recommendations would be highlighted in all WIPO activities and urged the CDIP rapidly to achieve results in its norm-setting initiatives. The Islamic Republic of Iran also considered it imperative that Member States decide upon new international norms and binding international rules to govern the protection of TK, TCEs and GRs. The Minister reported that the Islamic Republic of Iran was providing the necessary legislation to promote IP at the national level whilst ensuring a reasonable balance of the interests of rights holders and public policy. He specifically mentioned that draft bills or executive regulations to address unfair competition, the protection and registration of utility models, the protection of trade names, the protection of IP in the digital environment and revisions of literary and artistic property rights had been duly prepared and submitted for adoption. The Islamic Republic of Iran was reviewing accession to additional WIPO treaties in the light of specific national and infrastructural considerations and declared its strong determination to curb infringement of IPRs in accordance with its international obligations. The Islamic Republic of Iran attached great importance to improving public awareness of IP and organized educational workshops and national seminars on different aspects of IP, while also developing master's courses on IP in universities. National conferences on IP enforcement for judges, customs officers and police officers, and seminars on the commercialization of patents, on IP in medicine and in literary and artistic property had been convened in the previous year, while training workshops had been held on the registration and protection of industrial property for university students and businessmen. The Minister thanked WIPO for its support in this regard and remarked upon the increasing need for capacity building through technical and legal assistance programs in a way that duly addressed the special requirements of countries concerned. The Islamic Republic of Iran warmly welcomed the mutual cooperation of WIPO in this regard and invited WIPO to continue to consider the distinctive characteristic of Member States when providing them with the technical and legal assistance to improve their institutional capacity to meet the requirements of the IP system while also favoring development. The Islamic Republic of Iran welcomed greater cooperation of WIPO with other international and regional organizations, particularly those of the Islamic Conference, noting that such engagements should be guided by intergovernmental mandates provided by Member States. WIPO should also present the consensus view of its Member States and report back to the Member States on its contributions. The Minister promised the Islamic Republic of Iran's active participation and collaboration in the Assemblies and looked forward to successful outcomes.
30. The Minister for Industry and Commerce of Sri Lanka said that the theme of the High Level Segment would add value to the general debate as it emphasized the pivotal role that IP could play in development. Sri Lanka was experiencing new growth and moving towards reconstruction and reconciliation. Long-term socio-economic development was

among its top priorities in the ongoing reconstruction process. Sri Lanka had maintained an average economic growth rate of 6 percent during the past five years. Despite the global economic recession, Sri Lanka's overall economic growth during the second quarter of 2010 had been 8.5 percent, the highest since 2002. Its development, as well as related priorities and strategic approaches, were integrated in the "Mahinda Chinthanaya - Way Forward", a nation-building policy framework introduced by the President of Sri Lanka. It aimed to make Sri Lanka the "wonder of Asia" and included strategies such as making Sri Lanka a knowledge hub. Similar priorities were given to areas such as trade, aviation, shipping, power and energy. The theme of the High Level Segment was therefore particularly relevant to Sri Lanka and was timely for all Members. All Member States, both individually and collectively, aimed to achieve a better life for their people. Member States' experiences showed that constructive innovation propelled the human race forward and contributed to global well-being. All Members agreed that careful management of innovation and IP could play a crucial role in rationalizing and enhancing social and economic development. In its accelerated nation-building process, Sri Lanka sought, among other things, to better organize and strengthen national innovation and creativity. Consequently, its strategic policy formulation gave priority to those and related areas. For example, the Government of Sri Lanka had recently adopted a National Science and Technology Policy and had promulgated a five-year strategy on science, technology and innovation. Similarly, its ICT policy promoted ICT awareness and use, as well as the industry itself. Sri Lanka aimed to integrate IP into its mainstream development-oriented activities, with an emphasis on the practical elements that would enable it to achieve its goals. It hoped for WIPO's cooperation in that regard and considered the Development Agenda to be of great importance. The Minister stressed the importance of a balanced IP system in meeting the particular needs of all Member States, while emphasizing that opportunities for equitable access to, and participation in, technological advancements should be expanded. Keeping in mind the importance of proper IP protection and management in promoting creativity and innovation, together with overall economic growth, Sri Lanka was carrying out various IP-related programs, on its own as well as in cooperation with agencies such as WIPO, the United States Patent and Trademark Office (USPTO), the European Union and the Japan Patent Office (JPO). It aimed to have a development-oriented IP system and to communicate the benefits of innovation to all strata of society. Sri Lanka sought to effectively manage its existing IPRs, including geographical indications such as "Ceylon tea" and "Ceylon cinnamon". Similarly, it remained committed to ensuring that the rights to its TK and GRs were respected, both nationally and internationally. While the Minister believed WIPO's achievements thus far were tremendous, there was more to be achieved. His Delegation was committed to working with Member States through a process based on mutual understanding, consensus-building, cooperation and forward-thinking, constructive approaches.

31. The State Secretary, Ministry of Education of Finland endorsed the European Union's policy lines and positions relating to IP and to WIPO. Finland considered that protecting IP stimulated creativity and innovation in society as a whole. The system also provided incentives for investment in industry and in the distribution of products and services covered by the system. With that in mind, the Government of Finland adopted, in 2009, its first national strategy for IPRs, which included strengthening national innovation policies. Finland believed the IP system provided a meaningful framework for the economic organization of society, and that it should be efficient, balanced and contain the necessary flexibilities. WIPO was the tool to serve those objectives at the international level. The World Economic Forum's recent report on global competitiveness profiled 139 countries. Finland was ranked seventh overall and second with regard to its IP institutions, reflecting the importance it placed on IPRs. It invariably preferred multilateral arrangements in matters of international IP. Finland welcomed WIPO's efforts to modernize and revitalize the Organization, including its new working methods and new systems for planning, assessment and reporting of results. The goals of the MTSP were well chosen, and Finland agreed that the mechanism would increase the involvement of Member States in the preparation of the Program and the Budget. It would also enable Member States to take a more active interest in WIPO's activities and to have a deeper commitment to the Organization's objectives. Finland was pleased that concerns about

the knowledge gap, digital divide and the fight against extreme poverty were being addressed. For Finland, WIPO was one of the most important platforms for achieving the UN MDGs. Enhancing development was inherent to WIPO's work, and it applauded Member States' agreement on Development Agenda recommendations, implementation of which was now gaining momentum. Mainstreaming Development Agenda recommendations into the program and budget had also begun, thus integrating them throughout the Organization's programs. In order to produce useful, concrete results, that process had to be sufficiently focused, to avoid the work of implementation becoming too burdensome. Keeping the IP system up to date was imperative if IPR protection was to impact positively on development. Developments relating to legal standards in WIPO treaties were proceeding slowly. Keeping those legal standards up to date should be part of the everyday business of the Organization. Finland believed that WIPO should not become a museum of outdated treaties but remain instead a vibrant Organization – a place of innovation and a power engine of development. Confidence and a spirit of compromise were key to making the Organization more efficient and to achieving progress. The international patent system was facing a major challenge related to the increase in patent applications and the consequent backlogs in processing them. The mutual recognition of patent searches carried out by patent authorities was vital in order to avoid a patent system crisis. In response to the rapidly evolving external environment and to the urgent challenges for IP in the 21st century, Finland strongly encouraged WIPO to work towards further enhancing multilateral cooperation in the area of patent search. In the field of copyright, Finland supported the work to finalize the wording and conclude a treaty on the protection of broadcasting organizations, as well as a treaty on the protection of audiovisual performances, both of which were long overdue. It was also prepared to work towards a mechanism of internationally established principles on access to information that would place persons with print disabilities on an equal footing with others. Finland remained committed to upholding WIPO's objectives and to supporting its activities. It placed its confidence in the Director General and in the Secretariat and stressed that it would cooperate with Member States and the Secretariat in working for a balanced international IP system, an improved world economy and the development of all countries, in particular LDCs.

32. The Minister for Industry, Energy and Mining of Uruguay welcomed the invitation to participate in the High Level Segment of the Assemblies of the Member States of WIPO, which had such an important central theme, and added that it was a subject of great importance for Uruguay in particular and for the international community in general. Creativity, innovation and research increasingly played an essential role in the creation of wealth at the global level, but countries did not participate equally in the knowledge economy. In his opinion, it was necessary to recognize that the new paradigm based on the constant growth in applied knowledge had not been translated into solutions that were accessible to developing countries and, as a result, those countries were facing the challenge of protecting IP as a fundamental tool for increasing wealth without affecting the public policies that included exceptions and limitations on exclusive rights. He emphasized that Uruguay had achieved sustained economic growth and had managed to reduce poverty substantially despite the global financial and economic crisis. However, despite the emergence of new productive sectors for goods and services, growth continued to be characterized by a specialization in the production of primary and manufactured goods with limited added value, which made the country vulnerable in terms of its economic and social future. Uruguay had focused on the dissemination of information to support marketing strategies for goods and services, the use of information technology by the national innovation system, the proper use of IP, the management and marketing of the results of innovation, and coordinated work through the Interinstitutional IP Group and the establishment of a public and private IP network to support initiatives and the development of intangible assets by companies and universities. The Minister said that his country had taken significant steps towards constructing an IP policy based on a systematic approach that maintained the balance between public policy objectives, such as health protection, access to education, the digital society and the protection of intangible assets, and added that IP was an instrument that should be used within the framework of national strategies that allowed productive transformation and incorporated the added value offered by creativity and applied knowledge. After noting that the WIPO

Development Agenda had arisen from a recognition of the importance of strengthening the capacity of developing countries to share in the benefits derived from the use of IPRs, the Minister said that one of the challenges facing Member States was to implement the 45 recommendations of the Agenda and that Uruguay was hoping to work with WIPO and other international bodies to make progress in developing a properly balanced IP system. He added that Uruguay welcomed the formulation of the MTSP for 2010–2015 and was confident that events such as the current one would help to bridge the knowledge gap that separated countries while meeting the needs of all Member States. He concluded by stating that Uruguay would work actively with WIPO under the skillful leadership of its Director General to find negotiated solutions in the broadest interest of all its Member States.

33. The Attorney General and Minister for Justice of Saint Lucia congratulated the Chair on his election, expressing confidence in his stewardship, thanked the outgoing Chair as well as the Director General and the Secretariat for their hard work and efficient service. Saint Lucia embraced the projects and initiatives that WIPO had introduced to promote the development of IP worldwide and welcomed programs that focused on the particular needs of small countries like Saint Lucia to promote their economic, social and cultural development. It urged WIPO to continue assisting small States and the Government of the Caribbean to put policies in place for more effective use of the IP system in the region. IP continued to be regarded as the major means of creating a secure environment for investment, innovation and creativity and Saint Lucia fully appreciated the economic value that IP placed on growth and development and stood committed to confronting future challenges, while also fully supporting WIPO's Development Agenda. Saint Lucia recognized WIPO's efforts in strengthening the system of registration of trademarks and supported the work of the SCT to address the protection of State names against registration or use as trademarks. It appreciated the studies commissioned by WIPO on the establishment of an original patent administration system for countries of the Caribbean and supported the advancement of the patent system in the region, confident that the establishment of an administration would strengthen ties among Caribbean Member States. His country welcomed WIPO's strategies to reform the PCT to increase its effectiveness. The Minister stressed the need to address the economic and cultural development and cultural developmental impact that IP polices and practices had on the creative industries. The Government of Saint Lucia, as part of the Organization of Eastern Caribbean States (OECS), appreciated the studies conducted on the economic contribution of the creative industries to gross domestic product. The study's outcome had broadened the view of OECS countries concerning the contribution of the creative sector to economic growth and Saint Lucia was fully committed to the advancement of that particular area. It supported the inclusion in the Development Agenda of issues that formed part of the work of the SCCR and encouraged initiatives to update and modernize the rights of broadcasting organizations and performers in audiovisual performances and provide better access to copyrighted, protected work for the blind, visually impaired and other persons with reading disabilities. The Government recognized the substantive work that had been done by the IGC and fully supported the renewal of its mandate to develop legal instruments to ensure the effective protection of GRs, TK and TCEs. With regard to automation, the Minister urged WIPO to continue providing the necessary assistance to small States like Saint Lucia and to the Caribbean region by extension. Saint Lucia was dedicated to providing an efficient service to its clientele but could only do so if the necessary technical support was forthcoming. Finally, a more efficient IP system was required and it was necessary to modernize IP administration, improve public awareness of IP, strengthen the enforcement of IPRs and integrate IP in its core system.
34. The Minister for Economy and Industry of Madagascar stated how pleased he was – personally and on behalf of his country's Delegation and Government – to be taking part in the High Level Segment. The aim was to promote the emergence of guidelines to enable WIPO to continue to offer the appropriate services that met the needs of Members. He warmly thanked the Director General for his initiative and invitation. Indeed, everyone knew that the current IP system had to rise to new challenges in the face of change. Those included, more specifically, the promotion of new technologies

and innovation, food security, the preservation of biodiversity, the protection of GRs and the promotion of TK. The potential solutions that IP could provide to those challenges would undoubtedly serve to consolidate the mission entrusted to the Organization as part of achieving the MDGs, particularly in terms of poverty reduction, environmental protection and public health. While it was true that efforts had already been made to use IP as a tool that could make an active and lasting contribution to a country's social and economic development, such efforts were worth strengthening further because the stated goals were far from being achieved. For LDCs in particular, WIPO remained the most appropriate place to debate and make joint decisions on IP. Madagascar therefore appreciated the Organization's activities, attached special importance to the implementation of the Development Agenda and recognized the usefulness of the CDIP, as the work being done was worthy of support. In that sense, Madagascar wished to be one of the countries to benefit from the programs that came under the implementation of the Committee's Agenda. In that respect, the Minister felt that WIPO should strengthen the promotion of innovation and technology transfer in order to improve the development activities of LDCs as arranged for Madagascar. Indeed, a mission of experts from the Organization was expected to visit Madagascar in early October, to undertake a project study for the establishment of a center to support technology and innovation in the country (to enable researchers to value the results of their research), and also to survey the situation prior to the realization of a project to integrate an IP strategy into the national development policy. The speaker quoted the following sentence used by the Director General at the opening of the first High Level Segment the previous year: "Counterfeiting is not a North-South problem, but a problem of globalization", and said he agreed with that point of view. The problem of counterfeiting and piracy was growing and seriously threatening world trade, the development of local industry, consumer health and safety, while also being one of the main causes behind the increase in organized crime and especially corruption. To combat those scourges, actions must be undertaken on all levels, by creating and implementing appropriate programs at the national, regional and international levels. The Minister called on WIPO and WTO to work closely together to achieve those objectives. Furthermore, he hoped that the IGC might continue and complete its work in those areas, in accordance with the resolutions adopted by the Organization's General Assembly in 2009. Besides that, the Minister recalled that certain resolutions adopted by African Heads of State at the WIPO Regional Seminar held in Khartoum in 2006, including strategies to be implemented in the context of development, namely Africa's commitment to collective action for developing and using science and technology for socio-economic change on the continent, its integration into the world economy and capacity building to encourage and apply science, technology and innovation for the purposes of Africa's social and economic development and competitiveness. In other words, Africa including Madagascar could not, as part of its economic growth policy, fail to promote creativity, innovation and technology. That was one of the main tasks of WIPO and was a major theme of the 48th series of the Assemblies. As a result, Madagascar had no particular objection to each WIPO member country considering and adopting the above-mentioned action plans for the development strategies while respecting local conditions and realities. The Minister thanked the Director General for his initiative to strengthen the capacities of IP offices, especially the IP Office of Madagascar, which benefited from an automated system, and the Copyright Office of Madagascar, which had set up a hologram system device to combat piracy of sound recordings), for the provision of IP training for judges, and for raising the awareness of parliamentarians in French-speaking Africa at the regional forum organized by the WIPO Division for LDCs, held in Cotonou, Benin. The Minister was keen to stress that the Industrial Property Office of Madagascar and the Copyright Office of Madagascar had been able to implement various programs aimed at establishing a culture of IP among the public, in general, and to establish partnerships with different public and private institutions in particular. In conclusion, the Minister was hopeful that cooperation between his country and the Organization would go from strength to strength, and he thanked Stevie Wonder, United Nations (UN) Messenger for Peace, for his address and his declaration of freedom.

35. The Minister for Justice and Legal Affairs of Zimbabwe endorsed the innovative approaches initiated by WIPO to integrate IP and place it at the center of development



issues and cited the WIPO Development Agenda and the convening of Ministerial Meetings as examples of the Organization's commitment to promoting the incorporation of IP into the national policies and development plans of Member States. IP was generally accepted worldwide as a component of property rights and played a pivotal role in development processes and in improving economic performance in Member States. There was widespread consensus that the promotion of technical progress supported by the patent system had been a major determinant of economic progress and societies in different parts of the world had embraced creativity as a solution to social and economic challenges. The Minister hailed the immense contribution of information and communication technology (ICT) to the social and economic well-being of nations worldwide, as it enabled communication and accessibility and greatly facilitated information-sharing and business transactions. Zimbabwe had grappled for 10 years with numerous political challenges having a negative impact on the country's ability fully to utilize the IP regime for national development. Zimbabwe's assertion of sovereignty over its natural resources, in particular land, had incurred the imposition of sanctions that had gravely damaged the national economy. As those sanctions were still in place, Zimbabwe did not yet have resources to deploy towards R&D, but a global political agreement signed in September 2008 by all the political parties represented in the national Parliament had restored political stability and hope for economic recovery. The Minister was confident that his Government would now be able to commit itself to enhancing the use of IPRs in promoting social and economic growth and sustainable development, thereby improving the quality of life of its citizens, and said that in order to do that, it would need to channel resources into R&D institutions so that they could become inventive. While Zimbabwe did not have a comprehensive national IP policy to guide the country or make use of IP for economic development, the Government had recently established an Inter-Ministerial Committee to coordinate and harmonize different approaches to IP with a view to encouraging its use as a tool to promote growth and development. That initiative acknowledged that IP was cross-disciplinary and administered by a multiplicity of ministries, universities and research institutions. The Inter-Ministerial Committee Secretariat had become operational in March 2010 and was housed in the Ministry of Justice and Legal Affairs, with the immediate mandate to formulate a national IP policy as a clear roadmap to using IP assets for growth and development. In that particular area, Zimbabwe had requested the assistance of WIPO to help develop a clear policy to draw upon IP to foster economic growth and enhance development. The Minister remarked upon the recent adoption by Zimbabwe and other ARIPO Member States of the Protocol on the protection of traditional knowledge and expressions of folklore and anticipated its positive contribution to ongoing negotiations in the IGC. While Zimbabwe had great potential for economic growth given its diverse natural resources, exploitation of those for common benefit remained a major challenge. The Minister endorsed full implementation of the WIPO Development Agenda as an important initiative to foster development and hailed in particular the recommendations on technology transfers to developing countries. Technological transfers were seen as central to development processes as they played a pivotal role in ensuring health and food security and human security in general, as was underlined in Article 7 the TRIPS Agreement. The Minister thanked WIPO for its assistance to Zimbabwe and cited a recent workshop in Harare that highlighted the contribution of the creative industries to economic development, while noting the important role of such events in sensitizing Member States to the important economic role of IP.

36. The Minister for Culture of Angola congratulated the WIPO Secretariat on its efforts to transform the Organization into a modern, dynamic tool for the economic development of all Member States. The Government of Angola regarded IP as an essential instrument for promoting scientific and technical innovation and development and, ultimately, the economic and social development of peoples and nations. Angola's current economic restructuring, in particular in the production sector, brought challenges for the regulatory authorities with regard to both IP and copyright, areas overseen respectively by the Ministries of Mines and Energy and Industry, through the IP Institute of Angola, and the Ministry of Culture. Noting the organizational models of IP institutions in more experienced countries, Angola would study them and assimilate best practice. It had paid special attention to IP, which was protected in both the Constitution and ordinary

legislation as well as in government policy on the economy and on technological development. The legal framework protected collective works and the reproduction of the human image and voice in cultural, educational, political and sporting activities, together with the rights of creators and industrial inventors, their creations, and the ownership of marks, company names and other distinctive signs. Angola had also absorbed the IP rules laid down in international legal instruments, in particular the PCT and the Paris Convention, into its own domestic legislation. The possibility of acceding to other major instruments was currently being examined and the Minister thanked WIPO for helping Angola with the technical analysis of some of those, as well as with the national IP conference the previous July. Angola had thus laid the legal foundations for making IP an increasingly important factor in its economic development, as it could be seen. The entry into force of the IP law in March 1992, for example, had given greater protection to marks, patents and other IPRs, so much so that between 1996, when the IP Institute had been set up, and 2010, the number of applications for the registration of marks had increased from 18,300 to approximately 27,000, while some 2,000 patent applications had been registered. As the business sector in Angola was just beginning to develop, 95 percent of those patents still belonged to foreign creators. The 1990 copyright law, meanwhile, was being revised and updated, as was the regulation on the payment of fees, in order to include user types not covered by the present text, in particular airlines, shipping companies and fairs. In parallel, work was being done to raise awareness among the artistic community and civil society about the need for greater respect for the economic rights of Angolan authors, artists and performers. The Government had worked with artists' associations to collect fees for the use of their works by radio and television stations, among other bodies. The Government of Angola was also concerned at the violation of IP competition rules, as strict observance was essential, not just to acknowledge the know-how, effort and dedication of creators, artists and performers but also to ensure Angola's continued economic growth, as that was the only way of promoting and incentivizing scientific and technological research in crucial areas such as biotechnology and telecommunications. Protecting IPRs would also improve access to scientific and technological information for SMEs and institutes of higher education. Angola intended to increase the appreciation of IP and transform it into intellectual capital, as it was the key to change. Regarding copyright, special attention would continue to be paid to combating sound recording piracy, now on a scale so worrying it was doing serious damage to the music business. The Government's recent approval of the regulation on the sealing of phonograms and videograms was a major step designed to reduce the illegal reproduction of artistic creations. Another forthcoming challenge for the Government of Angola was the implementation of an IP system of international standard. The current system lacked instruments enabling IP to be incorporated into Angola's economic, social, scientific and cultural sectors in such a way as to stimulate creativity, innovation and progress in the creators of IP products, resulting in poor use of the system's services. Conditions were being created for the drafting of a guideline on IP development, and here too it was hoped WIPO would lend its support. Finally, Angola added its voice to that of the other African countries calling for a technical assistance program for governments on the vocational training of national and regional patent examiners, in the medium and long term, and for the program to be extended to research bodies in Africa to equip them to patent the results of their academic and scientific research, together with the implementation of special R&D programs for SMEs in Africa.

37. The Minister for the Department of IP, Standardization and Metrology of the Lao People's Democratic Republic welcomed the Director General's vision in addressing the main challenges to be confronted in the IP field and agreed that the ultimate goal of the IP system, regardless of the level of development, was to achieve a sustainable contribution to economic and social development. The Lao People's Democratic Republic had been making all possible efforts, at perhaps different levels and in different phases, to realize the core expectations of the IP system. The Minister noted that it was generally accepted that sustainable growth and development of innovation and creativity were essential for developing countries and particularly for LDCs. The construction of solid foundations and the implantation of an IP system was therefore crucial. The Minister pointed out that the big challenge faced was how to create an IP culture and encourage and promote innovation and creativity in an environment that was subject to

severe constraints such as limited experience, a weak IP structure and policy framework. The Lao People's Democratic Republic fully realized its duty to ensure that IPRs holders receive tangible benefits from the system. An effective IPR system was important to economic development because it provided confidence to those providing business investments that such rights would be respected and to IPR holders that they would benefit by receiving reward for their hard work. The current century was that of a knowledge-based economy and developing countries required a good knowledge of the IP system to ensure that they drew maximum benefit from their own innovative and creative capacity. The Lao People's Democratic Republic relied on the impetus provided by WIPO and continued to expect its support and assistance in the promotion of IP. The Government recognized the importance of and need for protecting IP, promoting local innovative and creative activities, as well as facilitating the acquisition and exploitation of IP for economic development, and further recognized the need to put in place an IP infrastructure that allowed for participation in exchanging information at regional and international levels. It therefore welcomed WIPO's efforts aimed at strengthening the country's IP office through a number of initiatives including the automation project, training program and the launching of access to R&D of innovation programs aimed at enhancing access to technological information by researchers from developing countries. On behalf of his Delegation, the Minister expressed his sincere thanks and deep appreciation to WIPO for its invaluable assistance to his country in terms of human resources and development, infrastructure enhancements and other measures. The Minister commended WIPO for all these positive developments and wished the Assemblies success.

38. The Minister of State, Ministry of Legal Affairs of Antigua and Barbuda stated that the choice of Mr. Stevie Wonder, a UN Ambassador for Peace, to address the Meeting had indeed been timely. The Minister noted that it had been the first time she had attended the Assemblies of Member States of WIPO and that it had been a great honor for her to have shared the same platform with the musician and to hear his impassioned message and appeal. His call for the launch of a Declaration of Freedom for people living with disabilities should not be ignored, nor should it remain a mere item in a rapporteur's report. Like other speakers, the Minister wished to state publicly that Antigua and Barbuda supported his call and stood ready to continue to play its role in ensuring that the untapped potential of people living with disabilities was shared with the world and received appropriate protection. She urged the Meeting to accept Stevie Wonder's challenge and act with all haste. The Minister expressed her Delegation's appreciation of WIPO's coordination of a number of meetings and workshops during the past year, and looked forward to the continuing support which Antigua and Barbuda had enjoyed from various secretariats in WIPO in her country's endeavors, aspirations and commitment to create a modern IP Registry. Like its Caribbean colleagues, Antigua and Barbuda welcomed the recently created Caribbean Unit, which she viewed as recognition of the special and differentiated needs of the Caribbean region in IP-related issues and its potential contribution to a respected economy, notwithstanding the collective sizes of the individual States concerned. She pledged to continue her support and participation where required. The Minister observed that Antigua and Barbuda was cognizant of the importance of IP to its national development plans and goals and had embarked on a legislative and administrative agenda for creative activities, designed to ensure that laws governing IP kept abreast of ongoing global developments in the sector. Equally important, the Cabinet had recently approved the relocation of the Antigua and Barbuda IP and commerce department to new premises which would allow for growth and automation. Approval had also been granted for the creation of specialized positions within the department to ensure greater efficiency of the Registry. As a result of that relocation, which had been scheduled for October 2010, and with WIPO's assistance, full automation of the Registry would be possible. The Minister reported that, mindful of the increasing demand for IP services and support, the Registry continued to expand its technical, legal and administrative capabilities in order to support heightened interest in IP. Multi-disciplinary committees were being established, in order to ensure greater appreciation and understanding of IP throughout all sectors. In May 2009, the Registry had received training in the Madrid Protocol from WIPO. That training had been extremely beneficial to the Registrar and senior trademark officer who had subsequently

trained their staff on the Madrid Protocol. Much time had been spent on implementing the Madrid system. In November 2009, Antigua and Barbuda had participated in a regional conference in Grenada organized by WIPO and designed to explore the creation of a regional patent office. World IP Day had again been celebrated in April 2010 and an open day had been held at the Registry, where both local and regional registered trademarks had been on display. The open day had attracted tremendous interest and support from members of the public. Further, in recognition of the far-reaching impact of innovation, Registry staff had visited the Cave Bay pineapple farm, the home of the famous Antigua black pineapple, in order to gain greater understanding of and insight into the processes involved in the cultivation and harvesting of that fruit. The Minister announced that the Registry had embarked on a project to assist the Ministry of Agriculture in registering the Antigua black pineapple as a geographical indication unique to Antigua and Barbuda, similar to the action taken by Jamaica in registering Blue Mountain coffee as a geographical indication unique to Jamaica. She further reported that, given the Caribbean region's rich diverse cultural heritage and the musical genius of its people, a copyright music conference had been hosted in Antigua in June 2010. That initiative had been intended to assist music industry stakeholders in Antigua and Barbuda and the sub-region in gaining greater understanding of copyright in order to protect their rights and work. In August 2010, the Registry had assisted the Ministry of Consumer Affairs with the registration of the first collective trademarks. Two of those trademarks had been used to designate products that had been approved by the Ministry. That action had been part of an initiative on the part of the Registry to encourage government departments to register trademarks. The Minister concluded by stating that IP affected the daily life of all citizens. Antigua and Barbuda endorsed what was considered to be the clarion call of the Assembly Chair for WIPO's Member States to work constructively to find a solution to their differences. She urged colleagues to appreciate that the difference between what is possible and what is perceived as being impossible lay in their attitude and commitment to making a difference, including compromise where necessary, and that the time for action was the present.

39. The Attorney-General of Fiji acknowledged the work of WIPO and recognized the need for the protection and enforcement of IPRs for the sake of economic growth, creativity and human endeavor. He pointed out that this not only required international cooperation and collaboration, but also necessitated engagement at the level of individual States. However, not all countries had the ability to enforce IPRs, as in the case of Fiji and other still smaller countries within the South Pacific. Fiji, like many small jurisdictions, lacked the necessary legal framework and standards, as well as material resources. He noted that there was now an agenda to push and that at such times countries with large economies and large populations always got first bite of the cherry. In the case of IP, however, such factors as size should not matter: indigenous and TK, for example, was not merely the domain of the rich or larger countries but a unique human trait for all of humanity. The Attorney-General pointed out that Fiji had required a paradigm shift since some of its IP laws were based on the British system, dating back to 1879. Patent registration was carried out through Australia because Fiji lacked the technical capacity to assess applications. He also emphasized the fact that the current Government of Fiji had the administrative and political will to make this shift and to modernize, liberalize and globalize. Not only had it recently liberalized the telecommunications sector, but it had also amended its copyright laws to reverse the burden of proof in proving piracy. Furthermore, it had recently engaged WIPO to carry out a study on a national IP strategy. The Attorney-General asserted the need to develop regional offices within the region, or respective regions, given the size of the jurisdiction and the lack of technical capacity, but stressed that regionalism should be influenced by the regions, not only by donor countries or donor institutions. He concluded that a global approach based on transparency, equality and recognition of the disparities in capacities must be taken to ensure that all jurisdictions, irrespective of size, had the same legal and technical capacities and aptitudes if the true and tangible benefits of innovation, its growth and development were truly to be realized.
40. The Vice-Minister for Science and Technology of Viet Nam, speaking on behalf of the Association of South East Asian Nations (ASEAN), noted that creativity, innovation and

sustainability were crucial in today's world economy and that economic and social progress and poverty reduction were increasingly based on new knowledge and improved skills. At the same time, rising energy prices and climate change posed fundamental challenges to all countries. Innovation would be even more important to face those challenges through a widespread dissemination of affordable technology and good practice by all stakeholders. Sustainable manufacturing, consumption and trade could help to promote a greener and more inclusive growing economy, development and globalization. ASEAN had responded in a manner that clearly epitomized the theme and spirit of the Meeting, namely innovation, growth and development. On the macro-level, the creation of the ASEAN economic community in 2015 would transform the individual ASEAN economies into a single market and a seamless production base by creating cross-national links. ASEAN had also actively involved regional and global partners in knowledge and value creation. As a result, excellent markets, technologies, expertise and asset development resources remained open throughout the ASEAN region. The opportunities and challenges presented by globalization, broad-based development and regional integration had an impact on national patent cooperation, particularly in the field of IP, as reflected in the IPRs Action Plan 2004-2010 which aimed to encourage development, commercialization and protection of IP *per se* by fostering a user-friendly regional IP profile which increased public awareness of IP issues. The Vice-Minister highlighted some of the recent achievements under the Action Plan, including the initiative on ASEAN Patent Search and Examination Cooperation launched in June 2009, which would make it easier for entrepreneurs and private inventors to obtain patents for their innovations in the region. Also, in June 2009, the ASEAN IP Initiative had helped establish an online directory of IP-related resources, enabling ASEAN Member States to have at their disposal comprehensive resources for businesses and other interested parties. Another major cooperation program would focus on the promotion of key creative industries in the region. More generally, ongoing efforts were being made to enhance regional coordination in IP matters and capacity building had been a major focus in ASEAN countries. Technical assistance from ASEAN partners and donor organizations had been very helpful in implementing numerous regional cooperation programs. ASEAN was grateful to WIPO for its concerted efforts in sustaining the partnership in development and IP matters and was confident that the continuing positive and synergistic relationship would mutually benefit WIPO and ASEAN for many years to come. Developing partnerships would remain a priority for ASEAN as it moved towards the ASEAN economic community. It was a historic moment of regional integration and was a step towards ASEAN becoming a meaningful and reliable player on the global stage. ASEAN remained committed to the WIPO Development Agenda which aimed at establishing an enabling environment at the national and global levels. The WIPO Development Agenda would become a development tool promoting technology and innovation, especially for developing countries. Building on the global achievements over the past seven years, the ASEAN region was now fine-tuning the ASEAN IPRs Action Plan for the period 2011-2015. Development remained a priority in the follow-up Action Plan and reflected Asian goals. International cooperation programs would be expanded to cover non-traditional IP assets and new and innovative means and mechanisms would be developed to facilitate the creation and management of IPRs. ASEAN welcomed the progress made in the WIPO IGC and was looking forward to working closely with all WIPO Member States on moving towards the creation of an international legal instrument or instruments that would ensure effective protection of GRs, TK and TCEs. ASEAN had faced many daunting challenges over the past four decades of its existence and innovation in the ASEAN economic community would open up a new horizon in development, globalization and integration in the coming decades. A new, much more dynamic, inclusive and creative chapter was about to begin. The Vice-Minister thanked WIPO for the invaluable support to Viet Nam during the past years. In cooperation with WIPO, Viet Nam had conducted a number of projects and activities including the organization of seminars and workshops on various IP topics and the implementation of the patent documentation digitization project. Viet Nam was also benefiting from WIPO assistance in developing its national IP strategy. In conclusion, the Government of Viet Nam was committed to achieving a proper and effective national IP protection system.

41. The Deputy Minister for Industry and Trade of the Syrian Arab Republic highlighted the relevance of Innovation, Growth and Development as a theme for the High Level Segment which reflected the significant link between IP, innovation and development, as well as WIPO's focus on the major IP-related issues. The Deputy Minister stated that the Syrian Arab Republic regarded creativity and innovation as a key national policy component. To that end, various national initiatives were launched, including the biannual Al Bassel Fair for Invention and Innovation organized in cooperation with WIPO and the League of Arab States (LAS). The 2011 Al Bassel Fair would be focused on young creators and innovators with the participation of a number of States. In addition, work on the establishment of a National Agency for R&D and Innovation was initiated through the development of a National IP Strategy aiming primarily at fostering innovation. The Deputy Minister highlighted the role of WIPO in promoting, disseminating and facilitating access to creativity and technological innovation, as key factors for sustainable development, particularly in a context of globalized and fast paced technological progress. Responding effectively to such challenges required measured solutions. The Syrian Arab Republic endeavored to expand investment in, and promotion of the introduction of new technologies. Numerous projects were being led by NGOs under the sponsorship of the Syrian Trust for Development (STD) with the aim of encouraging young creators and innovators and providing them with the necessary support for the creation of innovative and successful business projects. The Higher Commission for Scientific Research (HCSR) was also created to join efforts in stimulating creativity and innovation thereby contributing to the creation of IPRs. Such efforts would be geared at providing normative procedures, rules and models for the disclosure of IPRs. WIPO's cooperation in that regard was key to the development of support infrastructure which facilitated the marketing and transfer of technology. The implementation of the Development Agenda was of paramount importance as it ensured the integration of the development dimension in WIPO's work. The Syrian Arab Republic noted with appreciation the progress in Development Agenda project deployment as well as the adoption of coordination mechanisms and monitoring, assessing and reporting modalities. However, more work remained to be done to strike a balance between IP and levels of development of developing countries. While technical assistance was recognized as an essential component, it should be focused on the needs of developing countries and matched to individual economic and social contexts. Efforts in that area should include national strategies on IP and innovation as well as available flexibilities, restrictions and limitations, while avoiding any measures that could hamper development efforts or reduce public policy space for those countries. In conclusion, the Deputy Minister wished to express gratitude to WIPO and its Director General for their continued cooperation and unceasing support. The Deputy Minister also expressed appreciation for the work of the Development Agenda Coordination Division in coordinating positions and building consensus.
42. The Deputy Undersecretary for Industry and Trade of Turkey said that WIPO's potential contribution to IPR protection was increasingly multifaceted and that it could play a leading role in supporting globalization that was flexible and sustainable. In the face of rapid changes in the external environment, WIPO had carried out reforms, adapting its activities to new requirements and values. Turkey considered the theme of the High Level Segment, which covered all aspects of innovation in relation to development, to be relevant to the current economy in which innovation could be made more inclusive and sustainable. Referring to the Fourth Global Conference to be organized in Istanbul, in May 2012, Turkey believed innovation and development to be interlinked and stressed that IP issues would be discussed during that Conference. Innovation and its impact on economic growth had been at the forefront in both the public and private sectors in Turkey. Its Government aimed to foster strong relationships between industry, academia and relevant government agencies. Given that IP was a tool for innovation promotion, Turkey attached great importance to supporting R&D. Its R&D expenditure had steadily increased over the previous five years, reflecting the rise in GDP. Between 2002 and 2008, R&D expenditure had tripled and Turkey planned to increase the share of R&D activity in GDP by 2 percent by the end of 2013. Taking into account the relationships between R&D, innovation and IP, the Prime Minister of Turkey had made IPR protection a primary component of the Government's economic development action plan. In working

to implement that plan, the Turkish Patent Institute had initiated studies on a new and integrated national IP strategy, for which it hoped WIPO would provide assistance. To enhance the competitiveness of SMEs, the Turkish Design Council had established a policy and strategy for using designs as a user-centered innovation process. The Institute, aiming to contribute to innovation through the effective use of IPRs, had established strong relationships with industry, academia and relevant government agencies. It had also initiated a project focused on capacity-building of SMEs, through the effective use of IPRs. Universities played a major role in knowledge creation and the Institute, in cooperation with the European Patent Office (EPO), had designed a roadmap for disseminating IP knowledge and information within universities. The Institute also worked to raise awareness about IP among academics and students. Patent support units had been established in two universities to provide academics with information on IP issues. One of Turkey's objectives, linked to its accession to the European Union, was to bring its industrial property system in line with European Union best practices. That would include the fine-tuning of its existing IP legislation. Turkey was satisfied with the work of the CDIP to date, including the thematic approach that had given impetus to implementing the recommendations and had facilitated project monitoring, assessment and evaluation. Turkey supported a balanced and effective IP system that would promote economic, social and cultural development in all Member States. It also applauded the work of the IGC and the fruitful discussions on TCEs during the first IWG. Progress in those areas was important for developing countries, as well as LDCs. The Deputy Undersecretary thanked the Secretariat for its work and welcomed efforts to increase transparency and further involve Member States in the program and budget process, including through the MTSP and the adoption of language and investment policies for WIPO. Referring to the work of the SCCR in relation to new communications technologies, Turkey regretted the lack of progress made. It believed that access to copyrighted materials for the visually impaired was an area where delegates could agree to find a solution. In that regard, Turkey would support all proposals of practical solutions, including possible legal instruments. On IP and enforcement issues, the Ministry of Culture had organized a seminar in Istanbul, in June 2010, on the digital environment and copyright, to which WIPO had made a valuable contribution. The event had been a great success and would enable Turkey to further raise awareness on those issues. The Deputy Undersecretary expressed his thanks to all Member States for their cooperation in relation to the Assemblies, which he believed would be concluded successfully.

43. The Chairman of the State Committee for Science and Technology of the Republic of Belarus expressed confidence that constructive inter-state dialogue both in relation to sharing positive experience and to the development of harmonized approaches to solving common problems would serve the purpose of strengthening the strategic role of IP in enhancing innovation development in the modern economy and technological progress throughout the world. He noted that Belarus' development prospects today depended directly on the fulfillment of its intellectual potential in implementing innovation. The high educational level of the population, academic staff, a developed network of universities, academic institutions, technology parks, and scientific and technical centers of corporations were a fundamental competitive advantage. Knowledge was the fundamental driving force in labor productivity growth. Belarus' practice of State support for the industrial and agricultural sectors, in which the country's intellectual potential was developed, innovation funds, venture funds, significant State expenditure on scientific research, implementation at the initiative of the country's leadership of a series of projects to support talented young people, the development of a high-tech sector, and the implementation of a State innovation development program, emphasized the increased significance of the innovation factor in ensuring the competitiveness of the domestic economy. Dynamic GDP growth of 10-12 percent per annum, the modernization of production capacity - in three years, more than 1,000 factories - a whole series of successful projects to attract overseas investment, the development of Belarusian manufacturing in overseas markets, particularly in China, Syria, Japan, Azerbaijan, the Islamic Republic of Iran, Sweden and a number of African countries, and other factors, beyond doubt confirmed the country's high economic and technological potential. The Government linked the strengthening of the national economy's position in the global marketplace with three factors: the development of highly scientific high-tech sectors, an

increase in the proportion of export-oriented factories, and liberalization of the structure of the economy, taking into account IP issues. The main factors of economic growth in Belarus were based on an increase in the effectiveness of use of intellectual resources. It was obvious today that in the context of the developing knowledge economy, the structure of global manufacturing and trade had changed, and the component of high-tech production of intangible assets had increased. The dominant position of developed countries in the market for high-tech products had been reinforced by an appropriate level of ownership of IPRs. In order to compete in the global marketplace, Belarus was developing its own innovative direction. An integrated approach to management in the field of IP became a rule for national manufacturers. The Government of the Republic of Belarus took effective measures aimed at improving the IP system, developing information, methodological and educational services, and staffing in this field. Measures of the State program for the protection of IP, as ratified by the Government, were aimed at resolving issues concerned with enhancing the economy's competitiveness. Relevant issues were regularly examined at Government meetings. The recently created customs union of Russia, Belarus and Kazakhstan was prepared for the creation of a single economic area, including in IP issues. Those countries were faced with much legal work, and in the future would possibly require WIPO's help and cooperation. On behalf of the Government of Belarus he expressed deep gratitude to WIPO for its understanding of the current requirements of Belarus - a young, developing State - and for the assistance given in strengthening its innovation potential. He also expressed the hope that the new long-term foundations of that work over the following 10 years would be laid in the new strategy concerned with the management of IP issues which the country had initiated with WIPO's support.

44. The Deputy Minister for Culture of Bulgaria hailed knowledge and access to research, innovation and technology as instrumental in the long-term growth of modern economies, noting the key roles of technology and intellectual capital as determinants of economic competitiveness. Bulgaria recognized innovation as key to its accelerated economic development with the adoption in 2004 of a National Innovation Strategy which provided a policy framework to increase the competitiveness of Bulgarian industry by introducing knowledge-based products and technologies. Implementation of the Strategy put in place a good institutional framework featuring a National Innovation Fund serving as the primary public financial instrument to support innovative businesses by strengthening the links between SMEs and research institutions, a National Innovation Council bringing together business, science and education, and regional innovation strategies. A National Strategy to promote SMEs for the period 2007-2013 had been adopted in 2006 aiming to foster a favorable environment for development of competitive SMEs. The Strategy included measures favoring innovation, R&D, a pro-innovation environment, innovative firms, and the protection of IPRs. Citing the 2010 annual report: Bulgarian Innovation Policy - opportunities for the next decade, the Minister noted an increase from 43 percent to 71 percent in the share of innovation companies in Bulgaria during the previous year. That reflected the positive impact of membership of the European Union, which required alignment with competitive European Union markets and legislation, and also the use of start-up funds for risk financing through the JEREMIE initiative, as a tool for supporting innovation. Despite such progress, Bulgaria still faced pressing challenges such as improving dialogue and interaction between public and private organizations and between science and business, a low level of investment in new products and processes and, especially in times of crisis, insufficient resources. Pertinent national policies, including the National Innovation Strategy, would require regular updates. The Minister stressed that a policy stimulating investment activity in innovative technologies to achieve sustainable economic growth was an important part of the Government's economic program, which had set the national goal to raise R&D expenditures from the current 0.5 percent of GDP to two percent by 2020. To that end, steps would be taken to introduce tax relief for innovations, promotion of cooperation between business and science and adequate programming for European Union funds. A special law on innovations would be drafted. The Minister identified as a key government objective making the creative industries the object of a targeted economic policy by building up appropriate infrastructure and strengthening IP law enforcement. A 2006-2007 study on the role of those industries conducted with the assistance of WIPO had shown that they



represented a small but significant part of the Bulgarian economy with contributions to GDP higher than traditional sectors like health care, hotels and restaurants, and mining. With the added value of the core copyright industries representing 1.3 percent of GDP with a 2.5 percent employment share, the creative industries were one of the fastest growing sectors of the national economy, repeatedly exceeding the annual growth rate of the overall economy and showing significant development potential. The Minister acknowledged the enormous contribution to national wealth of knowledge protected by IPRs and, while recognizing the need for change in the governance of, and public attitudes towards, the creative industries, observed that Bulgaria had begun in 2010 to draft a National Strategy for Development of the Creative Industries. He concluded his remarks wishing all present a productive and successful session of the WIPO Assemblies.

45. The Minister for Legal Affairs of Trinidad and Tobago said that the rapid change confronting the global IP system called for a revolution in that system. IP was facing unprecedented challenges that were partly the result of constantly evolving technologies that impacted negatively on the ability of right holders to effectively control their creations in the face of unauthorized or illegal use by the public. IP offered valuable opportunities for all, including for Trinidad and Tobago and other small middle-income countries with limited resources which were committed to optimizing the benefits of IP as a catalyst for national transformation and development. In view of present realities and the increasing range of demands, WIPO should seek to establish a new dynamic equilibrium within the new operating environment of the 21st century. As a result of its limited natural and human resources, and in order to maintain sustainable improvements in its standard of living and welfare, Trinidad and Tobago needed to broaden its economic activity and create and expand new wealth streams, and it was IP that offered that prospect for economic diversification. The country's cultural vibrancy and creativity of its citizens constituted a solid basis for the exploitation of the benefits of IP. The newly elected Government of Trinidad and Tobago had adopted as one of its cornerstones an economic strategy that stressed the development of a more diversified knowledge-intensive economy and the wholesale development of an IP culture, thus providing the basis for effective IPRs protection and consequently, the promotion of innovation. IP continued through Government policy to build traction and it was planned to introduce IP into the primary school curriculum. The Government appreciated WIPO's collaboration in mounting a needs-assessment mission in December 2009, to investigate the possible creation of a new IP academy, the findings and recommendations of which had been received and were currently under consideration. A critical shortcoming identified by the report was the lack of comprehensive IP education in the higher education system which the Government was now keen to address through the development of a national IP infrastructure. As a result of its own needs and aspirations, Trinidad and Tobago had been from the outset a robust supporter of the WIPO Development Agenda and of the work of the CDIP. Although only in its early stages, efforts had been made within the Secretariat to bring the work of the implementation process into the mainstream of WIPO's programs and activities, but Trinidad and Tobago regretted the apparent reticence of some Member States to support the meaningful advancement of the Agenda in all areas. Furthermore, the Government of Trinidad and Tobago, itself a creator of IP, had embarked on a more strategic approach to state-owned IP, given that across the spectrum of public sector bureaucracies, several IP-related issues remained to be tackled, although some notable achievements had been recorded, which was a source of encouragement and inspiration.
46. The Minister for Economy of Guatemala said that in view of current circumstances, public policy-makers had to join forces, through a balanced and appropriate IP system, to promote innovation and creativity in the interests of the economic, social and cultural development of all countries. The first step had been taken when the Member States had decided to inject into WIPO the seed of development, namely, the Development Agenda. The best approach for stimulating such growth had been the program of strategic alignment and the subsequent adoption of the nine strategic goals, and the political will and extensive technical efforts of Member States had helped the seed start to grow, followed, after three years, by the process of implementing the Development Agenda,

which required constant care and attention. That had led to the establishment of the Development Agenda Group (DAG), of which Guatemala was a member and which, since its founding in early 2010, had provided positive input at WIPO, endeavoring to ensure that the various IP elements promoted economic and social development, boosted growth and enhanced all Member States' ability to compete. The DAG members had striven to guarantee that the development dimension was implemented and included in all fields of WIPO's work, as could be seen from the careful analysis and the extensive input provided during the preparation of the WIPO-MTSP. Taking up the central theme of the high-level sessions, namely, IP and innovation promotion, with regard to the IP and innovation strategies that WIPO had made available to Member States and which would be the main thrust of the Central American Ministerial Meeting on IP to be held in Guatemala at year's end, the speaker emphasized that the IP system should be geared to facilitating developing countries' access to knowledge, information and technology and supporting a robust public sphere. That premise inferred various elements. The first such element was that the effectiveness of IP as a tool for promoting innovation depended, in general, on a country's development level and socio-economic interests and needs. Accordingly, in any discussion of IP and innovation strategies or plans, it was necessary to bear in mind not only that that involved strategies and plans designed for each Member State, but also that there were other fundamental factors, separate from IP, that were also geared to promoting innovation. The challenge for countries was to successfully incorporate IP into that mechanism aimed at promoting innovation. That was why WIPO, as a specialized UN agency, could act to ensure that national IP programs contained concrete, long-term development objectives that enabled countries to evaluate their own IP systems and identify the elements that had to be introduced or strengthened in order to achieve those goals. The second element was the need to supply policy-makers in developing countries with well-founded empirical analyses that allowed them to adapt the IP system to their national needs and capacities. That implied that every country had to undergo a process of internal evaluation of its real needs and conditions in that respect. The third element was tied to the empirical evaluations that made it possible to draw up an IP program and strategies with a view to facilitating the integration of countries, regardless of their level of development, into the knowledge economy in several stages, namely, the creation, management and dissemination of knowledge. Creation of knowledge referred to the establishment and strengthening of R&D centers that turned information into knowledge with a view to creating new products and processes, thereby promoting innovation and creativity, a goal that could be achieved by means of assistance and advice for R&D centers. The speaker further underscored the need to explore other incentives to encourage academics and researchers to participate in entrepreneurial undertakings, such as "collective innovation" and the creation of networks for the transfer and commercialization of technology between national and foreign universities. In turn, knowledge management had to be geared to the commercialization of inventions and the administration of IP assets. Finally, the program should promote knowledge dissemination and the maintenance of a robust public sphere in the Member States. One decisive factor in that respect would be the support that WIPO provided to strengthen IP registers and consolidate them as tools for revitalizing IP activities. As far as a robust public sphere was concerned, there was a need to make a clear distinction between the material that belonged to that sphere, the material that should continue to be part of that sphere, and material that should be protected by IPRs – a difficult task, especially for SMEs in developing countries. Accordingly, the support of WIPO in raising awareness among SMEs would be very useful indeed. Those were some of the aspects that would be dealt with at the Central American Ministerial Meeting on IP. Finally, there was an urgent need to draft IP standards for the protection of TK, TCEs and GRs. In that connection, Guatemala favored the establishment of a legally binding international instrument to ensure effective protection, and was confident that the political support which that policy would generate would make it possible for the IGC to move ahead along those lines.

47. The Undersecretary for Economic Affairs of the Ministry of Foreign Affairs of Peru congratulated the President of the General Assembly on his skilful chairing of the work of that body. The Delegation of Peru was eager to contribute to the work to be done during the current week. The speaker extended special thanks to the Director General for

organizing the second High Level Segment and for his decisive and effective leadership of WIPO. The presence of Ministers and high-ranking officials reflected not only the importance of the meetings taking place at WIPO, but also the need for a renewed commitment to the Organization at a time like the present, when the world was emerging from a difficult economic downturn. In the current context of difficulties and challenges, Peru continued to advocate modernization and a development model based on economic and commercial openness and incentives for national and foreign investment – a model in which education, R&D and in general innovation promotion should play a key role. That being so, the choice of the meeting theme was particularly revealing. Peru was very satisfied with the positive national results achieved during the past eight years, which had led to high and sustained growth and, most importantly, a significant reduction in poverty. The expectation that many of the targets set in the MDGs would be met reflected the progress that was being made, although it was evident that much remained to be done. National objectives were clear, namely, ensuring Peru's effective integration at the international level, attracting investment and technology to modernize the productive structure, narrowing the technology gap and modernizing physical infrastructure, which would boost competitiveness. Peru was mindful that effective use of the tools offered by the IP system was a key factor for continuing down the path of growth and development, insofar as it would promote innovative technologies and enhance companies' ability to compete. The topic of innovation was particularly important for the emerging and developing countries, which over the past few years had seen their economies improve considerably and had managed to diversify their exports to a certain extent. It was clear, however, that much more had to be done to develop production with greater added value, driven by innovation. Given the importance of IP, Peru had set up a standing multisectoral commission that was benefiting from the valuable support of the WIPO cooperation office with Latin America to develop a national strategy that linked and guided existing plans and policies with regard to science, technology, innovation and IP. The speaker hoped that medium- and long-term goals and strategies would be worked out that would help Peru develop sustainably. In addition, other efforts were being made at the national level to improve science and technology, with the backing of United Nations Conference on Trade and Development (UNCTAD), which was evaluating national science, technology and innovation policies in Peru, with the corresponding report due for publication in December. The Organisation for Economic Cooperation and Development (OECD) had associated itself with those efforts and was working together with the Ministry of Economy and Finance, with a focus on the situation with regard to innovation. Another example of the initiatives taken by the Government of Peru had been the drafting of ambitious legislation with regard to the protection of GRs and related TK, the purpose of which was to promote innovation, thereby ensuring fair sharing of benefits for the communities that held such knowledge. The goal was to make a constructive contribution to the process, which WIPO was rightfully encouraging, with a view to developing a legally binding international instrument for regulating a subject of great importance for megadiverse countries such as Peru. The speaker explained that Peru recognized the need to take up the challenges of poverty and unequal development from an economic and commercial perspective. For that purpose, it was essential to strengthen WIPO and the international IP system. Yet national initiatives were insufficient, and it was necessary to pool efforts with a view to consolidating a system that would genuinely stimulate innovation, growth and development. The establishment and implementation of a Development Agenda clearly reflected the potential to achieve common goals. As far as Peru was concerned, it was capital to ensure a successful outcome of the work done by the CDIP, in particular with regard to the implementation of the Development Agenda. Peru had been one of the first countries which, through the "Group of Friends of Development", had encouraged the initiative to emphasize the need for a paradigm shift in the Organization, so that it could help fully the Member States to achieve their respective development goals. Noting with satisfaction the significant progress that had been made to date, the Undersecretary reiterated her thanks to Mr. Francis Gurry, for his clear determination to put into practice the 45 recommendations of the Development Agenda, and to the Secretariat staff for their unflagging efforts. Notwithstanding, it was important to bear in mind that much remained to be done, especially in terms of mainstreaming the Agenda into all of the Organization's activities. To that end, it was essential to monitor closely the application of the Development

Agenda so that when the time was ripe, the 45 recommendations could be supplemented with new recommendations that reflected Members' different situations and needs. Peru was convinced that the IP system was a fundamental tool for economic, social and cultural development, which was why it complied with the relevant international obligations and had included ambitious wording in the trade agreements it had negotiated and signed to date. Accession to the PCT, the Trademark Law Treaty and the Lisbon Agreement, *inter alia*, also reflected that vocation. Mindful of the need to promote better nationwide understanding of those topics, Peru had set up a national IP school and hoped that, with WIPO's valuable support, the school would become a regional center for the dissemination of knowledge in the near future. Moreover, the speaker announced that in 2011, Peru would host the World Symposium on Geographical Indications, a topic of particular importance for the IP system, and hoped that as many countries as possible would participate. The Undersecretary ended by reiterating Peru's firm commitment to support WIPO's efforts to consolidate a world IP system that promoted innovation, growth and development.

48. The Minister for Communication and spokesperson of the Government of Morocco first thanked the Chair for the efforts undertaken and which would contribute to bringing together the viewpoints of Member States as well as ensuring that progress was made in many of the Organization's important bodies. The forum created in 2009 by the Director General, Mr. Francis Gurry, had rapidly attained a maturity which commanded admiration and obviously expressed his professional skills in bringing WIPO closer to the circle of Member States. Reiterating his unreserved support for such a strategic vision on the part of the Director General who, since his election, had given new operational momentum to the Organization, which had brought hope to many developing countries, and taking into consideration the concerns expressed by Member States, the Minister stated that the topic chosen for the forum: Innovation, Growth and Development: The Role of IP and Member States' National Experiences, was fully compatible with that vision. The economic and social development of a country and the preservation of its cultural wealth and heritage necessarily entailed at the international level legal protection of GRs and TCEs which were for many countries the only wealth and only resources at their disposal. As regards Morocco, that concerned an identity-based and secular heritage. Its sincere hope therefore, in that regard, was to see as soon as possible a cessation of the misappropriation and illicit use of human and genetic values of that heritage which provided a living to so many artists and craftsmen, a reason for which the Delegation of Morocco fully supported the proposals of the African Group to ensure better international protection of its assets. Moreover, it believed that the IP culture, in as much as it was fair and balanced, had multifaceted development potential. To that end, Morocco had taken significant steps on several levels. Firstly, that entailed upgrading the legal arsenal as regards the protection of IP; subsequently, several measures had been taken to assist the support and promotion of a favorable context for creating and innovating based on increasing awareness and developing IP culture. Furthermore, as concerned the development of the two branches of IP in Morocco, of note were the measures on strengthening copyright and related rights, stepping up the rights of artists and modernizing the relevant structure. The measures taken also dealt with the protection of TK, the protection of GRs, crafts and folklore. With respect to intellectual and commercial property, the Delegation noted the welcome strengthening of cooperation between WIPO and the Industrial and Commercial Property Office of Morocco (OMPIC) to promote Moroccan patents at the international level by means of the Patentscope® search service. Similarly, OMPIC had an excellent partnership with universities and enterprises in the framework of conventions and initiatives aimed at the protection of trademarks and technological information. The Minister took the opportunity of commending, on behalf of his government, the fruitful cooperation and considerable assistance provided by WIPO to the two national bodies devoted to copyright and industrial and commercial property. He added that the Delegation would spare no efforts during the Assemblies to contribute fully and positively, and to support all efforts aimed in particular at: (1) promoting a system of IP which maintained the balance between the interests of rights holders and those of society at large; (2) accelerating the implementation of various Development Agenda Recommendations; and (3) ensuring the international protection of GRs, TK, folklore and updating the rights of broadcasting bodies and the enjoyment by audiovisual performers

of their rights. Lastly, as regards the implementation of the MTSP, the Director General and all of WIPO could count on the constant support of Morocco to achieve the expected objectives and results. In conclusion, the Minister invited all the delegations to attend the inauguration of the exhibition followed by a reception organized by the Kingdom of Morocco at WIPO headquarters. The aim of the exhibition was to portray Moroccan heritage in the field of GRs, TK, folklore and crafts.

49. The Minister for Industry, the Free Zone and Technological Innovation of Togo thanked the Director General, the Secretariat and all WIPO Committees for the work undertaken and the high quality of the documents subject to Member States' consideration. He congratulated the Director General for the efforts made during the first two financial years of his mandate and for maintaining cooperation with Togo, as evidenced by such activities as the joint organization in Lomé of a Sub-Regional Workshop on Enforcing IPRs intended for judges of French-Speaking countries in Africa (March 2009) and of a Consultative Meeting on the Launch of the Project to Strengthen the Performance and Networking of Collective Rights Management Societies in West Africa (March 2010). Togo also benefited from WIPO's assistance through the first Regional Forum on IP intended for members of parliament of least developed French-speaking countries in Africa, held in Cotonou on April 13 and 14, 2010. The conclusive results obtained by WIPO over the course of the past two years reassured Togo that the Director General, whose competences and excellent management skills were well-known, would leave no stone unturned in the effective implementation and in the best conditions of the 45 recommendations adopted at the General Assembly of 2007 in the context of the WIPO Development Agenda. Global challenges such as global warming, HIV/Aids pandemics, famine and the international financial crisis called out to both States and the Organization for IP to be considered as a means for attaining sustainable economic growth and improving the quality of life of all peoples. The financial crisis of recent years had considerably reduced the likelihood of reaching the necessary funding to achieve the MDGs, adopted in September 2000 to reach balanced development at the world level. The WIPO Development Agenda, in the view of Togo, embodied an alternative international consensus whose effective and pragmatic implementation would make IP a tool which would not only establish order in the market by fighting against the enemies of markets and consumers but also would meet the concerns of all countries as regards development. In that respect, Togo appreciated the true value of the topic chosen for the current Ministerial High Level Segment, since it invited States to become aware individually and collectively of the need to take steps at the national level to include IP in national development strategies before an expected contribution from the international community, thereby aiming to meet one of the current major challenges, that of returning to sustainable growth and reducing poverty. The countries which would achieve that would be those that would be able to design, use and protect the work of their creators and innovators. An efficient IP system combined with a national strategy would enable countries to better protect their intellectual assets, to develop and promote their own development goals. Aware that innovation and creativity enabled enterprises and countries to be more competitive on markets, Togo had set up the National Council on Intellectual Property (CNPI) which brought together representatives of public and private institutions concerned with IP issues. The Council's mandate was primarily to develop and have adopted an inter-sectoral national strategy for the protection and use of IP. In the context of promoting innovation and creativity, Togo had established a Focal Point for the Aid Foundation for the Promotion of Invention and Innovation (FAPI) which provided funding to inventors to develop and use their inventions. In the context of demystifying industrial property, the National Institute for Industrial Property and Technology (INPIT) was represented with the Center for Business Formalities (CFE) which aimed to reduce the counterfeiting of distinctive signs. The current partnership between INPIT, the media and the customs service of Togo had enabled the joint production and the broadcasting of programs aimed at fighting against counterfeiting and piracy which had taken a heavy toll on the economy and consumers. While recognizing that much remained to be done, Togo remained convinced that it would continue to benefit from WIPO's assistance to strengthen its IP system and to better contribute to sustainable development.

50. The Deputy Minister for Commerce of Thailand reported that since becoming the 142<sup>nd</sup> Contracting State of the PCT in December 2009, the Receiving Office of Thailand had received 37 patent applications. That demonstrated the growing demand for worldwide patent protection and confirmed Thailand's recognition of the benefits of the PCT. With a view to improving efficiency, Thailand had tackled patent and trademark application backlogs and accelerated examination processes and aimed to halve application processing times by the end of 2011 through outsourcing, upgrading IT systems and work-sharing with other IP offices, in particular ASEAN. Thailand also aimed to improve copyright performance by facilitating proof of ownership, licensing procedures and user access. The Deputy Minister welcomed Thailand's engagement with various stakeholders in promoting awareness of IPRs at all levels and hailed the association of creation, investment and commercialization by the matching of potential investors with creators or inventors and universities. Thailand also endorsed active engagement with international partners, on both bilateral and regional bases, and hailed its cooperation with WIPO in shaping global innovation policy and governance architecture. The Deputy Minister declared support of the ASEAN statement delivered by Viet Nam and stressed the significance of the ASEAN IPR Action Plan for the next five years and its objectives to enhance patent examination efficiency, accede to the Madrid Protocol by 2015, develop TK databases, set up an ASEAN IP Portal to facilitate information dissemination and launch a Creative ASEAN initiative. Thailand welcomed the establishment of the coordination mechanism and the new budgetary process for funding Development Agenda projects and stated that IP should be used a tool that promotes sustainable national development, especially for developing countries. Thailand thus supported the nine goals of the strategic plan for the period 2010-2015 and declared it would fully cooperate with other Members to achieve the goals within the set timeframe. The Deputy Minister endorsed the positive work of the IGC and hailed the substantive progress made on the draft text by the IWG on TCEs. He reiterated Thailand's firm commitment to an international legal instrument that would ensure effective protection of GRs, TK and TCEs, stressing that those three areas represented traditional IP and deserved equal recognition with contemporary forms such as patents, trademarks and copyright. The Deputy Minister also endorsed the initiative articulated by Mr. Stevie Wonder to develop through WIPO a system to promote access to literary material for the visually impaired and called on Member States to resolve their differences in that matter. Thailand emphasized that a creative economy and effective IP systems were two sides of the same coin and noted that its Government had implemented a twin-track approach that linked IP policy to its creative economy policy. Two national committees, on IP strategy and the creative economy respectively, were both chaired by the Prime Minister and aimed to ensure successful implementation of those policies with a view to promoting Thailand as a hub of creative industry in South East Asia, in cooperation with ASEAN, and to boosting the economic contribution of national creative industries from the current 12 percent to 20 percent of GDP by 2012. Thailand invited WIPO to promote the pairing of IP and the creative economy, stating its belief that such a policy would strongly favor sustainable growth and development amongst culturally-rich developing and least-developed economies. In conclusion, the Deputy Minister announced that Thailand would host an international creative economy forum, the Thailand International Creative Economy Forum, or TICEF, in Bangkok on November 28 to 30, 2010, to mark the anniversary of the formal launch of a creative economy policy in Thailand. The event would bring together more than 1,000 professionals, policy makers, entrepreneurs and academics in creative sectors from around the world in an event featuring debates and idea-sharing by leading creators together with networking opportunities. Parallel festivals at different locations of the city would explore film, broadcasting and design. An invitation to attend that forum was extended to all present.
51. The Minister for Industries of Bangladesh emphasized that the Government of Bangladesh was committed to building a "Digital Bangladesh" by 2021. That vision was based on the idea of creating a knowledge-based society which would help the country graduate to a middle-income status. Innovation and creativity would play a defining role, and effective transfer and use of information and industrial technologies would be instrumental in the process. Both innovation and access were key components of the

national development efforts. The recently approved National Industrial Policy 2010 recognized the protection and management of IPRs as an important factor for promoting innovation, access and development. The Industrial Policy aimed at turning Bangladesh into an industrialized country by 2021. As part of a strategic approach to IP management, the Government planned to establish an integrated IP office. The Director General's recent visit to Bangladesh had provided an opportunity to discuss possible technical assistance from WIPO for developing a national innovation and IP strategy. The National Industrial Policy 2010 had set a timeframe for enacting or updating all IP-related legal instruments. The Minister urged WIPO to advise the country's experts on maximizing the use of the existing flexibilities, exceptions and limitations in the international IP regime, explaining that there was a need to urgently address the gap in their understanding of the impact of protection and enforcement provisions that went beyond the obligations created by the TRIPS Agreement. The Government of Bangladesh was now attaching priority to expansion of its knowledge network and human capital to enhance productivity and economic growth, was promoting active public – private partnership for building the linkage between research institutions and industry, and was mobilizing resources for capacity building of the country's research institutions and providing incentives for R&D contributing to productivity growth and poverty alleviation. The success achieved in the area of agricultural research in terms of inventing new plant varieties was quite encouraging. The recent success by a group of Bangladeshi scientists in decoding the Jute genome sequencing was proof of the capacity of the home-grown research community. This momentum had to be sustained through proper public policy considerations. The role of international cooperation would also be crucial to the nation's success. As regards related institutional development, Bangladesh was actively considering the establishment of a dedicated IP Institute in one of its leading public universities and was exploring various models to help establish a collective rights management association in copyright and other related rights to support domestic creative industries. The Government was keen on developing a comprehensive strategy to maximize the use of the country's TCEs for wealth creation through employment generation. The recent WIPO publication on "Identification, Valuation and IP Protection of TCEs of Bangladesh" would be a valuable guiding document. This was the first time that such an extensive study had been conducted in an LDC like Bangladesh. The Minister was convinced that the methodology developed through this publication would assist similar initiatives in other comparable settings. On the other hand, he pointed out that the lack of adequate national capacity hindered the potential for LDCs to take advantage of the flexibilities, exceptions and limitations offered to them in the international IP regime. Bangladesh was one of the few examples where the waiver on patent rights for LDCs under the TRIPS Agreement had helped develop a robust pharmaceutical industry. At a Regional Forum for Asia-Pacific LDCs held in Dhaka in July 2010, Bangladesh had urged the international community to consider extending this waiver in favor of LDCs by another 15 years. The technology information contained in patents had to be made more accessible to LDCs, including through customizing the use of Patentscope® depending on WIPO Member States' development status. There had also been a specific recommendation to consider a waiver on IPRs for environment-friendly technologies that would be crucial for assisting LDCs and other climatically vulnerable countries in their mitigation and adaptation efforts. The Minister hoped that these recommendations would be further discussed and concretized during the lead-up to the Fourth UN Conference on LDCs in 2011. He asked WIPO to engage in the process and contribute to implementing the recommendations, including the specific issues mentioned in the WIPO LDC Ministerial Declaration and the 10-point Plan of Action for LDCs. He considered that the implementation of the WIPO Development Agenda would be key to responding to many of the challenges faced by LDCs in harnessing innovation and creativity for their socio-economic development. Bangladesh appreciated the progress made with the implementation of the Development Agenda technical assistance projects and underscored the need for taking a holistic approach with regard to implementation of the recommendations. All Member States had to work together to mainstream the development dimensions in the norm-setting exercise of WIPO, particularly in favor of LDCs. The Minister welcomed WIPO's initiative to mobilize extra-budgetary resources for financing IP-related capacity building in LDCs and would

like to see the LDC Trust Fund being operational as soon as possible. Bangladesh would continue to support WIPO in its efforts in this direction.

52. The Deputy Minister for Higher Education, Research and Technology and Religious Affairs of Greece, expressed the wish to adopt a broader perspective in his address than merely focusing narrowly on what his country was doing to promote the ideas and values shared by all. In the Deputy Minister's view, IP and innovation were two notions that seemed to fit well together while diverging at times. Innovation is the outcome of education and research. In order to thrive, education and research needed freedom, openness and broad interaction. The times we live in were interesting in his opinion. International organizations were striving to set rules that were not easy to implement. The Deputy Minister cited the example of international financial markets, the efforts to regulate them and the way in which financial speculators managed to get things their way beating all rules. The Deputy Minister further took the view that it was necessary to accept the fact that organized international structures always seemed to be one step behind those who knew how to make a profit by beating the system. In financial terms, IP does not have intrinsic value of its own, unlike human rights, but acquires value through the breadth of its dissemination. The Deputy Minister held up that the American Constitution tried to strike a golden balance between the time an innovation should be protected and the need for the diffusion of ideas for the benefit of society at large. The Deputy Minister went on to state his conviction that for the majority of those attending the Assemblies, the benefit of society at large and those that had been left behind through no fault of their own was of paramount importance. In the Deputy Minister's view what was needed was to use innovative ideas to improve the standard of living of the disadvantaged – and here he was not merely referring to countries but to segments of society that were not on the right side of the equation. The Deputy Minister noted that Mr. Stevie Wonder had presented a very good case the previous day and noted that it was not the only one and that there were many more. The Deputy Minister pointed to the need to examine and distinguish IP from different kinds of innovations, citing industrial designs, music, art, fiction writing, scientific writing and medicine as examples. He noted that digital technology and the Internet had completely changed the landscape and that there was a need to re-examine approaches on many things. He pointed to the example of music where illegal downloading had changed the relations between consumers, creators and distributors noting that in the end it was the consumer that benefited the most. Turning then to text books, or, more especially, to scientific journals, he went on to state that free dissemination of ideas had far more reaching consequences and that profit was not the prime motivation for innovation. The Deputy Minister pointed to the MIT open courseware initiative and the worldwide success it had. He also mentioned the example of Harvard that was also considering making all the textbooks it uses freely available on the Internet. The Deputy Minister pointed out that it was difficult to assess the huge impact on the world such a progressive initiative would have. In closing, the Deputy Minister stated that there was a need to be innovative in using innovation for the benefit of society and also to continually strive to find the right balance between protection and flexibility since we were all going to benefit from it. In this context the Deputy Minister concluded by wishing to commend WIPO and its Member States for the important efforts they were making towards promoting innovation and creativity for the benefit of all.
53. The Vice-Prime Minister for European Integration and Minister for Science and Technological Development of Serbia said that Serbia appreciated the joint efforts of all Member States in tackling innovation development, which was a complex issue that affected all present, and his Delegation was delighted to be taking part in the Assemblies. Serbia had been one of the 11 founding members of the Paris Union for the Protection of Industrial Property in 1883, which demonstrated that as early as the 19th century, it had recognized the importance of IP. After a difficult decade, not only for Serbia but for all the countries of the former Yugoslavia, Serbia was, like many countries, striving to build an innovation-driven economy, of which IP was clearly at the heart. Serbia was fully aware that an efficient national IP system based on international standards would not give automatic entry into the global economy but it did constitute the best means of ensuring that those with the necessary talent to succeed in the 21st century might decide to make Serbia their base. IP was therefore very much at the center of Serbia's development



strategy and over the previous decade much progress had been made. Serbia had undertaken significant efforts to consolidate existing institutions and establish new ones, in order to create an efficient system both from legal and enforcement perspectives. On October 1, 2010, Serbia would become the 38th Member State of the European Patent Organization and previously to that, in 2007, Serbia had signed a stabilization association agreement with the EU. Serbia was convinced that the good reputation of European standards in patents, combined with an efficient national system, would make Serbia an attractive foreign investment opportunity and build on the foreign investment that the country had already welcomed in recent years. After all, the country was aware that the better the IP system, the higher the quality of the investors that a country could expect to attract. It was aware that enforcement of IPRs was required in order to encourage technology-driven inventors. To take advantage of the international IP system, Serbia was increasing the funds allocated to R&D and, despite the crisis, it had managed to invest 400 million euros in its scientific and technological infrastructure, which was double its previous investment in that area. Serbia had made progress in opening the country up at the international level. For example, in 2005, it had decided to subject all scientific projects to an international refereeing process. As a result of the meritocratic aspect of that system, Serbia had managed to triple the number of high-quality published scientific papers and in February 2010, Thomson Reuters had published an article in which Serbia was referred to as a rising world star of science. Building on that success, Serbia had introduced concrete measures to promote IP. Aware of the fact that the Serbian scientific and business communities did not tend to file patents, the Government had made it a priority to fund scientific projects, targeting in particular those teams that had demonstrated their capacity to turn their ideas into patents and copyright. That decision had led to an increase in collaboration between business and universities. However, incentives had to be effective and it was pointed out that subsidies were not enough. Serbia had also amended its laws to ensure that inventors received a fair hearing and an equitable share. Thus, under its new innovation law, at least half of the income from royalties, and possibly up to 100 percent, could go to the inventor. On the other hand, the principle of professors' privilege had been suspended so that any innovation by an institution belonged collectively to the institution. With a view to disseminating an IP culture, Serbia had established, together with WIPO, a center for education and information at the Serbian IP Office. The center was having a considerable impact and was receiving wide media coverage. With regard to bilateral cooperation, Serbia had recently signed a significant program with the Government of Switzerland in the area of geographical origin and enforcement, which had had a considerable impact on Serbia's entrepreneurs and the public in general. It was also finalizing a very inclusive national IP strategy which was the result of broad debate on the real issues. In terms of the challenges that Serbia faced, piracy continued to be a problem and Serbia was also faced with problems relating to the collective rights of artists. With regard to the latter, the system was not working properly, but Serbia was aware that it was by no means alone in striving to ensure that in the Internet era of today artists were properly rewarded for their efforts. Member States had to tackle that problem together. Serbia was extremely grateful to WIPO for the support it had given Serbia over the previous ten years and was confident that based on cooperation with WIPO and a strong unified position, all Member States would improve their capability in IP matters. Serbia supported the MTSP and saw it as the fruitful result of intensive work and constructive consultations between the WIPO Secretariat and Member States. It hoped that the Plan would be adopted soon.

54. The Deputy Minister for Science, Technology and Environment of Cuba said she was pleased at the topic selected for the high-level sessions. Without knowledge and innovation, she stated, there was no possibility of sustainable development or survival, amidst the immense challenges currently facing humanity. She added that innovation and knowledge provided opportunities to promote development; boost economic growth; reduce inequity; cure treatable diseases and find solutions to currently untreatable ones; improve living conditions for billions of human beings; provide opportunities for the disabled; eradicate world hunger; achieve justice; and protect the planet from the pillaging impact of our own actions. Those opportunities could also be used to promote exclusion; deprive the poorest of technology and progress; keep billions of people in poverty; contribute to a monopolization or exclusivity over knowledge; concentrate the

domination of sources and resources for food production; exploit the planet's finite resources more intensively; and create weapons that could destroy the world. She remarked that there was an unassailable digital and knowledge divide, and that scientific and innovation activity was highly unbalanced. Each year, two million scientific articles were published and a million patents registered, and there were currently over a billion Internet users. However, 85 percent of publications, 90 percent of patents and 75 percent of Internet users were in industrialized countries. Currently, 700 enterprises accounted for half of world spending, and two thirds of private investment in R&D. Out of this group of firms, 80 percent were from five industrialized countries, while only one percent were from developing countries. According to the Deputy Minister, Cuba had identified innovation and knowledge as central factors in the development process, key to the aims of social justice, and a boost to the progress of the population as a whole. Cuba had an infrastructure of over 200 research, technology and innovation centers and areas, of which 115 were major research, development and commercialization centers. Cuba also allocated one percent of its GDP to science and technology, and had 15 scientists and engineers for every 10,000 inhabitants. The Deputy Minister commented that, in Cuba, there was one university graduate for every 10 people. By 2011, there would be one million graduates from higher education. In terms of environmental care and protection, Cuba - with its ecological footprint - was considered one of the few countries to have a sustainable development that was compatible with the preservation of nature. The speaker stated that Cuba had a science and technological innovation system that was the result of the country's political will, and that industrial property and its related activities had become a management tool in developing policies and strategies for the system. In addition, the Cuban Industrial Property Office had supported the decision-making process in R&D through its services, where it had created capacities in information and knowledge management, technological monitoring, intelligence and prospecting, which were all important tools in information processing and analysis that ensured the development of services with high value added and patent research in priority sectors. She described the vital importance of industrial property advice offered to the country's business sector in the implementation of its innovation and industrial property systems. Specialized advice was provided alongside the country's investment process, technology transfer and economic-scientific-technical collaboration, so that the aspects of industrial property involved were balanced with the interests of society. Another essential element for the promotion of innovation was training through programs endorsed by the Ministry of Higher Education. The Deputy Minister highlighted the importance for the innovation process of the implementation of and participation in different projects under the Development Agenda driven by WIPO and its Member States (such as the Patentscope® database, the aRD i project, Support Centers for Technology and Innovation and the Industrial Property Automation System (IPAS-JAVA) for the automation of the marks and patents process). The speaker said that Cuba fully shared the view that innovation and knowledge were fundamental instruments for eradicating poverty, tackling hunger and improving public health. Innovation and knowledge must result from cooperation among nations based on solidarity and responsibility, and could only be successfully promoted if States played an active and conscious role, with close involvement by governments and mass participation by the population. She added that just a few cultured and educated citizens who understood science, technology and innovation would lead national societies towards fair and sustainable development. In that regard, she singled out the support that WIPO offered its Member States to ensure that IP was increasingly used as a strategic tool for the purposes of innovation, growth and development. The Deputy Minister mentioned Cuba's attachment to and respect for international IP treaties, conventions and arrangements, as well as its commitment to enforcing the relevant legislation. She referred to the situation that had arisen for Cuba with the application of an article of a 1998 United States law, aimed at stripping the Cuban company that owned the mark Habana Club and its successors of their rights in the United States of America. She stated that the resolutions of the WTO Dispute Settlement Mechanism had not yet been put into practice. According to the speaker, following failed attempts to seize frozen Cuban funds in the United States of America, and on the basis of court applications submitted in the State of Florida against Cuba, there was an attempt to illegally auction off Cuban patents and marks duly registered in accordance with the law in the United States of America. She went on to say that countries had the right to live in peace and

build a future of justice in which innovation and knowledge were sources of virtue, not instruments of war, and that everyone should contribute to the balanced and sustainable development of societies and facilitate the path to knowledge, science, technology and innovation. The Deputy Minister concluded by saying that a better world was possible.

55. The Minister for Commerce, Industry and Promotion of the Private Sector of Guinea stated that he felt particularly honored to participate in the Ministerial High Level Segment in the context of the work of the current session of the Assemblies. Pleased to note that many delegations largely agreed with his view, he congratulated the Director General on the new dynamic he had successfully created at WIPO since his appointment in favor of promoting innovation and of developing intellectual creativity in that context of the WIPO Development Agenda. It was precisely in that context that the Government of Guinea had requested the assistance of the Organization since 2008 to develop a National Action Plan for promoting IP, having since then appreciated the true value of the high quality of the assistance provided by WIPO. The Minister reiterated his call to help finalize the Plan, in line with the Strategic Action and Orientation Plan adopted by the Member States of the OAPI at the International Conference on IP and Economic and Social Development. Guinea had a strong agricultural, mining and energy potential, the development of which required that the IP system play a decisive role, and which would enable Guinea to break with the traditional view of an IP system centered on notarial activities. WIPO's efforts to assist Guinea were highly appreciated since they aimed to make IP an essential and central component of an accelerated growth strategy leading to the achievement of the MDGs. WIPO's vision was fully shared by the high authorities in Guinea where steps were underway to set up a National Observatory of IP whose essential mandate would be the coordination and monitoring of all activities in that regard. The Minister took the opportunity to invite WIPO to fulfill its agreement in principle, to assist Guinea in achieving a certain number of priority actions including, in particular, the revival of the project on geographical indications and collective trademarks, the connection to the Access to Research and Development Information (aRD<sub>i</sub>) system, technology transfer and the fight against piracy and counterfeiting. The Minister was very pleased with the support provided by WIPO as regards training for universities and research institutions, and emphasized that IP should be integrated into sectoral strategies on education, public health, agriculture, the environment and energy, so as to breathe new life into them. The Minister was delighted with the renewal of the mandate of the IGC, at the previous session of the Assemblies, whose work would lead to the adoption of an international legal instrument which would undoubtedly contribute to promoting further local resources and instituting a mechanism for equitable sharing of benefits associated with using local resources. In conclusion, the Minister wished to see the high-level meeting lead to concrete recommendations which would be incorporated in the path leading to sustainable development and to prosperity for peoples.
56. The Minister for Justice and Human Rights and Correctional Services and for Law and Constitutional Affairs of Lesotho stated that the tireless efforts made by the Geneva-based diplomats to seek consensus on issues raised in hitherto virgin territory was indeed praiseworthy. The Minister fervently hoped that due note would be taken of the powerful message imparted by UN Messenger of Peace Stevie Wonder. She reported that Lesotho had already made certain advances towards improving facilities for the disabled, particularly the visually impaired. R&D as well as innovation in appropriate technological fields would assist her country in making further progress by empowering those with disabilities. She noted that global society in the 21st century was being transformed into a knowledge-based economy where knowledge and information were rapidly surpassing labor and capital as the main sources of added value. The Internet had unified the world and in such an environment of creativity and innovation IPRs had become one of the most important sources of competitiveness and wealth. The Minister stressed that Lesotho recognized the vital role played by science, technology and innovation in transforming the economy and attaining growth. Lesotho had taken a number of initiatives to create an appropriate framework in which science, technology and innovation could thrive and underpin the national development process. It was with that aim that Lesotho's science and technology policy proposed an implementation strategy comprising four principal measures, namely: re-focusing funding of science and

technology to include R&D; improving legislation infrastructure and institutional arrangements; institutional capacity building and establishing systems to better monitor targets, performance and impact; and improving coordination through clearly defined roles of relevant institutions. One such institution was the IP Office which had a mandate to promote and protect IP throughout Lesotho. The challenge faced by the IP Office was to encourage the promotion of innovative and creative activities so that IP could be used as an effective tool for economic growth and development, as in the past when the focus had been on registration and enforcement of IPRs. Raising awareness of the work of the Office at the grass-roots level was a challenge that was now being forcefully tackled. The Minister noted that her Delegation appreciated the pivotal role played by WIPO in narrowing the knowledge gap between Member States through its numerous capacity-building initiatives, such as Patentscope® and the Development Agenda. The Development Agenda offered, among others, an opportunity for WIPO to review the effectiveness of its service delivery in an area of capacity building. Her Delegation was therefore grateful that WIPO was committed to making all necessary arrangements to assist Lesotho in establishing a technology and innovation center, to finalize the automation process of the IP Office, and to organize a workshop for relevant stakeholders to prepare a national strategic plan of action for IP. She underscored that the Lesotho Delegation was pleased with the level of commitment shown by the Regional Bureau for Africa in the preparation for the upcoming IP national forum in October. The Delegation also noted with satisfaction the training provided by WIPO and its advisory program on IPRs in the global economy for LDCs organized in cooperation with the Government of Sweden and with the assistance of the Swedish International Development Cooperation Agency (Sida). The Minister commended WIPO's LDCs Division for continuing to provide valuable assistance and relevant support for her country. She stated that Lesotho recognized that WIPO had a highly professional and competent Secretariat but continued that, in order to further strengthen its capacity, recruitment should reflect not only an equitable geographical representation of Member States but also gender equity. She highlighted that the greatest advantage of having specialists with first-hand experience was that WIPO would be able to respond more swiftly and appropriately to the needs of Member States, fully appreciating the challenges they faced whilst following a minimal learning curve. Further, the International Bureau's capacity to support the efforts made by Member States would thereby be enhanced. The Minister stressed that the quality of human resources development was of the utmost importance and for that reason the IP Office in Lesotho had developed an outreach program aimed at raising awareness of IPRs and encouraging innovation. Those engaged in the outreach program had benefited from further training from WIPO Member States such as that provided by the USPTO through its global IP academy to Lesotho's policy makers, patent and trademark examiners as well as judges and prosecutors. WIPO had to be commended for the continued support extended to Member States to enable their participation in key WIPO committees and meetings, especially those with the greatest need, the LDCs. Lesotho had participated in the IGC and witnessed the developments made in that area. The Minister stated that the Delegation of Lesotho was pleased to note that negotiations were now focused and text-based. She hoped that that progress would continue and would result in a legally-binding international instrument. In conclusion, the Minister underscored that Lesotho was fully committed to promotion of innovation and the effective use of IP as a powerful tool for development and economic growth.

57. The Chairperson of the Public Authority for Craft Industries (PACI) of Oman congratulated the Chair on his election wishing him success. The Chairperson thanked the Director General for his comprehensive report. His able leadership, strong commitment and flexibility were instrumental in enhancing communication. Oman congratulated the Director General for his work plan, strategic priorities and measures aimed at improving transparency and accountability. Oman looked forward to the visit of the Director General scheduled for February 2011. The Chairperson also underscored the efforts made by the Secretariat in the field of technical cooperation, particularly activities for the effective use of IP as a tool for economic development. The Chairperson welcomed the appointment of a new Director for the Regional Bureau for Arab Countries, and reiterated Oman's commitment for further cooperation with the Bureau. Creativity and innovation played an increasingly vital role in wealth creation. Keeping abreast with that expanding

environment depended to a large extent on multilateral normative frameworks and the relative integration of the development dimension. It was equally essential that the aspirations and needs of developing countries are met. On the national level, and following accession to most IP-related international treaties over the previous decade, Oman undertook the development of its legislative system in line with those treaties. The Chairperson underscored the importance of cooperation with WIPO in establishing a national strategy designed to enhance the understanding and use of IP, facilitate the optimization of advantages of IP-related systems, information and services, and maximize the contribution of IP in addressing the challenges of development. At the forefront of those challenges was the establishment of national strategies, capacity-building in R&D activities and SMEs development. In that context, Oman welcomed WIPO's Language Policy as recommended by the Program and Budget Committee (PBC). Such a comprehensive policy would have a positive impact country-wide and would encourage active and fruitful participation by Member States in WIPO's meetings. Oman attached great importance to WIPO's role towards TK/TCEs protection. Oman's rich cultural heritage, including traditional arts and handicrafts, constituted a bridge linking the country's past, present and future, brought together civilizations and cultures, and provided a source of domestic income and job opportunities for young generations in particular. Against that context, Oman valued cooperation with WIPO in enhancing the IP capacity of SMEs. In addition, Oman was eager to cooperate with WIPO on the establishment of a national TK/TCEs register as a complementary instrument to national legal protection. In that regard, the Chairperson highlighted the importance of following on recommendations made by the Regional Consultation on the Protection of Expressions of Folklore for Arab Countries, organized by WIPO in cooperation with the Government of Tunisia on June 26, 2007, in particular its recommendation on the collection and documentation of GRs and TK. Oman followed with great interest the IGC negotiations and noted with appreciation the initiation of text-based negotiations. Oman also welcomed the outcome of the First IGC IWG, held in July in the current year. In conclusion, the Chairperson invited all ministers and delegations to visit the Oman Treasures Exhibition. The Chair and the Director General were invited to join the Chairperson in opening the Exhibition.

58. The Minister for Industry, Employment, Labor and Female Entrepreneurship of the Comoros informed the Assemblies that the Comoros, after a lengthy national debate that had brought together researchers, creators and performers, had decided to mainstream IP into national plans and strategies for economic and social development. That debate had provided a means of convincing actors and stakeholders of the urgent need for the Comoros to put in place an IP policy aimed at turning the current resource-based economy into an economy based on knowledge and innovation. In that connection, the Government had taken several initiatives to achieve that goal, including the signing of five legal instruments among those administered by WIPO and the establishment in 2010 of the Comoros IP Office, the sole body responsible for administering and managing IPRs, copyrights and neighboring rights. A program of legal, administrative and institutional reform was being prepared with a view to identifying the IP sectors and fields that were of strategic importance for national social and economic development, along with a revision of legislation aimed at preserving the balance between the protection of rights and improved access to their utilization. The Government had undertaken to introduce a capacity-building program for the personnel of the IP Office, especially managerial staff. It also planned to put in place a framework for cooperation with university, research institutes and associations of rights holders. The Minister paid a warm tribute to the Director General of WIPO and his team for the priority they had always given to cooperation with the Comoros. He stressed that the Government was counting on the support of WIPO to implement that reform successfully, and wished to extend special thanks to the Director General for the awareness-raising, information and training missions to the Comoros to promote creativity and innovation, and for the provision of IT equipment for the Comoros IP Office. In conclusion, he said that the Government was determined to derive maximum benefit from IP agreements, which were truly tools for the social and economic development and promotion of the well-being of the population.

59. The First Deputy Prime Minister of Mongolia conveyed his Government's belief that WIPO successfully integrated the needs and interests of Member States into its activities. All countries, regardless of their level of development, aimed to improve socio-economic well-being and quality of life through national competitiveness. However, each country's intellectual potential, strengths and weaknesses were different. The experience of countries with leading economies and good living conditions had proved the effectiveness of using IP as a tool for building a knowledge-based economy. In recent years, Mongolia had undertaken measures to exploit its vast natural and mineral resources. It placed great importance on investing the revenue thus gained in further wealth creation. To create a knowledge-based and competitive economy, it was necessary to establish a favorable environment for creating, protecting and using IP. Toward that end, Mongolia first needed to assess its current climate for nurturing creativity and innovation and to formulate an IP policy that would enable the future development of the country's priority sectors. A National IP Strategy reflecting Mongolia's specific needs was currently in progress, and the Minister thanked WIPO for its cooperation in that regard. As part of that process, Mongolia would focus on implementing its international obligations, participating in international debates on IP policy issues, exchanging IP information with other countries and the effective exploitation of IPRs by creators and rights holders. All countries faced challenges related to global warming and climate change, and Mongolia was no exception. The First Deputy Prime Minister stressed that extensive collaboration was needed and strongly believed that the joint efforts of Member States, together with WIPO's leadership, could lead to prosperity and growth for all nations.
60. The Attorney General of Brunei Darussalam said that it was a great honor for her to deliver a statement on behalf of her Government and she welcomed the invitation to participate in the High Level Segment for the first time since her appointment as Attorney General in August 2009. The Government of Brunei Darussalam recognized the importance and benefits of IPRs protection and its contribution to economic and social development. Although it adhered to international laws on IP protection, Brunei Darussalam had decided on a level of IPRs protection that was also appropriate to its national situation. It was just as important to ensure a balance between the rights of IP holders and the public interest, since granting overly broad protection could undermine technological innovation and have adverse effects on competition, while protection that was not broad enough could fail to provide sufficient stimulus for innovation and could therefore reduce creativity in society. Brunei Darussalam had always endeavored to promote local creativity and innovation by facilitating the acquisition and exploration of IP for development. Earlier that year, the speaker had personally launched the Innovation and Enterprise Office (IEO), which had been set up by the University of Brunei Darussalam with the objective to encourage and support interactive links between industry and R&D institutions, both publicly funded and private, as well as research-based departments in universities. In Brunei Darussalam, there was good evidence that IP had been important in the promotion of inventions in certain industrial sectors, particularly the chemical and petroleum industries, as well as biotechnology and information technology. Copyright had also proved essential in the music, film and publishing industries. For Brunei Darussalam, the nurturing of indigenous technological capacity through the IP system had also proved to be a key determinant of economic growth and poverty reduction. Despite the challenges faced, Brunei Darussalam had managed to make some notable achievements since the implementation of its IP laws in 2000, such as the conversion from a manual to an automatic system for trademark processing, which had been customized for its Trademark Office. Like all small developing economies, the greatest challenge facing the country, and one that required immediate attention, was how to instill an IP culture and encourage and promote creativity in an environment subject to severe constraints such as limited manpower, expertise and experience. Concerted efforts had been made to raise the awareness of the general public about IP. The Government of Brunei Darussalam attached great importance to publicity concerning IPRs and made wide use of the media, seminars and advertisements, and had conducted publicity campaigns to educate the general public on IPRs protection. As indicated in a recent WIPO publication, the better and more widely IP was understood, the better and more widely it could be used to increase economic health, social prosperity and cultural enrichment. Enforcement of IPRs was another area which had seen some significant

developments in her country and the Government had increasingly recognized that adequate protection and enforcement of IPRs were critical components for economic growth and development. Relevant departments in Brunei Darussalam had together investigated and dealt with major IPRs infringement cases, focusing on major fields such as the protection of trademark rights, copyright and neighboring rights. In line with its serious commitment to enforce IPRs in the country, a national taskforce for IP enforcement would be set up in the very near future. Her country greatly appreciated WIPO's endless assistance, guidance and bilateral cooperation. Major developments in the country's IP system would not have been possible without WIPO assistance and capacity building, and further assistance was required to formulate national IP policies. As a small economy, Brunei Darussalam welcomed assistance in promoting greater innovation, growth and development.

61. The Deputy State Secretary, Ministry for Justice of Latvia emphasized the relevance of the High Level Segment, which made it possible to compare different national experiences in strengthening IPRs and their implementation. The theme of innovation and economics was of particular interest and major importance for a country like Latvia. Over the previous decade, the country's integration into the European Union had provided the internal and external basic conditions for further development of its economy and public welfare. To ensure the sustainable development of Latvia in the future and the continued growth of its competitiveness, the country had had to create the prerequisites for its transition from an economic model based primarily on low-skilled labor and low-value added production to an innovative knowledge-based economy. To promote that transition, the national development plan for 2007–2014 had been adopted in 2007, together with a business competitiveness and innovation promotion program covering the same period. Industrial property was a major component of the two programs. However, the economic crisis had unfortunately made it necessary to make some adjustments to the programs, but it had also forced the Government and every institution to examine their functions and make the best use of available resources. Latvia was also revising its legal framework in the wake of the crisis and the umbrella law on industrial property was being redrafted with the main aim of strengthening patent office searches and improving the implementation of the country's policies, especially with regard to the appeals system for industrial property. Compared to other European Union member States, Latvia had one of the lowest rates of public and private sector investment in R&D, which was a disincentive to applied R&D, commercialization of research results and even innovative business development. Universities and scientific institutions were the key patent applicants and the speaker was proud to report that the number of national patent applications had increased between 2007 and 2010. However, the patent office and related institutions needed to organize industrial awareness campaigns in the industrial environment, targeting SMEs in particular. With the assistance of WIPO, conferences on IP issues had been organized in Latvia and in other countries and Latvia was grateful to the Polish Patent Office and WIPO for organizing various special events highlighting the special role of women in encouraging IP and creativity. Coordinated IP training had also been given in universities in cooperation with the EPO, but special measures were needed to promote the participation of SMEs in particular in the transformation of inventors' innovations into real products. Latvia was therefore very keen to hear about the different national experiences in that area. The Ministry of Justice had identified three key areas on which it would focus during the coming year: the development of the new legal framework to strengthen the capacity of the national patent office and promote the development of industrial property; the promotion of the use of industrial property in the daily work of SMEs, in close cooperation with the Ministry of Economy; and active participation in the exchange of best practices among the Member States of WIPO. Finally, the Deputy State Secretary said that the intellectual potential of human brains should be used for the benefit of all.
62. The Minister for Trade and Industry of Botswana welcomed the interaction on the Ministerial High Level Segment which accorded Honorable Ministers the opportunity to interact with WIPO, assisting them in providing policy direction and guidance and in appreciating the diverse challenges that the Organization faced, and, in addition, helping them to realize the importance of IP matters. Turning to the theme: Innovation, Growth

and Development; The Role of IP and Member States' National Experience, the Minister noted that it was pertinent to Botswana's development aspirations as enshrined in the Vision 2016 policy document; in particular, the second pillar which envisaged Botswana as a Prosperous, Productive and Innovative Nation. The same theme compelled those involved to assess, as they moved closer to 2016, how they have used IP in driving economic development. The theme further challenged them to tap into the existing wealth of experience from Member States, and use it in their economic Development Agenda. The Minister hoped they would find participation in this meeting a worthwhile experience which could be used in future to mitigate the challenges they encountered in dealing with IP matters. Referring to Botswana's participation in regional activities the Minister stated that her country was an active participant in regional IP activities and that it currently chaired the ARIPO Council of Ministers. Botswana had successfully hosted the ARIPO Administrative Council and the Council of Ministers meetings in November 2009 in Gaborone. The two meetings had focused on the importance of adopting a regional instrument to protect TK and expressions of folklore. Botswana was to submit to WIPO a draft ARIPO Protocol on the Protection of TK and Expressions of Folklore, and this was done in May 2010. Furthermore her country had chaired the Diplomatic Conference for the Adoption of the ARIPO Protocol on the Protection of TK and Expressions of Folklore held in Swakopmund, Namibia in August, 2010. The diplomatic conference had culminated in the signing of the Swakopmund Protocol on the Protection of TK and Expressions of Folklore. Member States had further resolved to put in place national laws and appropriate infrastructure to implement and enforce this Protocol. The adoption of the Protocol was very important for ARIPO Member States as TK held by indigenous communities continued to be valuable in natural resource management, nutrition, agricultural practices and health. ARIPO Member States, through this Protocol, made a commitment to protect their vast resources and ensure that there was benefit sharing in their exploitation. The protection of TK had the potential to lead to the economic empowerment of their people and improve their standard of living. ARIPO continued to call upon WIPO Member States to ensure that the work of the IGC bore fruit in the protection of TK, GRs and expression of folklore. Regarding her country's latest developments in IP and consistent with the theme of the High Level Segment, the Minister apprised the delegates of Botswana's latest IP developments. The Botswana Industrial Property Act 2010 was passed by Parliament in April 2010. This would provide adequate protection to right holders as it covered new areas such as the protection of TK, geographical indications and layout designs of integrated circuits. Once the Implementing Regulations for the Industrial Property Act had been finalized, and implemented, the law would be key to Botswana's community development, as it recognized the use of natural resources and the role of local communities in the utilization of their TK. Other initiatives were in the area of copyright where the security device (Hologram) was widely used to fight piracy. Since the introduction of this device, growth in the arts and creative industries, especially, in music and television productions was being seen. Efforts were currently being made to set up the Copyright Society of Botswana (COSBOTS) for which WIPO had offered to train its staff and the Government had recently provided start-up capital to begin operations. On behalf of her Government, the Minister thanked WIPO for its continued support and assistance in the form of staff training and the supply of IT equipment. Looking to the future, she noted that WIPO had pledged to extend the same assistance to the COSBOTS including digitization of IP documents. The digitization of the IP Office would complement the Government's efforts to move towards e-governance. Her Delegation wished to reiterate the need to have an international instrument on the protection of TK and expressions of folklore. The Minister and her Delegation looked forward to a constructive dialogue and would be happy to learn from the experiences of other Member States.

63. The Minister of State for Justice and Constitutional Affairs of Uganda said that his Government was honored and privileged to address the Assembly and thanked the WIPO Secretariat for its invitation. Uganda welcomed the involvement of political leaders in the proceedings of WIPO, since that initiative would create opportunities for strengthening policymaking in the development of IP to address modern challenges and would also enhance the implementation of WIPO's strategic plan. The Government of Uganda had adopted a national plan for 2010-11 to 2014-15 as the policy framework laying down the



national development priorities for each sector. The main themes of the plan were employment growth and social and economic transformation for prosperity. The plan's key goal was to transform Uganda into a prosperous middle-income country over the next 30 years. Its indicators for success would include improved employment levels, higher per capita income, a better-trained labor force and improved competitiveness in doing business. The plan identified IPRs as a key component of science and technology and competitiveness that were complementary and enabled sectors to provide institutional and infrastructure support for the national development plan. The plan had set the following strategic objectives: promote the development of value-added industries; increase the competitiveness of local industries; enhance the productivity of the informal manufacturing subsector; and enhance the application and development of scientific and technological research discoveries. The other objectives included strengthening the legal framework associated with IPRs, promoting and supporting technological development, technology acquisition and technology transfer, fostering innovation, promoting SMEs, establishing a national technology incubation center for nurturing SMEs and enhancing skills development. The Government of Uganda had actively supported the adoption of the WIPO Development Agenda to fulfill the Organization's mission of creating a balanced and effective international IP system for all Member States. It greatly appreciated the various programs and projects that had been developed to support the development needs of the developing and LDCs and requested technical assistance for a comprehensive medium-term work plan that had been developed and would be submitted to the Secretariat for consideration. Over the previous year, Uganda had undertaken various development activities with WIPO's support, including a successful Regional Forum on IP and the organization of various training programs. Uganda had also participated in the LLM program at the African University in Zimbabwe and all those activities had contributed tremendously to the development of IPRs in Uganda. The process of making the IP Office autonomous had been completed in July 2010 and the country's legal framework had been enhanced with a new Trademark Law enacted in 2010, a copy of which had been submitted to the International Bureau for consideration. Several Acts were in the final stages of enactment, including the Geographical Indications Bill and the Plant Variety Protection Bill. Uganda was still wrestling with the challenge of developing a comprehensive international IP strategy to coordinate the more sector-specific stakeholder institutions but stressed that its IP work plan highlighted that priority. Uganda had fully recognized the critical role that IP could play in economic development and therefore supported the WIPO Development Agenda and the continued work of the IGC. Finally, the Minister assured the Assembly of his country's continued support and wished the Assembly success in its deliberations.

64. The Deputy Minister for Trade and Industry of Namibia congratulated the Chair on his election and assured him of Namibia's full cooperation. He stated that the establishment of a sound IP framework for facilitating and promoting commercial and industrial activities was a priority for Namibia, as reflected in the country's National Development Plan. The challenges of the new Millennium which called for change and development, especially with regard to information technology, electronic information technology, information distribution and electronic transactions, had prompted Namibia to draw up a Law on Information, Communication and Technology which encouraged innovation in its science and technology centers. Business registration and IP systems had always been an integral part of economic, social and cultural development and the new challenges posed emphasized how globally interlinked national and international IP and business registration systems had become. Industrial property rights and business legislation made it possible for innovators to penetrate new markets with minimum risk and justify the investment made in the research that had led to the innovations and business in the first instance. No IP or business registration system could make an effective contribution to economic development unless the system was known to and used by those for whose benefit it was established. Not only should the system be well established to serve the needs of traders, manufacturers, industrialists, researchers, businessmen and consumers, but it should also be regularly reviewed to ensure that it was up to date and meeting the changing demands upon it. In order to address some of those challenges and to harness IP opportunities, Namibia was reviewing its IP and business registration systems, assessing their relevance and the need for change. To that end, the Namibian

parliament was in the process of debating the Industrial Property Bill and establishing a national authority with a mandate to review and modify the country's business and IP administrative system. Discussions were at an advanced stage to sign a Memorandum of Understanding (MOU) between WIPO, the Ministry of Trade and Industry and the Polytechnic of Namibia for the Polytech to host a PCT database accessible to the country's students, research institutions and industry, among others. Namibia had successfully hosted the ARIPO Diplomatic Conference on the Adoption of the Swakopmund Protocol on TK and Expressions of Folklore and a draft Protocol had been submitted to the IGC to aid in the work of the latter. The Protocol had been adopted by members of the OAPI and ARIPO alike, representing more than 50 percent of the countries on the continent, and it was hoped that work could now begin on the development of a legally binding instrument on the protection of TK and expressions of folklore. The Deputy Minister thanked WIPO for its continuing financial and technical assistance in the automation of Namibia's IP office and for its ongoing capacity-building initiatives and wished everyone a constructive and fruitful time during the Assemblies ahead.

65. The Minister for Commerce of Yemen recalled the country's glorious historical achievements and rich cultural heritage, which could constitute one of the fundamental resources for economic growth. Retrospection was necessary to address present and future questions with the aim of working as one towards innovative solutions. The Minister looked forward to actively contributing to the realization of the link between IP and innovation, creativity as well as economic and social growth for all. On the national level, the Minister highlighted the country's achievements, particularly the modernization of copyright legislation, the introduction of the constitutional freedom of thought as well as the right to have access to, and use information. The national cultural policy recognized creativity and innovation as stimuli for R&D, growth and development. They were important factors in the overall development activity. Therefore, the country was committed to ensure IPR protection and build respect for creators' rights in a world of increasing challenges posed by advances in communications and progress in cultural industries. However, Yemen's efforts were not limited to IPR protection but also sought a more active role in creative industries which provided further economic resources in addition to conventional sectors of economy. Investment in the human capital and the exploitation of products of the intellect constituted limitless resources for world economy. Developed countries and LDCs needed to reset priorities and invest more in creative and innovative capacity building. Development programs should focus more on education, culture and scientific research. If the potential of such sectors remained exploited, success of those countries in the field of creativity and innovation would be limited to uncovering acts of counterfeiting and piracy. Yemen, instead, sought to exploit creativity and innovation as important factors of growth. Authors and creators should be able to obtain economic return for their work, as moral rights alone did not provide sufficient incentives for more creativity and innovation. The Minister hoped that the outcome of Assemblies would pave the way for LDCs to realize the potential of the link between creativity and innovation on the one hand, and economic and social growth on the other. The Minister was convinced that WIPO and its able leadership would play an important role in providing the necessary information and technical advice for bridging the gap between developed, developing and LDCs, including Yemen. The Minister concluded by expressing gratitude to the WIPO Director General and his staff for their outstanding work in the previous year.
66. The Minister for Commerce and Industry of Afghanistan expressed his gratitude to WIPO, and proceeded to cite the collapse of the Taliban regime in October 2001 and the subsequent establishment of President Hamid Karzai, stating that since 2002 Afghanistan had experienced revolutionary changes in political, economic and social spheres and that Afghanistan was consequently a young democracy. He pointed out that, following a state-control economy, most of Afghanistan's economic and financial institutions had been built on the assumption of a market economy. After highlighting Afghanistan's enshrining of market economy principles in the new constitution and new laws governing economic and financial matters, as well as its endeavor to build a tolerant, democratic and pluralistic society within the confines of Islam, the Minister stressed that in doing so,

international laws had been followed and that Afghanistan had adhered to best international practices, including IPRs. He then referred to Article 47 of the new Afghanistan constitution, which protects the rights of authors and inventors and discoverers, and to Afghanistan accordingly joining WIPO in 2005. The Minister was pleased to announce that the Ministry of Commerce and Industry (MCI) in Afghanistan was given responsibility over matters related to the protection of IP, and the MCI had established a Board of IPRs in 2007. He admitted that although Afghanistan had adopted regulations to protect trademarks as early as 1960, IP issues were rather new in Afghanistan, stating that the need for public awareness of IPR was quite strong. In response, the Minister announced, the MCI had conducted a number of seminars in the past two years for government officials, the civil society and educators trained in awareness of IPR, and that under the leadership of the MCI, the Government of Afghanistan introduced the Trademark Law in 2009. He continued, stating that in 2007 the Patent Law and the Copyright Law were also adopted, and that the MCI had established the IP Office within the Ministry and that work was underway to strengthen the Office so it could better carry out its responsibilities. The Minister added that the Government of Afghanistan had also sent two scholars to Japan and Switzerland to pursue advanced studies in IP issues, and that numerous officials of the MCI had benefited from seminars on IPR at the Ministry. To improve understanding of IP issues, Afghanistan had been assisted by WIPO, the International Development Law Organization and donors such as USTID, to which the Minister then expressed his gratitude. He stated that although Afghanistan had made significant progress, there was a lot more to be done to be fully compliant with international standards and emphasized the need for assistance from international organizations such as WIPO and donor countries to achieve this objective, citing the need to strengthen the capacity of the IP Office at the MCI and the need to establish a copyright office at the Ministry of Information and Culture, in particular. He proposed that this institution train Afghan officials, especially at the Ministry of Finance, Ministry of Interior, the Attorney General's Office and Judges, in issues related to IP, and that the IP Office at the MCI should hold national workshops aiming at increasing the awareness of the importance of IP in modern business and industry. The Minister reiterated Afghanistan's decision to integrate its economy into the world economy and to adhere to international laws, then stressed a desire for an early development of IPR institutions and practices in Afghanistan, noting that innovation would be the most important factor driving economic expansion in the 21st century and that unless IP is protected, the incentive to innovate would be weak. The Minister concluded by stating that Afghanistan was committed to the protection of IPR and best international practices regarding IPR, but Afghanistan's resources were not sufficient to enable the building of institutions in accordance with international standards. The Minister thanked WIPO and donor countries for their assistance in the past and hoped that international organizations and donor countries would continue to help build Afghanistan's IP protection institutions.

67. The Deputy Minister for Domestic Trade, Cooperatives and Consumerism of Malaysia announced that Malaysia wished to associate itself with the statement made on behalf of the ASEAN and the DAG. The Deputy Minister noted that innovation had become an important agenda item for the country's future economic performance and would be attained through a strengthening of research, development and commercialization. The declaration of 2010 as Malaysia's year of innovation and creativity was considered to be a move by the Government of Malaysia to establish innovation as part of Malaysian culture. In order to encourage Malaysians to be more creative and innovative, Malaysia had introduced a new economic model for creating a high-income nation, meaning higher wages throughout the economy since growth derived not only from capital brought about by greater productivity but also through the application of skills and innovation, and improved coordination of and compliance with international standards and IPRs. The Deputy Minister reported that Malaysia was in the process of strengthening its legal IP framework by amending certain provisions and adding several new ones to the trademark, copyright, patent and industrial designs acts. Reforms were being introduced into IP-inspection and restoration procedures and practices, and improvements made to delivery systems and services, taking into account current developments and international practices to enhance small local businesses and encourage foreign

investors. The Deputy Minister announced that, through the Ministry of Domestic Trade, Co-operatives and Consumerism, Malaysia was playing a vital role in enforcing the statutory provisions to combat piracy and counterfeiting activities. Internet and forensic investigation units had been established to combat piracy at its source, working closely with other international copyright organizations, such as motion picture associations, international federations of the phonographic industry, and business software alliances. Malaysia continued to intensify its efforts to enforce stringent measures to ensure effective border controls, thus cooperation with the relevant agencies was important for enforcing IPRs at domestic and international levels. The Deputy Minister stressed that, as a member of the DAG, Malaysia was pleased to note the implementation of development agencies' projects and welcomed the progress made during the fifth session of the CDIP. Implementation of its projects should benefit Member countries, particularly the developing and less developed countries. Malaysia also welcomed the coordination mechanism and monitoring, assessing and reporting modalities for the Development Agenda. The adoption of coordination mechanism principles would mainstream the recommendations through the work of other WIPO policies and enhance the effectiveness of WIPO's activities on behalf of its Member States, especially the developing countries and the LDCs. Malaysia agreed that the process for the implementation of the Development Agenda recommendations should be identified by the Secretariat within the current program and budget. Reprioritization of activities might be necessary if the Secretariat were unable to identify savings throughout the program and budget to fund the projects. Malaysia supported the recommendation that the projects and activities approved by the CDIP should contain a description of them. All Member States' interests would then be reflected and the move would help to monitor an evaluation of the overall program performance. Malaysia supported the initiative towards constant improvement of the PCT system, with a follow-up study to be conducted by the International Bureau. Malaysia also welcomed the provision of technical assistance to developing countries and facilitated access to effective searches and database systems at a subsidized rate. The Deputy Minister highlighted support for the establishment of the WIPO Treaty on the Protection of Broadcasting Organizations, which would serve as a platform for signal-based transmission entities, and stressed that more regional seminars focusing on that treaty would enhance stakeholders' and Members States' understanding of its benefits. The WIPO Secretariat should take stock and move forward on the establishment of that treaty. The Deputy Minister was pleased to note the development of the WIPO IGC, in which negotiations were progressing well, and was looking forward to finalization of the instrument. Malaysia wished to reaffirm its support for the proposal concerning the WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers, particularly the aspects thereof which benefit the visually impaired. The Deputy Minister acknowledged the work of the SCCR, and agreed that all the issues should be retained on that Committee's agenda for its regular session. The Deputy Minister stressed that Malaysia appreciated in particular the opportunity to participate in the capacity-building activities organized by WIPO and was grateful to WIPO for giving Malaysia the opportunity to co-organize seminars and workshops, especially in the areas of copyright and related rights. Such activities contributed significantly towards the development of the IPRs system in Malaysia, particularly information sharing with other Member States during the seminars conducted by WIPO. The Deputy Minister concluded by reiterating Malaysia's commitment to WIPO's future work in promoting and protecting IP and to close cooperation with the Organization in that regard.

68. The Deputy Minister for Commerce, Trade and Industry of Zambia congratulated WIPO on introducing the High Level Segment, which was an ideal platform for policy makers to share experiences and advance the development of IP collectively and individually. In line with the theme for that year, Zambia joined the international community in supporting the efforts undertaken by WIPO and all like-minded Member States in promoting innovation, growth and development in IP through various initiatives. He thanked the Secretariat for the excellent preparations and reception given to his delegation upon its arrival in Geneva. Zambia's long term vision was to be a prosperous middle-income country by the year 2030. However, in the globalized knowledge-based economy of today, that could be achieved only by seriously tapping into and fully exploiting the

nation's intellectual capabilities and developing intellectual assets. To that end, Zambia, realizing its role in the development of IP in the global arena, had made IP the centerpiece of its industrial development strategy. That initiative would also be reflected in the country's forthcoming National Development Plan. The Deputy Minister emphasized that R&D was cardinal in every nation's development. The Government of Zambia had therefore invested heavily in R&D institutions to promote R&D, which were key to innovation. Zambia could boast of a number of universities and research institutions that were involved in the development of innovations in many productive sectors, thereby greatly contributing to national development. The innovations included food and beverage production, treatment of water and the treatment of certain ailments such as bilharzia and burns using pig skin developed by one of Zambia's prominent research institutions, the National Institute for Scientific and Industrial Research. Other innovations included the development of local hybrid maize seed by the country's agricultural institutions. However, those and other innovations had not been adequately protected, leading to technology abuse. That was largely attributed to the lack of a proper IP protection regime in the country's R&D and higher learning institutions. Zambia had also had a positive experience in the operations of micro SMEs, which were mainly involved in the production of textiles, clothing, furniture and farming implements. Although some of those micro SMEs had registered their trademarks, the majority had not protected their innovations through patents due to a lack of awareness. The Government of Zambia, through its Patent Office, had therefore embarked on an intensive awareness-raising campaign to stem that setback and had recently adopted an IP policy to give further impetus to the development and promotion of IP. That policy would go a long way in setting a framework for improved growth and development of IP in the nation. Moreover, in early 2010, Zambia had enacted a law constituting its industrial property office, which also administered the Companies Act, into a legally autonomous institution. The national Government was optimistic that autonomy would render the institution even more effective and efficient in the promotion and protection of IP. In order for Zambia to continue contributing to the growth and development of IP, the Government had embarked on a comprehensive review of the national industrial property legislation in order to modernize it and align it to the nation's development aspirations. The latest version of the revised draft laws encompassed the protection of geographical indications, service marks, utility models, integrated circuits of layout designs and TK, GRs and expressions of folklore, which were currently not protected in Zambia. It was hoped that the entire spectrum of IPRs would be protectable in Zambia before the end of 2011, well within the 2013 deadline stipulated under the TRIPS Agreement. Together with other ARIPO Member States, Zambia had recently adopted a Protocol on the protection of TK and expressions of folklore. The Government hoped that the Protocol would send a clear signal of Africa's determination to protect their resources as well as help to accelerate progress at the WIPO IGC. The Deputy Minister concluded by thanking WIPO for its continued assistance to Zambia and for hosting the second Ministerial High Level Segment which was a very important addition to the agenda of the Assemblies. The Delegation of Zambia encouraged the Secretariat to continue holding such meetings in the future in order to promote interactions among policy makers from various Member States to facilitate the development and promotion of IP for the betterment of all nations.

69. The Minister-Delegate of the Ministry of Foreign Affairs, International Cooperation and Francophonie of Gabon, was honored and pleased to take part in the High Level Segment, which gave him an opportunity to present the initiatives and actions taken by his country with regard to IP. At the urging of the President of the Republic, Gabon's industrial policy had since 2009 been based on the local conversion of raw materials, with the accompanying incorporation of IP and in particular patents, industrial designs and trademarks in the country's economic development process. That approach was underpinned by Gabon's potential to strengthen its development. Moreover, the country and its neighbors, that is, Cameroon, Congo, Equatorial Guinea and the Democratic Republic of the Congo, were part of the Congo basin. They alone formed the world's second largest biodiversity reserve after the Amazon. That "lung of humanity", which offered prospects for exploitation, particularly for the pharmaceutical and cosmetic industry, contained great resources to be preserved and carefully exploited as raw materials. Gabon therefore wholeheartedly supported the strategy of enhancing GRs. It

further endorsed the current process of drafting a document to enhance and protect TK and folklore. Accordingly, the policy followed by the Government of Gabon was aimed at the local conversion, in the near future, of certain raw materials taken from the soil and sub-soil with a view to moving from an economy based on the sale of commodities to an economy of industrial conversion -- the only means of providing high added value, creating jobs, combating poverty and above all reducing dependency on the outside world. As actions spoke louder than words, the Government of Gabon had just taken the step of banning exports of undressed wood. Local conversion of Gabonese wood implied the transfer of technology and thus a need for IP utilization and capacity-building. However, it should be noted that IP matters and their relationship with the economy were subjects that relied on skills and know-how that were closely guarded by IP management bodies. International cooperation made it possible to achieve goals and to match intentions and deeds. That was precisely why Gabon had endorsed the ambitious Plan of Action and Strategic Orientation of OAPI, the IP office, and proposed *inter alia* that a National Committee for the Coordination and Development of IP be set up in the African States. Gabon also endorsed the WIPO Development Agenda, the main thrust of which matched its own development goals. It welcomed the dynamism of their respective Directors General, and invited the two institutions to join forces in preparing a National Development Agenda for Gabon that gave pride of place to IP. As the Director General had said the previous day, innovation was a key factor in economic growth and the creation of better quality jobs. It was also essential to the competitiveness of countries, industries and enterprises. The Minister-Delegate concluded by stressing the need in today's world to monitor technological progress and ensure economic expansion with a view to adopting a production system of high added value and guaranteeing sustainable development. There was hope, as was perfectly clear from Stevie Wonder's appeal the previous day for the Declaration of Freedom.

70. The Deputy Minister for Culture of Iraq referred to the difficult and complex events leading to regime change which, the Deputy Minister hoped, would bring about openness to the international community. With assistance from international organizations and governments, Iraq was able to join the international IP system which was an illustration of the advancement of modern society and a source of protection for groups, individuals as well as governmental and non-governmental institutions. Although Iraq had established a protective IP legislative framework to safeguard the country's historical civilization featuring valuable creations and inventions, the Deputy Minister believed that, after the country opened up to the international community following over four decades of isolation, it was realized that Iraq was in much need of international material and technical support for IP protection. While Iraq's IP system was a modern comprehensive one, its implementation and enforcement faced many difficulties which could not be overcome without continuous efforts. Such efforts included the assistance provided by WIPO through technical, financial and legal support and advice. Referring to the various outcomes of such assistance, the Deputy Minister mentioned the establishment of the Iraq National Center for Copyright and Related Rights, the deployment of patent and trademark services, in addition to the creation of the National Register for Iraq's Tangible and Intangible Cultural Heritage. Cooperation between the Government of Iraq and WIPO became a national commitment in order to achieve more results, notably the conclusion of a Cooperation Agreement in September 2009 with the objective of supporting IP Centers and organizing workshops and seminars on IP matters. The Deputy Minister referred in particular to the most recent Workshop on Copyright held in Algeria with direct sponsorship from WIPO. As IP became an integral part of material life, individual creators and innovators as well as entrepreneurs became more aware of the need to protect their rights. Equally, the reinvigoration of IP culture and IPRs in Iraq became part of the country's cultural and legal system. Consequently, IP norms constituted a fundamental component of the judicial system. After filing for accession to WTO in 2004, Iraq became more attentive to its decisions and policies concerning international trade and embarked on a revamp of its economy and trade legislation to bring them in conformity with WTO standards, particularly under the TRIPS Agreement. Iraq's laws would therefore provide more efficiency and conformity for the establishment of an appropriate legal system for the exercise and protection of those rights. After liberating its population from a dictatorship which oppressed intellectual expression and

prosecuted creators, authors, scientists and artists, Iraq was impatiently eager to be a fully fledged Member of WIPO. Within a relatively short period, Iraq's IP policy became more compliant despite the heavy burden of past dictatorship. The Deputy Minister wished to emphasize that acts committed currently in Iraq in the name of Islam should not and cannot be associated with such a peaceful religion that called for dialogue and tolerance. Those violent acts of terrorism, the Deputy Minister affirmed, were undermining the country's international role. Nonetheless, thanks to assistance from governments and international organizations, creativity and innovation in Iraq would regain stability and prosperity. Iraq's next policy orientation would be the preparation for accession to most IP-related international treaties, particularly the PCT, the Hague Agreement, the Madrid Protocol, the Berne Convention, in addition to progressive work on other WIPO-administered treaties. In conclusion, the Deputy Minister expressed gratitude to the Director General, WIPO staff as well as the Arab Bureau for their support.

71. The Deputy Minister for Information Technologies and Communication of the Republic of Moldova said that he was honored to have been given the opportunity to express his country's views on IPRs and its support for WIPO's activities and projects. The Government of Moldova fully supported IP issues and considered that respect for IPRs should be an integral part of the country's fundamental system of values. That would be achieved by promoting understanding of the nature of IP and its potential to improve the social and economic life of Moldova. Intellectual assets were fundamental to the country's sustainable future. Increasing challenges in terms of economic freedoms should not mean that respect for IPRs should be waived. It would be necessary to alter business models, increase the scope of IP protection and alter the perception of what was considered to be of value. He reiterated that the promotion and growth of a knowledge-based economy was founded on IP and announced that the Government of Moldova had achieved a number of important goals in its quest to develop IP protection and promotion. It had first adopted the necessary policies and legislation and had then ensured that the markets and institutional infrastructure were appropriate for ensuring that intellectual assets were properly defined, protected and utilized. WIPO had made a highly valuable and much-needed contribution to Moldova's efforts in that regard and the country was extremely grateful to the Organization for its continuing support. IP was a subject of the utmost importance to his Government and its approach was to proceed sympathetically and with an understanding attitude, within the Government, with industry and with consumers. As elsewhere, piracy was presenting a great challenge in Moldova. The cost and effectiveness of IPR enforcement in such an environment was determined by education and awareness and seeking a cost-effective solution. The Deputy Minister noted that innovation and creativity had become the new mantra wherever one went, at any international conference. Therefore, in order to capitalize on that situation, issues concerning both existing and future IP models should be addressed innovatively since they would enable sustainable economic and social progress in his country. For such innovation and creativity to become the driving force behind Moldova's development, the role played by the participants in the Assemblies was critical. In conclusion, on behalf of the Government of Moldova, the Deputy Minister reaffirmed his country's full support for WIPO's projects, programs and initiatives.
72. The Associate Minister for Commerce, Industry and Labor of Samoa said that he felt privileged and honored to stand before the General Assembly. Samoa was an island state with a population of 170,000 and WIPO had played a significant role in improving the lifestyle of its people during the transition from a barter to a money system. The economy was growing and the standard of living in the small island was increasing. Samoa stood to gain substantially from WIPO's initiatives and fully supported the conference theme of encouraging creativity and innovation. The Delegation was sincerely grateful for the opportunity to participate in such an important Assembly.
73. The Deputy Minister for Justice of Costa Rica, also in his capacity as Chair of the Inter-Agency Commission for the Protection of IP in Costa Rica, said it was an honor to represent his country and refer to the Costa Rican vision of the role of IP in its development policies. Costa Rica's experience showed that IP should not be seen as a matter for developed, large or wealthy countries because, in a broader and more

comprehensive way, it was a useful, necessary and indispensable tool for promoting the development of a globalized economy in which wealth generation was based mainly on information and knowledge. He added that IP not only protected the result of the work and made it possible to reap the benefits, but it also improved the competitiveness of enterprises, be they small, medium-sized or large. What was more, the actions that any country must undertake to promote and protect IP had knock-on effects in terms of development. He pointed out that Costa Rica was a country that was backing the development of its human capital, given that it had always understood the importance of education as a development tool. Over time, the country had thus built an industry based on knowledge, where research, innovation and institutional capacity to protect trademarks, patents and industrial designs were strategic activities. The Deputy Minister affirmed that the export of traditional agricultural products had been surpassed by the sale of high-technology goods and services with high value added, and that 45 percent of its exports were high-technology goods, which made Costa Rica the world's fourth largest exporter in that category. Thanks to the high quality of Costa Rican professionals and the comparative advantages offered by the country, a growing number of enterprises and universities were deciding to set up in Costa Rica or identify Costa Rican partners to carry out research and develop their scientific and business projects. By way of example, he cited the National Institute of Biodiversity (INBIO), which had considerable experience in implementing strategic partnerships with private laboratories and universities from other countries to research Costa Rican flora and fauna, and in the varied application of the knowledge thus obtained. He also pointed out that there had been a consolidation of the Costa Rican software industry, which had significant exports. The Deputy Minister stated that, for Costa Rica, it was vitally important to broaden the horizon of work in the field of IP, by promoting a comprehensive policy based on the conviction that IP was an instrument of development. Therefore, the traditional approach of enforcement and protection must be transcended. Alongside investing in the promotion of a culture of respect for IP, he claimed, it was also vital to invest in improving the institutional capacity on which enforcement and protection were based. The identification of actions aimed at strengthening the role of Costa Rica as a generator of IP was a priority on the national Development Agenda. In his opinion, the generation of knowledge and the development of innovation potential in order to improve quality of life, growth and economic diversification called for a comprehensive IP policy to ensure all those efforts were consistent and had a common purpose. He mentioned that the Government had decided that the Inter-Agency Commission for the Protection of IP should be the senior body, tasked with formulating the national IP policy and acting as focal point for the international community, and WIPO specifically, to enable Costa Rica to carry out a comprehensive and coherent project based on clearly defined objectives. In that sense, he described how his country shared the rationale and objectives of the MTSP, which was the tool that must guide the search for growth based on knowledge and innovation, and that also helped to improve people's access to the benefits of development. In conclusion, he said that science and technology must become the pillars of economic and social evolution, and that State policies must be adopted that went beyond a short-term vision of four, five or six years, because it was essential to stimulate the scientific and technological vocations of young people early on in the educational process.

74. The Delegation of Angola, on behalf of the African Group, recalled the importance and urgency of establishing a rotational mechanism to ensure balance in geographical representation on the different WIPO committees and the election of their Chairs as a means of avoiding future disputes among regional groups due to the absence of clear rules, and suggested that WIPO emulate UN practice in that regard. Concerning the draft agenda for the 2011 Assemblies, Member States should be free at any time to introduce additional items deemed important. With regard to the MTSP for 2010-2015, the Group thanked the Secretariat for consulting with Member States and noted that the medium-term review mechanism ensured that the MTSP would remain relevant and continue to set appropriate strategic directions. The Group believed that the strategic direction of the Organization should be guided by the development of general recommendations, and commended the results-based methodology of periodical progress reports. Addressing the budgetary procedure for projects proposed by the CDIP for implementing the Development Agenda recommendations approved by the PBC, the



Group reaffirmed its position that Development Agenda activities should be financed by the regular budget of the Organization. The Group welcomed WIPO's proposed language policy that would extend committee documentation coverage to all six official UN languages as of 2011 and acknowledged that that would imply rationalization of document volumes and translation outsourcing to developing countries. Support was expressed for webcasting of WIPO meetings. The Group also stressed that translation should be extended to WIPO publications, statistics and website content, and recalled the decision of the 2000 Assemblies on language use, noting its concern that notification of events by the Secretariat had been available only in English, French and Spanish and not all official languages. With regard to norm-setting activities, the Group shared the view of developing countries and LDCs that the CDIP had an important mandate to monitor implementation of all recommendations approved in 2007 and the Group therefore welcomed the adoption of the coordination modalities for the Development Agenda and urged fulfillment of the Committee's mandate to provide a venue to discuss IP and development-related issues during its forthcoming sixth session. Concerning the SCCR, the Group welcomed the effort to address issues equally important to both developing and developed countries, namely the protection of broadcasting organizations and the protection of audio-visual performances, as that was an area where African artists needed to see their productions protected. The Group had submitted a draft treaty on limitations and exceptions on copyright related to educational activities, libraries, archive services and disabled persons, which addressed the needs of persons with print disabilities, and reiterated its support for an international legal instrument reflecting the obligations of the UN Convention on the Rights of Persons with Disabilities and recognizing that the key issue in dealing with limitations and exceptions was finding a balance between rights holders and users, and also a balance among users themselves. The Group supported the development of international copyright rules to provide adequate solutions to the questions raised by new economic, social, cultural and technological developments, in so far as solutions adequately balanced the needs of all stakeholders, and recognized the role of the copyright system in facilitating access to information by print disabled persons. Moving forward, the four proposals extant, respectively, that of Brazil *et al* at the 18th session of the SCCR, the said African Draft Treaty, the Draft Consensus Instrument proposed by the United States of America, and the Draft Joint Recommendation of the European Union, could provide ground for compromise leading to a comprehensive treaty addressing access for the visually-impaired, as well as educational activities, libraries, archive services and the disabled, as discussed at the previous SCCR session. Regarding protection of audiovisual performances and broadcasting organizations, the Group considered that SCCR agreement on norm-setting would pave the way for adoption of an international instrument, and expressed willingness to advance discussions to reach a speedy conclusion on those two important points. The Group strongly endorsed the IGC and its new mandate to start substantive negotiations to present a comprehensive text to the 2011 Assemblies. The Group commended the outcomes reached on TCEs which aimed to accelerate negotiations within the IGC, and maintained its position that the IWG should focus on developing convergence on issues which might require more attention during the IGC negotiations, including definitions, objects of protection, exceptions and limitations, prior informed consent, beneficiaries for protection and *sui generis* options for protection. The Group reiterated that the IGC should focus its discussions on each of the three issues of its titular mandate and hold three IWGs before September 2011, expressing its openness to resolving outstanding issues so as not to delay the text-based negotiations for an international instrument. The Group urged the participation of indigenous and local communities in IGC negotiations and also in proposals for IWGs. The Group reiterated its commitment to improving the functioning of PCT system, noting its important role in development-related areas of public policy such as education, health and climate change, and stressed that the patent system should facilitate technology transfer and access to knowledge. The Group considered that solving the problems of backlog and search quality would be almost impossible and urged collective action and cooperation between offices and Member States to produce better quality reports, while also suggesting that the International Bureau should strive to provide cheaper access for African developing countries and LDCs to ensure genuine benefits from using the program for patent searches. The Group also requested the establishment of medium-

and long-term training for professional examiners of national and regional offices and the extension of technical assistance to African research institutions to enable academic patenting of knowledge, and specific programs for development of SMEs.

75. The Delegation of Mexico, speaking on behalf of the Group of States of Latin America and the Caribbean (GRULAC), wished to place on record that body's satisfaction with the way in which the Chair, a worthy representative of the region, had chaired the debates of the 48th Series of Meetings of the Member States of WIPO. GRULAC thanked the Secretariat and the Director General for organizing the meetings under way, in particular the High Level Segment, which in its view highlighted the work of WIPO and facilitated the decision-making process. It warmly welcomed the substantive documents that had been prepared for the current Assemblies and extended special thanks to the Director General for his willingness to compromise on aspects of interest to the Latin American and Caribbean region. To encourage more dynamic participation by GRULAC, there was a need, as far as WIPO language policy was concerned, to include Spanish in the documents of the various working groups and not only in committee documents. In that connection, GRULAC reiterated the position it had taken at the meeting of the PBC with a view to ensuring that in the interests of quality, accuracy, cost savings and efficiency, substantive improvements be made to the language policy with regard to interpretation, publications and the Organization's website. Moreover, in order to improve practical aspects of elections to WIPO Committees, GRULAC saw a need for consultations to establish an institutional mechanism for the election of Officers to chair those bodies. Since the adoption of the Development Agenda and the establishment of the CDIP, GRULAC had backed WIPO in its task of mainstreaming the development dimension throughout the Organization, which was incumbent upon it as a body belonging to the UN system, in order to contribute to the achievement of the MDGs. In that context, it considered that the implementation of the Development Agenda and the work of the CDIP were going well. GRULAC was mindful that work remained to be done, but emphasized that such additional efforts would require the determination and commitment of Member States and the continuation of WIPO's endeavors to mainstream the development dimension throughout the Organization. Notwithstanding, GRULAC hoped that the follow-up to the Development Agenda would guarantee the implementation of the projects undertaken to meet the specific needs of Member States. It further trusted that the recently established coordinating mechanism and arrangements for supervision, evaluation and reporting would lead to the adoption of effective, transparent measures that respected the terms of reference and powers of WIPO bodies as well as the budgetary constraints the Organization faced in implementing the Development Agenda. With regard to the work of the IGC, GRULAC welcomed the recent advances made in such international fora as the Secretariat of the Convention on Biological Diversity (SCBD), Food and Agriculture Organization (FAO) and WIPO itself. The Latin American and Caribbean nations were very satisfied with the progress made in the negotiations taking place within the IGC, and reiterated the need for agreements in fields that would make it possible to establish links between IP and biodiversity with a view to adequately protecting and deriving benefits from genetic and cultural assets. Moreover, with regard to copyright exceptions and limitations, GRULAC deemed it essential that WIPO should make substantive progress in that respect. Various GRULAC members had submitted concrete proposals to the SCCR, and supported the negotiations to consolidate a WIPO treaty on better access to reading materials for the blind and partially sighted and other persons with disabilities. According to the World Health Organization (WHO), there were 161 million blind people in the world, in addition to 153 million visually impaired. Although 87 percent of those persons lived in developing countries, copyright exceptions only existed in one-third of the world's countries. That implied that the majority of the world's visually impaired persons did not currently have access to various materials with which they could be provided, within an adequate legal framework, through the international exchange of literary, educational and scientific works. GRULAC therefore called for the intensification of efforts to draw up a treaty in that field, which would doubtless have a favorable impact on the educational level of the visually impaired, by opening up opportunities for their own personal development and the development of those around them. Finally, GRULAC appealed to WIPO Member States to intensify dialogue within the Organization. It was convinced that differences of opinion enriched

debates and made it possible to find solid and lasting solutions for the consolidation of an improved IP regime to benefit the Organization. Innovation was the only means of solving major world problems, which was why WIPO had to set an example as a body regulated by the overarching agreements that humanity required.

76. The Delegation of China referred to the statement by the Commissioner of the State IP Office of China the previous day, indicating that it was of great practical significance for ministers from various countries to discuss, under the theme of "innovation, growth and development", the role of IP in encouraging innovation and promoting economic growth, to share their successful national experiences, and to explore ways and means to achieve common development. Over the past one day and a half, the Delegation noted with great interest the tremendous progress and achievements made by all countries in the use of IP for innovation, growth and development, and extended its sincere congratulations. It also expressed its appreciation and support to the Director General for his address delivered, and report made available, the previous day. It was its belief that WIPO would be able to make new contributions to promoting the healthy development of a global IP system and facilitating IP protection and innovation worldwide. It offered its commitment to participate in the discussions on various Agenda items in an active, open and constructive manner as always, and pledged its readiness to engage with other Member States in reinforcing cooperation, sharing opportunities and jointly coping with challenges, thus making contributions to the improvement of the world IP system and to the common prosperity and development of all nations. It then passed the floor to the Representative from the Hong Kong Special Administrative Region (HKSAR) of China. The HKSAR Representative noted the various IP public education programs, which catered for all walks of life in the region, and had drawn the attention and endorsement, year after year, from the motherland, at home and from different parts of the world. The comic books and other materials they prepared had been selected as the reference materials for an IP contest held in the Shanghai Expo, and that a newly released TV clip on IP promotion was broadcast through the cable network of the Creation TV station in HKSAR. The Representative added that at the international level, their activities and promotional resources had been used as examples of the IP Outreach in Practice on the WIPO website, and that it was also invited by WIPO to showcase its services and programs by submitting a report of "SME Programs-Best Practices". It had authorized the use of the "No Fakes Pledge" Scheme's poster for the exhibition of Anti-Piracy at the United States of America Consulate in Rio de Janeiro in Brazil; that their video "Thank you" had been selected to be displayed on the website of the World Anti-piracy Observatory of the UNESCO; and the United Nations Interregional Crime and Justice Research Institute (UNICRI) had requested the use of their posters in UNICRI's forthcoming publications on counterfeiting as examples of anti-counterfeiting visual tools. The Representative concluded that its achievement was a pay-off for years of determination in educating its community in the importance of respecting IPRs of others, and that it treasured the opportunity, as part of the Delegation of China, to share its experiences with Member States on IP promotion, and looked forward to a continued exchange of views with WIPO and Member States.
77. The Delegation of Slovenia, speaking on behalf of the Group of Central European and Baltic States, said that it appreciated the efforts made by the Secretariat to bridge the differences of opinion among the various regional groups and affirmed its commitment to achieving the desired objectives of the Assemblies. It acknowledged the work of the Secretariat to provide Member States with the MTSP for the period of 2010–2015 and hoped that the Plan would strengthen and improve the management and development of IPRs under the WIPO umbrella. The strong participation at the High Level Segment was evidence that IP issues were gaining increasing importance even in a time of economic downturn and such events encouraged participants to engage in various formal and informal discussions on IP-related issues. It was hoped that the initiative would evolve and produce positive outcomes for all Member States. The Delegation praised the work done by the PCT Working Group in formulating recommendations to enable the PCT system to function more effectively and in a user-friendly manner within the existing Treaty framework and thereby provide benefits for all stakeholders, including inventors, national IP offices and PCT Member States. The Group welcomed the agreement to

continue discussions through the Standing Committee on the Law of Patents (SCP) and confirmed its commitment to greater international harmonization of patent law. With regard to the work of the SCT, the Delegation was in favor of intensified work on the harmonization and simplification of design registration and related formalities, with the aim of convening a diplomatic conference in the near future. The Group regretted the failure of the SCCR to reach any agreed conclusions at its previous session, but did not believe that that fact would impede further work on the Committee's agenda and expressed the desire to see progress regarding the legally binding international protection of broadcasting organizations. The Group welcomed the significant steps taken in the field of copyright limitations and exceptions, which had resulted in new proposals. While acknowledging different systematic approaches to facilitate access to copyright works by visually impaired persons, the Group was in favor of a Joint Recommendation proposed by the European Union and looked forward to further discussions at the next session of the Standing Committee. The Group recognized the importance of the work carried out by the CDIP and urged more constructive work towards implementing the 45 recommendations of the Development Agenda and other pending projects. The Group was pleased with the progress made at the most recent PBC meeting with regard to selection and protection mechanisms for auditors of the Audit Committee and considered that the balanced solution incorporating merit-based criteria and fair geographical distribution would ensure the continuation of the extremely important work done by that Committee. The Group strongly believed in the policy outcomes and substantive progress arising from the deliberations of the Assemblies and urged other regional groups and Member States to share that constructive spirit.

78. The Delegation of Kyrgyzstan, speaking on behalf of the Regional Group of Eastern Europe, Central Asia and the Caucasus, congratulated the Chair and Deputy Chairs of the Assembly on their election, and also thanked WIPO for organizing the latest high level meeting within the framework of the Assemblies. The Delegation noted that its Regional Group had always supported the international community's efforts aimed at further developing the IP system, solving global issues such as climate change and food security, and also reducing the knowledge gap between nations. The Group had always remained committed to the principles of international harmonization of legislation in the field of IP, and likewise noted with approval the process of organizational renewal and the reforms undertaken at WIPO in accordance with the strategic reconstruction program under the leadership of the Director General, Mr. Gurry. The participation of such a large number of representatives of the High Level Segment in the Assemblies' work confirmed that increasing attention was being devoted worldwide to IP use and to innovation, which would ultimately be reflected in the development of knowledge-based economies. Without doubt, the great Stevie Wonder's participation and speech had made a great impression on all delegates. The Delegation expressed confidence that the issues addressed by him would not be ignored. After expressing the hope that he would again visit that important event the following year, the Delegation expected him to be allowed to perform more of the songs which so delighted everyone. The Delegation noted with great satisfaction that the work in WIPO's standing committees and working groups throughout the entire year had undoubtedly been fruitful, and had been made possible thanks to the precise and coordinated work of the Secretariat of the WIPO International Bureau.
79. The Delegation of Switzerland, speaking on behalf of Group B, encouraged WIPO to continue to promote innovation and creativity throughout all regions of the world together with a balanced and effective international IP system serving the economic, social and cultural development of all countries. The cooperation of Member States and effective communication with the International Bureau were vital and Group B hoped that the positive steps taken in numerous Committees would be emulated in future in the SCP, SCCR and ACE. Group B hailed the Global IP Services of the Secretariat and recognized the registration systems for patents, trademarks and industrial designs and the Arbitration and Mediation Centre as of paramount importance for stakeholders. Initiatives to improve the performance of those systems for all users remained nonetheless important as a failure to keep pace with technological developments would incur the risk of losing further opportunities for growth. Growing demands on WIPO's capacity underscored the importance of improving service delivery, as some 90 percent

of WIPO revenue was generated by its services, particularly the PCT. The enhancement of such services and their quality in a cost-effective manner would remain a major strategic goal for WIPO Members. Group B noted with satisfaction that during the previous biennium WIPO had generated a surplus of 24.6 million Swiss francs. The Secretariat deserved praise for that positive result seen as a sign of the improvements introduced by the SRP. Group B reiterated its strong support for that Program and asked the Secretariat to continue exercising financial discipline at all times. A fruitful meeting of the PBC in September 2010 had addressed several important proposals such as the MTSP, the ERP Project and the Policy on Reserves. The PBC had recommended that the Assemblies adopt the budgetary process applied to projects proposed by the CDIP for the implementation of the Development Agenda Recommendations, which would enable the planning for Development Agenda projects to be brought in line with the budgeting and assessing processes of other activities of the Organization. That solution would usefully complement the decision of the CDIP on coordination mechanisms and monitoring, assessing and reporting modalities. Group B remained committed to improving the institutional processes of WIPO and highlighted the need for an effective system to select Committee Chairs and the need for an effective audit structure for the Organization. In that context, Group B welcomed the proposal on the composition of the Audit Committee, which clearly established merit as the key criterion for selection of new committee members, while ensuring geographical distribution. The solution constituted a good step forward for having a more effective Audit Committee in future at WIPO. Group B thanked the outgoing Members of the Audit Committee for their tremendous work during past years and commended the external Auditor for the quality of his work. Their recommendations were endorsed and the Secretariat's information concerning their implementation was satisfactory. On a less positive note, Group B expressed concern that the Internal Audit and Oversight Division (IAOD) continued to lack sufficient skilled staff and urged the Secretariat to implement the recommendations of the external Auditor and the Audit Committee in order to ensure that WIPO will have a complete and well functioning IAOD soon. The support of WIPO Members for the PCT Roadmap was very promising for the future of the PCT system and it was vital to ensure that the PCT would continue to meet the needs of applicants, Offices and third parties, which would enable the PCT to retain its central place in the international patent framework and the financing of WIPO. An interesting exchange of views had occurred during the last Working Group on the need to coordinate with other development activities and in particular the need to review the technical assistance activities provided in connection with the PCT. Due to the importance of WIPO Members having the capacity to properly use and benefit from the PCT system, Group B expressed interest in interacting with other WIPO Members, within existing committees, so as better to understand needs and determine how better to allocate available resources for technical assistance. In that regard, the specific technical assistance proposals presented by the African Group were recalled. With respect to normative work, Group B expressed frustration that the previous decade had been marked by a lack of progress, with Member States unable to reach agreement in several areas. That contrasted sharply with the rapid pace of technological change, which frequently had a direct impact on the environment in which IP operated. Group B stressed the need to achieve outcomes in multilateral negotiations in WIPO in order to obviate the undermining of multilateralism itself. While steps forward had been made in the context of the IGC and the SCT, it was also necessary that similar progress be made in the SCP and the SCCR, without overlooking the useful role that the ACE could play, for example, in information exchange on enforcement issues. Group B pledged to work closely with other WIPO Members to achieve positive outcomes in all areas of normative work in the following year. On the issue of the protection of audiovisual performances, Group B continued to support an international protection based on the draft Treaty and would further advance that issue by building on the previous SCCR meeting and other consultations. Addressing the protection of broadcasting organizations, Group B strongly advocated a Treaty to address technological issues faced by those entities and was committed to reaching a positive outcome on that issue soon. On exceptions and limitations to copyright, Group B recognized the special needs of persons with print disabilities and noted that timely and practical solutions to meet those needs could be found. Among the possible solutions were proposals presented by some members of Group B during the last SCCR meeting that could contribute to reaching a solution in the

near future. Group B stressed the need to work to find a solution where everyone can bridge differences and focus on the substance. Group B also supported the ongoing work of the Stakeholders' Platform. On the other exceptions and limitations, such as in the area of education, libraries and archives, Group B acknowledged with interest the submissions of the African Group and wished to advance discussions in this field, while recalling the extensive relevant research and studies already at the disposal of the SCCR. In conclusion, Group B reiterated its commitment to the WIPO Development Agenda and hailed WIPO's contribution to the UN MDGs, while emphasizing the necessity of prioritizing implementation of the Development Agenda Recommendation and launching of new projects so as to avoid duplication of work and maximize the resources available to support IP-related activities. Group B was pleased that the constructive dialogue of the CDIP had led to a mechanism that would enable the CDIP completely to fulfill its mandate and recalled the importance of WIPO Members remaining in the center of that work to ensure the appropriate implementation of the Development Agenda Recommendations.

80. The Delegation of Bangladesh, speaking on behalf of the Asian Group, said that, irrespective of their level of development, most countries in the region were faced with a diverse range of challenges in building and supporting their national IP protection regimes. The nature and magnitude of the challenges underlined the fact that a "one size fits all" approach was not appropriate and that customized IP strategies were required for countries at different levels of development. It encouraged WIPO to step up its efforts to help countries to develop tailored national IP strategies. It welcomed the MTSP for 2010-2015 and the consultation process that had taken place between Member States and the Secretariat and supported the proposal for a mid-term review of the current document in 2012. The Group welcomed the establishment of an agreed mechanism in the CDIP for monitoring and oversight of the Development Agenda implementation and hoped that the General Assembly would approve the proposed mechanism for mainstreaming the Development Agenda project funding into the regular budgetary processes of WIPO. It also welcomed the agreed changes to the proposed WIPO Reserves policy that placed the Development Agenda implementation on a par with other strategic goals with regard to the use of WIPO's Reserve Funds. The Group was concerned that the Report on the work of the SCCR did not provide a true account of the discussions in the Committee concerning the protection of broadcasting organizations and audiovisual performances. The ongoing discussions in the SCCR on exceptions and limitations were a very positive development since they contributed to bringing about the much needed balance between private IPRs and the public use in the context of national public policies and development goals, and the Group hoped that the discussions would lead to a suitable normative framework in that area. With regard to the IGC, the Group was pleased that negotiations were now under way to finalize instruments for the effective international protection of TK, TCEs and GRs and hoped for further progress in that direction within the IGC's current two-year mandate. It also hoped that the momentum gained in the IGC discussions would be transmitted to other norm-setting activities in WIPO. The Group attached importance to the policy on languages at WIPO and welcomed the recommendations made by the PBC towards the full implementation of the comprehensive language policy as an important instrument for Member States' capacity building. While it supported the general thrust of the policy, it reiterated that the rationalization of the volume and costs in relation to language-related services should take into account the needs of Member States. Effective oversight by the Member States of WIPO's budget and management in a transparent and credible fashion would contribute enormously to improving the effectiveness of WIPO by building confidence and trust between the Secretariat and Member States, as well as among Member States themselves. The inability of Member States to exercise their oversight functions effectively, due primarily to an overloaded agenda and time constraints in the PBC, needed to be addressed urgently and, to that end, it proposed increasing the frequency of PBC meetings. Work should also begin on addressing a long-standing gap with regard to the rules of procedure for PBC sessions. It was also urgent that a predictable mechanism was established for the rotation of the chairmanships of various WIPO bodies in a manner that would provide equal opportunities for all regional groups and informal consultations of Member States should be organized on that matter, on the basis of the Asian's Group

proposal submitted in 2008 and any other proposals submitted by Member States. Another key factor in enhancing trust among Member States and making the Organization more effective was the presence of well-functioning, Member State-driven oversight and evaluation mechanisms. The Group appreciated the Secretariat's efforts to streamline self-assessment and bring about results-based management (RBM) through the program performance reports and initiatives such as the validation report by the IAOD. It hoped that the IAOD would be further strengthened in terms of staffing and resources to enable it to play its role in the triangular evaluation mechanism in WIPO. The Delegation welcomed the turnover mechanism for appointing a new Audit Committee but said that not enough attention had been paid to the Committee's work. Member States had failed to consider the important recommendations made by the Audit Committee and the long list of pending recommendations addressed to the Secretariat. It was necessary to identify a feasible intergovernmental forum and allocate sufficient time for a meaningful consideration of the Audit Committee's reports and Member State recommendations on a permanent and institutional basis.

81. The Delegation of Belgium, on behalf of the European Union and its 27 Member States, thanked the Director General and the Secretariat for the excellent preparatory work carried out, the many documents provided and the efforts made during the past year. The Delegation stated that it expected constructive, efficient and fruitful meetings, and was determined to achieve progress on the important issues which it would raise during the session. It reiterated its support for developing IP, which contributed to the economic, social and cultural development of all, and expressed its conviction that all Member States would have a positive attitude to the work of the Assemblies, for the greater good of all participants. It commended the efforts made by the Director General and the Secretariat to develop an MTSP, and hoped that its implementation would enable the Organization to achieve the objectives of all WIPO Members with even more success. As regards the CDIP, it reiterated its commitment to implementing the 45 recommendations of the WIPO Development Agenda. The constructive work undertaken by the Committee and, in particular, the outcomes obtained with respect to the coordination mechanisms and the arrangements for monitoring, assessment and reporting, demonstrated the ability of all Members to find common ground and to reach shared objectives in an area of such importance. Furthermore, the Delegation was delighted that the issues of the protection of audiovisual productions and broadcasting organizations had been kept on the agenda of the SCCR, and thanked the Secretariat for its continued organization of regional seminars and for the studies and document provided. However, it regretted that the SCCR had not been able to come to an agreement on a number of points at its 20<sup>th</sup> session, and expressed the wish that work should continue on such matters so as to achieve concrete progress in the near future. With respect to exceptions and limitations, the European Union had deposited a draft joint recommendation to provide access to works protected by copyright for the visually impaired. That proposal represented a real opportunity to make progress. Concerning the work carried out by the IGC, the Delegation recognized its importance and expressed its satisfaction at the agreement that was successfully reached, at the last session of the Committee on the organization of the IWG, and at the discussions that took place at its first session, in July of this year. It expressed the hope that the work on TK and GRs would benefit from the active participation of the European Union. The work of the IGC benefited from the First IWG and experts from the European Union made concrete suggestions and comments on the proposed text during that meeting. The Delegation believed that any international instrument or instruments agreed upon should be flexible, sufficiently clear and not binding. It welcomed the agreement reached by delegations to continue discussion on the SCT. It declared that, on the basis of the agenda of its 14th session, it remained committed to further international harmonization of patent law through the work of the SCT, and hoped that a balanced work program could be rapidly established in order to achieve the objectives of that Committee. It welcomed the outcome of the first session of the PCT Working Group, particularly the endorsement of a series of recommendations for the improvement of the PCT system, set out in the study entitled "The Need for Improving the Functioning of the PCT System". It continued to believe that the emphasis of the Working Group should be directed towards enabling the PCT system to function more effectively within the existing legal framework of the treaty provisions, without limiting the

freedom of Contracting States to prescribe, interpret and apply substantive conditions of patentability and without seeking substantive patent law harmonization or harmonization of national search and examination procedures. The Delegation emphasized the European Union's strong support for the valuable work of the Working Group in its efforts to improve the PCT system, and was convinced that all its users would benefit from the high quality of the international work. Concerning the proceedings of the SCT, it welcomed the agreement reached at the 33rd session of the Committee to advance further the work on possible convergences in the industrial designs law and practices of Member States. It expressed the hope that this work would be given priority in the SCT and would result in a diplomatic conference in the 2012-2013 biennium, harmonizing and simplifying design registration formalities and procedures. It declared that it placed great value on the work of the WIPO Advisory Committee on Enforcement (ACE) and therefore urged it to intensify its efforts to build a shared understanding of the effect and impact of IPR infringements so that effective prevention and enforcement strategies could be adopted by its Members. In conclusion, the Delegation expressed its conviction that positive and balanced results could be achieved concerning all issues dealt with during these Assemblies, and called upon all Member States to approach these meetings with a similar positive attitude.

82. The Delegation of Egypt, speaking on behalf of the DAG, said that the theme of innovation, growth and development and the role of IP was highly appropriate given that a UN Summit on the MDGs was under way in New York. The draft outcome document expected to be adopted by the Summit referred to the importance of innovation and technology transfer in achieving the MDGs. In recent years, WIPO had made its own efforts to contribute to achieving the MDGs in the form of the landmark WIPO Development Agenda adopted by the General Assembly in 2007. That development had recently been energized by the launch of a new transregional group of WIPO Member States, the DAG, which continued the tradition established by the Group of Friends of Development. The Member States of the Group shared a common vision and a collective objective to mainstream the Development Agenda across all areas of WIPO's work. In the five months since its creation, the Group had contributed positively to advancing a development orientation and establishing consensus agreement in various WIPO committees through consultation, engagement and dialogue in a transparent and constructive manner. The DAG fully supported many aspects of the statements made by the Delegation of Angola on behalf of the African Group, of Bangladesh on behalf of the Asian Group, of Mexico on behalf of the GRULAC and of China. It was particularly encouraged by the establishment of an agreed mechanism in the CDIP for providing oversight with regard to the Development Agenda implementation. It also welcomed the agreement reached on mainstreaming the funding for the implementation of the Development Agenda recommendations into the regular budgetary process of WIPO and WIPO's policy on the use of its Reserve Fund. With regard to standards, it was pleased that after many years of discussions in the IGC, negotiations were now under way to finalize instruments for the effective international protection of TK, TCEs and GRs and hoped that the IGC would fulfill its mandate and present a comprehensive negotiated text to the WIPO General Assembly in 2011. There had also been very positive developments in the ongoing discussions in the SCCR and the DAG hoped that the discussions would lead to a suitable normative framework in the area of exceptions and limitations to IPRs, with the right balance between rights and obligations. The provision of technical assistance and capacity-building (TACB) was a core element of WIPO's role in ensuring that all Member States could benefit from a balanced IP regime that was consistent with self-identified national needs and in line with broader development goals. Member States should advise the International Bureau on how to allocate resources for TACB activities in the most cost-effective and timely manner. Increasing the involvement of Member States in the planning and oversight of TACB activities was in line with the values of the SRP and there was a need to ensure coherence and transparency of the TACB activities provided by the various sectors within the WIPO Secretariat. Furthermore, while TACB activities were broadly described in the biennial program and budget document, there was no systematic reporting of TACB activities and Member States were not involved in a regular TACB planning and review, which was a situation that should be examined. The DAG believed that effective governance and oversight by



Member States in a transparent and credible fashion could contribute significantly to improving the effectiveness of WIPO, by building confidence and trust between the Secretariat and Member States as well as among Member States themselves. The inability of Member States to exercise their oversight functions effectively due to an overloaded agenda and time constraints needed to be addressed urgently. Another area that required urgent attention was the need to establish an institutional mechanism for the election and rotation of the officers of various WIPO bodies and Member State consultations should be held on that matter. Another key factor in enhancing trust among Member States and making the Organization more effective was the presence of a well-functioning Member States-driven oversight and evaluation mechanism. In that context, the DAG appreciated the Secretariat's efforts to streamline self-assessment and bring about RBM through the Program Performance Reports. It welcomed the mechanism for appointing a new Audit Committee and said that while efforts had been made to improve the composition, rotation and other mechanisms of the Committee with a view to making it more effective, not enough attention had been paid to the Committee's work. The DAG welcomed the MTSP but continued to have reservations concerning certain elements of the MTSP, in particular in the area of norm-setting and WIPO's proposed role in global challenges. WIPO's role and involvement in ongoing negotiations in other forums on global challenges such as climate change and food security should be guided by the mandate given by Member States. Since those issues had not yet been discussed by Member States, it would be premature for WIPO to define its role in those debates through the MTSP or to propagate a certain point of view on IP issues. The original purpose for which the MTSP had been proposed was to increase the involvement of Member States in the preparation and follow-up to the program and budget. The DAG welcomed the process of consultations that had taken place between Member States and the Secretariat and hoped that an intergovernmentally agreed document would be achieved that could truly serve as an effective guide for WIPO's work in the medium term. The Group sought to align the interests of all WIPO Member States and reach a consensus on common activities that would benefit all, and urged Member States to view change as an opportunity not a threat.

83. The Delegation of the Syrian Arab Republic, speaking on behalf of the Arab Group, congratulated the Chair and Vice-Chairs for the quality of work achieved in the previous year and was convinced that work would be on the same level in the current year. The Arab Group thanked the Director General, his team and the Secretariat for their efforts in organizing the Assemblies, and for selecting the subject of Innovation, Growth and Development as the theme for the High Level Segment. Such choice demonstrated the important link between IP and issues of innovation and development. The Arab Group hoped that discussions, especially during the High Level Segment, would address IP issues with respect to innovation and development support. In that context, the Group emphasized the important role of WIPO in promoting, disseminating and facilitating access to creativity and technological innovation. Those were key factors in sustainable and effective wealth creation for the development of all. Regarding the Development Agenda, the Delegation stated that the Arab Group regarded the Development Agenda as recognition of the importance of capacity-building activities in developing and LDCs to enable them to participate in, and benefit from, the knowledge economy. In order to translate that idea to reality, efforts should not be limited to conventional technical assistance but needed to be extended to cover value-added projects that took into consideration special needs and levels of development of individual countries. Such projects should also assist developing countries in setting up National IP and Innovation Strategies that took into account specific economic and social conditions as well as available flexibilities, restrictions and limitations. Technical assistance activity programs should, in the Group's view, reflect the current situations, respond to needs of Member States, promote domestic innovation, strengthen IP policies for development support, consolidate science and technology infrastructure in developing countries, and take into consideration their priorities, including for SMEs sustainable development and IPR protection in the Arab Region. While stressing the need to strengthen WIPO's activities in that area, the Arab Region welcomed the progress in Development Agenda project deployment and the adoption of coordination mechanisms and monitoring, assessing and reporting modalities. The integration of the development dimension in WIPO's work

would therefore be ensured. The Arab Group expressed appreciation to the Secretariat for the studies and documents made available. However, Development Agenda projects should be taken into consideration in preparing such studies and documents for the various Committees. The Group expressed satisfaction at the adoption of a comprehensive approach in the work of Standing Committees in line with Development Agenda recommendations. Much more remained to be done to ensure that IP corresponded to and supported the levels of development of developing countries. There was also room for improving development work in developing countries, through the promotion of innovation, enhancement of technology transfer and access thereto, while avoiding any IP protective measures that could hamper development efforts or reduce public policy space or available flexibilities for those countries. WIPO's continued communication with Member States was also important in integrating the development dimension into the Organization's activities and projects. The Arab Group stressed that WIPO's norm-setting activities should support development goals and take into consideration flexibilities which helped developing countries in setting up development strategies. Integrating a global system should not conflict with national policy objectives for economic and social development. In order to ensure the role of IP as a source of wealth, growth and development, there should be recognition of the specific needs of individual states in terms of legislation, public policy and IP norms that corresponded to their particular conditions. The Delegation expressed the Group's concern that the IP system should support rather than reduce available flexibilities in public policy issues, such as food security, public health and climate change. The Arab Group was convinced that WIPO was best fitted to address such challenges by pursuing objectives through the Development Agenda. The Group believed that the commitment and efforts of the Director General in streamlining the Organization's processes and performance, combined with the professional skills of his management team, would contribute to the delivery of WIPO's services for Member States. The Delegation stated that the Arab Group welcomed the progress made in the work of the IGC, in particular the initiation of text-based negotiations following the outcome of the First IGC IWG, held in July 2010. In that context, the Group stressed the need to implement the Recommendations made by the Regional Consultation on the Protection of Expressions of Folklore for Arab Countries, organized by WIPO in cooperation with the Government of Tunisia on June 26, 2007, including agreement on the collection and documentation of GRs and TK for their protection under existing IP law. The Arab Group supported the proposal made by Oman for an international technical seminar on TK/TCEs registration and documentation, to be organized in 2011 in cooperation with WIPO. Such an event would be an opportunity to share experiences, examine registration and documentation models as tools for the development of an international protection instrument or instruments. The Arab Group welcomed WIPO's positive initiative towards a language policy for the organization and its full implementation by 2015. Such a move would undoubtedly allow better understanding and responsiveness in the discussion of various IP issues. The Group confirmed that increasing the share of high quality outsourced translation in particular to developing regions would achieve savings and contribute to enhancing skills and building capacities in developing countries. The Delegation pointed out that the Arab Group hoped that the Group's proposal concerning a comprehensive language policy, mentioned in the MTSP, could be reflected under Strategic Goal IX which expressly determined the year 2015 as a target for comprehensive language policy implementation. That would be in line with the Secretariat's study entitled Policy on Languages at WIPO. While commending the Director General for presenting the MTSP and conducting consultations with Member States, the Group wished that those points and views, which were still a matter of concern for delegations, be taken on board and agreed upon. In conclusion, the Arab Group welcomed the appointment of a new Director for the Regional Bureau for Arab Countries, and hoped that the necessary human and financial support be provided to the Bureau for the efficient fulfillment of its coordination role between WIPO and Arab countries.

84. The Delegation of Nepal, speaking on behalf of the LDCs, said that the collective efforts of the Director General, Deputy Director General and the Assistant Directors General to nurture the development of IP, and the dedication and hard work of the WIPO Secretariat in general were praiseworthy indeed. It noted the various programs and activities

launched for the development of the IP system and the improvement in the functioning of the Secretariat. In an age of information and knowledge it was necessary to have a fair, equitable and efficient IP regime to encourage the increased participation of the LDCs. It was also necessary to build human, institutional and physical infrastructures, including in the technological field, in order to harness the innovative and creative potential of the peoples in the LDCs and create an IP environment conducive to economic growth and to closure of the knowledge gap and digital divide. The 49 LDCs made up one quarter of the UN membership and 12 percent of the global population but accounted for less than two percent of the world's gross domestic product. Their share of global trade in goods was just one percent and half a percent in global trade in services. Technical assistance and capacity building for LDCs were vital for their development. The Delegation urged WIPO to help those countries overcome their economic, financial and administrative constraints to enable them to harness their potential for economic development. The needs of LDCs should be coordinated effectively and fully aligned with their urgent priorities. The Delegation called for the transfer of appropriate technology and the dissemination of information to create a sound and viable technological foundation to promote creativity and innovation. It was pleased to note the WIPONet program and stressed the importance of activities promoting IP information and the digital exchange of such information, including training and seminars at national, regional and international levels. The expansion of such seminars was necessary and the modernization and automation of IP systems should be expedited in order to institutionalize the protection of national wealth. The information highway of the international IP community and its knowledge base should also be expanded. SMEs were an effective instrument for reducing poverty and generating employment on a sustainable basis and they could greatly benefit from wider use of the IP system for development purposes. LDCs had a vast wealth of TK, GRs, TCEs and folklore and those resources needed to be seen from the overall prospective of socio-economic development. While national legislation to protect them from misappropriation was necessary, protection measures at the national level alone were not enough. There was a risk of that rich heritage disappearing in the absence of technical know-how and adequate financial resources. Serious efforts were needed to promote economic development, protect the rich cultural heritage and generate livelihood. Initiatives to protect those resources through copyright and related rights systems as well as other appropriate mechanisms were necessary. The Delegation urged WIPO to assess the needs of the LDCs, help them develop comprehensive strategies and use the precious indigenous resources to create wealth and generate employment. The Delegation had been pleased to witness WIPO's opening-up of access to specialized patent information on September 17, 2010, in partnership with leading patent information providers as an important medium for the dissemination of technological knowledge. That program was free of charge to LDCs and low-cost for developing countries. As such, it was expected to be an effective means of promoting the transfer of technology to those who needed it most. The Delegation expected ongoing discussions to create a suitable normative framework for IPRs and appreciated WIPO's technical assistance initiatives in that area. The Delegation was encouraged to see IP emerging as an integral part of the development process and stated that access to technological knowledge was vital for innovation and knowledge creation. Society had made remarkable steps in moving from the traditional commodity-based economy to a knowledge-based one. Technology had made far-reaching breakthroughs, transformed the world and brought prosperity to the lives of many. LDCs needed concrete support to translate their needs and resources into results and make development relevant to the lives of poor people. The Delegation recalled the Ministerial Declaration on IP for the LDCs of July 2009 and appealed to its partners in development to fully support and participate in the efforts of the Director General to establish funds in trust for the benefit of LDCs. It also appealed for high-level representation at the forthcoming Fourth UN Conference on the Least Developed Countries (LDC-IV), which would be a major undertaking on the part of the UN dedicated to the cause of LDCs. In conclusion, the Delegation noted with great satisfaction the ongoing cooperation between WIPO and Nepal, which had helped to build human and institutional capacity in the IP sector. WIPO's assistance remained vital for the modernization and automation of Nepal's IP system and the Delegation looked forward to deepening and widening that cooperation in the future.

85. The Delegation of the Dominican Republic said that the theme of the High Level Segment, namely, "Innovation, Growth and Development: The Role of IP and Member States' National Experiences", was a topical one because innovation as a practice was closely linked to growth and the economic development of peoples, whenever such innovation led to successful commercial applications. In the Dominican Republic, private enterprise concentrated on utilizing innovations already adopted at home or abroad, an approach which did not generate new innovation. The bulk of innovation came through equipment procurement and maintenance, whereas R&D was not so well known. At the public level, even though the Government made reasonable efforts to promote a culture of knowledge through science, technology, research and innovation, by means of the establishment of the National Fund for Innovation and Scientific and Technological Development, it was a long way from achieving tangible results with an economic and commercial potential that could promote national sustainable development. In addition, many sectors, such as universities, research centers and companies, did not realize how IP could assist them in protecting and promoting their products and managing such intangible assets for their benefit. The Delegation stressed the particular importance of creating infrastructure for innovation and productivity and strengthening bodies for research, innovation and technology dissemination. Various public bodies had been set up in that regard and national plans had been drawn up that had yielded positive results but had had a very limited impact, such as the National Plan for Systemic Competitiveness and the Strategic Plan for Science, Technology and Innovation 2008-2018. As far as companies were concerned, there was a need to link national demand and research centers, with a view to achieving synergy between the actors concerned. Over the long run, the Dominican Republic would have to make reasonable efforts to generate more complex innovations, which was why science, technology, research and innovation had to be encouraged in various ways, in a strategic and coordinated fashion at the institutional level. To help improve and strengthen the national innovation system, the National Industrial Property Office (ONAPI) planned to set up a Center for Technological Information and Technology Transfer with a view to promoting innovation and R&D, linking Dominican R&D institutions to the labor market and facilitating all aspects of the search for such technological information. The goal was to improve the innovative capacity of companies, academic institutions, research centers and users in general, adding value to their development. To implement the project, all patent archives were being digitized, with technical assistance provided by WIPO through the Patentscope® project, with a view to facilitating patent information searches and providing users with quality service. Through the national offices for IP and other related institutions, the Dominican Republic was doing its utmost to make IP, *inter alia*, a tool for the development of national productive sectors by raising awareness of, popularizing and promoting the importance and advantages of IPRs. Another example of the role that IP could play in national development was the project being executed jointly by ONAPI and the National Competitiveness Board, aimed at highlighting the link between industrial property and competitiveness. The project had resulted in the registration of seven collective marks and two appellations of origin for such products as rum, coffee, cocoa, tobacco and crafts. That initiative had helped various traditional small and medium-sized producers to market their products more effectively by observing the requisite quality standards for using the marks in question. As for cooperation between institutions, various cooperation agreements had been signed with universities and R&D institutions with a view to creating synergies in the IP area, through awareness-raising activities such as workshops, seminars and fora. With regard to cooperation and international technical assistance, the Delegation expressed gratitude to WIPO for its invaluable cooperation and strong support in previous years and above all in 2010, which had helped the IP Office grow stronger and develop. The Delegation then referred to two key projects related to the WIPO Development Agenda, the Pilot Project to evaluate the national IP system and the development of a national strategic framework, and the establishment of the National IP Academy. The Dominican Republic considered that both projects would help to improve and strengthen the national IP system, and planned to pursue the process of implementing all recommendations on the Development Agenda for the benefit of the Organization's Member States. In conclusion, the Dominican Republic wished to stress the importance of ensuring that all WIPO working languages were considered

equal and trusted that the Spanish language would be used for all work done in the Organization.

86. The Delegation of India recognized the importance of IPR for the development of the economy and was committed to ensuring due protection and encouragement of IP. India had therefore declared the period 2011-2020 as the decade of innovation. In February 2010, the President had underlined the Government's commitment to creating an innovation strategy for government, industry, entrepreneurs, technologists and academicians, focusing on inclusive growth and an appropriate eco-system necessary to bring about generational change in the country's approach to development. To further that objective, the Government had set up a national council which would identify, formulate and implement appropriate policy interventions to stimulate innovation and would promote the setting up of sector-specific innovation councils and state innovation councils that would primarily focus on SMEs. India had also embarked upon enhancing the operational efficiency of other IPR offices in order to increase transparency and speed up services through improved research facilities for the public, transparency in the decision-making process as well as optimum deployment of resources. The Delegation informed the Assembly that the Parliament had approved the amendments to the Indian Trademark Act to bring it in conformity with the Madrid Protocol. India was now preparing a roadmap for reaching the standards in the Protocol, based upon which it would take the necessary steps to move forward. The Delegation was pleased to note that in the area of norm-setting, the negotiations on the development of an international instrument for effective protection of TK, TCEs and GRs had been initiated, and looked forward to productive engagements on this issue as well as in the SCCR. WIPO had to reinvent itself to give a message to the developing world that WIPO recognized that IP protection was not an end in itself. The Delegation fully supported the views expressed by the DAG and considered that WIPO should take those views into consideration when reviewing the medium-term strategy. The Delegation raised some issues of global concern, including the transfer of technology to developing countries, explaining that technology transfer provided a mechanism for sharing technological innovations and protecting the interests of the innovator. While some Member States were advocating prompt action by public authorities on the protection of private rights, they were less enthusiastic on the issue of technology transfer, which had to be addressed adequately by Member States. In addition, policies facilitating that transfer were to be encouraged. While recognizing WIPO's efforts in that direction, the Delegation indicated that more needed to be done and expressed its deep concern about the recent international initiatives for expanding the existing IP framework and creating new norms, but outside the existing international regime. The Delegation was also disturbed by the manner in which IPR negotiations were introduced into bilateral and regional trade agreements. With the stated objective of seeking protection and enforcement of IPRs beyond TRIPS, attempts were made to enhance IP-related norms. Such activities, which went beyond current international obligations, significantly undermined the multilateral process as well as the institutions. The Delegation therefore welcomed WIPO's initiative to publish a document on flexibilities under the current IP regime. It further highlighted the pioneering creation of India's Traditional Knowledge Digital Library (TKDL) which had overcome language and format barriers to enable patent examiners across the world to search for prior art relating to the Indian system of medicine. This had been done with the help of information technology and a unique classification called the Traditional Knowledge Resource Classification. The TKDL currently contained 35,000,000 pages in a patent application format in five different international languages. India had successfully concluded TKDL access agreements with a number of patent offices. Through the TKDL, India had succeeded in cancellation, withdrawal and modification of claims in a number of patent cases. India was ready to share this experience with other developing countries that were concerned about misappropriation of TK in the long term. The Delegation stressed the importance for patent offices to be able to search prior art resources on their own. Ideally, the TKDL database should become part of the minimum PCT documentation requirements. The Delegation concluded that it was confident that the 2010 session would enable intensive deliberations and play a positive role in guiding WIPO's work, and it looked forward to participating in and contributing to the meeting.

87. After expressing its gratitude for the honor of addressing the High Level Segment, the Delegation of the Russian Federation based its address on the advice of an Old Church Slavonic teacher: "Never speak ill of others, never speak if you are standing up only for your own interests, but speak only in defense of the truth, so that every word spoken is totally irrefutable". Over 60 addresses had been delivered at the High Level Segment, which had repeatedly emphasized that the essence of the events occurring in the global economy was endowing national economies with an innovative character through development, and creating conditions to ensure the transition to a new type of economy: a knowledge-based economy. The Delegation noted that innovation was the key to the strategy of transitioning economies to new technological pathways. Yet innovations without IP were of no interest, as they were simply turned into information. Only IP, legal protection and the protection of innovation incentivized a law-abiding business to invest its capital in creating and developing innovations, providing the opportunity to derive competitive advantages and to be compensated for its outlay. In today's world, the whole of civilization was transitioning to new principles for constructing the world order, and those principles were closely linked with the mechanisms of IP. The Delegation pointed out that Russia had also embarked on the path of modernizing its economy. A strategy for transitioning the economy onto a new technological pathway had been devised, work had begun on "Strategic Plan 2010", and central to that Plan was normative regulation for creating a comprehensive protection and enforcement system, and for using the fruits of man's creative work. It was not just the infrastructure that had been created: an environment had been created where not only knowledge was being generated, but also developed innovations were being commercialized, and conditions for the rapid deployment of highly scientific manufacturing businesses were being provided. As one of the most recent examples of Russia's aspiration to give impetus to development in that field, the Delegation cited a project to create an innovation city, abbreviated to "Innograd" and named "Skolkovo". Today, Skolkovo was a hamlet 26km from Moscow. According to the Strategic Development Plan, in the near future it would become a new city, with new infrastructure, where conditions would be provided for the development of innovations in priority areas, close cooperation between all people who possessed creative talent, capital and scientific research. Parliamentary hearings were currently being held in the State Duma of the Russian Federation, and procedures for adopting that Federal Law in the third reading were being finalized. Upon entry into force of that Law, project participants would receive unprecedented tax concessions - zero percent on profits, zero percent value-added tax, and the lowest personal income taxes. And most importantly, it was not only Russians who could participate in said project. For non-residents of Russia willing to participate in said project, a simplified visa support procedure and freedom of migration were being introduced, and all of the tax privileges already listed would be extended to them. An important point was also the principle of extraterritoriality, which by virtue of the Law came into effect during a transitional period, pending the development of a material base. Everyone participating in that project, regardless of their creed, skin color or citizenship, would receive terms on an equal footing with residents of the Russian Federation. The success of that center's work would stimulate development of a network of similar centers, and possibly not just confined to the territory of the Russian Federation. The Delegation emphasized that, within the framework of said project, the Federal Executive Authority for IP - the Russian Patent Office, without whose participation it would not be possible to solve problems stemming from IP successfully - would become a key authority for the performance of tasks which were particularly important at the initial stage. It was obvious that a patent was a passport to the global technology market today. And obviously in that regard it was not only Russian developers who were running into serious problems. Obtaining legal protection under the PCT was a protracted affair, but more importantly, it entailed significant expenditure, which was onerous for emerging small and medium-sized innovation companies. The Russian Patent Office was undertaking systematic work in that regard. Paradoxically, out of 50,000 patent applications received in the national phase, only 1,000 were applying for an international patent. That begged the question: "Were there really no applications suitable to be patented in other countries?" No, the expense was too great for small and medium-sized companies. Only 1,000 large companies could afford to obtain a passport to that high-tech market. Offices joined in with the work to remove the barrier on that path, and within the framework of the

“Accelerated Patent Proceedings” pilot projects- so-called “Patent Prosecution Highway” treaties had already been concluded with Japan, the United States of America, and the Republic of Korea. Intensive negotiations were being conducted to conclude similar agreements with Finland and Spain. That system would undoubtedly shorten timeframes and simplify procedures for launching IP subject matter on the global market. In the Delegation’s opinion, that information should facilitate the modernization of the PCT system. Examination of the MTSP for WIPO activities lay ahead during the forthcoming General Assembly. On the whole, the Delegation supported the ideas set out in the prepared draft. Compiling the proposals, discussions and compromises which were worked out in the committees and working groups was likewise painstaking work. The Delegation drew participants’ attention to three challenges which, in its opinion, deserved the most focused attention and reaction on the Organization’s part by way of a search for suitable responses to those challenges. According to UNCTAD’s estimates, the social and economic divide between rich and poor countries was rapidly widening, and if the current situation were to persist said divide would only widen further and would increase developing countries’ development lag. Without concerted use of innovation it was impossible to improve the majority of countries’ living conditions and to achieve sustainable economic growth. The second challenge - and it was also linked to the first - was a fresh look at those processes and changes which were occurring in the context of development. In that regard, the Delegation cited two examples of such processes which were occurring in many developing countries of the South-Eastern and South-Western regions, and particularly in India and China. Just 15 years ago the average income per capita of the Chinese population was 15 yuan. Today, it was several times higher. Today, China was in second place globally in terms of GDP. 400 million people were in work. China produced over 50 percent of total global production, and not only goods of mass consumption, but also high-tech products, and more importantly, had mastered new professions and technologies in producing those high-tech products. Developed, developing and the LDCs dreamed about such rates of development. Therefore, the Delegation believed that those processes should be taken into account in negotiations, in Development Agenda’s, and likewise in the Strategic Plan. The third challenge was ever more frequent man-made disasters, volcanic eruptions, floods, drought: all were the result of human activity, which upset the balance of natural forces and would ultimately cast doubt over man’s ability to exist securely on Planet Earth. That was because of technologies polluting the environment, and technologists who, for the sake of extracting profit today, overlooked the state of that balance. Perhaps it would have been expedient to forego the competitiveness of those technologies which polluted the environment, and grant legal protection to ecologically clean technologies, which protected the planet. The Delegation noted the necessity to provide all countries with equal access to civilization’s achievements and scientific progress, noting in particular the changes which had occurred in China and India. Furthermore, the Delegation emphasized that many States were unable to afford even elementary specialists, even while those specialists were in the WIPO system. The Delegation believed that those States should devise their own strategic plans, which would be the basis for WIPO’s overall Strategic Plan, and that would be a suitable response to the aforementioned challenges. In conclusion, the Delegation asserted that all Russian IP specialists were willing to devote their knowledge to ensuring competitiveness in the interests of global progress and development.

88. The Delegation of Israel stressed that IP, innovation and creativity were staples of the global knowledge-based economy of the 21st century and that IP helped to promote economic growth worldwide. It was therefore crucial that countries fostered innovation and the creative talents of their peoples, invested in R&D and educated their people on the importance of IPRs. Israel stood at the forefront of technological development and creativity, a position which it had maintained with pride for many years. The Delegation noted that IP was now more than ever an international issue and international cooperation was vital, both between different countries and with WIPO. In 1996, Israel had acceded to the PCT and its accession had brought great benefit to Israeli patent applicants as well as to patent applicants from outside Israel. Israel was one of the leading countries in terms of the number of PCT applications submitted annually on a per capita basis. The relatively high number of PCT filings at the Israel Patent Office (ILPO) reflected public confidence in the quality of the service delivered by the

ILPO. On September 25, 2009, the ILPO had been nominated as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT and Israel would eventually offer its search and examination services to applicants from all Contracting States by the end of 2011. The Delegation had no doubt that, as an ISA/IPEA, the ILPO would be able to reinforce its commitment to continued excellence in the areas of client relations and service delivery and would also be able to reduce the workload of other ISAs. Designating the ILPO as an additional IPEA would improve the delivery times of international search reports and international preliminary reports on patentability. Such reports would be of the highest quality, based on the knowledge and expertise possessed by the ILPO's examiners. On September 1, 2010, Israel had acceded to the Madrid Protocol for the Registration of International Marks. The Delegation noted that Israel was one of the few countries to fully establish electronic communications with WIPO and customers. It highlighted the fact that the Israeli Trademarks Department of the Patent Office was henceforth a paperless office, handling some 10,000 new applications for registration each year. Approximately 70 percent of the applications originated from foreign applicants. Enforcement of IPRs was strong and continuing in Israel both at the civil and communal levels and was implemented through a variety of means, including an interministerial enforcement forum involving partners such as the tax authorities, customs, police, and Ministry of Justice. A special enforcement unit had been established within the Ministry of Health to prevent the manufacture and distribution of illegal pharmaceutical products. A specialized IP police unit was in the process of acquiring additional resources, such as advanced surveillance equipment and additional manpower, and large-scale investigations had already been carried out. Israel was currently looking into ways to improve enforcement to combat the distribution of illegal goods on the Internet. A major challenge was tackling copyright infringement, which was a global problem, and Israel looked forward to learning about the achievements and methods of other countries in tackling that problem. With regard to IP legislation, Israel's laws were subject to regular review in order to keep pace with changes in international standards as well as with the commercial needs both of IP producers and consumers. The Delegation further reported that, in 2011, Israel planned to implement an 18-month patent publication rule and to modernize industrial design law. On the international front, the previous 12 months had been a very productive and exciting time for IP in Israel, since it had included an official visit to Israel by WIPO senior management, the hosting in Israel of a WIPO-sponsored copyright seminar, regular Israeli participation in WIPO Committees of Experts, and Israel's joining the OECD – a process which had confirmed that IP protection in Israel met OECD standards. In conclusion, the Delegation gave its assurances that Israel would, to the best of its abilities, continue to support and cooperate in the invaluable work of the International Bureau in moving forward WIPO's agenda, which was to create a harmonized, streamlined, efficient and user-friendly IP system,

89. The Delegation of Algeria endorsed the statements made by Angola, the Syrian Arab Republic and Egypt, on behalf of the African Group, the Arab Group, and the DAG, respectively. The decision to devote a High Level Segment to "Innovation, Growth and Development: The Role of IP and Member States' National Experiences" reflected the positive developments that had taken place in the Organization as a result of the adoption, in 2007, of its Development Agenda. There was now collective awareness of the role that a well-designed IP system could play as a tool for generating development and wealth. The implementation of the 45 recommendations on the Development Agenda had to be seen within that framework. The Delegation noted with interest the progress made in identifying the working program for implementing those 45 recommendations in the form of thematic projects and activities. It further welcomed the adoption, by the CDIP at its previous session held in April 2010, of the coordination mechanisms and modalities for following up, evaluating and reporting on the implementation of the Development Agenda. That mechanism had to mainstream the development dimension into all of the Organization's activities. To ensure that the CDIP was able to fulfill its mandate properly, the Delegation invited Member States to initiate discussions within the Committee on matters relating to IP and development. In that connection, it seemed appropriate to invite the Chair of the special High Level Task Force on Implementation of the Right to Development to attend the next session of the CDIP.



Consideration of the Task Force report by the CDIP would feed the debate on the role of WIPO in achieving the MDGs, particularly with regard to the reduction of hunger and extreme poverty, environmental protection and access to health, as well as education. In that respect, in October 2010 Algeria would be co-hosting with WIPO an interregional seminar on "IP in the Cause of Development". That event would also provide an opportunity to discuss the close link that should exist between IP and development, and the Delegation extended a cordial invitation to all interested Member States. Algeria welcomed developments in the work of the IGC, in conjunction with its new mandate for 2010–2011. The Delegation hoped the results presented by the intersessional groups of experts would speed up the negotiations under way. It further hoped that one or more legally binding international instruments would be drafted to protect folklore, TK and GRs against misappropriation or misuse. With regard to the SCCR, Algeria was interested in copyright exceptions and limitations. The relevant standard-setting process was necessary to strike a balance between the interests of rights holders and the general interest. In that regard, Algeria remained committed to a solution that would guarantee visually impaired persons access to protected works, drafted in accordance with the global approach approved by the Member States at the eighteenth session of the SCCR. The adoption of an international instrument for the visually impaired outside of that framework would therefore run counter to that approach. It would give rise to a proliferation of instruments on the same topic, namely exceptions and limitations, leading to needless additional costs for the Organization. Access to education, knowledge and technology also had to be taken into consideration with regard to exceptions and limitations in the field of copyright and related rights. Algeria wished to thank WIPO for its efforts to raise awareness of the possible benefits of its accession to the Madrid Protocol. In that respect, the WIPO mission to Algiers in March 2010 had had a positive impact in the country because the highest authorities were currently considering acceding to the Protocol. Algeria was in favor of the Director General's proposal to hold consultations with Member States in the near future to define the broad lines of WIPO policy with regard to its External Offices. It invited the Secretariat to begin by providing Member States with activity reports for the WIPO External Offices, as well as a relevant document containing a study on current practices within the UN system. Algeria welcomed the informal consultations which the Director General had held in recent months with Member States, following which a revised version of the MTSP for 2010–2015 had been presented. Member States had expressed their concern over certain elements of the Plan, particularly standard-setting and WIPO's response to challenges at the international level. Accordingly, the Delegation suggested taking note of the document and referring in the report to the relevant comments made by Member States. It hoped that Member States would have an opportunity to examine the Plan by means of a mid-term review in 2012, and possibly enrich it via an intergovernmental negotiating process with a view to its approval. The Delegation also called for the establishment of objective rules relating to the allocation of elected posts within WIPO bodies, in accordance with the principle of geographical rotation, and invited the Secretariat to open consultations with Member States on that subject.

90. The Delegation of Mexico referred to the deep economic crisis affecting the world, which could only be overcome if everyone joined forces. Although there were some encouraging signs of recovery, the economic situation was clearly still very fragile, and the shadow of world recession had not yet receded. Against that backdrop, international agencies must respond appropriately to the aim of restarting the world economy. WIPO could play a particularly significant role in achieving that objective by promoting creativity and innovation, and by stimulating the transfer of technology, economies, knowledge and information (particularly in developing countries). The Delegation was of the opinion that, as knowledge, innovation and technology had become crucial factors in competitiveness and productivity, it was vital to adopt national and international policies capable of generating development. WIPO could provide valuable advice in that field, as well as being the natural forum for frank debates around the issues involved. It was therefore vital to step up efforts so that WIPO could effectively help to reduce and eliminate the technology and development divide among countries, while also having a real impact on economic and social development throughout the world. According to the Delegation, Mexico was pleased to note the WIPO strategic realignment initiative, and supported the

proposed 2010-2015 MTSP, which would be the starting point for WIPO to modernize and adapt to the changing international environment. Mexico also considered it important to implement the Development Agenda, thus contributing to the achievement of the MDGs. The Delegation referred to the Mexican Institute of Industrial Property (IMPI), which was firmly committed to achieving WIPO objectives. IMPI maintained close relations with WIPO, with a view to improving the protection of industrial property rights by means of four action lines. The first action line was to publicize the mechanisms for disseminating technological innovation. The second action line was to step up the fight against unfair competition. The third action line was to promote the development of human resources and the fourth to develop the pool of technological information contained in patent documents. Collaboration between IMPI and WIPO had helped to achieve the strategies by means of cooperation activities and active participation in the Organization's work. The protection and enforcement of industrial property rights through international cooperation undoubtedly fostered social and economic well-being in different countries, as well as promoting a balance between rights and obligations. The Delegation declared that international cooperation was a major tool of Mexican foreign policy, as it enabled the country to receive and provide technical, scientific, educational and cultural collaboration in various fields and areas of knowledge, in its dealings with a large number of countries and international agencies. The priority of IMPI was to seek out and provide the required collaboration mechanisms to facilitate the integral development of its most valuable resource: human capital. In that regard, the Delegation referred to the 20,000 plus students who had completed course DL-101 in Spanish, which was run by IMPI in conjunction with the WIPO Academy. The Institute was special in that its international cooperation had three dimensions: receiving, providing and collaborating. At the regional level, the Institute had set up international cooperation mechanisms to create strategies and policies that led to increased use of the industrial property system within trade and industry. By way of example, the Delegation mentioned the system to support the management of patent applications (CADOPAD) for Central American countries and the Dominican Republic, as well as Cuba and Colombia. That group of beneficiary offices had recently been expanded to include ARIPO, and by July 2010 the system had already handled 396 applications from those offices. In conjunction with WIPO, the EPO, the Spanish Patent and Trademark Office, the French National Institute of Industrial Property (INPI) and the Organization of American States, IMPI was currently extending its offer of cooperation with Latin American countries. At the national level, IMPI had annual programs to promote and disseminate industrial property, and in that context worked with universities, public and private institutions and research centers. In 2009, IMPI carried out 1,008 promotion activities and, between January and August 2010, had already organized 588 promotion events. During its 16 years of existence, IMPI had set up infrastructure, practical capacities and institutional procedures at the global level. Those efforts had been characterized by the promotion of effective protection of industrial property rights, and had given IMPI wide experience as a recipient and provider of cooperation programs. The Delegation highlighted that, with the valuable support of WIPO, an IP Academy would soon be set up in Mexico, and that would surely benefit not only the country but also the nationals of other countries. The Delegation then gave the floor to the Director General of the National Copyright Institute (INDAUTOR), who reiterated the great importance attached by Mexico to IP, as it was a valuable instrument of economic, scientific, cultural and social development. He added that Mexico had therefore implemented many national and international actions to promote increased enforcement of and compliance with IPRs, and in particular to strengthen the institutions responsible for managing copyright. Mexico's policy in terms of preventing illicit conduct that violated copyright and related rights, and the promotion of a culture of respect for intellectual creators, was strategically aimed at children. The Director of INDAUTOR pointed out that, in Mexican primary schools, civil and ethical instruction included a section on respect for copyright and combating piracy. INDAUTOR had very successfully implemented many modernization programs, such as Express Autor, which began the process of registering works in one day, and the program that provided an international ISDN number online. All the procedures and formalities of INDAUTOR had also been streamlined, and there were plans to create a virtual museum of the Public Copyright Records Archive. At the international level, INDAUTOR had strengthened ties of cooperation with WIPO, and that was illustrated by the study being

carried out by the Organization into the economic impact of the Mexican publishing industry, and the participation of performance artists in the country's GDP. The Director of INDAUTOR commented that the draft treaty on copyright exceptions and limitations was not only an excellent opportunity for WIPO to help disseminate culture and knowledge among a large part of the world population, but also promoted a climate of increased dialogue, cooperation and consensus within the Organization. He echoed the call made by GRULAC, and asked for the treaty to be made reality, as that would surely have a favorable impact on the educational level of the visually impaired, which would in turn benefit their personal development and the development of countries. He reiterated Mexico's full support for the adoption of a Treaty on the Protection of Broadcasting Organizations, as it was absolutely necessary and urgent to establish effective protection for the rights of those organizations at the international level, as that would help to combat signal piracy and therefore avoid the large economic losses caused by piracy. In conclusion, he declared that Mexico also supported the protection of audiovisual performances, considering that the 1961 Rome Convention and the WIPO Performances and Phonograms Treaty did not provide protection for fixed audiovisual performances.

91. The Delegation of Saudi Arabia reported on the country's experience in IPR protection and support for creativity and innovation. Three main themes were identified, namely new developments in IP legislation and infrastructure, awareness and education through professional and higher academic studies, and the promotion of creativity and innovation. In the field of IPRs, the Delegation recalled that in 1995, the Government created the Permanent Committee for IPRs. The Committee membership included senior legislative and executive government officials, and was placed under the supervision of the Ministry of Commerce and Industry. The Committee was responsible for examining the situation of IPR in the country and coordinating efforts for the development of legislation and infrastructure to bring them in line with international developments and related international treaties, with an overall objective of supporting economic reform. During the first phase and until 2005, the Committee worked on the modernization of relevant laws and regulations, development of respective infrastructure and building required capacities, in cooperation with other competent authorities. In the second phase, efforts by the Committee and other competent authorities were geared at enhancing their capacities for the implementation of those laws and regulations, through the increase and development of human resources in cooperation with law enforcement authorities in order to prevent infringement of IPRs and to protect rights holders, consumers and the national economy from the adverse effects of such acts. Those efforts also aimed at establishing an environment that encouraged creativity, innovation and investment. The Committee reached the third phase and could leverage previous achievements for the promotion of creativity and innovation among individuals and investors. FDI was also promoted in a better environment which ensured appropriate IPR protection. The Committee initiated contacts with public and private sectors in order to coordinate efforts and find the best ways for the achievement of objects and implementation of national planning. In that regard, the Delegation thanked WIPO for its support and assistance throughout those three stages. In the field of professional and higher education, and in line with the country's interest in education as reflected in all development plans in the short, medium and long term, the number of public universities grew from 7 to 20, attracting some 630,193 students in 2009, in addition to 8 private universities and 20 faculties. The Delegation also mentioned the launch of an ambitious program for post-graduate studies abroad, with around 80,000 Saudi students (17 percent female students) in foreign universities. According to the UNESCO 2009 Report on Global Trends in Student Mobility, Saudi Arabia was fourth in world ranking of the number of students abroad, behind China, India and South Korea; and first in world ranking of the number of students abroad relative to the country's population (Saudi Arabia: 0.03 percent). In the field of technical education and professional training, the Technical and Vocational Training Corporation (TVTC) continued the development and expansion of professional institutes and technical faculties which reached 63 professional industry institutes, 54 professional training institutes and 36 technical faculties. The overall number of students totaled 40,000. The TVTC also granted authorizations for 669 national training institutes and centers with 48,000 male students, and for 376 national training institutes and centers with 38,000 female students. In the field of creativity and innovation

promotion, and in addition to the great efforts by the universities in R&D activities, major industrial and petrochemical actors such as ARAMCO, the Government of Saudi Arabia was committed to the promotion and development of creativity and innovation activity. The Delegation illustrated this stating that a National Industrial Strategy was adopted in November 2009 with the objective of increasing the economic contribution of the industrial sector from the actual 11 percent to 20 percent by 2020; a National Plan for Science, Technology and Innovation was established for 2010-2015 in cooperation and coordination with all relevant government bodies with a budget of about 2.2 billion US dollars; the National Foundation of King Abdulaziz and his Companions for Giftedness and Creativity was created to establish a conducive environment for creativity and innovation. In conclusion, the Delegation expressed gratitude to WIPO and the Director General for their vision and support.

92. The Delegation of South Africa aligned itself with the statements made on behalf of the African Group and the DAG. It was grateful for the opportunity to speak at the High Level Segment and welcomed the theme chosen for that year, which was relevant to South Africa's priorities of achieving economic development through education, skills training, rural development and employment, security and poverty eradication. The WIPO Development Agenda provided a mechanism for discussing ways in which WIPO could promote innovation and growth in developing countries, particularly with regard to the achievement of the MDGs. The High Level Segment should also focus on mainstreaming the Development Agenda recommendations into all areas of WIPO's work, including norm-setting and technical assistance, as well as on assisting Member States, particularly those from developing countries, in achieving the MDGs. The Delegation stressed that Member States' individual needs and national policies should be taken into account in seeking a balanced IP system that promoted both innovation and development. WIPO therefore needed to clearly integrate the UN principles of good governance and transparency into its policies. In order for WIPO to fulfill its mandate as the UN specialized agency in matters of IP, there needed to be a clear process of regional rotation in selecting Chairs for the various WIPO bodies. The recommendations of the Audit Committee would also have to be considered and the role of WIPO made clear. The Delegation reiterated the importance of the issues under negotiation within the IGC. The IGC's work towards a legally binding treaty or treaties was a national priority for South Africa and would provide an innovative means for developing its rich and diverse GRs, TK and TCEs. It would also enable South Africa to compete in that area and to further develop its IP. The Delegation welcomed the renewed IGC mandate and applauded the valuable work undertaken by its first IWG on folklore. The time was ripe to intensify negotiations and to fulfill the mandate agreed upon by Member States in 2009 through the preparation of a consolidated text or texts by the next Assemblies with a view to setting a date for a diplomatic conference. A quick conclusion of the negotiations would be essential to prevent the continued misappropriation of GRs, TK and TCEs.
93. The Delegation of Brazil reiterated its message expressed at the 2009 Assemblies that all Member States had an interest in preserving the role of WIPO as the key multilateral body for drafting rules and principles on IP matters and said that strengthening WIPO as an institution had become even more relevant since. As a multilateral UN agency, whose deliberations were increasingly transparent, with active participation by both the private sector and civil society, WIPO had legitimacy, expertise and inclusiveness – the credentials necessary for leading international discussions on developing the IP system and for ensuring the effectiveness of new international rules. Without those three elements, it might not be possible to apply the rules to the major economic spaces now at the dynamic centre of the international economy. All Member States should strive to keep WIPO centre-stage in IP negotiations, which would also entail agreeing on intergovernmental mandates in the current complex debates in various forums on the interface between IP and public health, or climate change, or food security. In approving the Development Agenda in 2007 the main aim had been to extend the benefits of the IP system to all countries, especially those not yet fully reaping its advantages, which were not only developing countries. The Development Agenda had added a new dimension to WIPO that called for empirical learning processes, a flexible implementation and monitoring methodology, and budgetary resources to match its importance. It also

entailed a change in WIPO's organizational culture, which should extend even to the atmosphere surrounding intergovernmental negotiating processes. Defensiveness and mutual distrust should be left behind. The Development Agenda had filled a big gap in the international IP system and improved its equilibrium. WIPO provided important services for IPRs-holders, but its role was not confined to that. An agency within the UN system had to attain higher objectives, in particular the promotion of development, the protection of human rights and the achievement of the MDGs, which would guide the recently formed DAG, of which Brazil was a founding member, and which it would shortly be coordinating. In only five months the DAG had consolidated itself as an open group, welcoming dialogue and capable of achieving a consensus on important matters. All its efforts sought to make development a benchmark for WIPO. Such changes took time and a willingness to embrace change. Much remained to be done, but some developments that year had indicated that Member States were on the right path. The CDIP had approved a mechanism for the coordination, monitoring and assessment of the Development Agenda. Visible progress had been made on reform and improvement of the PCT. The IGC was stepping up the negotiation of one or more legal instruments to protect GRs, TK and folklore. Member States had developed the concept of respect for IP, which involved a broader and more complex approach to enforcement and rights. The SCCR had intensified discussions on resuming negotiations on the draft treaty on the protection of audiovisual performances, as well as the debate on exceptions and limitations on copyright. Together with Ecuador, Mexico and Paraguay, and supported by many Member States with very different societies, Brazil was seeking recognition of the importance of finding effective, mandatory ways of giving visually impaired people better access to knowledge. The proposal should be seen against a tried and tested, century-old regulatory framework for copyright. The four countries sponsoring a draft treaty on copyright exceptions for the visually impaired had, moreover, been working closely with non-governmental organizations familiar with the day-to-day difficulties facing visually impaired people, in particular the World Blind Union (WBU). Brazil anticipated a favorable outcome from the negotiations, which were an important test of WIPO's ability to help strengthen UN values and achieve the MDGs. There was a need to work towards a true convergence of international governance on IP and human rights, and to implement the principles of peaceful coexistence, inclusiveness and transparency, while keeping both feet still firmly on the ground. It was hoped a WIPO treaty would be achieved quickly and that it would be a "declaration of freedom" for blind people by allowing them greater access to knowledge. In short, Brazil would continue to make its substantive contribution, individually or with others, in the various WIPO committees such as the SCP and the ACE, where it had submitted written proposals the previous year. Finally, the Delegation welcomed in-depth economic analysis and the implementation of the Development Agenda as part of the strategic realignment process. Like other latecomers to the knowledge economy, Brazil had much to gain from wide-ranging reflection on the role of IP in development policies. With that in mind, early that year Brazil had hosted a meeting of economists specializing in IP, organized by WIPO.

94. The Delegation of Sweden aligned itself fully with the statements made by Switzerland on behalf of Group B and by Belgium on behalf of the European Union and its 27 Member States. Sweden firmly supported WIPO in its mission to promote innovation and creativity for the economic, social and cultural development of all countries through a balanced and effective international IP system and had complete faith in the Secretariat. However, it was important that the work and role of WIPO were strengthened and it was the responsibility of Member States to support the Organization in its important work to develop and strengthen the IP system throughout the world for the benefit of all. IP protection had a long history in Sweden and, throughout the years, the country had participated in and supported the development of the different IP systems around the world. The Swedish International Development Cooperation Agency (Sida) and the Swedish Patent and Registration Office (SPRO) had collaborated with WIPO for many years in organizing three annual training programs covering various aspects of IP for participants from developing and LDCs, all designed to increase and strengthen the IP systems of the participants' countries and globally. The Delegation thanked the International Bureau for its successful collaboration in that regard. International work to develop and strengthen the international IP system was an important means of fostering

innovation and development and Sweden supported activities such as the PCT Working Group and welcomed the recently endorsed recommendations. It also welcomed measures leading to mechanisms that were responsive, transparent and stood the test of time, with the aim of increasing WIPO's effectiveness and efficiency. Sweden appreciated the progress made with regard to the SRP and supported continuing work under that Program. The Delegation noted with satisfaction the core values formulated, which placed greater emphasis on customer orientation, efficiency and accountability, with WIPO as an Organization having social, ethical and governance responsibility. Sweden welcomed the MTSP, which provided WIPO with a robust framework and empowered the Secretariat by giving strategic direction in accordance with the already agreed strategic goals for the years ahead, and had appreciated the consultation process during the development phase. Sweden recognized the important constructive work of the CDIP and welcomed the agreement reached on the coordination mechanisms. With regard to the SCCR, the Delegation thanked the Secretariat for its continuing efforts to move forward the issues currently on the agenda and reiterated its commitment to constructive participation in the future deliberations of the Committee. As regards the important work of the IGC, the Delegation reiterated its satisfaction that an agreement had been reached on the arrangements for the IWGs and had been pleased to participate in the first of those working groups. Sweden was committed to furthering the international harmonization of patent law through the work of the SCP. It also recognized the constructive work of the SCT and acknowledged the agreement to further advance the work on possible convergences in industrial design law and practice. The Delegation considered the work of the ACE important and supported the convening of that Committee at appropriate intervals during the following biennium. With regard to recent legislative developments in Sweden, a new and modernized Trademark Act would enter into force on July 1, 2011, replacing the current legislation, which dated from 1960, and Sweden would at the same time accede to the Singapore Treaty on the Law of Trademarks. In conclusion, Sweden looked forward to continuing its successful cooperation with WIPO on the development of an international IP system that would promote the economic, social and cultural development of all countries.

95. The Delegation of Colombia was pleased to participate in a dialogue within the framework of the WIPO Assemblies that was of benefit to all and would strengthen the development of specific strategic proposals aimed at helping Members take up major challenges worldwide in the field of IP. Colombia recognized WIPO as the leading world authority for IP issues and said its Government viewed IP as a key incentive for promoting innovation and creativity, both of which were fundamental to growth and development in Colombia. The prosperity of countries depended to a very large extent on innovation and the use and productive generation of knowledge and technology, which promoted the specialization of human capital and the development of sectors of goods and services with a high scientific and technological content. Accordingly, the IP and innovation policies applied in Colombia in recent years had played a strategic role in achieving the growth and development goals contained in the National Development Plan. With a view to harmonizing the policies set out in that Plan with IP policies, three strategic thrusts had been adopted to link topics relating to growth and development, competitiveness, productivity, IP, science, technology and innovation. In that connection, it was essential to introduce improvements with regard to productive transformation, the productive use of knowledge and the balance between IPRs holders and knowledge users, which made it possible to harmonize the goals of achieving equitable development within the framework of competitiveness and national productivity. A new Development Plan for the next four years was being prepared, which took into consideration the significant impact of knowledge and innovation as drivers of productivity and competitiveness within a country. The Delegation reported that with the help of WIPO, the National IP Administration System was being adapted. Its goal was to coordinate activities of the State and private individuals in order to achieve an adequate level of protection, utilization and promotion of IPRs, enhancing their impact on national competitiveness and productivity, while striking a balance between rights holders, the public interest, the interests of knowledge users, the goods protected and national cultural assets. One key step had been the incorporation of the various government and private bodies in the new Intersectoral Commission on IP, to ensure that the system was properly implemented and that public

policies offering adequate protection, utilization and promotion of IPRs were adopted. The Commission benefited *inter alia* from the input of 10 ministries and two administrative departments, National Planning and Science, Technology and Innovation (Colciencia), as well as collective management societies. Colombia further recognized the importance of national science, technology and innovation policies, adopted by the system covering those areas, that sought to promote innovation within productive systems through the implementation of IP policies. It had adopted strategies to foster innovation in productive systems, consolidate the institutional foundations of the national science, technology and innovation system, strengthen human resource training geared to research and innovation, encourage the social appropriation of knowledge, focus public action on strategic areas and create the necessary capacities to generate, manage and utilize knowledge and research. The Delegation reiterated that IP policy was an essential component of social and development policy, which Colombia was striving to harmonize with the strategy of equitable growth and development. The Delegation supported the Director General's efforts to adopt a MTSP to guide and integrate the various IP activities, and deemed it essential to move ahead with the updating of the international framework of IP standards. Stressing the need, however, for materials in appropriate formats to ensure that the visually impaired enjoyed access to culture and knowledge, the Delegation called for creative and constructive efforts in response to the just aspirations of millions of visually impaired persons throughout the world. On July 19, 2010, Colombia had adopted Law No. 1403 on the Protection of Audiovisual Performances, which provided for remuneration for performers for the making available of audiovisual works and recordings to the public. The Delegation concluded by reporting that Colombia had already taken steps to accede to the Madrid Protocol and the Singapore Treaty on the Law of Trademarks.

96. The Delegation of the Holy See appreciated that the High Level Segment focused on innovation, growth and development and underscored that enhancing creativity opened new concrete options for all. The IP system promoted literary, scientific and artistic production and inventive activity, for the common good. Protection enabled authors and inventors to be recognized as the owners of their work and it ensured, to a degree, economic reward, while at the same time promoting the progress of society as a whole. The Delegation referred to Article 27 of the Universal Declaration of Human Rights and stated that IP protection recognized the dignity of men and their work and contributed to individual growth and to the common good. Economists recognized several mechanisms whereby IPRs stimulated economic development. The interdependence of those mechanisms made it appropriate to take a broader view of the incentives associated with IPRs. Evidence in that area was, however, fragmented due to a lack of measurement of the concepts involved. The Delegation believed that, although strengthening IPRs was seen as a potentially enhancing development, a stronger system of protection could either enhance or limit economic growth. Under certain circumstances, strengthening the system could mean burdensome social costs. Developing economies could experience net welfare losses in the short run where the costs of protection emerged earlier than the benefits. That could make it difficult to reach a convergence of agreement on IP reform in developing countries. Adopting stronger IPRs could, however, attract significant new inflows of technology, cause local innovation and cultural industries to flourish and more quickly narrow the technology gap between developing and developed countries. Increasing a country's benefits from IPRs depended not only on improving the IP system but also on the ability to absorb and develop new technologies and products. The Delegation underscored three issues that were critical to development. First, adapting new technologies to local industry was more successful where human resources were highly-educated and qualified. Second, absorbing foreign technologies into the economy was critical and depended on the R&D performance of local enterprises. Third, many countries' research institutes were unable to bring inventions to market in a useful way. Addressing those issues would lead to stronger IPRs, as well as to contracts between institutes and enterprises with defined ownership shares and increased flexibility for researchers to form new business partnerships. The Delegation considered it important to encourage the development of financial markets capable of managing the significant risks involved in technology development. It stressed that developing a fair regime of IPRs should promote the good of all and the pursuit of more equitable international

relations, especially with regard to the poor and vulnerable. It referred to Pope Benedict's statement that, in the context of material and cultural causes of development, the same patterns of responsibility were reproduced on the part of countries in which there was excessive zeal for protecting knowledge through a rigid assertion of the right to IP, especially in the field of health care. At the same time, in some poor countries, there were persisting cultural models and social norms and behavior that hindered development.

97. The Delegation of the United States of America aligned itself with the statement made by Switzerland on behalf of Group B and said that WIPO's ongoing strategic realignment process had reformed the Organization's programs, resources and structures based on its new strategic goals. That process had enabled WIPO to respond more effectively to the rapidly evolving technological, cultural and geo-economic environment, as well as to the urgent global challenges in which IP could play a role in addressing. Through the four core values, the strategic realignment would enable WIPO to achieve its goals and provide global leadership on IP issues. In particular, accountability for results would be key in improving the tracking of results and performance. The United States of America fully supported WIPO's recent work in building a responsive and efficient Organization and commended in particular the MTSP for 2010–2015, the RBM framework initiative and the ERP system, to which the PBC had decided to devote significant resources. At a time when governments and businesses worldwide were facing economic difficulties, it was vital that WIPO continued to maintain tight financial discipline and increase overall efficiency. The Delegation welcomed the agreement concerning the composition of the new Audit Committee, enabling WIPO and its Member States to continue to benefit from the Committee's oversight services. The United States of America would continue to work with Member States and the Secretariat in creating a better functioning and more effective Organization, including improving its substantive work, establishing its primacy on IP policy issues within the UN and increasing IP-related development activities while ensuring streamlined human resources and expenditure practices as well as a continuing focus on respect for IP. The United States of America was expanding its cooperation with WIPO and with several Member States in the area of IP outreach. It believed that improved awareness on IP use and protection was critical for improving the IP system and it aimed to work with WIPO to enable Member States, NGOs, the private sector and those engaged in IP outreach in the United States of America to better coordinate their efforts. With regard to the work of IP offices, the United States of America considered global work-sharing to be key in effectively managing the workload faced by IP offices, as well as ensuring the highest possible quality. The USPTO is currently engaged in a number of work-sharing projects with other national offices. The Patent Prosecution Highway framework was an important step towards maximally reutilizing work done by other offices. The United States of America sought to increase participation in such projects in order to benefit from the resulting time and cost savings to applicants and offices. It would do so by eliminating barriers to participation, finding new office-led work-sharing initiatives and listening to feedback from applicants. The USPTO had established a task force to explore ways in which the PCT could function more effectively, including examining the USPTO's role as receiving office, ISA and IPEA. It hoped thereby to improve the USPTO's PCT operations and identify ways to improve the PCT as a whole. The United States of America aimed to integrate the PCT into all of its work-sharing efforts, including the Patent Prosecution Highway. In March 2010, the United States Copyright Office and WIPO had organized a joint training course for developing countries and countries in transition on emerging issues in copyright and related rights pertaining to persons with print disabilities. Topics included international, legal and business frameworks, case studies on existing exceptions for the print-disabled worldwide, the World Blind Union treaty proposal and WIPO's stakeholders platform. The Copyright Office would offer a similar training program during the coming year. With regard to the issues before the SCCR, the Delegation believed that progress could be achieved quickly in that area and that copyright protection fostered creativity, supported economic development and was a motor for freedom of expression. It was committed to ensuring that domestic and international policies facilitated access to information and education enabling everyone to live independently and to participate in cultural life. The United States of America had considered that new legal norms were needed in



international copyright law to address the needs of persons with print disabilities. The most pressing issue was clearly the cross-border distribution of special format materials made for persons with print disabilities, whether under copyright exceptions in national form or special licensing arrangements. WIPO should therefore first strive to reach international consensus in that area. In June 2010, the United States of America had proposed a new consensus instrument that could unequivocally establish new international norms for the export and import of special format copies. Initially a possible joint recommendation by the Assemblies, it believed it could lead to the development of a treaty establishing basic copyright limitations and exceptions for persons with print disabilities. The proposals made by Brazil, Ecuador and Paraguay, by the European Union and by the African Group demonstrated WIPO's genuine engagement on the issue.

98. The Delegation of Cambodia associated itself with the statements made by the Vice Minister of Viet Nam on behalf of ASEAN, the Delegation of Nepal on behalf of the LDCs and the Delegation of Bangladesh on behalf of the Asian Group. The Delegation stated that Cambodia recognized the importance of innovation and creativity for economic development and industrialization processes. The Government was, therefore, working towards the establishment of an enabling environment and promotion with appropriate incentives in this area through its economic and development frameworks and processes. The Delegation expressed Cambodia's belief in exploring the role of IP in stimulating innovation and growth in Cambodia's economy. Cambodia was a country that had emerged toward economic integration, and attached great importance to the level of development of its IP system in terms of both the legal and institutional frameworks which could be used as policy tools for contributing to economic and social development and the attraction of FDI. A number of major IP laws such as trademarks, patents, industrial designs and copyrights had been adopted and implemented since 2002 by the Royal Government of Cambodia. A draft law on Geographical Indications was due to be submitted to the National Assembly for consideration and adoption in 2011, and constituted an important achievement with relation to IP legislation. The Cambodia IP National Committee led by the Senior Minister and Minister for Commerce was currently working to build a strong and effective institution in order to ensure that IP generation, administration, protection, and enforcement were carried out in line with international standards and practices. The Delegate then turned to cooperation between Cambodia and WIPO. WIPO had become a very important partner of Cambodia since Cambodia's accession application to the WTO in 1994 by developing IP institutions and legislation so as to be compliant with the TRIPS Agreement. Much progress had been made through this cooperation, which contributed to the process of assisting Cambodia to join the world trading system as a fully fledged member in 2004. WIPO had helped set up an IP automation system and had worked closely with Cambodia to establish an IP information centre to be located at the Ministry of Commerce, which Cambodia believed would be extremely useful, not only for government officials, but also for the public in general, especially those who were interested in IP works. WIPO had also provided a number of training workshops and missions to assist Cambodia as a part of its capacity-building program. The Delegation stated that Cambodia placed great emphasis on this partnership, and appreciated the development efforts in related areas. It also appreciated the continued support from WIPO as well as from Member States in the development of Cambodia's IP system and expertise in order to promote its capacity, namely the growth of entrepreneurial skills, businesses market competitiveness and employment. Cambodia had observed the process, and the progress made, in the negotiations to establish an agreed instrument for the protection of GRS, folklore and TK. It shared the view that the negotiation process should be expedited for the benefit and common development of all. The Delegation was of the opinion that the MTSP of WIPO was important, and would allow WIPO to carry out its work more effectively in terms of resource allocation, timing and prioritized areas of implementation as needed by the Member States. It stressed the full implementation of the WIPO Development Agenda and Declaration endorsed by LDCs Ministers at the High Level Forum on the Strategic Use of IP for Prosperity and Development of LDCs held in July 2009. It would be necessary for WIPO and its development partners to make their funds available for capacity-building assistance for LDCs, access to new technology, and the preparation for IP to be included in the

outcomes of the forthcoming UN LDC IV in Turkey next year. In conclusion, the Delegation stated that Cambodia viewed IP development and enforcement as requiring global cooperation and IP should work, not only for the benefit of inventors and rights holders, but also for the benefit of all communities, rich and poor, developed and developing alike.

99. The Delegation of Honduras stated its support for the statement made by the Delegation of Mexico on behalf of GRULAC. The Delegation referred to three aspects related to the interests of Honduras. First, IP was one of the most valuable means of tackling the new challenges provided by trade and production opportunities posed by an increasingly interconnected world. The market of ideas and its development required Member States and WIPO to make effective and coordinated contributions in order to reach national objectives and those of the international community. According to the Delegation, Honduras had, with the support of WIPO, made significant progress to raise awareness of the advantages of IP and to develop institutional capacity in order to provide a better service. The Delegation added that the Government of Honduras was committed to ensuring that the national IP system achieved its main purpose of legal protection, promotion of innovation and creativity, transfer of technology and benefits for all society. Second, the speaker described how Honduras prioritized certain international initiatives. Recalling the words of Stevie Wonder, the Delegation stated that they should provide additional impetus for the proliferation of initiatives on limitations and exceptions to copyright in favor of the visually impaired. It also highlighted the importance of having a legal instrument for the protection of TK, GRs and TCEs, and said that the IP system also helped to rise to the complex challenges at the world level, such as climate change and growing energy requirements. Third, the speaker affirmed that the application of the IP system had an impact on people with a first name and surname, families and communities, as well as affecting national, regional and international realities. The Delegation cited the example of the Marcala community in Honduras, where around 1,400 producers representing 5,600 people had united to produce coffee under the appellation of origin "Café de Marcala". That had given them considerable advantages and competitive capacity at the national and international levels, whereas before they had to sell their excellent products at prices that did not reflect their special quality. The Delegation declared that such achievements should be the general rule, and that it therefore supported the ongoing adaptation of WIPO, through means such as the MTSP, to help achieve the objectives of the Development Agenda and the MDGs. In conclusion, the Delegation declared that, on September 27, 2010, it would be signing an agreement with WIPO for the provision of technology and innovation support services in Honduras, and that the country was looking forward to the visit by the Director General to Central America at the end of 2010.
100. The Delegation of Pakistan aligned itself with the statements made on behalf of the Asian Group and the DAG and said that it looked forward to a balanced implementation of the MTSP presented to the Assembly. It stressed its interest in the Development Agenda and highlighted the need for a global IP system that would enable the developing and LDCs to break the cycle of dependence on the developed world. Furthermore, the theme of coordination between innovation, growth and development was at the very crux of an IP system that promoted innovation and access to knowledge. The Delegation appreciated the progress made during the previous year towards implementing the recommendations of the Development Agenda and referred to Member States' dynamism and the initiatives taken to accommodate the concerns of all stakeholders. It was convinced that for effective implementation, there needed to be a clear distinction between the Development Agenda program and the Organization's regular technical cooperation activities. There would inevitably be a degree of overlap but it should be clearly understood that the recommendations concerned all areas of WIPO's work and the Development Agenda should not be reduced to technical assistance activities merely duplicating what had already been done, though perhaps on a larger scale. With regard to the IGC, the Delegation was satisfied with the progress made in the text-based negotiations held during intersessional meetings and pointed out the need for clear principles and norms to ensure protection and measures against misappropriation. In addition, issues such as disclosure of origin, benefit-sharing and prior informed consent

required further discussion with a view to developing a legally binding instrument within a well-defined time frame. Regarding the patent system, it was necessary firstly to rectify certain shortcomings which tended to stifle innovation and cause high costs for developing countries in acquiring and developing new technology and secondly to solve the problem of overload of the system. Measures should be implemented to enhance the efficiency of the patent regime but not at the expense of compromising available flexibilities and policy space. With regard to the SCCR, it hoped for comprehensive discussions and tangible progress on exceptions and limitations, since that was an area of much concern to Pakistan in relation to the granting of access to educational and scientific material. It also looked forward to progress on concrete measures to enhance access to published materials for the visually impaired. It was concerned at the one-dimensional approach to enforcement and the focus on increasingly strict enforcement measures. With regard to oversight, the Delegation welcomed the recommendations of the Audit Committee, but called for an appropriate institutional mechanism to be set up to allow its recommendations to be thoroughly examined by Member States. The Delegation pointed out that if WIPO was to remain relevant on matters of IP it had to regain momentum by making the right decisions to ensure that IP provided equal opportunities and safeguarded the interests of all alike. In conclusion, the Delegation confirmed its support for all efforts to steer WIPO towards greater productivity.

101. The Delegation of Ethiopia aligned itself with the statements made by Angola on behalf of the African Group and Nepal on behalf of the LDCs, as well as the DAG, and confirmed its full commitment to the achievement of the objectives of WIPO. Ethiopia firmly believed in the organic interrelation of innovation, growth and economic development and had established a national institution mandated with the protection of innovative and creative activities. A national patent office had been established at the country level to promote the role of innovation and creativity in the overall growth and development of the country in its endeavor to achieve the MDGs. Furthermore, Ethiopia had recently launched an ambitious growth and transformation development plan designed to promote the country's socio-economic development. The goal of the national plan was to transform Ethiopia into a middle-income country and the Government recognized the significance and vital role of the IP system in achieving that goal. The Delegation of Ethiopia attached great importance to the work of the IGC and had actively participated in its various sessions. As one of the most biologically diverse countries in the world, Ethiopia had benefited from the discussions and deliberations to date. The country was home to an immense genetic and cultural diversity, including more than 80 indigenous languages and a vast range of different cultures and TK norms and practices. Ethiopia had taken several positive measures with a view to establishing regimes for the protection of TK, TCEs and GRs to enhance their effective use as a tool for socio-economic development. The policies adopted included the national conservation strategy, the national biodiversity strategy and the 2004 action plan. With a view to establishing domestic legal regimes for the protection of TK and GRs, the Government had adopted two major laws to ensure greater protection in that field. Furthermore, Ethiopia had enacted a law on access and benefit-sharing in accordance with its obligations as a contracting party to the Convention on Biological Diversity. The objective of that law was to ensure that the country and its communities obtained a fair and equitable share of the many benefits arising from the use of GRs, so as to promote the conservation and sustainable use of the country's biodiversity resources. The Delegation believed that those national efforts would be meaningfully realized in the context of a comprehensive international legal framework designed to protect GRs, TK and TCEs and it hoped that progress would be made at the current session in reaching agreement on a legally binding instrument to provide such protection.
102. The Delegation of Barbados offered its support in the implementation of the MTSP 2010-2015 and with respect to the work of the various Committees, urged the SCT to find an effective solution which would prohibit the use of country names as trademarks without the consent of a competent authority in the country concerned and called on the SCCR to find ways of improving access to copyright protected works for the visually impaired. The progress made in the IGC and the IWG was commended and the Delegation stressed that the definition of beneficiaries in any international legal

instrument which was to be agreed should be broad to take into account the realities in various countries, including those developing countries which, despite having no identifiable indigenous people, had TCEs and TK that required protection against misappropriation. Concerning the PCT, the Delegation expressed its support for the work which would improve the functioning of the PCT system and thanked the International Bureau for its continued efforts to find acceptable eligibility criteria on which fee reductions would be given, reiterating that any criteria to be developed should be fair and equitable. It thanked WIPO for the technical assistance given over the past year in further strengthening its national IP office and for the assistance rendered in the development and formulation of its national IP strategic plan. The Delegation emphasized that it remained committed to working with all agencies in the protection of IPRs and assured WIPO of its continued full support.

103. The Delegation of Chile, after pointing out that the period since the previous General Assembly had been a very busy one owing to the number of meetings and the variety of topics dealt with, saw a contradiction. Although progress had been made with regard to the process of strategic alignment and the MTSP for 2010–2015, major difficulties had arisen with regard to standard-setting. Granted, diversity was the hallmark of a multilateral forum, but the Delegation was concerned that the process lacked *affectio societatis*, that is to say, differences were not accompanied by the flexibility necessary to reach a consensus. A solution had to be found, because otherwise WIPO ran the risk of becoming irrelevant, which would prevent it from playing its role as the leading forum for IP. That would not benefit anyone, neither the developed countries, that were the main users of the IP system, nor the developing countries, that would not succeed in developing a balanced IP system that could truly drive innovation and development forward. In relation to WIPO activities in 2010, the Delegation highlighted the components that were most relevant for Chile. First of all, it said that progress in the SCCR was slow and Chile had primarily pushed for an agenda item on copyright exceptions and limitations. The Delegation backed the concept of a treaty for the blind and visually impaired, and underscored the importance of maintaining topics relating to audiovisual works and broadcasting organizations on the agenda of that Committee. It emphasized the work done by the SCP, which had endeavored to move forward by assuring all of its members that a balance would be struck and by restoring trust. Although the Committee was not deadlocked, it lacked dynamism. The Delegation expressed satisfaction at the new proposals and highlighted the progress made in the Working Group of the PCT as well as the attempt to reach an understanding in order to improve cooperation with regard to inter-office patent searches and avoid duplication of efforts in that regard. It hoped that the Working Group on TCEs of the IGC would meet shortly in order to fulfill the mandate it had been given by the General Assembly in 2009. With regard to the PBC, the Delegation welcomed the agreements reached with respect to the Audit Committee and the MTSP proposed by the Director General, and was confident that both would lead to more efficient administration of the Organization. The Delegation also noted the agreement reached on the funding of projects approved under the Development Agenda, and expressed appreciation for progress made in implementing Development Agenda programs and projects as well as the agreement on a coordination mechanism and supervision, evaluation and reporting arrangements worked out in the CDIP. As for Chile's relations with WIPO and cooperation activities, the new National Institute for Industrial Property was already fully operational and had become a pillar of innovation policy. It had forged an effective link between users and beneficiaries, namely universities, trade unions, international bodies, research centers and government organs. Likewise, the Institute had begun updating its physical and normative infrastructure, and was replacing its IT platform with the IPAS system provided by WIPO. Over the medium term, that change would make it possible to process industrial property rights virtually online, enhancing the efficiency and quality of the examination process and hence the rights granted. In April 2010, a Meeting of Directors of IP Offices in Latin America had been held in Santiago at which common problems had been discussed and experiences shared, providing an opportunity to strengthen the tools developed in the region. The support of WIPO had been capital in that respect. The Organization was further executing a cooperation project together with Chile, which was aimed at training professionals in the field of IP, innovation and the transfer of technology and knowledge,

and at setting up a statistical system to measure the impact of public policy on IP and innovation. In the legislative field, 2010 had marked the entry into force of the most far-reaching reform of the system of copyright and related rights of the past 30 years. Some highlights were the recognition of copyright exceptions and limitations, including exceptions for the visually impaired, stiffer penalties for copyright infringements, and the establishment, for the first time in Latin America, of a system to limit the responsibility of Internet service providers for violations committed using their networks. In 2010, Chile would finalize the process of acceding to three treaties administered by WIPO: the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedures, the Treaty on Trademark Law and the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. In conclusion, the Delegation highlighted two aspects of great importance for Chile. With regard to WIPO regional offices, it expressed support for the policy worked out in conjunction with the process of strategic alignment, and said that the right approach was to analyze carefully the role those entities should play, primarily as drivers of innovation, and transfer of technology and knowledge, so that they could genuinely promote regional development. Finally, all were aware of the importance that Chile attached to the existence of a clear, transparent and efficient procedure for electing the Chairs of the various WIPO bodies and committees. The Delegation was sure that the majority of delegations also favored a procedure that ensured an adequate geographical balance and made it possible to minimize tensions when it came time to elect the persons who would lead debate within the Organization. It called for the launching of a consultation process with a view to submitting a proposal for adoption by the General Assembly in 2011.

104. The Delegation of the Democratic Republic of the Congo congratulated the Chair, Ambassador Dumont, on his election as well as the members of the Bureau, and also congratulated the Chair on his skilful conduct of the work. It further commended the Director General and the International Bureau on the quality of the documents made available to Member States for the 48th Series of Meetings of the Assemblies of the Member States of WIPO. Mr. Stevie Wonder's appeal in favor of the disabled had been heard by the Delegation, which would be working alongside the other WIPO Member States to secure the adoption of a treaty improving the access of the blind and partially sighted to original works. It was necessary to end without further delay the deprivation of information which affected hundreds of millions of visually impaired persons living in darkness. The theme of creativity and innovation chosen for the current year reflected the materialization of the vision of Mr. Francis Gurry, Director General of WIPO, of building an IP bridge between developed and developing countries. The Delegation supported the Director General in that respect. It had become commonplace to say that innovation was at the heart of national strategies in the fields of development and growth. It was time for WIPO to demystify IP in order to develop good practices with regard to IP strategies that could help developing countries, especially LDCs, to protect and enhance their innovations and know-how. Innovations were not only a tool for boosting competitiveness and gaining market share for the companies or bodies which possessed them; they were also an intellectual asset and heritage that had to be protected as such. Yet all too many innovations were lost or underexploited in developing countries because the necessary steps had not been taken to identify, protect and enhance them, often for want of financial resources. Innovation was the art of turning knowledge into wealth, for which developing countries required financial means. The innovation process was very complex, as it covered all possible stages in the entrepreneurial chain, from fundamental research to the development of the product to be marketed and its rollout, including various stages of accreditation. Innovation was a key component of sustainable economic development and the continued ability to compete in the knowledge economy of the twenty-first century. IP could play an important role in making innovations secure, thereby contributing to the smooth conduct of the overall innovation process. IP legislation was designed to protect the outcome of an innovation. Knowledge was volatile and could easily be copied or taken up by others. IPRs offered an opportunity to obtain a better return on investment for R&D. IP could help convince investors; it also promoted the circulation of the ideas underpinning innovation. With regard to the role of the WIPO Academy in the Development Agenda, with the reforms introduced by the Director

General, the Academy had become a tool to help Member States turn knowledge into assets for the development of the country, a vehicle for knowledge in the service of IP. As such, it was worth strengthening. The Democratic Republic of the Congo, a post-conflict country and an LDC, needed WIPO for capacity-building in the fields of IP and of the digitization and computerization of its National IP Office. In addition, the Delegation took note of the Director General's report to the current 2010 session. In conclusion, it endorsed the statement made by Angola on behalf of the African Group and the one made by Nepal on behalf of the LDCs.

105. The Delegation of the United Republic of Tanzania aligned itself fully with the statements made by the Delegation of Angola on behalf of the African Group and the Delegation of Nepal on behalf of the LDCs. The Delegation had welcomed the consultative processes introduced in 2009, which it regarded as an innovative initiative. The consultations held were not only a useful and worthwhile platform for dialogue between Member States and the Organization, but also a hands-on mechanism that allowed Member States to provide guidance on WIPO's work. In addition, the consultations were an enormous opportunity for Member States to exchange best practices and experiences on the various IP issues. The Delegation welcomed the strategic direction that the Organization was currently taking and noted that the proposed MTSP for 2010-2015 contained various robust avenues through which Member States would constantly be able to engage in consultations with the Secretariat on the work of the Organization, including periodic reporting. It was through such transparent processes that the Organization would be able to respond effectively and adequately to the needs of its Member States, particularly those of developing and LDCs, to fully take advantage of what IP could offer in addressing the economic, social and cultural challenges that those countries currently faced. Growth and development were functions of innovation, which in simple terms meant the constant addition of value. There was no growth and development without innovation and innovation was in turn a tangible outcome of an inventive or creative idea that constituted the main element of IP. IP played a pivotal, catalytic role in any innovative process and was therefore center stage in any growth and development. Developing and LDCs, which were at different stages of development and faced with various challenges such as abject poverty, climate change, food insecurity, perennial diseases such as HIV and AIDS and other calamities, needed to put in place serious and deliberate policies and strategies that would attract innovative activities among their peoples as a way to stimulate social, economic and cultural growth and development and address such challenges. The United Republic of Tanzania had been carrying out various ongoing activities to address the challenges that it was facing, including the creation of a platform for sharing IP information by establishing an intellectual forum as a not-for-profit NGO, which had helped to propagate IP to a wide segment of the population of the United Republic of Tanzania, and the establishment of the first IP Advisory and Information Center with the assistance of WIPO. The center had become a key access point for scientific researchers and other scientific and technology stakeholders, university students and large and small entrepreneurs, all of whom obtained access to patent information and other materials which came to the center through WIPO and the United Republic of Tanzania digital library Agreement. The center also assisted inventive and innovative SMEs in drafting patent documents. The center had proved a success and the United Republic of Tanzania encouraged other countries, especially LDCs, to establish similar facilities in their countries. The United Republic of Tanzania was pleased to be one of the first countries to be included in the first phases to implement the WIPO Development Agenda, through the IP and SMEs project, the objective of which was to stimulate inventive and innovative culture and enhance the entrepreneurial skills of small and medium entrepreneurs to include mainstream IP in their business plans. The study on the economic contribution of creative or copyright-based industries in the United Republic of Tanzania was yet another activity being undertaken, which, when completed, would help the Government to devise strategies to formalize the sector and create employment opportunities. The WIPO Branding Expert Mission would be in the United Republic of Tanzania in October 2010, with the aim of assisting the country to develop branding strategies for its unique resources. The United Republic of Tanzania was rich in abundant natural and manmade resources, which could be used for branding purposes and eventually help to enhance the competitiveness of the country's products in

regional and global markets. At the regional level, the country had welcomed WIPO's assistance to participate in the Diplomatic Conference to adopt an ARIPO Protocol on the protection of traditional knowledge and expressions of folklore, which was a historical achievement. Although the United Republic of Tanzania had yet to sign the instrument for minor technical reasons, the Delegation firmly believed that the instrument would inspire the WIPO IGC to conclude its work by achieving an international binding instrument or instruments for the protection of those resources. The Delegation thanked WIPO for its support in all the activities under way and hoped that the healthy relationship would continue. It also thanked the Organization for facilitating its participation in the Assemblies.

106. The Delegation of Paraguay said that Paraguay had always endeavored to provide effective protection for IPRs, with a view to creating an investment-friendly business climate. It stated that one of the bases for innovation was unrestricted respect for IPRs within the framework of the flexibilities laid down in international agreements. WIPO's new focus, which had emerged with the adoption of the Development Agenda in 2007, had clearly marked a significant change which particularly favored the developing countries. In the Delegation's view, the vision of gearing the Organization's activities to help States to develop had added a clearly positive dimension to the prestige of WIPO. That was why Paraguay felt very much a part of that process and wholeheartedly supported the work of the CDIP with a view to guaranteeing the effective implementation of the recommendations contained in the Development Agenda. The Delegation highlighted that there was an urgent need to adopt effective control and coordination mechanisms, as well as modalities for supervision, evaluation and reporting. It added that, on the basis of the recommendations of the Development Agenda, Paraguay, together with Brazil, Ecuador and Mexico, was cosponsoring in the SCCR the draft WIPO Treaty for improved access for blind, visually impaired and other reading disabled persons, the purpose of which was fully justified and which, even if there were opposing positions, represented a valid solution for the reading disabled. The Delegation said that the negotiations of the IGC were fundamental, as decisions taken in that field could have an impact on the activities of many Paraguayan citizens. Moreover, the mandate which the General Assembly had given the Committee in 2009 was extremely useful, not only for Paraguay but also for other countries that saw the need for an international legal instrument that guaranteed effective protection of TK, GRs and TCEs. In that respect, the Delegation welcomed the consensus reached on the arrangements for the IWGs. Moreover, given that the developing countries could achieve respectable growth on the basis of innovation, all actors involved absolutely had to be able to rely on cooperation and transfer of technology. In view of existing asymmetries, the developed countries and WIPO had a great deal of work to do along with all of the sectors concerned. It was also urgent for those actors to work together with States on their IP policies in order to reach all of the goals set successfully
107. The Delegation of Sudan praised Innovation, Growth and Development as a relevant theme for the Assemblies especially that IPRs were increasingly recognized as a tool for economic development. The Delegation thanked the Director General for his comprehensive report and for the organization of a second High Level Segment which confirmed the global dimension of IP. Sudan recognized IP as early as 1898 with a legal system based on one of the precepts of divine rule, namely that 'men own what they create'. Equality and justice underpinned that rule which recognized human effort, physical and intellectual alike. Concerning national legislation, the Sudanese IP system was based on six laws: Trademark Law of 1969, Patent Law of 1971, Industrial Design Law of 1974, Law on Copyright and Related Rights of 1996, Law on Literary and Artistic Works of 2001 and Law on Unfair Competition and Monopoly of 2009. The Delegation also mentioned other laws that drew on IP, namely laws governing R&D; knowledge management; industrial, agricultural and commercial processes; investment; and electronic transactions. Noteworthy was a Draft Law on the Protection of Folk Publications, TK and Folklore of 2010, which was submitted for adoption. Sudan was also a Member of various IP-related treaties, including the Madrid Agreement, PCT, Paris Convention (since 1984), WIPO Convention (since 1974) and Berne Convention (in 2002). Most recently, Sudan joined the Madrid Protocol of 2009 which entered into

force on February 16, 2010, and the national Office initiated the reception of applications on August 24, 2010. IP infrastructure included the General Registrar for IP under the Ministry of Justice, the Council of Literary Works under the Ministry of Culture, Customs Authority, the IP Prosecutor, as well as the IP Tribunal. The Delegation explained that the Registrar General for IP was entrusted with the registration of trademarks, patents and industrial designs. It was composed of three Sections. First, the Trademark Section, responsible for the registration of trademarks which totaled to date 43,178. Trademarks included formal and substantive examination. International trademark applications were processed in accordance with the Madrid Agreement. However, the regular processing of the international registrations only started in 2007. Applications filed between 2002 and 2006 were classified by year, while those filed as of 2007 to date were subject to substantive examination followed by decision on the grant or refusal. Refusals were notified to WIPO within the prescribed time limit. In that regard, the Delegation stressed the need for support in the form of extensive training for staff at the Trademark Section due to the limited experience acquired so far. Training would be even more needed in the next stage, especially following accession to the Madrid Protocol on February 16, 2010. In order to keep abreast with international developments, a new Draft Law on Trademarks had been prepared and was being finalized prior to submission for approval. The IP Department was currently completing the automation of its processes using the WIPO IPAS system. The most challenging segment was at the Trademark Section due to the highest number of national and international files. Second, the Industrial Design Section responsible for the reception, processing and grant of protection. It was also responsible for the grant of regional industrial design protection under the ARIPO Harare Protocol. Industrial designs were classified in accordance with the Locarno Classification. Statistics from 2000 to September 2010, were as follows: 845 applications; 485 certificates; 86 applications from non-nationals; 10 priority claims; and three assignments. The Industrial Design Section looked forward to more training on the industrial design registration and classification for paralegal staff. Third, the Patent Section governed by the Patent Law which provided for formal patent examination. The Delegation recalled that Sudan joined the PCT in 1984 and was party to the Harare Protocol. National patent statistics were as follows: 1,780 national patents granted out of 2,756 applications; and 374 international patents granted out of 452 applications. The Delegation then commended WIPO's expert for the training provided for staff. The Delegation wished to outline the functions on those various authorities. The Customs Authority was responsible for combating and preventing infringements of IPRs, in cooperation with other competent authorities. In 2008, a specialized IP unit was created within the Customs Authority and the Customs Law was amended to bring it into conformity with the TRIPS Agreement. The General Prosecutor, established in 2004, was responsible for considering and investigating violations provided for under IP Laws, and whose functions of requisition, inspection and confiscation were governed by the Judicial Law of 1991. The IP Tribunal was established in 2002 as a unique IP specialized tribunal in the Arab and African Regions. It was considered a significant development in the judicial system as the result of cooperation between the Sudanese Judicial Authority and WIPO. In the field of copyright and related rights, the National Council for Literary and Artistic Works was entrusted with the protection of IPRs and made great efforts in combating unauthorized reproduction of printed and audiovisual works. New technologies brought new challenges for copyright protection and required further coordination with other law enforcement agencies, including police, customs and criminal investigation, as well as specialized law enforcement authorities for literary and artistic works. The spread of unauthorized reproduction of works constituted a threat to cultural and economic stability and investment in cultural and intellectual projects. The Council sought to conclude cultural agreements with neighboring countries to eradicate those infringing acts. In order to fill gaps in the Copyright and Related Rights system, the Law on Copyright was amended to bring it into conformity with the Transitional Constitution of the Republic of Sudan of 2005. The new Draft Laws were being considered by competent authorities for approval. The Council was faced with various difficulties, including the development of infrastructure to fulfill its role in the protection of authors' rights and the safeguard and protection of intellectual creations that constitute the nation's collective consciousness. Thanks to efforts by WIPO and its Arab Bureau, Sudan established the Sudanese Association for Authors, Composers and Music



Producers, paving the way for the creation of various associations for authors and artists. The IP Tribunal was created for accelerated ruling in IP cases. In addition, the Ministry of Justice ordered the amendment of the Order Establishing the Trade Prosecutor to extend the mandate to disputes on the Law on Literary and Artistic Works. The Council also worked in cooperation with associations of authors of literary and artistic works in increasing awareness of the protection and safeguard of literary and artistic interests. Under the leadership of its President, Sudan focused on protecting and safeguarding the rights of creators, establishing a positive environment for creativity and innovation, as well as facilitating their transactions with users through contracts with clearly defined modes of use, duration and financial compensation.

108. The Delegation of Australia congratulated the Director General and WIPO on the positive outcomes achieved by WIPO throughout the year and was encouraged by the direction in which the Organization was headed. The Delegation expressed its belief that IP was necessary to facilitate innovation, growth and economic development, citing the accomplishment of the National Innovation Agenda, Powering Ideas, in boosting Australia's research and innovation capacity and increasing collaboration domestically and internationally. The Delegation stated that this agenda was being supported by reforms to Australia's IP system, reforms that would reduce barriers to innovation for researchers and inventors, allow patent claims to be resolved faster, and strengthen penalties for counterfeiting. The Delegation added that these reforms would additionally boost Australia's international competitiveness and simplify IP management and reduce costs for Australian firms doing business abroad. At the international level, WIPO's draft MTSP set out the opportunities and challenges ahead for WIPO and its Member States and recognized the need for balancing the roles of WIPO as an IP service provider and norm-setting agency, while paying due attention to the important development dimension of WIPO's work. The Delegation emphasized its view that the development of the MTSP and the general direction that was being taken under the nine strategic goals provided a solid direction for the future development of the system. It appreciated the transparent and inclusive consultative approach they had taken in developing the MTSP, stating that the final document represented a balance between the views of Member States and that it looked forward to its consideration at these General Assemblies. Referring to the global financial crisis, the Delegation noted that the international IP system was not immune to a changing global economy and that it was vital that all WIPO Members worked together to ensure that the IP system was able to provide solutions to challenges arising from rapidly evolving technological, economic and social circumstances, challenges that would provide an opportunity to evaluate and improve the current system. The Delegation continued, stating that IP was not an end in itself, but a tool for the achievement of public policy objectives, which included the central function of IP in fostering innovation and growth across all Member States in the global knowledge economy, and pointing out the important role that IP could play as a tool for development. The Delegation then stressed its commitment to the timely and effective implementation and mainstreaming of the Development Agenda. It stated that the reform of the PCT would ensure that it continued to meet the needs of users and patent offices and that it strongly supported further work being undertaken in the PCT Working Group to improve the functioning of the PCT System. The Delegation was encouraged by the progress on technical matters made during the recent PCT Working Group Meeting, and was confident that the recommendations would further enhance the system for offices, applicants and third party users in all Contracting States. It announced that it was working constructively with the United Kingdom and Canada in the Vancouver Group initiative, which would contribute to a more effective multilateral approach to work sharing, and that it had been actively involved in the Vancouver Group Patent Mutual Exploitation initiative—Australia's partnership with the United Kingdom and Canadian IP offices and WIPO—adding that the initiative supported the PCT by leveraging WIPO ICT infrastructure in a way that was scalable and extendable to other offices on an opt-in basis. The Delegation welcomed the progress that had been made in the IGC, noting that the first IWG meeting of the IGC had demonstrated a constructive, achievement-oriented, good-faith discussion that would hopefully be seen in all WIPO Committees, and that its outcome provided a springboard for substantive work to take place in future meetings of the IGC. The Delegation emphasized that the Committee needed to continue its important work on all aspects

within its mandate, namely GRs, TK, and TCEs. It also expressed its disappointment that the most recent session of the SCCR had missed an opportunity to advance its important work program, stating that it strongly supported the SCCR working towards early, practical benefits for visually impaired people, including a possible international instrument. The Delegation underscored the value of advancing discussions on other exceptions and limitations that would assist in maintaining balanced international copyright standards, as well as the other items on the SCCR agenda—namely the protection of audiovisual performances and broadcasting organizations—but cautioned against the drawing of artificial linkages between the diverse issues on the SCCR agenda, as this would likely hinder rather than contribute to progress. The Delegation concluded by affirming its view that the effectiveness of the work done at WIPO would also benefit from a renewed commitment by Members to improve the institutional processes of the Organization, including through the development of clear and transparent procedures for the selection of Chairs of WIPO bodies, and it looked forward to working further with the Director General, the Secretariat and all Member States to meet the challenges and leverage the opportunities ahead.

109. The Delegation of Austria aligned itself with the statements made on behalf of Group B and on behalf of the European Union and its Member States. IP played an important role in the current discussions on major public policy issues such as public health, climate change and food security and Austria appreciated WIPO's efforts and activities in providing a forum for in-depth dialogue on such cross-cutting issues and in promoting the ability of IP to stimulate creativity and innovation, thus contributing to development. It encouraged the Organization to continue and even expand those activities, especially with regard to cooperation with other relevant international organizations and the various stakeholders. It welcomed the progress made with regard to strategic realignment and implementation of the Development Agenda, as well as the efforts to improve the effective functioning of the international IP registration and filing systems administered by the International Bureau. The Delegation assured Member States and WIPO of Austria's continuing support for the pursuance of WIPO's global goals. Austria welcomed the MTSP and the intention to develop it in close cooperation with Member States. It expected the MTSP to provide a fair balance between the seven strategic goals listed and to act as a basis for strategic direction and guidance to cope with the challenges until 2015. It also welcomed the progress made in the CDIP in discussing the implementation of the Development Agenda recommendations and looked forward to continued discussions in a positive spirit at the forthcoming meeting of the CDIP. With regard to the work of the IGC, the agreements reached at the Committee's 15th and 16th sessions were positive and the first meeting of the IWG had provided valuable additional impetus with regard to TCEs. Concerning the instrument to be developed under the IGC's mandate, Member States should have the flexibility to choose a form or forms of protection from among different options to satisfy their diverse needs. Austria therefore preferred a flexible and non-binding instrument or instruments. Austria was convinced that a viable and harmonized patent system would be beneficial to all stakeholders, i.e. Member States and users, and welcomed the positive spirit shown during the 14th session of the SCP when discussing the preliminary studies submitted by the Secretariat and the Item "Future Work". Austria hoped that continued discussions of the documents already provided and of the additional external expert's study in the subsequent session would enable the Committee to reach conclusions on the important topic of defining a balanced work program soon. In that regard, the Delegation commended WIPO on the success of the Conference on IP and Public Policy Issues, held in 2009, which had concentrated on the links and interrelations between IP and major global challenges and had provided an excellent opportunity for dialogue. It welcomed the positive results of the deliberations in the SCT, in particular concerning the support expressed for advancing the work on possible convergences in industrial design law and practice. The Delegation hoped that sufficient progress would be achieved to revisit the question of holding a diplomatic conference to conclude such important work with the creation of an international instrument. With regard to global IP registration and filing systems administered by WIPO, the Delegation commended the International Bureau for the results achieved in progressively improving the procedures under the respective treaties, thus making the systems even more attractive to the users

and offices involved. As an ISA and IPEA under the PCT, Austria had taken an active part in the deliberations of the PCT Working Group and fully supported the proposed amendments to the PCT Regulations. The Delegation took positive note of the report on the implementation status of the Information Technology Modernization Program of the Madrid IT support systems which had been initiated following unanimous approval at the Madrid Union Assembly in September 2007. Consequently, it supported the continuation of such activities to enhance internal productivity and expand electronic business with offices, holders and representatives. It therefore took positive note of the information provided with regard to the implementation of Phase I and the proposed new schedule for the implementation of Phase II.

110. The Delegation of Canada announced that it was pleased to participate in the meeting and looked forward to making progress on all of the issues on the agenda. It stated that, at the same time last year, the financial crisis and ensuing global economic problems had presented formidable challenges for businesses, innovators and IP offices. The economic uncertainty had translated into a downward trend in new IP business for Canada and its international counterparts alike. It stressed that the collective challenge was to continue to operate and thrive within an ever more competitive environment characterized by increasing globalization. In 2010, Canada had risen to that challenge domestically by initiating a significant reform of its copyright legislation. That reform, which would implement the rights and protection of the WIPO Internet treaties, would help position Canada as a leader in the global digital economy and promote a more prosperous and competitive country. The Delegation underscored that, for all concerned, a particular feature of globalization was the momentum and power of the change involved. As WIPO's Director General himself had noted, the landscape of innovation was unrecognizable compared with less than a generation ago. Fitting within that dynamic and ever-changing environment underlined the importance of pressing ahead with strategies to offer services more effectively and use available resources more efficiently. The Delegation continued that it was for that reason that Canada was committed to strengthening the international IP framework through result-oriented activities aimed at increasing efficiency. Among its successes achieved through international collaboration the Delegation mentioned its work with WIPO and its country's Vancouver Group counterparts in the United Kingdom and Australia on a pilot project to develop a digital library of search and examination reports. Canada had also recently signed an agreement with India's Council of Scientific and Industrial Research to enable the Canadian IP Office (CIPO) to access its TK Digital Library, which was a powerful tool for patent search and examination purposes. The Delegation noted that the global character of the IP business also incited those involved to reach for international standards of excellence by eliminating redundancies and removing barriers. Canada was continuing to work with other countries to bring about improvements to enhance the use of the PCT system as a global work-sharing scheme. In addition, the Patent Prosecution Highway (PPH) agreements with its counterparts were leveraging fast-track patent examination procedures to allow applicants to obtain patents faster and more efficiently. As a result of the PPH, the Canadian IP Office (CIPO) was able to do in three months what might take between 18 and 33 months for applications that did not make use of the PPH. The Delegation continued that, building on that success, Canada was continuing to pursue opportunities with other IPOs to sign similar PPH agreements. It stressed that the spirit of cooperation was also reflected in Canada's work with IP officials in developing and LDCs to strengthen their knowledge and skills. That included CIPO's on-site training in the Caribbean as well as the delivery of joint workshops with WIPO on management techniques. CIPO had recently signed an MOU with WIPO to formalize its commitment to WIPO's Worldwide Academy and to solidify its agreement to offer that training. The Delegation underscored that ensuring that the international IP system remained synchronized with the changing world also included finding innovative ways to reach its goals and serve its stakeholders. For that reason, Canada supported WIPO in its efforts to reinforce its global IP role by developing a clear strategic vision that was aligned with Member States' interests. The MTSP provided a relevant operating framework and was both an important milestone and a key mechanism to increase the involvement of Member States in the preparation and follow-up of the program and budget. It was important that that initiative moved forward and that Member States continued to work

towards an agreement to implement that mechanism. The Delegation further stressed that Canada would continue to emphasize financial transparency and consistent management practices at WIPO. It greatly appreciated the importance of developing key indicators to allow monitoring of changes in expenditure for each WIPO program and continued to support the steps taken to improve transparency with respect to the program and budget. Those measures helped ensure members were making informed decisions. The Delegation stated that it also been encouraged by the constructive dialogue in several committees over the last year, including identifying areas of harmonization for design formalities and registration requirements in the SCT. It further noted the progress made by the CDIP with the agreement that was reached on the Coordination Mechanisms and Monitoring, Assessing and Reporting Modalities. Canada was also pleased that Member States had agreed on terms of reference for the establishment of the IWGs which would provide an opportunity for focused, technical discussions in support of the Committee on GRs, Traditional Knowledge and Folklore. In the context of the SCCR, the Delegation looked forward to further advancements being made on the Committee's work, and noted in particular the progress made that year on an instrument to facilitate access to copyright material by those who were blind or print disabled, an important initiative that it believed should continue to move forward. Reaching consensus and moving forward in that manner was the key to achieving a stronger, and more efficient global IP regime. For that reason, Canada appealed to all Members to make additional efforts to ensure that meaningful progress was made in its deliberations so that IP offices were seen on the global stage not just as facilitators of innovation, but as models of it.

111. The Delegation of the Czech Republic aligned itself with the statements made on behalf of the European Union and its Member States and Slovenia on behalf of the Group of Central European and Baltic States and expressed its support for the development of an effective and balanced international IP system. It encouraged the WIPO Secretariat to continue implementing the SRP and welcomed the progress already made in that regard. In view of the global economic crisis, the Delegation encouraged WIPO to continue ensuring prudent financial governance and to strengthen and intensify internal control and audit mechanisms as much as possible. The Delegation hoped that the MTSP for 2010-2015 would provide a well-balanced strategic direction in relation to WIPO's priorities. The Delegation agreed with the Program Performance Report for 2008/2009 and reiterated its support for continued improvement of WIPO global IP services provided to stakeholders under the PCT, Madrid, Hague and Lisbon Systems and the WIPO Arbitration and Mediation Center. The Delegation recognized the great importance of the work of the SCT, the SCP, the PCT Working Group, the Working Group for the development of the Lisbon System and others, and supported the intensive debate on the harmonization and simplification of design registration formalities and procedures within the SCT. It was confident that an agreement on a balanced working program for the SCP would be reached soon. The Delegation regretted that the latest session of the SCCR had not succeeded in finalizing agreed conclusions and hoped that consensual solutions would soon be found with regard to the international protection of broadcasting organizations and audiovisual performances. The Delegation welcomed the IWG mechanism adopted by the IGC under its renewed mandate. The Czech expert, along with experts from other European Union countries, had actively participated in the intensive and effective work of the first of the IWGs focusing on folklore and the Delegation hoped that the outcome of the IWGs would help to deepen and facilitate negotiations within the IGC. The Delegation welcomed the progress made by the CDIP and agreed with the adoption of the coordination mechanism for monitoring, assessing and reporting on the implementation of the Development Agenda recommendations. As regards the enforcement of IPRs, the Delegation was convinced that enhanced international, regional and national cooperation in that area was needed in order to combat piracy and counterfeiting effectively and therefore supported the improvement of the work of the ACE, including through the continued exchange of information, experiences and best practices on enforcement, systems of control and supervision by the relevant authorities and actions aimed at prevention and public awareness. The Delegation welcomed WIPO's activities under strategic goal VI concerning international cooperation on building respect for IP. Finally, the Czech Delegation

thanked WIPO and in particular the Division for Certain Countries in and Asia for the ongoing excellent cooperation, which had enabled the Czech Republic to organize various valuable regional and national seminars in the field of industrial property for local and foreign participants.

112. The Delegation of Denmark stated that the establishment of WIPO's strategic goals and the efforts to stimulate innovation and creation, and to promote effective use and protection of IP worldwide, had become even more important given the economic and financial difficulties that companies around the world were currently facing. IP was an important element in the economic, social and cultural development of all countries and efforts should be made to maintain that focus even through times of crisis. The Delegation also supported the WIPO MTSP for 2010-2015, developed within the framework of strategic goals, as long as the strategic plan strived to achieve the maximum possible development within the IPRs environment. Cooperation between Denmark, Norway and Iceland under the Nordic Patent Institute had delivered satisfactory results in 2008 and even more satisfactory results in 2009. The work was still progressing and great attention had been given to delivering high-quality search reports and efforts had been made to harmonize practices between the countries involved. The Delegation expressed the hope that use of the Nordic Patent Institute would be strengthened in the future, thereby creating the best possible platform for users operating in the global markets. In previous years the Delegation had mentioned the report on counterfeiting and piracy that had been launched by the Danish Government. Concrete legislative steps had been taken as a result of the report findings and a well-functioning network had been established as a permanent cooperation forum in which several authorities worked together to provide information and guidance to consumers, companies and other authorities. Piracy and counterfeiting had serious implications for international trade and IPRs and that was why it was important to continue focusing on initiatives that could help fight piracy and counterfeiting. A central element in combating piracy and counterfeiting was the question of enforcement of IPRs. The Delegation indicated that it actively participated in the WIPO ACE and believed that it was of great importance that WIPO was addressing that issue and that that work was given priority. The Delegation welcomed the efforts of the Secretariat in implementing the Development Agenda, assisting the CDIP and formulating concrete projects to address the Development Agenda recommendations. WIPO had an important role to play in bringing the issue of IP to the attention of stakeholders in development work. That included governments, international institutions and other donors. In Denmark, the Delegation had been involved in international development projects for several years, mainly in neighboring European Union countries, but also in Saudi Arabia, India, Viet Nam and China, and had found those projects extremely useful in building IP awareness, infrastructure and competences in the beneficiary countries. That work was essential to the efforts to enhance growth and innovation in all parts of the world. It was the Delegation's hope that Denmark's experience could benefit more Member States and that it could deepen cooperation with the WIPO Secretariat on that issue. The Delegation also believed that much work was still needed to develop further the patent area. To ensure an effective patent process at the international level considerable efforts had to be made in order to achieve the expected results. WIPO played an important role in that connection, but the Delegation had to keep an open mind as regards the possible development of solutions in another forum. The Delegation concluded by saying that it warmly welcomed the opportunity to meet with colleagues both at director and expert level. It found those meetings beneficial for the creation of new ideas and believed that constructive cooperation between national and international offices benefited the IP environment globally.
113. The Delegation of the Democratic People's Republic of Korea (DPRK) said that the world still faced challenges such as natural disasters, disease and food security issues and that those challenges underlined the urgent need to enhance the role of WIPO in solving scientific and technological problems in areas that affected socioeconomic development in relation to the environment, public health and agriculture. It commended WIPO's efforts to improve and develop its IP activities in line with recent developments. In 2010, WIPO had concentrated on raising public interest in IP protection and on

capacity-building in Member States, in particular through its technical assistance for public awareness activities using mass media and the establishment of a model IP university. WIPO's progress in implementing the Development Agenda recommendations went hand in hand with the UN's efforts to achieve the MDGs, thus contributing to enhanced IP capacity in developing countries. The Delegation commended WIPO's work since the 2009 Assemblies and believed the Organization had reformed its operations in accordance with changing requirements. The Delegation referred in particular to WIPO's assistance in amending some 20 international IP laws and conventions, the launch of a new logo and the office established to coordinate Development Agenda implementation within the Secretariat. As a future goal, it was essential that WIPO made implementation of the Development Agenda the main focus of its activities. In implementing those recommendations, the needs of developing countries should be taken into account and new financial resources should be secured, including special trusts or voluntary funds. Cooperation activities and the exchange of technical information should be encouraged between science and research institutions in developed countries and R&D institutes in developing countries. WIPO should also further enhance its overall role in development activities, including in relation to achieving the MDGs. It should play a leading role in the search for scientific and technical solutions in the areas of the environment, energy, food security and other areas of international concern. The Organization should continue to strengthen cooperation with relevant international organizations such as UNESCO, UNEP and WHO. The Delegation believed that WIPO would successfully perform its mission to enhance IP protection worldwide, building on past successes. Under the wise leadership of the great General KIM JONG IL, the DPRK would strive to radically improve living standards and accelerate economic development in the coming year. To that end, the DPRK would focus its efforts on strengthening and developing IP protection. It continued to consolidate its IP legal framework by amending and supplementing the relevant domestic legislation and regulations, including the national invention and trademark laws. To enhance the role of the national IP offices, the Trademarks, Industrial Designs and Geographical Indications Office (TIDGIO), under the umbrella of the State Administration for Quality Management, had been made an independent agency in March 2010. Under the country's National Coordinating Committee for WIPO, the Invention Office and other relevant organizations had conducted IP protection work in conformity with international requirements and standards and in close cooperation with WIPO. The Delegation was pleased to report that those mechanisms had been successful in the areas of IP creation and protection. In recent years, the DPRK had launched state of the art artificial satellites and had produced and performed "Arirang", an artistic performance that was a masterpiece of copyright creation. Those achievements were evidence of the country's concrete developments in the areas of innovation and creativity. The June 2010 National Seminar on the Madrid System, held in Pyongyang, had served as an opportunity for discussion and successful resolution of a number of technical issues relating to trademark registration and protection. The 11th National Exhibition of Inventions and New Technologies, held in Pyongyang in August 2010, had sparked the interest of scientists, technicians and other inventors and creators in the drive to build a prosperous country. The more than 1,100 inventions, new technologies and other devices displayed at the exhibition were soon to be applied in practice, thus actively contributing to science and technology development, improving living standards and building a great economic power. The DPRK was committed to further developing its IP system and to fulfilling its responsibilities as a Member State.

114. The Delegation of El Salvador endorsed the statement made by the Delegation of Mexico on behalf of GRULAC. It hailed the efforts made by the Director General with regard to the transparent and inclusive process that had begun with the adoption of the SRP. That initiative positioned WIPO as the main intergovernmental body for IP, helping it to fulfill more effectively its mandate in today's IT environment. In that connection, the Delegation reiterated its satisfaction at the content of the MTSP. In its view, the Plan was a useful document because it was constantly evolving and adapting to changes in the IP process and because it covered the main roles of the Organization, namely service delivery and the Development Agenda. Mention should be made of the efficient services provided in conjunction with the treaties administered by WIPO, notably the PCT. That same efficiency could be found in the services provided by the WIPO Arbitration and Mediation

Center. As for the Organization's role as a body for development, the Delegation expressed its appreciation for the commitment of the Director General and his management team to the process of implementing and constantly monitoring the 45 recommendations on the Development Agenda and for the fact that the development dimension had been mainstreamed into internal WIPO structures, turning it into an Organization with a high human content that was sensitive to the needs of the developing and the LDCs. The Delegation welcomed the important activities carried out, such as the holding, for the second straight year, of the High Level Segments. The current year's topic, which had been agreed with the Member States through the regional groups, was innovation and development. Another key activity had been the Second WIPO Global Symposium of IP Authorities. After congratulating WIPO on the establishment of the WIPO Lex database, the Delegation said that the launching of such initiatives confirmed that WIPO was pursuing its efforts to become a source of reference in the world of IP information and analysis. With regard to the work of the committees, the Delegation affirmed that the topic of copyright exceptions and limitations, for educational purposes, for libraries and persons with disabilities, was of interest to all Member States, and urged them to pursue technical efforts with a greater social dimension in order to consolidate, by consensus, an international instrument in that field. As for the protection of audiovisual performances and broadcasting organizations, the Delegation was in favor of maintaining that item on the agenda of the SCCR and convening the respective diplomatic conferences once a consensus had been reached. As far as the work done within the SCP was concerned, the Delegation confirmed its interest in its agenda and said that the body in question was of paramount importance, especially in such fields as exceptions and limitations, terms of protection, technical standards and patent disclosure, as well as the prerogative of professional secrecy in the client-lawyer relationship. El Salvador recognized the work done on the IGC, *inter alia*, the holding of the first meeting of the Group of Experts on TCEs. In that connection, the Delegation urged Member States to continue those efforts and to proceed with the preparation of an agreed international instrument on such intangible assets. With regard to the PCT Working Group, the commendable efforts made in that area should be implemented gradually through a Member-State driven process, and the Delegation suggested stepping up consultations and holding seminars for national officials. It added that as far as WIPO language policy was concerned, there was a need to evaluate the introduction of Spanish as a PCT Working Group language. It announced that efforts were being made through the Ministry of Economy to work out a policy to strengthen the national IP system by systematically providing the necessary measures to guarantee the protection, management and observance of property rights. Moreover, the national IP office, the National Registration Center (CNR), had been granted ISO 9000 certification. That body was continuing to expand activities relating to disclosure and the strengthening of the IP system, by means of *inter alia* the Training Program for Judges on IP Compliance. Between June 2009 and June 2010, training had been provided for a group of approximately 2,200 students from various universities throughout the country. Moreover, CNR continued to maintain ties with private institutions that were responsible for supporting the enterprise sector, mainly micro SMEs, as was the case with the FUSADES Innovation Program. With regard to the activities of other governmental institutions, the Delegation mentioned the following: the Fourth International Congress on Innovation and Technological Development and the Ninth National Inventors Contest, organized jointly with the Directorate for Quality and Technology, a branch of the Ministry of Economy. Working together with the body CONAMYPE, CNR had provided training to 1,363 small companies on such topics as trademark procedures and registration, industrial property, the importance of trademarks, and registration of trademarks and patents. With WIPO backing, various activities had been organized, including a cycle of lectures to allow a first contact between authorities and university professors; a cycle of lectures and a workshop called "Build Your Trademark" aimed at recognizing the role of IP assets in providing added value for companies; and a workshop on patents implemented within the framework of the Industrial Property Cooperation Agreement signed by the Mexican Industrial Property Institute and CNR. With regard to efforts to improve and broaden services, the Delegation announced that during the fourth quarter of 2010, all CNR departmental offices would be able to process applications for the

registration of trademarks and patents and the deposit of copyright, and that the range of Internet-based services offered by CNR would be expanded.

115. The Delegation of Germany said that Germany attached great importance to the effective protection of IP and shared the common view that IP was an important tool for sustainable growth and wealth creation. IP had moved from the margins of politics to become a major global issue that had entered the general political arena. Despite IP's inherent benefits, concern had been expressed by some concerning the appropriate balance between right holders and various segments of society, for example in the context of health care and the environment. WIPO was aware of the challenge of striking the right balance between diverging interests. The Delegation believed that the SRP was a vital component in strengthening the Organization and improving its functioning for the benefit of all Members. The Organization's premier global IP services provided for Member States, such as the international registration of marks and industrial designs, lay at the heart of the Organization's mission. The fees collected in those fields provided sustainable financial support for all WIPO activities. The greater the volume and quality of services, the more the resultant income could help to empower small entrepreneurs, inventors and artists, particularly in developing countries, to start new businesses in the global marketplace. Germany was one of the largest users of the IP system, which explained its keen interest in the administration of protection systems. Although the 2008/09 Financial Statement showed that the reserves were considerably above the agreed minimum, the Secretariat's financial overview had indicated that they could in fact fall below the required minimum. WIPO should therefore do its utmost to generate the surpluses necessary to increase its reserves, in particular by making the PCT system, as the main income generator, even more attractive and, at the same time, reducing expenditure in all of the Organization's activities. WIPO's role in promoting and enhancing the PCT, which was the backbone of the global patent system, and in facilitating the work of national patent offices could not be overestimated. Germany welcomed the PCT Working Group's proposed amendments to the PCT Regulations and believed that the Working Group should continue to focus on the PCT's technical and organizational performance. In a knowledge-based society with its R&D-driven industry, WIPO played an increasingly important role as guardian of global IP legislation and harmonization of practices. Only a sound, internationally agreed legal infrastructure that kept pace with technological and market advances could enable meaningful cooperation, and efforts to harmonize legal concepts and provisions in Member States should therefore remain on the agenda. The Delegation welcomed the progress made in implementing the 45 agreed Development Agenda recommendations and trusted that the current momentum would be maintained. It supported the continuing work towards an international treaty on the protection of broadcasting organizations that would address current and emerging technological issues. It commended the work of the latest meeting of the IWG, which had facilitated the work of the IGC, in particular with regard to TCEs. Like the European Union, the Delegation supported the development of international *sui generis* models for the legal protection of TCEs. It welcomed the documents prepared by the Secretariat on copyright exceptions, as well as the Third Interim Report of the Stakeholders' Platform. The Delegation supported the European Union proposal for a joint recommendation on access to copyright-protected works for persons with print disabilities. It looked forward to establishing an international instrument for the protection of TK and GRs but said that it should be non-binding in order to safeguard the appropriate flexibilities. The issue of electronic commerce required extensive reflection by the Internet community as a whole, in particular with regard to associated legal implications. Germany welcomed the activities of WIPO concerning the proposal to introduce new generic top level domains. It stressed the importance of ensuring that any Internet Corporation for Assigned Names and Numbers (ICANN) procedure to be developed in that regard would not affect the interests of right holders. Joint efforts by governments and WIPO within the Governmental Advisory Group (GAC) were instrumental for creating awareness throughout all ICANN constituencies of the need to ensure respect for IP and effective trademark protection. The Delegation urged WIPO to continue to be involved in that process. As an example of the productive cooperation between Germany and WIPO, the Delegation cited the 147,640 PCT applications in the international phase received at the German Patent and Trade Mark Office (GPMA)



in 2009, as well as the 3,645 international applications that had entered the national phase at the Office. The Office would continue its cooperation efforts with other IP offices and IP-related organizations. The German Office had launched three Patent Prosecution Highway (PPH) pilot programs, which aimed to facilitate the exchange and mutual use of work results of other offices to enhance patent examination efficiency and quality, and a further PPH pilot project was under negotiation with a fourth patent office. Each pilot term lasted two years, with the option to renew. The Office had also developed close cooperation with Asian patent authorities in recent years. It planned to continue its partnership agreement with the State Intellectual Property Office of the Peoples' Republic of China (SIPO) and to intensify bilateral relations with the Chinese Trade Mark Office (CTMO) and the Chinese State Administration for Industry and Commerce (SAIC). The Office's cooperation project with the Brazilian National Institute of Industrial Property (INPI) was expected to be renewed in the near future. The Office's successful international bilateral exchange program for patent examiners was to be extended to the Russian Agency for Patents and Trademarks (ROSPATENT). As in previous years, the Office had organized seminars and training courses for foreign experts and, at WIPO's request, the Office had provided two-week training courses on patents and trademarks for 12 participants from various countries. In June 2009, a one-week inter-regional seminar on industrial property had been jointly organized with WIPO and the EPO in Munich. Six examiners from various countries had received information on German patent examination procedures as well as training on the job.

116. The Delegation of Guinea-Bissau said that it supported the statements made by the Delegation of Angola on behalf of the African Group and by the Delegation of Bangladesh on behalf of the LDCs. The Delegation congratulated the Director General on his management of the Organization since taking up his duties and on his remarkable skills, and thanked the Secretariat for its efforts in organizing the Assemblies. Since its accession to WIPO, Guinea-Bissau had benefited from a number of assistance programs for developing IP systems including meeting the costs for officials working in the IP field to attend several regional and inter-regional fora, meetings, workshops and seminars (including, the seminars for judges and journalists of the Member States of OAPI (in Yaoundé and Brazzaville, respectively), the Forum on IP for the Protection of Plant Varieties and the Seminar on Strengthening the Enforcement of the Bangui Agreement (Douala), the Inter-Regional Meeting Brazil-Africa on IP for Economic Development (Brazil), and the Regional Seminar of WIPO in cooperation with OAPI on Implementing the Development Agenda (Yaoundé)). Furthermore, WIPO's assistance also included the supply of computer equipment which had enabled the modernization of the Industrial Property Office. Despite the crisis of political instability which had raged in the country, the government had spared no efforts to support IP promotion activities. In March 2010, the Prime Minister had inaugurated the IP Documentation Center built by OAPI, whose mission was the promotion of a national IP system and the raising of public awareness of the use of new information technologies and the rational use of OAPI and partner databases. The aim of the Center was to raise awareness among researchers, inventors, teachers and SMEs of the importance of using scientific and technical information contained in patent documents. In collaboration with the Directorate General for Industrial Property and the National Liaison Body, in May 2009 inventors and innovators had created the Guinean Association for the Promotion of Invention and Innovation (AGPI). Guinea-Bissau expressed its support for all the specific actions taken by WIPO in the framework of the protection and management of IP in the world. The Delegation concluded by thanking WIPO for having funded the participation of an official of the Industrial Property Office in the postgraduate course in economics and industrial property management, held for the second year running in Lisbon at the start of 2010, for industrial property specialists of the Community of Portuguese Language Countries (CPLP).
117. The Delegation of Italy considered that the General Assembly offered the right opportunity for it to share ideas on the main challenges that Italy faced on IP. The Delegation considered WIPO to be a crucial tool for creating a secure environment for investment in scientific and industrial research and for fostering innovative products and services. Despite the decline in IP applications during the current economic crisis, he noted that the long-term trend showed steady growth in the use of IP, as knowledge and

education were at the heart of economic growth and social progress. He expressed his full support for the approval of the MTSP by the General Assembly as it provided WIPO with a coherent vision of future activities by setting out strategic goals and indicators to measure achievements. The Plan was providing the necessary political guidance in how to proceed. He supported the efforts of the Director General and the Secretariat in building up a responsive and efficient organization, and in providing leadership on innovation issues through the SRP. His Delegation desired the Organization to be more customer-oriented, able to provide relevant services to the business community, to achieve tangible results and to act in a more transparent and ethical way. He also recognized that a greater and more efficient use of IP was crucial for development and he was therefore supporting the projects agreed in the Development Agenda. He was confident that these projects would aid economic growth in developing countries, particularly LDCs, and, at the same time, promote an understanding of the benefits of Innovation and IP protection through an appropriate regulatory framework worldwide. To this end, he hoped that all 45 recommendations would be implemented and that this would result in renewed cooperation among the Member States. He also wished to engage in finding a better spirit of compromise to make rapid progress on development projects and on a new international framework for IP to reflect the knowledge economy and the changes caused by globalization. He believed that new and balanced agreements concluding the long negotiations were urgently needed in major fields such as patent law enforcement (including exceptions and limitations); copyright, namely audiovisual performances and broadcasting; TK, TCEs and GRs. He stressed that in today's digitally driven world, updating of the WIPO treaties in these areas, crucial to foster innovation and creativity worldwide, was urgently needed. He also expressed the hope that progress would be made in negotiations on TK, TCEs and GRs: but this would only be possible with a more constructive spirit by all concerned. A comprehensive agreement covering the issues still pending was desirable. He attached special importance to SMEs, which he considered the backbone of the economy not only in Italy, but worldwide and felt that this aspect deserved greater attention by WIPO and the Member States. His country wished for a stronger commitment from WIPO to encourage multilateral cooperation in the area of geographical indications. He added that the Lisbon Agreement on appellation of origin was now over 50 years old with a membership of fewer than 30 contracting parties and it was necessary to take a fresh look at past discussions and to search for a reasonable compromise to lead to wider protection for those products which are the expression of a local or national culture; an economic added value that needed to be recognized. He finished by thanking the Director General and the Secretariat, in cooperation with the International Labour Organization (ILO) Training Center in Turin, for the inauguration in 2010 of a Master's in IP, and considered it a very successful initiative, fully consistent with WIPO's training policy which brought together professionals, academics and students from all over the world, including many from developing countries and LDCs.

118. The Delegation of Jamaica said that IP was of paramount importance to Jamaica as a multi-talented and creative nation that had contributed to the world a unique musical expression, world-renowned niche products and the pure talent of its athletes. The Jamaica IP Office (JIPO), established with WIPO technical support, had been at the forefront of Jamaica's efforts to safeguard the rights of the international community within its borders in the areas of trademarks, copyright and related rights. As an executive agency of the Government of Jamaica, JIPO worked in partnership with Jamaica's sister territories in the Caribbean region, as well as with the knowledgeable and helpful staff of the WIPO Secretariat. The Government of Jamaica pledged its full support for the newly-established Caribbean Unit and said that the Unit would be an invaluable tool in addressing the specific concerns, interests and needs of the region's small, vulnerable economies and ensuring that the collective goals and vision of the Caribbean region and its people were realized. It was essential that the Unit remained properly staffed and had the necessary resources to deliver on its mandate. Copyright and related rights remained an area of major focus for Jamaica and the country had sought WIPO assistance to implement a voluntary copyright registration and database system. It recognized the need to strengthen Jamaica's legal framework and implement stricter Government regulations to monitor collecting societies more effectively and ensure greater

accountability and transparency in their operations. Following the creation with WIPO support of a national system of collective administration, Jamaica had also seen the successful establishment of three new collecting societies for authors of literary works, composers and publishers of musical works, while in the field of related rights a society for the producers of sound recordings had been established. The Government was committed to ensuring access for the visually impaired and persons with print disabilities and had already taken bold steps towards making its own "declaration of freedom" by seeking to implement legislative amendments to incorporate exceptions to copyright that would facilitate access to copyright material for those people. Jamaica also remained committed to finding solutions to the problems posed by the continued exploitation of the name and reputation of "Brand Jamaica" to the country's detriment and was determined to ensure that Member States received effective protection against the unauthorized use of their State names. It urged all Member States to recognize the importance of international rules in that area. The anticipated compilation document containing the replies to a questionnaire prepared by the Secretariat was an important first step and would assist the SCT to determine the legal positions and policies of Member States concerning the protection of State names. Jamaica's efforts had also been focused on making continued improvements in the efficiency of the public service provided by the Trademark Registry, including through the full use of the IP Administration System. The Jamaican IP Office had been working closely with young entrepreneurs and innovators in educational institutions to inform them about the use of the IP system as an enabling tool for materializing their creative endeavors and the Delegation requested WIPO assistance to further that work, which continued to be an important lifeline for the IP system. With technical assistance from the Swiss Federal Institute of Intellectual Property, Jamaica had established a geographical indications system for the registration of authentic Jamaican products, so that the producers of world-renowned Jamaican products such as Jamaican rum could maximize their earnings and continue to produce the highest quality products. It therefore urged other Member States to follow the example of Switzerland by providing necessary development assistance to promote IP for development. With regard to TK, TCEs and GRs, the first IWG of the IGC, held in July 2010, had been a success and the drafting group approach should be carried forward into the subsequent IWG. However, Jamaica noted with concern that a number of the drafting groups had been restricted to only a few participants. Such limitations should not exist and all informal drafting groups should be open and fully inclusive to allow experts to make their contribution to the process and to achieve broader consensus and ownership. The Delegation hoped that the next two IWGs would produce a draft text with a view to concluding a legally binding treaty to protect TK, TCEs and GRs. Finally, Jamaica remained committed to the effective promotion and protection of IPRs and to the implementation of the positive work program of the various intergovernmental bodies within WIPO.

119. The Delegation of Japan indicated that 2010 marked the 125th anniversary of the establishment of the industrial property system in Japan, in which context he wished to make a few points. Japan had achieved economic development through effective use of the IP system, as at the end of the 19th century, Japanese technology lagged behind the West and in order to catch up, Japan needed to attract investment, technology and know-how from abroad. It therefore introduced a national IP system and subsequently joined the Paris and Berne Conventions. As investment, technology and know-how were acquired, domestic entrepreneurs emerged, utilizing Japan's IP system to protect and improve their inventions, the system playing an important role in expanding and strengthening technological development. Government had unanimous support for its continued efforts to implement Japan's strategy and become an IP-based nation. In its 125th anniversary year, Japan was considering the future of its IP policy while taking account of the present situation and was conducting a study on the future development of that policy. The Delegation mentioned the promotion and exploitation of patent rights: improving user-friendliness of the licensing system; international harmonization of the IP system; strategic expansion of the Patent Prosecution Highway (PPH); personnel training aimed at raising the level of IP infrastructure in Asian and emerging countries; continued measures against piracy such as supporting the introduction of IT; improving user-friendliness for a wide range of users including SMEs; providing support for the

latter's international IP activities as well as support from experts in IP strategy development in leading innovative technology. Given Japan's experience and measures taken regarding IP over the years, it was essential for top-level IP policymakers of various countries, including developing countries, to discuss IP policies and strategies and to share a common concept for achieving economic development through the IP system. The JPO and WIPO jointly held the "WIPO High Level Forum on the Global IP Infrastructure for Promotion of Innovation" in Tokyo in March 2010 as a Japan Funds-in-Trust project. Due to globalization and rapid technological progress, protection and exploitation of IP had become increasingly important. High-level participants from various countries at the Forum took part in presentations and discussions on the legal and administrative systems, human resources, institutional and organizational structures and IT. The participants agreed that promoting innovation by means of the global IP infrastructure was vital to the development of the regional as well as the global economy and he was convinced that the Forum provided for constructive interaction, with many participants expressing the view that the information acquired was extremely useful for improving their IP systems. Internationally, together with global economic expansion, patent applications filed with the IP offices of developed and developing countries had been rapidly increasing. Japan has thus been promoting work sharing in order to reduce the growing workload in IP offices. The PPH provided a means to reduce the workload of patent examiners and increase the quality of granted patents, attracting an increasing number of participating countries. In January 2010, the PPH (PCT-PPH), based on the written opinion or the IPER of PCT applications, was launched among the Trilateral Offices, the system fully complementing the work-sharing function of the PCT system, having a significant role in enabling it to reach its full potential. He cited a further example of work sharing: the "Dossier Access System", enabling patent examiners in the EPO, KIPO, USPTO and JPO to utilize examination results from other offices. Japan had constructed the Advanced Industrial Property Network (AIPN) to render the JPO's search/examination results available in 37 different countries/regions. It was planned to enhance these IT systems, and it was hoped that many countries would use AIPN. It was important for WIPO and its Member States to advance discussion of international harmonization of the IP system in order to decrease the application/examination workload in each country. 2010 marked the 10th anniversary of Japan's entry into force of the Madrid Protocol. Japan would make further efforts to improve the system for users, would participate in discussions on the Legal Development of the Madrid System and would continue cooperation to increase membership in the Asian region through activities benefiting from the Japan Funds-in-Trust. Regarding development and IP, Japan's annual voluntary contribution to WIPO was about 2.4 million Swiss francs to finance projects in Member States in Asia and the Pacific (ESCAP). Japan was also a contributor to the establishment of the IP system in developing countries through providing experts, receiving over 1,000 trainees and organizing IP conferences and workshops. In 2008, Japan set up a trust fund of about 1.1 million Swiss francs for countries in Africa and LDCs. Following the workshop held in South Africa in 2009, "The Regional Workshop on Technology Transfer Based on the Strategic Use of IP" was held in Morocco in April 2010 with 25 countries or organizations from the region participating. The Delegation turned to the activities of the WIPO Japan Office, established in September 2006, and underscored his support for the IP Advantage. Database set up in collaboration with WIPO Japan in September. The system was based on the WIPO E-SPEED Database Initiative proposal made by Japan at the Assemblies of Member States in September 2008 and approved at the CDIP in November 2009. The IP Advantage Database set out best practices for successful linkage of IP and business activities and it was felt that the sharing of those best practices would contribute to economic development in developing countries. The Delegation considered the WIPO Japan Office to be the most suitable hub for education and dissemination of the IP system in the Asia-Pacific region. The Office recently organized a "'real' manga competition" for Japanese comic artists to create materials to increase public awareness of counterfeit products, with the winner's work to be published in more than six languages and distributed worldwide. The WIPO Japan Office was in a unique position to fully utilize Japan's experience in accepting a large number of international applications filed under the PCT System and the Madrid Protocol and in the use of those systems. The JPO would use every effort to provide whatever cooperation the WIPO Japan Office required. The Delegation welcomed WIPO's efforts

in preparing the MTSP as well as the consultations between Member States and the Secretariat, which added to the transparency of the process. Draft was better-balanced and more appropriate in guiding the Organization in the future, as it was now ready to implement the programs in order to achieve the strategic goals described in the MTSP. The number of PCT applications filed by Japanese applicants had been increasing in spite of the economic situation. It was important to enhance the quality and efficiency of the PCT system and the effective use of domestic examination results. The Delegation welcomed the comprehensive reform initiative of the system. The PCT had now become an infrastructure for contracting parties as well as an indispensable tool for running a global business for existing users and innovation providers including developing countries and SMEs. In its continuing efforts to promote enthusiasm for innovation, Japan was extremely hopeful that practical and constructive measures would result from discussions on PCT reform. The SCCR was considering a Treaty on the Protection of Broadcasting Organizations and a WIPO Audiovisual Performances Treaty, the aim of these treaties being to extend the copyright protection provided by the WCT and WPPT. Turning to limitations and exceptions, the Delegation considered it important to clarify the scope of discussions for increasing access to knowledge for persons with print disabilities. Japan also intended to actively contribute to discussions on each issue in order to secure a proper balance between protection and utilization. Japan expressed its strong hope for the success of COP10 of CBD, as a host country, which treats some issues relating to GR and/or TK. WIPO had been working on a wide range of IP issues in its committees, and lively discussions had taken place, especially in the IGC. Important issues were being raised and it was vital for them to proceed step-by-step. As the UN agency for IP, WIPO should take advantage of its expertise and lead discussions on IP issues while cooperating with other relevant international organizations. The Delegation concluded by stating that Japan believed IP to be a very important tool for economic development and therefore should be effectively utilized on a global scale to contribute to developing the global economy and it was obvious that activities such as the harmonization of IP systems, the provision of assistance to developing countries and LDCs and cooperation in examination would become increasingly important. Japan would continue to participate actively in WIPO activities.

120. The Delegation of Malawi welcomed the theme of the 2010 High Level Segment and said that IP had a symbiotic relationship with socio-economic development in that it improved quality of life through technological advancements and the enjoyment of literary and artistic works. The Government recognized that Malawi could not make progress, effectively innovate and achieve growth and development without a comprehensive and clear IP system. It strived to be a technologically-driven, middle-income economy and to reduce poverty through sustainable economic growth and infrastructure development. It also recognized that information and communication technology (ICT) and science and technology were critical for socio-economic development and that it was imperative that IP be prioritized given that it formed the basis for development in the key sectors of the Malawian economy. The Government of Malawi saw innovation as the reconstruction and expansion of a range of IP products and services and the related markets, together with the skills of the workforce. For innovation to be effective in achieving economic development for a least developed country like Malawi, it was crucial that the country had an appropriate IP infrastructure and it was sincerely grateful for WIPO's ongoing assistance in building that infrastructure. With the assistance and support of WIPO, Malawi had formulated a draft IP policy which was awaiting formal adoption. The digitization of all manual trademark records at its IP office was now complete and it was ready to embrace the next stage of the IP Automated System (IPAS). Malawi was in the process of revising all its IP-related laws and would welcome technical and financial assistance from WIPO to finalize its revised Trademark Act. The Government wished to thank WIPO for its continued provision of scholarships to Malawians to attain high-level training in IP matters. Malawi had always believed that there was an inseparable link between TK, expressions of folklore and GRs. It was therefore pleased with the developments made in WIPO's IGC and hoped for further progress in developing an international, legally-binding instrument to regulate that area of IP. In that regard, Malawi aligned itself fully with the statement made by Angola on behalf of the African Group. As a Member State of ARIPO, Malawi had participated in a Diplomatic Conference for the

adoption of the ARIPO Protocol on the protection of TK and expressions of folklore, held in August, 2010. The Conference had given Malawi the opportunity to deepen its understanding of the issues debated and use the experience gained to formulate its National Policy on Culture. Malawi intended to hold a National Sensitization Workshop in November, 2010 before acceding to the Protocol. The Delegation reaffirmed its continued support for WIPO and asked for further financial and technical support from the Organization to enable Malawi to modernize its IP legislation and successfully implement its IP programs for innovation, growth and development.

121. The Delegation of Montenegro stated that the IP Office of Montenegro had celebrated its second anniversary on May 28, 2010. The Delegation was honored to report on activities undertaken since the 2009 General Assembly and pointed out that the date on which the General Assembly closed in 2009 was the date on which the speaker had been appointed as the new Director of the IP Office of Montenegro. The Delegation said that the first edition of the IP Gazette of Montenegro had been published on February 10, 2010, thereby fulfilling the obligation set out in Article 12 of the Paris Convention. The second edition had been issued on June 10, 2010, and the planned publication date of the third edition was October 10, 2010. The Delegation announced that the Law on Ratification of the Extension Agreement had been passed by the Parliament of Montenegro and had entered into force on March 1, 2010, from which date it was possible for European patent protection, including patents granted by the EPO for its Member States, to be extended to Montenegro. At the same time, the conditions for the "life" of certain norms of Montenegrin Patent Law had been met, thus making that law fully applicable. Concerning Montenegrin legislation, the industrial property legislative framework would be fully completed by the end of 2010. The proposed Law on Trademarks was in the process of parliamentary review. During its session of September 9, 2010, the Government of Montenegro had passed the Proposal on the Law on Legal Protection of Industrial Design. The Proposal on the Law of Trademarks had introduced crucial changes in relation to the law in effect at the time, the most important of those changes being the introduction of the opposition system to replace substantive examination. The Proposal of the Law on Legal Protection of Industrial Design had also been updated, with the solutions defined in a manner consistent with international standards and European legislation. Since Montenegrin Patent Law and the Law on Indications of Geographical Origin had already been adopted in 2008, the industrial property law framework would be completed by the end of 2010. The Delegation further reported that a working version of the Law on Copyright and Related Rights had been prepared and that the competent authorities were in the process of finalizing its modification and adaptation. Once the draft law had been defined, public discussion would follow since it was a complex issue which generated a high level of interest amongst the relevant audience. The Work Plan of the Government of Montenegro predicted that that Law would be developed as a proposal in the fourth quarter of 2010. All the abovementioned laws had been harmonized with international and European standards regulating the field of IP. The Delegation stressed the extent to which it appreciated the support provided to Montenegro by WIPO's Division for Certain Countries in Europe and Asia (DCCEA), of which Montenegro was part. Such support was particularly important for the IP Office of Montenegro as a young institution and would have an effect on its future development. A particularly notable step in the cooperation between Montenegro and WIPO had been the visit of the High-level Delegation of Montenegro to WIPO, when it had held a constructive meeting with the Director General, Mr. Gurry, on January 25, 2010. The Delegation emphasized that it had been a well-prepared and comprehensive visit and the efficient arrangements made by the DCCEA were much appreciated. The Delegation further mentioned the constructive support provided in the form of a study visit to the Industrial Property Office of the Czech Republic, organized by that Division; and the National PCT Seminar held in Podgorica and organized by WIPO in cooperation with the IP Office of Montenegro. The framework of future support to be provided by WIPO also included, *inter alia*, the National IP Strategy Mission in Podgorica. It was of utmost importance to the Delegation that relations already established with WIPO be cherished and further developed so as to contribute to further improvement of IPR protection in Montenegro. It was believed that the goals defined would be duly achieved. The Delegation underlined the high priority

which the Government of Montenegro placed on its seeking membership of the European Union, the development of IP legislation harmonized with European Union standards being a natural step on that road. IPO Montenegro staff were greatly supported in the areas of legislation and capacity-building by the IPA Regional Programme on Industrial and IPRs for the Western Balkans and Turkey. As a final point, the Delegation mentioned regional cooperation between its Office and the IP offices in countries in its region. In its endeavors to encourage the development of cooperation in the IPR area and to improve appropriate IPR protection in Montenegro, it had concluded cooperation agreements with partner national offices, namely with those of Slovenia, Croatia and Serbia.

122. The Delegation of Mozambique aligned itself with the statement made by Angola on behalf of the African Group and said that it had great interest in the current Session of the Assemblies owing to the focus on IP in the promotion of innovation and development. Mozambique devoted special attention to scientific and technological development and had set up a Ministry of Science and Technology over 10 years previously. The Government had also approved an Innovation Strategy and an IP Strategy, reflecting Mozambique's vision on those matters. The Government of Mozambique had conducted activities to disseminate IP among innovators and inventors, promoting the use of that mechanism for protecting their creations. It had set up the Mozambican Support for Innovators Program to help local innovators obtain their patents, offering incentives to registration and support in the drafting of patents. An important course on drafting patents, training half a dozen Mozambican technicians, had been held jointly by ARIPO and WIPO. It was hoped that course would continue, so that more specialists could be trained. Mozambique was also keenly interested in the issue of access to technological information. In February 2010, WIPO and Mozambique had signed an Agreement on the Development Plan for IP in Mozambique, which established the Innovation and Technology Support Centre (TISC). In the meeting with WIPO held in Maputo, local participants had expressed their satisfaction with that initiative and urged that the centre should be set up quickly. Mozambique also hoped to see the other component of the IP Development Plan, relating to geographical indications, coming into effect, given its importance in heightening the appreciation of local produce. Mozambique was also greatly looking forward to a visit by WIPO senior management in the coming year, which it felt would consolidate the existing cooperation between WIPO and Mozambique, reinforce the technical assistance WIPO had provided for the country and raise the profile of IP there. Mozambique would like to see projects to stimulate technology transfer and the licensing of the various IPRs. The Delegation believed such initiatives could speed up technological development, thereby improving the competitiveness of the country's economy. As part of the technological modernization of the IP Institute, Mozambique would continue its efforts to include information technology in the procedures for registering IPRs, with the ultimate aim of introducing electronic registration, for greater efficiency. In that, support from WIPO would be much appreciated. Mozambique believed that IP was a crucial element in the country's development strategy and it would continue to work towards greater and better use of IP in Mozambique. In conclusion, the Delegation expressed its appreciation of the support provided by WIPO for the development of the IP system in Mozambique.
123. The Delegation of Norway said that Norway had on various occasions stressed the importance of improving the Member States' ability to monitor the economy of WIPO and welcomed the constructive work that had been done to allow Member States to perform their monitoring functions, in particular through the implementation of the International Public Sector Accounting Standards (IPSAS). As regards the ongoing work on WIPO's Development Agenda, the Delegation noted the progress made in the CDIP. The proper implementation of the agreed recommendations would strengthen cooperation between the Member States and WIPO as well as the capacity of developing and LDCs to take full advantage of IP. Norway underscored the importance of making progress in the work of the SCP and moving the issues forward in a concrete manner. Harmonization of substantive patent law would be highly beneficial and Norway supported instrumental work to that end. The Delegation thanked the International Bureau for the report on the third session of the PCT Working Group and commended the Working Group for the proposed improvements to the regulations and guidelines. Norway was pleased to note

the accelerated work of the IGC and believed that the current text-based discussions were moving the issues forward. It continued to support work on the rights of broadcasters and a treaty for the protection of audiovisual performances in the SCCR. The Delegation considered that there was no need to re-open the issues agreed on in 2000 but did not want to oppose an emerging consensus on the matter, hoping that progress would be made at the next meetings of the SCCR. Norway further welcomed the work of the SCCR on the issue of exceptions and limitations and looked forward to continuing the focused discussions on the access to works of the blind and visually impaired. The various proposals submitted showed the firm commitment of the Committee members. The Delegation also supported the stakeholders' platform. Concerning activities and developments at the national level, a new Trademark Act had taken effect on July 1, 2010, and Norway had acceded to the Geneva Act of the Hague Agreement on June 17, 2010. The Delegation highlighted the successful operations of the Nordic Patent Institute as a PCT authority, noticing a steady increase in the use of the Institute's services. In collaboration with the WIPO Academy, in September 2010, the Norwegian Industrial Property Office had hosted a group of 12 colleagues from developing countries for a one-week training course on trademark law. The Office had also hosted delegations from various foreign industrial property offices of developing countries. The Delegation concluded by underlining its commitment to contributing in a positive and constructive way to the success of the General Assemblies.

124. The Delegation of Romania aligned itself fully with the statements made by Slovenia on behalf of the Group of Central European and Baltic States and by Belgium on behalf of the European Union and its 27 Member States. It appreciated the outstanding work done by WIPO and welcomed the process of institutional reform. It also appreciated the Secretariat's assistance and reliable support and reiterated its willingness to contribute to WIPO's activities in a positive and fruitful manner. IP could provide valuable solutions to economic and social issues and WIPO's input in that regard was paramount. The Delegation welcomed the MTSP, which was designed to identify the IP challenges and find ways to address them. In Romania, the development of a new National IP Strategy had reached an advanced stage. The draft strategy built on the strategic objectives that had formed the basis of the previous strategy and introduced new objectives for the period 2010-2015. In the field of copyright, Romania attached great importance to the work of the SCCR and was looking forward to being actively involved in the advancement of long-debated issues such as the protection of audiovisual performances and the protection of broadcasters. As regards exceptions and limitations, the proposal for a joint recommendation on access to works protected by copyright for persons with a print disability submitted by the European Union and its 27 Member States at the previous SCCR session was a great opportunity to make substantial progress in that area. With regard to the IGC, Romania greatly valued its TCEs/expressions of folklore and believed that a non-binding instrument was an achievable and useful tool. Furthermore, Romania stressed its active involvement in the first IWG and hoped that the legal and technical analysis that the Group provided to the IGC would contribute to making further progress on the issue. Romania welcomed the achievements of the WIPO ACE during the previous session and supported the Committee's efforts to deepen the understanding of the effects and impact of IPR infringements in order that efficient and successful enforcement strategies could be implemented by all WIPO Member States. The Delegation thanked WIPO for the key support and first-rate cooperation in organizing joint events that had contributed tremendously to the promotion of IPRs in the region, such as the exemplary National Seminar on Collective Management of Copyright and Related Rights organized in June 2010 in Romania. In the field of industrial property, the State Office for Inventions and Trademarks (OSIM) had worked with other relevant ministries and agencies to draft the Government Strategy for the Development of the SME Sector for 2009-2013, under the coordination of the Ministry for Economy, Trade and Business Environment. Since the previous sessions of the Assemblies of the WIPO Member States, the OSIM had continued to fully harmonize its national statutes with European Union regulations. In April 2010, a new law had entered into force, amending and completing Law No. 84/98 on Marks and Geographical Indications and the Implementing Regulations were being drafted. During the same year, the draft of a new Bill on employee inventions had been circulated for approval by relevant ministries.



The aim of regulating employee inventions was to foster and launch the business environment and encourage employees to carry out creative work based on an individual labor contract. IPR enforcement remained a top priority for the Romanian Government. The OSIM had strengthened cooperation with law-enforcement agencies, providing documents and information needed to solve investigations in progress. Within the framework of the European Commission's IPR Awareness and Enforcement project, which was targeted mainly at the SME level, a seminar for SMEs from the light industry had been organized in March 2010 in Bucharest. OSIM experts had carried out several awareness-raising missions to various SMEs, also evaluating their IP potential. Also, the United Nations Interregional Crime and Justice Research Institute had organized a meeting with the Romanian authorities on matters related to the fight against counterfeiting. Other fruitful activities had been developed with the support of WIPO, the EPO and the Office for Harmonization in the Internal Market (OHIM), the Community Plant Variety Office and the International Union for the Protection of New Varieties of Plants (UPOV) within the framework of cooperation programs or agreements. Romanian experts continuously represented their country in the various Expert or Standing Committees and Working Groups at WIPO, including the Working Group on the Development of the Lisbon System, as Romania intended to accede to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration. The WIPO Sub-Regional Workshop on Technology Transfer and Successful Technology Licensing (STL), held in Sibiu in May 2010, had been attended with great interest by a large number of participants from the Republic of Moldova, Hungary, the former Yugoslav Republic of Macedonia (FYROM) and Romania. Furthermore, in August 2010, an equally successful subregional seminar on the protection of computer software and databases had been organized by WIPO in Romania, in cooperation with the OSIM and the Romanian Copyright Office. Participants from 14 countries in the region had attended the seminar. Romania attached constant attention to staff training, awareness-raising activities, targeting also high schools and universities, in the framework of the Junior Achievement project. The Delegation was pleased to report that two new Regional Centers for the Promotion of Industrial Property Protection had been established by the Universities of Cluj and Sibiu in addition to the 14 existing ones.

125. The Delegation of the Seychelles expressed its sincere thanks and gratitude to WIPO for the ongoing support extended to the Seychelles in the form of various missions in the field of copyright, assistance with regard to the automation of its IP Office and training in the area of patent drafting. It pointed out that WIPO had contributed to the proposed revision of the Associations Act which would soon be approved by the country's Assembly. The Delegation looked forward to fruitful deliberations and wished the Director General and his staff success.
126. The Delegation of Singapore said that it shared WIPO's commitment to promoting IP to support social and economic development. A range of capacity-building activities had been conducted under the 2006 MOU on Joint Training and a Policy Dialogue on Emerging Issues in the Field of Trademarks had been successfully completed in July 2010. With further events planned for November that year, the Delegation was looking forward to working with WIPO on more specialized and advanced-level projects under the MOU. Singapore supported capacity-building initiatives in the Asia-Pacific region and the WIPO Singapore Office (WSO) had been a useful platform for the provision of IP technical assistance in the region. The country was also a firm supporter of development initiatives and had invested substantially in building IP awareness and capabilities in both the private and public sectors. Over the previous three years, funding had been provided for more than 200 capability development projects in the private sector and 2009 had seen the launch of a program designed to help local businesses to internationalize while keeping all relevant IP considerations in mind. In the public sector, a community of practice for public sector IP managers had been established to facilitate the sharing of best practices and relevant IP knowledge. Opportunities were constantly sought to make Singapore's IP registration system more accessible and efficient and current efforts included the re-engineering of all back-end business processes and IT systems. Furthermore, ever-increasing transnational caseloads had given rise to discussions with key foreign partners to explore ways of streamlining international IP

filings. The Delegation welcomed the positive progress being made on the Singapore Treaty on the Law of Trademarks, noting that a consensus had been reached to align the Treaty Regulations with categories of non-traditional marks agreed by the SCT and a recommendation had been made to the Treaty Assembly to adopt those amendments in the Regulations. Once adopted, the Secretariat would make the necessary consequential amendments to the model international forms. The Delegation drew attention to Singapore's efforts to promote respect for IP through a public education strategy focusing on the youth and leveraging the online media where possible. It believed that much more work remained to be done, both in Singapore and in the international IP community, and stressed the increasing relevance of WIPO's role in coordinating international efforts on IP matters in today's interconnected world. The Delegation thanked the Secretariat for being an invaluable ally in Singapore's international outreach efforts, pledged its continued commitment to advancing those efforts and said that Singapore looked forward to opening new frontiers in its relationship with WIPO.

127. The Delegation of Slovakia associated itself with the statement made by Slovenia on behalf of the Group of Central European and Baltic States and with the statement made by Belgium on behalf of the European Union and its 27 Member States. It thanked the WIPO Secretariat and welcomed its efforts in preparing a MTSP, which it found balanced and ready to help the Organization to facilitate better the realization of all WIPO members' common objectives. The Delegation appreciated the progress made by the CDIP, particularly its results concerning the agreement on coordination mechanisms for monitoring, assessing and reporting on the implementation of the Development Agenda recommendations. Being aware of the role of the IGC, the Delegation underlined the importance of comprehensive discussions in that forum, welcomed the progress made at the last session of that Committee, and expressed its satisfaction at the agreement regarding IWGs. It was pleased with the positive spirit of discussions at the SCP and hoped the work would continue in that direction. Declaring the importance of cooperation with WIPO and the recognition of the key role it played, the Delegation thanked WIPO for its continuing support and the assistance provided for the Slovak IP Office during the previous period. It underlined the importance and usefulness of WIPO Depository Libraries set up recently in Slovakia and highly appreciated cooperation and effective communication with the WIPO Division for Cooperation with Certain Countries in Europe and Asia. Recent programming initiatives by that Division corresponded to capacity-building requirements concerning further use of IPRs for social, cultural and economic development in Slovakia and other countries in the region. As to recent developments in Slovakia, the Delegation emphasized its continuous effort toward building public awareness of IP, its real importance, and its strategic role in business and economic growth. Among Slovakia's legislative activities, an amendment to the Act on Designations of Origin and Geographical Indications had become effective in November 2009. In January 2010, a new Trademark Act had been enacted. The new Singapore Treaty on the Law of Trademarks had also become operational in March 2009. The Delegation was pleased to announce that Slovakia had ratified the Treaty and become a member on May 16, 2010. In conclusion, it looked forward to achieving positive and balanced results in all issues during the Assemblies.
128. The Delegation of Swaziland thanked WIPO for the assistance it had given the country in drafting some of its IP legislation, in particular the Copyright and Neighboring Rights Bill, which was currently being considered by Parliament and was expected to be passed by the end of 2010. Other Bills amending the legislation on patents, utility models, industrial designs and trademarks would be submitted to Parliament soon. Once passed, those laws would form the cornerstone of a strong system of IP protection. Swaziland was now focusing its attention on drafting legislation on TK, GRs and geographical indications and would soon be requesting assistance to formulate a national IP policy. The Delegation aligned itself with the statement made on behalf of the African Group and said that it was optimistic that under its renewed mandate, the WIPO IGC would be able to forge ahead and make positive progress towards developing a binding international legal instrument for the protection of TK, GRs and folklore. The Member States of ARIPO had laid a concrete foundation with the recent adoption of the Swakopmund Protocol on the

Protection of TK and Expressions of Folklore and Swaziland looked forward to the IGC concluding its work within the time frame set, for the benefit of both knowledge holders and the respective local communities. Swaziland fully supported the work of the CDIP, as well as the full implementation of the WIPO Development Agenda recommendations. Swaziland was grateful to WIPO for the financial and technical assistance it had provided in connection with the forthcoming National Forum on IP, to be held in October 2010. It was hoped that the Forum would give IP stakeholders in Swaziland the opportunity to explore how IP could be used as an effective tool for wealth creation, poverty alleviation and the economic development of the country. The Delegation pledged its commitment to support all WIPO initiatives aimed at ensuring that IP benefited both right holders and end users with minimum or no constraints with a view to promoting economic development.

129. The Delegation of Tajikistan, after thanking WIPO leadership and the Director General for the invitation to participate in the High Level Segment of the 48th session of the Assembly Meetings of the Member States of WIPO, emphasized that the Republic of Tajikistan was a young sovereign State which had embarked on the path of democratic development and the establishment of market relations. Developing IP was one of the economic policy priorities of the Government of the Republic of Tajikistan, and to that effect the Delegation noted that developing IP enabled the development of human potential, which was one of the Republic of Tajikistan's national priorities. Along with the fact that significant internal re-organization was being carried out within WIPO under a series of initiatives aimed at improving the efficiency and effectiveness of its services, at the same time the effect of its structures' positive and balanced work with Member States had been felt. In recent years, owing to cooperation between the Republic of Tajikistan and WIPO, work on disseminating knowledge in the field of protection of IP subject matter had noticeably increased, and also of the legislative base, as a result of which a number of new laws in the sphere of IP subject matter had been adopted by the Government of the Republic of Tajikistan, and work to this end was continuing. The Government of the Republic of Tajikistan was interested in further enhancing fruitful cooperation with WIPO, since the experience of many States' work in that area proved that disseminating knowledge of IP, developing and adopting modern international and national laws, and likewise accession to priority international acts in that area, not only ensured the protection of the rights of authors of IP subject matter, and the broadening of the current legislative base, but also enhanced the domestic economy's attractiveness, as a result of which sustainable economic development not only of the individual country, but also of the region as a whole, had been achieved. The Central Asian region had enormous economic development potential and further enhancement of WIPO's work in that region was very important. At the initiative of the Ministry of Economic Development and Trade of the Republic of Tajikistan, in collaboration with WIPO and other UN agencies, work was currently being carried out to improve and harmonize existing laws in the field of IP with the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Furthermore, the issue of devising an IP strategy was being agreed with the relevant WIPO bodies, taking into account the Republic of Tajikistan's economic development, and in that matter Tajikistan hoped for WIPO's support. At the initiative of the Ministry of Economic Development and Trade of the Republic of Tajikistan, a draft of the relevant act had been prepared on the Republic of Tajikistan's accession to the Protocol to the Madrid Agreement Concerning the International Registration of Marks, which had significant potential for developing the country's economic growth. It was expected that the Republic of Tajikistan would accede to the aforementioned Protocol by the end of 2010. The issue of accession to other priority instruments, the administrative functions of which were performed by WIPO, was also being examined. The Republic of Tajikistan regarded collaboration with WIPO on all bilateral and multilateral issues positively, facilitating as it did the country's economic development. In conclusion, the Delegation wished everyone success and constructive dialogue in achieving the stated goals.
130. The Representative of the League of Arab States (LAS) underscored the important role of the IP system in economic and social development. The MOU concluded between WIPO and LAS in 2000 announced the beginning of a new era of consultation, coordination and

cooperation between the two organizations. Reference was made particularly to the Annual Consultation Meeting of Heads of Arab IP Offices, which evolved into a regular consultation and coordination mechanism for Arab countries, with specialized input from international and WIPO experts concerning fast-paced IP developments in a globalized knowledge economy. However, in view of current developments, the MOU as it stood required updating. The First Arab Summit for Economic and Social Development, held in Kuwait in January 2009, stressed the need for the adoption of national policies supporting creativity and innovation in the Arab Region and enhancing regional IP coordination and cooperation in order to boost economic development in the region. The Second Summit, to be held in Egypt in January 2011, would build on the outcome of the First Summit, with a particular emphasis on the situation of IP in the Arab Region. Against that background, WIPO's support was needed initially to undertake a study on IPRs in Arab countries in relation to economic and social development and the available technical capacities in the region. Also needed was a study providing information, data, strategic vision and technology management for Arab countries. On the interregional level, and in the context of south-south cooperation, LAS engaged in partnership and discussion with South American countries resulting in the organization of two summit meetings. The first Summit of Arab and South American States was held in Brasilia in May 2005 and the second in Doha, in March 2009, the outcome of which was a declaration that called for moving ahead with IP cooperation between Arab and South American countries. Preparations were underway for the organization of the third Summit to be held in February 2011. Consultative work was not limited to summit level but also extended to various meetings at the level of decision and policy-making in Arab and South American countries. In October 2010, an Arab African Summit would be held, the second to be organized in years since the First Arab African Summit that went back to 1977. The Second Summit would be a turning point in Arab-African cooperation, as its Agenda included participation in the development and implementation of national IP strategies, experience and expertise sharing, as well as shaping of common positions for the Arab and African Groups in support of creativity and innovation in respective countries. Against that background, the League of Arab States, whose creation went back to March 1945, six months prior to the establishment of the UN, invited dialogue and cooperation with African and South American countries in IP matters. That was considered as a positive move that deserved support and participation from WIPO. Referring to the extensive Agenda of the current Assemblies, the Representative of LAS welcomed the ongoing work of the CDIP on technical projects for the implementation of Recommendations adopted in 2007. While development should not be confined to proposal discussion or project implementation, rather it should be considered as an ongoing process since the right for development was a perpetual human right. On the work of the IGC, the Representative stated that TK/TCEs constituted historically valuable and rich resources for the Arab Region. However, in the absence of any international norms, they remained at a risk of misappropriation and misuse. Therefore, there was an urgent need to accelerate negotiations in the IGC. With regard to the important issue of external offices, the Representative of LAS regarded it as crucial not only in its representative role but also in its role in promoting and enhancing IP capacities on the national and regional level. A thought vision on the role and function of external offices was therefore necessary. Arab countries, in that regard, were in a position to provide input with regard to location, structure and organization. On the use of the Arabic language in WIPO's activities, meetings and documentation, such extended coverage would be beneficial to the 22 Arab countries and to the global IP system at large. It would contribute to the dissemination of an IP culture, among both decision-makers and users, as well as the enhancement of Arab country participation in global IP discussions. The League of Arab States sought to disseminate IP culture among the entire Arab population which exceeded 350 million. Creativity and innovation offered the way to progress and development. Integration of Arab specialists among international IP experts was of particular interest to all Member States, including Arab States, in order to contribute to dialogue among civilizations. While aware that professional qualifications, competence and integrity were prime requirements in the international civil service, the Representative called for fair and equitable application of relevant rules and regulations as such qualifications to work in WIPO could be found among Arab nationals as well. The League of Arab States reiterated interest in participating in WIPO General Assemblies with

observer status. In conclusion, the Representative expressed appreciation and full support for the Director General.

131. The Representative of the African Union was pleased to see such impressive participation from Africa represented at such a high level, which reflected the priority given to IP, a driving force for development. The African Union wished to welcome the honorable ministers who had traveled from Africa to Geneva, and also endorsed the statement made by Angola on behalf of the African Group. The Representative took the opportunity to thank the Members of WIPO as well as its Secretariat for attaching special importance to the problems which Africa faced and for providing concrete solutions. That backing would help to ensure a more just and equitable development of IP in all countries. The topic chosen, "Innovation, Growth and Development: The Role of IP and Member States' Experiences", was very relevant and fitted the period of gradual recovery after the economic and financial crisis that had hit the African countries. Discussion and reflection could provide a means of benefiting from positive experiences and best practices and avoiding mistakes. The rich debate in the High Level Segment would significantly further both North-South and South-South cooperation. The lessons learned from that debate would inevitably inform decisions that would be taken with a view to developing IP throughout the world. The African Union was mindful of the important role that innovation and creativity could play with regard to growth and development. Accordingly, it was striving to make the Panafrican IP Organization fully operational. Moreover, in 2009 the Conference of Heads of State and Government of the African Union had taken a decision relating to the establishment of an observatory for science, technology and innovation. In July 2010, the Conference had decided to launch the Decade for Science and Technology in Africa. On September 9, 2010, five African women scientists had been recognized. The winners had been selected from among many scientists for their work in the fields of earth and life sciences, basic sciences, technology and innovation. Those initiatives were rounded out by the African Union's Science Prize, for which the process of selecting winners for 2010 had begun. The African Union commended the WIPO Secretariat on the MTSP, which the WIPO Member States had just adopted in September 2010. That instrument, which would enable WIPO to see beyond its day-to-day concerns and to engage in a process of defining strategic guidelines for the following six years, would lead to more equitable development of IP all over the world. The African Union attached great importance to the work of the CDIP and welcomed the successful implementation of the recommendations adopted. It was encouraging indeed that Member States had managed to set up a coordination mechanism and introduce arrangements for evaluation and reporting with regard to the implementation of the recommendations of the WIPO Development Agenda. The African Union urged the WIPO Member States to see to it that appropriate financial, human and material means were continually mobilized to ensure the effective implementation of the recommendations contained in the WIPO Development Agenda. The African Union also hailed the progress made within the IGC. After the fruitful results of the IWG on TCEs, the Representative asked the WIPO Member States to continue their efforts so that tangible results could also be achieved in the working groups on TK and GRs. The slow pace of work within the SCCR was of particular concern to the African Union which, just like the African Group as well as many developing countries, felt that it would be in the interest of all if the Assemblies could find ways and means of moving the discussions forward towards a favorable outcome, with regard to both copyright exceptions and limitations or protection of broadcasting organizations and the protection of audiovisual performances. As for the specific issue of copyright exceptions and limitations, the African Group recognized the pressing need to take up the major challenge in international law, that of developing a global approach to exceptions and limitations. It considered that equal access to education, culture, information and communication was a fundamental right. In that respect, the African Group had submitted, at the twentieth session of the SCCR, a draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers. That proposal set out the minimum elements of flexibility for inclusion in national copyright legislation with a view to allowing access to protected works for persons with disabilities or the visually impaired, educational and research institutions, libraries and archive centers. As it took account of the concerns of all categories of beneficiaries and could

meet the expectations of all WIPO Member States, the proposal should be supported and given the necessary priority, in order to ensure outcomes that met the expectations of all parties. The Representative was convinced that, thanks to the dynamism and professionalism of the Chair in guiding the work, the negotiations within the SCCR would be successful. She said that the Commission of the African Union would follow with great interest the work of the Assemblies and wished them every success in their deliberations.

132. The Representative of the African Intellectual Property Organization (OAPI) said that multifaceted cooperation between OAPI and WIPO had been further strengthened with a view to making IP a genuine tool for development. The ministers in charge of the industrial property sector and those responsible for copyright-related activities had had an opportunity, in Dakar in November 2008, to assess and highlight the similarity of views of the two organizations, particularly with regard to the role of IP in development, as could be seen from the complementary nature of their respective plans of action. There was no doubt but that following the Handbook for Judges and Court Officers as well as the Compendium of Court Decisions that had already been produced with technical and financial support from WIPO and other partners, OAPI would work together with WIPO on the implementation of other projects such as IP awareness-raising, the reform of the IT system and its corollary, computerization, electronic deposit of industrial property titles, the revision of the Bangui Agreement and subsequent texts, the study on the copyright situation in OAPI Member States, the preparation of a model law on the protection of GRs and the revamping of the OAPI website. In that respect, the Representative said that on the occasion of African Technology and IP Day, held on September 13 in Cotonou (Benin), the new OAPI website had been officially launched. Moreover, on the basis of a tripartite agreement between WIPO, OAPI and the University of Yaounde II (Cameroon), a Master's program in IP Law would be launched in October. Nevertheless, despite the efforts made in recent years to encourage greater public interest in IP, it was clear that the goals set had not been reached because the real needs and concerns of developing countries had not always been duly taken into consideration. At present, IP management bodies had to craft a new approach, basing themselves on examples of countries which had managed to bring about a change in that area. Furthermore, it was necessary to emphasize the notion of technology transfer, which was at the heart of development, and to raise a number of questions which development programs and plans of action, prepared for States and at their request, had to answer if they were to produce results. In the Representative's view, WIPO should continue to support the developing countries in the wake of the emerging countries and to fight new battles which had to be fought in a number of subject areas such as the utilization of IP as a means of combating poverty or the outcome of the work of the IGC. WIPO could achieve those goals if all countries were mindful of the challenges which the developing countries had to take up in order to vanquish misery and poverty, if its initiatives were backed and supported, and if the gap between the countries of the North and the countries of the South, which was based on special interests, were to narrow considerably. The Organization had also to remain receptive to all Member States and local communities by being attentive to their concerns, by welcoming their suggestions and by proposing specific solutions for each State, and setting out its goals, explaining and justifying them as need be. In conclusion, the Representative hoped that the current session would adopt concrete and realistic resolutions that would further sustainable development in the work of WIPO.
133. The Representative of the African Regional Intellectual Property Organization (ARIPO) was hopeful that the MTSP put forward by the Director General would strengthen and broaden the IP landscape for the good of economic development, particularly for the developing and LDCs of Africa which ARIPO represented. The Representative expressed ARIPO's support for the statement made by the Delegation of Angola on behalf of the African Group and also wished to underscore the significant achievements made under the cooperation agreement established with WIPO and acknowledge the immense contribution made by WIPO towards the implementation of the ARIPO program of activities during the 2009 – 2010 biennium. The Representative considered it essential to highlight some of the activities accomplished since the last Assemblies beginning with the launching of the one-year Master's degree program in IP (MIP) three years ago at the Africa University in Zimbabwe in cooperation with WIPO. So far two groups of graduate

students had been able to complete the program through a mixture of on-campus study and distance learning. Of the 48 enrolled overall from 15 African countries, 40 students from 14 countries graduated in 2010. The intake for the current year was 29 students from 18 African countries. A Deputy Director General of WIPO had made his first visit to the Africa University where he gave a stimulating and well received lecture to the University Community on IP and economic development. The Deputy Director General's visit bore testimony to WIPO's commitment to capacity building and technical assistance. The MIP Program formed a complement of training to the trainer's program of the Organization and the development of a critical mass of IP experts in Africa. These graduates were currently helping African nations to explore the full potential of their IP assets for socio-economic development and wealth creation. WIPO had continued to support ARIPO training activities throughout the current year. Some of the workshops conducted with the support of WIPO included one on the Usefulness of Patent Information and Commercialization of Research Results, as well as the WIPO-ARIPO Round Table on IP Topical Issues. At the national level, ARIPO had participated in a number of symposia and seminars on IP. Conscious of the fact that the mammoth task of developing legal and institutional IP infrastructures in Africa without international support single handedly would be far-fetched, ARIPO in cooperation with WIPO had continued to engage into strategic partnership with States and Organizations desirous of supporting its noble objectives. WIPO, in cooperation with the Brazilian Institute of IP, had organized an Inter-regional Brazil-Africa Economic Development Meeting on IP. At the margins of the WIPO Assemblies ARIPO would be concluding cooperation agreements with ROSPATENT and KIPO. The Organization would also be renewing the Cooperation Agreement with IMPI Mexico. Those agreements would be signed in the presence of the Director General of WIPO as an honorary witness. WIPO through its Infrastructure and Modernization Division was continuing to support ARIPO Members and potential Member States. This Assistance took various forms namely participatory needs assessments, training, infrastructure and capacity development by providing ICT equipment to improve the administration and management of IP in the Member States of the Organization. The enhancement of the ICT infrastructure of ARIPO and its member States would provide the platform for the efficient delivery of the IP system. In this regard, ARIPO hoped to take initiatives to upgrade and improve its infrastructure and that of the Member States incorporating and adapting new tools such as Digital Access Service (DAS) for Priority Documents, Document Management Systems, WIPOScan and WIPO CASE (Centralized Access to Search and Examination). Under the on-going scanning of ARIPO applications, the Representative was happy to inform the Assembly that hundreds of granted patents had been scanned and stored on the local computer at ARIPO through the WIPOScan project. The exercise was poised to improve once the new version of WIPOScan had been deployed at ARIPO. To enable access to information, WIPO and ARIPO had signed an agreement on aRDi. Next year, ARIPO looked forward to IPAS Java being deployed in the ARIPO member States as they continued to embrace and harness more of these modern, flexible and extensible tools and technologies. Under the current initiatives aimed at establishing an electronic link between ARIPO and its member States, a pilot project was currently being implemented by the WIPO Automation Division to ensure a link with the Kenya Industrial Property Institute (KIPI). In May 2010 with the support of WIPO a KIPI ICT Expert had been seconded to ARIPO on a familiarization tour on operations of the ARIPO ICT System, in Harare, Zimbabwe. Recently ARIPO had initiated a joint project with WIPO and the National Industrial Promotion Agency (NIPA) of the Republic of Korea for the upgrade and improvement of ARIPO ICT infrastructure. The Representative hoped that this project would be fully supported by WIPO and NIPA to enable ARIPO and its member States to move away from paper to the digital environment. The Representative stated that ARIPO was extremely grateful to WIPO for supporting ARIPO and its member States for the historic adoption of the Swakopmund Protocol on the Protection of TK and Expressions of Folklore that took place in Swakopmund, Namibia, in August of this year. It was significant to note with satisfaction that nine Member States signed the Protocol. The Protocol, upon entry into force, would enable its Members to preserve and protect the use of Africa's diverse knowledge systems and cultures for the continent's sustainable development. The Protocol was in response to a misappropriation and misuse of the continent's TK and TCEs. It was referred to as the Swakopmund Protocol, after the coastal town in Namibia, where it had

been adopted. It was expected that once adopted the Protocol would provide opportunities for the member States in particular and Africa as a whole to add value to the people's intellectual, cultural and artistic efforts which had their basis in local and traditional communities. In conclusion, ARIPO wish to thank the Director General for his vision to see growth and development of the IP system and the establishment of result-base methodologies for effective utilization of the IP tools for economic development. Finally the Representative expected that cooperation between ARIPO and WIPO would be deepened in the coming years to enable ARIPO play a leading role in Africa to develop the IP landscape.

134. The Representative of the Eurasian Patent Organization (EAPO) announced that the EAPO had turned 15 years old in 2010. During that brief period by historical standards, the Organization had come a long way in terms of its formation and development. More than 3,000 invention applications were currently filed at the EAPO per annum; EAPO carried out examinations and granted reliable Eurasian patents which were valid on the territory of nine States in the region. The global economic crisis which had shaken many countries in 2009 had also taken its toll on EAPO's work: for the first time, it had been forced to report a decline in the number of application filings, of 8.6 percent. However, 2010 had already shown that the situation was returning to normal, and as in the years running up to the crisis, there was application growth of 20 percent. Irrespective of temporary difficulties, the EAPO had managed to implement the majority of its priority tasks regarding the Office's further development successfully and also to discharge fully its obligations to the national patent offices of the Eurasian patent system's participant countries. Promoting collaboration with the EAPO's member States, and helping their national patent offices had always been regarded as one of the most important elements of the Organization's work. As EAPO developed, and strengthened its financial capacity, the size and scope of that help was increasingly expanding. That currently also included assisting in retraining national patent offices' employees, and IP specialists of States in the region, collaborating in the science and technical field, creating a single information space encompassing the whole CIS region, assisting in national patent offices' access to global collections of patent documentation via the Internet, including by means of the patent documentation search system created at the EAPO in the interests of all EAPO member States, which currently contained more than 36 million documents, and lastly, the transfer of technologies and technical solutions developed and applied at the EAPO, for the purpose of reducing national patent offices' expenditure on their own development. Implementation of the Second EAPO Development Program, earmarked for the period from 2010 to 2014, and which defined the fundamental direction of the future work of the Organization and the EAPO in developing and strengthening the Eurasian patent system, was currently beginning. Questions concerning the future promotion of cooperation and collaboration with EAPO Member States, international and regional organizations, and overseas patent offices were given importance in the Program. As a member of the global patent community, EAPO sought to strengthen and develop links and collaboration with overseas colleagues. The Representative noted with satisfaction that the collaboration between EAPO and WIPO was expanding and would become stronger by the year, and praised highly the level of mutual understanding and constructive cooperation which had been established between those organizations. He expressed gratitude to the WIPO Director General, Francis Gurry, for supporting the initiatives and WIPO specialists' active participation in EAPO programs for the retraining of national staff, for WIPO's willingness and practical steps to broaden technical collaboration with the EAPO within the framework of the PCT, to exchange information and to promote collaboration in information technology. He noted with satisfaction the great work accomplished recently by WIPO in increasing the effectiveness of its operations, and expressed confidence that the SRP initiated by the Director General would facilitate further strengthening of the Organization and its role in further developing the global patent system, and fostering innovation and economic growth in Member States. Fifteen years of EAPO's work had demonstrated that the Eurasian patent system, which provided a single patent space on the territory of EAPO member States, was a reliable instrument of economic integration.



135. The Representative of the National Association of Performers Rights of Mexico (ANDI) said that she had come to the current General Assembly of the Member States of WIPO with the hope that the subject of audiovisual performances would be taken into account and that progress would be made towards setting a firm date for the necessary diplomatic conference. It was somewhat disheartening to see that progress was slow, and she asked the following questions: Did the Organization really look after IP? Was WIPO indeed the body that took care of and protected the work of intellectual creators above all other interests? Did the definition that the Rome Convention gave of a performer not suffice to ensure that the fixing of his or her work was duly protected? Was it not strange that performances fixed on phonograms enjoyed protection that did not extend to works in audiovisual form, produced by the hard work and talent of people who, in their countries, felt proud but who at WIPO were incapable of reaching an agreement on an article that would provide predictability as to the exploitation of their work? The Representative noted that when the preparation and adoption of the said treaty had appeared imminent, doubts had arisen as to the time available for reaching an agreement. The national delegates who were attending that Assembly were probably not interested in hearing about the opinions, points of view and needs of the performers in their respective countries, as they preferred to hold on to their unilateral vision which left the fragile link in the chain unprotected. And what was left of the commitment to culture and to the performers who made it available to the public? How was it possible, after more than 15 years and the second failure of the diplomatic conference in 2000, to continue without agreements? How many artists had not been able to lead a more decent life because no agreement had been reached? As technological advances allowed various forms of access, many of them free, she wondered what had happened to the concept of "equitable remuneration"? It was understandable but hard to explain that broadcasting organizations and producers of phonograms and audiovisual works had for many years been part of the chain of intellectual creation and undoubtedly derived great commercial benefit from the production and disclosure of their content. However, the Representative did not understand how it was not possible to reach an agreement for all performers who worked with the works used and exploited. She noted that in some countries huge sums were paid by means of work contracts to a handful of top performers, adding that that was not a general rule and that the situation was not the same everywhere. Sometimes the creative work of a performer was exploited for decades in all possible forms, but the initial salary received melted away in a few short months. The Representative said that the rights the NGOs were fighting for should not even be a matter for debate, and hoped that her respectful yet energetic demand would lead the delegates present to establish a dialogue with the performers from their respective countries with a view to determining their situation. In conclusion, there was a need to redouble efforts in the face of an imperative need, and she requested that justice be done.

#### ITEM 6 OF THE CONSOLIDATED AGENDA

##### ADMISSION OF OBSERVERS

136. Discussions were based on document A/48/2 Rev.

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

137. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following eight international non-governmental organizations: African Agricultural Technology Foundation (AATF); DigitalEurope; International Association of Lawyers (UIA); Internet Society (ISOC); *Latín Artis*; Motion Picture Association (MPA); *Organización de Asociaciones y Empresas de Telecomunicaciones para América Latina* (TEPAL); and World Women Inventors and Entrepreneurs Association (WWIEA).

Admission of National Non-Governmental Organizations as Observers.

138. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following six national non-governmental organizations: Centre for Internet and Society (CIS); Chamber of Commerce and Industry of the Russian Federation (CCI RF); Coalición por el Acceso Legal a la Cultura A.C. (CALC); The European College of Parma Foundation; Korea Invention Promotion Association (KIPA); and Korean Women Inventors Association (KWIA).

ITEM 7 OF THE CONSOLIDATED AGENDA

APPROVAL OF AGREEMENTS

139. See the report of the session of the Coordination Committee (document WO/CC/63/8).

ITEM 8 OF THE CONSOLIDATED AGENDA

DRAFT AGENDAS FOR THE 2011 ORDINARY SESSIONS OF THE  
WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY  
AND THE BERNE UNION ASSEMBLY

140. Discussions were based on document A/48/23.
141. Speaking on behalf of the DAG, the Delegation of Egypt said that the Group supported the adoption of these preliminary items, on the understanding that these draft agendas would remain open to the addition of items and/or modifications from Member States during the course of the year.
142. 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/48/23.

ITEM 9 OF THE CONSOLIDATED AGENDA

MEDIUM TERM STRATEGIC PLAN (MTSP)

143. Discussions were based on documents A/48/3 and A/48/24.
144. The Director General introduced Item 9 of the MTSP, recalling that the MTSP had its origin in the 2006 decision of the Member States to adopt a "new mechanism to increase the involvement of Member States in the preparation and follow-up of the program and budget", and in line with recognized good practice in the UN system. The intention of the MTSP was to provide Member States and the Secretariat with a shared, high-level guiding framework, in order to help to streamline and to prepare the program and budgets of the next two biennia. The MTSP also formed a part of the efforts to increase accountability for delivering outcomes, both as a Secretariat and as an Organization, and, in this way, to strengthen the RBM framework of the Organization.
145. The Director General noted that the strategic framework contained in the MTSP consisted broadly of the following elements: an outline of how the external environment is changing and how those changes impact upon the work of the Organization; the nine strategic

goals that form part of the approved program and budget of the Organization; one or two high-level strategic outcomes in relation to each of those nine strategic goals; a number of indicators intended to enable Member States to assess whether those outcomes have been reached; and a number of proposed strategies to obtain those outcomes.

146. The Director General recalled the consultative process through which the MTSP was developed. This had started on May 27, 2010, when the Director General presented a first draft MTSP paper to Ambassadors and Permanent Representatives in Geneva. In the following weeks, the members of the Senior Management Team (SMT) conducted two detailed consultation meetings with Member States at expert level. Member States contributed a series of both oral and written comments. Written comments were received from the African Group, the Arab Group, the DAG, the Delegations of Australia, Barbados, China, Japan, Mexico, Monaco and the United Kingdom, and subsequently, France. The majority of all these comments, from all the Member States or groups which contributed them, were reflected in a revised draft MTSP, which was published on July 29, 2010. The Director General then held a second meeting with Ambassadors on August 19 to hear their views on the revised draft. Those further comments were incorporated into a proposed final revised draft of the MTSP, dated August 19, 2010. This document (WO/PBC/15/19) was in turn considered by the PBC which met from September 1 to 3, 2010. At that meeting of the PBC, a decision was taken to invite the Chair of the PBC to conduct further consultations with the Member States. The delegates suggested that the Chair of the PBC, Mr. Douglas Griffiths, be invited to inform the Assemblies of the outcome of those consultations.
147. The Chair of the PBC, Mr. Douglas Griffiths, (United States of America) reported that the informal consultations on the MTSP had taken place in a productive and collaborative manner, and that Member States had arrived by consensus at the following decisions:
- (i) The MTSP as contained in PBC document WO/PBC/15/10 was to be submitted to the General Assembly with no further changes to the text;
  - (ii) Paragraph 4 of the document cover page was to be amended as follows: The Assemblies of the Member States of WIPO are invited to take note of, and comment on, the content of the document; and
  - (iii) The decision paragraph of the General Report of the Assemblies was to be drafted as follows: The Assemblies of the Member States of WIPO take note of the contents of document A/48/3, and also note the comments of Member States on the document as contained in this Report, and their submissions contained in Annex I of the Report (document A/48/26).
148. In the General Assembly, the Vice Chair of the General Assembly reiterated the above agreement reached by delegates. He confirmed that the views and comments of delegates expressed at the Assemblies would be included in the General Report of the Assemblies, and, in addition, Member States could submit comments in writing which would be annexed to the General Report as an official document Annex. The Chair informed delegates that the final deadline for submitting written comments for inclusion in the Annex would be Monday September 27, 2010.
149. The Delegation of El Salvador expressed gratitude for the work undertaken by the Director General, who had carried out an inclusive and transparent process since May this year. The Delegation noted, moreover, that this process had in fact been underway since 2008, when Mr. Gurry took over as Director General, and expressed appreciation for the way he had taken forward the process. The Delegation of El Salvador noted that the Director General's program aimed to provide the Organization with strategic goals to position WIPO as the main intergovernmental body in the field of IP, and to lead the Organization to deliver its mandate with greater efficiency in the current environment. In this context, the Delegation of El Salvador emphasized again its satisfaction with the

contents of the MTSP, which had been submitted by the Director General to Member States through consultations which had continued right up to September. The MTSP had the merit of adapting the Organization to the changing circumstances of IP, which was in a constant state of evolution and innovation. It covered the main roles of WIPO, including the provision of services and its role as a specialized IP development agency. El Salvador highlighted the importance of ensuring the efficiency of WIPO's services in the administration of treaties, including the PCT, and also the services provided by the Arbitration and Mediation Centre (AMC). Regarding WIPO's role as a development agency, El Salvador noted with pleasure the personal commitment of the Director General and his team to the Development Agenda implementation process, including the monitoring of the projects proposed by the Member States. The Delegation of El Salvador noted with satisfaction that the development dimension had been integrated into the internal structures of the Organization, making WIPO into a highly humanitarian Organization, sensitive to the needs of the developing countries such as El Salvador and least-developed Member States.

150. The Delegation of South Africa noted the MTSP with appreciation. The Delegation thanked the Secretariat for the consultations that helped to engage Member States so as to ensure that the document reflected the general vision both of Member States as well as of the WIPO Secretariat for the next five years. The Delegation of South Africa reiterated the importance of balance between IP protection and public use. It urged the continuing prioritization of development and the Development Agenda at WIPO, which should be clearly articulated in the MTSP. The Delegation noted that the Development Agenda recommendations were fundamental to a balanced developmental approach to all WIPO's activities and should, therefore, be firmly integrated into the Organization's daily functions. The Delegation of South Africa continued to urge a balanced and objective approach in WIPO programs relating to technology transfer, innovation, respect for IP and norm-setting, taking into consideration the development needs and challenges faced by the developing countries. The MTSP should, therefore, guide the future work of WIPO in a balanced manner.
151. The Delegation of Algeria supported the statement to be made by the Delegation of Egypt on behalf of the DAG. The Delegation of Algeria thanked the Director General for the series of informal consultations over the last few months with Member States on the MTSP. As some delegations had concerns over certain elements, particularly regarding the establishment of norms and the nature of WIPO's role in global challenges, the Delegation of Algeria supported the solution of taking note of the document and including in the report any comments made by Member States on this subject. The Delegation of Algeria hoped that the Member States would take the opportunity to review the MTSP mid-term in 2012, and possibly to approve it on that occasion.
152. On Strategic Goal I (the balanced evolution of the international normative framework for IP, the Delegation of Algeria was satisfied with the progress achieved in the last 10 years regarding norm-setting in WIPO, particularly the adoption of the Development Agenda which set out guidelines which should guide the norm-setting process in the Organization. Recent positive developments in the IGC, and in the SCCR on exceptions and limitations, were also encouraging aspects of the norm-setting process in WIPO. Under Strategic Goal II (provision of premier global IP services), the Delegation of Algeria welcomed the strategy for the process of electronic notification and registration under the Lisbon System, while noting that this procedure should not be entirely electronic, but should co-exist with the paper procedures, and should be optional as provided for in the conclusions of the first session of the Working Group on the improvement of the Lisbon System, endorsed by the September 2009 Lisbon Assemblies. Regarding the Madrid System, the Delegation of Algeria underlined that it was up to Member States to judge whether or not it was in their interest to join the Madrid Protocol, and that the role of the Secretariat should be confined to making Member States aware of the possible advantages of joining the Protocol. On Strategic Goal VII (addressing IP in relation to global policy issues), the Delegation of Algeria recognized the place occupied by WIPO as the leading UN agency competent to discuss IP. The interface between IP and global challenges was a cross-cutting matter which the Delegation of Algeria believed should be on the Development Agenda, and defined in the CDIP. On Strategic Goal IX (efficient

administrative and financial support structure to enable WIPO to deliver its programs), the Delegation of Algeria appreciated the Secretariat's efforts to extend linguistic coverage of its publications and of the working documents of WIPO bodies. The Delegation supported the proposed introduction of the language policy recently examined by the PBC and hoped that effective solutions would be found to respond to the concerns expressed by many regional groups and Member States.

153. The Delegation of Egypt, speaking on behalf of the DAG, expressed appreciation for the efficient manner in which the PBC Chair had conducted the work of the 15<sup>th</sup> session of the PBC and for the fruitful consultations which enabled Member States to reach a consensus on this important issue for the Organization. The DAG welcomed the Director General's initiative in presenting the MTSP to guide WIPO's work in the next five years. While Member States had taken note of the document, DAG members continued to have reservations on certain elements of the MTSP, in particular in the areas of norm-setting and WIPO's proposed role in global challenges. As stated by the Director General in his Foreword to the MTSP, the MTSP was originally proposed as a new mechanism in 2006 to increase the involvement of Member States in the preparation and follow-up of the program and budget. As such, the DAG welcomed the process of consultations between the Member States and the Secretariat, and hoped that in the period ahead Member States could arrive at an intergovernmentally agreed document to truly serve as an effective guide and compass for WIPO's work in the medium-term. The DAG was convinced that the Organization and its Member States would benefit more if the MTSP was an intergovernmentally agreed document reflecting the common consensus vision of all WIPO Member States, and believed that, in the absence of such intergovernmental approval, the document had limited value as a guiding blueprint for WIPO's future work since one group of countries continued to have concerns on certain elements. The DAG concerns were contained in written comments submitted on July 12, and on September 1 and 2, 2010, during the PBC. In particular, DAG members believed that WIPO's role and engagement in on-going negotiations in other fora on global challenges, such as climate change, health, food security, etc., should be guided by the intergovernmental mandates provided by Member States. The DAG stated that these issues had not been discussed so far by Member States of WIPO, so it would be premature for WIPO to define a role for itself in these debates through the MTSP, or to propagate a certain viewpoint on IP issues. The DAG hoped that the scheduled mid-term review of the MTSP would provide an opportunity for Member States to arrive at an agreed consensus document to more effectively guide WIPO's future work. DAG confirmed that it would submit its detailed comments in writing for inclusion in the Annex to the General Report of the Assemblies of this item.
154. The Delegation of Cuba noted that the MTSP constituted a high-level strategic framework for the Organization for the planning of the Program and Budget for the biennia 2012-2013 and 2014-2015, and provided a strategic vision for the Organization and for its Member States over the next five years. The Delegation of Cuba underlined the importance of fully reflecting the development dimension, particularly the Development Agenda, in the strategic goals of the MTSP, and the need to take into account the level of development and the priorities of each Member State in carrying out the activities of the Organization. The Delegation of Cuba supported the statement made on behalf of the DAG.
155. The Delegation of Australia thanked the Director General and the Secretariat for the hard work invested in the MTSP, and for the transparent consultative process during its development. The Delegation of Australia considered that the MTSP appropriately reflected the roles of WIPO as an IP service provider and norm-setting agency, while paying due attention to the important development dimension of WIPO's work. The Delegation of Australia believed that the MTSP document struck a careful balance between the diverse views expressed by Members States. The Delegation of Australia stated that it was strongly of the view that the MTSP provided a solid direction that would usefully guide the Organization's work and inform the future development of the IP system.

156. The Delegation of India endorsed the decision reached in the consultations with the PBC Chair. The Delegation of India fully supported the statement by the Delegation of Egypt on behalf of the DAG, and appreciated the exemplary, constructive role played by the Chair of the PBC in finding a consensual way forward. The Delegation of India welcomed the Director General's initiative in presenting the MTSP to guide the work of WIPO over the next five years, and deeply appreciated the process of consultations between the Member States and the Secretariat. Reiterating the statement made on behalf of the DAG, the Delegation of India hoped that, in the period ahead, Member States could arrive at an intergovernmentally agreed document to truly serve as an effective guide and compass for WIPO's work in the medium-term; while noting that the Delegation of India continued to have concerns on certain elements on the MTSP, as reflected in written comments submitted by the DAG on July 12, September 1 and 2, 2010, which would be resubmitted under this agenda item. The Delegation of India repeated that the concerns were primarily in the areas of norm-setting and WIPO's proposed role in global challenges, noting that WIPO's role and engagement in negotiations in other forums on global issues, such as climate change, health, food security, etc., should be guided by the intergovernmental mandate provided by Member States. The Delegation of India reiterated the hope that the scheduled mid-term review of the MTSP would provide an opportunity for Member States to arrive at an agreed consensus document to more effectively guide WIPO's future work.
157. The Delegation of Japan commended the work by the Director General and the Secretariat, to prepare and improve the MTSP, and also commended the consultations with Member States at Ambassador level and expert level. The Delegation of Japan noted that such dialogues had provided transparency for the process, and strongly appreciated the approach. The Delegation of Japan stated that, as a result of the discussions, the MTSP had developed into a well-balanced document, and was fit to serve as an excellent and valuable guiding framework for the Organization for the next coming years. The next stage was to implement the programs needed in order to achieve strategic goals and outcomes described in this MTSP. The Delegation of Japan underlined its full support for the MTSP.
158. The Delegation of Canada commended the process to develop the MTSP as fair and transparent. The Delegation noted that this was a first for WIPO, and was a positive step. The Delegation of Canada regarded the MTSP as an important management tool for Member States as well as for WIPO managers, which would contribute to engaging Member States in ensuring that WIPO achieves its objectives. The Delegation of Canada supported the setting of clear medium-term objectives with strategic goals, a well-defined list of expected outcomes, and performance measures and indicators. The Delegation of Canada viewed the resulting MTSP as a major step towards a RBM Organization. The Delegation of Canada would also submit written comments for inclusion in the Annex.
159. The Delegation of Norway thanked the Secretariat and the Director General for the work on this very important document and for the transparent process leading to the MTSP document now before the Assemblies. The Delegation of Norway alluded favorably to the Director General's description of the MTSP in the Foreword as a reference document through which the Secretariat would be held accountable for performance. The Delegation of Norway described WIPO's role in today's global society as multi-faceted: in addition to maintaining and developing global services for paying customers, WIPO played a central role in developing global IP norms, and in providing technical assistance. Through all of this ran the implementation of the Development Agenda recommendations as a horizontal issue. While the overall mission of WIPO was to promote innovation through IP, the many roles and tasks of the Organization made it a challenge to develop a streamlined strategic plan. The Delegation of Norway considered that the final MTSP document provided a sound indicator of strategic directions. It was a long-term document, which set directions but was not carved in stone. The Delegation of Norway reflected that it was often the process itself which clarified the goals and plans of an organization, and such a process may be painful but was necessary. The Delegation of Norway believed that WIPO and the Director General were moving forward in a very productive and target-oriented way.

160. The MTSP covered many areas of work ahead. The Delegation of Norway remained strongly committed to achieving results in the normative committees. The Delegation of Norway was also pleased to note that the MTSP highlighted the importance of reaching out to SMEs, which was also a challenge in Norway. The Delegation noted the important continuing focus on WIPO's contribution to improving the quality of the work of PCT authorities in order to reduce duplication of work. The Delegation regarded the MTSP, by its nature, as intended to provide the bird's eye view of where the Organization stood, where Member States wanted it to be in five years, and some points on how to get there. It was not meant to include detailed activity plans on all the identified strategies, and the Delegation of Norway was confident that the forthcoming program planning processes would provide detailed action plans, and that the yearly program and performance reports would enable Member States to assess progress. The Delegation of Norway considered it important to find the right balance between levels of management involvement in an Organization of this size: processes within WIPO must remain Member-driven and user-oriented; and the Assemblies should allow the Secretariat sufficient room to manage its operational work. The Delegation of Norway looked forward to the next six years of focused work towards the shared strategic goals.
161. The Delegation of Bangladesh, speaking on behalf of the Asian Group, welcomed the Director General's initiative in presenting the MTSP to guide WIPO's work in the next five years, and appreciated the consultations conducted by the PBC Chair to arrive at a consensus decision, which the Asian Group endorsed. While Member States had taken note of the MTSP document, the Asian Group welcomed the process of consultations between Member States and the Secretariat during the preparation of the MTSP. The Asian Group hoped that the Secretariat would take due note of comments made by Member States in the course of the discussions at the Assemblies, as well as any written submissions to be made. The Asian Group also supported the proposal for a mid-term review of the current document at an appropriate time in 2012.
162. Speaking in its national capacity, the Delegation of Bangladesh underlined the importance it attached to the implementation of the Development Agenda recommendations, and expressed appreciation for the ongoing work in mainstreaming the development dimensions into the work of the Organization. In light of the statement made by the Minister for Industries during the High Level Segment, the Delegation of Bangladesh intended to make a written submission for inclusion in the Annex to the Assemblies report, which would focus on assistance to the LDCs as envisaged in the MTSP. The Delegation of Bangladesh suggested that many of the strategies outlined in the MTSP could be complimented with additional suggestions to customize the services and assistance provided to LDCs in response to their specific needs with regard to IP protection and management. The Delegation of Bangladesh particularly appreciated the current thrust in the MTSP aimed at evolving a balanced and equitable international normative framework for IP, and accommodating the interests and concerns of Member States at different levels of economic development. The Delegation also underscored the need for continued support from WIPO in terms of empirical and analytical studies to guide countries in developing well-calibrated IP and innovation strategies.
163. The Delegation of Spain expressed appreciation for the contribution of the Chair of the PBC in helping to move the work forward in the Committee and generating a positive spirit for future work. The Delegation of Spain recognized the intensive work invested by the Secretariat in the preparation of the MTSP, which was a very comprehensive document. The Delegation of Spain reserved the right to submit comments in writing, but took the floor to focus on the element of the MTSP relating to a languages policy for the Organization. The Delegation of Spain supported comments made by GRULAC in its general statement on the treatment of the Spanish language; and recalled that the UN resolution on multilingualism in document A/RES/63/606 and the September 30, 2009 resolution of the UN General Assembly (UNGA) urged all UN agencies to comply with UNGA agreements on multilingualism, recommending the adoption of the necessary measures to ensure that all UN official languages were recognized without discrimination between them, and that documents were made available accordingly. The same principle was expressed in a 2003 document on the application of multilingualism

(paragraph 3(b)(85)). The Delegation of Spain agreed with the MTSP section on linguistic barriers under Strategic Goal IX, and supported the strategy proposed under paragraph xi for “elaborating a comprehensive language policy, developed through consultations with Member States, which responds to the needs of Member States and covers meeting documents, interpretation, publications, and the WIPO website”. The Delegation of Spain did not feel that there had been any progress to date, in particular with regard to the Secretariat’s proposal in document A/48/11 Add. of September 14, 2010, and wondered to what extent there was genuine political determination to implement multilingualism as opposed to simply a statement of intention. The Delegation of Spain was ready to work with any Member States of the Organization to try to improve this situation, and urged the Secretariat to take the first steps towards this strategic goal, noting that the Delegation of Spain was ready to collaborate with the Secretariat in trying to improve the document on a languages policy. The Delegation of Spain noted that WIPO was mainly a service-oriented Organization, dependent on the income from its services. As languages were vital in ensuring accessibility, this would constitute a vital contribution to the strategic goals of the Organization.

164. The Delegation of Malaysia endorsed the statements made by the Delegation of Bangladesh on behalf of the Asian Group and by the Delegation of Egypt on behalf of the DAG. The Delegation of Malaysia expressed satisfaction with the Director General’s vision of shared ownership in the MTSP, which gave Member States an opportunity to agree on the strategic direction of the Organization for the next five years. The several rounds of consultations conducted by the Director General on the content of the MTSP had led to many improvements. While Member States had taken note of the document, there were still some areas of concern. The Delegation of Malaysia underlined that Member States must ensure that the MTSP was a balanced document reflecting the views of all Member States; that the development dimension, particularly the Development Agenda, was mainstreamed into the work program of WIPO through the strategic goals of the MTSP; and that the MTSP was guided by the mandate provided by Member States, and not by the establishment of new mandates in areas such as climate change, health, and food security, which had not been discussed or agreed by Member States in a WIPO intergovernmental body. The Delegation of Malaysia reiterated the view expressed in the DAG statement that the MTSP would have greater benefit for the Organization and its Member States if it was an agreed document reflecting the consensus vision of all of WIPO’s Member States, and it looked forward to further constructive engagement to enable Member States to arrive at an agreed consensus document during the scheduled mid-term review of the MTSP.
165. The Delegation of the Syrian Arab Republic, speaking on behalf of the Arab Group, thanked the Director General for the MTSP and for the consultations with Member States. The Arab Group welcomed the document but would have liked it to reflect all comments expressed by all Member States so as to have been a fully comprehensive and consensus-based document. The Arab Group hoped that all views would be taken into account during the future review of the document. The Arab Group had submitted views which had not been incorporated concerning the languages policy, under Strategic Goal IX, where 2015 had been set as a deadline for implementing a new languages policy. The Arab Group had reiterated the view that this should be a top priority, a position which had been supported by many delegations, including the DAG and Spain. The Arab Group hoped that these proposals would be studied in more detail by the Secretariat and reserved the right to re-present these proposals at a later stage.
166. The Delegation of Iran (Islamic Republic of) associated itself with the statement of the DAG. The Delegation welcomed the Director General’s initiative in presenting an MTSP, which provided a new vision and direction for the Organization for a five year period, and was intended to be a high-level strategic framework which would guide the preparation of the program and budget documents for the next two biennia. The MTSP sought to identify key challenges and opportunities relating to IP and the work of WIPO and laid down the strategic goals and strategic outcomes envisaged in respect of each goal. The Delegation of the Islamic Republic of Iran commended this initiative, and expressed the view that further improvement to the document, to encapsulate the common vision of the



Organization as a whole, would ensure achievement of the objectives driving this significant initiative. The Delegation of the Islamic Republic of Iran believed that the MTSP should be a balanced document which was agreed to reflect the consensus vision of all Member States. The MTSP aimed to increase developing countries' participation in the IP system. This would be achieved if it was responsive to countries with different levels of development and paved the way for the developing countries to develop IP laws which were appropriate to their levels of development. In this respect, the Delegation underlined the importance of mainstreaming the development dimension, particularly the WIPO Development Agenda, into the work program of WIPO through the strategic goals and outcomes of the MTSP. The Delegation of the Islamic Republic of Iran endorsed the words of the Director General in his report on the implementation of the Development Agenda that "implementation of the Development Agenda is a far-reaching endeavor that seeks to transform the way the Organization operates ensuring that development considerations form an integral part of all the work it undertakes. Achieving that requires commitment and actions both from the Secretariat and the Member States, as well as the support from a wide range of other stakeholders." The Delegation believed that development was an overarching process and that the implementation of the Development Agenda should therefore be evoked under the different goals of the Organization. The Delegation did not feel that this was articulated clearly enough in the MTSP document, where development was related to Strategic Goal III (facilitating the use of IP for development), which did not encompass the broadest scope of development, especially in the area of norm-setting. The Delegation advocated adding a new, separate section to the MTSP document, in which the overarching features of development in the various activities of the Organization would be addressed in an efficient manner. The Delegation further stated that the MTSP focused on an international system of IP protection and recommended new multilateral rules in areas of norm-setting in which the fundamental principles of territoriality had not been appropriately taken into account. The Delegation recalled its general statement in the High Level Segment of the Assemblies, and repeated the view expressed in the statement of the DAG that WIPO's role and engagement in ongoing negotiations on global challenges in other fora should be guided by the intergovernmental mandate provided by Member States and represent the consensus view of its Member States. As it seemed to the Delegation that these issues had not been discussed so far by Member States in WIPO, the Delegation considered that it would be premature to decide on this, and suggested that Member States consider the creation of a possible Committee in WIPO to discuss IP and global challenges. The Delegation considered it important that the document be revised and the shortcomings rectified, so as to ensure that WIPO's norm-setting activities aimed at promoting IPRs did not constitute obstacles to development. The Delegation believed that these processes should be flexible and responsive to the legal and technical capacities of all countries, including developing countries, and concluded that the MTSP document should be formulated in a balanced manner which took into account the legal framework and national considerations of all countries, including developing countries. Accordingly, the Delegation of the Islamic Republic of Iran favored revising the document in the course of its mid-term review to arrive at a consensus document to efficiently guide the overall activities of the Organization in the coming years.

167. The Delegation of Brazil associated itself with the statement made on behalf of the DAG. The Delegation of Brazil re-stated that it welcomed the MTSP. The Delegation referred to the Director General's statement in his Foreword that the MTSP should reflect shared ownership and a joint effort between the Secretariat and the Member States on the basis of a shared understanding and unified commitment in order to ensure its successful implementation. The Delegation of Brazil regarded the shared ownership of a lengthy and detailed plan for WIPO as a positive development in relation to previous medium-term plans. It represented an opportunity for Member States to agree on the strategic direction of the Organization over the coming five years. The rounds of consultations conducted by the Director General had succeeded in substantially improving the MTSP, although there were still some areas of concern. The Delegation of Brazil advocated that the MTSP should clearly acknowledge the approval of the Development Agenda as a fundamental normative landmark in the history of WIPO; and said that the MTSP should not establish new mandates in areas which had not so far

been discussed or agreed to by Member States in intergovernmental bodies in WIPO. The Delegation referred in this regard to discussions on the interface between copyright and the Internet, and the issue of global challenges. Regarding global challenges under Strategic Goal VII, the Delegation of Brazil considered that the role of WIPO should be fundamentally to discuss the implications of IP-based mechanisms in the debate on global policy issues, and that the MTSP was not the right place to decide whether WIPO should seek to be recognized as the leading UN forum for addressing the interface between IP and global policy issues, which were dealt with in other multilateral fora. The Delegation of Brazil welcomed the consensus solution that had been found and was ready to engage constructively in the mid-term review.

168. The Delegation of Nigeria associated itself with the statement to be delivered by the Delegation of Angola on behalf of the African Group. The Delegation of Nigeria highly commended the Director General for the consultations on the MTSP. The Delegation of Nigeria believed that the MTSP covered all the priority areas required to guide the Director General and the Secretariat in implementing key decisions and issues of importance to the Organization. The Delegation of Nigeria thanked the Chair of the PBC for his steady and consistent efforts to find agreement. The Delegation of Nigeria emphasized again its full support for the consultative process undertaken by the Director General in bringing the MTSP to its present level and confirmed that it was fully and totally satisfied with the MTSP. The Delegation would be unable to countenance the introduction of amendments or new elements which would alter the meaning of strategies which had already received overwhelming endorsement from most Member States. Nor could the Delegation of Nigeria accept any changes to the informally agreed decision paragraph. The Annex to the Assemblies Report would simply be a statement of views by some Member States. The Delegation referred to possible future discussion in the context of a mid-term review, while noting that there was no guarantee that the Delegation could support the additional proposals that had been made, and was of the view that none of the concerns heard undermined the agreements reached so far on the MTSP. The Delegation of Nigeria totally supported the adoption of the MTSP and encouraged all Member States to abide by the informal agreement reached.
169. The Delegation of China expressed its high appreciation for the efforts of the Director General and the Secretariat in drafting the MTSP, and also appreciated the participation of Member States in the discussions and the consultation process, and the flexibility that they had shown. The Delegation of China took the view that WIPO, as the UN specialized agency responsible for IP, should continue to play a leadership role in everything to do with IP. The Delegation welcomed the MTSP, which set out a guiding framework for the next five years in drafting the program and budgets and laid down the nine strategic goals through which to achieve the expected results. The Delegation of China believed that a balanced intellectual system should promote creativity and innovation worldwide, and, therefore, the MTSP should take into account the concerns of the developing countries and consider the interests of all involved so as to better direct WIPO's activities. In this way, the IP system could defend the interests of rights holders and of the public at large and could achieve a balance in all countries.
170. The Delegation of Switzerland associated itself with all the other delegations which had already spoken to indicate their support for the MTSP, and expressed appreciation for the inclusive consultation process during the year. The consultations had made it possible to develop the text in a way which took into account, in a balanced manner, the different comments expressed by Member States during these consultations. This had led to a balanced compromise regarding the strategic vision for the Organization. The Delegation of Switzerland noted that the document would guide the work of the Organization over the next few years and would strengthen its RBM system, which Switzerland welcomed and supported. The Delegation of Switzerland would submit an additional written comment for inclusion in the Annex to the Assemblies Report.
171. The Delegation of Burundi noted that the MTSP was an important document which met the standards of quality and content, and had been designed to give full satisfaction to the Member States. The Delegation of Burundi observed that differences of opinion had

been expressed between developed countries and some developing countries, and requested clarification of the legal status of the document, and the nature of the agreement reached. The Delegation of Burundi wondered whether it may be useful to hold additional consultations in order to try and harmonize positions. The Delegation of Burundi itself, however, had no objections to the MTSP and recognized the high quality of the document. The Delegation of Burundi hoped that it would be possible during this session to have a statement of agreement, if not on the substance, then at least on the form, so that Member States would not take one step forward only to take two steps back. The Delegation of Burundi was confident that all delegations would agree that the wish of the Organization and of the members was to make progress and not remain at the same place forever.

172. The Chair clarified the informal agreement which had been reached by Member States. The Secretariat (Mr. Kwakwa) had no further comments to add on the legal nature of this document, but confirmed that the subject had been extensively discussed in the context of the PBC. The MTSP was a guidance document that was now being deliberated on by the Assembly.
173. The Delegation of Colombia repeated the comments it had made during the consultations convened by the Chair of the PBC and in the general statement, namely that the Delegation of Colombia supported the MTSP document drawn up by the Director General and greatly appreciated the fact that this document had been the subject of broad consultations. The Delegation of Colombia believed that this practice should be continued in the future.
174. The Delegation of Indonesia aligned itself with the statements made by the DAG and the Asian Group and expressed appreciation to the Secretariat for the initiative and the effort invested in preparing the draft MTSP for consideration by all Member States. The Delegation of Indonesia regarded the MTSP as a crucially important document since it would define the strategic direction of this Organization for the next five years, and it recalled the number of consultations which had taken place since its circulation in May. The Delegation of Indonesia, either individually, or through the Asian Group and the DAG, had contributed suggestions on various elements of the document. The Delegation of Indonesia recognized and appreciated the number of its suggestions which had been accommodated in the revised document. However, it reiterated the concerns expressed with respect to norm-setting activities, copyright and global policy challenges. The Delegation of Indonesia noted that WIPO's contribution in finding comprehensive solutions to challenges such as climate change, food security and public health should not be solely through promoting the use of IP, but should also take into account the needs of the developing countries with respect to IP and global public policy issues, particularly as the developing and LDCs would bear the worst impact of such global problems. The Delegation of Indonesia reiterated that, as a specialized agency of the UN and a member-driven Organization, WIPO should adopt a balanced approach and be development-oriented in its strategic plans, remaining faithful to the objective of creating a balanced and equitable global IP system in order to promote socio-economic and cultural development of all countries.
175. The Delegation of the United Kingdom noted that a MTSP was an important guiding document for any organization, particularly a complex organization like WIPO. The United Kingdom appreciated the transparent, consultative process of dialogue that had led to the construction of the MTSP, and noted that consensus was achieved at the PBC. The United Kingdom considered the MTSP to be a fair and balanced document, which took into account the majority of concerns of all regions, Member States and stakeholders. The Delegation of the United Kingdom, therefore, fully supported the MTSP.
176. The Delegation of Kuwait thanked the Director General for his great effort and for the reports presented in this session, especially the MTSP. The Delegation of Kuwait described the MTSP document as a historical event and a goal in itself for all the Member States. The Delegation of Kuwait underlined the importance of Strategic Goal VIII, which

addressed the interconnectivity between Member States and the Organization. The Delegation of Kuwait had in recent years increased its attention to IP. The Delegation of Kuwait needed the assistance of WIPO in the area of patents and more support through the Arab Bureau to provide technical programs and expertise. The Delegation of Kuwait supported all the constructive ideas and the active measures taken by the Organization.

177. The Delegation of Zambia wanted to see implementation of the MTSP skewed more towards building capacity in the creation of IP assets as opposed to protection of IP. The Delegation noted the references within the MTSP to low participation by developing and LDCs in the Madrid System, and suggested that most innovators in developing and LDCs may not see the incentive for participating in the Madrid System because the level of capacity for creating IP assets was still very low. The implementation of the MTSP should, therefore, be skewed towards creating IP assets, particularly in developing and LDCs, so that innovators would see the need to participate in the Madrid System. The Delegation of Zambia also underlined the importance of enhancing awareness in this regard.
178. The Delegation of Venezuela (Bolivarian Republic of) aligned itself with the statement by the DAG. The Delegation of the Bolivarian Republic of Venezuela hoped that this strategic plan could be a guide but noted that there was still much to talk about and, as with any UN agency, it was not the subject of consensus. The Delegation emphasized that the MTSP was not a legal text, but simply a guide. The Delegation of the Bolivarian Republic of Venezuela supported the balance reached by the Chair of the PBC after lengthy discussions. The Delegation supported the MTSP as a guide, although there were many elements, particularly concerning the Development Agenda and Strategic Goal VII, that it would be difficult to adopt. As the Ambassador of Uruguay had mentioned, IP was a tool rather than an end in itself, and IP could not be seen as more important than health or food security or climate change, for example. The Delegation of the Bolivarian Republic of Venezuela thanked the Director General for having developed and shared the Plan with Member States.
179. The Delegation of the Republic of Korea commended the MTSP as a well drafted plan that incorporated a clear understanding of the environmental changes around IP, and nine sets of strategies for addressing such changes, as well as the challenges and opportunities in the course of implementing those strategies. The Delegation noted that the MTSP looked at issues from a broader perspective than individual strategies and expressed appreciation to the Director General and the Secretariat for preparing the plan. The Delegation of the Republic of Korea considered that it would be neither right nor desirable to initiate further discussion on the details of the MTSP. The MTSP was intended to set high level strategies for the Organization for the next five years and to delineate operational priorities, not to set out the details of how to pursue the goals. For this reason, the Delegation of the Republic of Korea fully supported the MTSP.
180. The Delegation of Angola, speaking on behalf of the African Group, said that the mission of the MTSP was to promote innovation and creativity for economic, social and cultural development of all countries through a balanced and effective international IP system. The African Group thanked the Secretariat for their efforts in consulting with Member States. The Group believed that the inclusion in the MTSP of the mid-term review mechanism in 2012 would serve to ensure that the MTSP remained relevant and continued to set a strategic direction deemed appropriate by Member States. The African Group believed that the strategic direction of the Organization as determined by the Member States should be guided by the Development Agenda recommendations. The Group also appreciated the inclusion in the MTSP of a RBM methodology and provision for periodic progress reports. The Group Coordinator recalled the agreement reached through the PBC consultations and confirmed the Group's endorsement.
181. The Chair thanked the delegates who had taken the floor and commented that he had sensed a great deal of wisdom, and a determination to be open and flexible. He observed that all would agree that the Organization needed an MTSP. No solution

was perfect. Some delegations would have preferred further improvements, and they would be able to include their comments in an Annex to the General Report. The Secretariat reminded delegations that the deadline for written submissions was close of business on Monday, September 27. The Chair confirmed the formulation of the decision which was agreed as follows:

182. The Assemblies of the Member States of WIPO took note of the contents of document A/48/3, and also noted the comments of Member States on the document, as contained in this report, and their submissions contained in Annex I of this report A/48/26.

#### ITEM 10 OF THE CONSOLIDATED AGENDA

##### STATUS OF THE UTILIZATION OF RESERVES AND UPDATED FINANCIAL OVERVIEW FOR 2010

183. Discussions were based on documents A/48/4 and A/48/24.
184. The Secretariat explained that the document A/48/4 had been prepared for information purposes. The document contained the following: (i) a review of the level of reserves subsequent to the 2008/09 biennium closure; (ii) an overview of the appropriations approved by Member States from the reserve funds; (iii) estimates of the impact of the introduction of the IPSAS on the level of the reserves; (iv) an overview of the appropriations the Organization proposed to assign to the ERP system and: (v) an update on the 2010/11 financial situation. The recommendation of the fifteenth session of the PBC to the Assemblies made in this respect, and appearing in document A/48/24, invited the Assemblies to take note of the contents of document WO/PBC/15/16, which was reproduced as Assemblies document A/48/4.
185. The Delegation of the United States of America welcomed the summary information, explaining the previously approved and proposed uses of reserve funds. It stated that the existence of substantial amounts of reserve funds and the ability to expend these funds on projects, such as the New Construction or the New Conference Hall, made WIPO truly exceptional amongst international organizations. It noted that the uses of reserve funds appeared consistent with the guiding principles and the policy on reserve funds that Member States had previously considered, including the principle that expenditures of reserve funds should be for extraordinary, one time expenditures and not for ongoing activities that were properly part of the regular budget. The Delegation acknowledged the information in the report, indicating that a lower than projected workload could result in a level of fees that was lower than the base case, on which the 2010/11 biennial budget was based. The Delegation looked forward to receiving more current information on workload and fee income when that information became available.
186. The Chair read out the decision paragraph contained in the document, inviting the Member States to take note of the contents of the document.
187. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of document A/48/4.

#### ITEM 11 OF THE CONSOLIDATED AGENDA

##### REVIEW OF BUDGETARY PROCESS APPLIED TO PROJECTS PROPOSED BY THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP) FOR THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS

188. Discussions were based on documents A/48/5 Rev. and A/48/24.

189. The Secretariat introduced document A/48/5 Rev. (previously submitted to the PBC as document WO/PBC/15/6 Rev.) and explained that Members of the PBC would recall that the document had been revised to incorporate the comments made during the last PBC session. The document contained the review of the budgetary process applied to projects proposed by the CDIP for the implementation of the Development Agenda Recommendations and had been prepared in response to the request by the WIPO Assemblies in 2009 to undertake a review of such budgetary process, with a view to submitting the recommendations to the next regular session of the PBC (the fifteenth session held from September 1 to 3, 2010). Document A/48/5 Rev. provided an overview of WIPO's current planning and budgetary process within its RBM framework, and the process of considering, approving and financing Development Agenda projects and activities. Based on the review, the budgetary mechanism for Development Agenda projects and activities was being proposed using a phased approach, which consisted of a transitional solution for the year 2011 and a fully integrated solution as of the 2012/13 biennium. The PBC had recommended that the Assemblies of the Member States of WIPO approve the proposals contained in paragraphs 13 to 18 of document WO/PBC/15/6 Rev. (reissued as document A/48/5 Rev.) The process so adopted would be subject to review at the PBC session in 2013. This recommendation was recorded in the Summary of Recommendations made by the PBC at its fifteenth session (document A/48/24).
190. The Delegation of Egypt, on behalf of the DAG, believed that the Development Agenda represented a strategic direction for WIPO and for its developing, and LDCs Member States. As such, while the implementation of its 45 recommendations commenced, sufficient regular budget funding should be ensured at all times. The Delegation saluted the Director General and added that it would keep in mind his encouraging words at the beginning of his term, when he had reassured the Member States that sufficient funds would be made available for the implementation of the Development Agenda recommendations. The Delegation continued to believe that funds for the implementation of the Development Agenda should come from the regular WIPO budget and not through extra-budgetary arrangements. Furthermore, implementing the Development Agenda should not entail a reallocation or repackaging of existing budgets for development-related activities. It stressed that Member States would resist any attempt to reduce resources available for this purpose, under any guise, including efficiency improvements. The Delegation noted with concern that two key programs in terms of development activities i.e., Program 8 (Development Agenda Coordination) and Program 9 (Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, LDCs), have both experienced a decrease in their budget allocations between the 2008/09 and the 2010/11 biennia. Furthermore, budget allocation for Program 3 (Copyright and Related Rights), that had recently begun to undertake work pertaining to the creative industries, had also been reduced during the same period. The Delegation found it a worrying trend and added that it would work to have it reversed in the course of the preparations of the Program and Budget for the 2012/13 biennium. The Delegation said that another issue of concern for many delegations in trying to ascertain the level of budget allocations for the implementation of the Development Agenda activities was the lack of a clear definition. The WIPO program and budget currently did not provide a clear picture of what specific activities were being undertaken as development activities and how the resources were being spent in these areas. In the meantime, DAG approved the proposal contained in document A/48/5 Rev., as revised by the PBC. It noted that once budget allocations were made for funding the implementation of Development Agenda recommendations, any remaining amounts at the end of the budget cycle should continue to be made available for the Development Agenda. It also noted that the proposal would be subject to review in 2013, which would enable Member States to appraise and make amendments to the budgetary process for Development Agenda implementation.
191. The Delegation of the United States of America was pleased to see that the Secretariat's proposal emphasized the importance of ensuring that Development Agenda projects and activities were integrated into the RBM framework. The Delegation supported the full integration of the Development Agenda projects and activities into the WIPO RBM framework, with linkages to the specific programs that the projects and activities

supported. The Delegation agreed that Development Agenda work should be subject to the same principles and considerations as the rest of WIPO's programs of work.

192. The Delegation of Cuba emphasized the need for the current budget of the Organization to include funding for the Development Agenda projects, which should be fully integrated into the planning process of the Organization's budget. It felt it was important that there would be an understanding about the need to guarantee additional resources where these were really necessary for the implementation of the projects and programs under the Development Agenda. The Delegation supported the statement made by the Delegation of Egypt on behalf of DAG.
193. The Delegation of India thanked the Secretariat for mainstreaming the Development Agenda budgetary process into the regular budgetary processes of WIPO, a request originally made by the Delegation of India at the last PBC and CDIP sessions. The Delegation was grateful that its request had been met and that it evolved into the proposal currently enjoying consensus among all Member States. The Delegation thanked the Director General and the Secretariat for assurances given on previous occasions that sufficient funds would be made available for the implementation of the Development Agenda recommendations. The Delegation welcomed the provision for the review of the arrangements in 2013, which would provide an opportunity to fine-tune them further, if necessary. The Delegation also supported the statement made by the Delegation of Egypt, on behalf of DAG.
194. The Delegation of Brazil associated itself with the statement made by the Delegation of Egypt on behalf of DAG. It considered the approval of the proposed process a very important step in the mainstreaming of the Development Agenda into the activities of WIPO. It also considered it important that, while CDIP projects were included into the regular budget, the necessary flexibilities required for the very specific nature of the CDIP projects, were preserved. In that sense, the Delegation welcomed the decision to review the process in 2013. It thought it important to have a clear status of what Development Agenda activities WIPO had conducted and of the resources foreseen thereto. The Delegation hoped that in the future, with the work already undertaken by the Secretariat in that respect, Member States could clearly assess what resources were destined for development activities and Development Agenda implementation.
195. The Chair invited Member States to approve the recommendation of the PBC made in respect of this document.
196. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as is concerned, approved the proposals contained in paragraphs 13 to 18 of document A/48/5 Rev. The process so adopted would be subject to review at the session of the PBC in 2013.

## ITEM 12 OF THE CONSOLIDATED AGENDA

### PROGRAM PERFORMANCE REPORT FOR 2008/09

197. Discussions were based on documents A/48/6, A/48/21 and A/48/24.
198. The Secretariat specified that the documents under this agenda item were the Program Performance Report (PPR) for 2008-2009 (document A/48/6) and the IAOD's Validation Report for the PPR 2008-2009 (document A/48/21). The recommendation made by the PBC in this respect was recorded in the Summary of Recommendations made by the PBC at its fifteenth session (document A/48/24).
199. The Delegation of Egypt, on behalf of the DAG, welcomed the PPR as a useful self-assessment tool that can contribute to streamlining the work of WIPO. It also welcomed the efforts of the Secretariat in improving the PPR, and, particularly, welcomed the inclusion of a new section under each Program on the implementation of the Development Agenda. However, the Delegation noted that the information contained in

these sections was very general and did not specifically explain how the Development Agenda recommendations were being implemented through Program activities. The Delegation therefore requested that in the future, the sections on the implementation of the Development Agenda recommendations should be improved and the recommendations reflected in the expected results and performance indicators. The Delegation also welcomed and appreciated the observations made by the WIPO Audit Committee, during its 17th meeting in July 2010 (document WO/AC/17/2, paragraph 50) where the Committee noted that “the PPR was rich in information on deliveries and results at the Program level, but poor in analysis. It did not provide an overall picture of the progress achieved towards attaining the strategic goals of the Organization as a whole.” The Delegation concurred with the Committee’s recommendation that the PPR should be more analytical and should include financial data, linking expenditures to progress achieved, so as to allow measuring the cost efficiency of performance. The Delegation further stated that the performance indicators under Program 8 (Development Agenda Coordination) appeared to be weak and limited, and did not allow a qualitative reflection of the extent to which such discussions on projects are effective in mainstreaming the Development Agenda. The Delegation therefore suggested that more robust and definitive performance indicators for measuring the qualitative impact of the Development Agenda projects be incorporated, to enable a fuller appreciation of the outcomes of the implementation of the Development Agenda recommendations and the extent to which the recommendations were being mainstreamed. The Delegation also welcomed the useful Validation Report for the PPR 2008-2009 presented by the IAOD. It took positive note of the conclusions and recommendations contained in the IAOD report and requested that, in the future, more challenging and ambitious objectives, results and targets be defined. The Delegation particularly endorsed the following recommendations in the Validation Report: (a) regular monitoring of progress within Programs on a monthly basis; (b) monitoring and evaluation on a regular basis through the quarterly reporting mechanism; (c) active and regular monitoring and evaluation of progress at the Senior Management Team level in order to better reflect outcomes, rather than outputs and activities.

200. The Delegation of Canada thanked the Secretariat for the preparation of the PPR. The Delegation believed that the information provided was of great value to WIPO itself and for Member States for their review of WIPO’s accomplishments. It supported the RBM approach and encouraged the Secretariat to further strengthen tools that would contribute to ensuring better governance and accountability at WIPO. The Delegation believed, as had been also stated in the Validation Report of the PPR prepared by the IAOD, that improvements were possible and that the quality of the PPR would improve once the objectives, results and indicators contained in the program and budget were used more routinely for internal management and monitoring purposes by senior and other managers. The Delegation looked forward to such improvements.
201. In response to Member States comments, the Secretariat stressed that it welcomed the Validation Report on the PPR 2008-2009 and, in particular, the very constructive recommendations made in that report which would be taken duly into consideration in the ongoing and continuous efforts to strengthen the RBM framework at WIPO.
202. The Chair invited the Assemblies to approve the PPR for 2008-2009 and to take note of the PPR Validation Report.
203. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the Program Performance Report for 2008-2009 (document A/48/6) and took note of the contents of document A/48/21.

#### ITEM 13 OF THE CONSOLIDATED AGENDA

#### FINANCIAL MANAGEMENT REPORT FOR THE 2008-2009 BIENNIUM

204. Discussions were based on documents A/48/7, A/48/8 and A/48/24.



205. The Secretariat presented the documents for this agenda item and explained that document A/48/7 contained the Financial Management Report (FMR) for the 2008/09 biennium, as well as arrears in contributions as of June 30, 2010, which had been submitted to the PBC as document WO/PBC/15/2. Document A/48/8 contained updated information on the arrears in the payment of contributions and towards the Working Capital Fund as at September 17, 2010. The Secretariat recalled that, as recorded in document A/48/24 (Summary of Recommendations made by the PBC at its fifteenth session), the PBC recommended to the Assemblies to approve the FMR for 2008-2009 and to take note of the status of payment of contributions.
206. The Delegation of the United States of America welcomed the audit of the financial statements and in particular welcomed the clean audit opinion issued by the External Auditor. Moreover, the Delegation appreciated the Secretariat's efforts to comply with the Auditor's recommendations.
207. The Delegation of Egypt (on behalf of DAG) welcomed the FMR for 2008-2009. It noted that because not all parts of the FMR had been submitted in a timely way [from the start of the audit] to the external auditors, as recommended in the detailed auditors' report for 2009, the auditors could not fully review the FMR from the beginning of their audit. The Delegation welcomed the Secretariat's undertaking to provide documents required by the auditors in a more timely manner in the future. It also urged the Secretariat to adopt a more integrated approach with respect to the presentation of documents i.e., the financial statements and the FMR, the report of the External Auditor on the financial statements, the PPR and the PPR validation report, in accordance with reporting requirements (as noted by the WIPO Audit Committee).
208. The Secretariat explained that the concerns of the Delegation of Egypt had already been taken on board following discussion of the issue during the PBC session. The Secretariat assured the membership that it was engaged with the Chair of the Audit Committee in discussing how to best time the meetings and the production of the documents, in order to enable a full review by the Audit Committee of documents subsequently submitted to the PBC.
209. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the 2008-2009 Financial Management Report (publication FMR/2008-2009) and took note of the status of the payment of contributions on September 17, 2010.

#### ITEM 14 OF THE CONSOLIDATED AGENDA

##### REPORTS OF THE EXTERNAL AUDITOR

210. See the report of the session of the General Assembly (document WO/GA/39/14).

#### ITEM 15 OF THE CONSOLIDATED AGENDA

##### POLICY ON RESERVE FUNDS

211. Discussions were based on documents A/48/9 Rev. and A/48/24.
212. The Secretariat introduced the documents for this item and explained that document A/48/9 Rev., in its original form, had been revised by the PBC to incorporate a number of changes requested by the Member States. The recommendation of the PBC in respect of this document appeared in the Summary of Recommendations made by the PBC at its fifteenth session (document A/48/24). The Secretariat explained that the proposed policy on reserve funds had been drawn at the request of the PBC made in 2009, when the Secretariat committed itself to preparing such a proposal. The document provided an overall view of the reserve policy, the main approval

mechanism and the principles that governed the use of the reserves. In addition, following discussions at the PBC, it had been confirmed that the Director General and the Member States might propose the financing of specific projects from the reserve funds. The PBC requested the Assemblies of the Member States to approve the mechanism for the use of the reserves, as described in paragraphs 20 to 23 of document WO/PBC/7/Rev. (reproduced as document A/48/9 Rev.).

213. The Delegation of Japan expressed its support for the three principles and the mechanism to be applied for the use of reserves. The Delegation believed that the principles, i.e., (i) the use of the reserves only if they exceed the target level required by the WIPO policy, (ii) the use of the reserves for extraordinary, one-time expenditure only and (iii) that the use of the reserves might be for projects and initiatives which were outside the biennial financial period of the Organization, were reasonable. In addition, the approval mechanism described in the document was also acceptable to the Delegation. With regard to the reserves, the Delegation recalled that most of WIPO's income was generated by the fees from users of international registration systems such as the PCT, Madrid and the Hague system. That meant that the biggest portion of the reserve funds was generated by users, and therefore, the Delegation pointed out that the reserves could be used for the users' benefit, including fee reductions.
214. The Delegation of Egypt, on behalf of the DAG, supported the adoption of the three principles on the reserve funds and the principles applied in respect of the use of reserves as set out in document A/48/9 Rev., paragraphs 20 to 22. These three principles set out guidelines on the use of the reserves while maintaining the necessary flexibility, particularly as they provided a source of funding which could cut across biennia and remained available for spending for the duration of the initiatives, as approved by Member States. The Delegation was also supportive of proposals on the use of the reserve funds for proposals made by the Member States on issues that they considered high priority.
215. The Delegation of India supported the statement made by the Delegation of Egypt on behalf of DAG. It supported and welcomed the principles agreed to by the PBC for use of the reserve funds. It was particularly satisfied that the principles applied to all the Strategic Goals of WIPO, including the implementation of the Development Agenda under Strategic Goal 3 (Facilitating the Use of IP for Development).
216. The Chair stated that the statements made were noted and since there were no further comments the recommendations for the principles and the approval mechanism proposed in respect of the use of the reserves were accepted.
217. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of WIPO's policy on reserves, and endorsed the proposed recommendations for the principles and approval mechanism to be applied for the use of reserves as described in paragraphs 20 to 23 of document A/48/9 Rev.

## ITEM 16 OF THE CONSOLIDATED AGENDA

### POLICY ON INVESTMENTS

218. Discussions were based on documents A/48/10 and A/48/24.
219. The Chair recalled that the PBC had considered the content of the PBC document WO/PBC/15/8 (reissued as document A/48/10) and had requested the Secretariat to submit a revised proposal at a later session of the PBC, taking into account the observations and comments made by the Member States. This recommendation by the PBC was recorded in the Summary of Recommendations made by the PBC at its fifteenth session (document A/48/24). The Chair stated that in view of this

recommendation, there was no decision to be taken under this agenda item by the Assemblies.

220. In the absence of comments the item was closed.

#### ITEM 17 OF THE CONSOLIDATED AGENDA

##### POLICY ON LANGUAGES AT WIPO

221. Discussions were based on documents A/48/11, A/48/11 Add. and A/48/24.
222. The Secretariat referred to documents A/48/11 (incorporating document WO/PBC/15/9), Policy on Languages at WIPO, A/48/24, Summary of Recommendations made by the PBC at its fifteenth session, and A/48/11 Add., and reassured Member States that it was committed to extending language coverage in a phased manner over the period of the MTSP from 2010 to the end of 2015. Document A/48/11 was a first contribution towards a comprehensive language policy. The Secretariat would subsequently prepare further studies addressing the other areas of language usage, namely publications, interpretation and the WIPO website.
223. The Secretariat recalled that two scenarios had been presented to the fifteenth session of the PBC. The first, Scenario A, had assumed a constant volume of committee documentation compared with 2009, in which case resources were insufficient to enable language coverage to be extended to six languages in the current biennium. Such extended coverage would have had to be postponed to the 2012/13 biennium with resource needs being factored into the draft budget for that biennium. The second scenario, Scenario B, assumed agreement by Member States to a number of document volume rationalization and control measures, in which case extension of language coverage to six languages for all committees could have been implemented as of 2011 with no increased resource requirements. Given that the PBC supported only some and not all of the proposed rationalization measures, in particular rejecting the adoption of summary records to replace verbatim reports, the Secretariat had been requested to prepare a revised proposal, which was presented in point (vii) of document A/48/11/Add. Under that proposal, and given the agreement to the limitation in the length of working documents and the translation of only executive summaries for studies and support documents, the Secretariat would be able to extend language coverage as of 2011 to the SCCR and the SCT. Those committees had been selected on the basis of the expected annual number of pages of translation they would generate, which corresponded to the resources made available by the anticipated document volume reductions arising from the approved rationalization measures. For the remaining committees, the necessary resource adjustments for extended language coverage would be introduced in the context of the 2012/13 Program and Budget.
224. The Director General stated that it was not a question of principle that was being debated, since all were agreed on the principle of an extension of language coverage, but some pragmatic decisions had to be discussed. He believed that it was essential to proceed fairly for all languages, in a transparent and phased manner. The issue was how to advance in the middle of a biennium when resources had in principle been allocated. Member States had been given various options, one of which in particular, namely the replacement of verbatim reports, although not liked in the PBC, would have enabled the Secretariat to extend coverage to all languages for all committees in the coming year. However, given the desire to retain verbatim reports for all committee meetings, only partial progress could be made. As a substitute for the verbatim reports, webcasting of all meetings would be provided and the record of the webcast would be available on the website for consultation as a digital archive. Moreover, a synthetic written report would be produced, and there would also be the record of captioning. Captioning was being introduced for the hearing impaired in the SCCR and could be extended to other meetings. It would provide a more or less verbatim, but not official, written record of the meetings.

225. The Delegation of Spain thanked the Secretariat for the study in document A/48/11 and acknowledged that it was consistent with the mandate given by the previous Assemblies. The Delegation emphasized the need for WIPO as a UN body to observe obligations of multilingual coverage in relation to the strategic plan of the Organization, in line with the UN General Assembly Resolution of 2009 on multilingualism. The Delegation remarked on the absence of the suggestions it had made together with six other delegations at the PBC, and reiterated its proposals, namely that it agreed with the rationalization measures on document preparation and approved Scenario B proposed by the Secretariat which would engender linguistic plurality and offer a more rational use of translation resources. However, that same initiative should be extended to the Coordination Committee and to all of the working groups listed in Table 1 of the document, thereby bringing the linguistic pluralism in the Organization into line with the reality in other UN organizations. The 630,000 Swiss franc savings resulting from Scenario B implementation and full use of Program 27 budget would provide adequate resources to fulfill those proposals. In fact, in the previous biennium some 2.4 million Swiss francs had remained unspent under Program 27. The Delegation requested that the amount allocated to translation should be shown separately and not amalgamated with other amounts devoted to other activities, such as the High Level Segment, under the Program. In developing services, the Organization should make optimum use of its income to make them accessible to its users and, in that context, language was a crucial element. The Delegation looked forward to ongoing dialog with the Secretariat and Member States to improve the document.
226. The Delegation of El Salvador agreed with the comments on the MTSP and requested the Secretariat to continue with the process of evaluating the language policy, and include Spanish as a language for working groups and for the Working Group of the PCT in particular, thus making highly technical PCT documents readily accessible to the national office.
227. The Delegation of Japan confirmed its understanding of the importance of a language policy and fully supported translation of documents into the six official languages of the UN, even though none of them is Japanese. While appreciating webcasting, recording and captioning, the Delegation stressed the usefulness and value of working documents and reports, and further emphasized the value of verbatim reports as excellent resources for understanding discussions and for giving the background and history of discussions.
228. The Delegation of Algeria supported the statements of the Arab Group and the DAG. Acknowledging the measures and proposals to extend language coverage, it proposed outsourcing of translations to developing countries as a means of making savings and generating surplus funds to be reallocated to additional language coverage. Summaries would bring about savings and would also allow timely submission of documents enabling delegates to participate actively in meetings. The Delegation pointed out that the extension of language coverage for committees would require amendment of the rules of procedure of those committees. It further requested that language coverage be extended for the SCP rather than the SCT.
229. The Delegation of Bangladesh on behalf of the Asian Group proposed specific text to be incorporated under sub-paragraph (ii) of the decision paragraph in A/48/11 Add.:  
“requested the Secretariat to increase the share of outsourced translation, in particular to developing regions, and to take appropriate measures to promote and maintain the quality of such translation, and submit to the next session of the Committee information on the savings that may be derived from such outsourcing.”
230. The Delegation of Angola speaking on behalf of the African Group welcomed the language policy proposals, acknowledging that they would be achievable through document volume rationalization measures and outsourcing of translation to developing countries. The Delegation also supported webcasting of WIPO meetings. A follow-up stage in the policy should include translation of WIPO publications, studies, statistics and website content. It also recalled the WIPO General Assembly decision in 2000 on the

use of Portuguese, and called for notifications and circulars to be made available in all official languages of the Organization.

231. The Delegation of Cuba stated that Spanish should be used for working groups and committees as quickly as possible, and particularly for the PCT Working Group. That should not be done, however, to the detriment of the quality of working documents.
232. The Delegation of Mexico referred to its general statement on behalf of GRULAC under Item 5 of the Agenda regarding language policy and requested that Spanish be used for working groups as well as committees, and in an adequate manner on the WIPO website.
233. The Delegation of China expressed support for the proposals in the language policy study and hoped that they would improve the participation of Member States in meetings of the Organization, requesting that all six UN languages be used equally for all working groups. It looked forward to rapid implementation of the measures, including consideration of an increase in the budget and staff for translation to ensure a high quality service.
234. The Delegation of the Syrian Arab Republic speaking on behalf of the Arab Group expressed a desire to retain verbatim reports in order to ensure transparency and for future reference. It also proposed an amendment to point (ii) of the draft decision: “to ask the Secretariat to increase the share of outsourced translation, in particular to developing countries, and to ask the Secretariat to take the necessary measures to ensure the quality of that translation...” to be followed by the existing text.
235. The Delegation of Egypt speaking on behalf of the DAG, noted that over recent years the language divide in WIPO had been a cause for concern with only limited translations being made available in the six official UN languages thus depriving a large portion of WIPO members from accessing documents in order to gain better grasp of technical, regulatory or norm-setting developments. The ability of the Organization to deliver technical assistance and capacity building programs was also severely hampered. The Delegation welcomed the draft policy on languages at WIPO and stressed the importance of having this fully-fledged language policy in place by 2015. It suggested that the two committees selected for six language coverage should be the SCCR and the SCP, given the importance of patent issues to WIPO membership, and supported the call for such translations to be extended to important working groups of the Organization. The Delegation proposed that a further paragraph be added to the decisions: “the extension of language coverage in the committees identified under sub-paragraph (vii) above would be automatically reflected in the rules of procedure of these committees”. This would also apply to interpretation assuming that the latter would be extended to six languages in parallel with translation. The DAG encouraged the WIPO Secretariat to increase the share of outsourced translation to developing regions where the cost-effectiveness of translation services would entail significant cost savings, ensuring a speedier transition to a fully-fledged language policy. The DAG also welcomed webcasting and encouraged its extension to all WIPO meetings to facilitate access the world over in the various languages of interpretation. It felt strongly that verbatim reports should be maintained since they guaranteed transparency and accuracy in recording deliberations.
236. The Delegation of Egypt in its national capacity supported statements made by the Arab Group, the African Group, the Delegations of Algeria and Spain, and enumerated five principles which should govern the WIPO language policy: respecting the decisions and recommendations of the UN on this subject given that WIPO was a specialized agency of the UN; taking into account the pressing needs of national IP offices, with documents translated into the relevant languages for their benefit; concentrating on guaranteed additional resources for implementing the policy, and not relying solely on savings, under the present budget; translating documents other than working documents, such as documents on the web thereby facilitating access for all; reviewing the limitation to three languages for meeting notifications and circulars. The Delegation requested clarification from the Secretariat as to whether there were conditions in respect of amending constituent texts and conventions of the Organization.

237. The Delegation of the Dominican Republic restated its position calling for the use of all WIPO languages in all committees, and supported the statements made by the Delegations of Spain, Ecuador and Cuba.
238. The Delegation of Colombia thanked the Secretariat for the documents on language policy and expressed its support for the statements made by Mexico on behalf of GRULAC and by Spain.
239. The Delegation of France supported the Secretariat's approach aimed at extending the language coverage in meetings based on rationalization for the publication of documents. It considered the compromise measures listed in document A/48/11 Add. to be acceptable but further stressed the important issue of making translated documents available in plenty of time before the meetings.
240. The Delegation of Tunisia stated that for reasons of principle it was not prepared to accept the amendments proposed for point (ii) of the decision as that text had been examined in depth by the PBC and should not be amended hastily without due thought.
241. The Delegation of Nigeria supported the statement made by the Delegation of Angola on behalf of the African Group and took note that there was a real need to extend language coverage and at the same time deal with the issue of deadlines since when deadlines were not met the translated documents lost their significance. It further supported the Delegation of Tunisia in that it was not good to amend agreements reached after negotiations in the PBC. The Delegation pointed out the need to manage the language issue very carefully and not allocate to it the budget designated for other projects.
242. The Delegation of Switzerland welcomed the language policy paper and the rationalization measures. In respect of outsourcing, it referred to the benefits of considering public tenders to identify the most suitable translation companies.
243. The Delegation of Guinea expressed its support for the language and rationalization proposals made by WIPO and supported the statement made by the Delegation of Nigeria. It pointed out that sub-Saharan Africa was the only part of the world where national languages could not be used in WIPO.
244. The Secretariat, in responding to various points raised, noted the common agreement on the need to extend language coverage and stressed its commitment to quality. The choice of committee(s), whether SCT or SCP, was one of capacity and resources for immediate implementation in 2011, with subsequent factoring into the program and budget for full coverage by 2015. On the issue of outsourcing to companies, the Secretariat had previously issued a call for tender, but the results had not been conclusive since the quality of work proved unsatisfactory, necessitating additional revision work by the Secretariat. Current practice was therefore to outsource directly to individuals, and the Secretariat could refine its criteria for finding and selecting individuals from all interested countries. There were procurement rules for international bidding, and tendering had been conducted with success in PCT. With respect to working groups, the document on language policy submitted to the Assemblies dealt only with committees, as had been requested by Member States. It was intended that the language policy for working groups would be examined in a subsequent document. Regarding the saving of 630,000 Swiss francs referred to by the Delegation of Spain, that saving would have been possible only if verbatim reports had been discontinued. Given the lack of support for that proposal at the PBC, those savings would not be made. With respect to amendment of rules of procedure for committees, each committee had its own rules which would have to be examined in the light of any decision paragraph on language policy. Ultimately it would be necessary to amend not just the WIPO Convention but also certain applicable treaties but for now the Member States would be taking a decision on the policy on languages that would, as it were, override the existence of applicable provisions until such time as those provisions were formally amended

245. The Delegation of Bangladesh, in responding to a request from the Secretariat for clarification of the phrase “promote the quality of such translation”, indicated that within the Asian Group a large number of members felt that in order not to compromise quality when outsourcing translations, particularly to developing regions, some kind of cooperation between WIPO and external partners in the form of advisory support could be established to improve the standard of their translation services.
246. The Delegation of Spain reiterated its view that given the budgetary margin, further extension of language coverage was possible and requested that the extension to “working groups” be included in the language of the decision.
247. The Delegation of Egypt suggested that an item on the follow-up to the WIPO policy on languages should be included in the 2011 agenda of the Assemblies.
248. The Chair responded that Egypt’s point on an agenda item fell under Item 8 of the agenda and would be taken up by the Coordination Committee.
249. Following informal consultations led by the Chair and Vice-Chair of the PBC, the Member States adopted the following decision.
250. The Assemblies of the Member States of WIPO:
  - (i) took note with appreciation of the information contained in document WO/PBC/15/9 as a positive step towards the establishment of a policy on languages at WIPO;
  - (ii) requested the Secretariat to increase the share of outsourced translation, in particular to developing regions/countries, in accordance with WIPO procurement rules, and take necessary measures to ascertain that the quality of the outsourced translation is up to standard, and submit to the next session of the PBC information on the savings that may be derived from such increased outsourcing;
  - (iii) requested the Secretariat to establish rigorous criteria with respect to outsourcing options;
  - (iv) welcomed the initiatives taken by the Secretariat to introduce electronic recording of conference proceedings and, progressively, webcasting thereof on the WIPO website, and requested that this be extended to all official meetings of WIPO;
  - (v) recognizing that more concise working documents would facilitate deliberations, approved the proposal made by the Secretariat to further reduce the average length of the working documents, on the understanding, however, that such further reduction would not be a statutory requirement but an indication of principle, and that while quality of information should be ensured, it would not apply to documents submitted to the Secretariat by Member States;
  - (vi) adopted the proposal made by the Secretariat in paragraphs 40 and 41 of document WO/PBC/15/9 (whereby exceptionally voluminous documents and support papers (studies, surveys) that may be commissioned by certain committees will be made available only in the original languages, with a summary to be prepared by the Secretariat in all six languages) on the understanding, however, that if a Member State or a group of Member States were to express specific interest in one of such documents, the Secretariat would translate its full text in the required language;
  - (vii) noted with appreciation that through immediate implementation of the provisions of (v) and (vi) above, the Secretariat will be able to extend

language coverage to all six official languages of the UN (Arabic, Chinese, English, French, Russian and Spanish) for documentation of the SCCR and SCT as from January 1, 2011. It is understood that, as a first stage, the implementation of the extended six language coverage to other WIPO Committees, as defined in document WO/PBC/15/9, is proposed to begin as of 2012. If resource adjustments are required by the introduction of the new policy, these will be factored into the draft Program and Budget for 2012/13 after consideration by the PBC;

- (viii) noted that the resource adjustments for beginning implementation, as of 2012, of the extended language coverage to WIPO Committees, as defined in (vii) above and in document WO/PBC/15/9, as well as to Working Groups, shall be discussed in the context of the program and budget process for 2012/13. In order to facilitate the discussions under this process, the Secretariat shall, as a first step, provide detailed information on current resources under Program 27 by November 25, 2010. The Chair or Vice-Chair of the PBC shall convene, within this process, a dedicated half-day informal consultation in conjunction with the extraordinary session of the PBC in January 2011 with a view to having a clear understanding of the cost implications as a result of the introduction of the new policy. Based on the financial information provided by the Secretariat, a decision concerning the extended language coverage for the Working Groups shall be taken at the next formal session of the PBC in 2011;
- (ix) decided that the progress made in the implementation of the new policy, and follow-up on the 2000 decision of the Assemblies of the Member States of WIPO (paragraph 14 of document WO/PBC/15/9 refers), will be discussed at the next formal session of the PBC in 2011, with a view to making recommendations thereon to the September 2011 WIPO General Assembly;
- (x) noted that the extension of language coverage in the WIPO Committees would be reflected in the language section of the rules of procedure of the respective WIPO Committees.

#### ITEM 18 OF THE CONSOLIDATED AGENDA

##### POLICY ON WIPO EXTERNAL OFFICES

- 251. Discussions were based on document A/48/12 Rev.
- 252. The Director General indicated that this was not an item inviting a decision by Member States, but rather one that was being introduced in a spirit of transparency in view of certain developments in the last 12 months. It was recalled that WIPO has at present four External Offices located in New York, Singapore, Tokyo and Rio de Janeiro. The Director General stated that in the course of the last 12 months, a significant number of Member States had approached the Secretariat and expressed an interest in hosting an external office. He welcomed this as a sign of engagement by Member States which, however, highlighted the fact that WIPO does not have a clear policy for the establishment of new offices. Past decisions on the establishment of offices were made on an *ad-hoc* basis. The Director General suggested that the Organization engage, in the course of the next 12 months, in a process of consultation to develop guidelines or a policy on how to proceed in this area. Reference was made to document A/48/12 containing suggestions on some of the issues that needed to be taken into account and on which the Secretariat intended to provide some empirical data for consideration by Member States. This should cover questions such as: (i) what needs and purposes may be served by external offices; (ii) what functions should they perform; (iii) what is the cost/benefit analysis of performing those functions through external offices as opposed to performance of the functions from the Headquarters; (iv) how would the relationship between Headquarters and external offices function in order to ensure coherence of



delivery of services on the part of the Secretariat; and (v) where will the additional external offices be located and what would be the considerations in determining location. The Director General concluded by signaling that, as far as he was concerned, such a consultation would not affect existing contractual arrangements with the Member States in which WIPO has external offices.

253. The Delegation of Singapore congratulated the Chair on his election. The Delegation stated that the WIPO Singapore Office was officially established in 2005 and that since its establishment, Singapore and other Member States in the Asia Pacific region had benefited from its active involvement in promoting closer ties, providing technical assistance and carrying out advisory missions to countries in the Asia Pacific region. While the Office had a physical presence in Singapore, its activities and work were geared towards servicing the needs of the region. The Delegation highlighted a few examples of the Office's involvement in the region, such as the hosting of the WIPO Asia Pacific Regional Capacity-Building Workshop on Formulation and Implementation of IP Plans in 2008, and the Regional Workshop on Patent Information in 2009. The Delegation added that participants found that the workshops were useful in establishing a network for future meetings and collaborations and fulfilled their objectives. In 2010, the Office organized a Policy Dialogue on Emerging Issues in the Field of Trademarks, an event for senior trademark officials from IP and Trademark Offices in the Asia Pacific region, to discuss and exchange views on emerging policy and operational trademark issues. Other activities on the horizon were the Regional Seminar on IP Financing and the Regional Workshop on Effective Strategies for IP Public Education and Awareness Campaigns. More generally, officials from the WIPO Singapore Office also participated as resource persons in a number of events in the Asia Pacific region. Over the past five years, the Office had trained some 500 officials in the region. The Delegation stated that without the WIPO Singapore Office, many such workshops or forums would not have taken place or would have been done at very high cost. The Delegation also noted that the Office provided a direct channel to tap the expertise and knowledge within WIPO for countries in the Asia Pacific region, effectively bringing WIPO closer to its Member States. Such proximity allowed WIPO to have a better understanding of the needs and challenges faced by Member States and, therefore, deliver targeted and customized solutions. With the recent expansion of the WIPO Singapore Office, the Delegation believed it will have further reach into the region and fulfill its vision of being a regional service center, bringing WIPO services closer to the Asia Pacific. In short, WIPO external offices are an integral part of the SRP of WIPO, aimed at strengthening the communication interface between WIPO and Member States and helping to ensure efficient and effective delivery of WIPO services. The Delegation expressed hope that the good work done by the WIPO Singapore Office can help to shed some light on the future roles and responsibilities of WIPO external offices in the consultation to come. The Delegation concluded by welcoming the consultation mechanism, believing that such a wide ranging stakeholder involvement would ensure the development of a sound policy for the establishment of future WIPO external offices.
254. The Delegation of Algeria thanked the Secretariat for producing document A/48/12 and expressed agreement with the Director General's proposal to undertake informal consultations with Member States over the next 12 months in order to define a WIPO policy on the creation of external offices. For the purpose of the consultation, the Delegation invited the Secretariat to make available to Member States an activities report summarizing the work done by the currently existing offices as well as an analytical document on UN family practices on the creation of external offices. The Delegation reserved the possibility to comment further on the Secretariat document after it had been examined in Algiers. The Delegation also drew attention to a slight difference in the wording between the decision paragraph in the English version and that in the French version and requested the Secretariat to make the necessary correction.
255. The Delegation of Chile recalled their general statement and expressed support for the WIPO policy on external offices contained in document A/48/12. The Delegation felt that the proper way to proceed in defining a policy for external offices was to carefully define, through an open and transparent policy, the role that these offices should play; mainly as

a source of innovation, transfer of technology and knowledge, so that they would be engines for development on a regional level. The Delegation stated that the consultation process as proposed in the Secretariat document would be appropriate and supported it. The Delegation promised to participate actively in the process in order to achieve a consensus view on the issue.

256. The Delegation of India welcomed the report of the Secretariat and stated that it is an important initiative to evolve a policy to set up external offices. The Delegation expressed the view that there should be a clear definition of the role and responsibilities of such offices, and, when locating, the decision should also be based on the availability of local human resources and should, as far as possible, be able to service a region and take forward the developmental role that WIPO must assume more and more as part of the WIPO Development Agenda. The Delegation indicated that it looked forward to deliberating on the policy paper that would be prepared by WIPO.
257. The Delegation of Egypt, speaking on behalf of the DAG, thanked the Director General for his comments and indicated that it also looked forward to the consultation process on this important aspect of WIPO's proposed future work in the various regions. The Delegation highlighted two key issues which would facilitate the consultations over the coming year. The first was to launch these discussions on a good and clear basis of currently existing practice in WIPO with regard to external offices. The second was, echoing views already expressed by some delegations, particularly the Delegation of Algeria, to establish what UN practice is at the moment with regards to various offices of the UN system and its specialized agencies. The Delegation also pointed out that in arriving at a decision on the issue of policy on external offices of the Organization, a very important determinant or parameter would be the need to ensure regional balance in the various locations of WIPO external offices. The Delegation stated that it looked forward to the consultation and noted that while the document had been issued, it had not yet had the chance to examine or look into the document and there was a need to consult with its capital in order to prepare adequately for the forthcoming consultation.
258. The Delegation of El Salvador expressed appreciation for the Secretariat document which the Delegation had been awaiting and thanked the Director General. The Delegation referred to the exchange of views among Member States at the previous General Assembly meeting as to the best way to proceed in establishing external offices, and, in particular, expressed continued support for the establishment of the external office in Brazil. The Delegation also noted that the Secretariat document was very useful and contained the precise procedure that should be followed. It expressed support for the process of consultation that the Director General will initiate and the hope that by September 2011, the various positions would be known and the questions raised would have been answered. The Delegation also stated the view that everything that had been set down was good and it was a good starting point for the discussions, but the financial and human resources available needed to be kept in mind so that when an external office is created it would be able to fulfill its proper function.
259. The Delegation of Nigeria welcomed the Secretariat document and commended the Director General for being forthright and for initiating a process aimed at arriving at a consensus and proffering ideas on how to deal with the issue. The Delegation stated the view that external offices would tend to bring IP, technology and knowledge nearer to the regions and in that case, they would be particularly important for Africa and other developing countries. External offices would also make it easier to implement Development Agenda projects. The Delegation expressed the view that it was also important not to over-dramatize the issue which was simple, direct and implementable. The Delegation also noted that as of now, there was no standard UN practice on external offices other than each intergovernmental process taking decisions or initiatives peculiar to its organization. One element that had always been constant was the issue of regional balance in establishing external offices. The Delegation expressed full support for the process and stated that it would contribute to ensure that the policy on external offices materialized as soon as possible.

260. The Delegation of the Russian Federation offered its support and gratitude for the report of the Director General. The Delegation stated that everything concerning the WIPO external office policy was something which the Delegation of the Russian Federation was prepared to work actively on and indicated that it would be happy to participate in any consultation which would be held. It expressed the view that in principle, this was a good and correct practice and it should be well organized. This was particularly true because practically all the specialized agencies of the UN system, of which WIPO is one, have such offices in various countries and the consultation process should take account of their experiences.
261. The Delegation of China expressed appreciation for the proposal on the policy of setting up WIPO external offices initiated by the Secretariat and the Director General. The Delegation expressed the view that such an initiative would surely be conducive to the promotion of IP development all over the world. It expressed support for the Director General and the Secretariat for the efforts to set up external offices and stated that it would participate actively in the consultations.
262. The Assemblies of the Member States of WIPO noted document A/48/12 Rev. and expressed support for the proposal to initiate a consultation process among Member States in the next 12 months with a view to agreeing on a policy on the establishment of WIPO external offices.

#### ITEM 19 OF THE CONSOLIDATED AGENDA

#### STRATEGIC REALIGNMENT PROGRAM AND PROGRESS REPORTS ON PROJECTS AND INITIATIVES

263. The Chair introduced item 19 and stated that the SRP and Progress Reports on projects and initiatives would commence with a Power Point presentation on the overall program.
264. The Secretariat clarified that the agenda item (Strategic Realignment Program) was structured to provide an overall presentation on the Program and its progress, after which the sub-items (i) through to (viii), which related to the various initiatives and projects within the SRP, would be taken up after the presentation and during the Coordination Committee to be held on Monday, September 27, 2010. The Secretariat stated that the SRP was launched by the Director General in October 2008 to respond to the changing landscape that the Organization was expected to function in and to the changing needs of the global IP community. Its primary objective was to enable the Organization to be more efficient, responsive, responsible and accountable. The SRP sought to address how the Secretariat could function better, and to bring in innovative and modern practices so that WIPO could deliver against its strategic goals. It was an ambitious change program, which the Director General and the SMT were committed to making a success. The Secretariat reported regularly to the Audit Committee and valued their input and advice and would continue to provide information on progress regularly to the Member States.
265. The Secretariat's presentation was structured around key topics which included the content of the SRP, its governance, the results framework, the key achievements, reporting and the next steps. The Secretariat recalled that the Director General had launched the SRP in 2008. Following the progress made over the first 12 to 18 months, the Secretariat found the need to restructure the Program, so that it would resonate better with various stakeholders, including, most importantly, staff and managers. The Director General had led the effort to develop a comprehensive roadmap in April 2010, which structured the SRP around four core values: Service Orientation; Working as one; Accountability for results; and Environmental, Social and Governance Responsibility. The SRP addressed most of the recommendations contained in the desk-to-desk assessment report that the Secretariat had been mandated by Member States to implement, while going beyond the desk-to-desk assessment recommendations in its

scope. It was an ambitious change program and the 19 initiatives and projects had been grouped under the four core values. Examples of the initiatives under the different values were provided, including the initiative to improve the experience and the interface with the Organization, Member States, customers in the private sector, and other stakeholders, through the establishment and use of modern tools and best practices; and the initiative to complete the implementation of the ERP System, subject to the Member States' approval. The Secretariat stated that the core of the ERP initiative related to the establishment of processes, systems and tools that would provide managers and staff with information and the capability to manage their resources more effectively and to link resources to the delivery of results. The Secretariat then presented the governance structure of the SRP and emphasized that, as with any change program, the biggest challenge of the SRP was to have it owned by every single staff member of the Organization. Each staff member had to feel a part of the program and the SMT were expected to tirelessly commit themselves to the implementation of the different initiatives. This was being achieved through a clear governance structure that provided leadership and accountability for every single initiative within the program, and assigned a project leader to each initiative whose responsibility was the day-to-day planning, execution and management of the initiative. Furthermore, the Secretariat had established the mechanism of value groups to ensure collaboration and collective ownership of the SRP initiatives, and a Project Management Office to facilitate and coordinate the work of the various initiatives within the SRP. In respect of reporting on the SRP, the Secretariat reported on a regular basis to the Audit Committee and would continue to provide Member States with regular updates through the PBC and the Assemblies.

The Secretariat welcomed their interactions with the Audit Committee and in particular the Audit Committee's constant focus on the risks to the Program. It stated that the Audit Committee's questions and recommendations assisted the Secretariat in the review and improvement of the planning and definition of the program. In respect of progress to date, a value-based governance structure had been established and was working. The Secretariat stated that the 19 different initiatives were under various stages of planning, definition and implementation. Measuring success and achievement was very important, and to this end the Secretariat was identifying indicators to measure SRP success. Examples of the achievements to date were provided, including the launch of the new logo, the successful conduct of the WIPO Open Day, the progress that had been made on the Performance Management and Staff Development System (PMSDS), which was now in its second phase of implementation, and the establishment of an Ethics Office. The Secretariat explained that indicators were being identified for each of the initiatives, as well as for the value outcomes as a whole. These would be simple but based on reliable performance data, and a results framework would be finalized by the end of 2010. The Secretariat noted that the risks to the SRP were similar to the risks faced by any complex, ambitious change program in any organization, and related to resource availability, wide-spread engagement of staff and managers, and the inherent complexity of the different initiatives within the Program. The Project Management Office currently worked closely with the Director General, with the SMT, and with staff to assess the risks and to develop strategies to mitigate these. The Secretariat recalled that, during the PBC discussions on the SRP, a number of Member States had sought clarifications on the resource requirements for the SRP. The Secretariat was in the process of compiling and collating the resource requirements across all the initiatives and expected to complete this exercise by the end of October 2010, after which it would be in a position to share this information with the Audit Committee and with Member States.

The resource requirements were in three broad categories: those which were already covered within the current Program and Budget 2010/11 envelope; those which may be included in the proposals for the 2012/13 budget; and those which would be appropriated from the reserves. The Secretariat would be reporting progress yearly, undertaking an internal quarterly assessment, and had updated the SRP website both on the Internet and Intranet. The next steps would be focused on completing the definition and planning of all the initiatives and on moving all the initiatives into the implementation phase by the end of this year.

266. The Secretariat confirmed that sub-items (iii), (iv) and (v), although shown under this item in order to re-group them with all the initiatives under the SRP, would be considered along with items 36 and 37 at the Coordination Committee Meeting on Monday.

#### ITEM 19(i) OF THE CONSOLIDATED AGENDA

##### PROPOSAL FOR THE IMPLEMENTATION OF AN ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM IN WIPO

267. Discussions were based on documents A/48/14 and A/48/24.
268. The Secretariat stated that the relevant document under this agenda item was the document on ERP, which was a proposal for implementation of a comprehensive integrated ERP system. WIPO had commenced the implementation of an ERP system, upon approval by Member States in 2002/2003, with the establishment of the AIMS system for finance and budget reporting. The system was then enhanced through the implementation of procurement and asset management modules to establish full compliance with the new financial rules and regulations and IPSAS, upon approval by Member States. WIPO had followed a prudent phased approach, which had resulted in manageable projects, and had completed these two phases on time and within budget. However, a number of critical horizontal and cross-cutting functions, such as human resources management development systems, enterprise performance management and development remain poorly supported or unsupported by WIPO's current IT systems. It was emphasized that the full benefits of an ERP system were only realized if the system was used in a coherent and integrated manner across the Organization. The Secretariat explained that the ERP system would provide management information and tools that would be central to the successful implementation of the SRP, which sought to improve service levels to Member States, other stakeholders and customers; to establish a more service-oriented and integrated administration and management sector, which was modern and based on best practices; to improve accountability; and strengthen RBM. The Secretariat referred to earlier interventions by the Delegations of Egypt and Brazil asking for much more detailed reporting when it came to Development Agenda related issues, and clarified that, as had been pointed out at the PBC, it did not have the capacity nor the systems in place to be able to provide them with that level of granularity in detail. The Secretariat expected that, with the implementation of an ERP system, it would be able to do just that. In addition, the Secretariat assured the Member States that the project would be implemented with strong governance, senior management leadership, requisite skills and qualified resources, building on lessons learnt from the first two phases and those learned by other organizations within the UN system, several of whom had completed the implementation of an ERP system. The proposal before the Member States, and the recommendation which the PBC was making to the Assemblies was to approve the proposal to implement the ERP project as set out in the Annex of document WO/PBC/15/17, and to approve the appropriation of a total of 25 million Swiss francs for this purpose from the reserves to be available to be utilized in accordance with the plan and progress of the portfolio of projects for the envisaged duration of the implementation, as set out in paragraph 15 of document WO/PBC/15/17 and in paragraph 24 of the Annex to document WO/PBC/15/17.
269. The Delegation of the United States of America welcomed the comprehensive proposal that the Secretariat had submitted. The proposal reflected numerous best practices, which should help reduce risk, contain costs and ensure that WIPO achieved the desired result of replacing legacy systems with a modern ERP system that would lead to improved efficiency and organizational performance. These best practices include leveraging existing proven technology, such as the Oracle PeopleSoft platform; reliance on the UN ICC for hosting services; minimizing software customization; and a robust project management and governance structure. The Delegation looked forward to receiving future reports that would confirm that the implementation of this new ERP system had resulted in greater efficiencies and improvements in the performance of WIPO's management and administration. The Delegation was concerned about the

overall cost of the project and requested that the reports that the Secretariat would provide, as described in the documentation, should describe specific steps that the Secretariat was taking to contain the costs of the project. One aspect of the overall cost which especially caught the Delegation's attention was the amount that would go to project personnel and an external implementation partner. These costs were estimated at nearly 10 million Swiss francs for the external implementation partner, 5.6 million Swiss francs for project personnel, and 2.7 million Swiss francs for back-filling positions of WIPO staff working on the project, and alone comprised nearly three-quarters of the total project cost. By contrast, the costs of software acquisition and maintenance were a little less than 4 million Swiss francs or about 16 percent of the total cost. As the proposal indicated, the cost for project personnel could be significantly higher if WIPO was unable to bring on board sufficient personnel and the external implementation partner needed to provide the personnel. Therefore, because of the high cost involved, the Delegation stated that it would like to see in the reports indicated by the documentation a description of steps that the Secretariat would take to limit or reduce the cost of the project. The Delegation looked forward to learning, as it had with the project to implement IT modules related to IPSAS, that the Secretariat had been able to keep costs below initial estimates.

270. The Assemblies of the Member States of WIPO and of the Unions administered by it, each one as far as it is concerned, in accordance with the recommendation of the PBC as recorded in document A/48/24, approved the proposal to implement the ERP project as set out in the Annex of document WO/PBC/15/17, and approved the appropriation of a total of 25 million Swiss francs for this purpose from the reserves, to be available to be utilized in accordance with the plan and progress of the portfolio of projects for the envisaged duration of the implementation, as set out in paragraph 15 of document WO/PBC/15/17 and in paragraph 24 of the Annex to document WO/PBC/15/17.

#### ITEM 19(ii) OF THE CONSOLIDATED AGENDA

##### INTERNATIONAL PUBLIC SECTOR ACCOUNTING STANDARDS (IPSAS) IMPLEMENTATION; IPSAS VERSION OF THE 2008/09 FINANCIAL STATEMENTS

271. Discussions were based on documents A/48/15, A/48/25 and A/48/24.
272. The Secretariat explained that the relevant document A/48/15 contained a Progress Report on the Implementation of IT Modules to Establish Compliance with the New Financial Regulations and Rules (FRR) and IPSAS. The PBC had requested the Assemblies to take note of this report, as recorded in the Summary of Recommendations made by the PBC at its fifteenth session (document A/48/24).
273. The Delegation of the United States of America welcomed the detailed report and congratulated the Secretariat on the substantial progress made towards completion of the work needed to achieve IPSAS compliance. The Delegation greatly appreciated the work being done in the Organization's automated financial systems [FRR-IPSAS project], the fact that this was being completed well within budget and that the full amount of the appropriated funds would not be required. The Delegation hoped that this would act as a positive example for the full ERP system implementation project and that similar cost savings would be achieved by that project as well.
274. In the absence of further comments the Chair invited the Assemblies to take note of the contents of documents A/48/15 and A/48/25.
275. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of documents A/48/15 and A/48/25, and of the recommendation made by the PBC and recalled in document A/48/24.

ITEM 19(iii) OF THE CONSOLIDATED AGENDA

PROGRESS REPORT ON THE REVISION OF THE WIPO STAFF REGULATIONS  
AND STAFF RULES

276. See the report of the session of the Coordination Committee (document WO/CC/63/8).

ITEM 19(iv) OF THE CONSOLIDATED AGENDA

REPORT ON THE IMPLEMENTATION OF THE VOLUNTARY SEPARATION PROGRAM (VSP)

277. See the report of the session of the Coordination Committee (document WO/CC/63/8).

ITEM 19(v) OF THE CONSOLIDATED AGENDA

PROGRESS REPORT ON THE PERFORMANCE MANAGEMENT AND STAFF  
DEVELOPMENT SYSTEM (PMSDS)

278. See the report of the session of the Coordination Committee (document WO/CC/63/8).

ITEM 19(vi) OF THE CONSOLIDATED AGENDA

PROGRESS REPORT ON THE CARBON NEUTRALITY PROJECT

279. Discussions were based on document A/48/16.

280. The Assemblies of the Member States of WIPO and of the Unions administered by it, each one as far as it is concerned, took note of the progress report contained in document A/48/16.

ITEM 19(vii) OF THE CONSOLIDATED AGENDA

PROGRESS REPORT ON ACCESSIBILITY IN THE WIPO CAMPUS

281. Discussions were based on document A/48/17.

282. The Assemblies of the Member States of WIPO and of the Unions administered by it, each one as far as it is concerned, took note of the progress report contained in document A/48/17.

ITEM 19(viii) OF THE CONSOLIDATED AGENDA

INTERNATIONAL YEAR OF BIODIVERSITY: BIODIVERSITY ON THE WIPO CAMPUS

283. Discussions were based on document A/48/18.

284. The Assemblies of the Member States of WIPO and of the Unions administered by it, each one as far as it is concerned, took note of document A/48/18.

ITEM 20 OF THE CONSOLIDATED AGENDA

THE NEW CONSTRUCTION; THE NEW CONFERENCE HALL PROJECT

285. Discussions were based on documents A/48/19 and A/48/22.

286. The Secretariat recalled that the PBC had taken note of the Progress Reports on the New Construction Project and New Conference Hall Project (documents WO/PBC/15/19 and WO/PBC/15/20) at its fifteenth session held from September 1 to 3, 2010, as recorded in document A/48/24.
287. Regarding the progress on the New Construction Project, the Secretariat confirmed that the Project was expected to be completed on time before the end of the year and within the approved budget, therefore allowing the Organization to start relocating employees from rented premises, as planned, from the beginning of 2011, after completion of the final installations which would last until the end of December 2010. The Secretariat also confirmed that the reserved underground parking spaces for delegates of Member States would become available as from the beginning of 2011, the details and modalities of which would be communicated in due time. Until completion of the Project, the Secretariat would continue to pay particular attention to the use of the remaining funds available in the approved contingency provision for miscellaneous and unforeseen, in line with the External Auditor's recommendation on the matter (document WO/GA/39/3).
288. The Delegation of the United States of America was grateful to receive from the Secretariat a report indicating that the New Construction Project was nearing completion. While noting that the estimated cost of the building had increased considerably since initially proposed several years ago, the Delegation said it was heartened to see that the funding for this Project was likely now to be sufficient. Extending the projected completion date somewhat, as had been discussed, seemed reasonable given the modifications to the Project that has been previously agreed.
289. The Delegation of Bangladesh, speaking on behalf of the Asian Group, thanked the Secretariat for the presentation, recalling that updates on the ongoing construction project had been provided by the Secretariat on previous occasions. The Delegation took note of the latest developments. The Asian Group attached particular importance to one issue – previously discussed with the Secretariat on other occasions – that of parking facilities for delegates. If, on the one hand, the Delegation welcomed the availability of parking facilities from the beginning of 2011, on the other hand, it wished to recall that some important meetings would be held in the coming months on the WIPO premises, during which time suitable parking facilities for delegates would continue to be difficult to find. The Delegation was hoping that *ad hoc* solutions could be identified by WIPO to facilitate accessibility to the premises in the interim.
290. The Secretariat took note of the observations made by delegations on the New Construction Project and indicated that it would see whether *ad hoc* solutions could be found in the interim period for parking spaces for delegates.
291. In presenting the progress on the New Conference Hall Project, the Secretariat indicated that, since the time issuance of document A/48/22, the building permit for the new hall had been issued by the local authorities in June 2010 and that the Project had since been proceeding on that basis. Recalling that the pre-selection of the companies for the mandate of general contractor had taken place in March 2010, and that the tender process was still ongoing, the Secretariat confirmed that the Selection Board, composed of representatives of Member States, was expected to meet again, in December 2010, to proceed with the selection of the general contractor. The Secretariat anticipated the signature of the contract with the future general contractor to take place at the beginning of 2011; the construction site would open after the winter of 2011, for approximately two years. An updated indicative construction phase timetable, taking due account of the terms of the contract with the future general contractor, would be provided to Member States in future progress reports. The Secretariat also updated the information provided in the Progress Report with regard to the amendment to the bank loan contract. The amendment to the contract – to cover part of the financing of this Project with the same banks and under the same conditions as those applicable for the bank loan for the New Construction Project – should be signed in the coming weeks, well in time before the selection of the future general contractor.



292. The Delegation of the United States of America welcomed the news about the initial progress towards obtaining all the necessary permits and launching the tender for the construction phase of the hall. The application of best practices and lessons learned from the New Construction Project, such as the use of external project management expertise provided by the Pilot, should help reduce the risks associated with the second major construction project. However, the Delegation indicated that it remained seriously concerned about the overall cost of the Project and urged the Secretariat to identify ways to contain or even reduce costs as the Project would enter into the construction phase. While a large portion of the costs were being borne by the accumulated reserves, an even larger portion would be borne by loans that would be re-paid by the regular budget in future years. Between the New Construction and New Conference Hall Projects, the combined loan amounts would be over 150 million Swiss Francs, not including interest. Therefore, WIPO would be paying down these loans for a considerable number of years, to say the least. The Delegation hoped that good project management and economies achieved during the course of the Project would keep those loan costs as low as possible.
293. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of documents A/48/19 and A/48/22, of the recommendations made by the PBC as recorded in document A/48/23 and of the updates provided by the Secretariat.

#### ITEM 21 OF THE CONSOLIDATED AGENDA

##### WIPO SAFETY AND SECURITY UPGRADE PROJECT FOR THE EXISTING PREMISES

294. Discussions were based on document A/48/20.
295. The Secretariat recalled that the PBC had taken note of the Progress Report on the Project to Upgrade the Safety and Security Standards for the Existing WIPO Buildings (document WO/PBC/15/21) at its fifteenth session held from September 1 to 3, 2010, as recorded in document A/48/24.
296. The Delegation of the United States of America was grateful to receive from the Secretariat a report indicating that work aimed at improving the safety and security of WIPO's facilities was proceeding. It, however, hoped that any issues involving the Swiss Authorities with regard to authorizations could be resolved without significant changes to the scope and especially the cost of the Project, and that Phase III of the Project would soon be underway for both perimeter and internal security measures.
297. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of document A/48/21 and of the recommendation made by the PBC as recorded in document A/48/24.

#### ITEM 22 OF THE CONSOLIDATED AGENDA

##### REPORT OF THE WORKING GROUP ON AUDIT COMMITTEE RELATED MATTERS

298. See the report of the session of the General Assembly (document WO/GA/39/14).

#### ITEM 23 OF THE CONSOLIDATED AGENDA

##### REPORT ON THE STATUS OF THE SELECTION OF THE EXTERNAL AUDITOR

299. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 24 OF THE CONSOLIDATED AGENDA

SUMMARY ANNUAL REPORT OF THE DIRECTOR OF THE INTERNAL AUDIT AND  
OVERSIGHT DIVISION

300. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 25 OF THE CONSOLIDATED AGENDA

REVIEW OF THE INTERNAL AUDIT CHARTER

301. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 26 OF THE CONSOLIDATED AGENDA

REPORT OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

302. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 27 OF THE CONSOLIDATED AGENDA

REPORT ON THE WORK OF THE STANDING COMMITTEE ON COPYRIGHT  
AND RELATED RIGHTS (SCCR)

303. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 28(i) OF THE CONSOLIDATED AGENDA

INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC  
RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)

304. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 28(ii) OF THE CONSOLIDATED AGENDA

STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

305. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 28(iii) OF THE CONSOLIDATED AGENDA

STANDING COMMITTEE ON TRADEMARKS, INDUSTRIAL DESIGNS AND  
GEOGRAPHICAL INDICATIONS (SCT)

306. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 28(iv) OF THE CONSOLIDATED AGENDA

COMMITTEE ON WIPO STANDARDS (CWS)

307. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 28(v) OF THE CONSOLIDATED AGENDA

ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

308. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 29 OF THE CONSOLIDATED AGENDA

WIPO VOLUNTARY FUND FOR ACCREDITED INDIGENOUS AND LOCAL COMMUNITIES

309. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 30 OF THE CONSOLIDATED AGENDA

PCT SYSTEM

310. See the report of the session of the PCT Union Assembly (document PCT/A/41/4).

ITEM 31 OF THE CONSOLIDATED AGENDA

MADRID SYSTEM

311. See the report of the session of the Madrid Union Assembly (document MM/A/43/3).

ITEM 32 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

312. See the report of the session of the Hague Union Assembly (document H/A/29/2).

ITEM 33 OF THE CONSOLIDATED AGENDA

INTERNET DOMAIN NAMES

313. See the report of the session of the General Assembly (document WO/GA/39/14).

ITEM 34 OF THE CONSOLIDATED AGENDA

PATENT LAW TREATY (PLT) ASSEMBLY

314. See the report of the session of the Patent Law Treaty (document PLT/A/8/2).

ITEM 35 OF THE CONSOLIDATED AGENDA

SINGAPORE TREATY (STLT) ASSEMBLY

315. See the report of the session of the Singapore Treaty (STLT) Assembly (document STLT/A/2/2).

ITEM 36 OF THE CONSOLIDATED AGENDA

LONG-SERVING TEMPORARY EMPLOYEES

316. See the report of the session of the Coordination Committee (document WO/CC/63/8).

ITEM 37 OF THE CONSOLIDATED AGENDA

OTHER STAFF MATTERS

317. See the report of the session of the Coordination Committee (document WO/CC/63/8).

ITEM 38 OF THE CONSOLIDATED AGENDA

ADOPTION OF THE GENERAL REPORT AND OF THE INDIVIDUAL REPORTS OF EACH GOVERNING BODY

318. Comments by several delegations were noted by the Secretariat for inclusion in the final versions of the reports.
319. This General Report was unanimously adopted by the Assemblies of the Member States of WIPO and other governing bodies, each as far as it was concerned, on September 29, 2010.
320. Each of the Assemblies and other governing bodies of the Member States of WIPO, each as far as it was concerned, unanimously adopted the separate report concerning its session, on September 29, 2010.

ITEM 39 OF THE CONSOLIDATED AGENDA

CLOSING OF THE SESSIONS

321. The Director General, at the invitation of the Chair, took the floor and stated that the Assemblies had started on some notes of harmony with Stevie Wonder and that this harmonious atmosphere, continued throughout the Assemblies. He expressed his gratitude to all the 70 Ministers who attended the High Level Segment and noted that their participation was a sign of high level political engagement and interest in the subject matter of the Organization's work. The Director General also thanked the delegations and Member States for their very constructive attitude throughout the duration of the Assemblies. He thanked all colleagues involved in the organization of the Assemblies, particularly Mr. Naresh Prasad, Secretary of the Assemblies and commended more particularly the enormous work accomplished by the translators. Finally, the Director General extended his thanks to the Chair for the very efficient conduct of the Assemblies' proceedings and for his advice and assistance during the course of the past 12 months.
322. The Delegation of Angola, on behalf of the African Group, extended its sincere thanks to the Chair and the Vice Chairs for the way in which they guided the work of the 48<sup>th</sup> series of meetings of the Assemblies. As was emphasized in the opening statement of the African Group, the Delegation reiterated the importance and the urgency of the implementation of a geographical rotation system for the officers of the WIPO bodies, as proposed by certain delegations during the 13th session of the PBC, since there were no established rules on the subject. Such mechanism should exist in international organizations of the UN, of which WIPO is a part. The Delegation also thanked the Director General for encouraging the implementation and development of the work of the Organization and encouraged him to continue, particularly with respect to the Development Agenda. The Delegation welcomed his courage and determination in undertaking reforms within WIPO and was fully recognizant of them. The Delegation

noted that, as usual, reformers and reformed procedures often encounter barriers along their way. It highlighted the wisdom and the energy of the Director General to follow his convictions in explaining the justifications of the reforms undertaken and assured that the African Group will continue to encourage him in this area, as well as for the various initiatives and proposals made by the International Bureau, such as the policies concerning future external offices, the budgeting of projects implementing the Development Agenda recommendations, the policy concerning reserves or the investment of the Organization's funds. The Delegation also stressed the urgency of a future policy designed to ensure a geographical balance within WIPO in the framework of its reforms. Regarding the standardization framework of WIPO, the Delegation emphasized the lack of significant progress for several years because of political reasons and positions of principles, which had been maintained and suspicions amongst the regional groups for various reasons. The Delegation welcomed the great progress made in the normative work undertaken at the last series of the Assemblies in 2009, such as the adoption by the Member States of a mandate to negotiate an international legal instrument for cultural expressions. The Delegation warmly thanked his predecessor, the Delegate of Senegal who, as Coordinator of the African Group, undertook these negotiations. While paying tribute to him, to his country and to his family and wishing him every success in the continuation in his diplomatic career, the Delegation asked the Delegation of Senegal to transmit the good wishes of the African Group to him and to inform him that the Group will always be grateful to him. The Delegation expressed satisfaction that progress had continued in the last few months with the adoption of coordination mechanisms for assessment of reports of the CDIP and the intercessional sessions which will speed up the negotiations in the IGC. The Delegation indicated that during the next few months, and while moving towards the next Assemblies, the challenge will be related to copyright, on which sincere discussions had been opened to find an appropriate mechanism as well as on other substantive matters such as the protection of the radio broadcast and audio-video broadcasting, which are very important issues for Africa. Another area which needed to be looked at related to the two sessions of the intercessional groups of the IGC which are to take place in 2011, with a view to submitting the texts they would have prepared for adoption at the next Assemblies. The Delegation paid tribute to the Coordinator of Group B who ends her assignment and commended her courage and her determination, which had helped to make notable progress in the Organization. The Delegation also paid tribute to the Delegation of El Salvador on behalf of GRULAC and the Delegation of Bangladesh on behalf of the Asian Group, as well as to the Ambassadors of Kenya and Bangladesh who had conducted the work in the various committees that made it possible to reach this stage of achievements. Finally, the Delegation thanked the Ministers who participated in the High Level Segment of the Assemblies and the delegates who came from their capitals, particularly those of the African Group who once again have shown their support. It assured them that the Delegation will continue to defend the interest of Africa in the Organization.

323. The Delegation of Slovenia, on behalf of the Group of Central European and Baltic States thanked the Chair and the two Vice Chairs for leading the 48th meeting of the Assemblies in a systematic, well organized and smooth way. It said that the work done in the last 10 days was a good proof that, with joint forces, delegations could all together aim at high goals without having doubts about the successful outcome. The Delegation extended its gratitude to the Director General and to the WIPO Secretariat for their support in preparing the documents and for all other related efforts to bring to a successful end this important gathering. Since, in its opening statement, the Group did not touch upon the new initiatives on establishing a mechanism for the appointment of WIPO chairs, the Delegation underlined that it strongly welcomed the proposal and looked forward to constructively participating in the informal consultative process. The Delegation stated that its Group will continue to work with other regional groups and Member States of WIPO in a constructive and sincere manner in order to achieve substantive progress by the 49th series of meetings of the Assemblies in a year's time. In conclusion, the Group thanked Ms. Alexandra Grazioli, regional Coordinator of Group B, for all the good work that she has done during her mandate and wished her all the best for the future.

324. The Delegation of Switzerland, on behalf of Group B, congratulated the Chair of the General Assembly and the other Chairs and Vice Chairs who succeeded each other throughout these Assemblies for the productive results of their work. The Group also pointed out how pleased it was to work throughout these Assemblies in harmony, as has been already noted. This atmosphere of work, which produced very good results, was the fruit of the work done in all the committees throughout the year, as well as the good understanding and fruitful discussions amongst the various regional groups. The Delegation thanked all the regional coordinators, present and past, and stated that it was a great pleasure to work with them, with all the delegations with whom the Group had discussions as well as with all the members of Group B. The Delegation extended its wishes to Ms. Delphine Lida (France) who was taking over the coordination of Group B as well as to Mr. Darren Smith (Canada), Vice-Chair of the Group. The Delegation concluded by thanking the Secretariat for its support on questions of substance when preparing the meetings, and for its availability to reply to questions on multiple subjects to coordinators and their very valuable support. The Delegation commended the work done by the Secretariat in achieving the good results of these Assemblies and thanked particularly the Conference Service and the team of interpreters.
325. The Delegation of Bangladesh, on behalf of the Asian Group, thanked the Chair for having successfully conducted the proceedings of the Assemblies. The Asian Group had expressed its confidence in its opening statement that, under the Chair's stewardship, the Assemblies would be able to achieve their mandatory task within the designated time. The Group was happy to see that it was proved right and sincerely congratulated the Chair on this achievement. The Delegation also extended its thanks to the Vice-Chairs for ensuring a seamless transition and conduct of the proceedings. The Delegation stated that it appreciated the engagement of the distinguished Ministers at the High Level Segment and stood to benefit from the guidance received from them. The Asian Group recognized the singular role of the Director General for his leadership and for efficiently steering the work of this Organization over the past one year which has been duly captured in the report that he presented. The Delegation thanked each staff member of the Organization, including the Senior Management, for their dedication and hard work which merit its unequivocal praise. The role that had been played by the translators and interpreters in making the work of the delegations smooth was highlighted. The Delegation finally thanked all delegates who have participated in the meeting for their constructive engagement which, in spite of moments of differences, have proved that at the end multilateralism always triumphs. The Group had in its opening statement, highlighted most of the substantive issues to which it attached importance and wanted to conclude its statement by mentioning three particular issues: Firstly, the Group appreciated the informal consultations that had been launched by the Director General in developing the MTSP and hoped that this trend will continue in future. The Group was also encouraged by the progress that were made in the Development Agenda implementation and in general in mainstreaming development into the work of the Organization. The Group hoped that this progress would also encompass norm setting work in the future. Secondly, as was indicated in the opening statement of the Group and as had been echoed by some other delegates who have spoken before, the Group reiterated its wish to initiate a process of informal consultations on the issue of designation and rotation of chairmanships in various WIPO bodies. A number of proposals were available, including one from the Asian Group, which the Group would be happy to engage, under the Chair's leadership, in taking this process forward. Thirdly, the Group stressed that it attached importance to a comprehensive language policy as was mentioned on a number of earlier occasions. It thanked the Secretariat for coming up with the first steps towards a comprehensive policy and looked forward to consultations to get to its logical conclusion.
326. The Delegation of Mexico, on behalf of GRULAC, commended the Chair for the exemplary fashion in which he led these Assemblies and thanked him and the Vice Chairs for the way these discussions were conducted. The Delegation also thanked the Director General for his engagement with the Organization and lauded him for pushing the Development Agenda forward. The Delegation expressed its regional Group's support to move forward in substantive matters and progress in making changes

where necessary. Finally, the Delegation expressed its thanks to the translators, without whom it would not have been possible to hold these meetings and thanked the Secretariat for facilitating these discussions.

327. The Delegation of China congratulated the Chair for his ability in making it possible for the sessions of the Assemblies to reach a conclusion and for completing all items. The Delegation also thanked the Secretariat for the efforts made to ensure the success of these sessions. The Delegation recalled that since the beginning of the Assemblies, the Delegation of China had been working positively and constructively in the discussions of all agenda items and had, together with all other delegations made contributions to promote the discussions of all the agenda items. The Delegation welcomed the suggestions on the MTSP proposed by the Director General and welcomed the consensus reached at this session. The Delegation said that it would like to continue to work in a positive way to promote all the agenda items. Lastly, the Delegation thanked the Director General and the Secretariat for their efforts, their dedication and their spirit of cooperation during the discussions.
328. The Delegation of Belgium, speaking on behalf of the European Union and its 27 member States congratulated the Chair and the Vice Chairs for the excellent work that they had carried out and their impartiality during the Assemblies. The Delegation also thanked all Member States for their constructive attitude that had allowed to cover all items on the Agenda and to find necessary compromises. The Delegation reiterated its thanks to Ms. Alexandra Grazioli for her excellent work as Coordinator for Group B. Finally, the Delegation thanked the Director General and the Secretariat.
329. The Delegation of Niger thanked the Chair for his stewardship during the discussions which has led to vibrant and important conclusions. The Delegation also thanked the Director General and all the staff of the International Bureau for the excellent organizational work they had carried out, with particular gratitude to the interpreters who had allowed the delegations to exchange their views. Noting that the second High Level Segment was a very important framework to raise awareness and to help decision-makers in the area of IP, the Delegation expressed its support to this Segment and hoped that it will continue in the future. To conclude, the Delegation repeated its strong endorsement of the Director General for the initiatives that he has undertaken in order to modernize and strengthen the efficiency of the Organization, namely, through reform programs.
330. The Delegation of Mozambique associated itself to the statement made by the Delegation of Angola in the name of the African Group and congratulated the Chair for the wise manner he had conducted the proceedings of the Assemblies. The positive outcome which was achieved was the clear evidence of the commendable work done under the guidance of the Chair. The Delegation also thanked the Secretariat for the wonderful arrangements made to allow the smooth proceedings of the work and the quality of the documents provided. The Delegation thanked the Director General for the continuous assistance granted to its country and expressed its deep appreciation for the service level agreement signed the same day for the establishment of a Technology and Innovation Support Centre (TISCs) in Mozambique. The Delegation sincerely hoped that this initiative, developed with the assistance of WIPO and the National Research Development Fund would continue for the benefit of its people for the coming years.
331. The Delegation of the Congo commended the Chair and Vice Chairs and the organizational committee for the excellent preparatory work concerning the documents and the meetings of the 48th series of sessions of the Assemblies. The Delegation lauded the Director General for the unceasing support given to the Member States in implementing national development plans for IP in the respective countries. The Delegation encouraged the Director General to continue to strengthen ties and its cooperation with the Member States of the Organization, without which they would not be able to achieve durable and sustainable development.
332. The Delegation of Algeria thanked the Chair for the fine work accomplished during the Assemblies. The Delegation also thanked the Director General, Mr. Prasad and the

entire WIPO team for the efforts deployed for the organization of the 2010 Assemblies. The Delegation noted that it was positive that the Assemblies took place at the CIGG, since it allowed a large number of delegates to take part. The Delegation stressed that the documentation that was made available to the Member States was timely and well done and thanked the interpreters, the staff in charge of the Conference Service, and all the other staff for their remarkable work and for the great assistance provided to the delegations.

333. The Delegation of Ghana conveyed its thanks to the Secretariat for its commendable effort in ensuring very successful Assemblies. The Delegation expressed its gratitude to the Chair and the Vice Chairs for their able leadership in steering the work of the Assemblies to a successful end. The Delegation aligned itself with the statement made by the Delegation of Angola on behalf of the African Group and expressed its deep appreciation to this country for the work done on behalf of the African Group. The Delegation took note with interest of some of the policy initiatives discussed, particularly on language and external offices, and looked forward to engaging in constructive dialogue on the consultation for the establishment of external offices. The Delegation believed that the establishment of external offices will bring to the doorsteps of the Member States the good work that WIPO was doing in Geneva. The Delegation was generally satisfied with the strategic re-alignment of the Organization and pleased with the outcome of the deliberations on the MTSP that was hoped to serve as a framework within which the Organization can carry out its mandates and activities under the agreed strategic goals and remain accountable to Member States. The Delegation was convinced that the Organization was moving in the right direction and was ready to support the Director General and the Secretariat in effectively discharging the mandate given to them by the Member States.
334. The Delegation of Côte d'Ivoire thanked the Chair and the Vice Chairs for the fine work accomplished and the results obtained. The Delegation also thanked the Director General for the reforms undertaken to make WIPO more dynamic regarding IP and for the efforts made on the African continent so as to make IP an important part of its daily life and help the continent to develop. With regard to the organization of the Assemblies, the Delegation thanked the Director General, the translators and the Secretariat who all together have enabled the work of the Assemblies to be carried out in a very satisfactory manner and to reach a satisfactory conclusion.
335. The Delegation of Kuwait thanked the Chair for his distinguished way in directing the work of the Assemblies and all those who helped and assisted him in managing these meetings. The Delegation thanked the Director General and all those in charge for the continuous efforts undertaken in organizing and ensuring the success of the Assemblies. The Delegation thanked the Director General for the designation of Mr. Abdel Ghaffar, as Director of the Arab Bureau, and wished him all success in his new functions as well as to those working in the Arab Bureau who have assisted its Delegation in the past. Special thanks were addressed to the translators and interpreters who have accomplished exceptional efforts and whose contributions were quite distinguished in enabling the delegations to understand what was being said.
336. The Delegation of the United Kingdom thanked the Chair and all Officers who were able to take the chairmanship during the Assemblies. The Delegation also thanked the President of its regional Group, Ms. Alexandra Grazioli, for the efforts that she had consistently put into work on the Group's behalf as well as for the transparent way she approached her task. She worked with commitment and integrity and the Delegation extended its greatest appreciation to her for this. The Delegation also thanked the WIPO Secretariat for responding to Member States requests to make WIPO sessions more time efficient and environmentally responsible. The fact that the schedule for the Assemblies was completed ahead of time without night session was a significant improvement and the Delegation looked forward to this approach continuing at all WIPO meetings. The Delegation noted that the reform process started by the WIPO administration was being implemented and that there were still areas in which improvements need to be seen. The Delegation looked forward to recommend those committed challenges on



substantive issues so that WIPO could deliver for all of its Members. The Delegation recognized that reform could be painful for those within an organization and recommended that it be achieved in a fair and responsible manner. However, it stressed that Member States must ensure that the Organization keeps pace, innovates and delivers services in a rapidly changing world. The Delegation emphasized that Member States must play their part in responding to global issues and that the organizational and strategic reform will help them to achieve this. The Delegation acknowledged that the Assemblies took note of the MTSP and that it gained strong support. The Delegation hoped that the MTSP could be fully endorsed, giving out the plan as an important guide and mechanism for accountability, a principle that the Delegation valued. The Delegation also expressed its satisfaction that a new process of selection and rotation has been agreed for the Audit Committee, which performs valuable work and, seeing merit and credit principles being upheld, that the revised internal Audit Charter had been agreed and that external auditor and Audit Committee recommendations were being taken on board. The Delegation stated that it was an essential criterion of governance that these three auditing bodies work cooperatively. The Delegation noted progress in many substantive issues over the last year, including on access to copyright materials for the print disabled, the legal protection of broadcasters, work on audiovisual performances, convergence of designs laws, intercessional work of the IGC, etc. A lot had still to be built in the work with the aim of producing tangible results in a timely manner. The Delegation stated that it remains keen to engage constructively over the coming year and to reiterate its commitment to delivering IP services that benefit all Member States.

337. The Delegation of Madagascar endorsed the statement made by the Delegation of Angola on behalf of the African Group. It thanked the Chair for having so confidently led the Assemblies, expressed its support to the WIPO Secretariat and the Director General for all the changes to be made in the Organization to improve governance. The Delegation concluded by thanking WIPO for all actions undertaken to promote IP in Madagascar and was convinced that the cooperation between its country and WIPO will grow stronger in the future.
338. The Delegation of the Russian Federation thanked the Chair for his wise conduct of the WIPO Assemblies which made possible a productive and effective work in spite of a rather voluminous agenda. The Delegation thanked the WIPO Secretariat and the Director General personally for the excellently organized work and for the timely presentation of all the documents. The Delegation commended the work of the interpreters who enabled discussions and of the Conference Services, taking into account the fact that the Assemblies have not taken place in WIPO's headquarters but at the International Conference Centre Geneva (CICG).
339. The Delegation of Togo thanked the Chair and all the Officers, and more particularly the Director General of WIPO who had worked tirelessly to provide assistance to the Member States. The Delegation extended its thanks to the Secretariat with regard to the excellent documentation that they have provided. The Delegation also thanked the Delegation of Angola for its statement on behalf of the African Group.
340. The Delegation of Senegal congratulated the Chair for the fine manner with which he conducted the work of the Assemblies. It also conveyed its hearty thanks to the Director General and in a similar manner, to the other delegations and to the African Coordinator, in particular. The Delegation stressed the important work carried out by the Director General and mentioned that its country has begun to benefit from this work. The Delegation felt that, with this new momentum and this efficient approach, millions of people who live in difficult conditions will be able to hope for a brighter future and will be able to share the benefits of IP. The Delegation indicated that the Director General was on the right track and that it hoped that certain internal issues which were extremely important will not diminish the major challenges ahead and prevent Member States to consider very important decisions to come on genetic resources, traditional knowledge and folklore.

341. The Delegation of Tunisia observed that the work of the Assemblies was extremely productive and fruitful and that very courageous decisions –historical decisions– were taken: the MTSP, the language policy, the regularization of long serving temporary employees, etc. The Delegation pointed out that this would not have been possible without the determination of all concerned to move forward the work of WIPO and to maintain an image of the Organization as a UN organization which is dynamic, prosperous and in line with the social, economic technological and legal changes taking place throughout the world. The Delegation hoped that such positive outcome will also concern other issues and other items on the agenda, and perhaps allow to get free ticket to the concert promised by Stevie Wonder. The Delegation looked forward to continuing to work with serenity and harmony and in the same spirit of mutual comprehension and open-mindedness. The Delegation thanked the Chair and the other delegations for the confidence bestowed on him as Vice Chair and for the praise he received. Mentioning equity, transparency and candor as the principles which have led his action, the Delegation hoped that it had been able to keep as close as possible to these principles and that it had accomplished its mission to the satisfaction of Member States. The Delegation concluded by thanking the Director General and his team, among which particularly the interpreters, the translators and the colleagues in charge of Conference Services who each and everyday greeted the delegations as they walked into the hall and enabled them to move along with the efficiency of a Swiss clock.
342. The Delegation of Spain endorsed the thanks expressed by other delegations to the Chair and the Secretariat, in particular the interpretation and translation services for carrying out such a difficult and complex work with such accuracy and precision. The Delegation expressed its gratitude to the Secretariat for the very positive and open attitude shown concerning the language policy issue. It observed that the dialogue was at times interrupted but always positive and led to transparency which was difficult beforehand. It thanked the Secretariat for the time devoted to this subject. The Delegation requested the Secretariat to produce a consolidated list of the participants in the High Level Segment, with an indication of their positions.
343. The Delegation of Turkey indicated that the last day of the 2010 Assemblies was her last as Vice Chair. The Delegation expressed its gratitude to the Chair for his leadership and for giving her the opportunity to chair the General Assembly. In this respect, the Delegation thanked the members of Group B for nominating her to this position and for their support throughout the past two Assemblies. The Delegation especially thanked Ms. Alexandra Grazioli of Switzerland for her support and leadership of Group B. In addition to being an honor and a privilege to be the Vice Chair of the General Assembly, as a representative of her country and as a delegate at WIPO, the Delegation stated that it was a great experience for a person believing in multilateralism and international cooperation to have the opportunity to lead and guide multilateral negotiations and that she learned a lot through this experience. The Delegation thanked the Director General and his team for their dedication and hard work. Throughout the Assemblies, the Delegation had observed the preparation, thoughtfulness and dedication entailed to organize the Assemblies and to serve the Member States. In conclusion, the Delegation congratulated the Director General, the International Bureau and all the Member States for the successful conclusion of the Assemblies.
344. The Delegation of Australia joined with other members to thank the Chair and the Vice Chairs for their leadership during the Assemblies, as well as the Director General and the Secretariat for all the excellent work that they have done to facilitate the work. The Delegation supported in particular the on-going institutional reform underway in the Organization and welcomed the MTSP, an essential strategic document for the Organization. The Delegation hoped that the harmonious spirit of the Assemblies would stay throughout the coming year, and looked forward to working constructively and flexibly with all members to tackle the issues ahead on both normative and institutional fronts. The Delegation looked forward to participating actively in these processes, including the informal consultations on chairmanships. Finally, the Delegation expressed its gratitude to the regional coordinators for the special role played on their behalf, in

particular the Group B outgoing Coordinator, Ms. Alexandra Grazioli, whose dedication, hard work and friendship had been unstinting and unrivaled.

345. The Delegation of Nepal, speaking on behalf of the Least Developed Countries (LDCs), congratulated the Chair for his outstanding leadership qualities during the two Assemblies, as well as the Vice Chairs for their active role during the meetings. The Delegation also commended the International Bureau for making efficient and organized arrangements of the Assemblies, including the timeliness and the quality of the documents prepared for the deliberations and thanked the interpreters and the translators for their excellent job. The Delegation noted with satisfaction the progress made in achieving positive and concrete outcome in many of the other follow-up deliberations. The Delegation was also happy to be a part of these successful processes and commended the Director General for his dynamic leadership. His regular consultations with the Member States in different formats which have ensured the inclusiveness and transparency of the process as well as the reports to make the Organization more inclusive were particularly appreciated. The Delegation indicated that the LDC countries were fully aware of and confident in the Director General's dedication to issues that matters to LDCs. In this respect the Delegation appreciated and thanked WIPO for organizing a number of fora on policy issues in capacity building and technological capacity building, more particularly the projects on aRDi and ASPI that were established in July 2009 and in September 2010, respectively, to benefit LDCs to access scientific and technical information for development free of charge. The Delegation thanked the Director General for taking personal initiative in this regard. The Delegation was also thankful to all the coordinators and to the Member States for contributing and making WIPO the vibrant international organization that is relevant to all. The Delegation wished to take the opportunity to draw attention on the conference on LDCs to be organized in Istanbul, Turkey, in 2011. The LDC Group would like to make of this important conference a lined-mark event, since this meeting should be able to sort out a pragmatic and effective way out of the worthy under-development through a close partnership between the LDCs and their development partners. In this regard, the Delegation believed that IP was to play a very important role in the next development decade and that LDCs need to put more emphasis on the development of IP and to develop a sound IP system in order to benefit from the growing role of IP in economic, psychological and social development. The Delegation indicated that the LDCs Group believes that WIPO will be able to contribute significantly in this process.
346. The Delegation of Morocco endorsed the statement made by the Delegation of Angola on behalf of the African Group and thanked the Chair, the Vice Chairs, the Director General, the Secretariat and the interpreters. The Delegation congratulated and thanked particularly the team who worked throughout the weekend to prepare Morocco's exhibition as well as the Director General for all the facilities which were granted to Morocco so as to organize the exhibition on the sidelines of the Assemblies. Finally, the Delegation thanked the former coordinators for their efforts and their contribution in achieving progress at the Assemblies and wished them every success in the future.
347. The Delegation of Guinea Bissau congratulated the Chair for having so well conducted the 48<sup>th</sup> session of the Assemblies of WIPO. It also expressed its support to the Director General for his management of the Organization ever since he took on his functions and for his remarkable competence. Finally, the Delegation thanked all WIPO staff, including the interpreters.
348. The Delegation of Nigeria, referring to the numerous congratulations to the Chair, added to that expression of appreciation in highlighting his outstanding performance. The Delegation also commended the Director General for the excellent arrangement that he had made for the Assemblies, including in particular, the clear and analytical reports that provided great insight on all issues played before the Assemblies. The successful outcome and decisions achieved in this session were indicative of the confidence Member States repose on the Director General and his management team. Both showed admirable comportment and the Delegation highlighted the fact that the Director General had seated with the delegations practically throughout the Assemblies, something which

it had not seen in the past Assemblies he attended. The Delegation indicated that the initiative of the Director General to organize a High Level Segment had been very successful. The Director General had also shown care and genuine consideration, even with the show of display of rebellion to his office or to his person. The Delegation stated that it was fully satisfied with the outcome and the decisions of the Assemblies, including in particular the MTSP which will fully consolidate the mandate and work of the Secretariat. The Delegation underlined the efficiency, effectiveness, transparency and accountability which led to the reflection of the projects on the Development Agenda in the budget and the practical implementation of all the ideas of the Member States on development. The Delegation noted that the Director General has done a lot for Nigeria since he took office, particularly on industrial property which was tremendously boosted by this action, and that his focus on training was appreciated. The Honorable Minister of Commerce and Industry of Nigeria had special commendation for him and stated that, in his own opinion, he has set the Organization in best part to prepare this development. The Delegation pointed out that it was incumbent that the Assemblies of WIPO remain the center point of policy development and decisions for the Organization and that Member States must support the management staff of the Organization to work in harmony and also protect the rights of workers to enjoy all the benefits due to them. However, the Delegation reiterated its earlier statement that staff must also follow due process on all matters of contention with management. In that regard, it indicated that the statement from the representative of the Staff Association must show respect to the management and to the Assembly and that the later should focus and continue to focus on matters of policy and never impose on daily management of WIPO. In conclusion, the Delegation commended the Chair for its outstanding work done in these Assemblies, and was completely confident in the commendable performance of the Director General in taking the Organization to new heights. The Delegation reassured the Director General of its support and its commitment for his success.

349. The Chair delivered his closing remarks stating that it was a great honor for him to preside over the series of meetings of the Assemblies. He thanked the delegations for the great praise that they have bestowed upon him as well as the coordinators for the working time devoted to move forward the work of the Assemblies over these past 10 days. The Chair stated that the Assemblies had been extremely fruitful, had taken the important decisions, both on form and substance, and had given delegations and ministers the opportunity to explain their point of views in terms of policy in the High Level Segment. It was very important to have the general idea of the tasks that should be carried out in the future. Talking about consultations, the Chair noted that thanks to them the MTSP was very positively received. As was noted by a number of delegations, the Assemblies worked in a very positive spirit. The Chair highlighted that the participation of Stevie Wonder in the opening session was a good idea which should be repeated. The Chair also noted that Stevie Wonder presented a reminder of what the individuals see in the day to day work of WIPO, how they perceive it and the nature of their hopes regarding this work. The Chair recalled that Stevie Wonder invited the delegations to adopt decisions and had urged them to continue working for consensus in order to come up with concrete solutions to real life problems. The Chair thanked the Director General at this juncture for his cooperation and all the colleagues from the Secretariat whose cooperation has been essential to the success of the work. The Chair also thanked all the Officers and the Chairs – present and the preceding chairs of these Assemblies. The Chair mentioned the statements and comments made by the regional representatives and the delegations concerning the selection process for the Chairs of WIPO bodies and thought that it would be a good idea for him to carry out consultations in the future. The Chair announced that he would like to carry formal consultations on this matter with all delegations in order to see whether it would be possible to come up with a

transparent and equitable procedure that will allow a rotation system for the different bodies of WIPO. The Chair concluded by thanking wholeheartedly all the delegations for the cooperation provided to him for these Assemblies.

350. The Forty Eighth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO was closed by the Chair of the WIPO General Assembly.

[Annex I follows]

SUBMISSIONS FROM MEMBER STATES ON DOCUMENT A/48/3  
(MEDIUM TERM STRATEGIC PLAN FOR WIPO, 2010 – 2015)

This Annex to the General Report contains written comments on the Medium Term Strategic Plan (MTSP), as submitted by Member States following their consideration of the MTSP (A/48/3) at the 48<sup>th</sup> Series of Meetings of the Assemblies of the Member States of WIPO.

The record of the discussion of the MTSP by the Assemblies of the Member States is contained under Agenda Item 9 in this Report.

Written submissions for publication in the Annex were received from the following Delegations:

1. **Australia**
2. **Bangladesh**
3. **Belgium**
4. **Canada**
5. **Chile**
6. **Denmark**
7. Egypt on behalf of the **Development Agenda Group (DAG)**
8. **Equatorial Guinea**
9. **Sweden**
10. **Switzerland**
11. Syrian Arab Republic on behalf of the **Arab Group**
12. **Trinidad and Tobago**
13. **United Kingdom**
14. **United States of America**
15. **Uruguay**
16. **Zambia**

## AUSTRALIA

### Medium Term Strategic Plan

#### Australian Comments

Australia considers that the Medium Term Strategic Plan provides a high-level vision for the Organisation which carefully balances the roles of WIPO as an intellectual property service provider and norm-setting agency, while paying particular attention to the important development dimension of WIPO's work.

Australia has welcomed the inclusive and transparent consultative process and significant work that was undertaken in preparing the Medium Term Strategic Plan, and considers that the text strikes an appropriate balance between the diverse views of Member States. We also support the proposed mid-term review of the Medium Term Strategic Plan as a useful mechanism to ensure the continued relevance of the targeted strategic outcomes and defined strategies of WIPO.

In Australia's view, the Medium Term Strategic Plan will provide an effective road-map by which to ensure that the international intellectual property system is able to respond to the challenges that have arise in the rapidly evolving technological, economic and social circumstances in which we live, work, and create. We would like to draw attention to a number of areas of particular importance for Australia.

On **Strategic Goal One**, Australia welcomes the focus on the normative framework as integral to the functioning of the multilateral intellectual property system. The focus gives the organisation the opportunity to support member states in considering the current and future needs of an integrated global knowledge economy and ensure that the system is able to keep up with pace of change.

In this context, Australia notes that the past decade has been marked by a lack of progress on WIPO's normative agenda, with Member States unable to reach agreement in several areas. We welcome recent positive outcomes in the context of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore and the Standing Committee on Trademarks, but hope that Members can work together to achieve similar progress be made in the Standing Committee on Patents and the Standing Committee on Copyright and Related Rights.

On **Strategic Goal Three**, Australia welcomes the recognition of the particular needs of LDCs, developing countries and economies in transition. The needs of small and medium-sized IP offices differ, and the differential approach will provide suitable support in developing the capacities of those offices to contribute most effectively to the functioning and development of the system.

On **Strategic Goal Six**, Australia supports WIPO taking on a leadership role in building strategic international cooperation on intellectual property issues.

Australia is strongly committed to the implementation and mainstreaming of the **WIPO Development Agenda**. In our view, the Medium Term Strategic Plan appropriately recognizes the need to balance the roles of WIPO as an intellectual property service provider and norm-setting agency, while paying due attention to the important development dimension of WIPO's work.

We emphasise the importance of a conservative approach to all areas of the WIPO program and budget, including the need to balance demands for services with actual income from WIPO's global intellectual property systems. In this respect, we note the fundamental importance that we place on continuing to reform the services of the Organization – including the PCT – so that they will be able to continue to deliver results which meet the needs of applicants, Offices and third parties. This is necessary to ensure that WIPO's services retain the central place that these have in the international intellectual property framework and the financing of WIPO. We consider the proposed strategic direction in the plan balances these aspects of WIPO's work appropriately.

Australia is mindful of the challenge posed by the fragile global economic recovery, which means that WIPO cannot predict income with confidence. Accordingly, we are conscious of the possible need to assess priorities in the short term and identify where cost savings can be made. We would welcome productive and focused discussion among Member States through normal program and budget processes on this issue.



## BANGLADESH

Permanent Mission of the People's Republic of Bangladesh  
Geneva

### **Submission by the Delegation of Bangladesh on the Medium Term Strategic Plan for WIPO, 2010 – 2015**

Bangladesh appreciates the consultative process undertaken by the Secretariat in preparing the Medium Term Strategic Plan (MTSP).

We would like to express our appreciation to the Secretariat for reflecting the challenges and concerns of the Least Developed Countries in MTSP, especially under Strategic Goals II and III. As the WIPO Development Agenda is being mainstreamed into all activities of the Organisation, it is expected that the needs and challenges of LDCs would be increasingly factored into all programmes and activities of WIPO. Accordingly, this delegation would have liked to see a reflection of these challenges and concerns in the 'Foreword' by the Director General. As universally recognized, LDCs face specific systemic challenges in terms of devising the role of IP for promoting innovation, growth and development in their economies. These challenges would require well-calibrated and customized solutions as most LDCs around the globe continue to pursue a higher growth trajectory through greater industrialization.

This delegation would endorse the proposal to identify the WIPO Development Agenda as a cross-cutting frame of reference for MTSP. In this context, the Chart demonstrating the WIPO Development Agenda linkages with the WIPO Strategic Goals are particularly useful. The WIPO Development Agenda has indeed been a landmark development in the history of the Organisation which merits due recognition in a seminal document like MTSP. The **WIPO LDC Ministerial Declaration 2009** makes specific reference to the Development Agenda while charting the way forward for the Organisation in support of LDCs for developing their IP policies and infrastructure. The **LDC Ten-point Plan of Action** also remains a blueprint for designing WIPO's support services for LDCs in the short and medium term.

This delegation would like to take this opportunity make some general comments in this regard under some of the Strategic Goals under MTSP:

#### **Strategic Goal I: Balanced Evolution of the International Normative Framework for Intellectual Property**

A balanced and equitable international normative framework on IP would be crucial to ensure that LDCs attain the capacity to become true stakeholders in the international IP system. LDCs would require sustained and meaningful support from WIPO to facilitate their full and effective engagement in the international IP-related norm-setting process. The international agreements envisaged to be concluded in the medium term under this Strategic Goal should continue to have in-built provisions on flexibilities and exception and limitations in favour of LDCs that can be conducive to their development efforts. In this context, the background technical studies conducted by WIPO need to be balanced, objective and evidence-based in order to reflect both the common as well as nuanced variations in the challenges faced by LDCs. A broad-brush presentation of the situation of LDCs may often be counter-productive and there is a need for greater sensitivity in this regard. The international normative framework must essentially retain the policy space that would be critical for LDCs in calibrating their IP policies in support of their poverty reduction and national development strategies. LDCs would particularly benefit from a selective approach to those IP tools that could foster the growth of their Small and Medium Enterprises (SMEs) and help add economic and commercial value to their indigenous products and services. The importance of need-based and tailor-made capacity building support for LDCs in this context cannot be overemphasized.

#### Strategic Goal II: Provision of Premier Global IP Services

As a UN specialized agency, WIPO remains the premier IP services provider for LDCs. In fact, a major yardstick for measuring WIPO's success would continue to be the extent and impact of its services for LDCs. While the Organisation focuses on improving the quality of its services for its global customers, it should continue to remain engaged on designing and customizing its services for the benefit of users in LDCs. In this context, this delegation supports the four principal aims identified under the strategies under this Goal. In order to translate these aims into real-term deliverables, particularly for LDCs, it would be important to develop innovative services through multi-stakeholders participation. The recent WIPO initiatives to introduce services like aRDi and ASPI in favour of LDCs and other developing countries are welcome developments in this direction. There is a need for innovating further customized products and services within services like PATENTSCOPE to make their use attractive for potential users in LDCs. The relevance of WIPO services would in fact create an impetus for LDCs to become Parties to the international IP instruments mentioned under this Strategic Goals. The policy advice given to LDCs in terms of accession to various international IP instruments should be based on sound and long-term cost-benefit analysis of such accession. The decision to accede to an international IP instrument should have to be taken from within the development policy considerations of LDCs, and not necessarily in response to the interest of IP rights-holders. WIPO should continue to advocate in favour of maintaining a robust public domain for facilitating the access of LDCs to global knowledge and technology.

#### Strategic Goals III: Facilitation the Use of IP for Development

It would be of high importance for LDCs to see meaningful realization of this Strategic Goal in MTSP to accelerate their development efforts. A balanced perspective on the use of IP would be key to achieving this. IP should be promoted as a tool to foster innovation and creativity, and not as an end in itself. The policy coherence issue addressed under this Strategic Goal should, therefore, help situate IP in its right context in terms of national development policies in LDCs. The focus on the use of IP in these countries should be geared at helping these countries develop new products and services for their internal and external markets through greater innovation and access. IP should be perceived as one of the vehicles for achieving the Millennium Development Goals to make IP protection factor into the national development policies of LDCs. Here again, it would be crucial to ensure need-based, customized approaches for providing capacity building support to LDCs. WIPO should continue to extend the reach of its technical assistance programmes beyond the traditional focus areas of capacity building and IP protection and enforcement, and help LDCs develop their capacity for meaningful participation in the international norm-setting process and bilateral negotiations. The WIPO Academy could consider specialized courses to cater to the particular human resource development needs of LDCs. The WIPO External Office policy should also consider how best such Offices would be able to serve the needs and interests of LDCs in different regions.

#### Strategic Goal IV: Coordination and Development of Global IP Infrastructure

Most LDCs are characterized by chronic shortage of adequate IP infrastructure that can help them effectively integrate into the global IP system. The present thrust on IP modernization and automation in many LDCs is a positive step in addressing this situation. In the medium term, WIPO should consider extending the scope of its activities in this regard. Such modernization would involve significant shift in the work culture of most LDCs and would perhaps be marked by various impediments at the initial stage. However, the experiences gathered in a particular setting could be helpful to devise useful strategies in other settings. It needs to be borne in mind that automation alone would not yield the desired results without factoring in the other key systemic issues addressed under the Strategic Goals I and III, in particular.

#### Strategic Goal VI: International Cooperation on Building Respect for Intellectual Property

The issues identified under this Strategic Goal are a growing challenge for many LDCs. It however needs to be recognized that the problems of counterfeiting and piracy fosters in an environment of lack of

access. The issues of counterfeiting and piracy cannot be addressed only through enhancing further respect for IP without dealing with some of the underlying issues that lead to these problems. While addressing these problems, LDCs should be allowed to preserve their policy space so as not to harm the growth of their domestic industries under the pretext of excessive IP protection. WIPO should continue to advise LDCs on appropriate policy and regulatory frameworks that help them strike the right balance in this regard. WIPO should also give sound policy advice to LDCs in terms of undertaking obligations beyond the TRIPS Agreement, especially in bilateral or plurilateral Free Trade Agreements.

Strategic Goal VII: Addressing IP in Relation to Global Policy Issues

While this delegation agrees with the broad thrust of the Strategic Outcome under these goals, it considers that WIPO should position itself as one of the leading UN agencies in addressing the interface between IP and global public policy issues. As WIPO is engaged in mainstreaming the development dimension into all its activities, the Organisation's inputs would particularly and increasingly important for global policy debates and norm-setting activities. However, such global policy issues need to be identified in member-driven process in order to uphold the UN-character of the Organisation. It would be crucial for LDCs to remain involved in such global discourse of IP issues in order to make the debates relevant for them. In terms of policy inputs, WIPO should focus on empirical and analytical studies that can help find practical solutions for many of the pressing and emerging global issues, especially in the context of LDCs. WIPO should develop a repository of global best practices and practicable innovation and licensing models that can be replicated in specific settings in LDCs.

Finally, this delegation looks forward to effective WIPO contribution and engagement during the lead-up to the UN LDC Conference scheduled in 2011 in Istanbul. Bangladesh remains ready to work together with WIPO and other delegations in this process.

*Geneva, 27 September 2010*

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## **BELGIUM**

### **Written observations on the Medium Term Strategic Plan**

The Delegation of Belgium thanks the Director General for his initiative regarding the Medium Term Strategic Plan (MTSP) for WIPO. This Plan is an important guiding tool, benefiting all WIPO Member States. It defines a global strategic framework intended to guide the preparation of the Program and Budget for the biennia 2012–2013 and 2014–2015.

This Plan is an important step in the implementation of the results-based management framework. The outcome indicators set for each strategic objective will allow Member States and WIPO to measure the progress made in achieving these objectives.

This Plan has been developed in the framework of a transparent consultation process of Member States since May 2010. This dynamic and inclusive process has ensured that fair and balanced results are obtained, which my Delegation fully supports.

Lastly, my Delegation welcomes the fact that this tool is sufficiently flexible and adaptable. This flexibility is essential so that, if necessary, the appropriate readjustments can be made in line with the economic, social and cultural developments within the framework of the intellectual property system and the Organization's activities.

General Counsel,

Jérôme DEBRULLE

## CANADA

### WIPO's Medium-Term Strategic Plan (MTSP) Canada's Comments September 2010

#### Statement

Canada supports the process that has led to the preparation of the MTSP and considers that it contains many positive aspects. Canada considers this strategic plan to be an important management tool for member states, as well as for WIPO managers. Specifically, this tool enables engagement with Member States and ensures that WIPO will achieve its objectives.

Canada supports the necessity to have clear medium term objectives, set goals and a defined list of strategic outcomes and performance measures and indicators. This is a major step towards a results based management organization.

Canada also considers that the work accomplished to date is positive and that Member States engagement will contribute in shaping the MTSP and will ensure that it attains the strategic outcomes successfully.

#### Comments

Canada supported the strategic framework in the Revised Program and Budget for 2009, as well as in the Program and Budget for the 2010-2011 biennium.

Canada supports the Director General's MTSP, as this strategic plan is a necessary step towards reaching the desired goals. By developing a common high-level view of the issues, the organization will move forward with success. Strategic planning will ensure WIPO focuses on priorities, while being in a position to adjust to continuous changes in its environment over time. Additionally, clearly setting goals and outcomes will greatly help in measuring WIPO's successes. This, along with high quality studies and documentation will contribute to better and fact-based decision making.

Canada believes the MTSP is balanced and reflects the views of the vast majority of Member States.

Canada supports the strategies identified to ensure WIPO remains the systems of first choice for users through attractive, cost-effective services which provide added value for users. Canada supports efforts made to expand the PCT services so that its coverage is global and, to this end, to enhance market research, to increase awareness of WIPO services, to simplify procedures and to add value to its services. Canada also supports adequate investment in the renewal and expansion of the use of WIPO's services. With a view to improve the system, Canada supports the establishment of clear IT strategies based on the differing stages of development of the IT infrastructure and services in each area, and to increase the participation of developing, least developed and transition countries in the various services and in the benefits that they offer.

Canada supports the creation of the Development Agenda Coordination Division (DACD) to respond to increased demand from Member States for optimization of the development component in WIPO's activities. Canada supports the Members States consensus on a coordination mechanism, as well as monitoring, assessing and reporting modalities for the implementation of the development agenda recommendations. Canada believes this will greatly contribute in WIPO becoming a result-based organization and improve management of the many initiatives and activities related to the Development Agenda.

Although the MTSP is a positive statement, Canada considers that adjustments may be made to the document.

## CHILE

### Comments from Chile Medium Term Strategic Plan for WIPO 2010–2015

#### I. Introduction

- As is mentioned in the foreword of the Medium Term Strategic Plan, 30 per cent of global economic output is today based on the knowledge and technology industry, the importance of which is on the rise, and it is therefore increasingly urgent to integrate developing countries in the process.
- In this context, the proposed Strategic Plan by WIPO's Director General is very timely, as it constitutes a concrete effort to promote the Organization as an advocate of development through intellectual property.
- Without prejudice to the above, the goals mentioned should go beyond the strengthening of activities and functions which are carried out by WIPO at the moment by adapting them to the needs of Member States with the aim of effectively contributing to their development.
- Aspects such as the management, enhancement and financing of IP are key factors in the promotion of innovation and consequently development. Also key are models for contracts, negotiations and the transfer of knowledge and technology in general. These subjects should, therefore, be incorporated to guide the general objectives of the Organization.

#### II. Comments on some of the Strategic Goals

##### • **Strategic Goal II - Provision of Premier Global IP Services**

WIPO must strengthen its work as the main provider of IP services not only in terms of what it currently provides but also by exploring new options for services which enable the promotion of innovation, technology transfer and knowledge sharing. These are aspects of which developing countries have very little knowledge, and include for example, the valuation of intangible assets, international licensing and auditing in business models.

*Proposal:* To identify all the services which enable capacity building and assess every stage, from generating innovation and knowledge to their marketing.

##### • **Strategic Goal III – Facilitating the Use of IP for Development**

In relation to the above goal, WIPO seeks to assist countries so that they effectively use the intellectual property system with a view to achieving their social, cultural and economic development. In order to do this it is necessary to build the capacity, both human and institutional, of countries.

In order to achieve the appropriate use of IP, however, it is necessary to train all the actors involved, that is to say, innovators and creators, universities, governments and industry, with regard to the advantages of the use of IP and the related tools.

*Proposal:* To make WIPO a reference point in terms of public and institutional IP policies, as well as a focal point for different parties involved (acting as a link between creators-innovators and industry and governments). In order to do this, it will be essential for regional WIPO offices, which understand the sensitivities of the respective actors and their cultures, to be involved with a view to submitting effective customized or tailored proposals.

- **Strategic Goal IV: Coordination and Development of Global IP Infrastructure**

In order to strengthen the infrastructure of developing countries, least developed countries and countries in transition, it is proposed that international cooperation is enhanced to improve infrastructure and data flow in the system and that global IP databases and voluntary participation platforms are established to increase technical cooperation.

Strengthening the IT systems, which are an important tool, must undoubtedly go hand in hand with complementary services which allow the real benefits to be derived from them.

*Proposal:* databases should be created which not only improve search tools, cooperation and streamlining in the patenting processes between offices, but which also promote the marketing of IP such as patent databases or software licensing databases, which could be grouped by region thus facilitating and promoting the completion of business models in the IP context.

- **Strategic enabling goals: VIII – A responsive communications interface between WIPO, its Member States and all stakeholders; IX efficient administrative and financial support structure to enable WIPO to deliver its programs**

Both goals are aimed at achieving the general goals set by the Organization, however, in order to achieve these effectively, it is necessary to have a complete understanding and timely knowledge of the needs of Member States.

*Proposal:* in order to meet the needs of Member States in a timely and sensitive manner, it is necessary to have offices in each region. Having regional WIPO offices would mean not only that the messages of the Organization could be adapted to the reality in each specific region, but would also, from an organizational point of view, provide an efficient support structure in line with the needs to be assessed on the ground.

### III. CONCLUSION

Chile appreciates this valuable initiative, which will certainly contribute to strengthening WIPO's role as an advocate of innovation and intellectual property. However, the incorporation of elements – such as those mentioned which go beyond improving the efficiency of services and functions and which include a range of aspects from legal aspects, to financial (valorization and financing of IP) and business aspects – are key to tackle comprehensively and substantively the real issue of development through IP.



**DENMARK**

**Observations  
to  
the Medium Term Strategic Plan  
for WIPO 2010-2015  
by  
the Danish Patent and Trademark Office  
at the Assembly Meetings of the Member States of WIPO 2010**

The Danish Patent and Trademark Office would like to thank the Director General for his initiative in relation to the Medium Term Strategic Plan for WIPO 2010-2015. We support the Medium Term Strategic Plan in order to reach WIPO's strategic goals and the efforts made in order to stimulate innovation and creation and to promote effective use and protection of IP world wide. Further, we support to strive to achieve the utmost development within the IPR environment in the future, including among other things to achieve further harmonization within the patent area.

**EGYPT ON BEHALF OF DAG**

**DEVELOPMENT AGENDA GROUP**

**Comments on WIPO MTSP 2010-2015 (A/48/3)<sup>1</sup>**

The Development Agenda Group views the Medium Term Strategic Plan as an important blueprint for guiding WIPO's work in the next five years, and as a key instrument for translating the broad strategic goals agreed to by Member States into concrete and actionable programs under the biennium Program and Budget documents. As stated by the Director General in his foreword to the MTSP, the original purpose for which the MTSP was proposed as a 'new mechanism' in 2006, was to increase the involvement of Member States in the preparation and follow-up to the Program and Budget. As such, the Group welcomes the Director General's initiative in submitting a draft MTSP and for eliciting the views of Member States in three rounds of consultations.

In view of the importance of this exercise, the Group fully shares the Director-General's view expressed in his foreword that the MTSP should represent shared ownership and a joint endeavor between the Secretariat and the Member States on the basis of a shared understanding and unified commitment, in order to ensure its successful implementation. In this spirit, the Development Agenda Group is committed to engaging seriously in an intense process of consultations and has already demonstrated this by providing detailed comments and specific amendments to the first draft of the MTSP, within the stipulated deadline. The proposed amendments reflect changes in the text sought by DAG in order to more accurately capture the collective views of its Member States on important elements in the MTSP. Some of these changes were reflected in the revised MTSP document dated 29 July 2010 and the latest version presented to Member States on 20 August 2010, although several important sections of the text remain unchanged.

Given the significance attached to this process by DAG Member States, the Group continues to be concerned about several elements in the text, that present serious difficulties to the Member States of the Group. The Group is particularly concerned about the inclusion of new ideas in areas like norm-setting and global challenges that have not been discussed or agreed to by Member States in any inter-governmental body in WIPO so far. The absence of a specific section in the MTSP on the implementation of the WIPO Development Agenda, the most important, overarching process to take place in WIPO in the medium term 2010-2015, is another area of concern. Finally, the lack of clear linkages between the narratives under various Strategic Goals to specific programs already being executed by the Secretariat, is another gap that needs to be addressed, if the MTSP is to act as a bridge between WIPO's Strategic Goals and the Program and Budget.

In this context, and with a view to collaboratively developing a commonly agreed strategic plan for WIPO in the medium term, DAG Member States offer further detailed comments along with specific proposals for modification with regard to issues that are of concern to the Members of the Group. While the Director General's Foreword contains elements with which DAG members are unable to agree, comments on the same have already been provided in DAG's first submission dated 12 July 2010 and are not being repeated here, since it is now understood that the Foreword represents the personal views of the Director General and not the collective vision of Member States. DAG comments on substantive elements of the MTSP text dated 19 August 2010 are given below. The DAG hopes that its views on these and other critical issues will be taken on board, paving the way for a collectively shared vision for the MTSP.

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<sup>1</sup> Attached to these comments is a track changed version of the MTSP 2010-2015, with additional specific text changes and additions.

## **1. Mission**

The mission statement is significant because it implies an agreement between Member States and the Secretariat about the direction that WIPO should take. Hence, the mission statement should broadly reflect the shared vision of Member States on a range of issues regarding the work of WIPO, and should be in conformity with the agreed objective of WIPO under the WIPO Convention and the responsibility of WIPO as a UN Specialized Agency under the WIPO-UN Agreement.

Under the WIPO Convention, the objective of WIPO is to *"promote the protection of intellectual property throughout the world through cooperation among States and, where appropriate, in collaboration with any other international organization, and to ensure administrative cooperation among the Unions."*

Under the WIPO/UN agreement, WIPO is responsible for *"taking appropriate action in accordance with its basic instrument, treaties and agreements administered by it, inter alia, for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development"*.

The mission proposed in the MTSP adequately extends the role of WIPO to broader promotion of innovation and creativity for development, but conditions the statement, noting that the way to achieve this is through a "balanced and effective" international IP system. The introduction of "balance" in the mission is positive. However, the term "effective" relates to stronger harmonized international IP standards, as is used in many IP agreements. Including it in the MTSP 2010-2015 would give the impression that the current system is ineffective.

Therefore, **the word "effective" in the mission statement should be replaced by the word "accessible". The use of the word "accessible" would be consistent with WIPO's general mission statement available on its website.**

## **2. The New Strategic Framework Chart**

**A box should be added in the chart on page 8 to tie in all the strategic goals to DA implementation.**

**The heading below the chart in page 9 - "WIPO Strategic Goals with Development Agenda Linkages" - should be changed to "WIPO Strategic Goals with Development Agenda Recommendations".**

## **3. A separate section on the Development Agenda Implementation**

There is no specific section in the MTSP on the implementation of the WIPO Development Agenda, when it is the single, most important, overarching process to take place in WIPO in the medium term 2010-2015. It is therefore anomalous that the Development Agenda only finds a home in Strategic Goal III in the MTSP. The introduction of DA recommendations under each Goal in Chart 9 is also at odds with the descriptions under each goal. No goal specifically states how the Development Agenda will be mainstreamed, which sharply contrasts with the Program and Budget document which for the past two years has specified how WIPO was attempting to mainstream the Development Agenda under each area. As the MTSP is the main strategic document for WIPO in the medium term, DAG Member States request **that a separate section on the Development Agenda Implementation be added at the beginning of the MTSP to appropriately reflect that DA implementation is an overarching, agreed objective of the organization.**

**In the new suggested section on the Implementation of the WIPO Development Agenda, a new strategic indicator of "Strong focus on development throughout the organization" should be inserted, with the outcome indicator as "strong focus on development throughout the organization, with effective mainstreaming of the Development Agenda principles and**

**recommendations in the work of all relevant Programs.” This would make DA implementation a necessary strategic outcome of the MTSP that refers to all WIPO strategic goals, rather than only to the attainment of strategic goal III. The text could then go on to indicate which specific DA recommendations fall under each goal, as is reflected in the Chart in page 9 of the revised MTSP.**

**The description of the Development Agenda in paragraph 4 and 5 in page 26, under the Strategic Goal III, should be moved to this new section.**

#### **4. Strategic Goal 1: Balanced Evolution of the International Normative Framework for Intellectual Property**

There is no indication of how the Development Agenda will be mainstreamed or reflected in the WIPO norm-setting activities and discussions in the standing committees or related discussions in open forums etc. **It is requested that new language on the outcome indicator be added to qualify that the agreements to be reached should be balanced and equitable so as to promote socio-economic and cultural development of all countries. Thus, the outcome indicator in page 10 should be amended to read as “Balanced and equitable agreements reached by Member States within each area of the international normative IP framework”.**

The MTSP states in the first paragraph of page 11 that the subject matter of IP is “no longer bound by territorial barriers” and that, particularly in relation to the Internet, IP subject matter requires “an international approach to be effective”. This is highly misleading. IP as a regulation, continues to be territorial. Member states decide whether or not to be part of an international instrument to extend protection beyond their own borders and their own nationals. Moreover, Member states to date, have not even discussed, leave alone agreed that any new norm setting is necessary in WIPO with respect to the Internet, particularly on IPR protection. It will be up to member states to make proposals for norm-setting on any issue, and the Secretariat’s role on Strategic Goal 1 should be limited to servicing member states’ deliberations, rather than promoting a particular agenda for norm-setting that it believes member states should adopt. **Hence, the phrase “is no longer...” up to “Internet”, in paragraph 1, page 11 (lines 3-6) should be deleted, in order to correctly reflect current realities.**

Paragraph 2 in page 11 refers to a “lack of progress on the normative work of the organization” and the “failure of WIPO to provide the forum to giving attention to needed adjustments and changes entails a number of risks”. It fails to recognize the approval of the Development Agenda as a fundamental normative landmark in the history of WIPO. Though its recommendations have not been translated into a new treaty, it is, nonetheless, the basis for all the work to be conducted by the organization, particularly in the normative domain. Therefore, we believe that this is misleading and the push for quick norm-setting outcomes is unjustified. Norm-setting processes during the past 5 years have indeed advanced, if not concluded, **with progress achieved so far on greater convergence on issues, including on limitations and exceptions for the visually impaired and on the protection of Traditional knowledge and Folklore. This paragraph should be accordingly re-phrased to reflect accurately, the present realities.**

The last paragraph in page 11 refers to the need for Committee agendas to cover the full spectrum of technological developments “from the latest advances in digital technology to traditional knowledge systems”. **It is suggested that the following words be added after this phrase “... with adequate consideration of development and public policy implications.”**

The section on **patents** in the MTSP still refers to a pressing need to keep pace with development of new technologies in the life sciences, synthetic biology, nanotechnology, etc. and the need to understand actions needed at the international level to address these developments. This oversteps the discussions that member states have agreed to in WIPO in the Standing Committee on Patents (SCP). If member states wish to bring up these proposals, they may do so, but the Secretariat should not suggest future work in this area. In the absence of any inter-governmental discussion or agreement on these far

reaching issues, inclusion of these references would imply an attempt to expand the scope of patentability beyond the TRIPS agreement standards, to subject matter like life forms that are exempted from TRIPS. **These references should be eliminated in order to correctly reflect the current program being discussed, as agreed to, by member states in the SCP.**

The section on **copyrights** in the MTSP also continues to extend the mandate of what Member States have currently agreed to discuss in the SCCR. The focus on the internet and copyright enforcement in the digital environment is of concern since this is an issue that has not been discussed in any inter-governmental WIPO body so far by Member States, and on which there is no inter-governmental agreement. As mentioned in the DG's foreword, there are a variety of experiments with legislative solutions and new business models. Therefore, in the next five years, DAG Member States would urge WIPO to collate and share such experiences and best practices in order to identify potential solutions, rather than pre-judge and advocate an approach at the outset, in the MTSP. Moreover, the right venue and inter-governmental process to discuss the future of the Internet is not WIPO, but the Internet Governance Forum (IGF), which is a broader set-up of the UN system that includes not only all UN agencies and Member States, but also civil society and industry. Indeed, references in the Director General's foreword to internet and copyright enforcement and the statement that "*the time available for developing an accepted solution is not much longer than the time span of WIPO's Medium Term Strategic Plan*" are of concern to DAG Member States, given that this sort of language in the MTSP could pave the way for WIPO to promote overly simplistic "solutions" outside the multilateral fora, be it in plurilateral negotiations or through technical assistance.

DAG members would therefore strongly urge **that the references to internet and copyright enforcement in the digital environment be deleted, or at the least be placed in the context of the UN WSIS implementation and IGF discussions.**

The language included in the section on **brands, designs and geographical indications (GIs)** in the revised MTSP still gives the impression that member states agree that there is a need to work towards harmonization of standards of protection in these areas. Member States in the TRIPS agreement fought arduously to maintain flexibility in the mode of implementing their obligations on IPRs. In the case of GIs, it is important to maintain the flexibility in the approach to meeting such obligations, in particular, choosing the system for protection of GIs in order to ensure that it is aligned with national interests and also taking into account the costs of different options of systems for the administration and enforcement of GIs. Moreover, GIs is an issue under discussion in the WTO and therefore member states have maintained a freeze in these debates in WIPO. **It is therefore requested that the language "constitutes a major challenge for coherence in a world in which economic behavior is increasingly global" (penultimate paragraph, page 12) be deleted.**

In the section on **brands and designs**, the draft MTSP in page 14 also notes that the work of the SCT committee would be "*supplemented by regular thematic meetings to provide an informal forum for member states and interested parties to explore topics where the multilateral normative development could be appropriate, including unfair competition... if appropriate, lead to the initiation of more formal norm developing work in specific areas*" (second last bullet point). This language appears to contravene a clear DA recommendation specifying the principles for norm-setting, and is therefore of concern. The DA recommendation on norm-setting applies to all WIPO committees, and therefore there should be no specific language in the MSTP about the role of informal forums that is specific to the SCT. Therefore, **DAG Member-states request deletion of this language.**

With regard to the **Lisbon System on Appellations of Origin (page 19)**, DAG Member States request amendments as shown below, to **sub-point xviii**:

(xviii) An IT strategy needs to be deployed in the medium term to ensure that current investments are leveraged in the creation of a fully electronic registration and notification procedure, **to be used by interested Lisbon Member States.**

With regard to the 'Strategies' section under the **Madrid System (page 21)**, the following alternate language is proposed in place of the current text in **sub-point (xi)**, as shown below:

~~(xi) Encouraging Contracting Parties to examine the benefits of simplifying the System by moving to an environment based solely on the Madrid Protocol. Supporting the three Member States which are members of the Madrid Agreement, but not the Protocol, in acceding to the Protocol.~~

**(xi) to enhance awareness among the Member States which are members of the Madrid Agreement, but not of the Protocol, about the eventual advantages of adhesion to the latter.**

#### **5. Strategic Goal 2: Provision of Premier Global IP Services**

While we take positive note of the fact that the outcome indicators do not make any specific reference to WIPO dispute resolution mechanisms in the revised MTSP, we see that the narrative on challenges and opportunities contains specific goals on the dispute resolution system. The section on WIPO Arbitration and Media Center, clause (xxiv) in page 22 still refers to expansion of its dispute resolution services to *"areas of IP policy where there is likely to be a high volume of international IP transactions, such as transfer of technology agreements in relation to environmentally friendly technologies"*. This, would in our view, promote an IP centric approach towards issues of equitable access to green technologies and know-how. **Given the differences in substantive laws across nations, resolution of these disputes should continue to be under the national law by appropriate national adjudicating authorities.**

In respect of the PCT system, the DAG acknowledges, with thanks, the positive changes made to the document by recognizing the need to enhance the stake and ownership of developing countries in the PCT system.

#### **6. Strategic Goal 3: Facilitating the Use of IP for Development**

DAG is pleased to note that the description of the goal in the revised MTSP takes into account the comments submitted earlier. However, this goal refers narrowly to the technical assistance of WIPO that is limited to increasing the use of IP by developing countries. This goal is not about reforming WIPO or its activities and programs to make it a development-oriented organization, as envisaged by the Development Agenda recommendations. In this regard, the outcome indicators are inconsistent with the strategic outcome of "greater use of IP for development". In particular, it is out of place that the revised MTSP refers more broadly to the Development Agenda implementation, rather than focusing on WIPO technical assistance, and that it adds as an outcome indicator the "strong focus on development throughout the organization, with effective mainstreaming of the Development Agenda principles and recommendations in the work of all relevant Programs." **Paragraph 4 of page 26 is also at odds in Goal III, and should be moved to the new section we propose on "Implementation of the Development Agenda"**.

**The strategic outcomes should be significantly modified to include specific indicators about how goal III will be achieved i.e. how WIPO will ensure that its technical assistance is in line with the DA recommendations, including principles to ensure transparency, providing neutral advice, including flexibilities and limitations and exceptions to IPRs etc.**

Other outcome indicators focus almost exclusively on technical assistance to developing, least developed and transition countries within the framework of the Development Agenda. These do not spell out WIPO strategic approach to technical assistance in light of the Development Agenda. From this perspective, **the following issues need to be added in the MTSP in strategic goal III (as possible strategic outcomes):**

- 1) How current WIPO technical assistance is being or will continue to be transformed due to the Development Agenda,
- 2) how WIPO will help countries integrate IP policies into national development plans, or how WIPO will ensure that a development-oriented framework is promoted that includes use of flexibilities,
- 3) How WIPO will become cross-disciplinary in providing technical assistance while ensuring that the secretariat has the needed new expertise.

#### **7. Strategic Goal 6: Building Respect for IP**

The goal description in the revised MTSP now states that the strategic goal on building respect for IP will be guided by DA recommendation 45, as was suggested by DAG. This is an important improvement that is noted with appreciation. However, this is not reflected in the envisaged strategic outcome (page 38) that refers to developing a “*shared understanding and cooperation among Member States to build respect for IP*”. To maintain coherence between the narrative and the envisaged outcomes, it is requested that the **strategic outcome should be qualified by containing an explicit reference to, or the language of, recommendation 45 of the WIPO DA.**

The outcome indicators call for increased international cooperation among Member States, NGOs, IGOs and the private sector, balanced policy dialogue in ACE, and enhanced capacity among member states to address piracy and counterfeiting. There is no outcome indicator to reflect how the WIPO activities within (in ACE) and in its relations to other IGOs, and NGOs and private sector, will be guided by recommendation 45 of the DA. The phrase “taking into account development-oriented concerns” needs to be further elaborated in the text. **It is suggested that new outcome indicators be included, or those now in place be modified, to spell out how WIPO is changing its approach from the traditional “more IP enforcement” to a “balanced respect for IP” approach, in line with the DA.**

In the section on strategies, there is also no mention of how WIPO has changed its approach to its activities in the area of enforcement in light of the DA and the deeper understanding of the associated development concerns. **The strategies must reflect the changing dynamics and discussions in the ACE in light of the DA recommendation 45, mirroring the language included in the Program and Budget 2008-09 and 2009-10 under this goal.**

#### **8. Strategic Goal 7: Addressing IP in Relation to Global Policy Issues**

Overall, the text of the revised MTSP on strategic goal 7 continues to be troubling. **We request close re-examination of Strategic Goal 7 and extensive redrafting.**

In DAG’s view, the text in goal 7 is very forward in assuming that WIPO already has the requisite knowledge about the role of IP with respect to global policy issues and that its role is to cement its leadership at this intersection among UN agencies and increase WIPO’s prominence in the global debates on these issues. The idea of member states asking WIPO to include issues of global challenges in its work was rather to bring external expertise on these issues to the realm of WIPO’s work, and to initiate a reflection of how the international IP system has to change to respond to the ongoing and new global challenges. These are in fact new issues for WIPO, and the newly created division in WIPO, should be aimed at finding more evidence to allow for a transparent and realistic debate among member states about this complex and uncertain relationship, rather than unilaterally pre-judging and determining the nature of WIPO’s role. Accordingly, WIPO should not, in the medium term, include as the strategic outcome “to make international discussions fully informed of IP as a policy tool for promoting innovation and technology transfer” when this is not a mandate that member-states have given WIPO with respect to global challenges. In our view, WIPO should in the first instance, explore how the international IP system must adapt to adequately respond to the growing complex social, economic and cultural challenges, including climate change and need for new technologies for adaptation and mitigation, food insecurity,

misappropriation of traditional knowledge, folklore and GRs, and public health crisis affecting the developing and developed countries. We would therefore request that:

**Outcome indicator 1 is redrafted as: “WIPO recognized as the leading UN agency on IP issues,”**

**Outcome indicator 3 is redrafted as: “IP-based mechanisms are part of the debate on global issues,”**

**Strategy (i) is deleted,**

**Strategy (iii) is redrafted as: “Developing partnerships and collaborations for facilitating the use of IP and means of mitigating barriers created by IP as a policy tool to achieve public welfare outcomes by promoting innovation, transfer and diffusion of key technologies to deal with global challenges such as climate change, food security, public health, etc. in line with the ongoing negotiations on specialized fora such as the UNFCCC, WHO and FAO”.**

WIPO’s involvement in developing partnerships and collaborations in relation to global public policy issues such as climate change, pandemic threats, neglected diseases, crop production, etc. should again, not be driven by an objective to only promote the use of IP, as stated in the MTSP. Rather, WIPO’s involvement on these issues should be balanced and look at the relevance and role of IP in relation to these issues in consideration of differences between countries in their levels of development.

It must be ensured that WIPO’s contribution to these global public policy discussions is balanced and reflects the positions of all Member States, and that the position of WIPO on these issues is Member-State driven. It also needs to be spelt out how WIPO will work together with other organizations. It is insufficient to note that “partnerships” will be built; it must elaborate the basis for those partnerships. It must also spell out how the WIPO DA will guide the implementation of this goal.

**The strategic outcome should therefore be redrafted as “*promoting a balanced, evidence-based perspective on IP and global public policy issues*”, and the outcome indicators should accordingly be redrafted to suggest what WIPO will do to accomplish that. This should include, increasing evidence-based studies on the interface between IP and global policy issues; increasing the number of joint events with other UN agencies each respecting their areas of main competence;; as well as mainstreaming of the DA by, for instance, examining the role of flexibilities and limitations and exceptions in addressing global challenges.**

It is also noted that this section does not refer to important programs such as Innovation Promotion and Technology Transfer that are currently being undertaken under this goal. Innovation promotion and Technology transfer and issues of keen interest to all developing countries and address the development and global dimensions of IP. Hence, DAG considers it important that adequate importance be given to these issues under this section, which are currently missing. It is also necessary to link up the Strategic outcomes and the Programs on the ground.

### **9. Strategic Goal 9: An Efficient Administrative and Management Support Structure to enable WIPO to deliver its Mandate**

In its submission of 12 July, 2010, on the draft MTSP, the DAG highlighted the key concerns it has with the issue of the language policy in WIPO. The Group requested that paragraph xi under the Strategies section stipulate the following:

*“xi. Formulate a comprehensive language policy to address the language divide, and that aims to use all the six official languages of the United Nations, including as working languages, on a fair and equitable basis and responsive to the needs of Member States. The comprehensive language policy will be implemented gradually over this Medium*



*Term, to be carried out systematically towards its full and complete implementation by the end of 2015. This comprehensive language policy will cover WIPO documents, publications, interpretation, and all WIPO web sites. WIPO will review all its legal instruments and related procedures to reflect this comprehensive language policy."*

**(Attached to these comments is a track changed version of the MTSP 2010-2015, with additional specific text changes and additions.)**

A/48/3 page 2  
Proposed amendments by DAG

**MISSION**

*The promotion of innovation and creativity for the economic, social and cultural development of all countries, through a balanced and accessible, international intellectual property system*

**Deleted:** *effective*

A/48/3 page 3  
Proposed amendments by DAG

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### IV. THE ENABLING GOALS

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### V. ANNEXES

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**Annex I:** Financial Overview 2010-2015

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## II. IMPLEMENTATION OF THE DEVELOPMENT AGENDA

<u>Strategic Outcome</u>	<u>Outcome Indicators</u>
<u>Strong focus on the development throughout the organization</u>	<u>Strong focus on development throughout the organization, with effective mainstreaming of the Development Agenda principles and recommendations in the work of all relevant programs.</u>

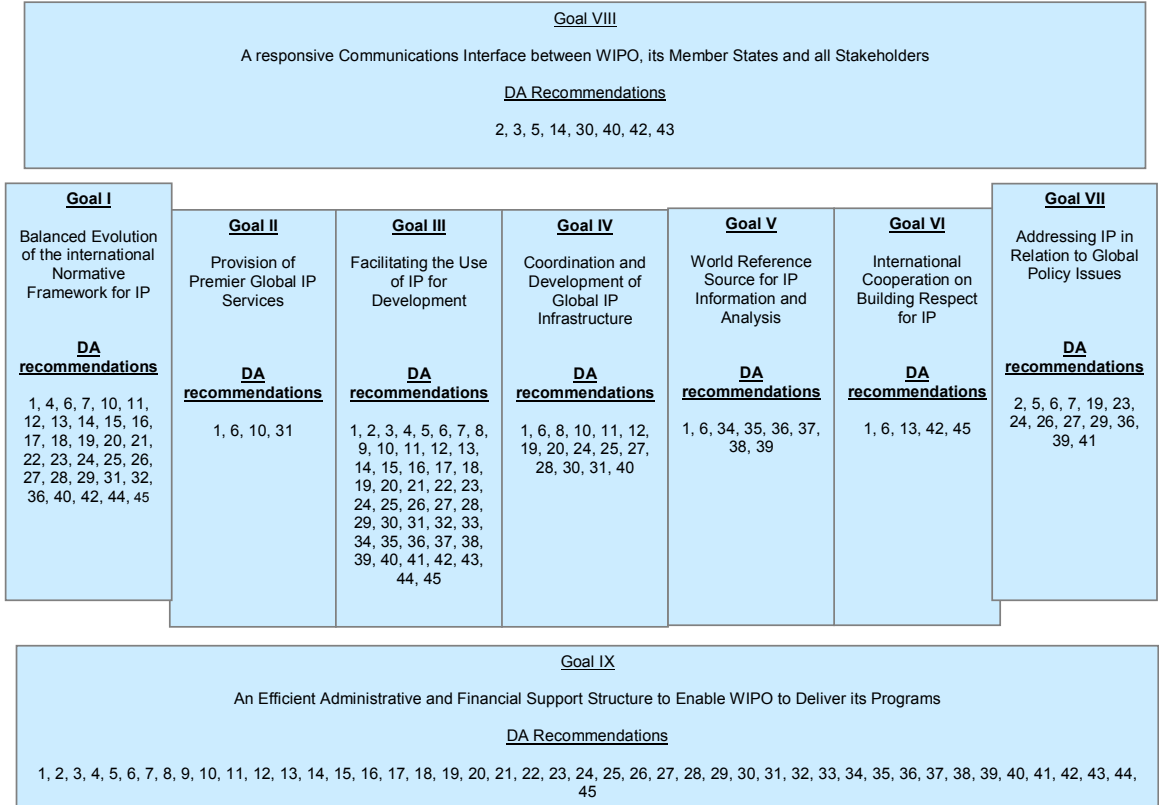
The WIPO Development Agenda represents a new, cross-cutting approach to addressing the development dimension of all WIPO's work. It provides a unique opportunity to reach beyond WIPO's traditional technical assistance programs and to ensure that the Development Agenda principles and recommendations are integrated into the work of the entire Organization. The principles and Recommendations of the Development Agenda apply not only to activities carried out under Strategic Goal III, but to activities carried out under all nine Strategic Goals of the Organization. This is reflected in the respective narratives throughout the Medium Term Strategic Plan. The summary table on page 9 charts the linkages between the Strategic Goals and the 45 Recommendations of the Development Agenda.

Within the medium term, WIPO has the challenge of translating the Development Agenda aspirations into reality. This includes ensuring that the human and financial resources dedicated to the Development Agenda deliver value for the Member States, and that the results are evaluated and can demonstrate positive impact.

A/48/3 page 9 continued  
Proposed amendments by DAG

**WIPO Strategic Goals with Development Agenda Recommendations<sup>2</sup>:**

**Deleted: Linkages**



<sup>2</sup> This illustrative chart is based on the approved 2010/11 Program and Budget document, specifically on the "Development Agenda Links" section under each Program within the nine Strategic Goals.

**STRATEGIC GOAL I**

**Balanced Evolution of the International Normative Framework for Intellectual Property**

<b>Strategic Outcome</b>	<b>Outcome Indicators</b>
Full engagement of Member States to reach agreements on legislative and practical measures in areas of common interest to adjust the existing international IP framework	1. <del>Balanced and equitable</del> agreements reached by Member States within each major area of the international normative IP framework

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A/48/3 pages 11 - 12  
Proposed amendments by DAG

## STRATEGIC GOAL I Balanced Evolution of the International Normative Framework for Intellectual Property

*This Strategic Goal aims to ensure that the development of international IP law keeps pace with the rapidly evolving global technological, geo-economic, social and cultural environment, while taking into account implementation of the recommendations of the Development Agenda on norm-setting. A balanced evolution is critical to ensuring that the international intellectual property system continues to serve its fundamental purpose of encouraging innovation and creativity; that it takes into account the needs and interests of countries at different stages of development, including through the flexibilities within international IP agreements; and that it strikes the right balance between (i) the rights of creators and IP owners and the rights of users and the public; and (ii) the encouragement of innovation and creativity and the diffusion of the social benefit of innovation and creative works.*

### CHALLENGES AND OPPORTUNITIES

Intellectual property (IP) is covered by a complex web of national, bilateral, plurilateral, regional and multilateral agreements. In today's digitally driven and globalized world, however, the subject matter addressed by IP – new technologies, novel designs, brands and creative works — increasingly crosses territorial borders. WIPO, the custodian of 24 multilateral treaties and four major global service systems, has the ongoing challenge of promoting balanced multilateral solutions to ensure that the international normative architecture remains relevant, that it serves its purpose of encouraging innovation and creativity worldwide; and that it facilitates participation by all countries in the benefits of technological and cultural advances.

The approval of the Development Agenda was a normative landmark in the history of WIPO, mandating that the norm-setting work in WIPO must be conducted in a balanced manner taking due account of the needs and interests of countries in different stages of development and the full use of flexibilities within international IP agreements. Though negotiations on various other issues have not been concluded, there has been an increasing convergence among Member States in several areas, including limitations and exceptions for the visually impaired and on the protection of Traditional Knowledge and Folklore. There is a need to achieve balanced outcomes in multilateral negotiations in WIPO, otherwise these multilateral processes risk being undermined. Failure on the part of the Organization to provide the forum for giving attention to needed adjustments and changes entails a number of risks. The role of the Organization in rule-making will wither. Multilateral approaches may be replaced by bilateral or plurilateral processes in other fora; and solutions may be developed by default by the market or by technology, rather than by public policy under the influence of governments.

Addressing this challenge requires the Secretariat to provide an impartial and professional environment – ensuring Committee agendas are comprehensively and fairly covered as far as possible – which facilitates the decision-making of Member States, in order to arrive at multilateral solutions and enable balanced rules to be set across the full spectrum of technological development, from the latest advances in digital technology to traditional knowledge systems, with adequate consideration of development and public policy implications. The opportunity now exists to build confidence among Member States by improving mutual understanding of normative questions, thus preparing the ground for future advances in normative discussions.

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**Deleted:** Frequently, any attention that needs to be given to the subject matter requires an international approach in order to be effective (this, for example, is almost inevitably the case for matters relating to behavior on the Internet).

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**Deleted:** The past decade has been marked by a lack of progress in the normative work of the Organization, with Member States unable to reach agreement in several areas. The lack of progress in norm-making contrasts sharply with the rapid pace of technological change, which, in many instances, directly impacts the environment in which IP operates.

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The dynamic global economic and social environment requires that the evolving international IP system in all areas carefully balance the interests of all stakeholders, including countries at different stages of development, rights holders, and the public.

Against this background, some of the **specific challenges and opportunities** facing the Organization in the medium term in the main areas of normative activity (patents, copyright, trademarks, geographical indications, industrial designs and traditional knowledge) may be summarized as follows:

- **Patents.** There is a pressing need to keep pace with technological developments to understand what, if any, actions may be needed in the international arena to address these developments. There is also a need to ensure that countries at different levels of development, while respecting their international obligations, adopt patent law and policies that are appropriate to their development needs, and are able to make informed policy choices regarding use of the flexibilities available under international agreements.
- **Copyright.** The global availability of creative content presents both opportunities and challenges to the institution of copyright. Technological and market-driven changes brought about new questions on how to promote, protect and reward creativity, while ensuring access to protected works and works in the public domain.
- **Distinctive Signs.** The traditional approach to the creation, use and legal protection of trademarks, industrial designs and geographical indications (including unfair competition) is undergoing fundamental change. Investment in the development and maintenance of brands – as the vectors that tie intangible reputation and goodwill to tangible products and services – is becoming a key aspect of IP policy.
- **Designs.** The variety of legal and administrative approaches to the protection of industrial designs that exists in Member States constitutes an opportunity for the exchange of views and practices as a possible basis for global frameworks.
- **Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources.** The consensual adoption of the mandate of the Intergovernmental Committee (IGC) for 2010/11 presents a historic opportunity for the global community to achieve explicit international recognition of, and respect for, traditional knowledge (TK) and traditional cultural expressions (TCEs) as IP, and for developing an appropriate means of dealing with the interface between IP and genetic resources (GR). The balanced protection of TK, TCEs and IP in relation to GRs would represent a significant normative shift in IP and recognize the universality of the IP system. The first milestone challenge under the new mandate, will be for the IGC to agree and to submit the texts of an international legal instrument (or instruments) to the WIPO General Assembly for the Assembly to decide on the convening of a Diplomatic Conference.

**Deleted:** New technologies in the life sciences, synthetic biology, nanotechnology, materials science, environmental science and energy, and other fields are being developed and deployed at a rapid pace.

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**Deleted:** Digital technology and the Internet mean that creative content – and new forms of cultural expression – are available to an unprecedented extent on a global basis, while copyright law remains territorially based.

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Proposed amendments by DAG

## Brands and designs

Strategies will include:

- (vii) In the *Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications* (SCT):
- supporting wide Member State participation in the SCT as the main vehicle for the development of brand-relevant IP rights. Maintaining a flexible approach to the format of potential outcomes of SCT work in different areas, ranging from use of soft law instruments to international treaties;
  - exploring the opportunity to advance work on the convergence of industrial design registration procedures in the form of an international design law treaty comparable to the Singapore Treaty (trademarks);
  - exploring the scope for work on the protection of trademarks on the Internet;
  - building capacity in the area of geographical indications, and encouraging multilateral cooperation including through exchanging experience and sharing of information on geographical indications;
  - use of the existing institutional framework to produce outcomes if feasible and appropriate, such as the Singapore Treaty Assembly for amendments of the Regulations under the Singapore Treaty, and the Paris Union Assemblies for specific recommendations;
- |
- preserving a strong public domain and avoiding misappropriation of signs.

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Proposed amendments by DAG

### The Lisbon System (Appellations of Origin)

(xvii) The Lisbon Agreement is now over 50 years of age and enjoys a membership of less than 30 Contracting Parties. The difficulty of the task of transforming the Lisbon System into a system that enjoys wide international participation should not be under-estimated, as the negotiations in the World Trade organization (WTO) on the establishment of a multilateral notification and registration system for GIs show. Nevertheless, the mandate from the Lisbon Union Assembly to the Working Group on the Development of the Lisbon System provides an opportunity to identify ways to improve the System so as to make it more attractive for States and users.

(xviii) An IT strategy needs to be deployed in the medium term to ensure that current investments are leveraged in the creation of a electronic registration and notification procedure, to be used by interested Lisbon Member States,

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### Madrid System - Strategies

- (ix) Identifying factors hindering accessions to the Madrid Protocol. Engaging more actively with non-Madrid Member States in identifying and addressing their specific concerns. Developing tailored strategies to enlarge the geographical coverage, and outreach programs to communicate more effectively the potential impact of accession to the Madrid Protocol in specific national contexts.
- (x) Working with the Contracting Parties to determine if the necessary IP policies and legal provisions are in place to fully implement the System, and assisting these Parties in developing and applying the necessary measures to achieve this objective.
- (xi) To enhance awareness among the Member States which are members of the Madrid Agreement, but not of the Protocol, about the possible benefits of adhesion to the latter.
- (xii) Engaging in an ongoing assessment of operations to deliver a more streamlined and efficient service.
- (xiii) Fostering an organizational culture oriented towards quality service delivery, and monitoring user satisfaction
- (xiv) Completing the IT Modernizations Phases I, II, and III, including the establishment of an external strategic partnership for the execution of Phase III, able to assume responsibility for the ongoing support of the resultant system.

**Deleted:** Encouraging Contracting Parties to examine the benefits of simplifying the System by moving to an environment based solely on the Madrid Protocol. Supporting the three Member States which are members of the Madrid Agreement, but not the Protocol, in acceding to the Protocol.

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Proposed amendments by DAG

### WIPO Arbitration and Mediation Center - Strategies

- (xxi) Enhance awareness of IP Alternative Dispute Resolution options.
- (xxii) Increase market research into the needs of users of dispute resolution services and understanding of the factors that influence the decision to use ADR.
- (xxiii) Increase the attractiveness of dispute resolution services offered by the WIPO Arbitration and Mediation Center by:
  - adapting the Center's procedures and case infrastructure to the evolving needs of users, including through IT-based business solutions;
  - working with IP owners, users and institutions to establish tailored procedures specifically adapted to the particular features of recurrent disputes in their areas of activity.
- (xxiv) Engage with areas of IP policy where there is likely to be a high volume of international IP transactions and a need for neutral, efficient and cost-effective dispute resolution services. The availability of neutral, affordable procedures for the resolution of disputes between stakeholders could contribute to the successful functioning of mechanisms designed to promote technology transfer.

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A Survey on Dispute Resolution in International Technology Transactions, conducted by the Center, will be of practical assistance in improving understanding of user needs, with a view to increasing the effectiveness of the services offered by the Center.

**STRATEGIC GOAL III**  
**Facilitating the Use of IP for Development**

Strategic Outcome	Outcome Indicators
Greater use of IP for development	1. A strong focus on development throughout the Organization, with effective mainstreaming of the Development Agenda principles and recommendations in the work of all relevant Programs.
	<p><u>Development of balanced and nationally appropriate IP and Innovation Strategies and corresponding national IP legal frameworks in consonance with national development goals and priorities in developing countries, LDCs and countries in transition, as well as with international IP treaties and agreements, while making full use of available flexibilities, in order to promote domestic innovation and thereby enhance the stake of developing countries in the international IP system.</u></p>
	<p><u>Enhanced human and technical infrastructure of IP institutions, including SME support institutions, in developing countries, LDCs and countries in transition, providing modernized, user-friendly services and with the capacity to manage and use IP effectively for development.</u></p>
	2. Increased number of developing countries, LDCs and transition economies with balanced policy/legislative frameworks
	3. Increased number of developing countries, LDCs and transition economies with strong and responsive IP and IP-related institutions
	<p><u>WIPO's technical assistance is in line with Development Agenda Recommendations and is transparent, neutral and reflective of the flexibilities in the international IP system and limitations and exceptions to IP rights.</u></p>
	4. A critical mass of human resources with relevant skills in an increased number of developing countries, LDCs and transition economies

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Proposed amendments by DAG

*Economies in transition.* The goal of facilitating the use of IP for development applies to diverse countries with widely differing levels of development and different levels of IP infrastructure. Many countries with economies in transition, for example, have recorded significant progress in their ability to utilize IP to help accelerate their economic, social and cultural development. In respect of these countries, the challenge for WIPO is to provide more specialized assistance to meet their particular needs, as well as to promote the exchange of experiences, lessons learned and best practices between such countries.

SMEs represent over 90 percent of enterprises in most countries worldwide, and contribute significantly to economic vitality. But the majority of entrepreneurs, micro-enterprises and SMEs make little or no use of the IP system. As a result, SMEs are becoming increasingly vulnerable in today's highly competitive, increasingly international and knowledge driven, IP-intensive environment. There is a need to reach out to SMEs in order to increase understanding of the potential of IP as a tool for extracting value from their creativity and inventiveness, and of the potential contribution of active IP asset management to the success of a business.

Moved to the new section under the Development Agenda.

*Mobilizing resources.* As overall demand increases for the services WIPO provides to support developing countries use the IP system, so does the need for partners and resources to help ensure those needs are met in a way which maximizes their development impact. WIPO's external relations and partnership building activities (Strategic Goal VII) are key elements in supporting developing countries in the use of the IP system and in mobilizing and providing access to resources for IP projects in developing countries. This is not to replace the central role of WIPO's regular budget funding for these activities, but rather to accelerate this work, to increase WIPO's capacity to respond to Member State needs, and to improve the effectiveness of WIPO's technical assistance and capacity building work. The key challenge in this regard is to build on the momentum achieved by the WIPO Conference on Building Partnerships for Mobilizing Resources for Development (November 2009), in particular by reaching out to the mainstream development agencies and charitable foundations to increase their awareness and readiness to support developing countries' IP projects for development.

**Deleted:** The *WIPO Development Agenda* represents a new, cross-cutting approach to addressing the development dimension of all WIPO's work. It provides a unique opportunity to reach beyond WIPO's traditional technical assistance programs and to ensure that the Development Agenda principles and recommendations are integrated into the work of the entire Organization. The principles and Recommendations of the Development Agenda apply not only to activities carried out under Strategic Goal III, but to activities carried out under all nine Strategic Goals of the Organization. This is reflected in the respective narratives throughout the Medium Term Strategic Plan. The summary table on page 9 charts the linkages between the Strategic Goals and the 45 Recommendations of the Development Agenda. ¶  
¶ Within the medium term, WIPO has the challenge of translating the Development Agenda aspirations into reality. This includes ensuring that the human and financial resources dedicated to the Development Agenda deliver value for the Member States, and that the results are evaluated and can demonstrate positive impact. ¶

**STRATEGIC GOAL VI**

**International Cooperation on Building Respect for Intellectual Property**

<b>Strategic Outcome</b>	<b>Outcome Indicators</b>
Shared understanding and cooperation among Member States to build respect for IP, <a href="#">guided by Development Agenda recommendation 45</a>	<ol style="list-style-type: none"><li>1. Increased international cooperation with Member States, NGOs, IGOs and the private sector</li><li>2. Balanced policy dialogue within the auspices of the WIPO Advisory Committee on Enforcement (ACE), taking into account development-oriented concerns</li><li>3. Enhanced capacity among Member States for addressing piracy and counterfeiting.</li></ol>

**STRATEGIC GOAL VII**

**Addressing IP in Relation to Global Policy Issues**

Strategic Outcome	Outcome Indicators
International discussions on global public policy issues are fully informed about the role of IP as a policy tool for promoting innovation and technology transfer	<ol style="list-style-type: none"><li>1. WIPO recognized as the leading UN <u>agency on IP issues</u></li><li>2. <u>_____</u></li><li>3. IP-based mechanisms are <u>addressed as part of the debate on global issues</u></li></ol>

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## STRATEGIC GOAL VII Addressing IP in Relation to Global Policy Issues

*This Strategic Goal reflects WIPO's potential to serve as an intergovernmental forum for addressing the intersection between IP, innovation and global public policy issues. It implies substantive engagement with other UN, intergovernmental, and non-governmental organizations in order to contribute to the search for shared solutions to the major challenges facing humanity, including climate change, food security, public health, the protection of biodiversity and meeting the Millennium Development Goals (MDGs). The most immediate impact of many of these global problems is borne by developing and least developed countries, and the programs under this Strategic Goal will be closely involved in the realization of development objectives and Development Agenda recommendations.*

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### CHALLENGES AND OPPORTUNITIES

Technology has, historically, provided the means by which humanity has addressed social and environmental challenges. In a broad sense, it has offered ways to improve our response to isolation and distance, to inadequate agricultural productivity, to threats to public health, to lack of readiness for hurricanes and typhoons, and so forth. Not surprisingly, rights that restrict use of new technologies may engender controversy. On the other hand, if there are no new technologies, there will be not only no controversies, but also no improvements to our capacity to respond to challenges. Balance between incentivizing investment in new technologies, on the one hand, and giving access to the social benefit of the new technologies, on the other hand, is a key principle.

Because of our increased reliance on technology, the discussion concerning the interface between IP and global public policy issues can be contentious and difficult. The importance of the issues at stake, and the common interest in improved information tools to support and guide policy debate and in clearer linkages between policy debate and technical analysis, provide both an opportunity and a challenge for WIPO.

The challenge is to ensure that WIPO can contribute its distinctive IP expertise to these crucial policy debates and, in doing so, work in partnership, as required and upon invitation of agencies and processes within the United Nations system and other inter-governmental fora. Successfully addressing this challenge presents an opportunity to establish WIPO as a point of reference on the interface between public policy issues and IP. To achieve this goal, WIPO needs to ensure that its contribution is of the highest quality, that it is balanced and evidence-based, that it is targeted accurately, that it takes into consideration adequately the concerns of its Member States, and that it is supported through partnership building.

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This also requires a clear understanding of the priorities in terms of WIPO's partnerships and engagement according to where it can have greatest positive impact on the key public policy issues. Key partners among the UN System of organizations will include, for example, the World Health Organization (WHO) on the interface between IP and public health; the UN Framework Convention on Climate Change (UNFCCC), the UN Environment Programme (UNEP), and World Meteorological Organization (WMO) on issues relating to IP, technology and climate change; the Convention on Biological Diversity (CBD) on aspects of biodiversity which are relevant in particular for WIPO's work in the area of traditional knowledge and genetic resources; the UN Industrial Development Organization (UNIDO), the UN Development Programme (UNDP), and

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Proposed amendments by DAG

the UN Conference on Trade and Development (UNCTAD) on issues relating to IP and development; the Internal Telecommunications Union (ITU) on addressing IP issues in the context of the information society; the UN Educational, Scientific and Cultural Organization (UNESCO) for the relationship between IP and culture; as well as the World Trade Organization (WTO) on a number of cross-cutting issues. WIPO must also look at leveraging these and wider networks and partnerships to support the Organization's work through joint activities and resource mobilization (see also Strategic Goal III (Facilitating the Use of IP for Development) and VIII (A Responsive Communications Interface between WIPO, its Member States and all Stakeholders)).

In recent years, major IP discussions have taken place outside WIPO and without its active participation. In order for WIPO to realize its full potential in addressing the interface between IP and global policy issues, it must ensure the trust of potential partners by providing significant contributions that not only move the debates forward in terms of better understanding of the issues, but also generate confidence as to the impartiality of its contributions.

### STRATEGIES

The following strategies would guide WIPO's approach in this area:

(i) WIPO facilitates and promotes a balanced, evidence-based perspective on IP and global public policy issues in accordance with the Development Agenda recommendations and the perspective of all Member States, to complement discussions involving IP and global public policy interface in other forums, in its capacity as the leading UN agency on IP issues.

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(ii) Developing sound information tools on the basis of patent data in sectors of technology of public policy interest in a form that is useful for practical policy-makers (in collaboration with the work undertaken under Strategic Goal IV (Coordination and Development of Global IP Infrastructure) and Strategic Goal V (World Reference Source for IP Information and Analysis)). This would include patent landscaping and other information on the legal status of patents on environmental technologies, and information on practical ways of ensuring access to, and local development of, such technologies in developing countries.

Deleted: Ensuring WIPO's engagement in all relevant public policy process and negotiations (e.g. related to public health, climate change, food security, the digital divide and the MDGs) to provide support to those processes and help establish WIPO as the forum and reference point for Member States on the interface between the international IP system and global public policy issues.

(iii) Developing partnerships and collaborations for the use of IP and in mitigating barriers created by IP as a policy tool to achieve public welfare outcomes by promoting innovation, transfer and diffusion of key technologies to deal with global challenges such as climate change, food security, public health, etc. in line with the ongoing negotiations in specialized fora such as the UNFCCC, WHO and FAO.

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(iv) Developing voluntary innovation structures for these purposes through such mechanisms as:

- collaborative innovation;
- more effective and responsible licensing schemes;
- product development partnerships;
- patent commons and pooling initiatives; and
- dispute resolution mechanisms designed to minimize interference with the intended functioning of such structures.

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- (v) Building and maintaining confidence in the new Performance Management and Staff Development System (PMSDS) by ensuring that it is applied fairly, objectively and consistently across the Organization.
- (vi) Improving service delivery and reducing transaction costs across the administration and management functions through streamlining and re-engineering the management and administrative processes and supporting them with a robust, integrated and state-of-the-art Enterprise Resource Planning (ERP) System and clearly defined service level agreements (SLAs).
- (vii) Reviewing and strengthening the procurement and travel policy, process and associated procedures, including the use of demand forecasting, better planning, the development of alternative sourcing strategies and the negotiation of framework agreements for commonly used goods and services.
- (viii) Developing and implementing a comprehensive ICT strategy that tracks and exploits advances in information technology and responds to business needs.
- (ix) Developing and mainstreaming environmentally friendly practices, including “green” procurement, that will help the Organization reduce its carbon footprint and move towards carbon neutrality.
- (x) Identifying and implementing actions to move WIPO steadily towards an environment that is accessible to the physically, cognitively and visually impaired.
- (xi) Elaborating a comprehensive language policy, developed in consultation with Member States, which responds to the needs of Member States and covers meeting documents, interpretation, publications and the WIPO website. It should address the language divide, aiming to use all the six official languages of the United Nations, including as working languages, on a fair and equitable basis and in a manner that is responsive to the needs of Member States. The policy will be implemented gradually over this Medium Term, to be carried out systematically towards its full and complete implementation by the end of 2015. This comprehensive language policy will cover WIPO documents, publications, interpretation, and all WIPO web sites. WIPO will review all its legal instruments and related procedures to reflect this comprehensive language policy.
- (xii) Reviewing and streamlining the policies and procedures governing the production and distribution of meeting documents; streamlining the accreditation process of delegates and visitors at conferences, meetings and special events to enable WIPO to offer a more secure and user-friendly registration process for delegates and visitors.
- (xiii) Reviewing and streamlining the policies and procedures governing records management and archiving services, including the introduction of electronic archiving and retrieval technology in order to facilitate access to the institutional memory of the Organization.

## **EQUATORIAL GUINEA**

Republic of Equatorial Guinea  
*Permanent Mission to the United Nations and Other International Organizations in Geneva, Switzerland*

### **MEDIUM TERM STRATEGIC PLAN FOR WIPO 2010-2015 OBSERVATIONS ON DOCUMENT A/48/3**

#### **DELEGATION OF EQUATORIAL GUINEA**

The Delegation of Equatorial Guinea considers document A/48/3 to be valid and welcomes it given that it covers some points of vital importance, including:

1. WIPO's commitment in the field of technology.
2. Commitment in the economic and legal field.
3. This document also highlights the importance of cooperation between WIPO and Member States.

It is important to note, therefore, that the initiative presented in this document is in fact the embodiment of the proposal approved by the Member States in 2006, which legitimizes this initiative.

#### **Recommendations**

Equatorial Guinea underlines the need for the unanimous adoption of this Plan and stresses the importance of the action plan prepared and presented by the WIPO Secretariat. We would therefore like to see the implementation of this Strategic Plan, which has been presented to us, become a reality.

Lastly, we urge WIPO to continue to work towards its healthy goals set out in this strategic document, in which we place our trust.

Thank you very much.

**SWEDEN**

27 September 2010

***Ministry of Enterprise, Energy and Communications Sweden***

**Written comments from Sweden concerning the WIPO Medium Term Strategic Plan as presented in document A/48/3.**

The Swedish delegation thanks the Director General for his initiative regarding WIPO's Medium Term Strategic Plan (MTSP). This plan provides WIPO with a robust framework empowering the secretariat by giving strategic direction in accordance with the already agreed strategic goals for the years ahead of us. It will also be an important and helpful guidance in the preparation of the programme and budget for the 2012-2103 and 2014-2015 biennia.

The MTSP is also an important tool in the implementation of a results oriented management. We welcome the identification of fixed indicators for each strategic objective, which will be a valuable help for the organisation and its member states (MS) to follow and evaluate progress in the realization of these objectives.

The strategic objectives, as expressed in the MTSP, emphasise the original mission of WIPO to be the world intellectual property organisation and it is important that the future activities of the organisation aim to fulfil this mission.

The MTSP expresses the flexibility necessary to allow the plan, the actions and the different initiatives to be adjusted in the ever changing, evolving economic, social and cultural environment of the world today, an environment strongly affecting the global IP system and the activities of WIPO.

We would like to compliment the secretariat for the extensive, transparent and dynamic consultation process with the member states during the development of the MTSP. We are aware that many different views have been expressed during the process and that the document is a result of the consultation. This of course means that not all views can be entirely reflected in the plan, including some of ours, but we would nevertheless want to express our full support for the plan as such and the vision it embodies.

## SWITZERLAND

### Comments from Switzerland on the Medium Term Strategic Plan for WIPO

- Switzerland supports the Medium Term Strategic Plan for WIPO 2010-2015 (hereinafter “the Plan”) as it is a strategic approach and commitment for our Organization for the coming years.
- Switzerland welcomed the inclusive consultation process launched by the Director General this year which enabled the initial project to move forward so that the many observations made in the consultations could be taken into account in a balanced manner. It is noteworthy that the compromise reached was widely backed at the last meeting of the Program and Budget Committee.
- The Medium Term Strategic Plan will be a useful guide in WIPO’s work in the coming years and will strengthen WIPO’s results-based management system without, however, being excessively rigid. It is expected that it will be able to continue evolving depending on future needs and developments.

#### Specific comments

- Switzerland attaches great importance to Strategic Goals I, II, III, IV and VII which are at the heart of WIPO activities.
- With reference to the comments in the Plan regarding the lack of progress in standard-setting activities in recent years, Switzerland underlines the importance of developing the international IP framework at WIPO in line with developments in the legal and technology fields. Switzerland, therefore, calls for particular attention to be paid and sufficient resources allocated to substantive units, especially those that will be dealing with patent, trademark and copyright issues in the coming years. This is so that the Secretariat can better support the work of the committees in order that concrete progress is finally made in important areas such as the harmonization of patent rights, the protection of country names and other issues linked to the use of distinctive signs on the Internet or the draft treaties on audiovisual and broadcasting organizations.
- Switzerland also continues to place great importance on global IP registration services. Effective and high quality means should be available to right holders to protect their intellectual property rights at the international level. These services are also crucial for the financial stability and growth of the Organization. Hence, they should continue to be among the most attractive in the future. Switzerland, therefore, supports the initiatives proposed in the Plan aimed at ensuring adequate investments to develop and extend the use of these services and encourages the participation of new Member States, especially for the Madrid and Hague systems. Switzerland is also committed to the reforms planned for the PCT to address the problem of the backlog of applications. As well as dealing with issues regarding the administrative burden that some offices face, it is also important to make the necessary investments in infrastructure by researching IT solutions such as databases and translation tools.
- On a similar note, Switzerland supports the Secretariat’s initiatives aimed at developing and improving WIPO’s global intellectual property infrastructure. This infrastructure is fundamental if the intellectual property system is to work properly. It can make the protection systems considerably easier for intellectual property offices, right holders and the general public everywhere to use. The development of global databases to improve access to information is a key aspect in order for the intellectual property systems to be more efficient and productive. Likewise, Switzerland would like to express its support for the on-going projects under the Madrid and Nice Unions.
- Switzerland underlines the increasing need for WIPO to develop activities aimed at facilitating the use of intellectual property for development. Switzerland supports WIPO’s work in this area and stresses the need to enhance synergies, coordination and continuity in the work undertaken. This is necessary to avoid the duplication of work and ensure the sustainability of work done on the ground, thus maximizing

the use of available resources and their concrete results. The initiatives launched and mechanisms recently implemented (such as the results-based management project and the ERP project) are crucial, and they must be allocated sufficient resources to ensure that all the desired effects are brought about; added to this is the CDIP coordination and evaluation mechanism .

- With regard to global challenges, WIPO must position itself as the global reference point in the interface between public policy issues and intellectual property given WIPO's role and specific expertise. Switzerland therefore supports the proposed strategies, particularly the development of partnerships with other international organizations and UN agencies – with respect to this, the conclusion of the partnership agreement with the FAO should be duly noted – governments, the academic world and industry.

- Finally, Switzerland attaches great importance to the internal reforms underway in the Organization as part of the Strategic Realignment Program and fully supports these in order to improve the quality and efficiency of the Secretariat's work. The administrative support units should receive the necessary resources, both human and in terms of infrastructure (for example, the ERP project). Switzerland highlights the fact that it is important for WIPO to have highly qualified staff with the required expertise. As part of results-based management and for reasons of good governance, Switzerland points out the need for WIPO to set up an internal audit and supervision structure which is comprehensive and fully operational as soon as possible.

**SYRIAN ARAB REPUBLIC ON BEHALF OF THE ARAB GROUP**

**Proposal submitted by the Arab Group Member States of WIPO on the Medium Term Strategic Plan for WIPO 2010-2015**

Add a new paragraph no.5 to Strategic Goal III "Facilitating the Use of IP for Development, in the Challenges and Opportunities section, page 21:

***v-Overcoming the Language Divide.*** A large number of developing and least-developed Member States face a challenge in being able to comprehend, positively communicate and interact in the important discussions, deliberations and negotiations in all WIPO bodies, including important deliberations with legal implications, due to the language barrier of the unavailability of documents and publications in all of the official languages of the United Nations. This is also the case with regard to the benefit that these Member States can gain from WIPO's publications and documents at the experts' national level. As a result, this has a negative effect on the extent to which WIPO can benefit these Member States, and likewise, limits the ability of consensus building.

Add a new paragraph under Strategies (vi) of the above Goal III, page 22:

***-Bridging the Language Divide.*** WIPO will adopt the language policy as stipulated in Strategic Goal IX below in order to facilitate and achieve positive interaction with IP issues, both in its various bodies in Geneva, as well as at the national level in Member States.

Replace paragraph 11 of the strategies in the Strategic Goal IX "An Efficient Administrative and Management Support Structure to enable WIPO to deliver its Mandate" page 39, with the following paragraph:

**-Formulate a comprehensive language policy to address the language divide, and that aims to use all six official languages of the United Nations, including as working languages, on a fair and equitable basis and responsive to the needs of Member States. The comprehensive language policy will be implemented gradually over this Medium Term plan, to be carried out systematically towards its full and complete implementation by the end of 2015. This comprehensive language policy will cover WIPO documents, publications, interpretation, and all WIPO web sites. WIPO will review all its legal instruments and related procedures to reflect this comprehensive language policy.**



## TRINIDAD AND TOBAGO

WIPO General Assemblies, Geneva, Switzerland, September 20-29, 2010

### COMMENT: **Agenda Item 9 - Medium Term Strategic Plan (MTSP)**

The delegation of Trinidad and Tobago has considered documents A/48/3 and A/48/24 and offers the following comments:

We wish to commend WIPO for the tremendous work and consultations that obviously went into the preparation of this plan and this document as well. It presents a wealth of valuable information from several Committees and negotiating fora all together for ease of reference. The foreword by the Director General was particularly insightful as to the prevailing trends and anticipated frontiers in intellectual property. More important is the encouragement this Plan provides and the glimpse into an interesting future for IP development all around. The thrust outlined in the Plan actually reflects a similar vision Trinidad and Tobago has for the future development of IP in Trinidad and Tobago and how WIPO should be evolving to meet similar kinds of developmental needs. Like many countries taking IP development seriously, Trinidad and Tobago has progressed from achieving TRIPs compliance and being occupied with norm-setting to raising awareness of IP in the general population. The IP-awareness being sought is to the degree that creators and users of the IP system become IP-savvy and able to benefit from and strategically use IP. It could be considered moving from theoretical IP to applied IP.

Even before WIPO or notions of IP existed historically, people have always been creative. That creativity was not always with a defined sense of ownership due to the low value that was placed on knowledge and the ease with which knowledge entered the public domain. Over the years, the formal IP system is catching up with the way knowledge is labeled, dispersed and utilized because knowledge evolves as much as the modes of creation and distribution of knowledge, as can be seen in the digital work. Future creation and distribution will doubtless be something not thought of or experienced before but the IP system will need to be flexible and fearless enough to accommodate it. In that regard, the agreed Strategic Goals and Strategies appear to be able to endow WIPO with the capacity to assist member states in closing the IP divide and promoting applied IP. It also appears to give WIPO the pliability to accommodate future knowledge and perhaps other forms of "old knowledge" as discussions on traditional knowledge may open up other avenues.

Trinidad and Tobago has never regarded WIPO as a static entity. IP is a dynamic area that is constantly evolving. Therefore, the challenge for WIPO in achieving these strategic goals is for WIPO to be as dynamic as the very IP system it seeks to administer. If WIPO moves to become a sort of nexus of global intellectual property, we are sure it will recognize the responsibility and deep trust that goes along with such an objective. The process that has already begun of extensive consultation and transparency will serve to deepen trust. That trust will engender the confidence necessary among users and member states to see the attainment of those Strategic Goals.

The limitation foreseen in execution of the various Strategies is perhaps the newer technical competencies and capacities that WIPO may have to develop or acquire. Here the essential human resource component that delivers on trust and yields the high customer satisfaction comes to the fore. Therefore, it may become necessary to revisit the Desk-to-desk Assessment as a necessary pre-requisite to engaging in the MTSP process.

It seems that all of these Strategic Goals will impinge on the human resource capacity of WIPO. Even as WIPO seeks to engage in Results-Based Management, any assessment will be seen through the perspective of the review team. Issues may be similar to those that arise in the review of technical assistance currently provided by WIPO. Technical assistance for development is expected to guide developing countries on a path of using IP to benefit economic, cultural and social development. As the

emphasis is on developing countries, the technical assistance providers ought not to presume that member states would necessarily know what type, extent and duration of technical assistance would be required to achieve the said economic, cultural and social development goals.

It has been observed, particularly in the Caribbean region, that there have been too many instances of technical assistance activities attempting to foist a one-size-fits-all program on a number of member states at various levels of IP development. The programs may be intrinsically sound and well meaning but are sometimes inappropriately timed or targeted. The generally low awareness of IP in the Caribbean region means that often recipients may be impressed and appreciative of the activity but building real IP capacity will fall short if there is no short term application of what is learned or disseminated. For example, a technology licensing activity is of prime interest but actual application to practice will depend on where participants are on the IP developmental curve and if they have any IP or potential IP to license.

In assessing a case as given previously, there are two prime sources of guidance and formulation of activities that are prime determinants in the success, failure and delayed attainment of a goal. Very often the focus is on the program itself and the intrinsic merit. Member states may request certain activities or WIPO may suggest certain activities. Therefore, measurable success in terms of effectiveness, impact, efficiency and relevance may depend as much on how well formulated the request of the member state was, the readiness of the participants, follow up and implementation by the national authority and the support the national authority received from the respective government. These factors in addition to program and project management and coordination of technical assistance for development may depend on the experience and skill of the program officer. This relates directly to the possible quality of the WIPO/Member State/Stakeholder interface as outlined in Strategic Goal VIII and other related Goals.

It has been the experience of the Trinidad and Tobago Intellectual Property Office that industry or IP experience plays a significant role in how well program officers interpret requests from member states to formulate appropriate activities under technical assistance. The perspective may differ depending on experience within the challenges faced by national authorities in developing countries. We would like to suggest the methodology should include such a background assessment. The present methodology focuses on the end results and empirical success. A well planned and executed program may fail for incomplete support by member countries and a poorly executed program may succeed or fall short slightly by dint of the efforts of the member state to make the best of a bad situation. The backgrounds and preparedness of the organizers will also determine the gap analysis – how an activity could have been improved or how it could have turned out much worse. A consideration to improve the quality of the WIPO/Member State/Stakeholder interface should therefore be closely linked to a review of the human resources capacity of WIPO especially with respect to the IP industry, operational and examination experience.

Trinidad and Tobago looks forward to any opportunity to participate in the MTSP process and can provide more specific feedback if the need arises.

## UNITED KINGDOM

**From:** Delegation of the United Kingdom  
**Sent:** Mon Sep 27 14:05:51 2010  
**Subject:** MTSP

### **WIPO Medium Term Strategic Plan 2010-2015 United Kingdom contribution to the Annex of the Report of the Assemblies**

The United Kingdom welcomed the proposed MTSP document which was presented at the September 2010 PBC session, and was ready to adopt this proposed version as it stood. There were further elements that we would have welcomed, and these are listed below.

#### Patents

In regard to the current language (p19, para vii), "The PCT system should contribute to sufficient disclosure of knowledge that would enable the transfer and dissemination of technology to all Member States", we prefer the wording from p20 ("The PCT system should contribute to sufficient disclosure of knowledge that would enable the transfer and dissemination of technology to all Member States in a user-friendly manner and in accordance with national conditions.") given that sufficiency is a substantive patent law issue which is determined by national law - the PCT is not intended to harmonize points of substantive patent law.

#### Copyright

In reference to others' comments on the references to internet and copyright, we feel that the effect of the internet is so profound that it must be discussed in WIPO, otherwise we will ignore a major driver and forming system on copyright. Whilst 'the internet' as an holistic concept may be more correctly discussed elsewhere it should still be referenced in WIPO.

#### Economic work

We would prefer to include further text in Strategic Goal V under Strategies, perhaps as a separate point: "ix. *The development of an agreed approach to define the knowledge economy, through intangible investment in line with national offices and intergovernmental organizations concerned with IP*"): given that a lot of the MPST is based around the notion of a knowledge economy, it seems odd not to define it, so we need a macro framework to measure the 'knowledge economy'. We think it makes sense for WIPO (and its economists and analysts) to work within the intangible assets framework. This would allow us to count the investment countries make into IP and be able to link this to the IPRs that are used. Having that type of macro picture - or indeed any complementary macro picture - would tie the knowledge economy debate to national accounts and the global growth agenda. Without it, we cannot provide an overall picture of how IP and IPRs input into the economy.

The general request for linking the economists' network and building of the evidence base with the communications interface has not been reflected (Strategic Goal VIII): we suggest amending Strategic Goal VIII, to extend the sentence at the end of para (ii) Honest Broker to read "*and facilitating the meeting of IP economists*".

Development

In Strategic Goal III we would amend the indicators to read:

- 'Increased number of developing countries, LDCs and transition economies with balanced policy/legislative frameworks and nationally appropriate IP and innovation strategies.'
- and
- 'Increased number of developing countries, LDCs and transition economies with strong and responsive IP and IP-related institutions with the capacity to manage and use IP effectively for development.'

Mission statement

We would prefer to keep the current word 'effective' instead of a proposed change to 'accessible' in the mission statement. This already implies any new method must remain effective, and does not call into question the effectiveness of the current system.

## UNITED STATES OF AMERICA

Comments by the United States Regarding the WIPO Medium-Term Strategic Plan, 2010-2015  
September 2010

### General Comments:

WIPO's Medium Term Strategic Plan for 2010-2015 illustrates a significant effort to build a responsive and efficient Organization to meet its mandate in providing global leadership on intellectual property issues.

The United States welcomes WIPO's MTSP as a complimentary element to WIPO's results-based management framework, which is designed to track performance and achieve results. The MTSP will contribute to WIPO's ability to demonstrate accountability and to produce results.

The MTSP is a strategic document concerning the direction of the Organization and elements on what WIPO can do. We recognize that it represents the personal vision of the Director General on the tasks WIPO could tackle for the next five years. The recently approved Strategic Realignment Process provides the details on how the Secretariat will perform and execute its work programs. These work programs have been based on decisions reached by Member States through the Program and Budget Committee. The MTSP provides welcome guidance on the factors WIPO should consider in fulfilling its mandate.

The United States supports adoption of the MTSP, as presented in A/48/3. The Director General undertook an unprecedented consultative process on the MTSP for 2010-2015 prior to its submission to the General Assemblies. The MTSP presented in A/48/3 is a balanced document that already largely reflects the views of all Member States participating in the consultative process, and it has found overwhelming support for its implementation. The United States applauds WIPO for its extraordinary efforts at transparency and extensive consultations. Moreover, in light of a further round of consultation with the Chair of the Program and Budget Committee, the United States welcomes this additional opportunity to submit further comments to fully inform the WIPO General Assembly upon taking note of the Plan. In this regard, additional comments from the United States follow.

### Specific Comments:

The detailed and helpful plan/strategies to address the core services of WIPO are all welcomed and strongly supported by the United States. We think it is worthwhile to highlight in particular Strategic Goals I, II, III, IV, and VII. The draft strategies to tackle the challenges and opportunities in these goals are of great importance to the U.S.

The United States strongly supports the need to continually evolve the international intellectual property framework to keep pace with legal and technological developments. The U.S. urges the International Bureau to devote sufficient resources to the substantive divisions, particularly those dealing with Patents, Trademark and Copyright law, so that the International Bureau may conduct the necessary studies and continue its tradition of preparing excellent working documents.

Provision of premier global IP services is critical to ensure rightholders' have a cost-effective and efficient means to protect their intellectual property. Moreover, these services are central to the financial stability and growth of the Organization. We support WIPO's aim to ensure adequate investment in the renewal and expansion of the use of the services and to increase the participation of developing, least developed, and transition economies in the services and the benefits they offer. In particular, to address the backlog challenges under the PCT system, more investment should be provided for information technology solutions, such as electronic file access and machine translation tools. In this regard, serious reform of the Patent Cooperation Treaty (PCT) is needed to address the administrative burdens many Patent Offices are facing, leading to significant backlogs in processing these applications. The United States

strongly supports the PCT Working Group focusing on this problem through technical solutions as well as minimizing duplication of search and examination by national offices. Moreover, in an effort to ensure wider participation of the PCT system, more examination should be undertaken to address PCT fee structures. The United States continues to support the reduction in fees where possible, as a means to stimulate innovation and economic development. The harmonization of patent laws among Member States is highly desirable to address barriers to trade and to access information, particularly those relating to prior art issues.

On Coordination and Development of Global IP Infrastructure, the U.S. applauds the IB for seeking to further develop and improve WIPO's IP infrastructure assets. IP infrastructure is critical to the good functioning of the IP system and can greatly facilitate use of the system by rightholders, IP offices and the public in all countries—developed, developing, least developed and economies in transition. In particular, the strategies to strengthen infrastructure at the national level, to create automated systems in countries and to develop global databases to improve access to information are critical components to achieve increased efficiency and productivity in IP systems.

In our view, related to the strategic goal of improving IP infrastructure is the growing need for WIPO to develop activities aimed at facilitating the use of IP for development. The United States strongly supports WIPO's ongoing work in this area. In particular, the regional bureaus of the Technical Assistance and Capacity Building Sector work closely with the recently established Development Agenda Coordination Division (DACD) to respond to increased demand from Member States for optimization of the development component in WIPO's activities. Specifically, we believe WIPO should focus on working with countries to develop National IP Strategies to meet their national needs and to increase economic growth. National IP Strategy documents, formulated by governments with input from the private sector and universities/research institutions, will help guide governments in making their choices as to how to use IP to promote and strengthen scientific and technological research, development, and commerce. We also support more resources being devoted to increase distance learning courses and targeted "training of trainer" programs to better optimize technical assistance resources.

Though not specifically highlighted in the MTSP, the U.S. believes WIPO needs to ensure and specifically note that there is greater efficiency being provided in the implementation of Development Agenda related projects and activities under the Committee of Development and IP (CDIP). WIPO's recent efforts in addressing this issue are applauded with respect to the creation of a budgetary process for CDIP projects, recently agreed to at the 2010 Program and Budget Committee meetings, the results-based management framework initiative, the Coordination and Monitoring Mechanism under CDIP, and the ERP (Enterprise Resource Planning System) which this past PBC decided should devote significant resources to improving WIPO's management and administration performance. All of these initiatives will help to ensure that the Organization is properly tracking performance, resources and results related to Development Agenda activities.

Lastly, on Addressing IP in Relation to Global Policy Issues, the U.S. strongly supports WIPO establishing itself as the primary point of reference on the interface between public policy issues and IP, because WIPO has distinctive IP expertise to lend to these critical IP policy debates. The strategies identified to meet that goal are welcomed by the U.S., and in particular we believe that the development of partnerships and collaborations in promoting innovation and diffusion of key technologies in using IP as a tool to address certain aspects of public welfare issues holds great promise. Partnerships among UN agencies, IGOs, governments, academia and industry are key in leveraging funding, technical resources and expertise of both the public and private sectors. The US Government strongly supports such endeavors to maximize the impact of these resources, and encourages enhanced development of such partnerships.

## URUGUAY

### COMMENTS BY THE DELEGATION OF URUGUAY ON THE MEDIUM TERM STRATEGIC PLAN (DOCUMENT A/48/3) TO BE ANNEXED TO THE REPORT OF THE WIPO ASSEMBLIES

The Delegation of Uruguay welcomes the opportunity to submit comments in writing on the Medium Term Strategic Plan (MTSP) for WIPO, for inclusion in the Annex to the report of the Assemblies on the corresponding agenda item.

We would like to express Uruguay's support for the drafting of a Medium Term Strategic Plan to guide the Organization's work in the next five years in order to promote innovation and creativity for the economic, social and cultural development of all countries through a balanced and effective international intellectual property system as defined in the mission statement of this Plan (Document A/48/3). With regard to "all countries", we would like to point out that there are different levels of development, and in order for the intellectual property system to be effective it should adapt to these levels and allow for the leeway contained in the international treaties on the subject.

In addition and taking into consideration what the Director General, Mr. Francis Gurry, stated in the foreword, this Plan constitutes a joint initiative between the WIPO Secretariat and Member States, and is in line with the strategic approaches agreed on by these Member States. However, to adopt this Plan a consensus should have been reached, following a negotiation process, which ensured an adequate balance of interests of all countries. Given the way in which the Strategic Plan is presented, Uruguay is concerned by the fact that the development dimension is not clearly shown in some chapters of the Plan. Uruguay is concerned that in the legislative activity proposed the impact or scope of amendments to the existing IP system has not been considered first. And Uruguay is particularly concerned by the idea of WIPO as the leading organization in the debate regarding the interface between intellectual property and global public policy issues.

With regard to the latter point in particular, Uruguay believes that intellectual property is not the predominant issue in public health, food security and climate change, *inter alia*, which is why WIPO could not lead the interface on these subjects, but rather could provide technical and political input as an intergovernmental organization.

By way of example, at the moment Uruguay is facing an international lawsuit brought by the tobacco company Philip Morris (a company whose profits are double Uruguay's GDP) against the public health policy on tobacco control in Uruguay, arguing that some of its makes are being expropriated, and ignoring the impact that the marketed products have on the health of the population and the reason for the national public health policies. Protecting health is one of the Millennium Development Goals (MDGs) and is especially enshrined as a principle in Article 8 of the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. If IP rights were considered to take precedence over the right to health, we would be allowing companies, whose products cause diseases and increase the mortality of the population, to operate unregulated.

Finally, we would like to mention the statement made by the Minister of Industry, Energy and Mining of Uruguay, Mr. Roberto Kreimerman, a chemical engineer, at the High Level Segment of the WIPO Assemblies on the support given to the MTSP which meets the needs of all WIPO Member States.

Lastly, we would like to express our support for the statement made by Egypt on behalf of the Development Agenda Group, and our commitment to continue working constructively with the Secretariat and other WIPO Member States in order to achieve a balanced IP system which respects the interests of all countries.

September 27, 2010

**ZAMBIA**

**Government of the Republic of Zambia  
Zambia's Position on the WIPO Medium-Term Strategic Plan  
(MTSP) for the period 2010 - 2015**

**September 2010**

Zambia welcomes the WIPO Medium-Term Strategic Plan (MTSP) which it considers vital in defining the organization's strategic direction and ensuring a shared vision for its future.

The Plan is particularly critical as it will be the basis upon which WIPO resources will be expended during the biennium 2012/13 and 2014/15. For this reason, the Plan should be developed with due care and caution to ensure that it adequately and effectively responds to the diverse needs of the WIPO membership. From Zambia's point of view, as a developing country, the Plan should focus at addressing the gap between developed and developing countries in infrastructure for generating intellectual property assets. Zambia would urge that the Plan be skewed towards building capacity for generating of IP assets in member states such as ours.

In view of the above, Zambia would like the Development Agenda to be streamlined in the Plan. Our considered view is that the lack of capacity to generate IP explains the minimal use of international filing system like the PCT and the Madrid System. In the case of the Madrid system, it is a manifestation of lack of goods and services that can be marketed internationally - which takes us back to the question of capacity.

Further, the Plan does not seem to address itself to the rampant ills of copyright piracy and trademark counterfeiting. At the very least, WIPO is better placed, through its expertise, to assist countries in mapping out strategies for confronting these challenges. Equally, WIPO is in a unique position to bring members states together and collectively address these them, particularly where counterfeited and pirated products originate from across borders.

[Annex II follows]



REPORT OF THE DIRECTOR GENERAL TO THE 2010 WIPO ASSEMBLIES  
September 2010

In this Report to the 2010 Assemblies of the Member States of the World Intellectual Property Organization (WIPO), I would like to profile some of the achievements of the Organization over the last twelve months.

This is not intended to be a comprehensive progress report. For that, I would refer you to the Program Performance Report. Rather, it seeks to give a sense of the range and diversity of WIPO's activities, and to highlight some of the results achieved this year.

***Managing through the economic crisis***

With some 90 percent of WIPO's budget directly dependent on income generated from market-driven services, the global economic downturn was expected to hit WIPO harder than most of the other international organizations in Geneva. In 2009, international patent filings under the PCT fell by 4.5% compared to 2008, and international trademark registrations under the Madrid System by 16.4%, resulting in a decrease in the Organization's revenue for the first time in our history. Rigorous financial management was necessary, thanks to which, despite the downturn, the Organization finished the 2008-2009 biennium with a modest surplus.

2010 has seen the beginnings of recovery. At this stage, we are expecting that PCT filings will rise by around 2.8% – a positive result, but one which would keep filings below the level that they reached in 2008. We expect Madrid registrations to rise by around 11%, bringing them nearer to the level of 2008. The much smaller Hague System is in a different position as it is still very much in the process of expanding its membership and user base. Consequently, the level of filings under the Hague System is rising significantly, with 2010 figures up by 36 percent to date on last year (still on a rather small base). The WIPO Arbitration and Mediation Center is likewise experiencing its highest ever rates of use. However, it is the PCT on which WIPO's budget remains most heavily dependent (generating, as it does, some 72 percent of the Organization's income), and the overall projected revenues still remain below the level on which the 2010/11 budget was predicated. Tight fiscal discipline, therefore, has remained imperative. We continue to monitor the situation closely, and to share data with Member States on a quarterly basis through our Observatory page on the WIPO website.

The cloud of the economic downturn has not been devoid of flecks of silver in its lining. This has been a good year for WIPO's construction project, where we have benefited from the exceptionally low interest rates in drawing down the loan for the construction of our new building. The new building is fully on track for completion on time and within budget.

Staff costs account for 65% of WIPO's regular budget expenditure. In order to reduce personnel expenditure in line with the reduced income projection for the 2010/2011 biennium, Member States approved in the September 2009 Coordination Committee a Voluntary Separation Program for staff. This has been very successful. Eighty-seven staff – from all categories – opted to take advantage of the special separation and early retirement terms, and departed from the Organization by the cut-off date of June 30, 2010.

In addition to the necessary reduction in the cost of the payroll, the Voluntary Separation Program created the space to enable the Organization to address some major management and operational concerns. First, 55 of the vacated posts have been earmarked for internal replacement, creating opportunities for valued long-serving personnel on rolling short-term contracts to compete for regular appointments. (Headcount reduction is achieved by not replacing any short-term personnel appointed to these posts through competition.) Secondly, 28 of the vacated posts have been re-profiled for external recruitment to meet significant gaps in the Organization's skills-sets, including, for example, language skills to meet the changing geography of PCT use, and expertise in economics. The objective of improving geographical and gender balance in the Secretariat will also be taken fully into account in the selection of candidates with the necessary competences for these positions. In this regard, I shall continue the practice of

publishing staff statistics, every six months, so that Member States may monitor progress achieved on geographical and gender balance.

This year the Secretariat completed the broad restructuring of our programs and organizational structures in line with WIPO's agreed Strategic Goals, and moved our **Strategic Realignment Program** (SRP) into its second phase. Some 20 initiatives, covering a range of administrative and management reforms, and each actively championed by a member of the Senior Management Team, are now being taken forward. These changes are driven by four shared values: Service Orientation; Working as One; Accountability for Results; and Environment, Social and Governance Responsibility. Our challenge now is to ensure that all our staff understand and promote the changes, and share in these organizational values.

Two SRP initiatives which I would like to highlight at this point are the Enterprise Resource Planning system (ERP), and the establishment of a comprehensive ethics and integrity framework. The procurement and asset management modules of the ERP have been successfully implemented, thereby enabling WIPO to be compliant with International Public Service Accounting Standards (IPSAS). We now hope to move forward, in a phased manner, with the remaining modules of the ERP, which should deliver great benefits to Member States in terms of transparency, accountability and the efficiency of the Secretariat. In line with the recommendations of the Joint Inspection Unit, we have also now established a WIPO Ethics Office and appointed a Chief Ethics Officer. The Ethics Office has begun an ambitious program of work that includes enhancement of financial disclosure for senior officials and the development of an ethics code for adoption.

### ***Moving forward in the Committees***

One of WIPO's primary roles is to support the goal of a balanced evolution of the international normative framework for intellectual property, ensuring that the development of international intellectual property law keeps pace with the rapidly evolving global technological, geo-economic, social and cultural environment.

At last year's Assemblies, I highlighted concerns about the lack of progress which had characterized many of WIPO's Standing Committees. Many delegates had also voiced frustration at the time spent in unproductive Committee meetings. It is very encouraging, therefore, to be able to report on the positive atmospherics and forward movement achieved in most Committee meetings this year, as Member States have shown their readiness to embrace pragmatic solutions in the wider interest.

May 2010 saw a break-through in the Intergovernmental Committee on Intellectual Property and **Genetic Resources, Traditional Knowledge and Folklore** (IGC), when Member States began text-based negotiations as part of a concerted effort to ensure that the IP system in the future, and for the first time, recognizes traditional knowledge (TK) and, thereby, addresses a more universal knowledge base. The negotiations of the IGC are now complemented by Intersessional Working Groups (IWGs), the first of which met in July and settled a draft text of 11 articles on traditional cultural expressions (TCEs) that will be considered by the IGC in December 2010. The WIPO Voluntary Fund for Accredited Local and Indigenous Communities, based on the generous support of Switzerland, Norway, the Swedish International Biodiversity Programme, France, South Africa and the Christensen Fund, funded 71 experts from developing countries and countries-in-transition, as well as four indigenous experts, to attend the IWG. Outside the IGC, there was continuing high demand for WIPO's TK and TCE-related capacity-building activities, with activities underway in 2010 in countries including Argentina, Bulgaria, Indonesia, Guatemala and Tanzania, and new publications to assist museums, libraries and archives due for publication this year. Within the TK Division, WIPO established an ongoing position for an Indigenous IP Law Fellow, appointed on an annual competitive basis, and appointed the first Fellows, from Tanzania and Australia.

In related external developments, it is a pleasure for me to congratulate the African Regional Intellectual Property Organization (ARIPO) on the adoption of a protocol on TK and TCEs in August 2010. The Swakopmund Protocol, inspired in part by the IGC's texts, is the product of six

years of negotiations among ARIPO Member States. WIPO will continue to support ARIPO in the implementation of the Swakopmund Protocol, as it is doing in relation to the Pacific Regional Framework in certain Pacific Island countries. WIPO has also been providing assistance in the development of a Caribbean Regional Framework.

Encouraging results were also delivered in the November 2009 and April 2010 meetings of one of our most active committees, the **Committee on Development and IP (CDIP)**. Member States have now agreed on 17 Development Agenda projects (some of which are elaborated in other parts of this report). The CDIP also agreed on an important coordination mechanism with other WIPO bodies. Additionally, the Program and Budget Committee has recommended to these Assemblies a way to integrate development agenda projects into the regular budgeting process, an important step in the main-streaming of the Development Agenda.

In the **Standing Committee on Copyright and Related Rights (SCCR)** in June 2010, four proposals on copyright limitations and exceptions, submitted by countries from Latin America, Africa, Europe and by the United States, demonstrated a shared desire among Member States to make a positive difference to facilitating access to copyright works for visually impaired persons. (It is estimated that only 5% of published works are currently made available in Braille or other accessible formats within a reasonable time of publication.) While negotiations in the SCCR on the protection of audiovisual performances and of broadcasting organizations remained slow, WIPO continued to facilitate national and regional seminars on the issues surrounding audiovisual performances and broadcasting rights. On broadcasting, the SCCR is considering a three-part study on "The Socio-Economic Impact of the Unauthorized Use of Signals".

The **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)**, meeting in late June 2010, agreed to advance work on a possible treaty for industrial design formalities (analogous to the Singapore Treaty for trademarks). In addition, following ten successful years of operation of the Uniform Domain Name Dispute Resolution Policy (UDRP), as well as many important developments relating to the use of trademarks on the Internet, the Committee agreed to consider new issues surrounding trademarks on the Internet.

At the level of technical **Working Groups**, the Singapore Treaty Working Group agreed to amend the regulations to deal with the representation of non-traditional marks (i.e. hologram, motion, color, position and sound marks). A proposal is now before the Assembly on the Singapore Treaty. The Madrid Working Group agreed that the Secretariat should investigate and make proposals for simplified trademark application procedures within the International Bureau. And the second meeting of the Lisbon Working Group accepted a number of recommendations leading to a more open system and legal framework.

In support of the **Standing Committee on the Law of Patents (SCP)**, the Secretariat has now produced studies in relation to all 20 non-exhaustive issues identified since the SCP re-initiated its work two years ago, including four new studies over the past 12 months relating to Client-Attorney Privilege, Dissemination of Patent Information, Transfer of Technology and Opposition Systems.

### ***Maximizing the potential of the global IP services***

The economic crisis is a powerful reminder that the global IP services run by WIPO are operating in a competitive environment. The more efficient, cost-effective and attractive we can make these services, the better the services are able to compete favorably with alternative routes for international filing.

In the case of the **PCT**, improving the functioning of the system will contribute to the dual challenges faced by IP offices around the world of reducing the backlogs of 4.2 million unprocessed patent applications, and of improving the quality of granted patents. The positive results of the June 2010 session of the PCT Working Group were significant in this respect. The Working Group agreed on a set of recommendations developed in the context of a road map for **improving the functioning of the PCT system**. Many of these recommendations, notably those relating to the quality of international search and preliminary examination reports, seek to

build on the work already underway aimed at improving the ability of national and regional offices to search prior art from a wide range of sources and in a wide range of languages, and to share the results of those searches with other offices. The Working Group also commissioned a series of studies to assess how successful the PCT system has been in disseminating technical information, in facilitating access to technology, and in providing technical assistance for developing countries. These studies will include recommendations on ways to boost the PCT's performance in these areas and will also explore the possibility of extra-budgetary funding arrangements to finance technical assistance projects.

Within the Secretariat, we continued our focused customer **outreach** to help inform our efforts to improve PCT service and enhance the attractiveness of the system. In response to the growing linguistic diversity of PCT users, we expanded the provision of certain training materials to make them available in all 10 PCT publication languages. These training materials include a PCT distance learning course, and online seminars – or webinars – to which national offices can connect and access information on recent changes and updates to the system. The PCT webinar in March this year had approximately 600 participants – eliminating high travel and conference costs, while making a valuable contribution to WIPO's carbon neutrality objectives. This model has been replicated by webinars in other areas, such as Arbitration and Mediation, and Brands and Designs.

Users of the PCT system are increasingly using our electronic filing facilities, with some 80 percent of all applications now filed fully or partially in electronic form. In response to applicants' demands, the International Bureau also now provides improved **online services** including: Online Document Upload of post-filing notifications in PDF format; a Digital Access Service, which allows applicants under the Paris Convention and the PCT to permit WIPO and six participating offices to access priority documents filed with one of those offices without requiring the applicant to provide further copies; a fully-searchable PCT Caselaw database; and an E-Payment system to replace transmission of paper-based credit card details for PCT fees. An important new system for private file inspection by applicants online is under preparation and should be ready for launch in 2011.

Recognizing the increasing linguistic diversity of the prior art and the consequent limitation of national or regional search facilities, PCT applicants have for the past two years had the option of requesting **supplementary international searches** of prior art. Initially offered by only three searching authorities (Russian Federation, Sweden, and the Nordic Patent Institute), in 2010, Austria, the European Patent Office and Finland also began offering this service.

Externally, several Patent Prosecution Highway (PPH) **work-sharing initiatives** are now in operation to reduce the backlog in unprocessed patent applications in offices around the world. In January 2010, the Offices of Japan and the United States and the European Patent Office announced a pilot PCT-PPH which fast-tracks patent examination procedures for PCT applications that have received a positive written opinion or preliminary examination report. Similar bilateral PPH arrangements commenced in June 2010 between the Republic of Korea and the United States. Just recently, the United Kingdom also introduced accelerated examination in the UK national phase if an international application has received a positive preliminary report on patentability.

In the **Madrid System**, there has been continued progress on streamlining the legal framework of the System, including by encouraging membership of the Madrid Protocol on the part of States party only to the Madrid Agreement and not the Protocol (of which there are now only two). Similarly, work has continued in 2010 towards streamlining the legal framework of the **Hague System**, through the freezing of the 1934 London Act of the Hague Agreement and promotion of the 1999 Geneva Act.

The choice of **working languages** for WIPO's global IP services has a significant influence on their attractiveness to users. Spanish was added as a Hague System filing language in April 2010, so that both the Madrid and Hague Systems are now trilingual. The Secretariat conducted a study on the possible introduction of additional filing languages for the Madrid System, and a pilot project is now underway with offices from Portugal and the Russian Federation. A new

database of indications for goods and services, currently under development, will be available in 10 languages. Separately, an MOU was signed with China aimed at substantially increasing use of the Madrid System in China through an extensive program of targeted training seminars in different locations over the next five years.

There has been a significant increase in **electronic filings**, with some 36% of Madrid filings (and 41% of documents overall), and 55% of Hague filings now effected electronically, thus increasing efficiency and reducing transaction costs. In addition, we have made steady progress on **IT projects** approved at the 2009 Assembly, such as the Madrid Filing Assistant, which will eventually enable complete electronic filing; the Madrid Portfolio Manager, to enable trademark holders to access and manage their portfolio of registrations; and the Madrid Electronic Alert, to monitor amendments to specified registrations by other parties.

The **WIPO Arbitration and Mediation Center**, after 16 years of operations, now occupies a prominent position on the alternative dispute resolution landscape. The bulk of its work relates to domain names under the Uniform Domain Name Dispute Resolution Policy (UDRP), but it also has an active practice in arbitration and mediation services in other areas of intellectual property. As the level of Internet connectivity increases around the world, WIPO has become the preferred dispute-resolution provider for 63 country code top level domains (ccTLDs). Disputes from ccTLDs now constitute 15 per cent of all domain name cases. In May 2010, the Arbitration and Mediation Center opened an **external facility** in Singapore, in a new multi-provider international arbitration resource. This Singapore presence positions WIPO to assist in resolving disputes arising from the growing volume of intellectual property contracting in the Asia-Pacific region.

Recognizing the need for rapid resolution of disputes in the **film and media** sectors, WIPO and industry experts developed the [\*WIPO Mediation and Expedited Arbitration Rules for Film and Media\*](#), as well as special model contract clauses and submission agreements. In April 2010, WIPO entered a collaboration agreement with the Format Recognition and Protection Association to administer TV format-related disputes under the new rules.

In December 2009, **paperless procedures** were introduced for domain name cases filed under the UDRP (eUDRP) at WIPO, preceding mandatory worldwide adoption in March 2010. In addition to saving time and money, we estimate that this will save up to a million paper pages per year, taking another step towards a greener WIPO.

WIPO's engagement with the Internet Corporation for Assigned Names and Numbers (ICANN) and other domain name system stakeholders has continued to be productive. ICANN has welcomed WIPO's input regarding the use of trademark criteria and the prevention of trademark abuse in application and post-application procedures for generic top level domain registries. This is particularly important as ICANN is poised to rapidly expand the number of **generic top level domain registries** from a number that has been relatively stable to one that brings potentially greater risk to right holders. WIPO's input has been guided by principles adopted during the 2001 General Assembly. These principles will be re-opened for discussion in November 2010 by the Standing Committee on Trademarks, Industrial Designs and Geographical Indications.

### ***Integrating the development dimension***

In consonance with the aims of the WIPO Development Agenda, the development dimension is being systematically integrated into all areas of WIPO's work. The past twelve months have seen the launch of a range of projects designed to transform the 45 Recommendations of the **WIPO Development Agenda** into operational reality. Progress in 2010 has been facilitated by the adoption of a thematic approach, where appropriate, under which projects are designed to address interrelated issues identified in different Development Agenda recommendations. A total of 17 dedicated Development Agenda projects, with an estimated cost of over CHF 19 million, have been approved to date by Member States in the CDIP, bringing the number of Development Agenda recommendations now under implementation in one form or another to 36.

The eight new projects approved by the CDIP since the 2009 Assemblies address Development Agenda recommendations relating to IP and the public domain; IP and competition policy; IP,

information and communication technologies, the digital divide and access to knowledge; tools for access to patent information; enhancement of WIPO's results-based management framework to support the monitoring and evaluation of development activities; product branding for business development in developing and least developed countries; capacity building in the use of appropriate technology-specific technical and scientific information as a solution for identified development challenges; and IP and socio-economic development. A further project on IP and technology transfer is pending approval. Project managers in the relevant substantive Divisions of the Organization have been assigned to lead each project, and the Development Agenda Coordination Division has created an internal database, known as the 'DASHBOARD', to provide a comprehensive overview of development work within different areas of the Organization.

Among the first deliverables under the Development Agenda, WIPO held a **donor conference** in Geneva in November 2009 to help educate the donor community on the role of IP in development and to encourage extra-budgetary support for IP-based country-led development projects. The conference focused on the themes of Aid for Trade; Science, Technology and Innovation for Development; and the Digital Divide.

The principle of greater integration has also underpinned the approach of WIPO's regional bureaus in carrying out their wide-ranging **capacity building and technical assistance programs**. Increased emphasis has been placed this year on the Secretariat's assistance to governments that wish to develop **National IP and Innovation Strategies**, within the wider framework of their national development policies and objectives. Such strategies offer the opportunity to better align IP policies and practices with the national economic context and priorities.

Demand has continued to rise from developing countries for assistance in building their national **innovation infrastructure**, and in reinforcing the capacity of their research institutions in the area of IP licensing and technology transfer. The regional bureaus of WIPO's Development Sector have worked closely with the Global Infrastructure Sector this year to service the demand for assistance in setting up **Technology Innovation Support Centers (TISCs)**. The establishment of TISCs is underway in Algeria, Ecuador, Morocco and Tunisia; six more TISCs are proposed following the signing of service level agreements in Bangladesh, Cuba, Egypt, Guatemala, Senegal and Viet Nam; and a further 10 requests are under examination. To contribute to innovation promotion and technology transfer within the framework of the Development Agenda, the Patent Sector delivered workshops focusing on **practical skills** relating to technology transfer, patent drafting and technology licensing to over 2,000 researchers and technology managers in the past 12 months, and will release this year an IP and technology transfer guide for universities and research institutions. Five **technology transfer offices** will also be launched in the Arab region, beginning from this November.

The demand for IP education has also continued to rise. Last year – and in the first six months of this year – the **WIPO Academy** enrolled a record number of applicants from 178 countries for its Distance Learning courses, and provided over 700 scholarships to IP Office staff. Many of these courses are now offered in multiple languages, thanks to recent initiatives driven by Member States. The completion rate for all courses has proved to be exceptionally high relative to general experience in the e-learning industry. The summer of 2010 also saw the highest number of WIPO summer schools ever – ten schools in ten countries, working with local experts from 16 partner institutions supported by WIPO staff. The Academy is also responsible for a Development Agenda project to establish 'Start-Up' National IP Academies in developing countries. The Secretariat has begun the project by conducting needs assessments in Costa Rica, Dominican Republic, Peru, Sri Lanka, Trinidad and Tobago and Tunisia, and is in the process of consulting with national partners about the development of action plans and deployment of relevant infrastructure and services. The Global Network of Intellectual Property Academies, also coordinated by the WIPO Academy, held its annual symposium in August in the Republic of Korea.

WIPO continued to provide information and legislative advice on national laws and on the use of flexibilities within the patent system, both in respect of particular requests and more generally, such as through the document prepared for the CDIP on Patent Related Flexibilities in the

Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels.

WIPO is dedicated to contributing to the achievement of the UN Millennium Development Goals (MDG) by 2015. Were it not for the timing of these Assemblies, I would currently be joining other Executive Heads of UN Organizations in New York to contribute to the important MDG Summit. WIPO's work towards this fundamental series of challenges is spearheaded by the Development Agenda Coordination Division and our work under the Global Issues and Global Infrastructure Sectors. An elaboration of WIPO's contribution is contained in CDIP document CDIP/5/3.

### ***Sharing knowledge***

The dissemination of knowledge runs through many of WIPO's strategic objectives, not least those relating to the global IP services, communication and the building of global infrastructure. Still relatively young, the Secretariat's **Global Infrastructure** Sector was established to take advantage of the tremendous advances in IT as a means of facilitating access to IP data and knowledge, and of assisting developing countries to share in its benefits for the purposes of innovation. The Sector leads a number of Development Agenda projects. The most recent to come to fruition is a new service, known under the acronym ASPI (**Access to Specialized Patent Commercial Databases**), launched during the Global Symposium for IP Authorities last week. ASPI offers value-added patent search tools to least developed and developing countries for free or minimal cost. It will complement the aRDi (**Access to Research for Development and Information**) online facility, which provides free or low cost access to a wealth of scientific and technical research as a stimulant for innovation, and which was among the first of the Development Agenda projects to deliver results last year. I take this opportunity to thank our partners in the publishing industry and commercial patent information providers for their generosity and assistance in establishing these services.

The annual **Global Symposium** of IP Authorities in September, which we had instituted last year, provided an excellent opportunity for IP Offices to share experiences and successful practices, and to explore the expansion of **work-sharing** possibilities. A pilot project will be underway next month for a common work-sharing platform for access to patent search and examination reports amongst the Vancouver group of Australia, Canada and the UK. Another platform covering patents and trademarks is being developed by a Latin American group of nine partners: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, and Uruguay, in association with the Inter-American Development Bank.

Recent enhancements to WIPO's free, **global patent information service**, PATENTSCOPE®, offer IP Offices and users powerful tools, which are not available in any other international database. In the past year, the collections of national and regional patent information from nine IP Offices have been added to the PATENTSCOPE® database, thus more than doubling its size. As a result, the database now offers free access to the technological information contained in more than 3.7 million fully-searchable patent documents. We have also added this year a cross-lingual information retrieval system, which makes it possible to search titles and abstracts of patent documents in English, French, German, Japanese and Spanish. Ten more Offices have expressed interest in having their national collections digitized and included next year.

In the last year, we continued to deliver office automation and technical assistance to IP offices as part of our **office modernization program**, for which there is high demand. Some 71 countries have now been assisted under this program, and 48 offices are now using WIPO's Industrial Property Automation System (IPAS) for trademark and/or patent application management. A separate area of the Organization provides **collective management** assistance on request. Some 13 countries are now using WIPO's automated rights management system, WIPOCOS.

WIPO's new program on **Economic Studies, Statistics and Analysis**, which is dedicated to furthering and sharing empirical research on the economics of intellectual property and its links to development, began delivering results in 2010. In the one year since the appointment of WIPO's first ever Chief Economist, achievements have included the release of the **World Intellectual**

**Property Indicators**, a flagship publication which provides a wealth of statistical analysis and comprehensive insights into worldwide trends in all the main areas of intellectual property. The 2010 edition includes specialized coverage of the impact of the financial crisis. Along with the *PCT Yearly Review*, the *Annual Report on the Madrid System* and the *Annual Report on the Hague System*, these publications provide a detailed overview of trends within the Organization's global IP systems and in the external environment. Thanks to close collaboration with national offices, they are based on the world's largest collection of statistical data on IP rights. WIPO also established this year a new seminar series on the Economics of Intellectual Property to promote open discourse between WIPO's members and stakeholders, internationally recognized economists, and the interested public.

In May, at a conference co-organized with INPI Brazil, we launched a **network of IP Office Economists**, which will further contribute to the sharing of knowledge in this critical area. The Network will provide an opportunity for the centralization of approaches and economic studies in a future IP Economics web portal.

In September, the **IP Advantage** database was launched. Based on a proposal from Japan and endorsed by the CDIP under the Development Agenda framework, the database provides a gateway to share case studies which explore successful use of IP by inventors, creators, entrepreneurs and researchers from across the globe. Certain case studies also illustrate ways in which the IP system can support the development of solutions to the challenges of climate change, food security and public health.

#### **Promoting openness and accessibility**

Openness and inclusiveness, qualities which underpin the corporate image to which the Organization aspires, are among the qualities which WIPO's **new logo** seeks to project. The new logo was launched on April 26, 2010, on World Intellectual Property Day, to mark WIPO's 40<sup>th</sup> anniversary, and met with overwhelmingly positive feedback in messages from stakeholders and members of the public.

WIPO physically opened its doors to the public, when the first ever **Open Day** was held during the Geneva *Weekend Internationale* on June 5, 2010. The event, which aimed to offer the Geneva community an insight into what WIPO does, proved popular, with enthusiastic participation by staff, exhibits from Ecuador, South Africa and Switzerland and some 3,500 visitors.

Encouraging open, trusted communication between the Secretariat and Member States has remained one of the highest priorities for myself, as Director General, and for my Senior Management Team. At Ambassador level, we have sought to build on my cross-regional working lunches by initiating this year periodic informal briefings on specific issues. We have also sought to ensure that informal information and consultation meetings at the expert level are systematically held on all substantive issues in order to support the work of the Committees. In addition, we have just initiated a new program of introductory **WIPO orientation days**, with the aim of helping new delegates in Geneva gain a fuller understanding of the range of WIPO's services and activities outside the Committee meeting rooms.

Accessibility is a guiding principle, not only for how the Secretariat seeks to conduct its work, but for all the substantive programs of the Organization. There has been significant progress this year, for example, under the **VIP Stakeholders' Platform**, a collaborative forum between representatives of the communities of visually impaired persons and of publishers, with the participation of other key stakeholders. The forum is exploring the technical and governance conditions necessary to facilitate the transfer of copyright works across borders. An important merger in 2010 brought the Global Accessible Library Project into the initiative to create an international trusted intermediaries network.

Using technological means to improve accessibility, the Secretariat trialed real-time **captioning** of proceedings in the June 2010 SCCR meeting, accessible via the WIPO website. This facility not only benefits hearing-impaired persons, but also provides a live, verbatim record of



proceedings which can be followed from any location with a broadband connection. Also for the first time, the 2010 WIPO Assemblies will be publicly webcast, as we move towards routine **webcasting** of Committee meetings.

We continue to open new doors via the WIPO website. On June 1, 2010, we opened **WIPO GOLD**, a new portal which provides one-stop access to our unique IP data collections, covering new technologies, brands, designs, appellations of origin, State emblems, statistics, domain name dispute decisions, laws and treaties and more. The WIPO GOLD portal not only contributes to the Organization's goal of becoming the world reference source for IP information and analysis, but ensures that the reference source is open and accessible to all.

The most recent addition to the portal is **WIPO Lex**, the product of a major endeavor to improve the functionality and coverage of WIPO's collection of laws database (formerly CLEA). WIPO Lex offers full-text searching of national IP laws and multilateral IP treaties, including all those administered by WIPO, WTO and the UN. The coverage of national laws in 60 Member States is now complete, with substantial coverage for 100 further countries. This is the first time that the IP laws in a number of least developed countries and developing countries have been consolidated in a value-added online platform. WIPO Lex has been designed in accordance with the highest standards of Internet accessibility to facilitate searching at all connection speeds, as well as downstream access by the vision and mobility impaired.

A number of Member States have consistently drawn attention to the restricted availability of different language versions of WIPO official documents and publications and of interpretation of meetings, which can hinder accessibility for some countries. For this reason, the Secretariat took the step of presenting to the Program and Budget Committee in September a preliminary proposal for a **WIPO language policy**. The discussions showed that further work and creative approaches are needed in order to address the complex issues and produce a sustainable policy for the future.

Hand in hand with openness goes responsiveness. In order to increase the responsiveness of the multiple services which WIPO provides to our stakeholders, we have been working to improve the way the Secretariat handles the multiple enquiries – of every sort – which we receive each day. We are progressively rolling out dedicated customer service units in each area of the Organization, and a new central **Customer Service Center** will go live in October.

### ***Addressing shared challenges***

As a United Nations organization, WIPO is committed to the UN Secretary General's drive to 'deliver as one' and to play our part as a constructive and active player within the **UN System of Organizations** and at the Chief Executives Board.

Following the appointment in May of a Director, the WIPO Division for **Global Challenges** is now fully operational. This new program aims to connect WIPO with the global policy challenges that are currently occupying the collective consciousness, focusing initially on the three major challenges of public health, food security, and climate change, and to explore IP-based solutions. Building on last year's WIPO Conference on Intellectual Property and Public Policy Issues, we have over the last 12 months held issue-specific policy forums on Patenting Biotechnology, the Regulatory Framework of Test Data, IP and Competition Policy, and Pricing and Procurement of Medicines. The Division has also conducted policy studies, such as the recently completed empirical report on the role of intellectual property rights in the transfer of green technologies. We are currently working towards a conference on Innovation and Climate Change in early 2011.

WIPO has provided **intellectual property advice** to other UN agencies and programs, particularly the UNITAID Medicines Patent Pool Initiative, where we recently facilitated the exploration of options in negotiating access with the private sector, and the WHO initiative to establish an African Network for Drugs and Diagnostics Innovation.

In parallel, the Division has undertaken high-level meetings with the private sector to collaborate in the provision of **practical platforms** to Member States, particularly in the areas of stimulating

new R&D for neglected tropical diseases and facilitating the diffusion of environmentally sound technologies. The aim is to launch these platforms to the public within the current biennium.

WIPO is in the process of finalizing contracts and terms of reference for delivery of six **patent landscapes**, including on specific HIV medicines with UNITAID; vaccine manufacturing with WHO; solar cooking and solar cooling; and adaptive technologies with FAO. In the meantime, the establishment of a **Green Inventory**, as part of the International Patent Classification System, has made it possible to easily locate environmentally sound technologies when searching patent information.

**Building respect** for intellectual property, in consonance with Development Agenda recommendation 45, is also a challenge shared by all Member States at all stages of economic development.

As requested in the last Advisory Committee on Enforcement, WIPO has commissioned substantive studies on counterfeiting and piracy for consideration at the next meeting. WIPO continues to assist Member States at their request to build their capacity in this area, and has again this year conducted extensive regional and sub-regional training sessions for judges, IP offices, customs authorities and other enforcement officials. WIPO will co-host the Sixth Global Congress on Combating Counterfeiting and Piracy, in conjunction with the French IP Office, INPI, in February 2011.

I should like to conclude by expressing my thanks to the staff for their dedication and hard work in a time of considerable change within the Organization, as well as to all Member States for their constructive engagement in working towards a balanced and effective agenda for the Organization. WIPO is a Member-driven Organization and the progress made in the past year reflects, therefore, the commitment of the Member States to the success of the Organization. I should like also to extend my own personal thanks to so many Ambassadors, heads of office and other representatives of member States who have given me so often and so generously their time and wise advice.

Francis Gurry  
Director General

[Annex III follows]

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<sup>1</sup> On behalf of the African Group  
<sup>2</sup> On behalf of the Asian Group  
<sup>3</sup> On behalf of the European Union and its 27 member States  
<sup>4</sup> On behalf of the Development Agenda Group (DAG)  
<sup>5</sup> On behalf of the Regional Group of Eastern Europe, Central Asia and the Caucasus  
<sup>6</sup> On behalf of the Group of Countries of Latin America and the Caribbean (GRULAC)  
<sup>7</sup> On behalf of the Least Developed Countries (LDCs)  
<sup>8</sup> On behalf of the Group of Central European and Baltic States  
<sup>9</sup> On behalf of Group "B"  
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