

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

**Fiftieth Series of Meetings**  
**Geneva, October 1 to 9, 2012**

GENERAL REPORT

*adopted by the Assemblies*

### **TABLE OF CONTENTS**

	<u>Paragraphs</u>
INTRODUCTION.....	1 to 6
ITEMS OF THE CONSOLIDATED AGENDA	
Item 1: OPENING OF THE SESSIONS .....	7 to 8
Item 2: ELECTION OF THE OFFICERS.....	9 to 11
Item 3: ADOPTION OF THE AGENDA .....	12 to 13
Item 4: DIRECTOR GENERAL'S REPORT .....	14
Item 5: GENERAL STATEMENTS.....	15 to 144

## GOVERNING BODIES AND INSTITUTIONAL ISSUES

- Item 6: ADMISSION OF OBSERVERS..... 145 to 149
- Item 7: DRAFT AGENDAS FOR THE 2013 ORDINARY SESSIONS OF THE WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY ..... 150 to 151

## PROGRAM PERFORMANCE AND FINANCIAL REVIEW

- Item 8: PROGRAM PERFORMANCE REPORT FOR 2010/11..... 152 to 164
- Item 9: 2011 FINANCIAL STATEMENTS AND THE STATUS OF THE PAYMENT OF CONTRIBUTIONS ..... 165
- Item 10: STATUS OF UTILIZATION OF RESERVES ..... 166 to 171
- Item 11: FINANCIAL OVERVIEW FOR 2012; PROGRESS REPORT ON THE IMPLEMENTATION OF COST EFFICIENCY MEASURES ..... 172 to 182
- Item 12: FINANCIAL MANAGEMENT REPORT FOR THE 2010-2011 BIENNIUM ..... 183 to 188
- Item 13: REPORTS OF THE EXTERNAL AUDITOR..... 189
- Item 14: PROPOSED AMENDMENTS TO THE FINANCIAL REGULATIONS AND RULES (FFR)..... 190
- Item 15: LONG-TERM FINANCING OF AFTER-SERVICE HEALTH INSURANCE (ASHI) IN WIPO ..... 191 to 195

## PROGRESS REPORTS ON MAJOR PROJECTS

- Item 16: FINAL PROGRESS REPORT ON THE IMPLEMENTATION OF IT MODULES TO ESTABLISH COMPLIANCE WITH THE NEW FINANCIAL REGULATIONS AND RULES (FRR) AND INTERNATIONAL PUBLIC SECTOR ACCOUNTING STANDARDS (IPSAS)..... 196 to 199
- Item 17: PROGRESS REPORT ON THE IMPLEMENTATION OF A COMPREHENSIVE INTEGRATED ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM ..... 200 to 207
- Item 18: PROGRESS REPORT ON THE NEW CONSTRUCTION PROJECT..... 208 to 213
- Item 19: PROGRESS REPORT ON THE NEW CONFERENCE HALL PROJECT..... 208 to 213

Item 20:	PROGRESS REPORT ON THE PROJECT TO UPGRADE THE SAFETY AND SECURITY STANDARDS FOR THE EXISTING WIPO BUILDINGS.....	214 to 220
Item 21:	PROGRESS REPORT ON THE IMPLEMENTATION OF THE WIPO STRATEGIC REALIGNMENT PROGRAM (SRP).....	221 to 226

#### AUDIT AND OVERSIGHT

Item 22:	SUMMARY ANNUAL REPORT OF THE DIRECTOR OF THE INTERNAL AUDIT AND OVERSIGHT DIVISION.....	227
Item 23:	REVISION OF THE TERMS OF REFERENCE OF THE INDEPENDENT ADVISORY OVERSIGHT COMMITTEE (IAOC) AND THE INTERNAL OVERSIGHT CHARTER AND THE TERMS OF REFERENCE GOVERNING EXTERNAL AUDIT .....	228

#### WIPO COMMITTEES AND INTERNATIONAL NORMATIVE FRAMEWORK

Item 24:	REPORT ON THE OUTCOME OF THE BEIJING DIPLOMATIC CONFERENCE ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES .....	229
Item 25:	REPORT OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP) .....	230
Item 25(i):	REVIEW OF THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS.....	231
Item 26:	REPORT ON THE WORK OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR).....	232
Item 27:	MATTERS CONCERNING THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC).....	233
Item 28:	REPORTS ON OTHER WIPO COMMITTEES	
Item 28(i):	STANDING COMMITTEE ON THE LAW OF PATENTS (SCP).....	235
Item 28(ii):	STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT) .....	236
Item 28(iii):	COMMITTEE ON WIPO STANDARDS (CWS).....	237
Item 28(iv):	ADVISORY COMMITTEE ON ENFORCEMENT (ACE) ...	238

GLOBAL INTELLECTUAL PROPERTY SERVICES

Item 29:	PCT SYSTEM.....	239
Item 30:	MADRID SYSTEM.....	240
Item 31:	HAGUE SYSTEM .....	241
Item 32:	LISBON SYSTEM.....	242
Item 33:	WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES.....	243

OTHER ASSEMBLIES

Item 34:	SINGAPORE TREATY (STLT) ASSEMBLY .....	244
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STAFF MATTERS

Item 35:	ANNUAL REPORT ON HUMAN RESOURCES.....	245
Item 36:	REVISION OF THE STAFF RULES AND REGULATIONS .....	246

CLOSING OF THE SESSIONS

Item 37:	ADOPTION OF THE GENERAL REPORT AND OF THE INDIVIDUAL REPORTS OF EACH GOVERNING BODY .....	247 to 249
Item 38:	CLOSING OF THE SESSIONS .....	250 to 260

## 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, forty-first (21st extraordinary) session
- (2) WIPO Conference, thirty-second (12th extraordinary) session
- (3) WIPO Coordination Committee, sixty-sixth (43rd ordinary) session
- (4) Paris Union Assembly, forty-fifth (25th extraordinary) session
- (5) Paris Union Executive Committee, fifty-first (48th ordinary) session
- (6) Berne Union Assembly, thirty-ninth (19th extraordinary) session
- (7) Berne Union Executive Committee, fifty-seventh (43rd ordinary) session
- (8) Madrid Union Assembly, forty-fifth (26th extraordinary) session
- (9) Hague Union Assembly, thirty-first (13th extraordinary) session
- (10) Nice Union Assembly, thirty-first (11th extraordinary) session
- (11) Lisbon Union Assembly, twenty-eighth (9th extraordinary) session
- (12) Locarno Union Assembly, thirty-first (12th extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, thirty-second (14th extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, forty-third (25th extraordinary) session
- (15) Budapest Union Assembly, twenty-eighth (12th extraordinary) session
- (16) Vienna Union Assembly, twenty-fourth (10th extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, eleventh (6th extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, eleventh (6th extraordinary) session
- (19) PLT [Patent Law Treaty] Assembly, tenth (6th extraordinary) session
- (20) Singapore Treaty [Singapore Treaty on the Law of Trademarks] Assembly, fourth (2nd extraordinary) session.

meeting in Geneva from October 1 to 9, 2012, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies convened (hereinafter referred to as “the joint meeting(s)” and “the Assemblies of the Member States,” respectively).

2. In addition to this General Report, separate Reports have been drawn up on the sessions of the General Assembly (WO/GA/41/18), WIPO Coordination Committee (WO/CC/66/3), Paris Union Executive Committee (P/EC/51/1), Berne Union Executive Committee (B/EC/57/1), Madrid Union Assembly (MM/A/45/5), Hague Union Assembly (H/A/31/2), Lisbon Union Assembly (LI/A/28/2), PCT Union Assembly (PCT/A/43/7), and the Singapore Treaty Assembly (STLT/A/4/2).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of October 1, 2012, is set forth in document A/50/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/50/1) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 25(i), 26, 27, 28(i), 28(ii), 28(iii), 28(iv), 33, 37 and 38	Ambassador Uglješa Zvekić (Serbia), Chair of the General Assembly, and in his absence, Ambassador Alfredo Suescum (Panama), Vice-Chair
Items 35 and 36	M. Kwok Fook Seng (Singapore), Chair of the WIPO Coordination Committee
Item 29	Ms. Susanne Ås Sivborg (Sweden), Chair of the PCT Union Assembly
Item 30	Ms. Alexandra Grazioli (Switzerland), Chair of the Madrid Union Assembly
Item 31	Ms. Alexandra Grazioli (Switzerland), Vice-Chair of the Hague Union Assembly
Item 32	Ms. Branka Totić (Serbia), Chair of the Lisbon Union
Item 34	Ms. Sarnai Ganbayar (Mongolia), Vice-Chair of the Singapore Treaty Assembly

5. An index of interventions by Delegations of States and Representatives of intergovernmental and non-governmental organizations mentioned are reproduced as an Annex to the present report. The agenda, as adopted, and the list of participants appear in documents A/50/1 and A/50/INF/3, respectively.

6. The Director General's Report is reproduced as an Annex to this present report.

## ITEM 1 OF THE CONSOLIDATED AGENDA

### OPENING OF THE SESSIONS

7. The fiftieth 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").

8. 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 Uglješa Zvekić (Serbia), Chair of the General Assembly who made the following statement:

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

“It is a great honor and a pleasure for me to chair, again this year, the series of meetings of the Assemblies of the Member States of WIPO.

“I would like first of all to thank my colleagues from fellow delegations, Ambassadors and Regional Coordinators, for the confidence reposed in me during the past year. In addition, I would like to thank the Director General, the Senior Management and the staff of WIPO for continuous support they have offered to me. My thanks also go to the two vice-chairs, Ambassador Suescom of Panama and Counselor Kinkela Augusto of Angola.

“Over this period, I am pleased to note that WIPO has made some notable achievements.

“It has been successful in financial terms which today is exceptional among the international organizations and also other institutions and entities. Yet, success has to be utilized with a great doze of prudence and measures for efficient and results-oriented use of resources.

“Further, 2012 saw an historic achievement, namely the conclusion of the Beijing Treaty, after more than a decade of intense consultations.

“WIPO also has invested in its management, communication and relationship with Member States. These efforts should continue and be supported.

“Out of WIPO’s four major pillars, that is, norm-setting, standard-setting, capacity building and client servicing, I would like to emphasize that considerable work needs to be done in the normative sphere.

“In particular, I would like to mention the preparations for an international legal instrument regarding the Visually Impaired Persons and Persons with Print Disabilities, that I earnestly hope will be adopted next year. In my capacity of the Chair of the GA I will do my best to support the conclusion of this important work. Good progress has also been achieved in other areas such as design, broadcasting or at the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

“Normative work of WIPO needs to express a balance among different legitimate needs and interests of its constituency. Thus, a call for clear agreement on the strategic political commitment in the normative sphere.

“The promotion of innovation and the protection of intellectual property rights are of fundamental importance in today’s world. While the level of innovation may vary around the world, more and more countries, in particular developing and middle-income ones, are achieving higher levels of innovation efficiency. I am proud that my country, Serbia, is amongst them.

“One of WIPO most important roles is to assist countries design and implement coherent innovation policies which are key to enhancing their innovation efficiency. Advice, training and capacity-building in this area is of fundamental importance.

“Over the past year, WIPO Member States have consulted extensively on several issues of strategic importance as well as on procedural issues. We have made some progress but I am afraid there is still more work to be done.

“In this context, I would implore Member States to display a higher level of involvement towards the achievement of results through an effective compromise rather than to dwell in the ideological hemisphere and rest in its mist. This is not to deny the most legitimate interests and their legitimate display. It is only my plea to be led by the strategic perspective rather than by the particularities of this or that micro ambient in which details overshadow the horizon.

“Excellencies, delegates, colleagues,

“Let me now turn to the work of the Assemblies. We have a very heavy agenda encompassing several areas of work of WIPO, including the normative agenda, to which I have already referred to.

“As always, I would like to invite all delegations to work in a constructive and open spirit. I will need support, cooperation and understanding of all of you to conduct and conclude these Assemblies in as successful a manner as we did last year.

“In this respect, I would like this year to avoid the usual night sessions and I will have to limit the speaking time, in particular for General Statements. At the appropriate time, I will invite group coordinators to limit their oral statements to a maximum of five minutes, individual members to a maximum of three minutes and observers to two minutes. I sincerely request your understanding in this regard. Of course, delegations may submit full written statements to the Secretariat and these will be reproduced in their entirety in the report.

“Excellencies, dear fellows,

“To conclude my introductory remarks let me once again repeat that as the Chair of the WIPO General Assembly I will work with the Member States and the Secretariat to maintain the high profile of WIPO and its great achievements; the strategic commitment for effective consultation framework regarding the normative sphere, the procedural aspects and the assistance in capacity-building.

“All of the above rests on the prerequisite of an established and cherished inclusive trust and confidence among all the key actors: the Member States, the Regional Groups, the management and staff, and the fellow chairs of Assemblies and the subsidiary organs.

“To have WIPO deliver means to have faith not only in the objectives, purposes and programs vested in WIPO as an institution but also in each other.

“Excellencies, Distinguished delegates, Ladies and Gentlemen, let me warmly welcome you to Geneva and wish that this Fiftieth Series of Meetings of the Assemblies will be fruitful.

“I now declare the meeting officially open and I hand over the floor to the distinguished Legal Counsel for Agenda Item 2 “Election of Officers”. Thank you very much.”



## ITEM 2 OF THE CONSOLIDATED AGENDA

## ELECTION OF THE OFFICERS

9. Discussions were based on document A/50/INF/1 Rev.
10. 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, were elected on October 1, 3 and 4, 2012:

WIPO Coordination Committee  
Chair: Mr. Kwok Fook Seng (Singapore)  
Vice-Chair: Mr. Francisco Lima (El Salvador)  
Vice-Chair: Mr. Tiberio Schmidlin (Italy)

Paris Union Executive Committee  
Chair: Mr. Grega Kumer (Slovenia)  
Vice-Chair: Ms. Grace Issahaque (Ghana)

Berne Union Executive Committee  
Chair: Mr. Paul Salmon (United States of America)  
Vice-Chair: Mr. Toomas Lumi (Estonia)  
Vice-Chair: Ms. Ekaterine Egutia (Georgia)

11. The list of the officers for the Assemblies and other bodies appears in document A/50/INF/4 Rev.

## ITEM 3 OF THE CONSOLIDATED AGENDA

## ADOPTION OF THE AGENDA

12. Discussions were based on document A/50/1.
13. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/50/1 (hereinafter referred to in this document and in the documents listed in paragraph 2 above as “the Consolidated Agenda”).

## ITEM 4 OF THE CONSOLIDATED AGENDA

## DIRECTOR GENERAL'S REPORT

14. The Director General's Speech is recorded as follows:
- “Your Excellency Ambassador Uglješa Zvekić, Chair, WIPO General Assembly, Honorable Ministers, Your Excellencies the Permanent Representatives and Ambassadors, Distinguished Delegates,
- “It is a pleasure for me to extend to all delegations a warm welcome to this session of the Assemblies of the Member States of the World Intellectual Property Organization (WIPO). It is very pleasing to see so many delegates in attendance. I believe that we have over 1,000 delegates who have registered.

“The 12 months since the last meeting of the Assemblies have been a good year for the Organization. For a start, the financial condition of the Organization remains sound despite a challenging external environment. The use of the Organization’s Global Systems reached record levels in 2011. Although the rate of increase is more modest in the first half of 2012, demand continues to be such that we are largely meeting our budget estimates. This provisional result is a strong one considering the fragility of the world economy and the uncertainty and lack of confidence that prevails in relation to it.

“The strong result seems almost counter-intuitive. What accounts for it? I believe that there are several causes. One is the frequently observed shift in the geography of economic and technological production, which has created new sources of growth when traditional sources have been performing less strongly. China<sup>1</sup>, the Republic of Korea<sup>2</sup> and, in a more limited way, a range of emerging economies<sup>3</sup>, have been increasing their use of intellectual property and WIPO’s Global Systems.

“Another reason is the changing pattern of patenting behavior, where we see a greater international approach to patenting, reflecting market globalization. In Japan, for example, the number of national patent applications is falling, but the percentage of them that is converted into international applications is rising significantly<sup>4</sup>.

“But the most important reason, I believe, is what has been called the innovation consensus<sup>5</sup>, the growing agreement around the world that innovation is the foundation of economic success. This has led to rapidly increasing levels of investment in research and development<sup>6</sup>. Likewise, it has led to the adoption of strategies by all the major economies to improve their innovation ecosystems. While many parts of a successful innovation ecosystem, such as a good education system, lie beyond the competence of WIPO, intellectual property is an essential part of such an innovation ecosystem. IP captures the economic value of innovation. It provides a secure environment for taking an idea through the complex journey to commercialization.

“Since innovation is one of, if not the, most important means of establishing competitive advantage, it follows that IP, as the capturer of the value of innovation, will often become the battleground for competition. This is what we are witnessing with the so-called “patent wars” in the smart phone industry and, more generally, in the ICT sector, both areas where investment in innovation has been considerable and where it has been innovation that has enabled market leadership to be established and the accompanying rewards to be harvested.

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<sup>1</sup> International patent applications under the Patent Cooperation Treaty (PCT) from China increased in 2011 by 33.4%.

<sup>2</sup> PCT applications from the Republic of Korea increased by 8% in 2011.

<sup>3</sup> By way of examples, on a much lower base than the bases of China or the Republic of Korea, in 2011 PCT applications from Brazil increased by 17.2%, from India by 11.2%, from the Russian Federation by 20.8% and from Turkey by 12.7%.

<sup>4</sup> In 2011, the number of patent applications filed in Japan decreased marginally from 344,598 in 2010 to 342,610, whereas the number of PCT applications filed from Japan rose by 20.5%.

<sup>5</sup> National Academies of Science, *Rising to the Challenge: U.S Innovation Policy for the Global Economy*.

<sup>6</sup> “Worldwide R&D expenditures totaled an estimated \$1,276 billion (purchasing power parities) in 2009. The corresponding estimate, 5 years earlier in 2004 was \$873 billion. Ten years earlier, in 1999, it was \$641 billion. By these figures, growth in these global totals has been rapid, averaging nearly 8% annually over the last 5 years and 7% over the last 10 years.” (National Science Board, *Science and Engineering Indicators 2012*, Chapter 4).

"I believe that these developments are game changers. Geographically, economically and strategically, the position of IP has changed fundamentally over the past 20 years. If we continue to use reference points from a different game that was played in a former era, we will no longer be able to follow the play. This means many things, but, specifically, for WIPO, I would like to suggest that it means three things in particular.

"In the first place, the position of IP as a battlefield for intense competition reinforces the need for a rules-based international system. Rules should provide an even playing field and should save us from the temptation to lapse into forms of technological protectionism or mercantilism. WIPO has a long history of multilateral rule-making and it was a wonderful thing to see that tradition affirmed in Beijing in June this year with the conclusion of the Beijing Treaty on Audiovisual Performances. The Beijing Treaty is the first treaty on substantive intellectual property law to be concluded since 1996. The event was wonderfully hosted by the Chinese authorities and was characterized by a tremendously constructive spirit of engagement on the part of all Member States. I would like to express the deep appreciation of the international intellectual property community to the Government of the People's Republic of China for its generous hospitality and impeccable organization.

"It was very noticeable that, in their concluding statements at the Beijing Diplomatic Conference, most delegations expressed the hope that the spirit of the Beijing Conference would be carried over into the rest of the normative agenda of WIPO. A number of items on that agenda are now approaching maturity and it is hoped that the 2012 Assemblies will develop a clear path forward for those items. In particular, I urge Member States to endorse the proposed road map for a new international instrument on improving access to published works on the part of the visually impaired and the print disabled.

"I would also like to urge the Member States to move towards a diplomatic conference to conclude a new treaty on design law formalities. This is not a substantive treaty, but a business facilitation treaty that simplifies formalities.

"An international instrument on intellectual property and genetic resources, traditional knowledge and traditional cultural expressions is a major priority for the Organization. Progress has been made over the past two years, but there is still some distance to travel. The immediate task before the Member States is to design a process for the next twelve months that will lead to a positive outcome and result at the 2013 Assemblies. To achieve that outcome, an intensive process and a great deal of commitment and engagement on the part of all delegations will be required.

"There are other areas on the normative agenda that are being addressed, but I shall not mention them now. They are expressions of the same need and the same challenge, namely, the challenge of maintaining and developing a rules-based international system that is relevant to an environment of increasingly intense competition.

"A second challenge for the Organization thrown out by the changed environment of IP is prioritization. Demand for the services of the Organization is almost overwhelming. Yet we do have limited resources and we cannot do everything. I believe that this means that we shall have to be, as an Organization, more disciplined in our program choices and more cost-effective in our operations. The demand is genuine and reflects real needs, but choices will sometimes need to be made.

"Amongst the new priorities that are emerging are two that have been raised frequently in the consultations with Member States that preceded these Assemblies.

“The first is the establishment of new external offices for the Organization. This is an item that has been the subject of consultations over the past three years. Quite a large number of Member States have offered to host new external offices. It is clear that we cannot have an unlimited number of them. But there does appear to be considerable support for a limited strategic network of offices that would add value and presence to the Organization’s mission, expand the use of the Organization’s Global IP Systems and, thus, its revenue base, and enable the Organization to deliver its services in a more cost-effective and cost-efficient manner. I shall not rehearse the arguments here, but I believe that we should advance on this question in a cautious and measured way. We have, over the past year, strengthened the operations of our existing external offices in a number of ways and I believe that this action has produced convincing results.

“The second new priority frequently expressed during consultations was the importance of finding ways to involve the enterprise sector more effectively in our work. No one is speaking of finding ways to involve them in making decisions or policy. But there seems to be a widespread view that the Organization could listen to, and learn from, the developments that are occurring in a rapidly changing technological and business environment of innovation and the creative industries.

“Let me come back to the new environment for innovation and move to my last point in relation to it. It concerns the developing and the least developed countries. The new environment has created new opportunities for some, which have been able to position themselves in global innovation value chains. For others, the new environment is extremely challenging, especially given the speed with which it is evolving. It will require the Organization to respond in new ways to be effective in assisting capacity building. While we are conscious that there is much room for improvement, I believe that we have been able to create several new services that seek to lift our performance to a higher level. These services include:

- “– our program to modernize IP offices and to enhance their capacity to use ICT in support of IP administration, where we have projects in some 90 countries;
- “– our program to establish Technology and Innovation Support Centers (TISCs) in order to enhance access to, and the capacity to use, science and technology databases, which have been set up in nearly 30 countries;
- “– our partnership with publishers and commercial database vendors to bring leading scientific and technical journals free of charge to LDCs and at very favorable preferential rates to middle income developing countries (aRDi (Access to Research for Development and Innovation) and ASPI (Access to Specialized Patent Information)); and
- “– WIPO Re:Search, a public–private partnership aimed at accelerating discovery and building innovation capacity by sharing IP and expertise for research in the areas of neglected tropical diseases, malaria and tuberculosis.

“Details on these and our other programs for developing countries and LDCs are contained in my written Report, which was distributed this morning.

“Let me conclude by extending my thanks to the Chair of the General Assembly, Ambassador Zvekić, for his leadership, support and hard work throughout the past year.

“I should also like to pay tribute to the staff of WIPO. I believe that the staff have accomplished many things over the past year that have moved the Organization forward. We have many fine staff, who work in a highly professional, enthusiastic and dedicated manner. I am deeply grateful to them.”

## ITEM 5 OF THE CONSOLIDATED AGENDA

### GENERAL STATEMENTS

15. The Delegations and Representatives of the following 110 States, five intergovernmental organizations, and six non-governmental organizations made statements concerning Agenda Item 5: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Ethiopia, Gambia, Georgia, Germany, Ghana, Guatemala, Guinea, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Serbia, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe, African Regional Intellectual Property Organization (ARIPO), Association of Southeast Asian Nations (ASEAN), African Union (AU), Eurasian Patent Organization (EAPO), League of Arab States (LAS), Computer and Communications Industry Association (CCIA), International Intellectual Property Institute (IIPI), International Publishers Association (IPA), International Video Federation (IVF), Knowledge Ecology International, Inc. (KEI), Third World Network (TWN).

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 Delegation of the United States of America, speaking on behalf of Group B, stated that approximately 93 per cent of WIPO's income derived from fees paid by businesses, including small and medium-sized enterprises (SMEs). Those businesses should be more involved in the Organization's work, or at least be better informed. Group B proposed that, at the following year's General Assemblies, one day be devoted to fostering a more inclusive approach to industry relations. Group B had raised concerns about longstanding deficiencies in the design, transparency and accountability of WIPO's technical assistance activities in countries subject to United Nations Security Council sanctions. It welcomed the recent steps taken by the Organization to address those problems and prevent them recurring, acknowledging the fact that the recently released Independent External Review Report and the relevant sanctions committees had concluded that WIPO had not violated Security Council sanctions. However, Group B encouraged WIPO to continue to engage with Member States to improve transparency and accountability in relation to its technical assistance activities, particularly those in Member States subject to Security Council sanctions, and to consider seriously the Independent External Review Report recommendations. Group B welcomed the changes to the Internal Audit Charter that would simplify Member State access to audit and

evaluation reports of the Internal Audit and Oversight Division (IAOD). Moreover, the comprehensive Annual Report on Human Resources (HR) would be further developed over time and would serve to increase transparency in that regard. The Program Performance Report for 2011/12 and the accompanying validation report prepared by IAOD identified a number of key issues that would have to be taken into account in the forthcoming 2014/15 biennium budget process. The implementation of the 2012/13 Program and Budget showed that the outlook for the months to come was quite positive. At the same time, WIPO had started implementing the cost efficiency measures requested by Member States and the Delegation understood that the budget was on track. Nevertheless, WIPO should develop a long-term strategy for structural savings and report regularly thereon to Member States. Group B also believed that, by focusing on issues such as the effective and efficient management of meetings and the presentation and volume of documents, additional cost savings could be achieved, and that the functioning and productivity of the Organization could be improved. Concerning the status of the new construction projects, Group B would have preferred to be informed much earlier regarding the developments that led to the termination of the contracts with the general contractor. Nonetheless, Group B had confidence in the Secretariat's decision to finish the projects without a general contractor and welcomed the Secretariat's offer to report regularly to Member States on developments. The Independent Advisory and Oversight Committee (IAOC) had reviewed in detail the recommendations made by the former Audit Committee from a risk-management perspective and had worked closely with WIPO to reduce significantly the high-level risk associated with the recommendations. IAOC was encouraged to continue to cooperate with the new Director of IAOD and the new external auditor in order to create more synergies and strengthen the auditing and oversight function at WIPO. Group B congratulated the Director General and the Organization on the successful implementation of the Strategic Realignment Program (SRP). The Program had significantly improved governance in WIPO and would enable WIPO to be a more responsive, efficient Organization, equipped to provide global leadership on IP issues and to achieve its strategic goals. One of the many initiatives under the SRP was a policy on the protection of whistleblowers, which was soon to be issued and implemented. Group B called upon WIPO to implement comprehensive whistleblower protection as soon as possible. Group B praised the World Intellectual Property Report 2011. The greatest achievement in 2012 had been the Beijing Treaty on Audiovisual Performances (BTAP). The comments on the blockage facing the Organization had been noted but a clear path for progress could be established. Group B was firmly committed to continuing dialogue and working constructively with other delegations to ensure a positive outcome concerning the needs of the visually impaired and those with print disabilities. With regard to a treaty for the protection of broadcasting organizations, Group B was similarly committed to engaging with other delegations. Group B looked forward to progress with regard to the Design Law Treaty and the early convening of a diplomatic conference. Group B also welcomed the progress made since the last General Assemblies in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and remained willing to work towards an appropriately balanced and flexible outcome.

18. The Delegation of Georgia, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), appreciated the efforts made by WIPO to further develop protection for intellectual property rights (IPRs). WIPO's activities supported the implementation of mechanisms to strengthen the capacity and capabilities of national patent offices. The Group actively cooperated with WIPO and with the patent offices of various Member States in that regard and the Delegation encouraged the Secretariat to continue implementing such programs. The Group thanked the Committee for Development and Intellectual Property (CDIP) for its work and endorsed the adoption of the coordination mechanism for monitoring, assessing and reporting on the implementation of the Development Agenda (DA) recommendations. WIPO had made significant progress in implementing DA activities, with a number of technical assistance projects already having been delivered and many others ongoing. Some countries in the CACEEC region had benefitted from

WIPO's assistance under the DA, in particular in relation to Technology and Innovation Support Center (TISC) and Technology Transfer Office (TTO) projects. The Group recognized that progress was sometimes slow and that projects did not necessarily correspond to Member States' needs. It nevertheless supported WIPO's work to reduce the knowledge gap, including capacity building, infrastructure modernization and access to specialized databases. The Group thanked the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) for its work and stressed the importance of its activities on harmonization and simplification of design registration formalities and procedures. It supported the decision to convene a diplomatic conference within a two-year period. The Group attached great importance to developing economic competitiveness through the protection of geographical indications (GIs) and appellations of origin (AOs). It urged WIPO to do more to encourage multilateral cooperation in the area of GIs and to revise their protection, as the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration was over 50 years old. The Group expressed appreciation for the Advisory Committee on Enforcement (ACE) as a forum for exchanging information on intellectual property (IP) enforcement. Cooperation and coordination were of paramount importance in addressing that global issue at the national, regional and international levels. Further expert missions, training and study visits, seminars and workshops on enforcement would be of benefit in that regard. The Group thanked the Standing Committee on Copyright and Related Rights (SCCR) for its work and welcomed the adoption of the BTAP. It supported the work on a new draft treaty to protect broadcasting and cablecasting organizations, as well as the possible convening of a diplomatic conference in 2014. The Group also welcomed the considerable progress made towards a draft legal document on copyright exceptions and limitations for persons with print disabilities or visual impairment, and would consider the possibility of convening an extraordinary session of the General Assembly in 2012 and a diplomatic conference in 2013. It also thanked the Standing Committee on the Law of Patents (SCP) for its work and hoped the Committee would continue with its existing balanced program. The Group welcomed the work of the IGC concerning an agreement on the text of an international legal instrument that would ensure effective protection for traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs). It also appreciated the successful implementation of the Task List of the Committee on WIPO Standards (CWS). The Group recognized the need for continued initiatives and efforts to improve IP services under the various international treaties and systems in place. It thanked WIPO for its technical assistance and guidance in helping to strengthen IP offices through modernization and capacity building, as well as through the improvement of understanding of IP standards and a broader dissemination of patent documentation in developing countries. WIPO's assistance had also enabled the Group to organize a number of regional, international and national IP events. The Group called upon all countries to develop, under the auspices of WIPO, a common understanding on IPR protection and to strengthen international cooperation in the area of IP in order to meet the challenges faced together.

19. The Delegation of Peru, taking the floor on behalf of the Group of Latin American and Caribbean Countries (GRULAC), expressed its appreciation to the Director General for his commitment to topics of special interest for Latin America and the Caribbean. GRULAC was well-known for its consistently firm and constructive working approach, as it understood full well that it represented millions of citizens who expected tangible results. As a consequence, that was the spirit in which the Group worked. GRULAC recognized the significant progress which had been made in certain committees and which had given rise to working texts with a high degree of maturity that could provide a basis for considering the appropriateness of convening a diplomatic conference. It referred in particular to the instrument to benefit the visually impaired, for which an extraordinary session of the General Assembly had been scheduled for December 2012 that would likely lead to the convening of a diplomatic conference in 2013. It was essential for States to move forward on the basis of that road map. With regard to the work of the IGC, GRULAC welcomed the major efforts made to draft legal texts that would ensure the protection of such elements. As regards that process, GRULAC was participating in the negotiations in the constructive spirit that characterized it. It welcomed the fact that the

process had been of a participatory nature, reflecting the interests and priorities of all Member States and the viewpoints of other interested parties. In accordance with the mandate decided by the General Assembly in 2011 and the intense efforts made during the current year, there was a clear need to schedule additional sessions in 2013, to enable the earliest possible conclusion of negotiations on the texts. Likewise, GRULAC supported the progress made and the agreements adopted within the framework of the SCCR referring, *inter alia*, to broadcasting organizations and limitations and exceptions for libraries and archives, in the hope that the Assembly would adopt the recommendations made. GRULAC was ready and willing to contribute to the implementation of the recommendations adopted in connection with WIPO's DA. The countries in the region attached great importance to optimizing cooperation for the adoption and improvement of technical assistance in the IP field. Consequently, GRULAC welcomed the fact that the topic had been included on the agenda of the SCT. That was the spirit in which GRULAC had participated in the work of the CDIP. In that same vein, GRULAC recognized the importance of formulating public IP policies as key tools for the economic development of peoples, with input from the various economic actors. It therefore urged WIPO to ensure continuity in technical capacity-building efforts and programs that contributed to the drafting and implementation of such policies. After acknowledging the significant progress made with regard to the DA, GRULAC stressed the need for increased efforts to make sure that the Agenda was mainstreamed into the Organization's day-to-day work. Tangible initiatives such as the ones relating to assistance with the drafting of national strategies and policies, standard-setting, and the promotion of better training all had to be continued in order to guarantee that the various IP aspects related to the priorities set by individual countries helped boost competitiveness, innovation, the generation and preservation of knowledge, technology transfer and sustainable development in the region. At the recent Regional Meeting held in the Dominican Republic, it had been noted that even though the system for IP computerization was adequate, there were concerns that the project for implementing the tool was not moving ahead as planned and that the insufficient resources which WIPO had earmarked for the project might prevent the Offices from meeting their commitments. As far as worldwide IP systems were concerned, GRULAC expressed support for the recognition of the National Industrial Property Institute of Chile as an International Searching Authority (ISA) Patent Cooperation Treaty (PCT) and International Preliminary Examining Authority (IPEA). Recognition of the Chilean Industrial Property Office would further facilitate patent system use in the region and would considerably enhance the system's technical capacity, for the benefit of all PCT users and applicants. GRULAC further stressed the need to ensure that the different regional groups were appropriately represented within the Organization, in terms of both decision-making bodies and the number of professional staff in WIPO. The regional geographical balance had to be more equitable. Along similar lines, GRULAC was concerned that the Regional Bureau for Latin America and the Caribbean, whose invaluable work it praised, had fewer staff members to meet the growing cooperation needs of the countries in the area. It asked that the Regional Bureau be sufficiently staffed to meet its goals. As far as Latin America and the Caribbean were concerned, increasing the cooperation budget for the region was also a priority. GRULAC reiterated and stressed the importance it attached to the implementation of WIPO's language policy and to continued substantive improvements to the application of the language policy in the various fields. Finally, GRULAC highlighted and welcomed the Academy's key efforts to train human resources in the region. The mini-academies were a success story in that respect. However, it was also necessary to earmark the necessary funds and human resources to meet the growing needs of the countries of the region in those areas. GRULAC expressed its commitment to the development of the IP system. Although it was clear that there were different points of view in multilateral negotiations, they were healthy to the extent that they combined elements of flexibility and transparency. GRULAC therefore urged those attending the Assemblies not to forget the millions of people who were expecting tangible results from their deliberations.



20. The Delegation of China noted with satisfaction that since the previous Assemblies, the Organization had carried out its work in accordance with the Program and Budget for the 2010/2011 biennium approved by Member States, and that WIPO continued to play a major role in facilitating the improvement and development of the international IP system and supporting countries in leveraging IP for their own benefits. The Delegation mentioned that that day happened to be China's National Day and it was an honor for the Delegation to celebrate the day in Geneva in such a special way together with delegates from other Member States. It wished to take the opportunity to give a brief account of the progress in China's IP field over the previous year. It observed that the implementation of the National IP Strategy, promulgated four years before, had produced visible results, and the country's capability to create, use, protect and manage IP was constantly improving. In 2011, the Government of China published the Outline of the 12<sup>th</sup> Five-Year Plan for National Economic and Social Development, which for the first time included specific targets on patents. The 12<sup>th</sup> Five-Year Plan for IP Development subsequently issued by the State Intellectual Property Office (SIPO) together with eight other departments of the government further specified the targets of the IP strategy to be achieved by 2015. The Delegation stated that due to the rapid progress in the field of patents in China, a new round of amendment of the Patent Law had recently been launched, while the amendment of the Trademark Law and the Copyright Law was also in progress. It further reported that the first eight months of 2012 saw over 363,000 invention applications filed in the country, of which 287,000 were domestic, a year-on-year increase of 24.1 per cent; a total of 12,117 PCT international applications were received, an increase of 13.5 per cent. In 2011, 17,473 PCT applications were filed by Chinese nationals, 35.3 per cent more than the previous year. In the first half of 2012, 824,000 applications for trademark registration were filed, and 588,000 applications were examined, increasing by 24.4 per cent and 7.3 per cent respectively. The Delegation further highlighted the progress made in the promotion of legitimate software, as by the end of June 2012, governments at four levels had purchased more than 2.19 million licenses for three categories of general purpose software, with a purchase price totaling over 1.5 billion yuan, among which over 1.32 million licenses were for office software with a total purchase price of more than 970 million yuan. The Delegation believed that an emerging global consensus and general tendency was that science could empower innovation, which in turn could drive development, changing people's lives. Against the background of ever closer interaction between innovation and IP, Member States had carried out an enormous amount of effective work with WIPO's support. Having in recent years made great efforts and many experiments with a view to promoting innovation and improving the country's IP system, the Delegation expressed its willingness to learn from, and share experiences with, other countries in order to strive jointly for common development. The Delegation then expressed its appreciation for the speech given by the Director General. It stressed that, in view of the rapid changing geography of global innovation, close IP cooperation and the efficient IP services provided by WIPO were becoming ever more important for world economy and the development of the global IP system. It expressed support for the Secretariat's approach in gradually establishing a limited strategic network of external offices to strengthen the global IP system. As one of the most dynamic and important players in the field of IP, the Delegation reiterated its request for the establishment of a WIPO office in China. It pledged that in case of an affirmative decision in this regard by the WIPO Secretariat, China would provide the necessary premises and related expenses. The Delegation further expressed its appreciation for the effective work done by WIPO in promoting the harmonization of international industrial design law. It went on to commend the remarkable achievements by WIPO, the specialized United Nations (UN) agency responsible for IP affairs, in advancing the improvement and development of the global IP system, noting that WIPO and its successive Directors General had given strong support to IP development in China. The Delegation reported that in the previous year, with the personal commitment of Director General Mr. Gurry, China had continued and deepened its cooperation with WIPO. In June 2012, the Diplomatic Conference on the Protection of Audiovisual Performances was successfully held in Beijing, bringing together representatives from 154 WIPO Member States and 49 international

organizations and successfully resulting in the BTAP, which ensured full protection of performer's rights. The conference was not only a major diplomatic event in the international copyright community, but also of profound significance for the improvement of China's copyright protection system. The Delegation called on Member States to ratify or accede to the Treaty at an early date, so that the treaty could enter into force as early as possible. It recalled that WIPO and China had jointly organized a series of activities in the country, such as the Roving Seminar on the Protection of Industrial Designs and the Advanced Roving Seminar on PCT, with a view to promoting the various international systems for industrial design protection, including the Hague system, and the use of the PCT system in China, adding that cooperation on the development of the Madrid System Goods and Services Database was also ongoing. The Delegation wished to take this opportunity to extend its heartfelt thanks to WIPO for the friendly support and assistance given to China over the years, and reaffirmed its commitment to further broaden and deepen its cooperation with WIPO in the future. The Delegation stated that history had shown that each recession in global economy always unleashed new energy for knowledge creation, invention and innovation, providing a driving force for a new round of economic recovery and growth, and in this process IP had an irreplaceable role to play. Major global issues such as climate change, energy crisis, food security, public health and the spread of Internet technology had also brought new challenges to the international IP system, where no country could stand isolated or cope with the new situation on its own. The Delegation believed that it was imperative for all countries to strengthen their cooperation under the auspices of WIPO, demonstrate sufficient flexibility and constructive spirit, and jointly explore ways to address effectively these common challenges. In that respect, the Delegation made several comments on relevant issues within the framework of WIPO. It first underlined the importance of the continuous improvement of the three WIPO-administered international registration systems. In 2011, the number of international patent applications filed through the PCT route hit a new record and achieved the highest growth rate since 2005; applications for international registration of marks under the Madrid system also reached a new high; and the Hague system for the international registration of industrial designs also saw continued growth in the previous year along with a further expansion of the geographic coverage of the Hague Union. The Delegation believed that these facts were evidence that the three systems were gaining increasing popularity and recognition among applicants around the world, while their role in invention and innovation activities and the international IP system was becoming more prominent. It recalled that China had long been party to the Madrid system and the PCT system, and announced that the country was favorably considering joining the Hague system. A country whose number of industrial design applications represented over half of the world's total, China's accession to the Hague system not only would make it easier for Chinese businesses, SMEs in particular, to seek IP protection overseas, but also would benefit foreign enterprises seeking protection for their industrial designs in China. However, the Delegation pointed out that the working languages of the Hague system consisted of only English, French and Spanish, which to a certain degree affected its expansion and use. It hoped that, in light of the current language policy of the Organization, work could be done to expand the language regime of the Hague system. The Delegation reaffirmed its readiness to participate with a positive and open attitude in the WIPO-led efforts to improve and develop these international systems. The Delegation further highlighted the need to advance the work of the IGC. It appreciated the hard work done as well as the positive outcomes achieved by all the parties in seeking consensus, and hoped to see an early breakthrough in future discussions through consensus building and the reconciliation of differences. The Delegation then expressed its hope that WIPO could provide adequate financial and HR to ensure the implementation of the adopted DA recommendations, thus bringing tangible benefits to developing countries, especially the least developed countries (LDCs). Before concluding its statement, the Delegation pledged its support to the work of the General Assembly and other WIPO committees, assuring that as a responsible major developing country, China would continue to actively participate in the discussions under the important agenda items. It reiterated its readiness to join hands with other members of the Organization in an open and

inclusive manner to further deepen cooperation, share opportunities and meet challenges jointly, thus contributing to the improvement of the international IP system in the pursuit of common prosperity and development for all countries. As regards Hong Kong Special Administrative Region of China, the Delegation underscored that the value of IP lay in its capitalization. It mentioned its report last year that Hong Kong, China had begun communicating the concept and structure of IP Trading to stakeholders, and stated that there were already two privately run virtual and multi-sided IP exchanges based in Hong Kong, China, with another similar platform expected to be up within the next few months. The Delegation concluded by inviting the world's IP community to make use of these exchanges to capitalize their IP or to offer intermediary services.

21. The Delegation of Egypt, speaking on behalf of the African Group, reported that the African Group had been active on key issues relating to norm-setting, technical assistance, capacity building, governance and financial and administrative matters. WIPO should continue to pursue a balanced and development-oriented norm-setting agenda. It was imperative that negotiations on IP and effective protection of GRs, TK and folklore should reach fruition. The three legal texts that had been submitted by the IGC should serve as a basis for further work. However, in order to expedite and conclude the IGC's work, the African Group recommended that the mandate should encompass three thematic sessions for the International Working Group. There should be Chair-led, informal consultations within the IGC and an overall stock-taking IGC meeting prior to the 2013 General Assembly, with the aim of convening a diplomatic conference in 2014. In the area of copyright, the African Group welcomed the successful conclusion of the BTAP. The success of the Beijing Treaty should inspire those involved in other ongoing negotiations on copyright exceptions and limitations. Thus, the Group welcomed the SCCR work plan of 2013/2014, according to which WIPO Member States would continue their collective efforts towards concluding a treaty on copyright limitations and exceptions for: visually impaired persons by 2013; libraries and archives, to be recommended by the 28<sup>th</sup> Session of the SCCR to the 2013 General Assembly, and; educational and research institutions, to be recommended by the 30<sup>th</sup> Session of the SCCR to the General Assembly. In the area of industrial designs, the Delegation of Egypt stressed the need for a balance between costs and benefits. Such a balance could be achieved through the articulation of strong legal provisions as part of the proposed instrument, in order to provide technical assistance and capacity building to mitigate the implementation costs and to build African capacities in the area of industrial designs. WIPO should continue its efforts to mainstream development in all its programs and activities, while reforming and increasing technical assistance and capacity building for African countries. With regard to the implementation of the second DA recommendation, the Group looked forward to more resource allocation to Africa in the WIPO 2014/15 Program and Budget. Cost efficiency measures should not jeopardize infrastructure supplies or quality assistance for Africa. Work to implement the 2009 General Assembly decision on a coordination mechanism should continue in order to enhance the quality of reporting and to ensure that the CWS and the Program and Budget Committee (PBC) contributed to the effective implementation of WIPO DA recommendations. The Group welcomed the progress made with regard to mainstream south-south cooperation on IP and development as an integral part of WIPO's work. The African Group appreciated the ongoing work to ensure good governance, sound management, as well as effective Member States oversight in WIPO. Nevertheless, it was important to intensify Member State consultations in that regard through, *inter alia*, the establishment of a working group to review the proposals that had been submitted on governance and the presentation of a report to the 2013 General Assembly. The WIPO Coordination Committee should hold more frequent meetings with adequate time being allotted to conduct its work. There was also a need to develop a more precise definition for development expenditure, as well as a more efficient HR strategy for WIPO based on the principle of balanced and fair regional representation. The Delegation of Egypt underlined the need for WIPO Member States to take the lead in the development of a

regionally balanced WIPO policy on external offices. Africa needed at least two external offices in order to promote African innovation and creativity. In conclusion, the Delegation of Egypt requested WIPO's continued support for Africa in realizing its development needs, priorities and aspirations, built on the progress already made.

22. The Delegation of Hungary, on behalf of the Group of Central European and Baltic States (CEBS), observed that economic survival in a rapidly changing international economic environment depended largely on innovative capacity, which itself was becoming increasingly cooperative in nature. It was vital to have a well-functioning and balanced international IP framework, able to ensure that innovation and creativity were adequately incentivized. The Delegation thanked WIPO for its assistance, particularly in the elaboration of national IP strategies, in promoting IP-related public/private partnerships and in strengthening the role of innovative SMEs. The Delegation observed that a recent World Trade Organization (WTO) Public Forum entitled "Is Multilateralism in Crisis" had raised a valid question, but praised such promising signs as the recent conclusion of the BTAP. The Delegation called for goodwill and flexibility on the part of all delegations, noting that WIPO provided a forum for finding ways of working together efficiently and overcoming obstacles to multilateral decision-making. A key element in that regard was the adoption of a workable and balanced agenda for the coming year, both in general terms and specifically for the various WIPO Committees, where progress should be achieved on the basis of the maturity of specific issues without creating artificial linkages between topics. Member States were urged to show more respect for the priorities and concerns of others, so as to depoliticize deliberations while focusing on expert-level discussion. The fundamental objectives of industrial design protection could only be achieved if creators and enterprises had easy access to design protection systems extending beyond the national level. Divergent practices would hinder efforts in that regard. The Delegation thus strongly advocated working towards a commonly acceptable convergence of design formalities, observing that, as harmonization of the formalities and practice of industrial design law in the SCT had entered its final phase, all remaining differences could be settled in a preparatory meeting for a diplomatic conference. Thus, the CEBS Group strongly supported convening such a conference in the near future. The Delegation further observed that ensuring adequate, international protection for broadcasting organizations was necessary and long overdue, and thus hailed the important progress made in the SCCR at its last session and asked for the positive engagement of all delegations to work towards a possible treaty. With regard to patents, enhanced cooperation among IP offices and work-sharing initiatives provided the basis for high quality work. The Delegation also stressed the importance of the work of the SCP on quality of patents as a means of improving the performance of Offices for the benefit of users, and regretted that Member States had not agreed on the Committee's future work. With respect to negotiations on an international instrument on exceptions and limitations for visually-impaired persons, the CEBS endorsed the recommendations of the SCCR. The CEBS Group also considered that, with regard to the last three thematic sessions of the IGC, both the draft objectives and principles and the draft provisions needed further refinement before the text of an international instrument could be finalized or the nature of such an instrument could be defined. The Delegation supported the Group B call for greater recognition of economic realities in WIPO deliberations and for events to further that purpose at future sessions of WIPO Assemblies.

23. The Delegation of Singapore, speaking on behalf of the Association of Southeast Asian Nations (ASEAN) Group, pointed out that IP was no longer the mainstay of developing countries in terms of achieving technological advancement and innovation, economic and social and cultural development and the protection of cultural heritage. The Delegation expressed appreciation for the recent broadening of cooperation between ASEAN and WIPO and had been encouraged by the visit of the Director General of WIPO to Cambodia during the 44<sup>th</sup> ASEAN Economic Ministers' (AEM) Meeting. That meeting marked a new highpoint in WIPO's engagement with ASEAN and the Ministers had expressed appreciation for the Organization's support for development initiatives, including through the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC). ASEAN was committed to: working with WIPO

to shape domestic IP policy in accordance with development needs; the accession of its member states to the Convention, and; achieving IP goals in line with economic integration. The Delegation acknowledged Singapore's offer of targeted IP capacity-building programs in partnership with the WIPO Singapore Office. The ASEAN Ministers had tasked officials to improve cooperation with WIPO in order to enhance competitiveness, bearing in mind the varying degrees of development within ASEAN. Work would focus in particular on Cambodia, Myanmar and Viet Nam. The Director General of WIPO had also participated in the 38<sup>th</sup> AWGIPC in July 2012. ASEAN-WIPO cooperation in 2012 and 2013 would include a regional workshop on copyright limitations and exceptions for visually impaired persons, an ASEAN IP forum in 2013 and capacity-building for patent and trademark examination in line with action plan priorities. The Delegation thanked WIPO for implementing a broad range of activities at both the national and regional levels. ASEAN urged that appropriate resources be made available to make further progress with the ASEAN IP action plan. WIPO's normative agenda had reached an important milestone in June with the successful conclusion of the BTAP and ASEAN applauded that achievement. The Treaty was long-awaited proof that multilateral diplomacy could deliver. ASEAN supported WIPO's normative agenda, which included the DA. It welcomed the promotion of norm-setting activities that facilitated access to knowledge and technology transfer and therefore supported work towards a decision to convene a diplomatic conference on copyright limitations and exceptions for persons with print disabilities, for which there was clearly an urgent need. The work of the IGC was important to ASEAN, and it welcomed the considerable progress made in developing a text on the effective protection of GRs, TK and TCEs in line with its mandate for the 2012/2013 biennium. ASEAN called on Member States to work together in good faith to forge a consensus within the IGC. It also welcomed WIPO's efforts to mainstream the DA into all its programs. The work of the Committee on Development and Intellectual Property (CDIP) was central to ASEAN's interests. The Delegation noted the implementation of various DA projects in the ASEAN region and the Regional Consultation Meeting on Technology Transfer: The Development Agenda Project on Intellectual Property and Technology Transfer: "Common Challenges – Building Solutions" held in Singapore. ASEAN stood ready to engage with all Member States in implementing the 45 DA recommendations throughout WIPO's activities and through the WIPO Singapore Office. It was important to build on the momentum generated during the past year, and ASEAN was committed to working with Member States to advance WIPO's work.

24. The Delegation of Cyprus, speaking on behalf of the EU and its member states, stated that the EU and its member states attached great importance to the creation, maintenance and improvement of a balanced and effective international IP system, in order to create a secure environment for investment in scientific and industrial research and for the fostering of products and services. The Delegation wished to confirm its continued support for the pursuance of the global goals of the WIPO. As regards the ongoing work on WIPO's DA, the EU and its member states re-affirmed their support for and commitment to the appropriate implementation thereof. The Delegation voiced its concern regarding the overloaded agenda of the CDIP and expressed the hope that future meetings of the Committee would include a period of reflection and that they would be conducted on the basis of transparency, good governance and best practice. The EU and its member states had been encouraged by the progress made by the SCCR in the negotiations concerning an international instrument of limitations and exceptions for the benefit of the visually impaired and were committed to finalizing the work on that matter. Great importance was attached to the many negotiations related to the protection of broadcasting organizations and the Delegation had been encouraged by the recent advances made. The EU would continue to engage constructively in discussions on other limitations and exceptions where it was clear that the aim was to foster the exchange of those ideas and principles that all WIPO Member States should take into account when implementing limitations and exceptions in their national legislation. The Delegation stressed the need to consider the working plan of the SCCR for 2013/2014. There were a number of important issues with regard to which WIPO could play a leading role. As to the proceedings of the SCT, the EU and its member states welcomed the work performed on the advancement of draft design law and harmonization

provisions. Sufficient time for reflection and discussion had elapsed and great progress had been made. Whilst minor issues remained outstanding, it was clear that they would be resolved only with time. The Delegation considered it feasible and desirable to convene a diplomatic conference on the creation of a design law treaty in the 2012/2013 biennium and it looked forward to receiving specific proposals that would allow for the initiation of a constructive dialogue. The EU and its member states recognized the importance of the work carried out by the IGC and expressed its satisfaction with the progress made during the last three sessions of the Committee. Experts from the EU and its member states had made concrete suggestions and comments concerning the proposed text throughout those meetings and remained committed to continued negotiations on TCEs, TK and GRs within the current mandate of the Committee, on the understanding that any instruments agreed upon should be flexible, sufficiently clear and non-binding. The Delegation looked forward to establishing a reasonable and pragmatic work program for the forthcoming year. The EU and its member states were disappointed with the result of the 18<sup>th</sup> session of the SCP, held in May 2012. It was not clear whether the outcome of the 19<sup>th</sup> session of the SCP in December would differ from that of the 18<sup>th</sup> session. It was with considerable regret that the EU and its member states suggested that the 19<sup>th</sup> session of the SCP should be postponed, pending the result of informal consultations to establish a route forward, which it hoped would prove successful. As to the proceedings of the PCT Working Group, the EU and its member states welcomed the outcome of the Fifth Session of the PCT Working Group. It continued to believe that the emphasis of the Working Group should be on harmonization of patent laws and enabling the PCT system to function more effectively, in order to allow it to deliver results which met the standards of applicants, officers and third parties of Contracting States within the existing legal framework of the treaty provisions and without limiting the freedom of Contracting States to prescribe, interpret and apply substantive conditions of patentability. The Delegation noted that the EU and its member states valued greatly the work of the WIPO ACE and looked forward to the Eighth Session of the Committee. The Delegation was greatly concerned about the increasing scale of counterfeiting and piracy at the global level and noted that effective measures for dealing with the phenomenon should be sought. In conclusion, the Delegation stated that the EU and its member states were convinced that positive and balanced results could be achieved for all issues arising during the Assemblies and called upon all WIPO Member States to approach the meeting with a similarly positive attitude.

25. The Representative of the African Union (AU) expressed satisfaction at the efforts made by WIPO to strengthen cooperation between the Organization, the African Union and the African Group. The Union particularly appreciated WIPO's support for the workshop held in June 2012 for the preparation of African proposals concerning copyright exceptions and limitations in conjunction with the work of the SCCR. It was also grateful to the Organization for the efforts made to promote the Panafrican University, as a result of which that university body would be able to continue facilitating young Africans' access to knowledge in better conditions. The Representative welcomed the statement delivered on behalf of the African Group, which he fully endorsed. He urged both WIPO Member States and the Secretariat to pay special attention to Africa's problems, which had been and were continuing to be raised, and to provide appropriate solutions to them. Such support would contribute to the development of fairer, more equitable IP in all countries. The African Union congratulated the Secretariat on having, through various programs, increased the value of the resources and programs earmarked for development, which would enable WIPO and its committees to play a more effective role. The Representative emphasized that the Union attached great importance to the work of the CDIP. The Union urged WIPO Member States to see to it that the requisite financial, human and material means were consistently mobilized to ensure the effective implementation of the recommendations contained in the WIPO DA. The Union welcomed progress made within the framework of the IGC, and urged WIPO Member States to press on in a similar spirit to wrap up efforts to convene a diplomatic conference, which would make it possible to finalize and conclude a treaty for the protection of GRs. In the meanwhile, it was necessary to renew the Committee's mandate, to schedule a sufficient number of thematic sessions, and to hold real negotiations

combined with a genuine commitment by all Member States. Moreover, the Union considered that the progress made in the SCCR was very positive. It appreciated the successful outcome of the Beijing Diplomatic Conference on the Protection of Audiovisual Performances, and agreed with the African Group and many developing countries that it was in the interests of all to ensure that all work done in the SCCR was guided by the spirit of Beijing. In that connection, the Union further stressed the need to draft, as soon as possible, treaties on exceptions and limitations for not only the visually impaired, but also for archives, libraries, education and research. Finally, the Representative stated that the African Union wholeheartedly supported the call by several African countries for WIPO to open regional representative offices in Africa, the only world region without a regional office. Such offices would help better to promote and develop IP in Africa more effectively.

26. The Delegation of Azerbaijan explained that significant results had been achieved through the use of IP for the economic, social and cultural development of the country within the framework of the Cooperation with Certain Countries in Europe and Asia and the IP Office modernization programs. Since the development of the IP system and the expansion of intellectual cooperation in that field were deemed to be priorities, the long-term national strategy, which combined the fields of industrial property and copyright, had already been formulated. The national IP strategy, prepared in line with WIPO recommendations, had clearly identified medium and long-term objectives, which were already being implemented. One area affected was the modernization and automation of procedures. The pilot model of the Patent Office's automated system was scheduled to be launched in March 2013. Within the framework of the implementation of the Project on Intellectual Property, ICTs, the Digital Divide and Access to Knowledge, Azerbaijan had been assisted in the implementation of the WIPOscan software package in order to digitize paper documents. The administrative and legislative framework in the field of copyright law had continued to improve during the year under review. A number of new legislative acts, including a law on enforcement of IPRs and the fight against piracy, had been adopted. Moreover, the Center for the Enforcement of Intellectual Property Rights had been established in order to enforce IPRs and organize the management of rights in digital networks. Positive results had been obtained concerning the enforcement of rights and the fight against piracy. The levels of piracy had significantly decreased in various IP segments. The Government of Azerbaijan attached great importance to the protection and enforcement of IPRs and there was a strong demand for experts in the field of IP, owing to the fact that Azerbaijan was in the process of joining the World Trade Organization (WTO). More effective capacity building and HR development were crucial to the social and economic development of the country. Representatives of Azerbaijan had been participating in training programs organized by the WIPO Academy and the Center for the Enforcement of Intellectual Property Rights had become a member of the WIPO Global Network on IP Academies. The Government of Azerbaijan was keen to continue its efforts to conduct further reforms in the field of the protection and enforcement of IPRs.

27. The Delegation of Côte d'Ivoire commended the Director General on his leadership and his strategic guidance for WIPO. While endorsing the statement made by the Delegation of Egypt on behalf of the African Group, it emphasized that the Government of Côte d'Ivoire welcomed the positive results of WIPO activities and programs for developing countries in general, especially programs of technical and legal assistance for the alignment of national legislation with international standards. Development cooperation programs had made it possible to modernize and computerize IP infrastructures in the country, and had encouraged creation and innovation in national action plans. In that spirit, Côte d'Ivoire had for many years been taking numerous steps to take greater advantage of the enormous opportunities opened up by the IP system. The new industrial strategy that was being implemented was based on the development of a number of sectors and was designed to relaunch industrial production in accordance with the vision of the President of the Republic, who intended to make Côte d'Ivoire an emerging country by the year 2020. It was in that connection that the Ministry of Culture and Francophonie and the Ministry of Industry co-organized activities every year to celebrate

World Intellectual Property Day, as introduced by WIPO. The national legal environment would shortly be enriched by a law on the protection of IPRs in relation to the import, export and marketing of goods and services. A national committee to combat counterfeiting was being set up to support all the efforts made by the administration and the private sector to combat that scourge. In order to improve the protection of creators in the field of protection of literary and artistic property, the Delegation announced the upcoming adoption of the Law on the Development of Books as well as efforts with a view to the effective application of the Law on the Protection of Works of the Mind. The Delegation welcomed the relative progress made in the various technical committees while hoping that the negotiations underway would fully meet States' needs for better development prospects. As intellectual property was a core concern for the authorities of Côte d'Ivoire, the Delegation hoped that WIPO would continue to support activities (in particular workshops and seminars in the subregion) in the field. Côte d'Ivoire, which was determined to follow the path of peace and stability, needed the support of all its development partners more than ever to achieve that goal.

28. The Delegation of the United States of America declared its support for the statement made on behalf of Group B and commended the leadership displayed by the WIPO on IP issues. The Delegation hailed the conclusion of the BTAP as the first significant advance in international norm-setting in the field of copyright in over 15 years and as an example of the excellent work being done at WIPO. Furthermore, the Delegation expressed the hope that the spirit of Beijing would be apparent in the work to advance protection of broadcast signals and enhance access to copyrighted works for persons with print disabilities. The Delegation urged WIPO to develop closer ties with industry and private sector users of WIPO services and encouraged the Organization to host an industry stakeholder day during the 2013 General Assembly, so that WIPO Member States could hear about real world considerations from industry officials. The Delegation endorsed the gradual expansion of the network of external offices as a means of further developing the global IP system. As American entities were responsible for the greater percentage of PCT applications, users in the United States of America would significantly benefit from the services provided by an external office. The Delegation declared its readiness to explore with WIPO the feasibility of establishing such a facility in the United States of America. The Delegation observed that, with the passage of the America Invents Act (AIA) in September 2011, comprehensive reform of American patent law had been achieved that would move the United States of America to the first-to-file system for awarding patents that was used throughout the world. Over the past year, the country had further expanded its training and technical assistance efforts and its cooperation on IP issues with a number of WIPO Member States. The position of the United States of America on whistleblower protection was well-known throughout the UN system. Whistleblowers at any organization, including WIPO, should be able to report fraud, corruption and misconduct without fear of reprisal. When reprisals were taken or threatened, whistleblowers should have access to an effective recourse mechanism. Accordingly, the Delegation called upon WIPO to implement comprehensive whistleblower protection without delay and to strive to create a culture of reporting of misconduct or cooperating with audits or investigations without fear of reprisal. The UN Joint Inspection Unit (JIU) guidelines were a helpful starting point to that end. As a minimum, a comprehensive whistleblower policy should: cover all individuals working for the organization; clearly affirm the duty of those individuals to report misconduct and malfeasance and to cooperate with audits and investigations; allow reporting of retaliation at any time, and; grant relief to anyone who had claimed protection from retaliation through reassignment, suspension of the adverse action, or leave without pay pending the outcome of the case. As to technical assistance projects in countries subject to UN Security Council sanctions, the United States of America had continually expressed its concern that WIPO had conducted such projects in and transferred U.S.-developed technology to countries subject to UN sanctions without the knowledge of Member States or of the appropriate UN Security Council sanctions committees. While the United States of America recognized that the independent external review, the relevant UN Security Council sanctions committees and an American internal review had concluded that WIPO had not violated UN Security Council sanctions, the fact remained



that only after the events in question had it been possible to make that determination. The Delegation referred to questions that had not been answered, including whether domestic export control laws of various Member States had been violated. The matter had been handled in a way contrary to the ideals of transparency and Member-State oversight that should be hallmarks of international organizations. The Delegation urged WIPO and Member States seriously to consider ways to improve oversight, transparency and accountability mechanisms and to put in place safeguards to ensure that Member States and the relevant UN Security Council sanctions committees would in future be duly consulted before projects in countries subject to UN Security Council sanctions were approved. The Delegation outlined steps it believed WIPO should take to ensure that such a failure of oversight and accountability did not happen again, including an analysis of the role of contractors in the projects, whether they had violated Member States' export control laws and how they had bypassed United Nations Development Programme (UNDP) safeguards put in place in 2007 to prevent such situations. That analysis should be part of a follow-on independent, external review charged with identifying how the projects had been approved and implemented without the knowledge of Member States. Said follow-on review should have unfettered access to WIPO documents and employees and report directly to the Assembly at its next session. The Director General should provide a report to Member States on the steps taken to address the concerns and recommendations raised by the external review and by various Member States. The report should address the issue of how Member States would be notified of projects in countries subject to UN Security Council sanctions prior to any approval. The Delegation declared its commitment to working with the Secretariat and other Member States to create a better-functioning, more transparent and effective WIPO and to ensure that respect for IPRs continued to be the major emphasis of the Organization.

29. The Delegation of Serbia expressed its sincere dedication to a stable IP system, based on high legal standards. Such a system had the capacity to stimulate creativity and innovation and thus contribute to economic, cultural and social development. In the period since the last session of the General Assembly, significant progress had been achieved in Serbia in that field. In December 2011, a new Patent Law had entered into force, together with amendments to the Law on Copyright and Related Rights. Serbia was carrying out norm-setting activities, strengthening IP institutions and promoting the protection and adequate management of the IP assets of Serbian companies and research and development institutions. The Education and Information Centre (EIC) of the Intellectual Property Office of Serbia had developed a range of services for different types of users. EIC had provided training for 5,500 individuals since its foundation less than two years before. In 2012, the Government of Serbia provided significant funds for innovation-based start-up companies. All of the above initiatives had had an effect with regard to Serbia's ranking in the Innovation Efficiency Index (seventh). Serbia benefitted from long-lasting, productive and intensive cooperation with WIPO. Past cooperation had involved technical assistance from WIPO with the aim of improving the implementation of Industrial Property Automation System (IPAS) software, the introduction of WIPO International Patent Classification (IPC) assistance for translation, as well as cooperation in the organization of joint events intended for the promotion of IPRs. Serbia had actively participated in the conclusion of the BTAP, a historic success for WIPO. The Delegation took the opportunity to congratulate the Member States and the Secretariat on the adoption of the Treaty and explained that Serbia would engage in dialogue with professional associations in order to prepare the ground for implementation of the Treaty. In view of the importance that the Government of Serbia attached to the promotion of the human rights of persons with disabilities, the Delegation highlighted its commitment to the adoption, as soon as possible, of an international instrument regulating the limitations and exceptions to copyright and related rights for visually impaired persons, as well as to the continuation of work for the benefit of persons with other disabilities. In addition, Serbia welcomed further work on the protection of broadcasting organizations, the unification of substantive patent rights, the harmonization of procedures for the protection of industrial designs, changes to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the significant

progress achieved by the IGC. Lastly, the Delegation took the opportunity to express its gratitude to WIPO for the generous support provided to Serbia with regard to the establishment of a modern and efficient IP system.

30. The Delegation of India commented that India had focused on strengthening the innovation ecosystem by: creating an institutional framework for the commercialization of technology; promoting innovation at the grass roots level, and; setting up the National Innovation Foundation (NIF). Efforts had been made to reach out to the international community through the establishment of the Global Innovation and Technology Alliance (GITA). India ranked second in the world in terms of global innovation efficiency and progress had been made concerning reforms in the field of norms. The Indian Copyright Act had recently been amended to allow for protection of works in the digital environment and contained exceptions for the visually impaired and those with other disabilities with regard to access to works. Furthermore, the Indian Parliament had approved the amendment of the Trademark Act, a move which would enable India to accede to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. The Delegation noted that technology was an important driver of innovation and that a country's IPRs framework had to reflect national priorities. IPRs were important for innovation but the dissemination of technology also merited serious consideration. The vital importance of technology transfer had been duly recognized in the national manufacturing policy, which incorporated measures to aid the adoption, acquisition and development of technology. The Traditional Knowledge Digital Library (TKDL) had proved to be extremely effective in preventing misappropriation of India's TK. The IPR framework had to ensure that monopoly situations, which would hinder competition and access to technology, were not created. A Sectorial Innovation Council on IPR had been set up to formulate India's national IPR strategy and address key concerns in terms of sustainable development, inclusive growth and security. Countries should have the freedom to formulate policies in line with their national requirements and attempts to strengthen the IPR regime beyond the Agreement on Trade-Related Aspects of IPRs (Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement) through bilateral or regional agreements were a cause for concern. Multilateralism was the way to achieve the greatest good for the greatest number and India remained committed to supporting WIPO as a means of achieving economic development. The BTAP had reinforced the importance of multilateralism. India was focused on several outcomes in relation to exceptions in the international copyright system for the visually impaired and other print disabled persons. The Delegation noted the progress made in the IGC concerning an internationally binding instrument for the protection of TK, TCEs and GRs, and hoped to see progress in the negotiations in the following year. The Delegation welcomed the new focus on exploring how IP could contribute to finding solutions for challenges in the areas of health, food security and climate change. There was also a need to recognize the developments taking place in other international fora, such as the World Health Organization (WHO) and the Food and Agriculture Organization (FAO). The Delegation urged the Global Challenges Division to report regularly to Member States in that regard. Much remained to be done to improve the access to and affordability of medications for the protection of public health. The transfer of technology had to be discussed in conjunction with those who were in need of life-saving drugs. Access to green technology was also a concern and the issue of technology transfer needed to be addressed by the Member States. Moreover, policies that facilitated such transfers should be encouraged.

31. The Delegation of the Republic of Korea remarked that in 2011, international patent applications filed under the PCT system and international trademark applications filed under the Madrid System for the International Registration of Marks (the Madrid system) had increased by 10.7 per cent and 6.5 per cent respectively. That fact reconfirmed the notion that innovation and IP were critical factors in terms of economic progress. In light of the current unstable economic situation, the need to improve the IP system in order to keep up with rapid technological advances was greater than before. WIPO's role as the global IP authority had become more crucial than ever. Instruments such as the PCT and the Madrid system had to be

further developed and improved. HR and infrastructure had to be enhanced in order to provide quality services and strengthen those instruments. WIPO was expected significantly to enhance its services through its HR policy, in order to reflect the changing geographical demand on the PCT system and the fully deployed PCT e-Services system. In order to provide a quality service for users of the global IP system in the Republic of Korea, a nation ranked fifth in the world in terms of PCT applications, the country wished to host a WIPO external office. Secondly, WIPO and the Member States should strive for more tangible results in the area of IP norm-setting. The adoption of the BTAP served as a critical opportunity for WIPO to revitalize stagnant IP norm-setting activities. The discussions in the SCT on design law and practice required particular attention because there was no relevant international instrument currently in place to support design law. The “Study on the Potential Impact of the Work of the SCT on Industrial Design Law and Practice” had revealed that a design law treaty would benefit users by simplifying the procedures involved in obtaining international design registrations. The Delegation hoped that the discussions on the adoption of the Industrial Design Law Treaty (DLT) would be successfully concluded. Thirdly, the IP divide had to be bridged in order to ensure the sustainable development of the global IP system. The WIPO DA had been successfully integrated into all WIPO projects and activities. The successful DA project, which was in high demand in developing countries, should be included in WIPO’s regular budget programs. WIPO should continue to enhance the transparency and accountability of its technical assistance activities, in particular with regard to those affected by UN sanctions. Lastly, the country’s own IP activities and strategies had been designed to build a proper IP society. IP outreach programs on issues such as customized IPRs education and the provision of technology road maps focusing on IPRs had been offered to the general public, SMEs and local communities. The Republic of Korea was ranked fourth in the world in terms of the number of industrial property applications, around 370,000 in 2011. The country had promoted various policies, including international cooperation on patent examinations. Two more countries had joined the PCT-Patent Prosecution Highway Pilot (PCT-PPH) in 2012 and the PCT-PPH had recently been implemented with the People’s Republic of China and Japan. Furthermore, attempts were being made to shorten the examination pendency periods for patents, industrial designs and trademarks by 2015. The Delegation expected the Republic of Korea to join the Hague System for the International Registration of Industrial Designs and the Singapore Treaty on the Law of Trademarks by 2014 at the latest. An Online Investigation Team had been launched in 2011 to crack down on the distribution of counterfeit goods over the Internet. The Republic of Korea was constantly working to improve the copyright protection environment and had established a web-storage server registration system. The number of copyright infringing works had fallen by 40 per cent. The country was eager to share with others its experience of transforming from a least developed country into an IP power house within half a century. Since the establishment of the Korea Funds-in-Trust at WIPO in 2004, currently totaling around 7.2 million Swiss francs, various projects had been launched to raise IP awareness and build capacity in developing countries around the world. The Delegation urged WIPO and the Member States to participate in efforts to develop a sustainable global IP system and assured them that the Republic of Korea was devoted to fulfilling its role to the best of its ability.

32. The Delegation of Peru expressed its support for the statement by the Group of Latin American and Caribbean Countries (GRULAC). It added that, in an international context marked by difficulties and challenges, Peru continued to support modernization and a development model characterized by economic and commercial openness. In such a model, investment in education and R&D and, in general, the promotion of innovation and IP had to play a key role. As a result of the policies which had been applied, and above all their continuity and coherence, Peru had grown steadily at an annual pace of more than five per cent of GDP over the past decade, and had achieved significant results as far as reducing poverty was concerned. The country’s goals were clear: ensuring that Peru was adequately integrated into the international sphere; attracting investment and technology in order to modernize productive structures; narrowing the technological divide; and modernizing physical

infrastructure, so as to boost competitiveness and promote socially inclusive sustainable development. The Delegation noted that Peru was aware that effective use of the instruments offered by the IP system was essential for continuing along the path of growth and development, as that would facilitate the emergence of innovative technology and improve firms' ability to compete, thereby increasing the public's well-being. The Delegation added that Peru had participated actively in discussions relating to the adoption of an instrument to benefit the visually impaired. Consequently, and given the maturity of the instrument in question, it was sure that the WIPO Member States, which would be meeting in an extraordinary period of sessions in December, would agree to convene a diplomatic conference in 2013. That was a priority and was consistent with the policy of socially inclusive development that the Government of Peru promoted. With regard to the work of the IGC, Peru, as one of the world's most mega-diverse countries, appreciated the key efforts made within the IGC to draft legally binding texts that would ensure the protection of GRs, TK and TCEs. The Delegation said that Peru was confident that the Member States would make a timely call for a diplomatic conference devoted to that subject, which would guarantee appropriate protection and thereby benefit all humanity. It therefore supported the appeal made by many delegations for the present series of Assemblies to decide to hold additional IGC sessions in 2013 with an appropriate format, making it possible to finalize negotiation of those texts as soon as possible. In the same vein, the Delegation said that Peru recognized the importance of drafting IP public policy as a key tool for the social and economic development of peoples. The Delegation reiterated its country's commitment to turn IP, a tool linked to development, into a cross-cutting issue that would be part of ordinary citizens' daily lives. That link between intellectual property and development had to be made more and more clear, as that was the ultimate goal of the efforts made by the Organization. Peru attached great importance to the work done in conjunction with the WIPO Academy, which had made it possible to train part of its IP staff for the benefit of the country and the region. That was reflected by the seminars organized in Lima on various IP-related topics, in which the Institute for the Defense of Competition and Intellectual Property (INDECOP) had played a key role. The Delegation noted that Peru hoped that the role of the Academy would be strengthened and that in particular, the necessary funding for its cooperation activities would be forthcoming. Peru had participated in the mini-academies project, and with WIPO's valuable support had launched a process that would culminate with the development of a national IP strategy. Such a strategy would constitute a valuable contribution to efforts made to arrive at a clear definition of its priorities in that field in the short, medium and long term. In conclusion, the Delegation stressed that Peru, as a key actor in the region in the IP sphere, welcomed the opportunities which fora such as WIPO offered for demonstrating to the world the commitment of Peru and the region to promoting IP, which it expressed in all of the fora in which it participated.

33. The Delegation of Mexico expressed great satisfaction at the progress made in the various WIPO Committees, especially the extraordinary agreements reached in the SCCR. The work of the present Assemblies was contextualized in a renewed spirit of unity, which had prevailed for the adoption of the historic BTAP in June 2012. The Delegation reiterated Mexico's commitment to continue facilitating the negotiations aimed at reaching agreement on limitations and exceptions. That was the only way to guarantee balanced agreements and fair access for the visually impaired and for persons who had difficulty reading printed texts, as well as for libraries and archives. The Delegation welcomed the progress made by the Committee with regard to adequate protection for the signals of broadcasting organizations. There was an urgent need for an international instrument to avoid signal piracy. The proposal put forward by South Africa and Mexico was a good approach. At the international level, the National Copyright Institute (INDAUTOR) was committed to the Organization's multilateral agenda with a view to developing a copyright system that was fairer and offered better access. In that connection, it had co-organized with WIPO a study visit for general managers of regional Latin American IP offices for the exchange of experience. The Delegation was strongly committed to further strengthening cooperation ties with both the countries of Latin America and the Caribbean and with other WIPO Member States. As a result of Mexico's participation in WIPO,

the Mexican Industrial Property Institute (IMPI) had gained maturity in managing and protecting intellectual property and accumulating broad experience as a beneficiary and provider of very high-quality international cooperation and training programs. The Delegation also expressed appreciation for the confidence shown by various countries in Central America, the Caribbean and South America and by the member states of the African Regional Intellectual Property Organization (ARIPO) and Egypt, by forming part of the support network for the management of patent applications. It also wished to express its gratitude to the IP offices of the United States of America, Japan, Spain, Republic of Korea and China, for allowing it to join their Patent Prosecution Highway network. That had benefited not only the users of the IP system at the international level but also IP offices, reducing processing times and costs for the grant of patents. Mexico attached great importance to the protection of IP rights for rights holders, industries and consumers, as well as for national, regional and international markets. A solid, uniform and constantly evolving international legal framework was therefore essential for continuing to shoulder that responsibility. The Delegation stressed the need for progress in the work of the IGC, to ensure effective protection of TK, TCEs and GRs without infringing IPRs. Finally, the Delegation noted that it was very important for Mexico that WIPO continue to step up its cooperation with the developing countries and the LDCs, helping them to develop and modernize their IP systems.

34. The Delegation of Australia hailed the results achieved by WIPO over the past year and welcomed the solid progress made in terms of normative work, in particular with regard to the BTAP. The Delegation reiterated Australia's commitment to advancing the work of the SCCR and, while urging Member States to build on the progress made, stressed that Australia supported the treaty on copyright exceptions and limitations for the visually impaired. The work of the IGC was a priority issue for Australia. It was important for Member States that the current Assemblies gave rise to a clear sense of how to move the work forward, as the issues requiring resolution in the IGC had been identified and progress was needed in respect of policy solutions. The Delegation confirmed its support for WIPO's DA and noted Australia's commitment to assisting LDCs and developing countries through the establishment of the WIPO Australian Funds-in-Trust, observing that the Funds would support those countries as they put in place IP regimes and built capabilities facilitating innovation, creativity, investment and technology transfer. The Delegation mentioned Australia's close cooperation with neighbors in the Asia-Pacific region on IP issues and highlighted the ongoing development of a regional patent examination training program for overseas IP offices that aimed to enhance patent examination standards and lead to the grant of higher quality patents, as well as to increase business confidence throughout the region. The Delegation also hailed the collaboration with WIPO of the Vancouver Group – comprising the Canadian IP Office (CIPO), IP Australia and the United Kingdom IP Office (UK-IPO) – with regard to the development of an information technology (IT) platform called the Centralized Access to Search and Examination system (CASE). That system was designed to eliminate duplication in the patent prosecution process and the real benefits achieved since its launch in March 2011 had been available to any IP office on an opt-in basis since the Stage 2 rollout of CASE in June 2012. The Delegation described recent reforms to Australia's IP system as striking an appropriate balance between rights and responsibilities by raising the quality of granted patents, reducing barriers facing researchers and inventors and strengthening penalties for counterfeiting. In closing, the Delegation confirmed Australia's willingness to work with WIPO and the Member States to deal with challenges concerning the international IP system and to promote innovation and development across all economies. Furthermore, Australia endorsed the Group B statement delivered by the Delegation of the United States of America.

35. The Delegation of Singapore highlighted the successful conclusion of the Diplomatic Conference on the Protection of Audiovisual Performances. The BTAP filled a long-standing gap in the protection of such performances, as well as reaffirming the key role played by the WIPO in norm-setting at the global level. Singapore was honored to have been part of that process. The Delegation also appreciated WIPO's leadership in reaching an early conclusion on other areas of work, for example, the designs treaty, copyright limitations and exceptions, TK, TCEs and GRs. The CDIP was congratulated on its work and on the progress made in mainstreaming WIPO's DA. The WIPO Singapore Office had already made great strides in advancing the DA in the Asia-Pacific region and had, in 2010/2011, reached out to more than 450 policy-makers and other IP stakeholders in 27 countries. Targeted capacity building programs had been completed in six countries in the region. The consultation meeting between the Director General of WIPO and the Economic Ministers of ASEAN held in Cambodia in August 2012, had been a timely exchange of views on IP. The member states of ASEAN were committed to working towards accession to all WIPO-administered treaties and conventions. Good progress had been made on IP and development and the Delegation looked forward to the WIPO Singapore Office playing a larger role in developing IP development programs with an even wider reach. The ideas exchanged between East and West had made Singapore what it was. The country recognized the importance of the enforcement, development and administration of IPRs and related activities. Small nations seeking to move up the value chain in order to find a competitive niche in the global economy were dependent on an open, transparent international trading system, governed by well-defined rules and regulations. Singapore relied on close cooperation with other WIPO Member States. In July 2012, Singapore, ASEAN, the WIPO Singapore Office, the EPO and the Japan Patent Office (JPO) had organized a series of events as a part of the inaugural IPWeek@SG 2012. Over 500 delegates from more than 20 countries had taken part in various activities and seminars designed to raise awareness about IP. The Delegation thanked all those who had participated in those events for having shared their expertise. In order to raise the quality of its IP regime and align practices with those of regimes around the world, Singapore was moving to a "positive grant" patent system and building an indigenous patent examination team. Second, it was opening up its professional service sector by allowing foreign-qualified patent agents to register in Singapore to undertake patent work offshore. Third, Singapore had harmonized several of its electronic registry systems to make it easier for users to carry out transactions and to access IP-related information. Fourth, Singapore had brought its IP Academy under the wing of the Intellectual Property Office of Singapore (IPOS) to help focus, synergize and better strengthen capacity-building efforts. Fifth, additional services had been provided by the WIPO Arbitration and Mediation Center following the signing of an Memorandum of Understanding (MoU) by WIPO and IPOS in 2011. Singapore was also honored to have been chosen to host the first arbitration workshop to be held outside of Geneva and was confident that the WIPO Arbitration and Mediation Center would make a positive impact in Asia. The Delegation appreciated the Secretariat's assistance in helping countries in the region to make the most of IP. WIPO had played and would continue to play an important role in the collective journey towards regional collaboration and sustainable development.

36. The Delegation of Viet Nam associated itself with the statement made by the Delegation of Singapore on behalf of the ASEAN Group. Positive results had been achieved in every area of activity of WIPO. In particular, the Delegation welcomed the success of the Diplomatic Conference on the Protection of Audiovisual Performances and the conclusion of the BTAP, which provided a clearer legal basis for the international use of audiovisual productions. The Delegation took note of the progress made by the SCCR with regard to copyright exceptions and limitations for visually impaired persons. The work of the SCT on trademark law and that of the IGC on the protection of GRs, TK and TCEs, was also praised. The implementation of the DA had led to positive outcomes for developing countries. Viet Nam was involved in a number of activities under the DA, including: a product branding project, as a part of which three Vietnamese products were selected, and; the Specialized Databases' Access and Support project, which provided the National Office of Intellectual Property (NOIP) of Viet Nam with

access to international specialized databases. The project on enhancing south-south cooperation on IP and Development among developing countries and LDCs would create a channel for developing countries and LDCs to cooperate and share views on various aspects of IP. Viet Nam recognized the role of IP as a tool for promoting innovation and creativity and the social and economic development of the country. That recognition was reflected in Viet Nam's Socio-Economic Development Strategy towards 2020, which made clear the intention to focus more on the development and exploitation of IP assets. Furthermore, the Science and Technology Strategy towards 2020 required the formulation of a National IP Program to seek effective ways of using IP for the development of science and technology in particular and socio-economic development in general. Moreover, Viet Nam had extended its National Program on IP Assets Development to its second phase for the period 2011 to 2015. The aim of that move was to provide continued support for public awareness-raising activities and the creation, protection, management and exploitation of IP assets.

37. The Delegation of Nepal stated that it had faced a multitude of development challenges and underlined the need to develop a sound and viable innovation and technological base in order to advance development efforts. Nepal required support in order to build human, institutional, and physical infrastructure and the capacity to be able to harness the opportunities provided by innovation and technological development. There was a need for a fair and equitable IP regime to bridge the technological gap in knowledge and the digital divide between the LDCs and the rest of the world through concrete support measures, including the transfer of technology. Such support measures should address the structural weaknesses in LDCs. WIPO had made a substantial contribution to the implementation of the Istanbul Declaration and Programme of Action (IPoA) for the LDCs for the Decade 2011/2020 in the areas of science, technology and innovation. The Delegation emphasized the need for effective implementation of the 2009 Ministerial Declaration on Intellectual Property for the LDCs: An Agenda for the Strategic Use of Intellectual Property for Prosperity and Development of the LDCs, as well as for an effective follow-up of the recommendation process. Nepal attached great importance to the work of the Standing Committees and stressed that WIPO should underpin a balanced approach to the protection of IPRs and the broader public good. The successful conclusion of the 2012 Diplomatic Conference on the Protection of Audiovisual Performances had set a good example, showing that, where there was the will and commitment, the ongoing work in the various Committees could be expedited to achieve a balanced conclusion. The conclusion of binding international treaties on TK, GRs and TCEs would be an important step. The Delegation highlighted the fact that the first IP policy objective was to provide effective and adequate protection for all categories of IP rights, by: respecting the rights of IP creators, as well as the broader needs of society; developing HRs; establishing compatibility of legislation within relevant international treaties, and; strengthening capacities to enforce IP rules. The Delegation noted that efforts had been made to modernize IP offices. Under the Patent, Design and Trademark Act and the Copyright Act, fees for the registration and renewal of IPRs were the same for foreign and domestic applications. All cooperative works were entitled to automatic protection and criminal and civil litigation was available. Consultative meetings had been held to discuss and devise a comprehensive IP policy and the Government of Nepal was working to establish an integrated IP office to administer all sectors of IP through a single facility. The automated system for the registration of marks was operating well. The Delegation stressed Nepal's further need for support in building operating systems and increasing capacity in the fields of TK, GRs, copyright and related rights, as well as in other areas of IP.

38. The Delegation of the Democratic Republic of the Congo reaffirmed the determination of its Government to make IP a major asset, if not an added value, with a view to promoting development in a country whose Head of State, Mr. Joseph Kabila Kabange, was unquestionably succeeding in his reliance on modernity and genuine democracy, with a view to the emergence of a democratic Congo by the year 2030. The Delegation recalled that it was under his urging that the Prime Minister, Mr. Augustin Matata Ponyo, had included in the Government's program such high-priority areas as access to foreign and domestic technology,

investment facilitation by means of an improved business climate, innovative activities in all sectors, and stronger protection of knowledge within an appropriate institutional and legal framework. The Delegation stressed that it was with that in mind that special attention had been paid to the TISC established in accordance with Recommendation No. 8 of the WIPO DA. It explained that the Government of the Democratic Republic of the Congo was hoping that the project for that support structure could be finalized with the assistance of WIPO and the country itself. With regard to IP, the Delegation added that the Democratic Republic of the Congo, a State based on the rule of law in the heart of Africa, was giving priority to the protection of all works of the mind, in particular the arts and music, with a view to combating and eradicating counterfeiting in all its forms.

39. The Delegation of Costa Rica said that for innovation and creativity to develop, it was essential to ensure that IP was viewed as a factor of development, and was therefore managed, promoted and safeguarded by appropriate national policies. It added that in 2010, the Interagency Committee for Intellectual Property had been established. Its goals were, *inter alia*, the coordination of efforts and the promotion of innovation and creativity. The Delegation also noted that in the past two years, work with WIPO had played a very important role, and expressed appreciation for the support received from the Organization and its employees. The Delegation wished to highlight three major achievements and one somewhat negative point. In March 2012, with input from the Secretariat, the national IP strategy had been launched with WIPO's support. That strategy was integrated into national public policy, and was primarily designed to coordinate efforts and promote the use of IP in research, trade development, and promotion of creative initiatives. The strategy emphasized the importance of IP as a means of enhancing competitiveness and innovation and promoting the country's social, economic and cultural development. The National Intellectual Property Academy had also been established to complement the strategy for providing training in that area, and classes had been offered on patents, flexibilities, classifications and technology transfer. In addition, a TISC had been established at the National Registry, and a network of peripheral centers was being set up in universities. The Delegation noted that Costa Rica required the continued support of WIPO for that process. It added that a Subregional Seminar on Intellectual Property and Sports had been successfully organized in San José, which provided a good example of the search for options to strengthen sports as a factor of development and to diversify the national sports industry. The Delegation then referred to the less positive point with regard to relations with WIPO, namely, the IPAS, a system for the computerization of industrial property. It was conceptually valid, but in the light of Costa Rica's experience with its implementation, the model was defective, as the Delegation had informed the persons in charge and even the Director General. There was a need for WIPO to change the IPAS management model to a more flexible system that met users' real needs, rather than suiting the perceptions of just a few WIPO staff members. The Delegation noted that it had increased its presence in the majority of WIPO fora, and attached special importance to the following points: (1) progress made towards an international instrument for the visually impaired and the possibility of convening a diplomatic conference in 2013; (2) the work done in the IGC; in that respect, the Delegation supported the idea of rethinking the work of that Committee so that it could meet its target aims; (3) the outcome of the Beijing Diplomatic Conference, which it deemed very important; in that respect, the Delegation observed that Costa Rica was a signatory to the Treaty; and (4) the high-level meetings which had taken place in Central America to reinforce the benefits of IP and which had been attended by Ministers and the Director General, whom it thanked for their commitment to the region. In 2013, Costa Rica would host the third such forum, which would also include an innovation fair, with input from the enterprise sector, especially SMEs. Another extremely important point for the Delegation was south-south cooperation, a subject which had given rise to a very interesting meeting the previous Friday. The Delegation concluded by reiterating Costa Rica's commitment to keep growing with WIPO's support in the fields of innovation, creativity and protection of IP rights.



40. The Delegation of Spain said that it fully endorsed the statements made by the Delegation of Cyprus, on behalf of the EU and its member states, and by the Delegation of the United States of America, on behalf of Group B. It congratulated the Secretariat and the Member States on the successful adoption of the BTAP, and was confident that the so-called “spirit of Beijing” would continue to guide the discussions and negotiations. The Delegation wished first of all to underscore the importance, in its view, of multilingualism within the UN system. It recognized and appreciated the progress which WIPO had made in broadening the use of the officially recognized languages in its language policy, and hoped that that would continue to be the case. It further noted that at a time when increasing emphasis was being placed on economic issues, it was essential to avoid the mistake of associating language policy solely with high costs and therefore making cuts that could affect quality standards. As with all policies, there was ample room for rationalizing expenditure. That being so, the Delegation fully supported steps to limit the number and length of documents, increase the organizational efficiency of meetings and encourage computerization, especially within the framework of the Madrid System for the International Registration of Marks, for example. Those improvements would no doubt make it possible to optimize expenditure without affecting the quality of translations, the timely availability of documents and equal treatment for all official languages, all of which were key aspects which gave real substance to the language policy. Second, the Delegation considered that the time had come to launch a major process of discussion followed by action, in order to rethink various organizational aspects that would help ensure better management of meetings. Meetings were very frequent, and sometimes sessions of two major committees were even held simultaneously. There was a constant tendency to hold more and longer committee sessions, to increase the number and volume of topics and documents to be dealt with, and, finally, to have sessions go on into the early hours of the morning, sometimes including weekend sessions. The Delegation considered that, without jeopardizing the common goal of making progress in the different areas covered by WIPO, there was a more efficient way of organizing such meetings and avoiding certain related shortcomings. That key point had to be discussed by both the Secretariat and the Member States, not only because of its budgetary implications, which were many and quite important, but also because it directly affected States’ vital efforts to follow up, seek information and participate in the Organization. Third, and in relation to the foregoing points, there was the key issue of WIPO’s financial sustainability. The Delegation was mindful that the world economic crisis had not affected patent applications as directly as it had affected other fields, and that income forecasts for the current year were being met. Yet it would be a mistake to think that financial analysis ended with such temporarily positive data. In recent years, the Organization had adopted budget deficits which it had only managed to cover by drawing on the reserves, and the transition to IPSAS had not been completed because financial statements did not yet include future pension-related commitments. The accounts included what was perhaps a slightly optimistic valuation of the Organization’s real property assets. Finally, there was insufficient awareness of the need to identify structural policies of efficiency and cost savings flowing from prudent financial management which reflected not only the foregoing risks but also the fact that the world economic crisis was likely to continue. The Delegation appealed to the Secretariat and the Member States to ensure that, when it came time to analyze the economic and financial data of the Organization, an exclusively short-term approach did not prevail and that every effort would be made to prepare for a present and a future in which WIPO, like many States and international organizations, would have to cope with shortages and limited resources.

41. The Delegation of Jamaica commented that the Fiftieth Series of Meetings of the Assemblies of Member States of WIPO, coincided with the 50<sup>th</sup> anniversary of the country’s independence. Progress on IP issues was one of the pillars of economic development in Jamaica, as reflected in its Government’s long-term development plan. The Delegation commended WIPO for the successful conclusion of the BTAP, which it considered to be a very important and beneficial instrument for the protection of the IP rights of the country’s performers and their audiovisual performances. Jamaica was proud to be among the 48 Member States signatories to the treaty. It continued to participate actively in the meetings of the IGC, which

had made substantial progress on the issue of GRs. The Delegation hoped that the work of the IGC would be concluded in a timely manner and that the Assemblies would support the recommendation for the continuation of the process in 2013 in anticipation that following on from the success of the Beijing Treaty, other treaties might be concluded. Jamaica had also been active in the SCT and, along with Barbados, had kept the issue of country names on the agenda. At the 27<sup>th</sup> session of the SCT, the Secretariat had been requested to carry out and submit to the 29<sup>th</sup> session of the SCT a study on the existing legislative protection afforded to country names from their registration and use as trademarks or elements of trademarks. Jamaica had made significant progress on trademarks administration. For the first time, joint consultations had been held with the legal fraternity and the business sector as a step towards accession to the Madrid Agreement Concerning the International Registration of Marks. The Minister of Industry, Investment and Commerce had subsequently announced that Jamaica would accede to the Agreement on the condition that the necessary amendments to the Trademarks Act were made beforehand.

42. The Delegation of Chile said that it appreciated the Director General's efforts to successfully guide the implementation of the MTSP. It noted that in WIPO, as with any institution, it was people who could make the difference, stressing that a climate of mutual trust was vital if WIPO were to retain its role as the leading IP forum in the 21<sup>st</sup> century. That favorable climate had led to the successful conclusion of the Beijing Treaty and to significant progress in the work of the SCCR, the CDIP, the IGC and the SCT. However, the Delegation noted that the Organization faced major challenges in the future. The next such challenge was the convening of a diplomatic conference in 2013 to draft a treaty for the visually impaired. That would be a milestone in the development of the multilateral IP system and would show that IP could be developed without hindering access to such essential goods as reading and information. The Delegation further hoped that agreement could be reached in other areas, such as industrial designs or instruments to ensure effective protection of GRs and TK, both of which were major challenges. It added that the successful outcome of those initiatives would depend to a large extent on the role that WIPO would play in the knowledge-based society. Chile would continue to do its utmost to strengthen WIPO and to promote a balanced multilateral IP system. The Delegation said that Chile had declared 2012 as the Year of Entrepreneurship and 2013 as the Year of Innovation. At present, more than 20 ministries were working towards that goal. It had already been possible to identify over 100 initiatives leading to a strategy of innovation and entrepreneurship over a 10-year and a 20-year time frame, in which IP was instrumental for promoting innovation, entrepreneurship and creativity. The Delegation explained that Chile had made significant progress with regard to IP in both the public and private sectors. Likewise, it had earmarked considerable sums for completely updating the technological platforms of its offices in cooperation with WIPO, and had undertaken a comprehensive overhaul of the IP system. The Delegation noted that in that context, the priority for the Year of Innovation was recognition of the National Industrial Property Institute of Chile (INAPI) as an ISA and for PCT international preliminary examination. That was a logical outcome of the Government of Chile's policies to promote the strategic use of IP. INAPI had all the necessary technical capacities for carrying out such work; as an ISA, it would facilitate and promote the use of the patent system throughout the region, contributing its experience and vision to the PCT system. The Delegation expressed its thanks to GRULAC for its support and to all the countries of Europe, Africa, Asia and North America which had confirmed their support for Chile's application.

43. The Delegation of Sri Lanka endorsed the statement made by the Delegation of Brazil on behalf of the DAG, observing that, as the role of IP had grown over recent years, understanding of how IP could improve the social and economic standing of developing countries had increased. In order to promote IP nationwide, Sri Lanka had conducted public outreach programs and, with WIPO's assistance, had pursued automation of business processes at its national IP office. Through extensive development in the area of GIs, Sri Lanka had developed a competitive edge in world commercial markets, where Ceylon tea, Ceylon cinnamon and the

Ceylon sapphire represented the high quality and excellence to which the country aspired. Noting that Sri Lanka had recently emerged from a 30-year long civil conflict, the Delegation hailed a new era of development, creativity and innovation in which the traditions, cultural expressions and natural beauty of Sri Lanka took prominence and the important role of IP was wholly embraced. The Delegation praised the favorable environment for young innovators created by the country's IP and science and technology sectors. Inventors from Sri Lanka had won medals in the fields of medical surgery and medical engineering at the 40<sup>th</sup> Geneva International Exhibition on Invention. The Delegation expressed appreciation for the sustained cooperation between WIPO and the SAARC and declared its belief that the WIPO-SAARC Roundtable on Sub-Regional Cooperation on the Use of IP for Development and Acquisition of Environmentally Sound Technologies (ESTs), hosted by Sri Lanka in May 2012, would greatly benefit the region. The Delegation also praised the progress achieved in the areas of south-south cooperation and development and the outcomes of the Beijing Diplomatic Conference on the Protection of Audiovisual Performances. Such developments served as examples of what could be achieved through firm political will. The Delegation regretted that, for many developing countries, achieving their IP goals continued to be difficult and stressed that IP systems at the national and international levels must be development-oriented in order to assist countries in reaching such goals. The Delegation thus emphasized the crucial role of the DA in the work of WIPO and called for developmental considerations to take the forefront in the Organization's work, so that every Member State could reap the benefits. The Delegation stressed the importance of the CDIP and requested that the Committee consider the permanent agenda item on development and IP. With regard to the work undertaken in other committees, the Delegation identified a need for a new calendar of meetings for the IGC in the coming year in order to complete ongoing work. The Delegation expressed confidence that the incorporation of the DA recommendations in the work of the SCT would enhance the quality of its deliberations and hailed progress by the SCCR in the areas of exceptions and limitations, while looking forward to the convening of a diplomatic conference for visually impaired persons.

44. The Delegation of Nigeria stated that, as global IP systems made increasing demands on developing countries, it had become crucial for WIPO to continue in its efforts to achieve a balanced and sustainable IP system that was equally accessible to all countries and that duly recognized their different levels of economic development and technological advancement. IPRs had never been more important to economic growth and the wellbeing of societies than at the current time. In that regard, Nigeria associated itself with the statement delivered by the Delegation of Egypt on behalf of the African Group and the statement delivered by the African Union (AU). Nigeria encouraged the Member States to build on the success of the BTAP in order to work towards the conclusion of a treaty on copyright exceptions and limitations for visually impaired persons in 2013 and the conclusion of treaties on copyright exceptions and limitations for libraries and archives by 2014 and for visually impaired persons and persons with print and other disabilities by 2015. The Delegation looked forward to the extension of the work plan of the IGC for the 2013/2014 biennium, with a view to convening a diplomatic conference in 2014. Nigeria also attached great importance to the work of the SCT and highlighted the need to address issues relating to standards. Such work should be pursued in a more balanced way to ensure that the modernization of industrial design laws provided support for developing countries, which were largely consumers. The Delegation noted the assistance it had received from the WIPO Academy in the area of IP education and training. Nigeria strongly supported the establishment of two external WIPO offices in Africa, which would greatly assist and enhance the efforts of the region concerning its IP commitments and overall IP development. In conclusion, the Delegation referred to a number of initiatives aimed at better regulating the IP system and supporting creativity and innovation as part of the country's efforts to use IP for national growth and global competitiveness. Many developing countries faced significant challenges as a result of the digital environment and increasingly borderless economies. It was, therefore, imperative that WIPO continued to support Member States, particularly the developing and LDCs concerning their IP needs and obligations. The Delegation informed the meeting that Nigeria was currently celebrating the 52<sup>nd</sup> anniversary of its independence.

45. The Delegation of Brazil, on behalf of the DAG, recalled that the DAG had been established in 2010 with a mission to mainstream the DA recommendations into all WIPO activities. There had been some positive developments, such as the coordination and monetary mechanism, although a number of Member States had yet to recognize that certain committees, in particular the CWS and the PBC, were covered by the mechanism. Progress had also been made concerning norm-setting activities. The DAG welcomed the BTAP, which recognized the importance of the DA recommendations. The Treaty reflected a better balance between the interests of rights holders, society and public policy. The Beijing Treaty could therefore be deemed to be the first truly post-DA treaty adopted at WIPO. Member States had been engaged in norm-setting activities in the SCCR, the IGC, and the SCT. The DAG expressed its satisfaction at the outcome of the last session of the SCCR, in particular with regard to exceptions and limitations. It was expected that the General Assembly would support the SCCR's work, allowing for a diplomatic conference to be convened in 2013 for the adoption of a treaty in favor of visually impaired persons. Member States must not miss the opportunity to conclude a treaty in 2013. Work should be expedited concerning other categories of beneficiaries of limitations and exceptions to copyright, as well as the protection of broadcasting organizations, in accordance with the SCCR timetable for the period 2013/2014. Significant progress had been made in the IGC on the development of consolidated texts on GRs, TK and TCEs. Member States needed to agree on a calendar of meetings for the future work of that Committee. The DAG supported a calendar that included an adequate number of IGC meetings before the next Ordinary General Assembly meeting. There should also be a process of informal and inclusive discussions, to be led by the Chair of the Committee. The DAG noted with satisfaction that Cluster B of the DA recommendations seemed to have been incorporated in the work of the Committee. The study on the potential impact on developing countries of the SCT's activities on industrial design law and practice was a good model for the integration of Cluster B into a norm-setting process. There should be a balance between costs and benefits when providing technical assistance and building capacity and ensuring the regulatory space. The CDIP played a key role in the mainstreaming of the DA into WIPO's work. The CDIP should analyze the reports submitted to the General Assembly by the various WIPO bodies. The DAG welcomed the discussions on the terms of reference of a conference on IP and development and commended the work of the PBC, which had reviewed the Program Performance Report for 2010-2011. The DAG supported the adoption of a clear and precise definition of development expenditure at WIPO that would help Member States to evaluate the Organization's development-related activities.

46. The Delegation of Brazil stated that Brazil had been following the recent developments concerning the normative agenda of WIPO with interest and always sought to contribute to the advancement of the Organization's work on all fronts. The effective implementation of the DA was an objective shared by Brazil and the other developing countries. The knowledge and innovation economy would benefit from the full integration of the developing countries and WIPO played a central role in that regard. High-quality, member-driven, development-oriented technical cooperation and guidance were fundamental. A treaty on copyright limitations and exceptions for visually impaired persons would be an important step in terms of securing the fundamental rights of such persons with regard to access to information, education and culture, in accordance with the UN Convention on the Rights of Persons with Disabilities (CRPD). Such treaties should not be seen as a threat to the integrity of the copyright protection system and the interests of right holders. Brazil had one of the 10 largest publishing industries in the world and Brazilian music was the fourth most played worldwide. The country did not, therefore, wish to undermine copyright protection. Nevertheless, the needs of visually impaired persons must be addressed. The strengthening of the WIPO Brazil Office in Rio de Janeiro would bring benefits to the region and to the development of south-south cooperation activities. The Office had a significant role to play in the process of decentralization of WIPO service provision and technical cooperation. It should be noted that the Brazil Funds-in-Trust and the south-south cooperation Fund were both managed by the Rio Office. Those funds represented an investment of around 5 billion United States dollars over four years by the Government of Brazil in cooperation

activities. Despite the fact that it had been open for less than two years, the Rio Office had carried out a number of relevant activities, including the first WIPO Interregional Meeting on South-South cooperation on Intellectual Property (IP) Governance; Genetic Resources, Traditional Knowledge and Folklore (GRTKF); and Copyright and Related Rights, held in August 2012 and attended by representatives of nearly 40 countries. The Rio Office had also been contacted by other countries in the region interested in cooperation missions and activities. Finally, the Delegation referred to the Regional Industrial Property Cooperation System (PROSUR), which brought together nine South American nations. That system was an example of cooperation between countries with shared development objectives. The aim of PROSUR was to foster the voluntary sharing of databases and the exchange of information concerning the search and examination of registries of patents, marks, industrial designs and GIs. The Delegation was of the view that PROSUR would increase efficiency in terms of the grant of industrial property rights, thus encouraging innovation across the region.

47. The Delegation of Pakistan aligned itself with the statement delivered by the Delegation of Brazil, on behalf of the DAG, and declared that Pakistan had an enduring interest in the development of an international IP system that was flexible in meeting the needs of States at different levels of development and that promoted innovation and access to knowledge. The Intellectual Property Organization of Pakistan (IPO-Pakistan) provided an accessible and balanced IP system and had taken important steps to ensure comprehensive progress concerning the country's IP system. Pakistan was working towards accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks and the PCT in the near future. Pakistan believed that those instruments would help strengthen the national IP regime and foster innovation. The Delegation expressed appreciation for the support provided by WIPO and other partners in financing a comprehensive ongoing trade-related technical assistance program, which included a significant IP component. However, further international cooperation was required in the areas of documentation, protection of traditional medicine and analysis of the role of IP in ensuring access to reasonably-priced educational material and medicines. The Delegation welcomed the progress made towards the implementation of the DA recommendations and the mainstreaming of the DA across all areas of WIPO's work. However, it felt that more needed to be done. The coordination and monitoring mechanism was a good example. Even though some committees had yet to be recognized by Member States as being covered by the mechanism, the CDIP was performing a key role in mainstreaming the DA across WIPO's work. The Delegation welcomed the preparatory process for the convening of a conference on IP and development, which should allow for a strategic discussion on that issue. In the area of norm-setting, the Delegation congratulated Member States on the conclusion of the BTAP. In the area of copyright, the Delegation expressed satisfaction at the outcome of the most recent session of the SCCR, in particular with regard to the work on exceptions and limitations. Pakistan hoped that a diplomatic conference could be convened in the first half of 2013 for the adoption of a treaty in favor of visually impaired persons and called on all Member States to facilitate the process. The Delegation urged that work be expedited concerning the other categories of beneficiaries of limitations and exceptions to copyright, in particular with regard to the granting of access to educational and scientific materials. The progress in the IGC was encouraging and it was hoped that the Member States would come to an agreement during the Assemblies on a calendar of meetings and on the future work of the IGC in preparation for a diplomatic conference.

48. The Delegation of Georgia expressed its appreciation for the efforts of WIPO in developing IP protection. It welcomed the successful implementation of WIPO activities, initiatives and projects, which had opened up new possibilities for promoting and improving cooperation among WIPO Member States. Georgia had long been working in many different areas of IP and had developed an efficient system for the protection of IPRs. With the assistance of WIPO and the international community, Georgia had built institutional capacity and raised public awareness about the significance and benefits of IP rights. It had also

organized activities emphasizing the importance of having an IP system in place, of safeguarding that system and stimulating the creative process. The Delegation stressed that protection of IPRs was becoming increasingly important and Georgia had used IP effectively to achieve significant economic growth. WIPO's activities had promoted the implementation of modern mechanisms to strengthen the capacity of national patent offices. Effective enforcement of IPRs, as well as the stimulation of innovation and creativity, had played a key role in ensuring economic growth in developing countries. The Government of Georgia had intensified its efforts to promote innovation which had led, in 2011, to a remarkable breakthrough for the country. The National Intellectual Property Center (Sakpatenti) had cooperated with relevant institutions and stakeholders in order to establish a TISC and it looked forward to cooperating with WIPO on a TTO project. Georgia was a country with a strong agricultural sector and an ancient culture and it attached great importance to developing its agricultural sector and to increasing the competitiveness of the economy through the protection of GIs. Georgia sought a stronger commitment from WIPO to encourage multilateral cooperation in relation to GIs and called upon Member States to take a fresh look at broader protection for such products. The Delegation recognized the importance of the efforts of WIPO committees and working groups. It was in favor of an intensive debate on the different issues that could lead to further development of the IP system. The Delegation welcomed WIPO's action to improve its global IP services under the PCT, the Madrid Agreement Concerning the International Registration of Marks, the Hague System for the International Registration of Industrial Designs and the Lisbon System for the International Registration of Appellations of Origin, as well as through the WIPO Arbitration and Mediation Center. It also thanked WIPO for having enabled Georgia to organize various regional and national seminars on IP.

49. The Delegation of Barbados thanked the Director General for his outstanding leadership of the WIPO over the past four years and praised the Chair and the Secretariat for their work throughout the year. Having noted with interest the programs developed by WIPO in partnership with publishers and commercial database vendors in order to enhance access to technology and knowledge for developing countries and LDCs, the Delegation requested that small economies such as Barbados also be granted access to such programs. The Delegation commended the SCT on its recent decision to request that a study on the protection of country names be undertaken by the Secretariat in time for the 29<sup>th</sup> session of the SCT and thanked the Member States for their part in that development. It emphasized the importance of that issue to developing economies such as Barbados, where significant efforts had been made in developing, marketing and maintaining the uniqueness of the country name brand. The Delegation endorsed the application of the National Institute of Industrial Property (INAPI) of Chile to be appointed as an ISA and IPEA under the PCT. With respect to the IGC, the Delegation approved the convening of a diplomatic conference on the effective protection of GRs, TK and TCEs on the condition that the definition of "beneficiaries" was sufficiently wide to take into account the local circumstances in various countries. In that regard, it welcomed the progress that had been made at the last meeting of the IGC, in particular the definition relating to "beneficiaries" in the draft Article 2 of the Consolidated Document Relating to Intellectual Property and Genetic Resources. The Delegation noted the ongoing program of the CDIP and expressed its support for the work of the Committee. It also approved the proposal that the SCCR continue its work towards appropriate international instruments to ensure that persons with disabilities had improved access to copyright protected works. The Delegation reiterated the need for and importance of strengthening the WIPO Caribbean Unit in order to respond adequately and meaningfully to and service the needs of the countries and the region. Having thanked WIPO for its ongoing technical assistance, which had helped to strengthen the capacity of the Barbados Corporate Affairs and Intellectual Property Office (CAIPO) and, in turn, further the development of the economy, the Delegation emphasized its commitment to working with all agencies in the protection of IP and assured WIPO of its continued support.

50. The Delegation of the Philippines acknowledged that WIPO was a prime mover for a balanced IPRs system that empowered developing countries, while engaging their developed counterparts. The Delegation further noted that, with the support of WIPO, the Philippines had grown from a country with limited awareness of IPRs, to a robust environment where IPRs thrived and flourished. The Delegation recognized WIPO and other development partners for their role in enhancing the critical components of an effective IP system in the Philippines, where a strengthened alternative dispute resolution system currently achieved an impressive success rate. Innovation Technology Support Offices (ITSOs) had been established in a large number of universities and work to set up an IPAS would be completed in the near future. The Delegation also highlighted the accession of the Philippines to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. The Delegation noted that the Philippines had joined the international community in adopting the BTAP and expressed its hope that, by means of that Treaty, the country's talented singers, actors and performers would be able to protect and control the use of their creative works, both online and offline. The Delegation thanked the other Member States for their efforts and described the Beijing Treaty as a gift to humanity. The Delegation hoped that the spirit of Beijing would set a standard for future diplomatic conferences. Such success was even more heartening when fully supported by other branches of government. In the Philippines, the Supreme Court had adopted new procedural rules which would shorten trials, while the legislative branch had passed the Cybercrime Prevention Act of 2012, addressing Internet piracy. Moreover, the national law enforcement agencies had adopted the Philippine Action Plan on Intellectual Property Rights Protection and Enforcement. The Delegation stressed the importance it attached to actions providing for the dissemination of technology, especially technology transfer to the developing world, while nonetheless recognizing that there were trade-offs involved in ensuring IP protection. The Delegation cited the challenge facing IP laws, rules and regulations in terms of keeping up with the fast pace of technological development and cautioned against allowing technology to override pillars that had been painstakingly erected over time. The Delegation further noted that WIPO had had much success in fostering new frameworks and building new platforms to support reform initiatives. In order to sustain the momentum of commitment from various industry sectors, WIPO should create a forum for stakeholders to enhance industry and stakeholder participation. Observing that many citizens of the Philippines were involved in craftsmanship and furniture-making, the Delegation declared that it eagerly awaited further debates on the international design law regime.

51. The Delegation of Uruguay said that it endorsed the statement made by the Delegation of Peru on behalf of GRULAC and the one made by the Delegation of Brazil on behalf of the DAG. The Delegation attached great importance to the discussions at the current session of meetings because the outcomes would affect both the Organization and its Member States. A broad debate combined with a balanced, flexible approach would ensure outcomes that reflected the interests of all parties and strengthened the developing and LDCs. The Delegation said that Uruguay was following closely the process of mainstreaming the development dimension into various aspects of the Organization, into technical assistance activities and into progress made with regard to specific projects, given that it was itself a beneficiary country. That process, in addition to being one of WIPO's strategic goals, was vital for ensuring that the IP system promoted development and solutions to common problems like public health, energy, the environment, education and food security. Similarly, there was a need to facilitate access to knowledge, to safeguard and promote the public domain, and to ensure effective dissemination and transfer of technology for the benefit of the developing countries and LDCs. In addition, more studies were required to help the developing countries understand fully the various provisions relating to the flexibilities provided for in international agreements and benefit therefrom. In that respect, the Delegation was satisfied with the results obtained to date and stressed the need to keep allocating funds and implementing appropriate methodologies that would allow the full application and monitoring of the recommendations of the DA. It further recalled the importance of applying the mechanism for coordinating, supervising, evaluating and reporting on the DA, which had been adopted by the General Assembly and which covered all

WIPO bodies on a cross-cutting basis. The Delegation said that in Uruguay, in the context of national goals for socially inclusive productive development and in relation to the shaping of public policy, a process was being developed that would lead to the drafting of an IP policy to include the contribution of the National Intellectual Property Auditing Department, the future findings of the study on the impact of IP on specific sectors, national capacity-building, and training for the major players within the national innovation system. The Delegation said that as Uruguay recognized the interaction between productive development and innovation, it had decided to strengthen the strategic use of IP instruments within the national innovation system. With a view to securing successful outcomes, increasing the impact of activities and generating synergies between the various actors in the system, efforts were continuing to strengthen policies with a view to coordination and cooperation in public-private networks. Very positive results had emerged from the project for the establishment of TISCs, which had the following goals: (1) promoting innovation, national technological development, creativity and competitiveness; (2) facilitating innovators' access to local technology information services; and (3) strengthening the local technological base by generating technical knowledge and developing services related to IP tools. At the same time, cooperation projects were underway for the exchange of patent information through access to the PatentScope database and the LATIPAT Project, in which Uruguay had participated from the start. The Delegation noted that the above steps indicated that Uruguay was making real progress towards an IP policy that was mainstreamed into national development goals. With regard to copyright, Uruguay was working hard together with other WIPO members to reach a consensus that would make it possible to convene a diplomatic conference pending the adoption of an international instrument on limitations and exceptions for the visually impaired. The Beijing Diplomatic Conference on Audiovisual Performances had demonstrated that it was not impossible to reach major agreements. The Delegation therefore concluded by urging all Members to act accordingly, in order to obtain additional tangible results in the future.

52. The Delegation of Belarus welcomed WIPO's efforts to preserve and strengthen the Organization's position as the global competent authority in IP, and to promote the development of effective IP systems at the national level. Having identified innovation development as a priority for itself, Belarus attached great importance to the role of IP in its scientific, technical, commercial, industrial, social and cultural development. During the period under review, the Government had made considerable efforts to improve the national IP system. In particular, changes to the law on trademarks and service marks, geographical indications, and plant varieties had been implemented, a new law on copyright and related rights had been enacted, and work had been completed on a law on trade secrets. All that had been intended to ensure a balance of rights and obligations, and to respond in timely manner to all stakeholders' needs. The Government of Belarus had approved the Strategy of the Republic of Belarus in IP to 2020, which had been developed in collaboration with WIPO, and which identified State-policy priorities and relevant IP issues. In order to make more effective use of WIPO global IP systems, Belarus had completed internal procedures for accession to the Singapore Treaty on the Law of Trademarks. The Delegation furthermore cited some figures in order to illustrate how the country's IP capacity had been enhanced. The number of applications filed by local applicants for protection of inventions in Belarus had increased by 50 per cent per annum over five years, the number of trademarks protected in Belarus had doubled, the number of applications for trademark protection overseas filed by Belarusian applicants according to international procedure had increased eightfold, and the number of registered transactions in respect of industrial property had more than doubled. Enhancing the role of IP in the emerging knowledge-based economy imposed additional requirements upon the national IP Office, both in terms of improving the quality of its functions, and in relation to the future development of activities to promote effective integration of IP management tools in the State's social and economic policy. The Delegation expressed its appreciation to WIPO for its assistance in providing and running the automated service for industrial property, the IPAS, for trademarks, which would optimize the technological processing of applications to register such property, reducing examination times, and simplifying the process of exchanging data with WIPO, as well



as assistance in implementing projects in IP education involving the WIPO Worldwide Academy. Furthermore, under the Agreement on Cooperation between the National Center for Intellectual Property and WIPO on developing the IP Office's technical infrastructure, the creation of a system of electronic document exchange had been envisaged, in relation to which WIPO's assistance in modernizing the Belarusian Patent Office's infrastructure appropriately was eagerly anticipated. In conclusion, the Delegation once again thanked the Director General and the WIPO Secretariat for its productive work, and expressed confidence that the current Assemblies' agenda would effectively address the current challenges facing national IP offices.

53. The Delegation of the Republic of Moldova expressed its confidence in the success of the meetings of the current Assemblies and its appreciation of the work of WIPO in preparing the meetings. It further welcomed WIPO's efforts in support of the development of the International Patent Classification (IPC) at both the international and national levels. The global financial crisis was still having a highly negative impact on many countries, in particular in developing markets and economies in transition. Any support that encouraged the economic growth of such societies was to be welcomed. The Republic of Moldova was making sustained efforts to meet current challenges. Its objective was to create a favorable climate for innovation by offering a large spectrum of IP services to industry and research institutions. Inspired by WIPO, the country was re-evaluating its institutional capacities, and, in May 2012, had begun to implement a quality-management system according to ISO standards, in order to increase user-confidence in the quality of services provided by the State Agency on Intellectual Property. Further progress had been achieved with the launch of the e-filing procedure, which was expected to make the IP system of the Republic of Moldova more user-friendly. The Republic of Moldova's legal framework was fully compliant with international and European IP standards, progress achieved within the negotiation of EU IP protection being an important part of that process. The Republic of Moldova had been one of the many countries to sign the BTAP. The Delegation was pleased to report that its IP strategy for 2012 to 2020, devised with WIPO's assistance, would shortly be approved by the Government of the Republic of Moldova. The Delegation stressed that the Republic of Moldova continued to focus on the consolidation of the protection of IPRs and the capacities of enforcement institutions in order to ensure appropriate implementation of IPRs for better coordination of IPR-enforcement activities. An IPR observatory had been established within the State Agency on Intellectual Property. In 2012, the Republic of Moldova had launched a public-awareness campaign to stop counterfeiting and piracy. One important event organized in Moldova as part of the anti-piracy campaign was the Inter-Regional Symposium on Enforcement of Intellectual Property Rights, to be held in October 2012. The activities carried out had been possible owing to the support of international and local partners, including WIPO. The Delegation expressed the Republic of Moldova's sincere gratitude to the Director General and WIPO staff members for their valuable support. The Delegation recognized, however, that those actions alone were insufficient to stimulate economic growth and encourage investment, entrepreneurship and job creation. The biggest challenge was to make IP a tool for achieving the difficult task of fostering national economic development and the Republic of Moldova was relying on the support of WIPO and other development partners in carrying out that task. The Delegation stressed that WIPO could and should become an important forum for the sharing of knowledge and best practices in the field of innovative economic development. It fully supported the implementation of DA programs. The Republic of Moldova was confident that, with shared effort, the environment and lives of all could be improved. The Delegation concluded by wishing WIPO and the Member States constructive and productive work during the meetings of the Assemblies.

54. The Delegation of Argentina endorsed the statement delivered by the Delegation of Peru on behalf of GRULAC and recalled that the DA was now five years old, given that in 2007, that very same Assembly had adopted the 45 recommendations for mainstreaming the development dimension into the Organization's activities. It acknowledged the efforts made by the Members and the WIPO Secretariat, under the guidance of the Director General, Mr. Francis Gurry, to incorporate those recommendations in all of the Organization's activities. Although the last

five years had been auspicious, that was only the beginning and much remained to be done in order to ensure that development was mainstreamed at WIPO, as several Delegations had indicated clearly in their statements. Argentina supported the establishment of a balanced, accessible IP system at the international level which would stimulate innovation and contribute to economic development while safeguarding the public interest. The Delegation said that it was essential to begin by identifying the specific needs and challenges of developing countries, which had to be reflected in the establishment and safeguarding of the requisite flexibilities, exceptions and limitations to ensure that those same countries were able to introduce national policies that met their economic, cultural, technological and social requirements. In that respect, the work done by the SCCR pertaining to exceptions and limitations was closely tied to the general principles of the DA. Notwithstanding the progress made towards the adoption of a treaty on limitations and exceptions for people who had difficulty accessing printed texts, no tangible results had been achieved to date. The Delegation hoped that in 2012, the Members would finally display the necessary political will to convene a diplomatic conference in 2013. It added that Argentina hailed the work done by the WIPO Academy, and hoped that that body would be able to count on the vital support of the Organization and its Members so that it could make progress with its work, which was essential for the developing countries. The Delegation also highlighted the efforts made by the Regional Bureau for Latin America with regard to cooperation and technical assistance, in particular its support for the various initiatives in the region, such as Pro\_Sur and the Ibero-American Program for Industrial Property and Promotion of Development. However, as GRULAC had noted in its statement, it was necessary to earmark the resources required to meet growing cooperation needs in the region. Paying for experts from national capitals to attend WIPO meetings was a key aspect of such cooperation, which in the Delegation's view should be reinforced. All that would help to demonstrate that WIPO was a genuine instrument for the development of the developing countries.

55. The Delegation of Colombia recognized the Director General's commitment to policies for the protection and promotion of IP and welcomed the successful outcome of the Beijing Diplomatic Conference, which had led to the signing of the BTAP. That success was due to the political will displayed by the Member States and the role played by WIPO under the leadership of its Director General. The Delegation said that, by signing the Treaty, Colombia had ratified its commitment to safeguard the rights of performers, obtaining a clear legal tool for the international use of audiovisual productions in both traditional and digital networks. Likewise, the Delegation recognized the significant progress made in the copyright field. In particular, it expressed an interest in the development of a legally binding international instrument for the visually impaired, reiterating the appropriateness of convening a diplomatic conference in 2013. It was essential for States to achieve that goal. The Delegation wished to share its satisfaction on having acceded to the Madrid Protocol on August 27. Implementation had been facilitated with the support of WIPO. Following its accession to the Protocol, Colombia was now a party to 10 treaties administered by WIPO, which reflected the importance it attached to IP protection policies, designed *inter alia* to boost innovation and creative work. On a general note, the Delegation acknowledged the constant support provided by WIPO in the field of legislative assistance, which had facilitated the effective implementation of the free trade agreements in force in the country. It said that Member States had a duty to keep moving forward in the discussions on all topics within the various committees. Even though positions differed in many cases, it was necessary to keep looking for comprehensive solutions, through constructive dialogue. In particular, the Delegation referred to the mandate given to the IGC. It said that the time had come to establish a work agenda that would make it possible, in 2013, to obtain sufficiently mature legal texts to consider convening a diplomatic conference. Within the IGC, it was necessary to conclude the discussion on the various subtopics and to move towards binding international instruments. As for development-related topics, the Delegation emphasized the importance that Colombia attached to its experience with the pilot project for national academies. The National Intellectual Property Academy had become a forum for debate and a vital and relevant tool for capacity-building and national development. The Academy also served as an example in the region as regards the establishment of

structures and the institutionalization of activities to promote and teach IP. The Delegation therefore expressed its appreciation for WIPO's support of the project, its positive impact on the country in terms of institutional capacity-building, and the vital need to ensure further support. It emphasized the need to strengthen programs for cooperation and coordination of efforts between industrial property offices, with a view to reducing duplication of work, facilitating trade and supporting innovation. Finally, the Delegation endorsed the statement delivered by the Delegation of Peru on behalf of GRULAC.

56. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of Brazil on behalf of the DAG. IP resulting from human creativity was among the most valuable of all assets, but that should not distract from the negative impacts it might have on contemporary life. IP's dual role had to be borne in mind in relation to global challenges such as climate change, food security and public health. WIPO could play a significant role in that area by adopting a balanced approach in its norm-setting activities. It was also necessary to establish an appropriate mechanism – giving due consideration to varying levels of national development – that would strike a balance between the interests of IP owners and the rights of communities. The IP system should have a development-oriented approach, which would improve the economy and welfare of developing countries as well as increase their participation in protecting such rights. The 2007 WIPO DA had been a watershed in the Organization's history. The Delegation hoped that the “mainstreaming of development across different areas and bodies of WIPO” would ultimately be achieved. The Delegation attached great importance to the effective protection of IP in relation to GRs, TK and TCEs. The text-based negotiations of the ICG should, therefore, further progress in line with the Committee's approved mandate. The upcoming sessions should be increased in number so that one or a number of internationally binding instruments could be finalized in order to result in a diplomatic conference. The Delegation expressed its appreciation for the conclusion of the BTAP. It hoped that another diplomatic conference would be convened to finalize the long overdue treaty on the protection of the rights of broadcasting organizations. The Delegation noted with appreciation the progress made by the SCCR in developing an internationally binding instrument on limitations and exceptions for visually impaired persons. It called on the Committee to continue to work on the expansion of limitations and exceptions to cover libraries, archives and training institutes. Iran (Islamic Republic of) believed the SCP and the Patent Cooperation Treaty PCT should make the DA a priority and take into consideration the special needs and different levels of development of certain countries in order to improve the patent system. The Delegation considered it was time thoroughly to revise the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Regulations thereunder, noting that procedural and substantive revisions were needed, whereas the principles and objectives of the Agreement should be maintained. The Delegation also supported the establishment of an international registration system for geographical indications. Iran (Islamic Republic of) had taken steps in the past year further to develop and strengthen its IP system. A bill permitting the country's accession to the Berne Convention for the Protection of Literary and Artistic Works and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations had been prepared, along with other national bills relating to a comprehensive national law for the protection of literary and artistic works and a law for the protection of plant GRs. Iran (Islamic Republic of) had collaborated with WIPO on various projects, including the reform and improvement of patent, industrial design and trademark processes; the expansion of online customer services, and; the organization of national conferences on industrial, literary and artistic works. Those conferences had included a seminar on the use of IP to protect Iranian hand-woven carpets and a national seminar on formulating IP strategy and had generated much public attention concerning IP issues. In the Delegation's opinion, certain countries had attempted to

manipulate WIPO's procedure for providing technical assistance to the IP offices of its Member States. It appeared that those countries had sought to make the Organization an instrument for the extraterritorial application of their domestic laws. The Delegation was confident that WIPO, as a technical UN specialized agency, would continue to carry out its duty effectively to promote IP by providing support and technical assistance to its members, in particular developing countries.

57. The Delegation of the United Kingdom supported the statements made by the EU Presidency and by Group B. The past year had been a significant one for WIPO and its Member States. The conclusion of the BTAP after years of negotiations and so long after the WIPO Internet Treaties was a considerable achievement. However, challenges remained, such as the issue of significant gaps in the global IP framework and the task of improving existing systems. The Delegation believed it was important to continue to boost growth and innovation. IPRs supported economic growth by encouraging investment in new technologies, brands and the creative industries. World trade in intangibles and innovative products continued to grow, with global trade in IP licenses alone being worth more than GBP 600 billion a year (five per cent of world trade and rising). WIPO played an important role as the only international forum dedicated to IP. There was considerable momentum following the conclusion of the Beijing Treaty and the Delegation wished to build on that to benefit users of the IP system around the world. The time was ripe to demonstrate the significance of IP as a tool which could and should support global economic development. The Delegation hoped WIPO would make further progress over the coming year. It strongly supported the finalization of a treaty on industrial design formalities, believing it would bring real benefits to some of the most innovative businesses, as well as enabling further international trade and investment. The Delegation looked forward to agreement on an instrument to allow access to copyright-protected works for visually impaired persons. With appropriate safeguards, that treaty would improve access to information without damaging existing business models. The Delegation believed that agreements in those areas were within reach and hoped that all could work together to achieve them. As to the international regimes already in place, they should not be neglected. The United Kingdom, along with others, had proposed improvements to the PCT system earlier on in the year, which it hoped to work on with other Member States. It was important to continue to reform and improve the way everyone worked together. The Delegation called for WIPO committees to be allowed to work on issues of substance in a constructive manner. With the right leadership and support from Member States, WIPO had the potential to build on the progress made to create a global IP system that worked for all concerned. That would require building effective, dynamic consensus, which would take commitment and persistence from all involved. The Delegation wished to see the business sector engage more with WIPO in order to improve the decision-making process. Businesses could contribute significantly to WIPO discussions. The WIPO Secretariat had made significant internal reforms and provided a high standard of service to Member States and business customers. The Delegation hoped those reforms would continue.

58. The Delegation of Malaysia associated itself with the statements delivered on behalf of ASEAN, and expressed satisfaction with the progress made by WIPO in the implementation of the MTSP, as 75 per cent of the 298 performance indicators had been assessed as fully achieved. In the previous 12 months, WIPO had made impressive progress by concluding the BTAP and would also shortly conclude treaties for the protection of broadcasting organizations as well as for visually impaired persons. The Delegation further expressed its satisfaction with progress in the framework of the DA, where 45 recommendation clusters had been adopted in six areas of activity, and the assistance extended to Member States had been successful. The CDIP had proven to be an effective mechanism for coordinating, monitoring and assessing the implementation of the DA. The financial crisis was affecting major economies in Europe and was a cause of concern for all other countries as well as for WIPO. Despite the economic crisis, WIPO had remained independent by drawing most of its funding from PCT filings, which had remained at a high level. Unlike other UN organizations, WIPO had

not incurred a significant loss of staff. The Delegation further acknowledged the positive operational expenditure compared to the approved budget for 2010/2011 as a result of prudent financial management. There remained areas that needed improvement in the IGC. As an active participant in the deliberations since 1997, Malaysia had supported the work of the IGC and hoped that concrete conclusions could be reached by Member States. Since becoming a Member State of WIPO in 1989, Malaysia had achieved considerable progress in the field of IPRs through the assistance provided under various IP-related initiatives. The existing IP system was being brought into line with the latest technology and up to par with international treaties. Amendments to the Copyright Act had been passed by the Malaysian parliament and had come into force on March 1, 2012. Through the introduction of strong enforcement provisions in the Act, since April 30, 2012, Malaysia had no longer been on the USTR Special Report 301 watch list. A new provision regulated collective management organizations, thereby ensuring transparency and good governance. In addition, Malaysia had recently sought to accede to the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), and was in the process of amending the Trademarks Act, Patents Act and Industrial Designs Act to comply with the Madrid Protocol, the Budapest Treaty and the Protocol Amending the TRIPS Agreement on Public Health, respectively. Public consultations had been conducted to ensure that the amendments were in line with international IP developments while meeting stakeholders' needs. Malaysia had welcomed the Director General on an official visit during which several areas of technical assistance had been discussed. An Official Journal system had been launched to facilitate online access to information on trademarks, patents, industrial designs and geographical indications. Malaysia had hosted several regional seminars and workshops on IP rights during the year, thus providing a platform for participants from various countries to share information through discussions on related issues. There had been an excellent response to outreach programs on social media such as "Facebook", "Twitter", "YouTube" and "Flickr", as well as to the bi-annual MyIP Bulletin covering national and international IP events. The Delegation viewed such events as an endorsement of the IP system developed in Malaysia with the assistance of WIPO. Seeking continuous WIPO assistance was crucial to empowering Member States with IP mechanisms to achieve economic, social and cultural development. Malaysia was committed to ensuring that WIPO's responsibilities and obligations were met. Furthermore, it was ready to collaborate with other Member States.

59. The Delegation of the Holy See noted the significant and positive progress that had taken place in WIPO's substantive sectors since the past Assemblies. The conclusion of the BTAP represented an important milestone in terms of the efforts to close the gap in the international rights system for audiovisual performers and reflected the collaborative nature of the multilateral process. The SCCR had made enormous efforts in the past year and the Delegation looked forward to an agreement on an international, legally binding instrument on limitations and exceptions for visually impaired persons or persons with print disabilities. The visually impaired had access to only five per cent of published books in developed countries, and in developing countries that figure was closer to one per cent. At a time when technology brought huge amounts of information to individual homes and businesses, it was shocking that, even in the most developed countries, less than five per cent of the information available was accessible in usable formats, such as audio, large print and braille. Article 27 of the Universal Declaration of Human Rights recognized the right of all freely to participate in the cultural life of the community and to enjoy the arts. The need to ensure that copyright was not a barrier to equal access to information, culture and education for people with print and other reading disabilities was a copyright issue with a clear human rights dimension. Pope John Paul II, in his encyclical letter 'On Human Work' (*Laborem Exercens*), had stated that it would be radically unworthy of man, and a denial of our common humanity, to admit to the life of the community, and thus admit to work, only those who were fully functional. To do so would be to practice a serious form of discrimination, that of the strong and healthy against the weak and sick. Since all were called on to contribute to society, it was a basic requirement to create an international instrument to help persons living with disabilities to develop their skills in order to make the best use of their

capacities and resources, both for personal fulfillment and their own contribution to society. IP protection was necessary for progress and for the just compensation of researchers and producers. At the same time, the primary goal of new knowledge was the service of the common good and the human community. That common good had to be served fully, not according to a reduced vision that benefitted only certain people. It was to be based on a logic that led to the acceptance of greater responsibility. The Delegation emphasized the ethical and social dimensions that, in a unique way, flowed from, affected and marked out the human person. In any undertaking of thought or action in every scientific, technical or legal approach, IP was called on to respect creation, both in the area of knowledge and discovery and in the recognition of the nature of things – matter, intellect, living beings and, above all, the human person. The Delegation stressed its commitment to constructive cooperation and support in those areas.

60. The Delegation of Paraguay said that the agenda of the current series of meetings of the Assemblies contained several very important items. With regard to the SCCR, as was well known, Paraguay had been one of the first countries specifically to cosponsor a draft international instrument on limitations and exceptions for the blind and for persons with reading disabilities. The results of the last session of the SCCR, the recommendations of which would be examined during the current week by the General Assembly, indicated that the desired outcome would be reached, given that there was a real possibility that the Member States would convene a diplomatic conference once the respective text had been further consolidated. The Delegation urged the Member States not to pass up that major opportunity to move ahead. With regard to the Intergovernmental Committee, it understood that working on the basis of a single document for each of the three discussion topics had made it possible to move ahead in the negotiations. However, those documents still required additional study and a firm, genuine commitment by Member States to work towards their consolidation. It was clear that more meetings would be needed in the coming year, given that the current terms of reference did not provide for sufficient meetings. The Delegation continued to hope for the conclusion of a legally binding instrument on GRs, TK and folklore. With regard to the CDIP, it was following very closely the application of the DA recommendations. Projects underway were being gradually improved, but had necessarily to be more inclusive. Similarly, with regard to Paraguay's national capacity, joint efforts by WIPO and the IP authorities of Paraguay had been expanded and had yielded significant results. With the help of WIPO, it was hoped that the IPAS could be fully installed in the national IP Office and that the GDA system in the Copyright Office could be optimized. Accordingly, Paraguay was counting on WIPO's support, which would surely be forthcoming. The Delegation expressed appreciation for the ongoing cooperation of the Bureau for Latin America and the Caribbean, which always worked with Paraguay on important projects and had always displayed a very favorable attitude.

61. The Delegation of Thailand aligned itself with the statement made by Singapore on behalf of the Association of Southeast Asian Nations (ASEAN). Developing countries faced barriers such as inadequate infrastructure, and a lack of technical expertise, appropriate policies and legal, regulatory and administrative frameworks when attempting to access the benefits of IP. There was also a lack of awareness of the many advantages of protecting IP rights. The challenge was to ensure that both developed and developing countries could enjoy those benefits in a fair and equitable manner. WIPO should continue to provide assistance to LDCs and developing countries. WIPO's expertise was valuable in the formulation of national IP strategies aligned with national development goals. The Delegation welcomed WIPO's cooperation in the form of a pilot project on IP and product branding in local communities in Thailand. The project would be concluded in 2013 and Thailand would share experiences and best practices with other countries and WIPO. WIPO had supported the organization of the second Thailand International Creative Economy Forum (TICEF) in March 2012, which had focused on ways to add value to local products and promote global marketing. In 2013, Thailand would host the International Symposium on GIs. The Delegation welcomed the adoption of the norm-setting. Thailand supported the development of an international legal

instrument to protect GRs, traditional knowledge and folklore. Progress had been made in negotiations, although there was still a need for the Assemblies to carry out consultation on the issue of GRs in order to expedite the development of a legal instrument. Thailand also supported the development of legal instruments on copyright limitations and exceptions for visually impaired persons and persons with disabilities, libraries and archives and educational and research institutions.

62. The Delegation of Saudi Arabia welcomed the comprehensive Report by the Director General and thanked the Secretariat for preparing the current meetings. The Delegation wished to recall that its country's interest in IP dated back to Saudi Arabia's accession to WIPO in 1982. Subsequently, various IP-related laws had been promulgated with high-level enforcement focus. In addition, Saudi Arabia acceded to various IP-related international treaties, and most recently to the PCT and the Patent Law Treaty (PLT). The Delegation reaffirmed the country's commitment to establish an attractive economic environment underpinned by a judicial framework which enhanced IPR protection. The Delegation also mentioned the Permanent IP Committee (PIPC) which was composed of representatives from IP Law enforcement authorities, Customs Department, the Judiciary as well as from governmental entities concerned with economic and decision-making processes. The PIPC sought to coordinate efforts for work development and follow-up with the relevant authorities internally and abroad. Saudi Arabia attached great importance to IP awareness programs. In that regard, the Delegation mentioned various developments achieved in cooperation with WIPO, including, the Agreement concluded with WIPO in the current year for the establishment of an TISC, as well as the organization of an annual forum in conjunction with the World IP Day celebrations. In its efforts to support innovation, Saudi Arabia made a three-billion Saudi ryal investment in R&D. Various programs, such as technology incubators, were also established for innovation support and technology localization. In order to value individual contributions within the community, a new award for creators and innovators had been established to promote and encourage creativity and innovation. As a result of increasing public awareness of the importance of IPR protection, national patent applications increased from 10 per cent to 35 per cent over the preceding five years. Such increase would effectively further encourage the move towards the knowledge economy. The Delegation wished to thank Member States involved in that field, whose contribution had a positive impact on work development. The Delegation concluded by welcoming the MoU between the GCC General Secretariat and WIPO.

63. The Delegation of Kenya aligned itself with the statement made by the Delegation of Egypt on behalf of the African Group and mentioned that the Government of Kenya, acting through the Kenya Industrial Property Institute (KIPI), the Kenya Copyright Board (KECOBO) and other relevant institutions, had addressed a number of IP issues with the continued support of WIPO. The Delegation highlighted the ongoing review of the National Intellectual Property Policy. The process would be complete by the end of November 2012. In support of the work of the SCCR and the IGC, Kenya had also made amendments to the Copyright Act to include exceptions and limitations. A draft Traditional Knowledge and Traditional Cultural Expressions Bill would soon be debated. Kenya had marked World Intellectual Property Day 2012 with a mock destruction of counterfeit goods. The event had been preceded by the inaugural Industrial Design Competition organized by KIPI to raise awareness of industrial designs. In July, KIPI had hosted a team of WIPO and ARIPO consultants, who had successfully upgraded the IPAS. KIPI had also implemented a short message service (SMS) for monitoring the status of trademark, patent and industrial design applications. WIPO had worked with KECOBO on the remote installation of the GDA (Gestión de Derecho de Autor) copyright management system. KECOBO staff had also received relevant training. A successful patent drafting workshop had been organized in conjunction with the PCT Division in order to address the shortage of drafting skills in Kenya. The workshop had confirmed that Kenya had sufficient expertise to organize more such practical courses through the vehicle of an IP Academy. A workshop on IP and sports had been jointly organized by KIPI and KECOBO in the run-up to

the London 2012 Olympic Games. With regard to the TISC project, two training workshops had been organized and a number of institutions had expressed an interest in establishing TISCs in the near future. Law enforcement officers at KECOBO had benefitted from WIPO training and had shared their newly acquired skills with the police force through training sessions at the Criminal Investigation Department Training School. The Judiciary Department had also been a beneficiary. Kenya supported the ongoing norm-setting processes in the SCCR and IGC and looked forward to a consensus on international instruments. The BTAP had shown that the norm-setting process at WIPO was on course and took into account the DA. Kenya had cooperated with a number of countries, including Canada, China, Japan, the Republic of Korea, and the United States of America, in connection with a number of training and other collaborative activities, and had received WIPO support for infrastructure development and staff training in IP issues.

64. The Delegation of Tunisia associated itself with the statement made by the Delegation of Egypt on behalf of the African Group. Tunisia attached special importance to IP and its international norms within a balanced system that secured the legitimate interests of both knowledge owners and users. The Delegation highlighted major efforts made to bring Tunisian national laws and practices in line with relevant international standards and accede to relevant international treaties. Significant achievements in 2012 included accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (Hague Agreement) and the completion of accession process to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), scheduled for the first quarter of 2013. The Delegation welcomed the progress made by WIPO's bodies, particularly in the work of the IGC and looked forward to actionable decisions leading to a draft legal instrument on TK protection. In that regard, the Delegation supported the proposal by the African Group for paced-up IGC meetings in order to allow for convening a diplomatic conference in 2014. The Delegation recalled the excellent cooperation between WIPO and Tunisia, which benefited the country through a regular support program including not only the modernization of Industrial Property and Copyright Offices, but also the enhancement of activities for participating entities. In particular, the Delegation mentioned the establishment of a TISC within the National Institute for Standardization and Industrial Property (INNORPI), initiation of work for the creation of a National IP Academy and of TTOs, as well as the modernization of the INNORPI IT system by adopting WIPO's IPAS. In that regard, the Delegation stressed the need for WIPO's assistance in accelerating the establishment of those important entities on the national level. The Delegation also looked forward to fostering bilateral cooperation in technical assistance and capacity building for the promotion of creativity and innovation among the youth. The Delegation emphasized WIPO's role in supporting developing countries to help them modernize their IP institutions by enhancing national capacities for the protection of innovations, creations and inventions; as well as supporting the development of national science and technology infrastructure. From that perspective, the Delegation looked forward to more interest from WIPO in Arab and African countries in particular, in order to provide assistance for development, in its broader sense, that included IP as a fundamental component. The Delegation also sought WIPO's assistance in developing capacities of national enterprises, particularly SMEs, to have a major role in economic growth by increasing competitiveness and encouraging entrepreneurship among the youth with IP benefits, incentives and protection for their research results. The Delegation hoped that WIPO took into consideration the current situation in Tunisia and consider, initially, the creation of two regional offices for Africa. The Delegation proposed that one of the regional offices be based in Tunisia as such decision would have a very positive impact on the national economy. The Delegation hoped that the proposal would meet support from all friend countries. In conclusion, the Delegation reaffirmed Tunisia's commitment to the achievement of WIPO's strategic goals, including the DA, as well to development plans and programs.



65. The Delegation of Trinidad and Tobago said that investment in technology, innovation and patent filing was being encouraged, primarily through the IP system, public outreach and other business support systems. In spite of the efforts of the PCT to facilitate the filing of international patent applications, filing costs remained high. A research and development facility had been established in Trinidad and Tobago to minimize technological cost impediments by providing grant funding for technology acquisition and patent filing. Trinidad and Tobago expected to accede to both the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks and the Hague System for the International Registration of Industrial Designs in the first quarter of 2013. Accession to those instruments was a response to the demand for easier access to foreign markets. With a small but extremely creative population of just over 1.3 million, Trinidad and Tobago needed to make the world its marketplace. A bill on trade marks would also be debated in December 2012. The WIPO Academy had assisted with the establishment of a national IP academy through the Trinidad and Tobago Intellectual Property Office. The specialist Intellectual Property Clinic at the Hugh Wooding Law School had been expanded and training modules had been developed for the police and customs officers. An MoU had been signed with the Caribbean Industrial Research Institute (CARIRI) for technical cooperation in the fields of industrial property, business development, technology transfer and licensing. The 2012 Olympic Games had seen record-breaking performances by many Caribbean athletes and efforts were being made to inform those athletes about their image rights, branding and endorsements in the wake of their successes. There had been many recommendations for handling the opportunities that successful athletes and their business managers needed to be prepared for. The Intellectual Property Office of Trinidad and Tobago continued to work with Caribbean Community (CARICOM) colleagues through missions on assistance and IP administration, examination and legislative drafting and on various aspects of trademarks, patents and industrial designs. The Delegation looked forward to the appropriate allocation of WIPO budgetary resources that would allow the Caribbean Unit of the Regional Bureau for Latin America and the Caribbean to achieve more for the members of the Group of Latin American and Caribbean Countries. Much progress had been made in the IGC and a diplomatic conference was the next obvious step. Trinidad and Tobago was encouraged by the changes introduced and the heightened profile of developmental IP considerations in the work of WIPO, and looked forward to the participation of the Director General in the ministerial-level meeting to be held in Trinidad and Tobago in November 2012.

66. The Delegation of Zimbabwe aligned itself with the statements made by the Delegation of Egypt, on behalf of the African Group, and the Delegation of Brazil, on behalf of the DAG. The previous week, the WTO had held a Public Forum entitled "Is Multilateralism in Crisis?", while WIPO had been celebrating the successful conclusion of the BTAP in June. Member States were urged to seize the momentum and positive spirit generated by that success and to demonstrate to the world that WIPO still believed multilateralism could address global issues related to IP. The Delegation expressed concern, however, over the slow progress and lack of political will concerning the conclusion of treaties of interest to developing countries, notably a treaty on exceptions and limitations on copyright and related rights and a treaty on the protection of GRs, TK and TCEs. Failure to conclude such treaties would mean continuing to deny millions of poor people access to education and the economic rights related to the protection of their GRs, TK and TCEs. It appeared that some developed countries had placed greater emphasis on the economic rights of right holders. While the Delegation did not deny the need for protection in that regard, it called for a balance between those rights and the public interest. It was surprising that opponents of those treaties nevertheless had similar provisions in their national laws. The Delegation called for the balanced treatment of all issues in the WIPO intergovernmental machinery, including work on such treaties. In relation to governance issues, at its 19<sup>th</sup> session, the PBC had discussed two important issues in depth, namely, the definition of development expenditure and governance in WIPO. The Delegation urged developed countries to take a more objective approach in future meetings. Although all Delegations in their general statements seemed to express the need for an effective and

efficient governance system in WIPO, some did not put their beliefs into practice when it came to taking concrete decisions. In order to achieve good governance, Member States had to hold objective, apolitical discussions, something currently lacking in WIPO. The Delegation wished to see the Assemblies take concrete, clear and definitive decisions with regard to WIPO's normative work. Having requested in recent years that the work in the various WIPO committees, including the IGC, be expedited, the Delegation believed it was time to bring the issues under discussion to a conclusion. The coordination mechanism provided a clear mandate for WIPO committees to report on how they had been implementing DA recommendations. However, some developed countries had argued that certain committees, namely the CWS and the ACE, were exempt from that requirement. The Delegation called on those countries to respect the decisions of the Assemblies, as failure to do so would set a harmful precedent. It was imperative to increase the allocation of resources to Africa in the budget for 2014/2015 if DA objectives were to be met. It was equally important to establish a WIPO external office in Africa and to strengthen existing regional IP offices, such as the ARIPO and the African Intellectual Property Organization (OAPI). The Delegation thanked WIPO for its support, through the Academy, in implementing the Master's in Intellectual Property program in Zimbabwe. Since its establishment, the Academy had benefitted more than 100 students across Africa. Each year, WIPO provided financial assistance so that 20 to 25 students could take part in the program, with 10 additional slots available for paying students. However, the 10 unfunded slots were never filled, because many applicants could not afford the fees. The Delegation appreciated WIPO's efforts gradually to increase the number of scholarships for that program. Zimbabwe valued the technical assistance WIPO provided to various IP institutions in the country. The Delegation commended WIPO for providing that service in an objective, apolitical manner. It noted, however, that some countries, armed with a letter from the Staff Council, had tried to paint a negative picture of WIPO's technical assistance program. The Delegation strongly rejected the position taken by the Staff Council and some developed countries, which had politicized the issue of WIPO's technical assistance. The UN had cleared WIPO of all allegations. The Delegation strongly urged the WIPO Staff Council to engage constructively with management and to desist from any activities bordering on blackmail, which would compromise its legitimacy.

67. The Delegation of Zambia endorsed the statement made by the Delegation of Egypt on behalf of the African Group and by the Delegation of Nepal on behalf of the LDCs. It commended the work undertaken by WIPO committees in mainstreaming development in their programs and upholding the General Assembly mandate of regular reporting on the implementation of DA recommendations. The Delegation urged the committees to ensure a balanced approach to norm-setting, so that WIPO's work would remain relevant to the interests of all Member States, in particular the LDCs. WIPO was an important organization for Zambia in that it helped to strengthen the IP regime in line with national development objectives. Through WIPO support, Zambia had reviewed its industrial property legislation, which was currently at the bill stage, and was in the process of implementing a national IP policy. Zambia had benefited from technical assistance support, including the training of staff and IP office automation. The Patent Office had improved the efficiency of its office operations. The automation of trademark procedures, using the IPSAS, had allowed the Zambian Office greatly to increase its efficiency in terms of processing applications and responding to queries. The activation of the portal to the Madrid system for the International Registration of Marks had enabled the Office to lay the groundwork for the elimination of possible acceptance and registration of similar or identical marks designating Zambia. Since the last session of the Assemblies, there had been progress on various fronts, including the successful Diplomatic Conference in Beijing, in June 2012, which had resulted in the adoption of the Beijing Treaty. Zambia had signed the BTAP and was considering ratifying it following consultations. The Delegation stressed the need for the Standing Committee on SCCR to expedite its work and finalize negotiations on issues relating to exceptions and limitations for visually impaired persons/persons with print disabilities; libraries and archives; educational and research institutions and; the protection of broadcasting organizations. The Delegation also

emphasized the importance of accelerating text-based negotiations on GRs, TK and TCEs, in line with the mandate to adopt a legally binding instrument for protection. The Delegation therefore urged the Assemblies to give concrete guidance to the IGC on that important issue, so that the remaining issues could be finalized as soon as possible. The work of the CDIP was important and needed to remain high on WIPO's agenda in order for the work of the Organization to be balanced. The Delegation commended the Secretariat on the progress made in implementing the DA projects in support of developing countries and LDCs, and looked forward to increased efforts in that area. The Delegation fully supported the realization of the DA objectives. It therefore looked forward to the adoption by the Assemblies of the relevant PBC recommendations with regard to the work of the CDIP. The Delegation also urged Member States to uphold the balance established in the work of the SCP, in order to ensure that tangible progress was made on patents and public health, transfer of technology and exceptions and limitations.

68. The Delegation of Belgium fully endorsed the statements made by the Delegation of the United States of America, on behalf of Group B, and Delegation of the Cyprus, on behalf of the EU. Belgium attached great importance to the creation, maintenance and improvement of a balanced and effective international IP system. It was necessary to capitalize on the momentum created by the successful Diplomatic Conference on the Protection of Audiovisual Performances. Negotiations should be pursued and consensus sought on areas likely to bring benefits to the users of the IP system. A balanced international IP system further implied that WIPO provided high-quality technical assistance, combined with monitoring mechanisms, to offset the disadvantages related to different levels of economic development. In particular, Belgium wished to stress the need for: (a) further speedy progress in regard of a draft treaty harmonizing and simplifying registration formalities and procedures for industrial designs, and; (b) further balanced and consensus-driven negotiations on an international instrument on limitations and exceptions for the benefit of persons with a visual impairment. Moreover, the Delegation was of the opinion that further attention should be given to ideas that would contribute to enhancing the efficiency of the work being carried out in a very important way: (a) along with Group B, the Delegation felt that WIPO would benefit enormously from the further involvement of the business community. Businesses were key to economic development and, in a client-oriented approach, that was the real foundation for non-politicized debates. Particular attention should be paid to the needs and views of system users, and; (b) the issue of further improvements in the management of WIPO meetings could be examined. The number, depth and length of meetings had important repercussions for the efficiency of the Organization, not only in terms of sustainable and sound financial management but also in terms of transparency, accountability and good governance. Those further improvements depended on both the IB and the entire WIPO membership. Belgium stood ready to do its part in working towards those goals.

69. The Delegation of Antigua and Barbuda underscored its country's unwavering aspiration to create a modern IP Registry. The Delegation expressed its appreciation to WIPO for coordinating several successful meetings and workshops over the previous year and for the excellent administrative and technical support to ensure success at all levels. The Delegation pledged to partner WIPO on issues and platforms of common interest and anticipated receiving continued support from WIPO's various secretariats in Antigua and Barbuda's ongoing endeavors. Although the global financial situation remained grim, and countries on every continent had been adversely affected to varying extents, the Delegation commended the Director General for his continued efforts and creativity in transforming WIPO to respond to that environment as well as for his prudent management of resources. Likewise, the Delegation congratulated the Director General and his executive team on their responsiveness in providing tangible support to meet diverse requests by countries during such challenging times. The Delegation stated that it was widely accepted that the creative industries presented the greatest opportunities for new economic growth, particularly in music, sport and folklore. As a small island developing state, Antigua and Barbuda would continue to explore ways in which

their creative industries could more effectively contribute to the gross domestic product. An ongoing public-awareness campaign had resulted in the people of Antigua and Barbuda's heightened interest in and knowledge of IP, and a consequent desire to protect IP rights. A copyright campaign video was shortly to be launched throughout the media, featuring a local Soca artist, "Drastic", who would champion the public education campaign concerning copyright and related rights. To complement that initiative, and appreciative of the increasing demand for IP services and support, the Delegation explained that Antigua and Barbuda had expanded the technical, legal and administrative capabilities of its Registry with particular significance for the PCT and the Madrid Protocol. Daily exposure of the youth of Antigua and Barbuda to IP systems, particularly in the area of technology, had engendered a commitment to ensuring that IP was incorporated in the national educational curriculum. The national IP Office and the Ministry of Education were continuing discussions in that regard. During the events held to celebrate World Intellectual Property Day 2012, the National Office and the Ministry of Education had hosted an essay competition. With WIPO's assistance, key local and sub-regional institutions, agencies, officials and personnel had undertaken and benefitted from IP training. Given the varying stages of IP development and growth and interest in IP generally in Antigua and Barbuda as well as the wider Caribbean, it ought to be evident that demands placed on the Caribbean Unit in the Bureau for Latin America and the Caribbean had increased tremendously. The Delegation, however, remained concerned that, notwithstanding repeated assurances given over the last two years, human and other resource components within the Unit had not been increased. To the extent that WIPO was sincere in its efforts to bring all States into the wider WIPO family, and to raise the levels of proficiency, responsiveness and efficiency, and thus assist in the transformation of economies by harnessing IP assets, the Delegation asked that the situation be addressed without delay. The Delegation anticipated increased assistance as the Caribbean Unit attended to the various needs of the region. In that context, the Delegation expressed its appreciation to WIPO for its sensitivity and understanding in recognizing the desires of Caribbean member states to exploit their rich, vast and untapped opportunities within the IP sector, and the important leadership role that the Caribbean Unit must play in assisting Caribbean States in meeting their respective DAs. The Delegation commended the work of the SCCR, the SCP as well as the Standing SCT.

70. The Delegation of Sudan congratulated the Director General for the recent successful conclusion of the diplomatic conference with the adoption of the BTAP. The Delegation associated itself with the Statement made by the African Group and supported proposed DA initiatives. The Delegation looked forward to serious IGC negotiations, leading to a diplomatic conference for the adoption of a legally binding instrument. Sudan had recognized IP in early times 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. With that in mind, Sudan was among the first to join the Convention establishing the World Intellectual Property Organization (WIPO Convention) of 1974 and currently a Member to various IP-related international and regional treaties. In addition, work neared completion for accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) and the BTAP. In Sudan IPR protection was ensured by various authorities, including General IP Registrar under the Ministry of Justice, Council of Literary and Artistic Works under the Ministry of Culture, Customs Authority, IP Prosecutor (2004), IPR Tribunal (2002), IPR support organizations, Centers for IP studies, Higher Academy for IP Studies, and R&D Centers. The Delegation explained that the General IP Registrar was entrusted with registration of trademarks, patents and industrial designs; and composed of three Sections. In addition to various IP-related legislation, work was underway for the elaboration of a National IP Strategy with participation from authorities concerned. Major progress was made within the National Committee for Accession to WTO in the review of all IP-related laws to ensure conformity with the TRIPS Agreement. The General IP Registrar also participated in examination of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. The Nagoya Protocol was signed by Sudan and ratification process was

underway. The Delegation listed the country's most recent legislation, namely the Law on Judicial Information (2010), Law on Biosafety (2010), Law on Unfair Competition (2009), Law on the Registration of New Plant Varieties (2009) and Law on Plant Genetic Resources (2010). The Delegation further explained that the Trademark Section was responsible for registration of national trademarks under Law on Trademarks of 1969, with a total of 52,428 trademarks to date. The Delegation recalled that trademark protection dated back to 1898 under the Sudan Criminal Law of 1898 which provided for criminal sanctions against infringing acts. However, national trademark registration started only in 1931 under the first Law on Trademarks, subsequently repealed by virtue of the current Law on Trademarks of 1969. Trademarks were subject to formal as well as substantive examination. The Delegation further detailed that the Trademark Section also processed international trademark applications under the Madrid Agreement of 1891, and subsequent revisions, and under the Madrid Protocol, totaling 25,350 international applications to date. Concerning the Singapore Treaty on the Law of Trademarks (2006), the Delegation was, as other LDCs, looking forward to implementation of the Resolution by the Diplomatic Conference supplementary to the STLT and the Regulations thereunder, which called for the need to provide financial support, technical assistance and transfer of technology from major industrialized countries to LDCs to help and encourage accession to said Treaty. The Delegation mentioned that in order to keep abreast with new international developments, a new draft Law on Trademarks had been elaborated, providing protection for GIs, and was currently under consultation. Using WIPO's IPAS System, the Intellectual Property Department continued digitalization of documents from its Patent, Trademark and Industrial Design Sections. The Delegation pointed out that the biggest challenge in that regard was faced by the Trademark Section due to huge numbers of national and international documents to be processed. Referring to the Industrial Design Section, the Delegation explained that its work was governed by the Law on Industrial Designs (of 1974) and Regulations thereunder (of 1999) for reception and registration of applications, and formal design protection, in accordance with the International Classification for Industrial Designs under the Locarno Agreement. Applications, which totaled 1,000 to date, were published in the Gazette. In terms of capacity building requirements, the Delegation explained that the Section looked forward to more training on design registration and classification for paralegal staff. In the field of patents, the Delegation said that the Law on Patents was promulgated in 1971 but entered into force only in 1981 upon adoption of the Regulations thereunder. With a total of 3,664 applications in the current year, patent applications were only subject to formal examination which, the Delegation admitted, was not optimal in terms of patent value. However, consultations were underway on possible introduction of substantive patent examination as well. In that regard, technical assistance from WIPO would be helpful in reaching a sound decision on the matter. Notwithstanding, the current Law on Patents needed to be reviewed in order to bring it in line with fast-paced developments in the field. Studies on such revision were underway in order to be in conformity with international treaties. The Delegation recalled that Sudan joined the PCT in 1984, but implementation started in 1995 due to lack of legal and administrative staff as well as agents and counterparts in the PCT Sector. However, the Delegation emphasized the need for technical assistance for Office staff through on-the-job training and expert missions from WIPO. In the field of copyright, work of the Federal Council of Literary and Artistic Works was governed by the Law on Copyright and Related Rights of 1996 and the Law on Artistic and Literary Works of 2004. A Decision was also issued regarding Collective Management. 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. 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 Arab and African Regions. It was considered a significant development in the judicial system. The Delegation explained that in light of rising flow of information and increasing awareness of IP, as well as value of IP assets, IP licensing

provided SMEs with sources for further investment in the field. In addition, competent Ministries encouraged creators and innovations through incentives, conferences and exhibitions, where the Government also sponsored ten start-up projects and helped over 30 participants. Among newly established entities, the Delegation mentioned IPR support organizations, Centers for IP studies, Higher Academy for IP Studies, and R&D Centers. Such Entities played an active role in disseminating an IP culture. The Delegation also noted an increase in IP awareness among universities and R&D centers as they were encouraged to register their research results prior to publication. In conclusion, Sudan called on the Director General to advance work for adoption of a Treaty on the Law of Industrial Designs.

71. The Delegation of Romania aligned itself with the statements made by the Delegation of Cyprus on behalf of the EU, and by the Delegation of Hungary on behalf of the CEBS. The Delegation believed that the WIPO Treaty on Audiovisual Performances, which had resulted from the successful Diplomatic Conference held in Beijing in June 2012, would be a key contribution to improving the situation of performers and strengthening the protection of their performances, including those in the digital environment. The Delegation reiterated its gratitude to China for the outstanding organization of the event and hoped that the Beijing Spirit would be present in the WIPO meetings. The protection of broadcasting organizations and the work undertaken towards an international binding instrument were of the utmost importance. The Delegation looked forward to continuing the substantive debates on the themes encompassed by the SCCR, namely the limitations and exceptions for the benefit of visually impaired persons, as well as other limitations and exceptions that should be perceived as guarantees for the establishment of a fair balance between protection and access to culture and knowledge as a fundamental human right. IPR enforcement was also a top priority for the Delegation of Romania. Both the Romanian State Office for Inventions and Trademarks (OSIM) and the Romanian Copyright Office (ORDA) had carried out related activities to strengthen the collaboration established with the law-enforcement agencies. Similarly, dissemination of information and efforts to raise IP awareness had been given special emphasis in Romania. The Delegation hoped that future discussions in the framework of the ACE would take a more productive course. Concerning the IGC, the Delegation of Romania recognized the great value of TK, TCEs of folklore and GRs, as well as their role in global trade and economic development, and stressed its engagement in the discussions on IGC matters, based on the mandate that had been given, by the previous General Assembly, to the IGC. The Delegation regretted developments in the SCP and believed that the activity of the Committee was of significance for the whole membership of WIPO, and therefore hoped for substantive results in the near future. The Delegation expressed its gratitude to WIPO for the key support provided with the organization of joint events that had made an essential contribution to the promotion of IP rights in Romania and the region. During the summer of 2012, the city of Sibiu had hosted the WIPO Regional Conference on the Development of IP National Strategies, which had been co-organized by OSIM, ORDA and the Lucian Blaga University in Sibiu. Debates had proved of great interest to the 50 participants who had come from national offices of CEBS countries. The 2012 meeting of the 16 Regional Centers for the Promotion of Industrial Property Protection had been attended by one expert from WIPO and one from the European Patent Office (EPO), who had both shared their expertise with the participants. In addition, experts from OSIM and from enforcement agencies had participated in several events organized by WIPO in various European countries. The Delegation expressed satisfaction with the support given by WIPO for the organization of the roundtable, in Geneva, on “IP as a tool for advancing from Innovation to Business”, in which a number of Romanian inventors had participated. The Delegation announced that OSIM had recently published two books, entitled “Industrial Property in Romania’s International Relations. Historical Guide Marks” and “Back in Time to the Future - Trade Marks Evolution over the Years”, both of which would be donated to WIPO’s Library. Romania strongly believed that intellectual property represented a vital tool for rewarding creativity and providing major inputs to economic, cultural and social progress. In that respect, the role of WIPO was of key significance and the Delegation remained confident that under the guidance of the Director General, WIPO would move its agenda forward.

72. The Delegation of Bangladesh said that it valued cooperation with WIPO, which was crucial to the modernization and automation of national IP infrastructure. It was hoped that that cooperation would be further strengthened to cover other areas, including IP education, capacity building for industry, branding of Bangladeshi products and the protection of the country's GIs, TK and TCEs. The Delegation also looked forward to developing better cooperation in the area of copyright and related rights. There was obviously a need to establish a rules-based multilateral system with an even playing field. Such a system must achieve a balance between rights and responsibilities. Recognizing the importance of innovation and creativity for social, economic, cultural and technological transformation in the LDCs, LDC ministers had adopted the Ministerial Declaration of May 2011 on the WIPO Deliverables for the Least Developed Countries in Istanbul on the sidelines of the Fourth United Nations Conference on the Least Developed Countries (LDC-IV). The Delegation urged the Director General to come up with an action plan for implementation of the deliverables identified by the LDCs in a comprehensive manner. Deep appreciation was expressed for the Director General and the team concerning their active engagement in various projects initiated as a result of the DA recommendations. In that regard, all present were called on to reach an understanding implementing the coordination mechanism by agreeing to a permanent functional modality as agreed in the CDIP. In order to promote a fair, equitable and balanced IP regime in the LDCs, WIPO technical assistance should be demand-driven and based on each country's specific needs and level of development. The Delegation expressed a desire to see specific provisions of exceptions and limitations incorporated in all WIPO norm-setting activities, in particular for the LDCs. Projects designed for the LDCs should be fast-tracked. The Delegation welcomed the adoption of the BTAP, expressing the belief that another historic treaty, of benefit to visually impaired persons, would be adopted in the near future. It was hoped that an agreement/s would be reached on GRs, TK and folklore and the Delegation called for a diplomatic conference to be convened in that regard once an equal level of maturity of texts had been achieved in all three areas. The Delegation noted with appreciation that WIPO's SRP was progressing satisfactorily and nearing a successful conclusion. Finally, the Delegation understood the circumstances that had made it necessary for the WIPO management to proceed without a general contractor concerning the construction of the WIPO conference hall. The hope was expressed that the project would be completed successfully and its progress reported to Member States in a transparent and regular fashion.

73. The Delegation of Myanmar congratulated WIPO and its Member States on the conclusion of the BTAP. The Delegation supported the statement delivered by the Delegation of Singapore, on behalf of the ASEAN. The Delegation stated that economic development was one of the country's top priorities and shared the view that protection and enforcement of IPRs would encourage foreign direct investment, as well stimulating creativity and innovation for the development of related industries. Myanmar believed that the enactment of IP laws would encourage invention and innovation among citizens and protect their interests, while attracting foreign investment and spurring national economic growth. Myanmar was in the process of drafting laws on patents, industrial designs, trademarks, service marks and copyright. The Ministry of Science and Technology of Myanmar had convened a series of coordination meetings with the relevant ministries, together with experts and scholars, in order to enact IP laws before July 1, 2013. Myanmar attached great importance to IP, since it served as a powerful tool for innovation, development and access to technology and knowledge. It was vital for developing countries like Myanmar to be able to utilize the benefits of IP as a part of their economic development. While recognizing the assistance provided by WIPO to its Member States through various programs and activities, Myanmar encouraged the Organization to continue to focus on development-oriented activities as guided by the recommendations of the WIPO DA. The Delegation thanked the Director General for accepting the invitation of the Government of Myanmar to visit the country. The visit would take place at a time of further development and use of the IP system in Myanmar and the Delegation expressed the belief that it would contribute to Myanmar's efforts in enacting IP laws.

74. The Delegation of Congo thanked the Director General and the Secretariat for their untiring efforts to make WIPO a more effective, efficient and dynamic Organization. It endorsed the statement made by the Delegation of Egypt on behalf of the African Group and said that Congo remained convinced that the IP system was not only a tool for economic development, but also an effective means of promoting innovation. On the strength of that conviction, every two years its Government organized the National Fair for Inventions, Industry and Crafts, together with information campaigns to raise public awareness of the justification for protecting IP assets. Moreover, with WIPO's help, it was in the process of finalizing an IP development plan, in particular for strengthening the legislative and regulatory frameworks and operational capacities; promoting and enhancing creativity and innovation; and increasing international cooperation. To achieve those goals, a service contract had been signed between the Organization and a national consultant. The Delegation hoped that cooperation between WIPO and Congo would continue with a view to the validation of the above-mentioned plan, the creation of the Congolese Industrial Property Office, the establishment of a TISC, and the provision of human resources training in the various IP sectors. It was satisfied by the considerable progress made in recent years in the different WIPO committees, especially the IGC and the SCCR. In addition, the successful holding of the Beijing Diplomatic Conference on the Protection of Audiovisual Performances, in which Congo had taken part and which had led, after 12 years of negotiations conducted under WIPO's auspices, to the BTAP, could truly be called a success story. The signing of that Treaty no doubt sent an encouraging signal with regard to the fate of the texts being negotiated, on which a decision would have to be taken by the end of the current Assemblies.

75. The Delegation of South Africa aligned itself with the statements made by the African Group and by the DAG. South Africa attached great importance to a balanced approach to IP rights holders and to the public interest, and therefore supported WIPO's equal focus on the provision of its normal services and on development issues. The DA guided the Organization's work in the area of development and was intended to ensure that developing countries and the least-developed countries in particular benefitted from the IP system. The Delegation welcomed the successful organization in Beijing of the Diplomatic Conference to conclude the Treaty on Audiovisual Performances, as well as the progress made in the SCCR, in particular, the adoption of a single text as the basis for negotiations with a view to convening a diplomatic conference in 2014. South Africa supported the use of flexibilities in the IP system. The Delegation noted in particular that progress had been made on the text-based work on exceptions and limitations for persons with print disabilities. The Delegation urged the General Assembly to organize additional meetings in order to finalize international legal instruments in preparation for the convening of a diplomatic conference in 2014. The Delegation was thankful for the Director General's participation in the Nelson Mandela International Day activities and welcomed WIPO's commitment to the spirit of *Ubuntu*, which meant, "I am what I am because of who you are." That spirit should also underpin the activities of both developed and developing Member States as well as of the Secretariat.

76. The Delegation of Ethiopia endorsed the statements made by Egypt, on behalf of the African Group, and Nepal, on behalf of the LDCs. It welcomed the adoption of the BTAP, while noting that both the progress made in the norm-setting negotiations within the various WIPO Committees and the commitments made concerning the implementation of WIPO deliverables were encouraging. Ethiopia welcomed the implementation of WIPO deliverables to LDCs and urged that greater attention should be paid to the development needs and priorities of those countries. The Constitution of the Federal Democratic Republic of Ethiopia expressly provided protection for the country's natural heritage, historical sites and objects and the development of the arts, science and technology. IP, science, technology, innovation and creativity were key parts of the sustainable and accelerated growth and industrialization process under Ethiopia's Growth and Transformation Plan (GTP). The GTP accommodated strategic directions, including the establishment of innovation systems and the strengthening of the national IP system. Further, it maximized the contribution of IP in addressing development challenges.



Ethiopia appreciated WIPO's support concerning the development of IP infrastructure, the provision of staff-training on IP matters, the formulation of national IP policy and the modernization of the Ethiopian Intellectual Property Office (EIPO). The Delegation also wished to express Ethiopia's gratitude to WIPO for its continued support through the programs of the WIPO Academy, such as distance-learning, start-up academies, as well as the establishment of the TISC. Ethiopia would endeavor to enhance further its cooperation with WIPO. It was grateful that, under the leadership of the Director General, projects concerning LDCs had increased, both in quantity and in their relevance to Ethiopia's efforts to transform itself into an industrialized nation. The Delegation encouraged WIPO further to enhance its commitment to assist LDCs, many of which were African nations and to build their capacity for innovation, creativity, research and adding value. WIPO's field presence in Africa would be critical in that endeavor. The Delegation stated in conclusion that the 2012 IGC had made remarkable progress. It encouraged the IGC to expedite the negotiation process and recommended the General Assembly to convene a diplomatic conference, preceded by additional sessions to conclude the IGC's work.

77. The Delegation of Madagascar said that cooperation between WIPO and Madagascar had taken several forms: coverage of expenses for participation in activities organized by WIPO; operational follow-up of the system for computerization of IP procedures; effective establishment of a TISC; and organization of the first national high-level IP forum in Madagascar. The Delegation explained that the last two activities were of paramount importance for the country. It added that the TISC was coming on stream, and that thought was being given to setting up a TISC network in order to improve service quality and meet WIPO's expectations. With regard to the high-level forum, the Delegation of Madagascar said that key recommendations had been adopted at the close of the event and hoped that work would begin shortly on the preparation of a national policy strategy for IP development in Madagascar, further to talks with officers from the Division for Least-Developed Countries during their visit to Madagascar. The Delegation said that the Ministry of Scientific Research was in the process of drafting a research policy which it intended to validate before the end of the current year. In that respect, the Delegation sought WIPO's support for the implementation of the IP policy applied to research. It explained that the issue had already been discussed with the Division for Least-Developed Countries at the high-level forum. The Delegation added that it had prepared a plan to recast and update domestic legislation to ensure compliance with the TRIPS Agreement. Yet there was still a long way to go before the establishment of a genuine culture of IP in the country, because piracy and counterfeiting remained a major problem and were a real obstacle to the application of IP rights. Finally the Delegation reported that in the copyright field, Madagascar had signed the BTAP, and that the Government had given its agreement for the ratification of the Treaty, as well as the WIPO Performances and Phonograms Treaty and the Rome Convention. The Delegation noted that the ratification process would be initiated shortly. It also fully endorsed the statement made by the Delegation of Nepal on behalf of the Group of LDCs.

78. The Delegation of Indonesia endorsed the statements made by ASEAN and the DAG. Despite the economic crisis, Indonesia's economy was the 17<sup>th</sup> largest in the world, according to the World Economic Forum's Indonesia Competitiveness Report 2011: Sustaining the Growth Momentum. In 2011, President Susilo Bambang Yudhoyono had unveiled a plan to improve Indonesia's ranking by 2025. The Government of Indonesia emphasized the importance of enhancing activities performed in the areas of trade and industry and the improvement of social and legal policy, including the IP system. IP had played a crucial role in improving Indonesia's national competitiveness. The Delegation underscored Indonesia's belief that innovation was the key to sustained economic growth. Moreover, investment in innovation would place the country on a more competitive footing. The Government of Indonesia had launched a guidebook for strengthening national innovation. Indonesia was encouraged by the recent conclusion of the BTAP and wished to see other similar instruments as a follow-up. The amendment to Indonesian copyright law currently in progress included aspects of protection as

stipulated in the Beijing Treaty. Indonesia was considering becoming a signatory to the Beijing Treaty and was also taking steps internally to accede to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. The IPAS for trademarks had been successfully launched in Indonesia and would be further expanded to include industrial design and patent databases. With regard to the CDIP, the Delegation wished to reaffirm the need for WIPO to continue mainstreaming the DA in its work. The CDIP played an important role as a co-ordination and monitoring mechanism and in the assessment and reporting of modalities. Indonesia hoped that discussions on that topic would be fruitful, so as to bring about greater coherence in terms of WIPO development activities. Concerning the SCT, the Delegation stated that Indonesia was encouraged by the study provided by WIPO on the potential impact on developing countries of the SCT's activities concerning industrial design law and practice. The integration of Cluster B of the DA into the norm-setting process should be taken into account in view of the varying levels of development among WIPO Member States. As regards the SCP, the focus of debates during the Committee's previous session had been on patent flexibility and quality, which was in the interests both of developing and developed countries. Indonesia believed that the IP system should not prevent Member States from taking measures to improve public health using public health-related flexibilities. Furthermore, international commitment to public health should be framed within the promotion of public health. With regard to the IGC, the Delegation stressed that a great deal of work had been performed and progress achieved in developing texts on GRs, TK and TCEs. It highlighted that, in order to advance negotiations on GRs, TK and folklore, Indonesia would be hosting the Third Session of Like-Minded Countries Meeting on the Protection of Genetic Resources, Traditional Knowledge and Folklore in Bali later in 2012. It stressed that it was necessary to maintain the momentum in the General Assembly by adhering to its calendar of meetings. As to the convening of a diplomatic conference in 2014, it would be necessary to hold some special sessions of the IGC in addition to its regular sessions, so as to finalize certain outstanding issues.

79. The Delegation of Turkey said that the importance of IPRs had increased considerably in recent years, with such rights constituting a complex issue of great political and economic significance in terms of international negotiations. WIPO had the potential to make a real contribution to the field of IPRs and to play a leading role in supporting flexible and sustainable globalization. Turkey was a pioneer in the area of IP protection, having enacted its first trademark law in 1871. The country had also taken part in the establishment of the European Patent Office (EPO) and had fully revised its legislation in 1995 with the finalization of a customs union with the EU. Furthermore, the Turkish Patent Institute (TPI) had also been established. More recently, the country had implemented the physical and technical measures required to improve IP protection. Given the importance of innovation for economic development, protection of IPRs had been identified as one of the main aims of Turkey's Government Action Plan. The IP Coordination Board had been working to draft national IP policies. Another body, the Turkish Design Council, had been established by the Council of Ministers, with the Council also preparing and implementing the National Strategy Document on the use of designs as a key tool for economic development and competitiveness. The Supreme Council of Science and Technology Policy, chaired by the Prime Minister, had taken a significant decision, subsequently implemented by the TPI, concerning the development of policy tools to stimulate domestic patent licensing. A draft law containing provisions on patents, trademarks, designs and geographical indications had been submitted to the Prime Minister. Those provisions were designed to improve the institutional capacity of the TPI and to facilitate the marketing of inventions originating from universities. The Directorate General for Copyright of the Ministry of Culture and Tourism had been re-organized, with a more solid specialized institutional structure. The Directorate General had begun to provide financial support for creative industries, fighting piracy and raising public awareness concerning copyright protection. A new draft copyright law would force collecting societies to operate in a fairer and more transparent manner, while making it easier to challenge infringements, in particular in the digital environment, and consolidating enforcement capacity. The TPI co-chaired one of the committees of the

Coordination Council for the Improvement of the Investment Environment (CCIIE). The CCIIE had been established, *inter alia*, to reduce red tape and played a vital role in the process of improving the investment climate. The Delegation noted that the number of patent and utility model applications filed in Turkey had increased considerably over the previous year, with foreign investors showing evermore interest in the country. The number of European Patent Applications (EPAs) filed from Turkey had also gone up in 2011. Trademark applications had increased by more than 40 per cent in 2011, making Turkey the country that had received the highest number of national trademark applications in Europe. In the same year, industrial design applications had risen by 20 per cent. The TPI continued to administer bilateral cooperation protocols with the IP offices of various countries, as well as with international organizations. The TPI and the Office for Harmonization in the Internal Market (OHIM) had signed an MoU, while an action plan including projects on the development of trademarks and industrial designs was being prepared. The TPI and the EPO had launched a joint awareness-raising project focusing on IPRs and Turkey was committed to providing adequate protection and enforcement of such rights. An EU-sponsored twinning project aimed at strengthening Turkey's IPR-enforcement capacity had proved a great success, spawning 114 activities involving more than 5,000 stakeholders and 80 experts from 11 different countries. Guidelines had been prepared to assist patent and trademark experts and to increase transparency for applicants in terms of the TPI's registration services. The TPI had completed a preliminary study on a staff performance and training management system and further work would be carried out in that regard by the Turkish IP Academy that was to be established after 2013. A number of seminars had been held in Turkey on issues such as the Madrid System for the International Registration of Marks and management of research-based IP assets. A network of academics, jointly-administered with EPO and OHIM, had been set up and a number of seminars, training sessions and meetings had been organized. Other activities had included a project designed to enhance the knowledge and capacity of SMEs in terms of IPRs and an international conference on IP management in universities. In 2012, Turkey had responded to questions from members of the World Trade Organization (WTO) concerning IPRs at the national level. Turkey had also signed bilateral cooperation protocols with the Republic of Moldova and Romania.

80. The Delegation of Burkina Faso endorsed both the statement made by the Delegation of Egypt on behalf of the African Group and the one made by the Delegation of Nepal on behalf of the LDC Group, and reiterated its thanks to the Director General and his team for their considerable efforts to ensure the proper functioning of the Organization. Burkina Faso benefited from very fruitful cooperation with WIPO in terms of technical assistance and capacity-building. The Delegation thanked WIPO for its untiring efforts and urged the Organization to keep focusing on development-centered activities, in view of the importance of intellectual property as a tool for development. Burkina Faso was pleased that it had received the necessary backing for the implementation of its project to set up a TISC, which would enable it to promote and disseminate research findings and to increase users' awareness of their IP rights, and for the establishment of an international center for training in collective management of copyright and related rights. It also appreciated the assistance received with the preparation of a national strategy for the development of IP and innovation. The Delegation welcomed the adoption by the CDIP of its project entitled "Strengthening and development of the audiovisual sector in Burkina Faso and in certain other African countries" as part of the implementation of the DA. It hailed the adoption of the BTAP, and strongly hoped that a similar instrument would be adopted for exceptions and limitations to benefit the visually impaired. In conclusion, the Delegation said that, in connection with the implementation of the Istanbul Declaration of May 2011, WIPO, in cooperation with the Government of Burkina Faso, was organizing a Regional High-Level IP Forum on October 16 and 17, in Ouagadougou for French-speaking African LDCs on "Using innovation and creativity to strengthen technological capacity, growth and economic development", and extended an invitation to the States concerned to participate.

81. After congratulating the Chair on his election, the Delegation of the Russian Federation noted the thorough analysis provided by the Director General in his report of the state and development prospects of a global IP system, trends in user demand growth for WIPO's services, and of the role of Member States, and concurred with its conclusions and assessments. The requirements of a growing global economy, accelerating scientific and technical progress, and demand for innovative technologies in the context of sustainable development raised the issue of developing and perfecting a global IP system. The Delegation noted that the key priorities of the Russian Federation were to build a knowledge-based economy, the modernization of all industries, and innovation growth, while emphasizing that around one trillion roubles (over 30 billion United States dollars) were allocated each year to new scientific development. In recent years, the number of international applications filed by Russian applicants under the Madrid system had grown significantly, and in four years they had more than doubled, and in 2011, as well as in 2010, Russian Federation was one of the five most designated Member States. A draft law on amendments to the Civil Code was currently under consideration by the State Duma of the Russian Federation, which would allow the Russian Federation to accede to the Geneva Act of the Hague Agreement in the near future. To ensure appropriate rights in the results of intellectual activity created during research and development, a project had been launched the previous October with WIPO's participation to establish TISCs in the Russian regions. In less than a year, 67 centers had been established, and the provision of services to applicants had begun, all over Russia. The First Congress of TISCs had been held in Russia on September 25, 2012, in St. Petersburg, as part of the Fifth Petersburg International Innovation Forum. However, even that number of Centers was inadequate for the Russian Federation, the country with the largest surface area and a population of 145 million people. The Delegation was therefore expecting to continue active collaboration with WIPO, and expecting comprehensive integrated support from the Organization. In the Delegation's opinion, the opening of new WIPO regional offices could play an important role in the development of a global IP protection system. Specifically, it considered it appropriate to establish one of WIPO's future External Offices in the Russian Federation, and expressed its willingness to provide the most favorable conditions for WIPO in carrying out a project of that nature. The Delegation endorsed the Director General's assessment regarding progress achieved by the Organization in respect of the work of its main committees and bodies, particularly noting the conclusion of the BTAP. The Delegation hoped that such a constructive spirit would be maintained, and that rapid progress would be achieved on issues of limitations and exceptions in the interests of the visually impaired, or those with reading disabilities, as well as on issues of limitations and exceptions in respect of libraries, archives, education, training and research institutions. In view of the good results achieved in developing the draft articles and rules of a treaty on industrial designs, the Delegation urged all Member States to focus their efforts on completing preparatory work for that international treaty with the aim of convening a diplomatic conference in the near future.

82. The Delegation of Algeria endorsed the statement made by the Delegation of Egypt on behalf of the African Group and the one made by the Delegation of Brazil on behalf of the DAG. It emphasized that there was no denying the relevance of the close link between the IP system and all development processes of an economic, scientific or even social nature. Using that as a starting point, Algeria had taken many steps since the last General Assembly to seize the opportunities opened up by the intellectual property system, in particular the country's decision to draft a national IP strategy, basing itself on national priorities with regard to industrial property, higher education, public health and protection of the cultural heritage; the establishment of six TISCs, in close cooperation with WIPO; and Algeria's hosting of the Second Regional Consultation on Intellectual Property and Technology Transfer, an event which reflected the country's interest in that question which could not be dissociated from the problem of economic development in general and access to knowledge in particular. Moreover, the Government's decision to destroy copies of over one million pirated or counterfeit works seized by the competent authorities in Geneva reflected Algeria's commitment to combat the harmful effects of that international scourge as well as any other infringements of IPRs. Finally,

Algeria had very recently launched the process of ratification, which had entered the final stage, of two WIPO treaties: the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). As far as WIPO activities were concerned, the Delegation welcomed the adoption of the BATP as well as the progress made in the SCCR towards the drafting of an international instrument on exceptions and limitations for the visually impaired. The Delegation hoped that the willingness and constructive attitude which had characterized the negotiation of those two instruments would ensure the equitable treatment of all questions examined by that Committee, in particular exceptions and limitations for libraries and archives, educational establishments and research institutes. It further hoped that similar progress would be made in the Intergovernmental Committee on instruments relating to genetic resources, traditional knowledge and folklore. The adoption, in the course of the coming year, of one or more legally binding international instruments could be greatly facilitated, as the African Group was recommending, by establishing a timetable setting out clear objectives for the Committee. The Delegation took note of the progress made by the SCT but reiterated its desire to arrive at a balanced, fair international instrument which met the needs of all Member States. While emphasizing that the progress made in implementing the DA provided grounds for satisfaction, the Delegation said that it would be even more satisfied if WIPO bodies, especially the PBC and the CWS, were more receptive to requests for a coordination mechanism. If WIPO bodies were to rely on more inclusive and more transparent working procedures, that would help establish a climate of trust and usher in a spirit of good governance. The Delegation ended by recalling the great importance it attached to the opening of WIPO regional offices in Africa, which the Director General had made a priority for 2013. In that connection, Algeria was ready and willing to host such an office, which would of course serve all of the countries in the subregion.

83. The Delegation of Slovakia aligned itself with the statements made by the Delegation of Hungary on behalf of the CEBS and by the Delegation of Cyprus on behalf of the EU. The constructive outcome of the Diplomatic Conference and the adoption of the BTAP were welcome. The Delegation noted the positive results of WIPO's SRP and reiterated its support. It also underlined the importance of the discussions in the IGC, and applauded the results achieved. The Delegation stressed the importance of the work of the Working Group on the Development of the Lisbon System. A constructive approach to the discussions would yield positive results. The Delegation was confident that the SCP would be able to break out of the current deadlock. Counterfeiting and piracy had had a negative impact on the economies, employment rates and security of all countries. Awareness-raising, training and education could help to limit that impact. To tackle the problem at the national level, an Inter-ministerial Commission for Coordination and Cooperation in the Fight against Counterfeiting and Piracy had adopted a national counterfeiting strategy that had been approved by the Government of Slovakia in May 2012. WIPO had provided support and assistance to its IP office and a bilateral commitment would enable further cooperation. Following an assessment of its high-level expertise, Slovakia was willing to share its knowledge and best practices on a larger scale than in previous years, for the benefit of the international community. The Delegation appreciated the cooperation activities of the DCEA. That Division's initiatives had enabled Slovakia and other countries in the region to build their capacity to use IP for social, cultural and economic development. Slovakia was committed to continuing its efforts to build public awareness of IP and its strategic role in economic growth. The Delegation thanked WIPO for its assistance in jointly organizing the Colloquium on Intellectual Property Rights for high-level members of the Government in June 2012.

84. The Delegation of Panama expressed its appreciation to the Secretariat, especially the Regional Bureau for Latin America and the Caribbean, and to the Director General, for all of the hard work done. It endorsed the statement made by the Delegation of Peru on behalf of GRULAC, noting that IP was a priority issue in Panama. The topic came up in all trade negotiations, and the country was in the process of acceding to various international conventions and treaties, some noteworthy recent examples being the Budapest Treaty, the PCT and the Trademark Law Treaty. All these Treaties had entered into force as of

September 7, 2012. Likewise, a Law on the Protection of Plant Varieties had been adopted recently, in accordance with the goals of the 1991 Act of the UPOV Convention, and the Organization would shortly receive formal notification of accession. In addition, the Assembly of Deputies had recently adopted a new and up-to-date Copyright Law. In 2012, the first PCT training workshop had been held for users and officials of the Directorate General of the Industrial Property Registry, with the support of WIPO. The Delegation said that copyright was very important for Panama, especially in view of the fact that copyright-based industries accounted for a considerable share of gross domestic product. Key activities and projects were being carried out in that field, such as the establishment of a specialized IP library. In August 2012, at the International Book Fair, the Seventh National Copyright Seminar had been held on Cloud computing services. For the first time, the Directorate General for Copyright of the Ministry of Trade and Industry had held a competition called "Recognition of Creativity 2012", with the aim of promoting creativity among Panamanian writers. All of those projects had been implemented under WIPO auspices. With regard to topics which fell within the purview of the IGC, the Delegation said that Panama was constantly endeavoring to develop unconventional concepts of intellectual property, such as traditional knowledge and expressions of folklore. Accordingly, it was following closely the progress made in the IGC and urged Member States to pursue their efforts. The Delegation said that Panama had strengthened its cooperation ties with other State bodies, such as the National Secretariat for Science, Technology and Innovation and the Technological University of Panama, with which it had launched, with the support of WIPO, the first Technology and Innovation Support Center in May 2012. The Delegation said that Panama also supported the recognition of the National Industrial Property Institute of Chile as an International Searching Authority and a PCT International Preliminary Examining Authority. It further hoped that it would be possible to draft rapidly guidelines for the establishment of external WIPO offices of a genuinely regional nature that would add value to the work done by the Organization. Finally, the Delegation reiterated Panama's support for all the efforts made to strengthen and back WIPO's strategic initiatives.

85. The Delegation of Ghana was grateful to the Director General for visiting Ghana and participating in the High Level Ministerial Session for ARIPO member states that had been held in Accra in December 2011. Ghana endorsed the statement made by the Delegation of Egypt on behalf of the African Group. The current economic crisis had thrust IP and, by extension, WIPO, into the forefront of efforts to establish a more balanced international economic order. All countries must contribute to the accomplishment of the task at hand. IP offered an opportunity for participation through international cooperation and the pooling of resources and WIPO was well-placed to lead the way in redressing the imbalances inherent in the global economic system. The Delegation welcomed the successful Diplomatic Conference on the Protection of Audiovisual Performances, which had led to the adoption of the BTAP. Ghana recognized that issues relating to the achievement of the MDGs, among others, depended on the strengthening of international cooperation and partnership and the pooling of national resources. In that respect, the Delegation was satisfied with the progress made within the CDIP and wished to encourage all regional groups to continue to work together to achieve the objectives of the Committee. The Delegation acknowledged the work of the IGC and recognized the considerable progress made by the IGC in its work. Ghana would also continue to support the work of the IGC. It further welcomed the work done by the SCP and remained hopeful that sufficient progress would be achieved with regard to the harmonization of legislation through the work of that Committee. The Delegation also praised the achievements of the SCT and was encouraged by the advances made in the field of designs. Ghana was confident that the progress and subsequent work of the Committee would lead to consensus on the convening of a diplomatic conference for the adoption of a treaty on industrial designs. The Delegation stated that the Government of Ghana continued to take measures to strengthen the protection of IP at the national level in order to encourage innovation and creativity. Major reforms included: the drafting of a national IP policy; the amendment of IP laws to reflect Ghana's obligations under international treaties, and; awareness-raising activities for users of

the IP system. The Government was also considering acceding to various WIPO-administered treaties in its efforts to encourage innovation and creativity. Ghana appreciated WIPO's technical support concerning the deployment of the Madrid Module and the IPAS, which had improved efficiency in terms of the delivery of service to users of the patent and industrial designs registry system. It further appreciated the assistance which it continued to receive from other development partners, in particular the Swiss Federal Institute of Intellectual Property (IPI) and the Korean Intellectual Property Office (KIPO).

86. The Delegation of Brunei Darussalam supported the statement made by the Delegation of Singapore on behalf of the member states of the ASEAN. The year 2012, it was noted, had been a busy one for Brunei Darussalam, marked by the country's first large-scale celebration of World Intellectual Property Day and the restructuring of the country's IP administrative system. That work would include the setting up of a National Intellectual Property Office, with the aid of the Brunei Economic Development Board (BEDB) and the support of the Attorney General's Chambers (AGC). The first stage of the restructuring process had been the establishment of the Patents Registry Office (PRO) under BEDB at the beginning of 2012, followed by Brunei Darussalam's accession to both the PCT and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. In October, the Registry of Industrial Designs had been transferred from AGC to PRO and the Registry of Trade Marks would be transferred by the following year. It was hoped that the restructuring process would foster better policy coordination and enhance the efficiency of Brunei Darussalam's IP administration. The overall vision was to use IP effectively as a tool for the economic, social and cultural development of the country. The Delegation noted that, despite being a "late starter", Brunei Darussalam was fully committed to protecting IP rights in the country. Together with its counterparts in the ASEAN Economic Community (AEC), Brunei Darussalam would strive to honor its IP commitments by acceding to a number of WIPO-administered treaties, specifically the Hague System for the International Registration of Industrial Designs and the Madrid System for the International Registration of Trademarks. In recent weeks, PRO and WIPO had collaborated in organizing a two-day seminar on industrial designs and the Hague system as part of a program to promote IP management in businesses and strengthen SMEs. It was hoped that there would be more focus on the utilization of IP in business strategies in Brunei Darussalam. With regard to IP legislation, the Delegation reported that the country was in the process of reviewing such legislation in order to keep abreast of developments, especially in the area of enforcement, which it believed to be a key factor in the successful implementation of the IP system.

87. The Delegation of Botswana endorsed the statement made on behalf of the African Group. The adoption of the BTAP after 12 years of negotiations was applauded. The Delegation noted the importance of the Beijing Treaty for developing countries, as it made it easier for people to venture into the creative industry. WIPO was called on to take steps to assist those countries in implementing the Treaty for the benefit of their citizens. The progress achieved in the work of the IGC was welcomed, however, more needed to be done to reach a consensus. In that regard, it was desirable that the regular work of the Committee should be complemented with informal consultations. The need to respect the mandate of the 2011 General Assembly was also emphasized. The Delegation observed that 2014 should see the adoption of a treaty to protect the vast resources found in the developing countries, a move which would ensure benefit-sharing where there was gainful exploitation of such resources. The Delegation commended WIPO for the work carried out under the DA. It also recognized the crucial nature of the work of the CDIP and the need for WIPO to continue to allocate budgetary funds for the implementation of the DA recommendations. The implementation of cost-effective measures should not compromise much-needed assistance. Mainstreaming IP into the national development strategies of Member States was essential for development. In August 2012, Botswana hosted the 2<sup>nd</sup> Meeting of the Expert Working Group on Public Health and IP. That event had clearly demonstrated that more needed to be done to provide technical assistance to incorporate the flexibilities contained in the Agreement on TRIPS in national laws and capacity

building and ensure their full utilization. The Delegation reiterated Botswana's appreciation for the support provided by the Secretariat for the development of the country's IP system. In 2012, Botswana had benefited from assistance concerning: the development of the National Intellectual Property Development Plan; the installation of the new Java version of the IPAS, and; the training of members of the country's Copyright Arbitration Panel. Botswana looked forward to continued support in its attempts to create an environment conducive to the adequate protection of IP, including institutional reforms leading to the establishment of an autonomous body on IP matters. The Delegation supported the African Group's request for the establishment of WIPO regional offices in Africa and reiterated the need for WIPO to take into account the level of development of its member states in developing the IP system. A balanced IP system coupled with innovation would greatly help the developing countries to move from being resource-based economies to knowledge-based ones, which would be good for diversification as well as global competitiveness.

88. The Delegation of Liberia expressed support for the remarks made by the Delegation of Egypt on behalf of the African Group. The Delegation also thanked WIPO for having enhanced IPR activities in Liberia, thereby making a unique contribution to the country's agenda for transformation and its plans to reduce poverty and attain middle-income country status by 2030. Enhancement of IP in Liberia had been among WIPO's priority projects for developing sub-Saharan countries since 2007. Through an IP development plan endorsed by both WIPO and the Liberian Government, Liberia's IP systems, and to some extent, the general public, had benefitted from: capacity building projects; education and sensitization projects; the inclusion of IP studies in the curriculum of institutes of higher education, including the African Methodist Episcopal University (AMEU); the identification of GIs; the automation of the Copyright and Industrial Property Offices, and; accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, the Harare Protocol on Patents and Industrial Designs Within the Framework of ARIPO and the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of ARIPO. However, further assistance from WIPO was needed to ensure the full implementation of the previously agreed joint IP development plan. Future key activities included: the amalgamation of the Copyright and Industrial Property Offices; the formulation of the Collective Management Organization (CMO); the revision and standardization of the amended IP laws of Liberia; the enhancement of the coordinating IP unit embedded in the Ministry of Commerce and Industry; the facilitation of stakeholders' workshops aimed at judges, customs officers, national police officers and para-police officers; technical support for the micro, small and medium enterprises (MSMEs) Branding Scheme, and; the provision of IP teaching/learning materials to the AMEU IP program. The Government of Liberia had begun to focus on IP issues, especially those related to infringement, piracy and creativity and consequently had shown its commitment by substantially increasing its budgetary support to the twin office of the IP system. Challenges remained in the form of the sensitization of line ministries and agencies on their role and responsibilities concerning the enforcement of IPRs. Several sensitization workshops, beginning with the national sensitization workshop for the judiciary, national customs and police and para-police, had already been planned. The BTAP would bring benefits to artists in Liberia. The Delegation invited the Director General to visit Liberia in order to help further to promote IPR protection as another instrument that would contribute to poverty reduction by protecting the rights of artists, inventors and innovators both in Liberia and all around the world.

89. The Delegation of the Syrian Arab Republic thanked WIPO's Director General and the Secretariat of their continued support and assistance in national IP development. The Syrian legislative framework and IP infrastructure had evolved over previous years, with promulgation of the new Law on Trademarks, Industrial Designs, Geographical Indications and Unfair Competition, in addition to the new Patent Law enacted in the current year. Work was also underway for modification of Law on Copyright and Related Rights. The Delegation also mentioned the future establishment of the General Intellectual Property Authority. Financially



and administratively independent, the new entity would be responsible for all IP aspects, and for following-up on WIPO's assistance in elaboration of a National IP Strategy. The new entity would play an important role in strengthening creativity and innovation in overall development of Syria. Progress was also made in deployment of a program to disseminate an IP culture, including for schools and universities. Aimed at increasing awareness of the importance of IP and promotion of creativity, the program was also targeted at SMEs and business sector. The Delegation pointed out that continued cooperation with WIPO witnessed positive developments through sponsorship of the 2011 Al Bassel Fair for Invention and Innovation. The Fair was recognized as a major event in Syria thanks to its regular support for creators and innovators. WIPO's sponsorship gave the Fair an international dimension attracting wider global participation. The Delegation also referred to preparation of the Arabic translation of the Nice Classification for the Registration of Goods and Services, in cooperation with WIPO. The Arabic version was operational and made available through WIPO's website. As part of the cooperation agreement, and having provided the necessary infrastructure, the Delegation looked forward to WIPO's support to establish a National IP Academy in Syria. The Delegation also mentioned a project for the creation of TISCs in Syria. The Delegation wished to praise WIPO's efforts in providing programs suited for development needs of developing countries. While IP was widely recognized as a powerful tool for economic development and wealth creation, the Delegation said that many developing countries still needed to understand how to make full use of IP for economic development. Therefore, the Delegation called for further activities in accordance with WIPO DA Recommendations and more focus on major development-oriented activities, particularly enhancement of capacity building, legislative frameworks, institutional design and technical infrastructure. The Delegation stressed the need for access to international IP information to promote the use of IP for developmental objectives of developing countries, including LDCs. Assistance was also needed for the elaboration of IP policies, strategies and plans that corresponded to national development objectives. In conclusion, the Delegation reiterated its appreciation for WIPO's work to develop IP in Syria and thanked the WIPO Arab Bureau for their cooperation.

90. The Delegation of Cuba said that the development of the national industrial property strategy reflected the direction of economic and social policy and was designed to strengthen the protection of industrial property in Cuba and on the main foreign markets. Mainstreaming such activities into systems of science and technological innovation, national and foreign investment, and foreign trade, primarily with regard to exports of goods and services, was a reality rather than a challenge and a prerequisite for safeguarding national interests. The Delegation stated that Cuba attached great importance to striking a balance between the protection of industrial property rights holders and the public interest. April 2, 2012, marked the entry into force of the decree-laws on inventions and industrial designs, as well as the protection of plant varieties and of layout designs of integrated circuits. Once again, Cuba reaffirmed its respect for the international commitments undertaken in that area, and was applying the provisions of the TRIPS Agreement. Likewise, the new legislation checked the misuse of acquired rights and safeguarded Cuba's right to adopt the necessary measures to protect public health, particularly the right to promote access to drugs, as recognized in the Doha Declaration on the TRIPS Agreement and Public Health, the right to protect the nutritional status of the public, and other fundamental goals of general public health policy. As part of activities to celebrate World Intellectual Property Day, WIPO had awarded a prize to innovative entities which had distinguished themselves in managing industrial property and innovation in the sphere of biotechnology and information technologies. The Delegation emphasized the support provided by WIPO, in particular through the Bureau for Latin America and the Caribbean, for the creation of national capacities of the various social actors within the national industrial property system and in the sector of IT infrastructures, in relation to the IPAS-JAVA implementation for patent and trademark activities, including the management of international marks which designated Cuba. Likewise, the Delegation reiterated Cuba's desire to participate in the program "Intellectual Property and Information and Communication Technologies", which pertained to the digitization of industrial property documents. WIPO's DA was one of the

cornerstones of the Organization, and Member States attached great importance to the results achieved in implementing some of the Agenda's recommendations through projects. The Delegation emphasized the need to resolve the application of the coordination mechanism and arrangements for monitoring, evaluating and reporting on the mainstreaming of the development dimension into all of WIPO's activities. Similarly, it recognized the need for Member States to launch a dialogue on IP and development as part of the third pillar of the CDIP. Moreover, funding for the implementation of the DA recommendations should continue to come from WIPO's regular budget. The work done within the SCCR towards the adoption of a treaty which would ensure access to printed materials for the visually impaired and people with reading difficulties had an enormous impact on society. All had to work towards obtaining tangible results as soon as possible. In that connection, the Delegation said that Cuba supported the proposal for a treaty on copyright exceptions and limitations for the benefit of the visually impaired. It hoped that it would be possible to achieve a similar outcome with regard to exceptions and limitations for libraries and archives, research, education and other groups of persons with disabilities. As for the implementation of WIPO's proposed language policy, there was a need to step up efforts, primarily in respect of documents for WIPO working groups and all committees. The renewal of the IGC's mandate was critical to endeavors to develop an international instrument for the protection of TK, GRs and expressions of folklore, in view of the link with the Convention on Biological Diversity (CBD) and the Nagoya Treaty. Likewise, the future work of the SCP should be focused on the continuation of studies on patents and health, exceptions and limitations, and technology transfer, in relation to the obstacles that patents posed to technology transfer. Finally, the Delegation endorsed the statement made by the Delegation of Peru on behalf of GRULAC and that made by the Delegation of Brazil on behalf of the DA Group.

91. The Delegation of Mozambique expressed appreciation for the report presented by the Director General of the WIPO, as well as support for the statements made by the Delegation of Egypt, on behalf of the African Group, and the African Union (AU). Mozambique continued to make significant progress in terms of the dissemination and use of IP at the national level. The number of registrations of IPRs and marks had risen over the past year. There had also been advances in terms of the Madrid System for the International Registration of Marks. As a result of that progress, Mozambique's business community had been turning more and more to the IP system, even registering marks through the Madrid Agreement Concerning the International Registration of Marks and its Protocol. A TISC was currently operational within the Ministry of Science and Technology, alongside a second TISC, located at the Institute of Industrial Property (IPI). It was hoped that that initiative would be expanded to other locations in the future. A project designed to facilitate access to information technology through the Access to Research for Development and Innovation (aRD<sub>i</sub>) and the Access to Specialized Patent Information (ASPI) programs was already proving to be fruitful in Mozambique. The IPI had worked to ensure the involvement of the country's research centers and a number of such facilities were already benefiting from the IT component of the aRD<sub>i</sub> and ASPI programs. Mozambique was also implementing a country-wide initiative on innovation dialogue. Appreciation was expressed for the IP training activities of the WIPO Academy, in particular the distance training courses developed by the Academy that had increased awareness of the importance of the use of IP. As to the strengthening of institutions, WIPO continued to provide support for the automation of Mozambique's IP system. Mozambique had been one of the first countries to benefit from the up-dating of IPAS to its Java version. The country welcomed the idea of establishing regional offices in Africa. The number of such offices and their composition should reflect the linguistic diversity of the continent. Finally, the Delegation congratulated WIPO on the conclusion of the Diplomatic Conference on the Protection of Audiovisual Performances. Given Africa's rich heritage in that field, the Delegation was certain that the implementation of the BTAP would be of great benefit to African nations.

92. The Delegation of El Salvador joined previous delegations in endorsing the statement made by the Delegation of Peru on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC). The Delegation stated that the series of meetings of the Assemblies represented the technical work carried out by the delegations during the period in question and that it was therefore relevant to highlight the most pertinent achievements. The Diplomatic Conference on the Protection of Audiovisual Performances, held in Beijing (China), from June 20 to 26, had ended with the adoption by consensus of a text which had paved the way for an international copyright system for performers of audiovisual works. As the Director General of WIPO had noted at the time of its adoption, the BTAP provided an impetus as far as international copyright standard-setting was concerned and was an important milestone toward closing the gap in the international rights system for audiovisual performers. The Delegation also highlighted the work done by the SCCR, in particular the efforts made with regard to copyright exceptions and limitations, which had given rise to a platform for discussion of interest to all the Member States. The Delegation referred to the agreement reached within said Committee to give impetus to the program of work with regard to appropriate exceptions and limitations for people who had difficulty accessing printed text and other reading disabilities and stated that, over the course of its next few sessions, that Committee would work with a view to reaching a consensus on those issues and to convening a diplomatic conference. With regard to exceptions and limitations for libraries, archives and educational and research institutions, the Delegation expressed support for the proposal to follow the established path of preparing recommendations concerning those aspects. As to the protection of broadcasting organizations, the Delegation declared that it was in favor of keeping that issue on the SCCR's agenda and convening a diplomatic conference once the conditions stipulated by the members had been met. Furthermore, one of the most important issues for that series of meetings was the work of the IGC. Based on the progress made in and status of the technical work done by the IGC, the majority of members of that Committee agreed that the documents still did not reflect the level of maturity required for the convening of a diplomatic conference and felt that there was a need to schedule additional meetings to finalize the necessary technical work. The Delegation pointed out in that regard that WIPO would have to allocate sufficient funds to enable experts from El Salvador to attend said meetings. As to the CDIP, the Delegation reiterated its satisfaction at the progress made and urged all regional groups to continue to work together, as they had been doing since the adoption of the WIPO DA. As to the services provided by WIPO, the Delegation welcomed the work carried out within the Patent Cooperation Treaty Working Group and recognized that the Treaty needed to be improved in order to optimize its effectiveness with a view to meeting applicants' needs. The Delegation stated that it was necessary to take into account the level of development of PCT Contracting States and considered that efforts to update and amend the PCT as necessary should be carried out gradually, through a member-driven process, with input from third parties and all those interested, through consultations, seminars and information workshops. The Delegation welcomed the appointment of the National Institute of Industrial Property of Chile (INAPI) as an International Searching Authority and International Preliminary Examining Authority (ISA/IPEA) in accordance with the PCT. That decision would be beneficial for Spanish-speaking developing countries, given that INAPI would be the first ISA/IPEA with Spanish as its working language. With regard to WIPO's cooperation and assistance programs for Member States, the Delegation supported the Director General's method of promoting new ways of delivering technical assistance, making optimum use of human and financial resources. Moreover, the Delegation appreciated the guarantees offered with regard to assistance and capacity-building programs for developing Member States such as El Salvador, which were compatible with the IP policies and corresponding implementation strategies defined by each Member State. That point was reflected by the fact that the Organization had continued to expand and strengthen programs which benefited members, contributing to national IP innovation and development initiatives designed to reinforce IP systems. In El Salvador, that approach had taken the form of the strategic use of the projects and programs in accordance with the commercial policies that the Government had clearly set out for IP, trade and development, among other sectors. The

Delegation reiterated El Salvador's commitment to sharing best practices across the board with regard to technical/registration work and promotion and innovation in the field of IP. It stated that El Salvador continued to work constantly, building links with all the relevant institutions in terms of respect for IP rights. In that regard, a specialized IP unit had been set up within the National Registration Centre (CNR), a public institution which also provided registration services for a number of fields, including trade, land, housing and mortgages. The Ministry of the Economy was still in the process of drafting a policy for the strengthening of the national IP system, systematically establishing the measures necessary for guaranteeing the protection, management and enforcement of property rights. The Delegation concluded by thanking the Director General, the WIPO Secretariat and the relevant departments for their consistent support and coordination of activities and projects of interest, many of which were supported by the Government of El Salvador.

93. The Delegation of Angola expressed support for the statement made by the Delegation of Egypt on behalf of the African Group. With respect to substantive issues, Angola welcomed the work done by the management and staff of WIPO over the past 12 months on the normative agenda. The Delegation referred to the success of the Diplomatic Conference on the Protection of Audiovisual Performances with the conclusion of the Treaty. Angola supported the work being done by the various Standing Committees, in particular, the CDIP. The importance of assistance to developing countries and south-south cooperation was highlighted. Support was also expressed for the work of the SCCR and that of the IGC. The Delegation was in favor of a diplomatic conference on exceptions and limitations, an issue of great importance. Angola, like other African countries, felt that progress must be made in that field. Another vital issue for Angola and Africa as a whole was that of GRs, TK and TCEs. Angola therefore supported the African Group in its call for a diplomatic conference to be convened in that regard in 2014, as well as the holding of additional IGC meetings. Angola was in favor of the establishment of a Working Group designed to examine WIPO management and governance. Work should be carried out in a coordinated fashion, in line with a vision that would ensure linguistic diversity and balance, as well as balanced regional representation in the WIPO bodies. Geographical representation should be considered when selecting future WIPO leaders. There should also be programs for the Portuguese-speaking countries of Africa. Finally, the Delegation thanked the Director General for his support concerning IP development in Angola.

94. The Delegation of Sierra Leone aligned itself with the statement of the African Group made by the Delegation of Egypt. It welcomed the progress made by the IGC in developing three draft texts and looked forward to the early finalization of a legally binding instrument that would ensure the effective protection of TK, TCEs and GRs. The Delegation congratulated the Director General on the successful adoption of the BTAP, which Sierra Leone had signed. It recognized WIPO's continuing drive to formulate and implement strategies to meet the challenges facing the IP system in the areas of management and technological innovation. The Delegation welcomed the establishment of south-south cooperation, which aimed to promote IP through the sharing of experiences and the drawing up of best practices for Member States. It looked forward to the creation of a website that would provide IP offices with much-needed access to IP information, especially at the regional level. The Delegation noted that, in addition to the Copyright Act passed in 2011, a Patents and Industrial Designs Act had been passed in recent weeks. It reported that Sierra Leone was in the process of establishing an IP office, which would enable the country, for the first time, to carry out the original registration of patents. The Delegation hoped that the support provided under the PCT would help in establishing that office, as well as in building Sierra Leone's capacity to manage the administration of IP rights. A new trademark bill was also due to be enacted in the near future. The Delegation expressed its appreciation for WIPO's assistance in providing IP training programs, seminars and workshops. In two weeks' time, WIPO was to host a seminar in Sierra Leone on creating awareness concerning copyright and related rights and the collective management of right holders' royalties.

95. The Delegation of Venezuela (Bolivarian Republic of) remained concerned that criticism concerning financial management was centered on the reserves, because a review of the management report which had been examined at the last session of the PBC revealed that funds had been drawn from the reserves to pursue implementation of the DA. That came down to saying that those who were expressing criticism did not provide any alternatives for meeting one of the Organization's commitments as part of the UN, and were indicating that implementation of the DA could endanger the stability of WIPO. Nothing could not be further from the truth, given the Organization's proven solvency, above and beyond the normal observations in any financial evaluation. The Delegation stressed the need to press on with the implementation of all recommendations, in accordance with the full implementation of the DA. It further hoped that the development dimension would be understood and mainstreamed into all of the Organization's areas of work, without any willful interpretation as to committees that could be deemed substantive or the processes for applying them, as some had attempted to do, merely to try to delay the process approved for the coordination mechanism by the General Assembly. Similarly, the Delegation supported the expansion of the Organization's language policy to all areas of its work, as decided by the Assembly of Member States at its last series of meetings. The Delegation said that that was a very important topic for Venezuela, and was closely linked to the development and the culture of the various Member States. Finally, it hoped that a treaty for the visually impaired would be adopted, to give them access to reading material. Such an achievement would benefit millions of affected persons, above all in the developing world, and would represent a major step forward by WIPO with regard to human rights.

96. The Delegation of Egypt welcomed the positive developments achieved in WIPO throughout the preceding year, in particular norm-setting activities, development of the international IP system and the financial performance of the Organization. As a WIPO developing Member State, Egypt had major expectations that WIPO continued to disseminate innovation, promote creativity and establish a balanced and development-oriented international IP system which utilized IP norms and policies to achieve broader economic and social development goals. The Delegation was convinced that WIPO, as a specialized UN agency, had the capacities, resources and expertise to respond to the expectations and aspirations of peoples in developing countries for progress, well-being and prosperity. Throughout the previous year, Egypt, in cooperation with WIPO, initiated the modernization and development of its national infrastructure for scientific research, promotion of innovation, transfer of technology and development of IP policies for development. The Delegation asserted that such cooperation started to bear fruit. Currently, programs for the promotion of creativity and innovation were deployed in various sectors of society, including in schools, universities and industry. Work in the field of IP and promotion of innovation focused primarily on urgent needs of society, including localization of modern solar technology, water desalination, alternative energies, food security and public health. Moreover, national patent applications witnessed a constant increase, from 9 per cent in the preceding year to 30 per cent in the current year. Granted patents also increased by 40 per cent, from 320 to 486 in the current year. Egypt further intensified its infrastructure modernization and capacity-building efforts, following the designation of the Egyptian Patent Office as an International Searching and Preliminary Examining Authority under the PCT. In the field of trademarks, Madrid applications increased by 15 per cent. Awareness programs contributed to a 10 per cent increase in national applications, as SMEs were made more aware of the importance of trademark registration. Under an MoU between Egypt and WIPO, the competent authorities in the country would initiate the publication of Egyptian trademarks on WIPO's website. The Delegation hoped that WIPO would take the necessary steps to make the Madrid system available in Arabic, including the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification). While recounting achievements made over the preceding year, the Delegation looked forward to future with hope and optimism. The Delegation noted WIPO's orientation towards the integration of Recommendations into all its programs and activities. As negotiations on new draft treaties took up noticeable momentum, the Delegation looked forward

to more focus on Copyright exceptions and limitations, as well as on protection of TK, TCEs and GRs with a view to convene a diplomatic conference in 2014. In that regard, the Delegation praised the positive bilateral cooperation between Egypt and WIPO in the necessary modernization of national legislation. WIPO's support activities for south-south cooperation in the field of IP and development were underway, hoping that such pace and commitment be sustained. Recognizing the importance of WIPO's work, Egypt would host the Second Regional Meeting on south-south cooperation in May 2013. The Delegation hoped that effective steps be taken in that meeting to strengthen south-south cooperation as a pivotal area in WIPO's work. The Delegation took due note of the Director General's address, particularly the need for WIPO to establish new external offices in main regions. The Delegation wished to confirm that Egypt was fully prepared to host such office and well qualified for its successful operation. The Delegation hoped that decision on such important matter would be based on objective and sound empirical criteria. In conclusion, the Delegation of Egypt associated itself with the statements made by the African Group and the DAG.

97. The Delegation of Oman welcomed the comprehensive Report by the Director General and thanked the Secretariat for the quality of Assembly documentations. As Oman initiated work on the development of a National IP Strategy, it appreciated the Director General's commitment to assist developing countries in their capacity building efforts for the elaboration of national strategies. Oman attached great importance to WIPO's cooperation in elaborating a strategic plan for training and capacity building with a view to draft, implement and develop a National IP Strategy. The Delegation also highlighted the need to integrate IP and innovation concepts in teaching curricula. Such integration would be beneficial for future generations in the knowledge economy. The Delegation wished to welcome the conclusion of an MoU between the GCC General Secretariat and WIPO on various activities, including IP-related capacity building in human resource development, research and education. Oman emphasized the importance of cooperation between WIPO and the GCC General Secretariat for the creation of a Regional IP Academy in order to enhance capacity building and dissemination of IP concepts in all sectors of society and contribute in building respect for IP. Regarding the WIPO Language Policy, the Delegation called for improved translation quality in Arabic and for a revamp of the WIPO website in Arabic as an important medium for dissemination of information and increasing awareness among all sectors of Arab societies. The Delegation recalled that such improvements fell within WIPO's strategic goals and awareness programs. In conclusion, the Delegation thanked the WIPO Arab Bureau for their valuation cooperation with Oman.

98. The Delegation of the United Republic of Tanzania endorsed the statements made by the Delegation of Egypt on behalf of the African Group and the Delegation of Nepal on behalf of the LDCs, as well as the statement made by the African Union. It expressed its gratitude to WIPO for the technical assistance provided in upgrading the IPAS in both of the Union's IP offices, a move which had simplified and increased the efficiency of the registration processes. The Delegation also thanked WIPO for facilitating the ongoing branding system formulation in Tanzania, which would assist the country in maximizing the value of its many distinctive brandable products. It commended WIPO for supporting the formulation of the national IP strategy, observing that the country had underscored the important role of IP as a tool to foster social, economic and cultural development. The national strategy had been validated at a stakeholders' workshop in March 2012 and was currently being mainstreamed in the national development plans. The Delegation appreciated the technical assistance that WIPO had been providing in building the capacity of SMEs by facilitating the "training of trainers" course for the strategic application of IP assets such as trademarks, service marks and geographical indications. The skills acquired enabled the beneficiaries to compete effectively in local, regional and global markets. Since the launch of this initiative two years previously, the United Republic of Tanzania had been making efforts to track the impact of this strategic intervention with a view to assessing its effectiveness. Access to global technical information by scientific researchers remained a critical challenge. The Delegation therefore commended those organizations that had signed an agreement with WIPO to provide access to technical

information free of charge to LDCs. As one of the LDCs, the United Republic of Tanzania had prepared a service agreement which would be signed shortly with WIPO. The Delegation believed that once that was done, the necessary passwords for accessing technical information would be readily available to users. The Delegation noted with keen interest the issue of the establishment of WIPO External Offices, remarking upon the special relevance that would have for the LDCs in particular, including some developing countries in Africa. The Delegation emphasized that the United Republic of Tanzania would like to be considered as a candidate for an External Office. The Delegation allied itself with all the delegations that wished to see the immediate conclusion of the ongoing debate in relation to the protection of TK, GRs and folklore. It hoped to see the process culminate in an instrument(s) of a binding nature for the protection of those resources and called for the immediate adoption of the proposal to convene a diplomatic conference for that specific objective, preferably some time in 2014. The Delegation deeply appreciated the successful conclusion of the Diplomatic Conference in Beijing and pledged to engage constructively with the other Member States to ensure the effective implementation of the Beijing Treaty.

99. The Delegation of Papua New Guinea stated that, as a result of awareness-raising during the World Intellectual Property Day celebrations each year and the discussions of IP matters at stakeholder meetings, the IP agenda had gradually gained recognition among stakeholders and the public in LDCs such as Papua New Guinea. IP had emerged as a tool for economic development, especially in the area of globalization of trade, requiring countries to provide minimum standards of protection. TK and TCEs were issues close to the heart of many Pacific island nations and Papua New Guinea was no exception. Some Pacific Islands Forum countries, including Papua New Guinea, were drafting legal texts to protect TK from exploitation. Communal ownership had proved important but translating it into enforceable law would be challenging. The issue of safe exchanges of GRs was being discussed with the National Agricultural Research Institute (NARI) of Papua New Guinea. The country did not have adequate legislation in that area and much could be learnt from WIPO that would help the Institute to address GR-related IP issues. WIPO had provided long-term assistance leading to the development of a national IP strategy that was to be adopted in the near future. The IPAS and an electronic document management system (EDMS) had recently been deployed with the assistance of WIPO and an advisory mission had visited the Intellectual Property Office of Papua New Guinea (IPOPNG) to discuss the advantages of the Madrid System for the International Registration of Marks. WIPO's assistance to least developed and developing countries enhanced the status of IP in those countries and, in the case of Papua New Guinea, enabled the Government to meet its obligations.

100. The Delegation of Italy supported the statements made by the Delegation of Cyprus, on behalf of the EU, and by the Delegation of the United States of America, on behalf of Group B. The Delegation welcomed both the increase in the number of applications to national IP offices and to WIPO's global systems in 2011 and the fact that the economic recovery that had begun in 2010 had continued to gain strength. Businesses, universities and research institutions had continued to innovate despite economic uncertainty. That trend confirmed that innovation had become a leading factor in achieving greater competitiveness, economic growth and social progress and demonstrated that IP remained central to government policies and business strategies. However, innovation could not flourish without the protection of IPRs. WIPO had a crucial role to play in promoting awareness worldwide of the benefits of IP, strengthening the capacity of national IP offices and providing essential services to the business community. The Delegation welcomed the Global Innovation Index initiative, which had reminded Member States of the importance of sustained investment in education, research and innovation. Italy wished to join with other Member States in commending the Director General and the WIPO Secretariat for their efforts to safeguard WIPO's rightful role as the global IP authority. The country was interested in a wealthy, responsive and efficient WIPO. It had been noted that the SRP was close to completion and Italy was confident that the SRP would lay the groundwork for continuing improvements in terms of sound, transparent and accountable management and

customer-oriented services. The Delegation welcomed the fruitful collaboration between the IAOC, the Secretariat and Member States, as well as the cost-efficiency measures adopted by WIPO as a part of the 2012/13 Program and Budget. In relation to the 2014/15 biennium, the Delegation renewed its support for WIPO's efforts to improve the functioning and increase the use of the global systems for patents, trademarks, industrial designs and appellations of origin (AOS). Equally important were: the technical assistance WIPO provided to developing countries and LDCs to help them fully to exploit the economic potential of IP, and; the activities aimed at ensuring greater use of IPRs by SMEs, which were a source of innovation and a driver for economic growth and job creation. The conclusion of the BTAP had restored confidence in the multilateral process and had demonstrated that Member States were able to achieve consensus on outstanding issues within the international normative framework for IP. The Delegation hoped that a balanced agreement would be reached on copyright limitations and exceptions for visually impaired persons, in order to enable their full participation in civic and cultural life, while ensuring protection for the rights of authors. It attached great importance to the adoption of a treaty on the protection of broadcasting organizations and believed that a similar outcome was desirable with regard to the discussions on the harmonization and simplification of industrial design registration formalities and procedures. A reasonable and constructive spirit should help guide negotiations on the protection of GRs, TK and TCEs towards agreement on a solid work program, making possible a long-overdue compromise on such matters. Italy sought a stronger commitment on the part of WIPO with regard to the encouragement of multilateral cooperation in relation to GIs. Italy was actively engaged in discussions on the review of the Lisbon System for the International Registration of Appellations of Origin and was in favor of a solution that would not undermine the current level of protection granted to AOs and that would be extended to all other GIs.

101. The Delegation of the Democratic People's Republic of Korea informed the meeting that the respected Marshal Kim Jong Un, the supreme leader of the people of the Democratic People's Republic of Korea, had put forward the grandiose goal of building the country into a knowledge-economy power within a few years and was wisely leading the struggle for the realization of that aim. Thanks to the Government policy of attaching great importance to the development of science and technology, the number of patents, inventions and creations was systematically increasing. In 2012, the number had reached more than 11,000 cases which represented an increase of 19 per cent compared to 2011. Furthermore, new technologies had been widely introduced into production and workplaces through widespread publication of IP products using electronic libraries and web sites. The Government was also focusing closely on collaboration with WIPO concerning the establishment of the national IP protection system in conformity with international IP protection norms. Given the current global financial and economic crisis, the strengthening of the IP protection system had become more important than ever in terms of overcoming such global challenges as climate change and food security. The Delegation was of the view that it was important for WIPO to assist the developing countries in strengthening their IP infrastructure and capacity in conformity with their reality through the active implementation of the DA. The longer the implementation of the DA was delayed, the more serious would be social problems such as the brain drain in the developing countries and the disparity of intellectual wealth between the North and South. To cope with such problems, WIPO should pay more attention to the efforts of developing countries in their formulation of national strategies, as well as strengthening infrastructure for IP development and increasing financial and technical support for such nations. At the same time, developed countries should provide practical assistance to developing countries in achieving sustainable economic development through the observance of their commitment to financial support and technology transfer. In the view of the Delegation, the Member States should take strict precautions against and reject any attempt to politicize WIPO assistance activities. Attempts to talk about the "transparency" of WIPO activities while targeting a specific country or countries in disregard of the DA and assistance programs that had been unanimously adopted by the Member States in the General Assembly could never be justified. WIPO was an inter-governmental organization comprising sovereign Member States with equal rights and was not an organization



to be dictated by the will of an individual country. The Delegation stated that, with regard to the groundless allegation made by some countries about the regular technical assistance provided by WIPO aimed at strengthening the IP infrastructure of developing countries, it was well known that the relevant UN organ had made it clear that there was no problem with such technical assistance. The Delegation strongly opposed and rejected any attempt to politicize WIPO's technical assistance to Member States, in particular the developing countries, that unreasonably connected such assistance with the so-called "UN sanctions" and "domestic law" of an individual country. The Government of the Democratic People's Republic of Korea would continue to fulfill its responsibilities and role as a Member State of WIPO for the building of a fair and equitable global IP system and the strengthening of international cooperation.

102. The Delegation of Morocco praised WIPO's work, under the able leadership of its Director General, in developing the IP system as an effective tool for economic, social and cultural development. Morocco attached great importance to the knowledge economy and development of creativity and innovation as key factors in sustainable economic and social development. Against that background, the Delegation wished to praise achievements made in WIPO's bodies since the preceding Assemblies, particularly the successful conclusion of the Diplomatic Conference with the adoption of the BTAP, as Morocco was among its signatories. The Delegation emphasized that Morocco was fully involved in current negotiations within WIPO's standing committees to contribute in progress towards consensus among Member States on international treaties, particularly on the protection of GRs, TK and TCEs and a Treaty on Industrial Design Law. In the field of copyright and related rights, the Delegation highlighted work for updated broadcasting organization rights, as well as exceptions and limitations to provide access to protected works for the visually impaired, libraries and archives. Building on its national strategy for the promotion of economic activity, the Delegation was pleased to note the various reforms and restructuring initiatives were underway in all vital sectors. As a catalyst for creativity and innovation, IP was being integrated in all government development programs and projects. Morocco was also keen on fulfilling its international obligations. In that regard, the Delegation mentioned approval, in the current year, by the Council of Ministers of draft laws regarding accession of Morocco to the Singapore Treaty of the Law of Trademarks, Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (Hague Agreement), the Strasbourg Agreement Concerning the International Patent Classification (Strasbourg Agreement), the Locarno Agreement Establishing an International Classification for Industrial Designs (Locarno Agreement), and the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (Vienna Agreement). With regard to the development of IP legislation, the Delegation mentioned Morocco's legislative plan for 2013/2014 which included various draft laws on industrial property and copyright and related rights, namely, draft Law on Private Copies (compensation for creators for prejudice resulting from unlawful reproduction and piracy); draft Law modifying the Law on Copyright and Related Rights (for conformity with international obligations, particularly the Beijing Treaty); draft Law on the Moroccan Copyright Office (to become the Moroccan Office for Copyright and Related Rights); draft Amendments to legal industrial property requirements (quality of patents through enhanced registration procedures and issuing opinions on patenting, in addition to further improvements to the trademark and industrial design systems and enforcement of rights). The Delegation also highlighted the creation of funds to promote Moroccan cultural and artistic creations and support creativity and innovation, including funds for Moroccan drama, music and cinema, in addition to public support for the renovation and construction of cinema centers and film festivals. The Delegation also mentioned a fund for the promotion of innovation managed by the Moroccan Innovation Center. On the effective use of IP assets for economic development, the Delegation was pleased to refer to the ARABPAT Project, a unique platform for web publishing of Arab inventions. The Project was developed in cooperation with WIPO, EPO and participation from Egypt, Tunisia and Jordan. The Project was open for all Arab States. Such achievements illustrated the country's ambitious plan for a modernized IP system for the benefit of creators and innovators as well as for public interest. To that end, the Delegation looked forward to intensified

cooperation with WIPO. The Delegation also wished to reiterate the request made by Morocco to host a WIPO External Office in order to promote and enhance the relevance and regional outreach of WIPO's work. With such proposal, Morocco would become the illustration of a modernized IP system and strengthen its cooperation with WIPO.

103. The Delegation of Rwanda endorsed the statement delivered by the Delegation of Egypt on behalf of the African Group and stressed Rwanda's support for all efforts directed towards the international harmonization of IP protection in the fields of GRs, TK and folklore, and copyright exceptions and limitations for visually impaired persons, libraries, archives, and education and research institutions. The Delegation also expressed its support for the full and effective implementation of the DA. The Government of Rwanda had focused on improving the legal framework for IPR protection and had intensified its efforts to raise awareness of IP as a tool for the development of the country and the region among local and regional stakeholders. Rwanda's IP framework, laws and policies sought to encourage innovation and creativity while safeguarding the IPRs of inventors. The stated objectives of the national IP policy included increasing technological literacy to promote innovation (including minor and incremental innovation), and increasing access to foreign and local technologies for local firms and researchers. A number of IP seminars had been organized in the past two years in partnership with WIPO and ARIPO and a countrywide awareness-raising drive had been organized. The Delegation noted that Rwanda was at a genuine implementation stage and looked forward to the establishment of Technology and TISCs under the DA. It was expected that these Centers would target individual inventors, SMEs, industries and researchers, as well as IP professionals and policymakers. The Delegation reiterated its support for the work of WIPO and voiced the conviction that the protection of IP for poverty reduction was the cornerstone of economic transformation.

104. The Delegation of Afghanistan said that a real and realistic approach to IPRs was a very new experience for the Government of Afghanistan. The Afghanistan Intellectual Property Board had been established in 2007 with the support of the Ministry of Commerce and Industries and it included representatives of various ministries and institutions. Officials of Afghanistan had participated in seminars, study visits and capacity-building workshops, both in Afghanistan and abroad. In cooperation with the Director General of WIPO, the Afghanistan IP work plan for 2012 had been revised to facilitate three specific events, namely: the organization of a study visit by high-ranking IP officials to WIPO Headquarters in Geneva; a study visit by Afghan officials to an IP office in a member country of the South Asian Association for Regional Cooperation (SAARC) for the purpose of capacity building, and; an awareness-raising seminar in Afghanistan. The challenges faced by the Government of Afghanistan in the enforcement of IP laws included: a lack of experience among enforcement officials; a low level of IP expertise, which needed to be compensated for by the establishment of an IP information center at Kabul University; the lack of an IP component in national university curricula, and; donor prioritization of other issues, to the possible detriment of IP programs. Afghanistan would maintain its commitment to IP principles and expected to make significant progress with the cooperation and assistance of WIPO.

105. The Delegation of Tajikistan noted that the National Patent Office regarded its relations with WIPO, other countries' Patent Offices, and international organizations whose activities were related to IP, respectfully and responsibly. The country devoted great attention to the IP sphere. Tajikistan's accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, and to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, was confirmation of that. Furthermore, Tajikistan intended in the near future to accede to the Singapore Treaty on the Law of Trademarks. The Delegation also stated Tajikistan's intention in the near future to devise a national IP strategy, and to establish a working group in that regard on behalf of the Government of Tajikistan with the participation of all relevant ministries and departments. IP was one of the priorities for Tajikistan's economy. The Patent Office conducted various

seminars on a near-monthly basis on legal protection of industrial property subject matter. Tajikistan intended to strengthen further its relations with WIPO, other countries' Patent Offices, and international organizations, in order to develop IP in the country. In conclusion, the Delegation thanked the Director General and his team for organizing the Assemblies at such a high level.

106. The Delegation of the United Arab Emirates welcomed the Director General's comprehensive report on WIPO's achievements and strategic plans. The Delegation shared the Director General's views and stressed the need for a mechanism for the establishment of regional offices which would have a major role in the implementation of the Organization's strategic plans. Such achievements would help address expectations of Member States for infrastructure modernization and work development. The Delegation welcomed the successful outcome of the recent diplomatic conference with the adoption of the BTAP. Equally praiseworthy was the conclusion of an MoU between WIPO and the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office) on support for the GCC Patent Office and establishment of an IP Academy. The Delegation subscribed to the views expressed by the Delegation of Oman in that those achievements were a true reflection of genuine ambition and will to modernize patent work and enhance cooperation between WIPO and other organizations and countries. The knowledge economy was a key objective for modernized economies that would lead to effective economic development. Major achievements were made in the United Arab Emirates by encouraging creators and innovators and promoting branding. In addition, great importance was attached to IP, in particular through the elaboration of an ambitious IP Strategic Plan for 2012/2014, as part of the country's priorities and strategy for the future. Such activities would be realized thanks to the stability and economic growth of the United Arab Emirates, notwithstanding the major challenges and current economic situation worldwide. In conclusion, the Delegation looked forward to bilateral cooperation with WIPO Member States to exchange expertise and join efforts to curb patent and trademark infringements.

107. The Delegation of the Gambia aligned itself with the statement made by the Delegation of Egypt, on behalf of the African Group, as well with as the statement of the African Union (AU), and welcomed the successful adoption of the BTAP. It was hoped that meaningful progress would be achieved concerning the convening of a diplomatic conference on the adoption of a treaty on GRs, TK and TCEs. Over the past year, much effort had been put into norm-setting, institutional capacity building and awareness-raising aimed at demystifying IP and helping to sustain an IP culture at the national level. In January 2011, the Industrial Property Regulations had come into force, simplifying the registration procedures for IPRs. The Copyright Office had also formulated the draft Copyright Regulations on Registration of Works, which were adopted in 2011. The Gambia also benefitted from WIPO's IPAS project, under which work had begun to automate trademark records dating back as far as 1918. National IP laws had been uploaded onto the WIPO Lex web site in 2011. Internal procedures had been put in place allowing the Gambia to join the growing number of members of the Madrid System for the International Registration of Marks (Madrid system) by acceding to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. It was hoped that the Gambia would become a member of the Madrid system by 2013 but, in the meantime, work would be undertaken to ensure that the country's trademark law was compatible with the Madrid legal regime. An integral element of the development of the IP landscape was the creation of awareness among potential owners and users of IPRs. WIPO had offered tremendous support in that regard and had organized four seminars in the Gambia during 2012, in collaboration with the ARIPO, including: a stakeholder's forum on the economic contribution of the copyright industry to overall economic development, and a forum on the formulation of a national IP policy and strategy. Prior to the forum, a needs assessment mission, commissioned by WIPO, had

been carried out and the findings of the assessment had been discussed by all stakeholders who were then ready to proceed to the next stage of policy development. All of those actions bore testimony to WIPO's commitment to IP development in Africa and the Delegation looked forward to further fruitful cooperation in the future.

108. The Delegation of Mongolia expressed satisfaction at the work done by the Organization and the Secretariat during the current year, in particular the holding of the Beijing Diplomatic Conference in June, which had led to the adoption of the BTAP. The positive spirit and trust displayed by WIPO Member States had made it possible to conclude the Treaty. Mongolia had signed the Treaty, and hoped it would be ratified shortly. The launching of the initiative on south-south cooperation reflected WIPO's commitment to ensure that intellectual property served the cause of development. It was to be hoped that every effort would be made to achieve positive outcomes for the developing countries. The Delegation hoped that the spirit of cooperation which had prevailed for a week in Beijing would continue to characterize the Organization's future work. Finally, it confirmed Mongolia's commitment to derive greater benefit from the IP system in order to create an environment that was conducive to innovation and creativity in the country, and expressed its support for all WIPO initiatives. Mongolia was carrying out many activities in cooperation with WIPO, and trusted that all Members would work together to obtain positive results.

109. The Delegation of Mali endorsed the statement made by the Delegation of Egypt on behalf of the African Group and expressed special thanks to the Organization and all technical and financial partners for their moral support during what was a difficult period for the country. In particular, the Delegation was also grateful to the Director General of WIPO and his entire team for their support, which had helped put IRPs at the heart of social and economic development in Mali. The Government had taken several steps to make IP assets a source of wealth creation, such as the consolidation of the Malian Center for the Promotion of Industrial Property, which in March 2012 had become a focal point for efforts to strengthen IP promotion in all sectors of the economy; the adoption of a national IP development strategy; the creation of a national committee for IP coordination and development as well as the ongoing initiative to set up a national committee for promotion of GIs; and the signing of the agreement on the establishment of a TISC, due to take place at the current series of meetings. All of those efforts were backed by capacity-building for national human resources in Mali, which had benefitted from all WIPO training programs. The national strategy for IP development was fully consistent with the strategic poverty reduction framework, which had become the strategic framework for growth and poverty reduction. Mali had a coherent body of broad macroeconomic, structural and social programs, prominent among which was the industrial development policy and the policy for development of the agrofood sector, to which IP could make an invaluable contribution. In conclusion, the Delegation reiterated its satisfaction at the quality of its country's cooperation ties with WIPO.

110. The Delegation of Kyrgyzstan expressed its commitment to supporting WIPO in all activities designed to benefit the Member States. It thanked the Organization for its ongoing support for the IP system of Kyrgyzstan and expressed particular gratitude for the organization of international and regional seminars on issues regarding the protection of IP and TK. It also thanked WIPO for its advisory and technical assistance in the preparation of a National Strategy for the Development of IP and Innovation in Kyrgyzstan from 2012 to 2016. That strategy was currently being implemented. Appreciation was expressed for the technical assistance provided in the automation of the State Intellectual Property Office and the implementation of the IPAS and WIPOScan software, as well as help concerning the TISC. As a party to numerous WIPO-administered agreements, Kyrgyzstan had developed its national IP legislation in accordance with international standards. However, in order to resolve certain IP-protection related issues, the Government had introduced amendments to administrative legislation and the Law on Protection Against Unfair Competition. The Delegation noted that the IP system of the Kyrgyzstan would soon be celebrating its 20<sup>th</sup> anniversary. A certain level of success had

been achieved in that short period thanks to the support of WIPO. The Delegation stated that Kyrgyzstan was interested in the activities of the CDIP, the IGC, and the ACE. It expressed its deep satisfaction with the Beijing Treaty, the signing of which represented an important step in the development of the international copyright protection system.

111. The Delegation of the Lao People's Democratic Republic expressed appreciation for the comprehensive report presented by the Director General on the DA, welcoming the commitment to addressing the main challenges in the field of IP and praising efforts by WIPO to encourage innovation and creativity across the world. The Delegation hailed in particular the success of the Diplomatic Conference on the Protection of Audiovisual Performances, which had led to the BTAP. The Delegation acknowledged the progress made by: the SCCR in respect of copyright exceptions and limitations for visually-impaired persons; the SCT in respect of trademark law, and; the IGC in regulating the protection of GRs, TK and TCEs. Furthermore, the Delegation expressed support for the statements made by the Delegation of Nepal on behalf of the Group of LDCs and by the Delegation of Singapore, speaking on behalf of the ASEAN. The Delegation observed that the international IP system faced diverse challenges in many critical areas, including: the global economic crisis and climate change and environmental hazards. The 21<sup>st</sup> century had been hailed as that of a knowledge-based economy and developing countries would require a sound knowledge of IP systems in order to ensure that they drew the maximum benefit from their own innovative and creative capacities. The Delegation welcomed the guidance and expert assistance of WIPO in the promotion of IPRs in the country. The Government of the Lao People's Democratic Republic recognized the importance of and need for protection of IP, both with regard to the promotion of local innovative and creative activities and to facilitation of the acquisition and exploitation of IP for economic development. The Government of the Lao People's Democratic Republic was aware that more comprehensive IP laws were needed. In 2011, the nation's IP law had been amended to enable the Lao People's Democratic Republic to meet existing and future obligations under the various international conventions and treaties on IPRs. The Delegation mentioned in that respect the accession of the Lao People's Democratic Republic to the Berne Convention for the Protection of Literary and Artistic Works, and declared that, in the near future, the Lao People's Democratic Republic would join the WIPO-administered Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. The Government of the Lao People's Democratic Republic was planning to integrate IP and innovation strategies into the national development policy. There was also a need for an IP infrastructure that would allow for participation in information exchange at the regional and international levels. The Delegation thus welcomed WIPO's contribution to strengthening the Lao People's Democratic Republic IP Office through a number of initiatives, including an automation project, training, access to an innovation research and development program and the enhancement of access to technological information for researchers from developing countries. The Delegation noted that, in the Lao People's Democratic Republic, as in all the LDCs, WIPO technical assistance would continue to be required in order to strengthen the capacity of the national IP system. The aim of such support should be to ensure effective use of IP assets for social and economic development and, in particular, to find ways for IP systems to contribute to poverty reduction. The Delegation thanked WIPO for its invaluable assistance in respect of legislative orientation, human resource development and infrastructure improvement.

112. The Delegation of Guinea supported the proposals by the African Group and the Delegation of Nepal on behalf of the Group of LDCs. The Delegation, which intended to make IP an effective tool for development thanks to the new vision of Mr. Alpha Condé, President of the Republic, expressed appreciation for WIPO's constant support with regard to capacity-building for senior officials from the National Industrial Property Service, the organization of workshops, training seminars and awareness-raising activities for customs officials, researchers and academics, and the holding, by the end of 2012, of a forum on mainstreaming IP into university curricula. In that respect, the Delegation said that Guinea, which had celebrated the 54<sup>th</sup> anniversary of the country's independence on October 2, 2012,

hoped that WIPO would continue to assist it in strengthening the capacities of its national officials, establishing a TISC, introducing a program for computerizing the IP system, and preparing a national action program for IP development. The Delegation explained that those steps would help strengthen the country's institutional framework and lend a fresh impetus to its development efforts. It also indicated that its Government was relying on WIPO for the implementation of all of those high-priority actions, which were moreover tied to programs within the Government's national development plan.

113. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, said that attempts to achieve a better alignment of the programs, structure and resources of the WIPO were of great importance. Mainstreaming of development would ensure the consistency of the Organization's development activities. The Asian Group hoped that the development-oriented activities of the Organization would meet the needs of the Member States. Specifically, a refined definition of development expenditure would provide a clearer picture of the Organization's development activities. Governance at WIPO was an issue discussed during the 19<sup>th</sup> session of the PBC, but the sensitive nature of governance issues required that more attention be paid to the structure and functions of WIPO. The Asian Group remained committed to achieving progress in that area, in order to ensure a more productive use of time and resources at future PBC meetings. The provision of technical assistance to the IP offices of Member States was at the heart of WIPO's functions and those activities should not be politicized. The Organization was member-driven and all should abide by the principle of collective decision-making. The norm-setting activities of different committees showed that most of the current work had reached technical maturity. The constructive engagement of Member States in the SCCR had led to the conclusion of the BTAP. The impetus created by the new norms would encourage Member States to enhance their involvement in other norm-setting activities, especially those on limitations and exceptions for visually impaired persons and the protection of TK, TCEs and GRs. The Asian Group welcomed the deliberations at the most recent meeting of the SCCR and supported the recommendations made to the General Assemblies on the future work program and an instrument on limitations and exceptions for visually impaired persons and persons with print disabilities, with a view to convening a diplomatic conference in 2013. The IGC had made progress but further progress required more deliberation. The Asian Group considered that the work of the SCT could be finalized once the possible impact on IP offices had been determined. The study carried out by the Secretariat was an important tool for that assessment. Further discussions would guide the Committee toward an international instrument. The Asian Group also welcomed the report on the development activities of different committees. The inclusion of the perspective of Member States in the reporting structure of the committees under a specific item would better reflect the expectations of Member States. It was hoped that the key outcomes described for the current biennium, such as increased geographical coverage, the development of new norms and instruments and the improvement of IP infrastructure, in particular in the offices of developing and LDCs, would be successfully achieved.

114. The Delegation of Guatemala endorsed the statement made by the Delegation of Peru on behalf of GRULAC and said that it was mindful of the role that IP played in the social and economic development of the country. It also underscored the importance of the successful adoption of the BTAP, given the role that copyright and related rights played in the economic, social and cultural development of Guatemala, helping to strengthen a legal structure which guaranteed and protected an international IP system. The Delegation said that it attached great importance to the fact that the Beijing Treaty would reinforce the effective protection of audiovisual performances, while stressing the need to bear in mind the economic contribution of the audiovisual industry. In that regard, the Treaty would promote respect for the rights of producers and performers of audiovisual works and the creation of works. The Delegation also underscored the importance of the work that was being done in the various WIPO committees, primarily the IGC which promoted the protection of traditional knowledge and its preservation. Guatemala was very interested, because it was a mega-diverse country and the work done by the IGC complemented the country's own efforts to deal with that subject. The Delegation said

that its Government thanked WIPO for its cooperation on all aspects of IP and the support provided by the Regional Bureau for Latin America and the Caribbean, which was essential for the development of its own IP office. The Delegation highlighted progress made with regard to the TISCs and the establishment of peripheral TISCs, and referred to the conclusion of very important strategic partnerships, as for example the one with the Directorate General for Research of the University of San Carlos of Guatemala. The aim was to combine forces to encourage research and to endeavor to fine-tune national indicators for economic and technological development.

115. The Delegation of Uganda stated that it recognized and appreciated the efforts made by WIPO concerning the implementation of the DA. It associated itself with the statements made by the Delegation of Egypt, on behalf of the African Group, and the Delegation of Brazil, on behalf of the DAG. The gains from the DA were already bearing fruit in Uganda, with a TISC being set up in the national patent office. The TISC would be accessed by scientists and researchers and would promote innovation for development. Awareness programs had already been launched to inform the public about the existence of the TISC. Moreover, the IPAS was operational with regard to the industrial property application and registration processes. In August, Uganda had received a WIPO delegation which had upgraded IPAS to IPAS-Java and had trained the IP staff. The Delegation was pleased with the success of the program. It also thanked WIPO for the Masters Program in IP which had enabled many young professionals to acquire relevant skills and play a role in IP. Uganda had benefitted tremendously from the program. It further reported that IP laws were under review and that the Geographical Indications Bill and the Industrial Property Bill had been laid before Parliament. The expected imminent passing of those bills into law would open up new areas which had previously not been protected. The Delegation restated its request for WIPO support in the formulation of a national IP strategy and policy and expressed its commitment to continued cooperation with the Secretariat with a view to full implementation of WIPO programs.

116. The Delegation of the Central African Republic emphasized that, like the other LDCs, and despite its enormous natural and cultural resources, it was experiencing real difficulties in boosting its economy. Nevertheless, as it was aware of the value of IP as a driver of economic development, the Government had taken steps in recent years to mainstream IP into its various development strategies and policies, in particular by establishing a National Intellectual Property Board, a body consisting of the various IP players that was responsible for coordinating activities and making proposals to the Government for optimum use of IP assets nationwide; setting up a National Committee for GIs, which was tasked with identifying and implementing a procedure for protecting local products through geographical indications; institutionalizing the National Invention and Technological Innovation Fair, whose primary goal was to encourage creativity and promote a culture of technology; gradually introducing classes on IP into university curricula and in certain private higher education institutions; signing a service agreement with WIPO for the establishment of a TISC; and drawing up a national plan for IP development with technical assistance from WIPO. As far as copyright was concerned, a draft bill which was to be submitted very shortly to the National Assembly for adoption contained the main provisions of relevant international treaties in force and was designed to leverage literary and artistic property for the country's development. The Central African Republic, which greatly appreciated the help provided by WIPO, wished to renew its gratitude to the Organization for its constant and sustained assistance with regard to capacity-building through scholarships granted *via* the Master 2 IP training courses, inter-regional seminars, workshops and seminars for dissemination of scientific and technical information through the establishment of the TISC, as well as technical assistance with the drafting of new copyright legislation and the national plan for IP development. The Delegation was relying on WIPO's support to consolidate its gains and make intellectual property a vital tool for economic development. It concluded by emphasizing that it fully endorsed the statement made by the Delegation of Egypt on behalf of the African Group.

117. The Delegation of Benin was pleased to be attending the current year's Assemblies, marked as they had been by the impressive results achieved by the Director General, Mr. Francis Gurry, whom the Delegation urged to continue along the same lines. The Delegation remarked that the past year, which had been the subject of a report by the Director General, had seen a number of activities carried out. The Delegation highlighted some of those activities to underscore their importance for Benin and the degree of interest they aroused. In that regard, the Delegation mentioned the activities of the IGC, as well as the activities relating to audiovisual performances. The Delegation of Benin stated that it shared the opinion of many delegations that such efforts deserved to be continued and supported. According to the Delegation, another point was of interest to Africa, namely the establishment of external WIPO offices. The Delegation stated its support for the idea and said it was in favor of setting up two offices in Africa that could be established gradually. The Delegation commented that innovation had been a determining factor in the changes occurring in previously underdeveloped countries that had since become developing or emerging nations. The Delegation declared that, while Benin did wish to make progress with a view to meeting the needs of its population in the best way possible, the aim remained the enhancement of existing knowledge and its adaptation to the local context, where necessary thanks to the reproduction of royalty-free objects and their adaptation to the country's needs, particularly from a cultural point of view. The Delegation of Benin added that each year, the Member States of WIPO met at the Assemblies to set the Organization's strategic guidelines, adopt its budget and examine the activities of the various bodies. The Delegation wished to take the opportunity to reiterate its desire for the industrial property system to become a truly essential means of promoting the fight against poverty and of boosting development by encouraging wealth and job creation. In the context of WIPO technical cooperation activities, the Delegation stated that it wished to request the Organization's assistance in formulating a strategic plan for IP, with the aim of helping the government to use IP more effectively for the purposes of development. The Delegation concluded by endorsing the statement made by the Delegation of Egypt on behalf of the Africa Group and by the Delegation of Nepal on behalf of the LDCs.

118. The Delegation of Togo welcomed the ongoing cooperation between WIPO and Togo as well as the support provided by the Organization, which had led to the holding, in Lomé on August 16 and 17, 2012, of a training workshop on patent search and information strategies and techniques, in conjunction with the establishment of aTISC. The Delegation explained that Togo had received WIPO funding for an official from its Industrial Property Service to attend WIPO's Mid-level International Seminar on Industrial Property, which had taken place in Geneva from June 20 to 22, 2012. The country had also received WIPO funding for a police officer and a customs official to attend the Subregional Seminar on the Economic and Social Impact of Infringements of IPRs within the Western African Economic Community, which would be held in Dakar from October 16 to 18, 2012, and for a senior industrial property official and a university professor to receive training at the Regional High-level Intellectual Property Forum for LDCs, which was scheduled to be held in Burkina Faso on October 16 and 17, 2012. The Delegation of Togo said that it had been reassured by the conclusive results which WIPO had produced during Mr. Gurry's four-year term of office, and was convinced that, with his skills and leadership abilities, the Director General would spare no effort to ensure the effective implementation of the 45 recommendations adopted by the General Assembly in 2007 in conjunction with the WIPO DA. The Delegation recalled that WIPO had endeavored to promote innovation and creativity for the economic, social and cultural development of all of its Member States, by means of a balanced and effective international IP system. In the Delegation's view, it was through the funding of various activities, such as the ones mentioned previously, that WIPO was helping Togo to finalize and adopt a national plan for the country's IP system. The Delegation recalled that following Mr. Gurry's appointment to the post of Director General in October 2008, WIPO had launched a major restructuring program to ensure that the Organization was able to take up the challenges of a rapidly changing IP landscape. As the Delegation saw it, the developing countries and the LDCs had faced numerous challenges relating to the creation of an innovation infrastructure, a shortage of human resources and funding issues, and shared the



goal of letting innovators and research institutions use intellectual property, ensuring their protection and utilizing the findings from their research. The Delegation noted that to that end, WIPO, in close cooperation with the authorities of Togo, had actively supported the ongoing training of industrial property staff and TISC users. It emphasized that the National Institute for Industrial Property and Technology, which was aware of WIPO's efforts to popularize IP with a view to demystifying it and ensuring its use as a tool for economic, social and cultural development, made its contribution in the form of advertising slots broadcast regularly on television and industrial property games over the radio. The Delegation said that every year, WIPO gave the members of the National Intellectual Property Board and the members of the Board of Administration refresher training in IP tools. It further recalled that the partnership between WIPO, the media, the customs administration of Togo and the police made it possible to conduct joint programs to combat counterfeiting and piracy, which exacted a heavy toll on consumers and the economy. The Delegation said that Togo was grateful for the aid already provided by WIPO but hoped that such multi-faceted assistance would be maintained. In particular, Togo hoped that WIPO would continue its computer assistance for LDCs, given that those countries still required assistance and needed WIPO's support to strengthen their legal and institutional IP capacities, the goal being to mainstream IP into their policies and programs for economic, social and cultural development.

119. The Delegation of Iraq welcomed the comprehensive Report by the Director General outlining his visionary leadership. The Delegation also thanked the WIPO Secretariat and Arab Bureau for their efforts in strengthening cooperation and enhancing use of IP as a tool for human and economic development in Arab countries. The Delegation wished to recall that, currently, Iraq focused more on importance of IP and worked on bridging the gap with the rest of the world in the field of IP Law and Practice. In that regard, the Patent Department recorded over 100 patents in the current year, as Iraq established a more robust Patent System through automation of patent processes. Progress was also made in IP training with relevant international entities. The National Center for Copyright and Related Rights initiated effective work in establishing a curriculum for intermediate university law studies. In addition, a National Register for National Cultural Heritage was created, which benefited from WIPO's expertise and workshops. Although Iraq embraced the IP realm relatively late, the Delegation considered that work was on track for effective capacity building in a country with such rich creative potential. The Delegation stressed that application to join WTO was clear evidence that Iraq adopted an open market policy, in line with the TRIPS Agreement. Such progress illustrated success of WIPO's activities in disseminating an IP culture in Iraq. The Delegation expressed appreciation for WIPO's work and pledged full cooperation. In conclusion, the Delegation announced the organization of an International IP Conference in Iraq in 2013, as an opportunity for exchange of views and experiences. WIPO's sponsorship would be instrumental in the success of such important event and in attracting participants from WIPO Members, IP-related organizations and IP experts.

120. The Representative of the League of Arab States (LAS) emphasized that its organization was convinced of the role of the IP System in economic and social development, and therefore intensified cooperation efforts with WIPO for major IP achievements and prospective strategic developments in the Arab region. The Representative was pleased to announce that, following overall restructuring of LAS carried out by a group of Arab experts under the leadership of its Secretary-General, the LAS IP Unit, created in 2000 following an MoU with WIPO, has been upgraded to become the Intellectual Property and Competition Department, under the Economic Sector of the LAS General Secretariat. Such development illustrated a firm commitment by LAS to IP as an integral part of economic, social and development plans and as an important factor in economic and social development in Arab States. Pursuant to Article 4 of the LAS Charter, work was underway for the creation of a permanent specialized IP committee to be tasked with establishing and elaborating draft cooperation provisions for Arab countries for submission to the competent Ministerial Councils and Arab Summits; and examining and recommending issues submitted by the Ministerial Council, General Secretariat or Members.

The new committee would meet at the LAS Secretariat headquarters, or, subject to approval by the Secretary-General, in an Arab country, as required. The new committee, following consultation with the LAS Secretary-General, would have the authority to invite to its meetings international and regional IP-related IGOs and NGOs. The Representative stated that, since the two Economic and Social Summits in Kuwait in 2009, with the attendance of the WIPO Director General, and in Sharm El Sheikh in 2011, IP had become a regular Agenda Item, as it would be in the next Summit to be held in Riyadh in January 2013. In the context of south-south Cooperation, the Third Summit of Heads of States and Governments of South American and Arab Countries (ASPA), currently held in Lima, from October 1 to 2, 2012, was expected to issue the Lima Declaration addressing, *inter alia*, cooperation among those countries in the field of IP. The Representative expressed commitment of the LAS Secretariat to work with Latin American countries for the implementation of the Lima Declaration, in order to build on achievements of the First and Second Summits in Brasilia (2005) and Doha (2009), respectively. In the framework of Arab-African cooperation, the Third Arab-African Summit would be held in Kuwait in 2013. Currently, the LAS Secretariat, in cooperation with the African Union (AU), was working on the implementation of the Sirt Declaration of the Second Arab-African Summit held in Sirt, Lybia, in October 2010. The Representative pointed out that its organization worked toward the formulation of common Arab-African positions. In that regard, LAS looked forward to continued support, assistance and participation from WIPO in IP-related cooperation among Arab, African and Latin American countries. The Representative pledged its organization's intensive political support for encouraging accession of Arab States to WIPO-administered international treaties, particularly, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) and the Hague Agreement Concerning the International Registration of Industrial Designs (Hague Agreement). Such instruments were important in fostering exports and attracting foreign investment in acceding States. Against that background, LAS was currently finalizing work on the Arab Free Trade Zone which would underpin the Arab Customs Union by 2015. The Representative praised major steps taken by WIPO with the recruitment of a Director for the Arab Bureau. LAS was committed to its continued cooperation with the Arab Bureau for the benefit of all LAS member states. The Representative also praised the outcome of the WIPO/LAS Sixth Arab Regional Coordination Meeting for Heads of Industrial Property Offices, held in Casablanca, Morocco, in May 2012. LAS welcomed the successful conclusion of the WIPO diplomatic conference with the adoption of the BTAP, following negotiations that lasted over 12 years. The Representative recalled that LAS demonstrated throughout the previous years continuous support for efforts towards an agreement on the issue and participated in the relevant dialogue and respective events. The Representative also welcomed progress made in the work of the IGC and looked forward to agreement on international legal instruments in preparation for convening a diplomatic conference. The CDIP was also praised for its on-going work and projects under the DA. The Representative reiterated its organization's interest in participating as observer in the WIPO Assemblies and reaffirmed its unceasing support for WIPO's work.

121. The Representative of the African Regional Intellectual Property Organization (ARIPO) urged the Member States and the global IP community to harness the innovative and creative capacity of Member States and looked forward to an enhanced commitment by WIPO to the promotion of innovation and cultural development in Africa. The Representative thanked the Director General for his participation in the 13<sup>th</sup> Session of the Council of Ministers of ARIPO in Accra, Ghana, in December 2011. On that occasion, the Council had adopted key proposals and initiatives which would enable ARIPO to move forward and engage the global community. The decisions of the Council of Ministers included the establishment of a regional GI system, the development of a legal instrument for plant variety protection, a linkage between ARIPO and the Madrid System for the International Registration of Marks and an accreditation system for IP attorneys and agents. ARIPO was also reviewing its Protocol on Patents and Industrial Designs, to take into account global IP development and practices and make the Protocol reliable and user-friendly. ARIPO therefore called upon WIPO to commit more resources to

supporting Africa's quest to mainstream IP into plans for social, cultural, economic and technological development. One ARIPO project sought to enhance the technology used in the African regional IP system and strengthen the interface between the Organization and its users in the area of information and communication technology (ICT) infrastructure. That project had been designed and developed with the assistance of WIPO and KIPO and would enable ARIPO and its member states to re-engineer workflow processes and provide needs-based business solutions to users of the ARIPO system. ARIPO continued to contribute to the PATENTSCOPE database and commended WIPO's efforts to deploy IPAS in ARIPO member states by providing assistance in terms of technical infrastructure and capacity building. ARIPO looked forward to working with WIPO to develop IP in the African region. The south-south cooperation initiative should be designed to provide practical tools and facilitate harvesting of knowledge and sharing of best practices. The reporting mechanism should also be streamlined to reduce overlaps and enhance effectiveness. ARIPO associated itself with the statement made by the Delegation of Egypt, on behalf of the African Group, and looked forward to working with WIPO to strengthen the IP system.

122. The Representative of the Computer and Communications Industry Association (CCIA) observed that WIPO's reputation had suffered in 2012 due to irregularities in terms of technical assistance and ongoing allegations of corruption. It was impossible to assess whether those were simple isolated incidents, as WIPO's accountability, transparency and governance mechanisms remained unfit for purpose for a 21<sup>st</sup> century public institution. The Representative noted that calls for reform in that area made by developing countries had been echoed in statements made by developed countries. The Representative declared that the existence of different views on the substance of IP policy should not frustrate agreement with regard to reform and noted that, from an industry perspective, one potential solution would be to publish much more of what was currently confidential. The default in entire areas was secrecy. The Representative cited as an example the Revised WIPO Internal Oversight Charter contained in document WO/GA/41/10 Rev. Paragraph 21 of that document stated that all investigation reports, drafts, materials, findings, conclusions and recommendations were fully confidential, unless disclosure was authorized by the Director of IAOD or the Director General. The Representative declared that approach to be the exact opposite of what was actually needed, saying that the default should be to publish with redactions only in line with best practice, and recommended the creation of an impartial, independent, transparent and balanced peer review process for WIPO's reports and analyses. The Representative also urged the Secretariat to recommit itself to impartiality, balance and a demand-driven approach, citing the National IP Strategies Framework and the African Intellectual Property Forum as recent examples of unbalanced processes. The CCIA viewed the Secretariat as an overwhelmingly professional, hard-working and committed body, but one unfortunately trapped in antiquated procedures and policies. The Representative urged an overhaul of WIPO's relationship with non-governmental stakeholders and deplored interventions which could be construed as a greater engagement for business over others. The Representative stressed that all non-governmental stakeholders must be treated equally and advocated an objective of greater engagement from more stakeholders, as opposed to any form of special treatment which would damage the credibility of the Organization. In that regard, the Representative described the idea of an event to bring innovators to the 2013 Assemblies as an interesting one, but noted that what was required was a paradigm shift for all and not just a one-off event for a few. The Representative also suggested that Member States should request WIPO to engage with all non-governmental stakeholders on a global, inclusive, collaborative and transparent basis concerning their needs and report back to the next Assemblies, predicting that much useful feedback would be obtained in that way. The Representative further counseled a thorough overhaul of budget and financial reporting processes, describing current practices as Byzantine and the fruit of overly-secretive development. In closing, the Representative urged the adoption of best practices with respect to development, spending, reporting and evaluation mechanisms. WIPO was too important an Organization for reform to be delayed. It was widely agreed among stakeholders that change was necessary.

123. The Representative of the International Video Federation (IVF), also speaking on behalf of, the International Federation of Film Producers' Associations (FIAPF) and the Motion Picture Association (MPA), welcomed the adoption of the BTAP and recognized that it had been made possible by the efforts of all parties concerned. Those efforts had reaffirmed the current international copyright framework and would bolster the important contribution that IP made to economic and social development. Concerning the future, the audiovisual sector joined other creative sector organizations in respectfully calling on the WIPO Member States to subject their support for a possible international instrument on access for persons with print disabilities to the essential conditions required in order to improve access to books for persons with print disabilities, in harmony with and without prejudice to the existing international copyright framework. The instrument should: be consistent with international copyright law; be narrow in scope; reaffirm the three-step test; be flexible; be conditional upon commercial unavailability, and; ensure appropriate care of digital files. Concerning further work on other limitations and exceptions on the agenda of the SCCR, FIAPF, IVF and MPA appreciated the legitimate requests from developing countries for assistance in adapting their copyright laws to the global online environment. Furthermore, the three organizations believed that they could assist WIPO in that endeavor and were supportive of practical solutions that took advantage of the existing international copyright framework's flexibilities and balancing limitations and exceptions, as well as corresponding exclusive rights. With regard to the protection of broadcasting organizations, the Representative expressed support for work on a treaty that was focused on signal piracy and that would effectively protect the rights of broadcasting organizations without impinging on the underlying rights of copyright owners, provided that it had no negative impact on the international copyright framework. The Representative acknowledged the progress made in the IGC, including on the protection of TCEs. A successful outcome in that regard was long overdue but Member States should not to rush into solutions without having fully assessed implications in the real world. The Representative welcomed the proposal to renew the IGC's mandate in order to allow for more time to consider carefully options and their implications. In conclusion, FIAPF, IVF and MPA encouraged the CDIP to focus on pragmatic projects that could make a real difference in terms of the effective use of IP in support of economic, social and cultural development.

124. The Representative of the International Intellectual Property Institute (IIPI) stated that, although IIPI had not been in regular attendance at past Assemblies, it looked forward to participating more actively in such proceedings in the future. IIPI had been founded in 1998 to assist developing countries in improving their intellectual property regimes. The Institute's recent successes highlighted the importance of ongoing cooperation between governments and non-governmental organizations and the developed and developing worlds. In partnership with the USPTO, IIPI had reviewed over 1,000 publications from research institutions in the Philippines to determine the extent to which they included patentable materials. IIPI's continuing conviction that the intellectual contributions of developing countries were not fully appreciated had been validated by the fact that 27 per cent of the articles contained potentially patentable materials. Yet those publications were missed opportunities. None of the authors had filed patent applications and had lost the commercial value contained within their ideas. However, that value could be captured. IIPI was working with USPTO and the Intellectual Property Office of the Philippines (IPOP) to improve intellectual property management and technology commercialization in Philippine universities. IIPI and USPTO had also jointly hosted a series of regional workshops, during which more than 200 traditional artists from over 25 countries had received instruction in how to use IPRs to protect and promote their creations. Those workshops would not have been successful without the support of IIPI's regional and national partners – in particular, the Organization of American States (OAS), ASEAN, and the Governments of Mexico, Peru, and Cambodia. However, more could be done by the community to ensure that all shared in the economic and social benefits that resulted from IPRs.

In particular, IPI would welcome greater involvement from international organizations such as the World Bank, the Inter-American Development Bank (IDB), the Asian Development Bank (ADB), and WIPO in promoting IPRs as a driver for economic growth and competitiveness.

125. The Representative of the International Publishers Association (IPA) welcomed the statements made during the meeting emphasizing the importance of industry partnership and the input of creative industries to the WIPO process. Such collaboration and input had been used to great effect in the conclusion of the BTAP. In the year to come, the SCCR would focus on a future instrument for the benefit of persons with print disabilities. International norm-setting must complement existing international copyright law and must be effective in practice for the decades to come. The instrument for persons with print disabilities was set to solve a specific problem in a very important limited policy area. It would address part of the issue of provision of access but was not the solution in terms of equal access. Given its particular function and given that the instrument had such a unique functionality, it should not be seen as an opportunity to change fundamental concepts and principles of international copyright law. That view was supported by authors, journalists, musicians, actors, publishers, producers and collecting societies from a range of creative industries. Together with NGOs, the organizations representing those groups had created a joint position paper that set out how the instrument could be shaped to ensure that it could fully meet its objective without impacting on important copyright principles. IPA emphatically shared the objective of access for all, regardless of disability, at the same time and with the same convenience. The Association continued to offer advice and was prepared to collaborate with the World Blind Union (WBU) on wording that addressed the technical concerns of all those stakeholders who would need to operate within the new framework for many years to come. Practical implications and legal consistency were also important in the work of the IGC on TK, folklore and TCEs. The Representative recognized that the work of the IGC might impact on that of national and international authors, artists and creative industries and on the fields of research and education. Furthermore, some proposals might, perhaps inadvertently, restrict freedom of expression and have a negative impact on other human rights. The Representative expressed the need for caution concerning that matter, as the Assemblies sought to bring the Committee's work to a successful conclusion. IPA had observed that there was no consensus among the Member States of WIPO on a range of key issues, both technical and political. Without existing national laws, which had proven to be effective in addressing the issues in question, it was difficult to envisage an outcome of the IGC which would enable successful international or national norm-setting.

126. The Representative of Knowledge Ecology International (KEI) commented on references by previous delegations to the three-step test in relation to recent copyright negotiations. The Representative noted that the three-step test was a generic term for treaty provisions relating to restrictions on the kind of copyright limitations and exceptions that countries could implement. The three-step test was not necessarily fundamental to all areas of copyright. It applied in some cases, whereas other areas required a different standard. When the three-step test was first introduced in the Berne Convention for the Protection of Literary and Artistic Works in 1967, comments in the preparatory work had referred to the fact that other standards already existed: for example, in Article 10(2) of the Berne Convention in relation to education, as well as in Articles 2*bis*, 10(1), 10*bis*, 11*bis* and 13. According to those comments, the other standards had existed long before the three-step test and the three-step test would apply only where no other test had been specified. There were also treaties on copyright and related rights other than the Berne Convention, negotiations for which had involved that issue. It would be inadvisable to turn the treaty on limitations and exceptions for persons with visual disabilities into a battleground on which certain copyright trade associations or collection societies fought over whether or not the three-step test should apply. Persons with visual disabilities and persons with other disabilities should not have to abide by the same legal framework as

everyone else. The Representative believed that the outcome of current negotiations on such a treaty could not change the obligations created under existing treaties. It was important not to introduce irrelevant considerations into what was an important human rights issue for persons with visual disabilities.

127. The Representative of Third World Network (TWN) focused on WIPO's technical assistance. DA Recommendation 1 stated that WIPO's technical assistance should be development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States. Each year, considerable amounts of financial and human resources were spent on technical assistance. If technical assistance was properly formulated and development-oriented, it could benefit developing countries, whereas poorly-designed assistance could have adverse social and economic consequences. The Representative stated that it was of the utmost importance to ensure that WIPO delivered technical assistance that was based on development-oriented content, appropriate to the social and economic realities of developing countries. An external review of WIPO technical assistance presented to the CDIP in 2011, had found significant gaps and shortcomings in relation to WIPO's assistance. For instance, the review found that WIPO did not have a clear understanding of the overall purposes of its own development cooperation activities, or of the phrase: "development-oriented assistance". Moreover, the openness to different perspectives of the IP system necessary for improved development-oriented, or development orientation, was not yet institutionalized within WIPO. In the area of national IP strategies, the external review found that WIPO did not yet employ a satisfactory methodology or tools for assisting developing countries to assess their development needs, IP capabilities and appropriate strategies. As to legislative assistance, the review found that WIPO tended to promote accession to WIPO-administered international treaties while providing only limited practical and proactive advice on how to use TRIPS flexibilities. The review also found that the current approach of "IP for development" was an extremely narrow view of development orientation activities. Those observations made by the external review led to the conclusion that there was a need to focus on taking concrete steps to improve WIPO's technical assistance. In that regard, the Representative specifically called upon Member States to put in place mechanisms to improve the transparency and accountability of WIPO's technical assistance activities, and in particular to: set up an independent monitoring and evaluation mechanism in WIPO, to develop guidelines to ensure more transparent processes for the selection of consultants, and; improve the information available on WIPO's website, the roster of consultants and the WIPO Intellectual Property Technical Assistance Database (IP-TAD). The Representative also stressed that more in-depth evaluation of specific areas of WIPO technical assistance, for instance, in the areas of legislative assistance, IP office modernization and user support services, was urgently required. Several important proposals to improve WIPO's technical assistance had been presented by the DAG and the African Group to the CDIP and the Representative urged all Member States to support those proposals. Finally, the Representative noted that there had been a call to enhance the involvement of the business community in WIPO and cautioned against such a move. Policies must not be driven by select business interests but must instead be based on evidence and national interests, taking into account the social and economic reality and the impact of the policies on the population of a country. In fact, Member States needed to ensure that adequate safeguards against conflict of interest, as well as proper accountability mechanisms, were put in place to ensure that WIPO's activities did not just benefit certain business interests and developed countries, but actually approached IP from a perspective that was grounded in the realities and development challenges faced by developing countries.

128. The Representative of the Eurasian Patent Organization (EAPO) noted that new trends had emerged during 2011, aimed at strengthening and developing integration processes within the Eurasian region. The signing of the Declaration on Eurasian Economic Integration, the stated eventual aim of which was the formation of the Eurasian Economic Union with a common market, unified legislation, and free movement of goods, capital, and labor, by the leaders of the

Russian Federation, Kazakhstan, and Belarus, had been an important and much anticipated event. In that regard, he emphasized that Eurasian economic integration already had a reliable tool at its disposal: a Eurasian patent, applying to all member states of the Eurasian Patent System. Based on 2011's results, it had become obvious that the Eurasian Patent System was becoming increasingly attractive to applicants. During 2011, 3,560 patent applications had been filed at EAPO, which was seven per cent up on 2010. With the trends towards integration intensifying, the most active users of the Eurasian Patent System among EAPO member states were Russian, Belarusian, and Kazakh applicants. Thus, in 2011, the number of Eurasian applications filed by Russian applicants had increased by one-third compared to 2010. The number of Eurasian applications received from Kazakhstan had more than doubled. Promoting the development of national IP systems of States party to the Eurasian Patent Convention had always been regarded as one of the highest-priority tasks in EAPO's development. Nowadays, States and their national patent offices were confronted with new, more wide-ranging issues in the transition to an innovative economy. EAPO and its Office had been involved in resolving these issues of national economic importance. EAPO had broadened its collaboration with national patent offices, transitioning from promoting the direct development of national offices, to promoting innovation development of EAPO member states' economies. One of the components of innovation development was providing access to global information resources. Responding to the requirements of the Organization's Member States, in 2011, EAPO had launched a new initiative: to provide Academies of Science and their departments, public libraries, universities (institutes of higher education), and technical research centers of EAPO member states with access free-of-charge to EAPATIS, EAPO's patent information system. Under this initiative, and on the basis of bilateral Agreements between EAPO and the national patent offices, these users would receive free access to all EAPATIS search engines, full-text descriptions of national and Eurasian patent documents, and also virtual access to complete PCT-minimum specifications of the countries' inventions from external sources. In fact, they would be granted access to over 38 million patent documents to virtually the same extent as that previously granted by EAPO to EAPO member states' patent examiners. The new EAPO initiative had been sanctioned by the decisions of the 24<sup>th</sup> and 25<sup>th</sup> meetings of the EAPO Administrative Council, and had already begun to be implemented. It was anticipated that agreements on the granting of access to a patent information system would be signed with the national patent offices of virtually all EAPO member states by the end of the current year. EAPO was continuing to collaborate with WIPO in developing EAPO member states' IP systems. Joint regional workshops were currently being supplemented by WIPO representatives' active participation in training conducted by EAPO for representatives of the Organization's Member States' patent offices. WIPO lecturers had thus delivered 20 thematic lectures and presentations in two training sessions at EAPO for national-office specialists during 2011. The Representative also noted that in 2012, WIPO representatives had participated in another area of EAPO's work in training the region's national specialists: conducting training seminars for EAPO member states' IP specialists. Evidence of that was a successful training seminar held in Kazakhstan, which had been attended by representatives from industry, research organizations and institutes of higher education of Kazakhstan, customs officials and regional justice department officials, and also leading specialists of the National Patent Office and its branches. The Representative stated that EAPO followed WIPO's work closely, took part in the work of WIPO's main committees, and applauded WIPO's efforts to implement the Strategic Realignment Program. EAPO firmly believed in the further development and strengthening of regional IP systems, in enhancing the role and importance of international cooperation, and looked forward to WIPO's support in carrying out its work.

129. The Delegation of Austria supported the statement made on behalf of Group B, as well as that delivered on behalf of the EU and its member states. It appreciated the activities and positive achievements of WIPO outlined in the Program Performance Report for 2010/2011 and supported the Organization's continuing efforts to provide a forum for in-depth dialogue on the important role IP played in ongoing discussions on major public policy issues such as public health, climate change and food security. It noted with satisfaction the progress made with

regard to the effective functioning of the international IP registration and filing systems, which were the main generators of WIPO's income. It encouraged the Organization to continue in, and even to increase, its efforts and activities to remain viable and efficient. The Delegation welcomed the positive developments in terms of inclusive and transparent monitoring of the Organization's financial affairs, congratulating WIPO on becoming compliant with the IPSAS and on its fruitful cooperation with the IAOD. The Delegation noted the positive outcome of the Diplomatic Conference on the Protection of Audiovisual Performances in Beijing and congratulated WIPO and the host country, China, on the adoption of the BTAP. Hopefully the positive spirit of the Conference would be preserved and extended to other areas and committees. The progress made in the sessions of the SCCR on the protection of broadcasting organizations and on limitations and exceptions to copyright and related rights for visually impaired persons and persons with print disabilities was to be applauded. Austria hoped that the work on the outstanding issues could be concluded at the twenty-fifth session and that a consensus on convening a diplomatic conference could be reached by the General Assembly at an extraordinary session in December. It noted the information about the work of the CDIP on the implementation of the DA Recommendations and various reports demonstrating numerous positive developments and achievements that further enhanced the development dimension in WIPO. It welcomed the progress achieved in 2012 within the IGC and asked the IGC to elaborate three clear and consolidated texts in 2013 to ensure effective protection of GRs, TK and TCEs. The Delegation was in favor of flexible and non-binding separate instruments in order to give Member States a choice as to the form or forms of protection that would best fit their needs. It regretted that no consensus could be reached in the SCP on the future work program but welcomed the results of the deliberations in the SCT, highlighting the importance of harmonization and simplification of design registration and formalities, which should be dealt with at a diplomatic conference. The Delegation commended the International Bureau (IB) for progressively developing and improving procedures under the treaties on global IP registration and filing systems. As an active member of the PCT Working Group, Austria endorsed the proposed amendments to the PCT Regulations and the recommendations concerning the future work of the PCT Working Group. The decision of the Government of Chile to request the appointment of the National Institute of Industrial Property (INAPI) as an International Searching Authority (ISA) and IPEA could encourage the use of the PCT system. The Delegation supported the recommendation of the Working Group on the Legal Development of the Madrid system for the International Registration of Marks to amend Rules 7(3)(b), 24(2)(a)(i) and 40(5) of the Common Regulations. It also noted with appreciation the document entitled "Madrid System Goods and Services Database: Progress Report" and welcomed in particular the launching of a German-language version. The use of that tool in combination with the translation function would help to reduce the number of irregularity notices concerning goods and services in the Madrid system and to simplify procedures at the national level. The Delegation further welcomed the report on the implementation status of the IT Modernization Program of the Madrid and Hague IT support systems and commended the IB for achieving the results of phases I and II within the adopted budget. Finally, the Delegation assured the Member States and the WIPO management of its continued support in the pursuit of the Organization's global goals.

130. The Delegation of Canada stated that the economic crisis had created significant challenges for businesses, innovators and IP offices as they adapted to economic uncertainty. It had therefore become increasingly important for all Member States to work together to increase the efficiency, transparency and quality of the global IP regime and thereby minimize barriers to innovation and commercialization. Over the last year, Canada had actively participated in all WIPO meetings, in particular its expert and technical working groups and committees. The Delegation noted the collaborative spirit that had led to the conclusion of the Diplomatic Conference on the Protection of Audiovisual Performances and looked forward to working with Member States on the many other issues on the WIPO agenda. Canada had recently modernized its copyright law to bring it into line with international standards. The Copyright Modernization Act of June 2012 gave creators and copyright owners the tools to



protect their work and develop their businesses using new and innovative business models. It also provided clearer rules in relation to the digital economy, and included changes to enable the implementation of the WIPO Internet Treaties and the use of copyrighted materials in education, and permitted persons with perceptual disabilities to make accessible versions of copyrighted material. The new Law would ensure that Internet Service Providers (ISPs) and search engines were not held liable for the copyright infringements of their subscribers, and formalized the voluntary “notice and notice” regime currently used by Canadian ISPs. The Delegation noted that certain elements of the Law addressed copyright exceptions and limitations for the visually impaired, libraries and archives, and education and research institutions, all topics under discussion in the SCCR. The Delegation reported that the Canadian Intellectual Property Office (CIPO) had recently launched its 2012/2017 business strategy – Inspired by Innovation; Committed to Success – following consultations with representatives from government, business and the IP community. The strategy outlined specific directions which would help CIPO to support creativity, enhance innovation and contribute to economic success. The Delegation declared that Canada would continue to promote greater transparency and effectiveness in WIPO’s governance and operations while seeking to ensure a focus on shared priorities, and, while emphasizing the importance of financial transparency, encouraged WIPO to seek greater efficiencies and cost savings for the Organization. The Delegation recalled the launch in 2008 of the Vancouver Group initiative to facilitate cooperation among the IP Offices of Australia, Canada and the United Kingdom and to implement best practices in respect of economic research, business reporting, and eliminating duplication of work. The Group had worked with WIPO on developing a digital library of patent search and examination reports, known as the WIPO Centralized Access to Search and Examination System (WIPO CASE). Since 1997, CIPO had organized annual specialized training courses for officials from developing countries, including, in 2012, a Workshop on the Application of Management Techniques in the Delivery of Intellectual Property Services, for senior officials of IP offices in seven developing countries. CIPO had also co-organized with WIPO a Sub-Regional Seminar on the PCT for Caribbean countries, hosted by Antigua and Barbuda. The Office also continued to provide state-of-the-art searches and search and examination reports as part of WIPO’s patent information services. The Delegation believed the Patent Prosecution Highway (PPH) process was an important work-sharing mechanism that could enable IP offices significantly to accelerate the examination of eligible patent applications. Canada had recently signed a PPH pilot agreement with the United Kingdom and would sign one with Israel in early November, and had renewed PPH agreements with Finland, Germany and Spain while having ongoing agreements with Denmark, Japan, the Republic of Korea and the United States of America. The Delegation stressed that Canada was committed to building a strong, effective international IP regime that would foster innovation and creativity to the benefit of entrepreneurs and all peoples around the world.

131. The Delegation of Croatia said it appreciated WIPO’s efforts to maintain the Organization’s place as the global IP authority and supported the constructive work done to harmonize and develop the IP system so as to encourage innovation and creativity everywhere. The Delegation highlighted its support for the SCT and was in favor of the adoption of a design law treaty. While aspiring to achieve the highest standards of IP protection, in order to promote the economic, social and cultural development of society, Croatia had made progress towards meeting the commitments stemming from its negotiations on accession to the EU, in particular in the area of IPRs. Croatia’s forthcoming accession to the EU would require the extension of the protection of the Community Trademark and the Community Registered Design, thereby achieving full integration into the internal market and IP system of the EU. Croatia had also strengthened the protection and enforcement of IPRs, and developed an effective coordination mechanism involving enforcement bodies and other stakeholders. Regular reports were produced, containing statistics on infringements of IP rights in Croatia. Significant progress had been made in raising public awareness of IP rights, especially with regard to the health and security risks associated with the increasing rate of counterfeiting and piracy. Croatia had developed a communication strategy relating to the joint activities of enforcement bodies and

other stakeholders. Related public outreach activities were being conducted nationwide in order to reach the largest possible audience. Training and education courses on the IP system had been offered to the public by the IP Academy of the State Intellectual Property Organization (SIPO). The Delegation highlighted the fruitful long-term cooperation with WIPO in the field of education and training needs. One notable result of that cooperation was the WIPO Summer School on Intellectual Property, held for the last five years in the city of Dubrovnik, and jointly organized by WIPO, SIPO and the University of Dubrovnik.

132. The Delegation of the Czech Republic stated that it associated itself with the statement made by the Delegation of Cyprus, on behalf of the EU and its member states, and with the statement made by the Delegation of Hungary, on behalf of the CEBS. The Delegation noted that much remained to be done in order to meet the new challenges of the 21<sup>st</sup> century concerning the IP protection system and support for innovation and creativity. It encouraged the Secretariat to strengthen and deepen its financial management, audit and control mechanisms and efficiency, including the implementation of cost efficiency measures. It expected the SRP to be successfully finalized in 2012 and an overall assessment to be carried out thereafter. It welcomed the growth in the international registration systems under the PCT, the Madrid Agreement Concerning the International Registration of Marks and its Protocol, as well as the Hague Agreement Concerning the International Registration of Industrial Designs and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration. Increases in the membership of those agreements contributed to furthering the global expansion of registration services for the benefit of all users. The Delegation hoped that relevant IT modernization programs would be completed and implemented as scheduled, and reaffirmed its determination to contribute actively to the constructive work of the SCP towards patent law harmonization but regretted that, at its 18<sup>th</sup> session, the SCP had not been able to agree on an agenda for the future. It also remained committed to contributing actively to the work of the SCT, CWS, ACE, the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, the PCT Working Group and the Lisbon Working Group, welcoming improvements in substantive discussions. It stated that it expected the future Design Law Treaty, which it viewed as very important, to be adopted in the 2012/2013 biennium, adding that it also took great interest in the modernization of the Lisbon System for the International Registration of Appellations of Origin. The recent adoption of the Beijing Treaty to protect the IPRs of audiovisual performers had paved the way for further enhancement of the WIPO normative process. The Delegation emphasized the importance of the technical work of the CWS and regretted that no consensus had yet been reached on the organizational and special rules of procedure of that body. It welcomed the renewed focus on the WIPO normative agenda and heralded the remarkable conclusion of the BTAP. It was looking forward to further progress concerning a much-needed international treaty on the protection of broadcasting organizations. It urged the IGC to continue its work in 2013 in order to fulfill its mandate. The Delegation considered that further intensive negotiations on the protection of TK, GRs and folklore were needed and that international instruments should be non-binding and flexible. It pointed out that it continued to support the activities of the CDIP and the effective implementation of the adopted DA recommendations. On behalf of the Industrial Property Office of the Czech Republic (IPO CZ), it thanked the Secretariat and, in particular, the DCEA, for their support and cooperation in organizing the two-day National Seminar on Technology Transfer and Management of IP in Prague, in November 2011, which had been welcomed by innovative businesses and other stakeholders in the industrial and research sectors. Moreover, the IPO CZ had organized a number of other outreach activities to highlight the benefits and optimal ways of using the industrial property protection system. In addition to the educational programs of the IPO CZ's Industrial Property Training Institute, close cooperation was being developed with individual universities and primary and secondary schools in order to raise awareness about the importance of industrial property protection among young people. The Office had also focused to activities contributing to increasing the competitiveness of companies, businesses and all users of the IPR system.

133. The Delegation of Denmark observed that IP was an important element in the economic, social and cultural development of all countries and urged that, despite the current difficult economic situation, efforts be made to maintain focus on IP. That aim could be achieved by reaching the strategic goals of WIPO and stimulating innovation and creativity, while promoting effective use and protection of IP on a global scale. The Danish Patent and Trademark Office (DPTO) paid close attention to performance and carried out cost/benefit analyses with respect to all undertakings. The Delegation regretted that the results of similar analyses applied to WIPO working groups and standing committees were poor, leading DPTO to query the entire set of working methods at WIPO. The Delegation asked whether standing committees remained timely and effective, or whether there should be a move towards more *ad hoc* working committees at the technical level. Political issues should be separated from the expert technical level. By addressing the relevant issues at the relevant level, WIPO could have more efficient meetings and results for the stakeholders. As to substance-oriented working groups, the Delegation praised the work of the SCT and observed that the early achievement of a Design Law Treaty would send a positive message to users of all design registration systems, while the Treaty itself would bring benefits at all levels to developed and developing countries alike, particularly in respect of SMEs. The Delegation welcomed efforts by the Secretariat to implement the DA, both through assistance to the CDIP and the formulation of concrete projects. WIPO played an important role in bringing IP issues to the attention of such development work stakeholders as governments, international institutions and aid donors, however, the varying developmental levels of IP in different countries implied divergent needs. A catalogue for norm-setting in different areas of IP should be developed, from which countries could choose areas of focus according to their own requirements. Danish involvement in development projects over several years in the EU, the Middle East and Asia had contributed to the improvement of IP infrastructure around the world and had been instrumental in enhancing growth and innovation. Denmark was willing to expand cooperation with WIPO in that respect so that other Member States might benefit from the Danish experience. Recognizing the serious implications of piracy and counterfeiting for international trade and IP rights, the Delegation urged a continued focus on initiatives to combat those problems. Recent legislative changes in Denmark had led to the establishment of a networked permanent cooperation forum through which authorities provided information and guidance on piracy and counterfeiting to consumers, companies and other official bodies. The Delegation characterized as highly satisfactory the results achieved by the Nordic Patent Institute (NPI) in 2010 and 2011 and reported that careful attention was paid to the delivery of high-quality search reports and the harmonization of practices among the member countries. The Delegation hailed the increased involvement of NPI in the global patent environment since its foundation in 2008, via both WIPO fora and bilateral cooperation, and reported that a PCT-based Patent Prosecution Highway Pilot project launched jointly with the USPTO in 2011 had been extended, while a further agreement with the JPO had been signed in 2012. The Delegation looked forward to a stronger role for NPI in future as the best platform for users operating in global markets, and concluded by praising the opportunity the Assemblies provided for collegial meetings of experts that fed new ideas and promoted cooperation between national and international offices to the general benefit of the global IP environment.

134. The Delegation of Germany said that the protection of IPRs, which were crucial for innovation and investment, fostered business and industry and was a major factor contributing to economic growth. WIPO faced the challenge of protecting IP to promote sustainable development and create wealth. A major task was to demonstrate that WIPO did not favor certain groups and that WIPO's aim was to strike a balance between rights holders and different social sectors, including the health and environment sectors. The Government of Germany supported a robust and balanced international IP framework which encouraged innovation and fostered the development and transfer of technology. Stakeholders would benefit from a simpler and more harmonized framework, including substantive copyright, patent and trademark provisions, and WIPO should keep the harmonization of legal concepts on its agenda. Germany supported the adoption of the Financial Statements recommended by the PBC. The

implementation of the Program and Budget for 2012/13 showed that WIPO had largely achieved its revenue goals, and the outlook for the rest of the biennium was positive. The WIPO Secretariat should continue with its prudent approach to reserves and building activities. The Delegation welcomed the cooperation between the WIPO Secretariat, the IAOC and Member States, and the transparency of the audit and evaluation reports. The first edition of the Human Resources Report would also increase transparency. The deliberations of the SCCR demonstrated that international harmonization of legal concepts in that area required Member States to work together to achieve a fair balance in a spirit of consensus. The Delegation further commended the success of the Diplomatic Conference on the Protection of Audiovisual Performances and the adoption of the BTAP. Germany was committed to improving the access of visually impaired persons to copyright-protected works and would actively support the work of the SCCR on limitations and exceptions for visually impaired persons. The Delegation underscored Germany's support for an international treaty on the protection of broadcasting organizations. The protection of existing and emerging technologies needed to be updated to match the protection currently afforded by international treaties to authors and other rights holders. Patent law had always been a cornerstone of an innovative global economy. Users of the patent system had called upon the SCP to improve that system further. The work of the SCP enabled Member States to compare legal regimes and administrative processes, and to detect best practices. The Committee should ensure that it had a balanced agenda that reflected the various demands for discussions expressed by developed and developing countries. The Delegation of Germany to the SCP had worked to support the "Patents and Health" issue and called for duplication of work with other WIPO bodies or other international organizations to be avoided. Debates on procedural matters should not take precedence and the SCP should concentrate on discussions of substantive patent law. Referring to the 27<sup>th</sup> session of the SCT, the Delegation welcomed progress with the drafting of articles and regulations on Industrial Design Law and Practice. A multilateral agreement would consolidate the protection of designs for strengthening innovation and creativity. The Study on the Potential Impact of the Work of the SCT on Industrial Design Law and Practice should be considered sufficient. The Delegation supported the prompt convening of a diplomatic conference. Should the SCT or the present Assemblies fail to reach agreement on that issue, Germany would be in favor of postponing further meetings of the SCT. The latest figures on the filing of applications under the PCT showed that the world economy was recovering and that the PCT system was key to a functioning global patent system. Given that, in 2011, the German Patent and Trademark Office (DPMA) had processed nearly 3,000 international applications, Germany remained committed to further development of the PCT system. The PCT Working Group had made good progress with adjustments of PCT rules. The Delegation welcomed the recommendation to appoint the national office of Chile as a PCT International Searching and Preliminary Examining Authority. The protection of designs had become increasingly important for creative businesses in highly competitive markets. The registration of industrial designs under the Hague system was a cost-effective way to obtain design protection. The Delegation welcomed the modernization of the Hague system and expected the Working Group on the Legal Development of the Hague system for the International Registration of Industrial Designs to be successful in simplifying the Hague system. A focus on the Geneva Act of the Hague system with its up-to-date provisions would be desirable. Economic and social development needed to be taken into account in the development of the international IP system. Germany had contributed to the debates on climate change, the protection of GRs, TK and TCEs. The issue of access to drugs required a balance to be struck between the flexibilities of the international IP regime and research and development incentives for pharmaceutical companies. Regarding climate change, environmentally friend technology had to be protected to provide incentives to inventors and developers, but that technology also needed to be available worldwide. The agenda of the IGC was ambitious and the negotiations could not be considered to be complete. Long periods had been devoted to procedural debates. The issues before the IGC were too important for a quick outcome to be satisfactory. The Delegation felt that it was too soon for further steps. Some might find it frustrating but the convening of a

diplomatic conference would be premature. The Delegation indicated its continuing commitment to further progress in the IGC with the aim of securing a *sui generis*, legally non-binding instrument that reflected the interests of the holders of TK, GRs and TCEs, without harming the operation of the international IP system. Cooperation between DPMA and other IP offices and IP-related organizations had increased. DPMA was implementing six Patent Prosecution Highway (PPH) pilot projects in collaboration with other IP offices. The PPH was intended to improve the patent examination procedure by sharing work results. In particular, the 30th anniversary of collaboration between the DPMA and the State Intellectual Property Office of the People's Republic of China (SIPO) had been marked by a symposium in Beijing and Shanghai in October 2011. There had been further exchanges of patent examiners between DPMA and partner offices in China, Japan, the Republic of Korea, Russian Federation, the United States of America and the United Kingdom, and an exchange program with Australia had been launched in 2011. DPMA had also run seminars and training programs for experts in other countries. DPMA had contributed to a EU twinning project in the area of patents, which had led DPMA patent examiners to provide training courses in Munich and at the Turkish Patent Institute. DPMA and WIPO had also continued a training program on the patent examination procedure with the National Office of Intellectual Property of Viet Nam. The introduction of a fully electronic case-file processing system in June 2011 had closed the gap between paper-based processes and electronic processes. It was one of the most modern and efficient IT systems in any large patent office, and allowed fully electronic management and processing of case files.

135. The Delegation of Iceland stated that the Icelandic Patent Office and its customers benefited from WIPO activities. There had been a demand for enhanced information technology in recent years and WIPO had met that demand through the Information Technology Modernization program. The funds devoted to that area had been well invested. The Icelandic Patent Office had been using a WIPO online tool, the Goods & Services Manager, since January 2011, with excellent results. Efficiency was a challenge at a time when the number of trademark and patent applications was increasing and the Delegation welcomed all proposals made by WIPO and Member States that might lead to cost and time savings for stakeholders. The Icelandic Patent Office had used promotional material produced by WIPO on the occasion of World IP Day, which was celebrated every year in Iceland, and brochures like the WIPO comics, which had been translated into Icelandic as part of the Icelandic Patent Office's recently launched program of raising IP awareness among young people. The highlight of 2011 in the area of awareness-raising in Iceland had been an international conference on the importance of IPRs, which the Icelandic Patent Office had organized to celebrate its 20<sup>th</sup> anniversary. The conference had been well attended and had received good media coverage. The participation of the WIPO Director General had been an honor and had proved important to IP awareness-raising. The Director General had met the President of Iceland to discuss the status of IP in Iceland from a global perspective. The Head of the Operations Service of the Madrid Registry in the WIPO Brands and Designs Sector, who was the former Director General of the Icelandic Patent Office, had delivered a well received introduction to the Madrid system. WIPO had also sent representatives to Iceland to give lectures and hold seminars. Iceland had been one of the first Member States to accede to the Geneva Act of the Hague Agreement and there had been a constant increase in industrial design applications in Iceland ever since. The Delegation noted that WIPO had helped the Icelandic Patent Office to organize a design seminar. The Head of the Hague Registry had given informative lectures on design protection through the Hague International Registration System. The Delegation added that Iceland supported the proposed convening of a diplomatic conference on an industrial design law treaty within the coming two years. The Delegation welcomed the new successful multilateral treaty, the BTAP.

136. The Delegation of Lesotho associated itself with the statements made by the Delegation of Egypt, on behalf of the African Group, and the Delegation of Nepal, on behalf of the LDCs, as well as with those made in the same spirit by other Member States. WIPO was to be

commended for having reflected the interplay between development and IP in its work. The mainstreaming of the DA in of all WIPO's work was crucial to the progress of the Organization. Lesotho had, for the first time, included IP issues in the National Strategy Development Plan (2014/2019) and WIPO's contribution to staff training in that regard was acknowledged. Lesotho was also in the process of developing a National IP Strategic Plan, with the assistance of WIPO, and intended to establish TISCs in order to advance the innovative capacity of the nation. The work of the SCCR was commended and the Delegation particularly welcomed the conclusion of the BTAP. It was hoped that a spirit of cooperation would prevail and would be extended to other areas of IP. The Delegation further expressed support for the preparation of a treaty on improving access to published works for visually impaired persons and persons with print disabilities. Education was fundamental to the population of Lesotho and therefore access to knowledge for all was the country's number one priority. The Delegation noted the work of the IGC and hoped that, in the not too distant future, that work would crystallize into legally binding international instruments. Full support was expressed for the establishment of two external regional coordination offices in Africa. Such a development would certainly improve IP management, both in Africa and globally. Lesotho was committed to cooperating with WIPO in its work. The country embraced south-south cooperation. Finally, the Delegation acknowledged the technical assistance and capacity building carried out by WIPO.

137. The Delegation of Malawi associated itself with the statements made by the Delegation of Egypt, on behalf of the African Group, Nepal, as well as the African Union. The Delegation wished, in particular, to express its strong support for the proposal to establish a regional WIPO Office for Africa. The Delegation acknowledged the steady progress that had been achieved towards the formulation of an appropriate legal instrument on IP, GRs, TK and TCEs. It was hoped that that matter could be finalized in the coming year. The Delegation also congratulated WIPO on facilitating the recent adoption of the BTAP. The Delegation noted that the Malawi Government intended to meet the Millennium Development Goals (MDGs) by, among other things, reducing poverty through sustainable economic growth and infrastructure development. It was imperative that IP should be prioritized, as it formed part of the basis of development in the key sectors of Malawi's economy. The Delegation expressed its appreciation for WIPO's technical assistance, in particular the carrying out of a recent mission designed to assess the current level of IP automation and provide training and transfer of knowledge using IPAS. Malawi required assistance from WIPO in designing an IPAS training program, which would involve more IP staff and ensure knowledge transfer. The Delegation noted that Malawi had attended a WIPO-ARIPO High-Level Policy Forum for the ARIPO LDCs, which had taken place in Zimbabwe in June 2012, and a Seminar on the Madrid System for the International Registration of Marks. The High-Level Forum had discussed the implementation of the WIPO General Assembly resolution on mainstreaming the Istanbul Program of Action (IPOA) for the LDCs for the Decade 2011/2020 in WIPO programs. Experiences had also been shared concerning institution-building and the use of IP, with special emphasis on the formulation of IP policies and strategies, product branding, the establishment of technological centers and the implementation of appropriate technology. The Seminar on the Madrid System had sensitized the participants to the relevance of that system in ARIPO member states. Malawi had embarked on the revision of its IP-related laws so that they better served the country's economic growth and development. The revision of the Trademark Act had been completed and a bill was ready for consideration by the Cabinet and subsequent presentation to the National Assembly. Malawi had begun collaboration with the USPTO in order to build capacity concerning the matters dealt with in the bill, including those related to well-known marks and GIs. The Delegation of Malawi expressed the appreciation and gratitude of the Government of Malawi, to the USPTO and to WIPO for their assistance. The Delegation reaffirmed Malawi's continued support of WIPO and anticipated further financial and technical support from WIPO to enable Malawi to modernize its IP legislation and successfully carry out its IP programs for innovation, growth and development.

138. The Delegation of Montenegro was pleased to report on activities undertaken by Montenegro in the period between the previous and the current sessions of WIPO's General Assembly. Two crucial accomplishments for Montenegro were its membership, since April 29, 2012, of the World Trade Organization (WTO), as well as the Decision of the Ministerial Council of the EU to start negotiations, confirmed by the European Council on June 29, 2012, regarding the accession of Montenegro. The Government of Montenegro had adopted a decision concerning the establishment of a working group for "Chapter 7 – Intellectual property law", responsible for negotiations concerning the accession of Montenegro to the EU. Together with other relevant institutions, the Intellectual Property Office of Montenegro (IPOM) would play a leading role in planning for the implementation of rules and regulations in the area of intellectual property. The Parliament of Montenegro had ratified the following international treaties in the field of IP in 2011; the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (adopted by the diplomatic conference on July 2, 1999); the Strasbourg Agreement Concerning the International Patent Classification (of March 24, 1971, as amended on September 28, 1979); the PLT, and; the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (adopted at Vienna on June 12, 1973, as amended on October 1, 1985). On December 29, 2011, Montenegro had adopted a national IP strategy developed with expert WIPO support. Furthermore, within the framework of the EU-funded IPA National Programme for Montenegro, draft Laws on amendments to and supplements of the Patent Law, Law on Trademarks and Law on Legal Protection of Industrial Designs had been prepared and were currently awaiting adoption by the Parliament of Montenegro. Those draft laws fully harmonized national legislation in the area of industrial property with international and European standards. In the period 2011 to 2012, IPOM had continued successful cooperation with the CEBS. WIPO had provided financial support enabling IPOM representatives to attend the Diplomatic Conference on the Protection of Audiovisual Performances (held in Beijing, China, June 20 to 26, 2012); the Inter-regional Seminar on Copyright and Related Rights (31 October to November 2011); the WIPO-WTO Advanced Course on Intellectual Property for Government Officials (held in Geneva, from March 14 to 27, 2012); a study visit to the WIPO Infrastructure Modernization Division (in May 2012); the Regional Conference on the Development of National IP Strategies (held in Sibiu, Romania, on June 21 and 22, 2012); as well as a visit to the WIPO Madrid Department and participation in the work of two WIPO Standing Committees. The Government of Montenegro and IPOM greatly appreciated the technical support provided by WIPO and wished to underline that Montenegro would fully contribute to further enhancement of the existing excellent cooperation.

139. The Delegation of New Zealand noted New Zealand's active roles in the IGC, and the SCCR. New Zealand had acceded to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (the Madrid Protocol) as part of the Government's Business Growth Agenda, a series of initiatives to build a more productive and competitive economy. The Madrid Protocol would help New Zealand to increase exports by facilitating the protection of national brands in overseas markets, while also reducing costs for overseas businesses wishing to operate in New Zealand. The Intellectual Property Office of New Zealand (IPONZ) was implementing a new case management system, featuring automated processes and the online provision of client services. The system was being introduced in order to streamline the entire IP supply chain, while improving quality and efficiency by means of a client interface that would receive and process, entirely electronically, all international trade mark applications and New Zealand designations for protection. The Delegation thanked WIPO for its technical assistance in that regard and noted that an arrangement on communications by electronic means would be signed during the current Assemblies. A further benefit of the system was the incorporation of quality assurance measures directly into the active interfaces and the provision of facilities for measuring and analyzing examination outcomes. The Delegation predicted that the new case management system, supplemented by the ISO certified examination services offered by IPONZ, would drive high-quality examination outcomes. The Delegation also welcomed IPONZ's decision not to charge New Zealand businesses a

certification fee for their international applications and hoped that the measure would encourage New Zealand businesses to take advantage of the benefits offered by the Madrid system. The Delegation again thanked WIPO for conducting a procedural readiness audit of IPONZ procedures and systems prior to implementation of the Madrid system, and for organizing seminars promoting the benefits of the Madrid system to New Zealand businesses. The Delegation also highlighted the role of WIPO in supporting the ASEAN-Australian New Zealand Free Trade Area (AANZFTA) Economic Cooperation Work Programme (ECWP) Sub-regional Workshop on Intellectual Property Education and Training held in Kuala Lumpur in February, 2012, and reiterated the commitment of New Zealand Government agencies to work with Members to enhance cooperation and networks in the Asia-Pacific region. Finally, the imminent enactment of a new Patents Act would thoroughly modernize New Zealand's patent regime by introducing examination for inventive step and absolute novelty, as well as bringing New Zealand's patent examination into line with accepted world standards. That would contribute to the Government's Business Growth Agenda by providing New Zealand businesses with access to a modern, efficient, examination service which could be used as a platform to seek corresponding rights in overseas markets *via* the Paris Convention for the Protection of Industrial Property and/or the PCT.

140. The Delegation of Norway stressed the importance of improving the Member States' ability to monitor the economy of WIPO, and welcomed efforts to that end. The Delegation congratulated WIPO on the successful outcome of the diplomatic conference that resulted in the BTAP, while thanking China for its hospitality and expressing the hope that the constructive spirit shown in Beijing would prevail also in Geneva. The Delegation commended the progress made in the work of the SCCR, in particular on the access to works for visually impaired persons/persons with print disabilities, and urged a successful outcome to the ambitious work program of the months ahead. While commending the hard work of the IGC during its three meetings in 2012, the Delegation observed that the available texts were a work in progress and commented that more focused work would be needed before a diplomatic conference could be called. In respect of WIPO's DA, the Delegation looked forward to continuing the work of the CDIP and other agreed projects in relevant committees, while with respect to the SCP, the Delegation deemed it important that progress be made on a balanced work plan so as to move issues forward in a concrete manner. The Delegation hailed progress achieved in the SCT. Observing that smooth systems and simplification for the benefit of users were crucial to increased use of global IP services, the Delegation commended the IB for its commitment to securing the best available global services under the PCT, Madrid and Hague systems, and noted the progress working groups under these systems had made to improve regulations, guidelines and practices. The Delegation emphasized that Norway's commitment to that work was in the interest of existing and future users of the systems. The Delegation also stressed that questions of IT standards and technological infrastructure remained essential for WIPO expert discussions, and that as the work of the CWS resumed, its member state experts would make significant and practical contributions to the international and national registration systems. The Delegation noted that it had found the World Intellectual Property Report 2011 "The Changing Face of Innovation" to be of high interest and information value and that it looked forward to the next such report. In closing, the Delegation reiterated the great importance Norway attached to securing proper enforcement measures for IP rights, and highlighted that at the national level, Norway was amending pertinent legislation to further strengthen such enforcement measures, while its Government was also preparing a white paper to parliament regarding IP and innovation.

141. The Delegation of Poland endorsed the statements made by the Delegation of Cyprus on behalf of the EU and its member states, and the Delegation of Hungary on behalf of the CEBS. The reports documenting the results achieved by WIPO in 2011 were welcomed, as were the Organization's ongoing efforts to promote the use and protection of IP globally while also improving accountability. The achievements outlined in the Program Performance Report were noted with satisfaction: The Delegation commended the positive developments with regard to



the effective functioning of the international IP registration and filing systems, as well as the further implementation of the DA. It noted with satisfaction the continued improvement of the PCT, the Madrid System for the International Registration of Marks and the Hague System for the International Registration of Industrial Designs and welcomed the efforts of the PCT Working Group. The PCT should be the main international instrument for work-sharing. However, work-sharing could only become truly efficient if patent law were harmonized. Poland therefore looked forward to continuing work within the SCP in that regard and was hopeful that a balanced work program, including consideration of the international harmonization of patent law, would be agreed on during the next session of the Committee. The Delegation expressed its commitment to continued discussions within the context of the IGC and stressed that the envisaged international instrument(s) should be flexible, sufficiently clear and non-binding. With regard to the SCT, Poland welcomed the work done on the draft provisions on industrial design law and practice, harmonizing and simplifying design registration and formalities and procedures. It supported the possibility of convening a diplomatic conference for the adoption of a design law treaty in the 2012/13 biennium. The Delegation noted with satisfaction the progress in the deliberations within the framework of the CDIP on the proposals for action. With regard to the work of the SCCR, the Delegation expressed its sincere gratitude for the efforts that had been made in bringing about the Diplomatic Conference on the Protection of Audiovisual Performances and commended China for its organizational role. It hoped that the successful outcome of that event would continue to resonate in the further work of the Committee. The Delegation acknowledged the importance of all the items discussed within the SCCR and stressed the need for adequate international protection for broadcasting organizations. Thus, it encouraged the Committee to follow the work plan agreed at the previous session and allocate sufficient time to that particular topic in order to ensure progress. The Delegation welcomed the progress made in the area of safeguarding access to printed works for persons with a print disability and commended the hard work of the Committee in achieving agreement in that regard. The Delegation hoped that further efforts would result in a satisfactory mechanism that would meet the expectations of both persons with a print disability and publishers, while respecting cultural market realities and needs in terms of access to education and culture in available formats. The Delegation also looked forward to further beneficial exchanges of views on national experiences, recommendations and guidelines in the field of limitations and exceptions for libraries and archives as well as education and research. The Polish Patent Office (PPO) had organized a wide range of conferences, seminars, workshops and training sessions for various institutions and professions, including the celebrations of World Intellectual Property Day and the Eighth International Symposium IP in Innovative Economy, held at Jagiellonian University in Kraków. Educational activities carried out by PPO had included the ninth edition of a competition for the best poster and best academic thesis concerning industrial property protection. Furthermore, PPO had implemented a number of promotional initiatives, including the organization of workshops, the publication of teaching materials and the creation of a free database intended to support cooperation between academics of Łódź University of Technology and entrepreneurs. As part of the "Girls go Polytechnic!" campaign conducted by Perspektywy Educational Foundation, a group of school children had taken part in a number of IP-related events. The Delegation concluded by thanking, in particular, the DCEA for its cooperation and assistance in the many initiatives undertaken by PPO.

142. The Delegation of Sweden declared that it fully supported the statements made by the Delegation of the United States of America, on behalf of Group B, and by the Delegation of Cyprus, on behalf of the EU and its member states. Sweden wished to emphasize its support for WIPO concerning its mission to promote innovation and creativity for the economic, social and cultural development of all countries through balanced and effective international IP systems. It was vital that the services of WIPO should continue to improve and become more efficient, as well as meeting creators' and inventors' needs in terms of the international protection of their IP. Thus, WIPO should provide and develop an international legal IP framework and infrastructure in order to ensure that the best possible use was made of IP as

a driving force for economic development. Sweden continued to welcome and support measures leading to mechanisms that were responsive, transparent, robust and designed to render WIPO more efficient over time. The Organization had made great improvements but there were still challenges ahead. To that end, the Delegation reiterated Sweden's confidence in the Director General and his team. The work of WIPO's Committees was important and the Delegation was happy to note that progress was being made. It wished, in particular, to highlight the successful outcome of the Diplomatic Conference on the Protection of Audiovisual Performances. With regard to the SCCR, the Delegation of Sweden expressed its gratitude to the WIPO Secretariat for its continued efforts to move the issues on the agenda forward and wished to reiterate its commitment to participate constructively in the future deliberations of the Committee. Sweden recognized the important work of the CDIP and the IGC. Sweden remained committed to continuing the discussion within the IGC on all three issues – TCEs, TK and GRs – within the current mandate of the Committee, on the understanding that any international instrument or instruments agreed upon should be flexible, sufficiently clear and non-binding. Since Sweden was committed to furthering the international harmonization of patent law, it was dissatisfied that the constructive atmosphere in the SCP had not been maintained. It emphasized the importance of the PCT system and its commitment to the valuable work of the PCT Working Group. The Delegation recognized the great importance and added value of harmonizing and simplifying design registration formalities and procedures. It therefore looked forward to concluding discussions on that issue in the SCT and hoped that a diplomatic conference would be convened for the adoption of a design law treaty as soon as possible. Furthermore, the Delegation wished to reiterate its appreciation for the cooperation between the International Bureau and the Swedish Patent and Registration Office (PRV) concerning the organization of training programs relating to various aspects of IP, financed by the Swedish International Development Cooperation Agency (Sida). The Delegation stated that Sweden looked forward to continuing its successful cooperation with WIPO on the development of the international IP system for the economic, social, and cultural development of all.

143. The Delegation of Yemen pledged its full support and cooperation for the successful conclusion of the 2012 Assemblies of Member States of WIPO in a balanced and fair manner. The Delegation praised the Secretariat for the preparations and documentation for the meetings. In view of the enhanced cooperation between Yemen and WIPO, resulting in the conclusion of an MoU in May 2012, the Delegation wished to express gratitude to the WIPO Director General on behalf of the Government of Yemen. The Delegation highlighted IP's fundamental role in economic and social development. However, LDCs still faced major challenges in developing and implementing national IP plans and strategies. Such challenges and other obstacles should be among WIPO's priorities for the years to come. The Delegation outlined some recent major developments, namely, new legislation covering all IP aspects, accession to the Paris and Berne Conventions and preparations for accession to the World Trade Organization (WTO). However, the Delegation noted that those developments called for major commitments which were beyond Yemen's capacities as an LDC, but with WIPO's cooperation such difficulties should certainly be overcome. In conclusion, the Delegation reiterated appreciation for all efforts made by the Director General and the Arab Bureau in developing cooperation between WIPO and Yemen.

144. The Director General thanked the delegations for their numerous observations and comments. He addressed the remarks made by the Delegation of Spain, which had cautioned against allowing the Organization's good financial results to lead to excesses or extravagances, by saying that those good results were the consequence of good management and would not lead to complacency on the part of the Organization. The current global financial and economic situation was characterized by a lack of visibility. The Delegation of Spain had been absolutely right to point out a number of long-term liabilities such as the after service health insurance (ASHI) liability, which was a problem for all national and international public sectors and had been the subject of a proposal considered by the PBC. A further proposal would be submitted to Member States in due course. WIPO was already ahead of other international

organizations in its provision for the long-term ASHI liability. The Director General agreed with the Delegation of Spain that major investment would be needed, in particular in the information technology area, and especially with respect to business continuity, disaster recovery, load-sharing and security. One of the comparative advantages of WIPO as an international organization was its multilingualism and the Organization's language policy was taken extremely seriously by the Secretariat. It was being progressively applied to all core WIPO publications, the WIPO website and the documents used in meetings. Some delegations had urged the Organization to accelerate the implementation of the language policy in order to achieve greater coverage in a shorter period of time. One way to achieve that goal was to shorten reports. The continuing requirement to produce verbatim reports absorbed much of the time that WIPO translators would otherwise use to translate core publications. An audiovisual record of all proceedings was provided in an archive available for consultation on the WIPO website, meaning that the verbatim reports translated into all languages were increasingly a luxury unless more resources were made available for translation. Many delegations had raised the subject of the management of meetings, which would have to be the subject of further consultations with Member States because both the number and length of WIPO meetings were increasing within the Organization, in response to the priorities established by Member States, such as the proposed instrument to improve access to published work by visually impaired persons and the print disabled. The way forward was for Member States to discuss ways to increase the efficiency of the management of meetings and the efficiency of meeting outcomes compared with inputs. The principle of equitable geographical representation among the staff of the Organization was taken extremely seriously. In addition, the composition of demand for WIPO's services and, thus, the linguistic skills required of staff in certain areas such as the Global IP Systems, was changing. The future of the Organization depended upon its capacity to respond to these changes. Attempts had been made to deal with perceived imbalances in the geographical composition of the staff, but the rate of attrition was very low, with a staff turnover of only 2.5 per cent per year. Statistics were published every six months on the evolving geographical composition and gender balance of the staff. Suggestions on how to improve the recruitment process were welcome. Many delegations had expressed support for the idea of external offices and the Organization was moving forward with a limited strategic network of offices which reflected geographical balance and the demand for the Organization's services. The Caribbean unit, mentioned by the Delegation of Antigua and Barbuda, had just had its resources increased by 70 per cent. It was important to bear in mind that the Organization's good financial results had been achieved in a period of near-zero growth. It was fortunate that it had been possible to accommodate step increases in staff salaries, and inflation, but the opportunities for expansion were limited. The Delegation of Barbados had made a point about the availability of free scientific and technical periodicals and databases under the aRD<sub>i</sub> and ASPI programs, and discussions would be initiated with publishers and database vendors to identify any possibility for accommodating its request, and that of any small and vulnerable island economies. The issue of WIPO deliverables for LDCs, raised by the Delegation of Bangladesh, was also a priority for the Organization, and it would be a good idea to develop an action plan for the implementation of those deliverables.

## ITEM 6 OF THE CONSOLIDATED AGENDA

### ADMISSIONS OF OBSERVERS

145. Discussions were based on document A/50/2.

146. Introducing the agenda item on admission of observers, the Legal Counsel stated that 15 organizations, that is, one intergovernmental organization, seven international non-governmental organizations (NGOs) and seven national NGOs had requested observer status in the meetings of WIPO bodies and committees. He, however, informed the Member States that informal consultations were still ongoing with respect to one of the international

NGOs, the Pirate Parties International (PPI), and it was proposed to defer the decision on PPI's request for observer status in order to allow time for the said consultations. He further informed the Member States that the Secretariat had not yet received support from the Government of Egypt in respect of the Egyptian Inventors Union that had requested observer status. He therefore invited the Member States to take decisions on the other organizations that had requested observer status.

#### Admission of Intergovernmental Organization as Observers

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

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

148. 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 international non-governmental organizations: American Federation of Musicians of the United States and Canada (AFM); Cambia; International Association on the Public Domain (Communia); International Association of IT Lawyers (IAITL); International Network for Standardization of Higher Education Degrees (INSHED); and Nordic Actors' Council.

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

149. 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: Ankara University Research Center on Intellectual and Industrial Property Rights (FISAUM); Brands Foundation; *Cámara Industrial de Laboratorios Farmacéuticos Argentinos*; German Library Association (*Deutscher Bibliothekverband e.V. – dbv*); Health and Environment Program (HEP); and *Société civile pour l'administration des droits des artistes et musiciens interprètes* (ADAMI).

### ITEM 7 OF THE CONSOLIDATED AGENDA

#### DRAFT AGENDAS FOR THE 2013 ORDINARY SESSIONS OF THE WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY

150. Discussions were based on document A/50/3.

151. 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/50/3.

### ITEM 8 OF THE CONSOLIDATED AGENDA

#### PROGRAM PERFORMANCE REPORT FOR 2010/11

152. Discussions were based on documents A/50/4 (containing document WO/PBC/19/2), A/50/4 Add., A/50/5 (containing document WO/PBC/19/3) and A/50/14.

153. The Chair explained that document A/50/4 contained the Program Performance Report (PPR) for 2010/11; document A/50/4 Add. contained the comments made by Member States during the 19<sup>th</sup> session of the Program and Budget Committee and document A/50/14 was entitled Validation Report on the Program Performance Report for 2010/11.

154. The Secretariat introduced documents A/50/4 and A/50/4 Add. The Secretariat explained that document A/50/4 contained an overview of WIPO's organizational performance during the biennium 2010/11. The Secretariat added that compared to previous biennia, and in response to Member States' requests, a number of improvements had been introduced to the report as follows: a summary overview of main achievements by Strategic Goal; a more succinct summary of results by program; detailed reporting on the implementation of the DA based on the improved practice introduced in 2010; a more transparent reporting on the utilization of resources; a full report for the first time on the implementation of WIPO Funds-in-Trust, containing programmatic and financial information linked to the expected results, which could be found in Appendix II; and, finally, an improved overall presentation of the report, in particular, the performance data tables. Furthermore, the Secretariat explained that the PBC, at its 19<sup>th</sup> session, had discussed and reviewed, program-by-program, the PPR for 2010/2011 during one full day. In particular, Member States had commented and sought clarification on: baselines; results achieved in the various programs' performance ratings - the traffic light system; the discontinuation of some performance indicators; the section on the implementation of the DA; and budget utilization. In accordance with the decision of the PBC, the comments made by the Member States had been reproduced in document A/50/4 Add.

155. The Director, IAOD introduced document A/50/5. He explained that a team from IAOD had conducted an independent validation of the PPR for the 2010-2011 biennium. The aims of the validation were as follows: to verify, in an independent manner, the reliability and authenticity of the information contained in the PPR for 2010-2011; monitor the state of implementation of the recommendations contained in the validation report on the previous PPR; and evaluate the level of appropriation by program directors of the tools and processes defined in the PPR. The main conclusions of the validation exercise were the following. The 11 recommendations made at the time of validation of the PPR for 2008-2009 (document A/48/21) had been implemented, either in full or in part. The amendments made to the PPR for 2010-2011 represented an improvement on the previous biennium. Monitoring of the performance indicators was still considered by certain WIPO managers to be an administrative formality with no apparent links to the Organization's operational and strategic objectives. Despite an improvement in the levels of appropriation of the monitoring of performance indicators, the information used to produce reports during the 2010-2011 biennium had not been generated on a sufficiently regular basis – for example quarterly – which would have allowed better monitoring of the progress made. IAOD noted that the Program and Budget document for 2012-2013 was of better quality than that corresponding to the 2010-2011 biennium and that further improvements would be made during the following 2014-2015 biennium.

156. The Delegation of Brazil, speaking on behalf of the DAG, recalled that the PPR for 2010/2011 had been reviewed by the PBC and that Member States had engaged in a lively discussion on how to improve this important accountability tool. The DAG thanked the Secretariat for the preparation of the PBC session. It highlighted that program managers had attended the PBC session and had interacted with the Delegations. The DAG noted that this was an encouraging practice, as relevant information on the programs could be obtained from the Secretariat and debated accordingly. Of particular interest to the DAG was Program 18, IP and Global Challenges, which dealt with key issues such as climate change, global health and food security. The DAG took positive note of the presentation by the Program Manager to the PBC and the decision to continue providing an account of the Program activities in the future. The DAG recalled that the PBC had recognized the nature of the PPR as a self-assessment by

the Secretariat and that the approval of the document was subject to the comments, concerns and suggestions for improvement raised by Member States as reflected in document A/50/4 Add. The DAG was confident that the discussions would serve as guidance to improve future editions of the PPR.

157. The Delegation of the United States of America, speaking on behalf of Group B, thanked the Secretariat for the preparation of the PBC-related documents which made up the majority of the agenda items for the General Assembly. Group B therefore noted that its comments would cover the items generally. During the PBC in September, Group B took note that the Swiss Auditor had issued an unqualified opinion of the 2011 Financial Statements. The auditor had acknowledged that the implementation of IPSAS had contributed to some substantial adjustments that had affected the level of reserves. Nonetheless, the level of reserves was strong. The Auditor had also reminded Delegations that attention should be paid to the potential risks to WIPO's accounts of the actuarial debt related to the after service health insurance liabilities of the Organization. Group B further stated that the PPR for 2010-2011 presented by the Secretariat and the Validation Report presented by the IAOD had identified a number of issues concerning the implementation of the budget in 2010-2011. Since this information had not been available when the Program and Budget 2012/13 had been discussed and approved, Group B urged Member States to ensure that the lessons learned would be taken into account in the Program and Budget for 2014/15, the preparation of which would commence shortly after the General Assembly. Group B also suggested that future program performance reports should include detailed information on the transfers that had occurred after the approval of the Program and Budget 2012/13, as well as an update on the baselines for the performance indicators. Group B also noted that the ongoing implementation of the Program and Budget 2012/13 showed that the high expectations of WIPO with regard to the level of revenue had more or less materialized and that the outlooks for the months to come was positive. At the same time, WIPO had started to implement the cost efficiency measures requested by Member States but as only three-quarters of the first year of the biennium had been implemented, it was too early to ascertain the actual savings. Group B noted that it had understood, however, that things were on track. Nevertheless, WIPO should not limit its efforts to the proposals previously made by Member States but should rather develop a long-term strategy for structural savings and report regularly thereon to Member States. Group B was encouraged by the Secretariat's willingness to engage in this process. Group B believed that this process would not only lead to additional savings but also to further transparency in governance. Concerning the status of the New Construction Projects, the New Building and the New Conference Hall, Group B would have preferred to be informed much earlier regarding the developments that had led to the termination of the contracts with the General Contractor. Nonetheless, Group B had confidence in the Secretariat's ability to finish the projects without a general contractor and welcomed the Secretariat's offer to hold briefings – three briefings by the end of the year – and regularly report on the developments to Member States. Group B also welcomed the changes to the internal audit charter which would simplify Member States' access to IAOD audit reports. Group B noted that this was a welcome increase in transparency, and it thanked the Secretariat for acting on its concerns. Moreover, Group B stated that the comprehensive human resources report, the first of its kind, would, over time, be further developed and would increase transparency of an issue that comprised approximately two-thirds of the WIPO budget. In this regard, Group B supported the recommendation of the PBC to implement the future additions to the human resources report, i.e. the financial dimensions of human resource issues. The Delegation concluded by thanking the IAOC on behalf of Group B for the excellent work it had done in addressing critical issues facing the Organization. Group B appreciated the constructive engagement and collaboration of the IAOC with the Secretariat and the Member States. This close collaboration had enabled the IAOC to review in detail the recommendations made by the former audit committee from a risk

management perspective and to work closely with WIPO to significantly reduce the high-risk recommendations. Group B also encouraged the IAOC to work closely with the new Director, IAOD and the new External Auditors from India in order to create more synergies and further strengthen auditing and oversight at WIPO.

158. The Delegation of India supported the statement made by the Delegation of Brazil on behalf of the DAG. It noted that the PPR for 2010/11, along with the IAOD Validation Report on the PPR, was a valuable tool for the Member States to understand the implementation of programs by the Secretariat and that Member States had had fairly extensive discussions on the reports during the 19<sup>th</sup> session of the PBC. The Delegation stated that it expected that the Secretariat would follow the suggestions and recommendations made by the Member States and those contained in the IAOD Validation Report in order to improve the quality and the reliability of the PPR in the future. The Delegation attached great importance to the efficient and result-oriented implementation of all the programs with particular emphasis on needs assessment and evaluation of the impact at the country level. It noted that this was important from the point of view of effective implementation of the DA recommendations in all the activities of the Organization. The Delegation was pleased to note the focus on exploring how IP could contribute to finding solutions for the pressing global challenges faced by the world, particularly in the areas of health, food security and climate change. It stressed the need to recognize the developments taking place in other international and multilateral fora such as the UNFCCC. It also commended the presentation of the activities of Program 18 on IP and Global Challenges made by the Secretariat during the 19<sup>th</sup> session of PBC and the decision to report regularly to the Member States on these critical issues. The Delegation stated that it attached importance to the activities under the SME's Program, which were key contributors to the use of IP for enhancing innovation and development in the SME sector, particularly in the developing countries.

159. The Delegation of the United States of America noted that since this agenda item concerned the overall performance of the Organization, it would like to address an issue which was missing in the presented document, and which indeed had been missing from the same report in previous years. The Delegation referred to the concerns expressed by its Government during the last six months namely the fact that WIPO had conducted technical assistance projects and transferred technology developed by the United States of America to countries subject to the United Nations Security Council sanctions without the knowledge of Member States or the appropriate UN Security Council Sanctions Committee. The Delegation noted that it was relieved that the independent external review and the relevant UN Security Council Sanction Committee, as well as its own Government's internal review, had concluded that in this case, based on available information, WIPO had not violated UN Security Council sanctions. The problem was, however, that no one had known that before, or during, the process of approval and implementation. It had only been after the fact that this had been determined. The Delegation further stated that because there were still many questions that had not been answered, including whether its own domestic export control laws had been violated, a matter that was currently under investigation, it was of the view that WIPO should immediately commission a follow-on external review charged with identifying how these projects had been approved or implemented since at least 2006 without the knowledge of Member States or without raising questions from the Internal Auditor, the Audit Committee or the External Auditor. The external review should work independently, have unfettered access to WIPO documents and employees, and report to the WIPO Assembly in 2013. The Delegation also believed that WIPO should provide a report to Member States on the steps that the Secretariat was taking to address the concerns raised by the external review, as well as by Member States, and how the Secretariat was planning to implement the suggestions outlined in the report. The Delegation further referred to the website of the Permanent Mission of the United States of America for the full statements which it made during the PBC and the Assemblies. The Delegation emphasized its support for the recommendations in the external review and inquiry – the investigation – that was commissioned by WIPO itself which were as

follows: WIPO should recognize the obligations imposed by other parts of the UN system, especially the Security Council and its Sanctions Committee; WIPO should implement systems compliance in a systemic manner in all WIPO functions; the Organization should show due deference to the national laws of Member States for the transfer of equipment and technology; the Organization should provide adequate training for its personnel in export compliance; WIPO should institute structural changes that would include the appointment of a chief compliance and export compliance officer; the Organization should enhance end user checks; the Organization should require contractors to obtain export licenses and confirm that there are no country-of-origin restrictions or restrictions imposed by manufacturers; the Organization should ensure clear lines of responsibility with implementing agencies; WIPO should enhance transparency and reporting by all available means; WIPO should require destruction or return of the equipment upon completion of use in cases where the equipment could not be purchased by the country directly; and the Organization should seek a uniformed view on the application of Member States' export control restrictions across UN agencies. Furthermore, the Delegation stated that it was concerned that the Organization had yet to adopt a comprehensive whistleblower policy. It had been a matter of great concern to the Delegation and its Government, that WIPO remained one of the very last UN organizations to implement a robust framework for the protection of whistleblowers from retaliation. This was an issue which would be discussed in the upcoming Coordination Committee. Therefore, the Delegation did not wish to go into further detail at this point but requested the finalization and implementation of a policy immediately. It would comment on the needs to perhaps amend the current draft down the road, but it wanted to see a policy in place without further delay. With regard to the provision of technical assistance to countries under UN sanctions, the Delegation and its Government would insist that there essentially be a witness protection program that, without getting into the definition of a whistleblower, anybody, any WIPO staff or official who had cooperated with the inquiry or would cooperate in the future would be free from retaliation or the threat of retaliation of any kind. The Delegation stated that it wished to reiterate or supplement comments that had been made previously on this matter and that there probably would be another occasion during the Assemblies to take it up. Finally, the Delegation stated that it appreciated the change in internal procedures that had taken place thus far, with referral of any such cases to the WIPO Legal Counsel and to the appropriate Sanctions Committee in New York, but it believed that further actions were needed at WIPO, in particular: a monthly review and report to Member States by the IAOD of any type of project or other assistance intended for countries subject to UN Security Council sanctions; a quarterly review and annual report to Member States by WIPO's External Auditor's office on this subject; and finally a submission to the CDIP and the Assemblies annually of an advanced list of Member States scheduled to receive technical assistance during the upcoming year. The Delegation noted that it had understood that it was not possible to have a complete list because emergencies and other things could arise during the course of the year, but to the extent that there were plans and a schedule, it believed that the Member States should have such a list of countries in advance.

160. The Delegation of China thanked the Secretariat for providing Member States with very detailed documentation. It had been aware that WIPO had taken serious implementation measures in order to ensure the achievement of the expected results in spite of the economic crisis. A lot had also been achieved in terms of cost efficiencies. The Delegation expressed its appreciation to WIPO for these efforts and, in particular, for the mainstreaming of the DA in every field of activity and for the results achieved in the area of TK. The Delegation also stated that it expected that WIPO would continue with its strategic reform program in order to provide more effective and fruitful assistance to Member States.



161. The Chair read out the decision paragraph inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of document A/50/4 (containing document WO/PBC/19/2), which was:

*“The Program and Budget Committee (PBC) having reviewed the Program Performance Report (PPR), and recognizing its nature as a self-assessment of the Secretariat, recommended its approval to the General Assembly, subject to the comments, concerns and suggestions for improvement raised by Member States and reflected in the report of the PBC as well as annexed to the PPR (document WO/PBC/19/2).”*

162. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/2, as recorded in document A/50/14.

163. The Chair read out the decision paragraph inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of document A/50/5 (containing document WO/PBC/19/3), which was:

*“The Program and Budget Committee recommended to the Assemblies of the Member States of WIPO to take note of the contents of document WO/PBC/19/3.”*

164. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/3, as recorded in document A/50/14.

#### ITEM 9 OF THE CONSOLIDATED AGENDA

##### 2011 FINANCIAL STATEMENTS AND THE STATUS OF THE PAYMENT OF CONTRIBUTIONS

165. See the report of the session of the General Assembly (document WO/GA/41/18).

#### ITEM 10 OF THE CONSOLIDATED AGENDA

##### STATUS OF UTILIZATION OF RESERVES

166. Discussions were based on documents A/50/6 (containing document WO/PBC/19/8) and A/50/14.

167. The Chair invited the Secretariat to introduce document A/50/6.

168. The Secretariat explained that document A/50/6 provided an overview of (i) the Status of Reserves and Working Capital Funds (RWCF) following closure of the 2010/11 biennium and the 2011 annual accounts and (ii) the status of RWCF appropriations approved by Member States to date. The document also contained a proposal, in paragraph 9, related to the utilization of the remaining balance of funds from approved DA projects (funded under the Reserves) for another approved DA project.

169. The Delegation of the United States of America welcomed the information previously approved and proposed uses of reserve funds. WIPO possessed a significant amount of accumulated reserves, a large portion of which was being invested in infrastructure improvements, such as the New Construction and Conference Hall projects. These were extraordinary undertakings for an international organization, which the Delegation and other

Member States had supported. However, the Delegation wished to reiterate its policy that the use of reserve funds should be for extraordinary, one-time expenditures. Accordingly, the Delegation could not support the use of surplus funds for additional DA projects.

170. The Chair read out the decision paragraph inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of this document, which was:

*“The Program and Budget Committee recommended to the Assemblies of the Member States of WIPO to: (i) take note of the contents of document WO/PBC/19/8; and (ii) endorse the proposal in paragraph 9 of document WO/PBC/19/8.”*

171. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/8, as recorded in document A/50/14.

#### ITEM 11 OF THE CONSOLIDATED AGENDA

##### FINANCIAL OVERVIEW FOR 2012; PROGRESS REPORT ON THE IMPLEMENTATION OF COST EFFICIENCY MEASURES

172. Discussions were based on documents A/50/7 (containing document WO/PBC/19/9) and A/50/14.

173. The Chair invited the Secretariat to introduce document A/50/7.

174. The Secretariat explained that document A/50/7 consisted of two sections: an overview of the financial situation of WIPO as of the end of June 2012 and the second part dealing with the progress report on the implementation of the cost efficiency measures. On the financial overview, the Secretariat highlighted that the overall result for the first six months of 2012 was a surplus of 12.2 million Swiss francs. Income levels were on track with the budgeted estimates. Current estimates for the Madrid and the Hague systems showed slight reductions relative to the budget levels. Overall expenditure levels indicated that the Organization was in line with the targeted cost efficiency reductions demanded by the Member States. Personnel expenditure was reflective of the changing contract structure of WIPO personnel, with more employees under fixed-term contracts offset by reductions in the number of short-term staff. Finally, the level of non-personnel expenditure had not changed materially from this same period as of 2011. On the cost efficiency measures, the Secretariat recalled that the Assemblies of the Member States of WIPO had approved the 2012/13 Program and Budget subject to efforts by the Secretariat to reduce expenditures through cost efficiency measures by 10.2 million Swiss francs, down to 637.2 million Swiss francs. In accordance with that commitment, the Organization had further reinforced its efforts to achieve cost efficiencies and resource savings. Cost efficiency measures had been introduced in the following specific areas and were detailed in the report: premises management, travel of staff and third parties, organization of meetings and events, reduction in the expenditure related to special services agreements, procurement contracts and personnel resources. A number of internal Office Instructions reflecting various cost efficiency measures had been issued to all WIPO staff. The level of expenditure, as of June 2012, indicated that the Organization was on track to achieve the targeted expenditure reductions. Finally, to reassure Member States, the Secretariat added that it was not restricting the efficiency measures to only those asked for by the Member States. The Secretariat was continuously looking at ways of finding cost efficiencies in the way the Organization operated.

175. The Delegation of Brazil, speaking on behalf of the DAG recalled that during the last session of the PBC, Member States reviewed document WO/PBC/19/9. The DAG thanked the Director General for his overview of the financial performance of WIPO. The DAG was pleased to see that the financial situation as of end June 2012 was sound. The surplus in the first half of the year reached 12.2 million Swiss francs after IPSAS adjustments. The Group was confident that implementation of cost efficiency measures was bearing fruit, as seen in the report, in the areas of premises management, travel of staff and third parties, organization of meetings and events, and other measures. The DAG recalled that during the 2011 session of the PBC, it had been agreed that the cost efficiency measures would not affect program delivery. The DAG reiterated that those measures should have no impact on programs and activities benefiting developing countries, including development oriented activities.

176. The Delegation of Japan wished to recognize the great efforts made by the entire Organization to make its administration more efficient. WIPO had accomplished cost savings, to some extent, according to the progress report in document A/50/7. On the other hand, it should be borne in mind that there would be room to discuss details regarding such measures. The Delegation emphasized that cost saving measures, like those currently implemented in WIPO, and sound budgetary planning must be implemented inseparably. In this regard, the Delegation would continue to expect, and be concerned about, WIPO's effort to keep its administration efficient.

177. The Delegation of the United States of America thanked the Secretariat for the overview of WIPO's income and expenditures thus far (for 2012) and was glad to see that the Organization was in good financial standing. It commended WIPO for beginning to implement cost efficiency measures agreed to during the 2012/13 Program and Budget process. It encouraged WIPO to continue to look for ways to reduce expenditures so that, overall, they did not exceed a 3 per cent increase over the previous biennium.

178. The Delegation of India was pleased to see that the financial position of the Organization was secure. The sound financial position was testimony to the fact that the Organization was effectively undertaking cost efficiency measures. While the Delegation was encouraged by this, the Delegation also underlined that the cost efficiency measures should not undermine program delivery and that development-oriented activities of the Organization should not suffer on the grounds of such measures. The development activities of WIPO were important for evolving an appropriate innovation framework in the developing countries and the LDCs.

179. The Delegation of Spain thanked the Secretariat for the document and the efforts made to achieve the efficiency and savings goals. The Delegation thought that it was still too soon to make a final evaluation but noted with pleasure that measures were being taken and urged the Secretariat to continue to take them. However, in the PBC document, the Delegation saw, for example, that some of these savings measures related only to postponing spending. Therefore, the Delegation warned the Secretariat that it hoped that the Secretariat would not insist on continuing to propose these kind of measures. It stated that such measures should be the true cost efficiency measures, and the Secretariat should not limit itself to the measures proposed by Member States because the Secretariat was in the best position to identify other possible areas of efficiency, e.g. the length of documents or better management of meetings. The Delegation added that this should be one of the goals of cost efficiency measures as well as trying to ensure that they not cover just one biennium but be more long-term and involve structural changes.

180. The Chair thanked the delegations for their statements and recalled that both the Director General and the Assistant Director General pointed out that WIPO itself was undertaking cost efficiency measures above those recommended by the adoption of the 2012/13 Program and Budget.

181. The Chair read out the decision paragraph inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of this document, which was:

*“The Program and Budget Committee recommended to the Assemblies of the Member States of WIPO to take note of the contents of document WO/PBC/19/9.”*

182. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/9 as recorded in document A/50/14.

## ITEM 12 OF THE CONSOLIDATED AGENDA

### FINANCIAL MANAGEMENT REPORT FOR THE 2010 – 2011 BIENNIUM

183. Discussions were based on document A/50/8 (containing document WO/PBC/19/5), together with corrigenda 1, 2, 3 and document A/50/14.

184. The Chair invited the Secretariat to introduce document A/50/8.

185. The Secretariat explained that the Organization adopted International Public Sector Accounting Standards (IPSAS) in 2010 and had therefore produced financial statements for each year of the biennium. Member States had taken note of the 2010 financial report at the 2011 Assemblies and later that day, they would be examining the 2011 financial report when Mr. Kurt Grüter, the External Auditor, would be present. The Secretariat added that document A/50/8 provided a compilation of the financial statements for 2010 and 2011, both of which had been audited separately. The document was concise in nature. The first table provided all of the essential financial parameters, containing comparisons between biennia 2008/2009, and 2010/2011, details of income and expenditure and the volume of activity. The document also provided four pages of explanation on the implementation of the budget, 11 pages on expenditure and 3 pages on income. Details of the Organization's investments were contained in a separate table, as was the mechanism for calculating Member State contributions and information concerning the distribution of fees received by WIPO from Madrid and the Hague, 311 million Swiss francs, was also included. Full details of the distribution were given in the document.

186. The Delegation of Japan appreciated the fact that, although actual income in the previous biennium had been lower than estimated, the Organization had managed to make ends meet and had generated a net budgetary surplus of 3.9 million Swiss francs by suppressing spending. The financial statements showed, however, that the adjusted net deficit calculated in accordance with IPSAS was 45.8 million Swiss francs, due to the IPSAS adjustments of 7.8 million Swiss francs and expenditure on the projects financed by reserves of 41.9 million Swiss francs. Given this situation, it was important to continually review the way in which the budget was planned and implemented.

187. The Chair read out the decision paragraph, inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of this document, which was:

*“The Program and Budget Committee recommended to the Assemblies of the Member States of WIPO the approval of the 2010-2011 Financial Management Report.”*

188. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/5, as recorded in document A/50/14.

#### ITEM 13 OF THE CONSOLIDATED AGENDA

##### REPORTS OF THE EXTERNAL AUDITOR

189. See the report of the session of the General Assembly (document WO/GA/41/18).

#### ITEM 14 OF THE CONSOLIDATED AGENDA

##### PROPOSED AMENDMENTS TO THE FINANCIAL REGULATIONS AND RULES (FRR)

190. See the report of the session of the General Assembly (document WO/GA/41/18).

#### ITEM 15 OF THE CONSOLIDATED AGENDA

##### LONG-TERM FINANCING OF AFTER-SERVICE HEALTH INSURANCE (ASHI) IN WIPO

191. Discussions were based on documents A/50/16 (containing document WO/PBC/19/23) and A/50/14.

192. The Secretariat introduced document A/50/16 recalling that the adoption by WIPO of the IPSAS meant that the Organization had an obligation to recognize in its financial statements the totality of its financial liability in respect of staff benefits, including insurance for sickness after the end of service (ASHI). The cost of funding ASHI had increased considerably over the last six years and reached 103 million Swiss francs at the end of 2011. This meant that there had been a reduction in the Organization's reserves. The Secretariat believed that there should be a way to finance this liability. Four options were evaluated in the document on the table and one of them was proposed as the best course of action to solve the problem. During the PBC meeting, as well as outside of the PBC, the Secretariat had held many discussions with delegations, some of which had given their comments and suggestions. The PBC had requested the Secretariat to draw up a new proposal for its next session. The Secretariat would prepare a new document, taking into account the suggestions and the recommendations made by Member States.

193. The Delegation of the United States of America appreciated all of the hard work that the Secretariat had put into its analysis of options to provide long-term financing for after-service health insurance for its former employees and their families. The Delegation was committed to ensuring that the long-term liabilities were met. The approach to funding those liabilities had to take into account the fiscal realities of the Organization and its members. It should be noted that funding of the liability for after-service healthcare was a concern throughout the UN system, and the Delegation was closely monitoring how this issue was being handled for the UN budget in New York. It should also be noted that IPSAS implementation required recognizing certain liabilities such as after-service health insurance, but did not, in itself, require that the liabilities be fully funded and there was no time frame for the funding that was set aside for after-service health insurance. The Delegation said it would continue to follow the situation, but did not believe that this represented a crisis at this time. The Delegation would note that out of the four options presented, at this time, the Delegation would be most supportive of the general approach taken under option 3 (providing separate funding for the ASHI liability), which was an

approach similar to that which several other international organizations had adopted. However, as stated earlier, the Delegation would first like to see how this issue was addressed by the UN General Assembly.

194. The Chair read out the decision paragraph inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of this document, which was:

*“The Program and Budget Committee (PBC) examined the contents of document WO/PBC/19/23 and requested the Secretariat to present a redrafted proposal at the next session of the PBC, taking into account the observations and comments made by the Member States.”*

195. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/23 as recorded in document A/50/14.

#### ITEM 16 OF THE CONSOLIDATED AGENDA

##### FINAL PROGRESS REPORT ON THE IMPLEMENTATION OF IT MODULES TO ESTABLISH COMPLIANCE WITH THE NEW FINANCIAL REGULATIONS AND RULES (FRR) AND INTERNATIONAL PUBLIC SECTOR ACCOUNTING STANDARDS (IPSAS)

196. Discussions were based on documents A/50/9 (containing document WO/PBC/19/16) and A/50/14.

197. The Secretariat introduced document A/50/9, which contained the final report on the FRR-IPSAS project approved by the WIPO Assemblies of 2008. The project had closed in February 2012 within its original budget. The unspent balance of 169,631 Swiss francs had been returned to the reserves following the external audit.

198. In the absence of comments the Chair read out the decision paragraph inviting Member States to approve the recommendation made by the Program and Budget Committee in respect of this document, which was:

*“The Program and Budget Committee recommended to the Assemblies of the Member States of WIPO to take note of the contents of document WO/PBC/19/16.”*

199. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made by the Program and Budget Committee in respect of document WO/PBC/19/16 as recorded in document A/50/14.

#### ITEM 17 OF THE CONSOLIDATED AGENDA

##### PROGRESS REPORT ON THE IMPLEMENTATION OF A COMPREHENSIVE INTEGRATED ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM

200. Discussions were based on documents A/50/10 and A/50/14.

201. The Chair introduced Agenda Item 17. He stated that it was related to the Progress Report on the Implementation of a Comprehensive Integrated Enterprise Resource Planning (ERP) System.

202. The Secretariat stated that the ERP portfolio project was approved by Member States in 2010 and that the project had since made significant progress on all major streams of work under this portfolio. With the first deliverable having been the improvement of current financial and procurement systems, the Secretariat said that the systems had been upgraded to the latest version of the PeopleSoft software and that training of over 250 users in the use of the system had taken place with a focus on building an understanding of the end-to-end business processes, as well as key management and financial controls. The Secretariat underlined that the ERP systems presented a great opportunity to establish better controls and not more controls, and that would be the focus of some of its implementation efforts. The Secretariat reported that the next area that had witnessed progress was in the introduction of business intelligence tools. The Secretariat had established a rich and comprehensive financial and procurement database through previous implementations and saw an opportunity to extract value-added information, both for Member States and stakeholders, as well as for internal management use. Furthermore, the human resource management stream of work was reported to be on track. The project team had been staffed with a judicious mix of internal and external resources. The Secretariat reported that it had leveraged the systems and experiences of its sister agencies to ensure that it did not reinvent the wheel. The time and effort saved was instead being focused on its users' needs and the opportunities to establish better processes and stream line work methods. In the first phase, the HR project would replace its 13-year-old legacy payroll system with a much more modern and well integrated ERP (PeopleSoft) system. The results-based management (RBM) stream of work, had delivered improved work planning tools and the Secretariat was now preparing to deploy, in time for the 14/15 biannual planning cycle, a new planning system, which would encompass all the functionality needed for the RBM. Finally, the Secretariat announced that in overall terms, the projects and the portfolio were within the budget, and on track in terms of timing. At the end of 2012, in principle, it would have spent nine million Swiss francs as against 12.6 million planned, with some of the major savings having come from careful and hard negotiations with service providers and vendors. The Secretariat stated that there was no ERP project without risk. Some of the major challenges being faced were reported to be change management, sustained user training and engagement, as well as the establishment of a clear regulatory framework for HR management, which it hoped to have soon. In conclusion, the Secretariat emphasized that the senior management focused on all of these aspects and the governance structures were already in place to address these issues as the projects unfolded.

203. The Chair thanked the Secretariat for the presentation and offered the floor to the delegations.

204. The Delegation of the United States of America thanked the Chair by stating that the United States of America supported the progress for the comprehensive ERP system. The Delegation said that it was very glad to see that the ERP portfolio was making steady progress and remained on track to complete the projects within the budget approved by the Member States and broadly within the estimated time frames. The Delegation further stated that in its view, the changes would increase the transparency of the Organization's personnel records and strengthen the RBM system and thanked the Chair for the opportunity presented.

205. The Chair thanked the Delegation of the United States of America for the statement and requested whether there was any other delegation that wished to take the floor. There was none.

206. The Chair read out the decision paragraphs in respect of the documents concerned:

*"The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, are invited to take note of the contents of the Progress Report on the Implementation of a Comprehensive Integrated Enterprise Resource Planning (ERP) System, as contained in document WO/PBC/19/14."*

207. 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 the Progress Report on the Implementation of a Comprehensive Integrated Enterprise Resource Planning (ERP) System in respect of document WO/PBC/19/14, as recorded in document A/50/14.

## ITEMS 18 AND 19 OF THE CONSOLIDATED AGENDA

### PROGRESS REPORT ON THE NEW CONSTRUCTION PROJECT AND PROGRESS REPORT ON THE NEW CONFERENCE HALL PROJECT

208. Discussions were based on documents A/50/11 (and its Annex, document WO/PBC/19/12), A/50/12 (and its Annex, document WO/PBC/19/13), A/50/17 (and its Annex, document WO/PBC/19/24) and A/50/14 (Summary of Decisions and Recommendations made by the Program and Budget Committee at its Nineteenth Session (September 10 to 14, 2012)).

209. The Secretariat highlighted the main points reflected in document A/50/17. While about 96 per cent of the works had been completed for the New Building, the General Contractor had not complied with its contractual obligations for the remaining work and was not attending to the repair work contractually due. As the General Contractor for the New Construction Project was also the same General Contractor selected for the New Conference Hall Project, the Secretariat started witnessing a negative impact of the situation concerning the New Building on the New Conference Hall Project through a series of difficulties (mainly delays or operational difficulties). The difficulties faced by the Secretariat with the General Contractor were the subject of regular reporting to the External Auditor, IAOD, IAOC, PBC and the Assemblies in the past two years. Since mid-2011, a path of escalation was initiated by the Secretariat *vis-à-vis* the General Contractor by raising and attempting to resolve the outstanding issues at operational meetings, coordination meetings and high-level meetings. Since all these attempts eventually failed, and wishing to avoid a long, protracted legal battle and associated high legal costs, the Secretariat decided to seek advice from an external law firm. As a last attempt to move forward, the Director General and the Chief Executive Officer of the General Contractor met in mid-July in the framework of a so-called “mini-trial” during which each side presented its view of the situation to both CEOs. The WIPO delegation included representatives of the internal construction management as well as the Pilot and the Architect. The conclusion of the mini-trial was the amicable and jointly agreed termination of both contracts (for the New Construction Project and for the New Conference Hall Project). The details of the settlement agreed at the end of July 2012 are reflected in document A/50/17. The Secretariat emphasized that the result of this approach was that the risk of a protracted litigation with the General Contractor was avoided. As a consequence of the termination of the contract for the New Conference Hall Project, the Secretariat decided not to seek another General Contractor—such a process would have brought the worksite to a standstill for at least one year—and with 30 per cent of work complete, there was no guarantee that another General contractor would accept to complete the project. The Secretariat therefore decided to resort to the so-called “classical mandate”, that is, to continue without a General Contractor. Reasons of costs were also crucial in this decision, since about 70 per cent of the construction works were already secured at 2010 prices. Under the classical mandate approach, the worksite coordination and general direction rely mainly on the Pilot, the Architect and the specialized engineers, while the WIPO internal project management team would have a larger number of contracts than previously to administer. In view of the circumstances, both the Pilot and the Architect, who have successfully undertaken the vast majority of their mandates under the “classical” approach, also advised the Secretariat to switch to a classical mandate for reasons of time, cost and quality. The Secretariat was confident that this approach would enable it to complete the New Conference Hall Project in a professional manner albeit with about a six-month delay including the delay already caused by the General Contractor. The Secretariat



concluded by indicating it had duly informed the Chair of the IAOC and the Director, IAOD at the end of July, the IAOC at its session held at the end of August, and the Member States both formally and informally at the beginning of September on the occasion of the PBC session.

210. The Director General strongly emphasized that the new building was universally appreciated for its aesthetics and functionalities, and it had been delivered on time and on budget. As a consequence of the settlement with the General Contractor, the Secretariat was fully confident that it would manage to correct the remaining outstanding items in a very expeditious and efficient manner. Secondly, the Director General reinforced the previous statement made to the effect that risk management was about managing risks and that the Secretariat had emerged from the situation with an amicable settlement, recalling that one of the principal aims had been to ensure that WIPO did not find itself in a position in which a legal dispute arose, which would have involved a costly litigation and the paralysis of the construction site for a significant period of time. The Secretariat had managed to come away with an amicable settlement and had parted on very good terms with the General Contractor, including in respect of an ongoing transition with the General Contractor and its subcontractors. Thirdly, to ensure the proper execution of the classical mandate, the Director General confirmed the reinforcement of the internal project management team, as well as the reinforcement of the professional mandates mainly entrusted to the Pilot and the Architect. The decision to proceed with a classical mandate had obviously been the right one in the circumstances. In concluding, and in response to the intervention made previously by the Delegation of the United States of America, the Director General confirmed that the Secretariat would endeavor to continue to improve transparency. While noting this, he also stressed the need, in such circumstances, to balance on the one hand, the confidentiality of a situation in which agreement had not yet been reached and where there was a threat of litigation, with transparency in revealing details of the situation that risked jeopardizing the possibility of an amicable settlement, on the other.

211. The Delegation of the United States of America appreciated the status report on the construction projects and welcomed the assurances by the Secretariat that it would continue to report in a timely fashion to Member States on changes relating to the projects. The Delegation expressed interest in hearing that the Secretariat was making steady progress and remaining on track to complete the projects within the budget approved by the Member States and broadly within the estimated time frames. The Delegation expressed support for the implementation by the Secretariat of the approach without another General Contractor and welcomed the transparency with which additional details had been and would be provided on the projects.

212. In relation to Agenda Item 18, 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/50/17, taking into consideration any recommendation of the Program and Budget Committee made in respect of documents WO/PBC/19/12 and WO/PBC/19/24, as recorded in document A/50/14, and

213. In relation to Agenda Item 19, 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/50/17, taking into consideration any recommendation of the Program and Budget Committee made in respect of documents WO/PBC/19/13 and WO/PBC/19/24, as recorded in document A/50/14.

## ITEM 20 OF THE CONSOLIDATED AGENDA

### PROGRESS REPORT ON THE PROJECT TO UPGRADE THE SAFETY AND SECURITY STANDARDS FOR THE EXISTING WIPO BUILDINGS

214. Discussions were based on documents A/50/13 (containing document WO/PBC/19/15) and A/50/14.

215. The Chair invited the Secretariat to introduce document A/50/13.

216. The Secretariat reported that document A/50/13 presented a progress report on the Project to Upgrade the Safety and the Security Standards for the existing WIPO buildings in order to be compliant with the United Nations Headquarters Minimum Operating Safety and Security Standards (UN/HMOSS). There were two aspects to this project. First, the control center, and second, the security perimeter project. Work on the control center began in February 2012, and was now complete. The Secretariat continued that the Security Perimeter Project had been launched in 2012, and as of today was on schedule and within budget.

217. The Delegation of the United States of America expressed its appreciation for the report which indicated that work to improve the safety and the security of WIPO's facilities was proceeding. The Delegation was pleased to note that WIPO and the Swiss authorities had resolved issues regarding security perimeters without making significant changes to the scope and the cost of the Project. Lastly, the Delegation was further pleased to note that phase three of the project was underway and looked forward to receiving future reports indicating that the work would be completed within the budget approved.

218. The Director General repeated, as reported in the document, an expression of gratitude to the Government of the Host Country, Switzerland, for its generous contribution of five million Swiss francs for the execution and completion of the Project.

219. The Chair read out the decision paragraph in respect of this document as follows:

*"The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, are invited to approve the recommendation of the Program and Budget Committee concerning document WO/PBC/19/15, as contained in document A/50/14."*

220. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation of the Program and Budget Committee concerning document WO/PBC/19/15, as contained in document A/50/14.

## ITEM 21 OF THE CONSOLIDATED AGENDA

### PROGRESS REPORT ON THE IMPLEMENTATION OF THE WIPO STRATEGIC REALIGNMENT PROGRAM

221. Discussions were based on documents A/50/15 and A/50/14.

222. The Secretariat reminded the General Assembly of its decision, by referring to document WO/GA/34/16 of 2007, which approved an Organizational Improvement Program, to be implemented over a period of a number of years. The said program was launched in 2008 as the Strategic Realignment Program (the SRP). In line with Member States recommendations, the program was designed to be SMART-C, i.e. Specific, Measurable, Attainable, Realistic, Timely and Consistent. The Secretariat reported that the SRP aims to enhance WIPO's responsiveness, efficiency, capacity and focus to achieve its nine Strategic

Goals. Comprising of 19 inter-related initiatives, the roadmap issued in April 2010 and updated in April 2011 illustrated how each specific initiative was consistent with one of the Organization's core values, namely: service orientation; working as one; accountability for results; and environmental, social and governance responsibility. The Secretariat underlined that the roadmap included the time schedule, which illustrated how the initiatives fitted together and stated that the program should conclude at the end of 2012. A measurement system was introduced, which tied into the Organizational results framework, where possible. It also included the issuance of a staff survey during each year of the program, and an overall SRP results framework, designed to measure the overall success of the program. In addition, Key Performance Indicators (KPIs) were devised at the initiative level and quarterly reports were issued to the IAOC. The Secretariat stated that each initiative was assigned a Project Leader and a Senior Management Team (SMT) Champion, who are accountable for project success. Initiatives necessarily cut across the Organization, inherently contributing to the "working as one" core value. Moreover, the program as a whole was on track to conclude at the end of 2012 with most initiatives to be completed by that time. By June 2013, only three initiatives would continue under their respective work programs, namely, the initiative to implement an Enterprise Resource Planning (ERP) System, the initiative to strengthen internal communications and the initiative to strengthen internal controls. The Organization would therefore enter a period of continuous improvement as at the end of 2012. Furthermore, the Secretariat reminded the Assemblies that a summary of the achievements made during the year 2011 could be found in the staff-focused SRP brochure "Taking the Initiative", available from conference services in all official languages. Considering the extensive achievements of each of the 19 initiatives, the Secretariat highlighted some of the most significant successes under each core value. Under the value of service orientation, the Secretariat reported that WIPO now offers round-the-clock human contact for stakeholders by using follow-the-sun principles utilizing its external offices. In the preceding 18 months, the percentage of Core Publications that had been made available in all required UN languages had increased from just over 62 per cent to over 70 per cent. A business continuity management strategy and a crisis management plan had been approved and helped to ensure minimal business disruption and the continuation of the Organization's most critical services at all times. The Secretariat underlined that all four of these initiatives had to be integrated and mainstreamed into work plans for 2013. Under the value of working as one, the Secretariat noted that good progress had been made. The ERP implementation, covered under Agenda Item 19, would continue after the conclusion of the SRP. It was stated that the Consultative Group reviewing the revision of WIPO's Staff Regulations and Staff Rules had made particularly good progress in the past 12 months, with almost all chapters ready for submission to the forthcoming Coordination Committee. The remaining two chapters had been planned for review in 2013. The International Bureau's initiative to strengthen communications internally tackled two aspects, both the communication to staff and the communication between staff. That initiative generated many staff suggestions, such as informal staff-to-staff information sessions and a revitalized "Tea with the Director General" program. The Secretariat also stated that in strengthening its accountability for results value, every sector had undergone an organizational design review, looking to fine-tune its structure. In its RBM, it had also made clear progress, shifting the focus from planning to full lifecycle program management. The Performance Management and Staff Development System (PMSDS) of the International Bureau had seen vast improvements in both operability and acceptance within the Organization. The improvements planned for internal controls and risk management were reported to be comprehensive. This initiative would continue into 2013. A revised risk management policy was reported to have been drafted and a draft roadmap had been developed. Awareness sessions and interviews had begun with all SMT and Directors. The Organization's initiative to strengthen the management of financial resources had given the International Bureau a better understanding of how the economic forecast maps to revenue generated services and expenditure, and had encompassed policies such as the hospitality policy.

223. Finally, under the value environmental, governance and social responsibility, the Organization had continued to undertake a series of environmentally conscious projects. Its ethics and integrity system was now coherent and comprehensive – a code of ethics had undergone a wide consultation and had been issued, a whistleblower protection policy was under final review and a financial disclosure policy had been drafted. In the coming months, every staff member at all levels of the Organization would attend a face-to-face ethics awareness training, with a specially adapted program for those in high-risk positions, such as human resources and procurement. Looking forward, the Secretariat said that these initiatives would be integrated into programs at the end of this year. A further staff survey would be undertaken and success of the SRP would therefore be measured in terms of its ability to strengthen its core values. While the SRP had already delivered several concrete benefits, the full benefit of the SRP would be realized in the coming years and reports on such benefits would be provided to the Member States regularly.

224. The Delegation of the Republic of Korea announced that they were content with the fact that the SRP had been successfully implemented with 19 initiatives. The Delegation noted the positive impact from the implementation and hoped that this success would indeed take root in WIPO's culture and ways of doing things at WIPO. The Delegation further stated that with the global economic depressions, it was paying more attention to the importance of midterm strategic plan and activity in order to implement Medium Term Financial Planning in a more efficient and feasible manner. The Delegation believed that the introduction of Midterm Financial Planning would be very helpful and that it might take a five or 10 year rolling plan that could start first with the biggest unit of the Organization according to the details they had on records. While recognizing the fact that the idea was probably new to the Organization, the Delegation was ready to share its observations on this matter with any delegation and the International Bureau as well as to develop this idea further.

225. The Chair read out the decision paragraph inviting Member States to approve the recommendation made by the PBC in respect of this document, which was:

*“The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, are invited to take note of the contents of the progress report (document WO/PBC/19/22).”*

226. 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 content of document WO/PBC/19/22, as recorded in document A/50/14.

#### ITEM 22 OF THE CONSOLIDATED AGENDA

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

227. See the report of the session of the General Assembly (document WO/GA/41/18).

#### ITEM 23 OF THE CONSOLIDATED AGENDA

##### REVISION OF THE TERMS OF REFERENCE OF THE INDEPENDENT ADVISORY OVERSIGHT COMMITTEE (IAOC) AND THE INTERNAL OVERSIGHT CHARTER AND THE TERMS OF REFERENCE GOVERNING EXTERNAL AUDIT

228. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 24 OF THE CONSOLIDATED AGENDA

REPORT ON THE OUTCOME OF THE BEIJING DIPLOMATIC CONFERENCE ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES

229. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 25 OF THE CONSOLIDATED AGENDA

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

230. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 25(i) OF THE CONSOLIDATED AGENDA

REVIEW OF THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS

231. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 26 OF THE CONSOLIDATED AGENDA

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

232. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 27 OF THE CONSOLIDATED AGENDA

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

233. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 28 OF THE CONSOLIDATED AGENDA

REPORTS ON OTHER WIPO COMMITTEES

234. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 28(i) OF THE CONSOLIDATED AGENDA

STANDING COMMITTEE ON THE LAW OF PATENTS (SCP);

235. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 28(ii) OF THE CONSOLIDATED AGENDA

STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND  
GEOGRAPHICAL INDICATIONS (SCT);

236. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 28(iii) OF THE CONSOLIDATED AGENDA

COMMITTEE ON WIPO STANDARDS (CWS)

237. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 28(iv) OF THE CONSOLIDATED AGENDA

ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

238. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 29 OF THE CONSOLIDATED AGENDA

PCT SYSTEM

239. See the report of the session of the PCT Union Assembly (document PCT/A/43/7).

ITEM 30 OF THE CONSOLIDATED AGENDA

MADRID SYSTEM

240. See the report of the session of the Madrid Union Assembly (document MM/A/45/5).

ITEM 31 OF THE CONSOLIDATED AGENDA

HAGUE SYSTEM

241. See the report of the session of the Hague Union Assembly (document H/A/31/2).

ITEM 32 OF THE CONSOLIDATED AGENDA

LISBON SYSTEM

242. See the report of the session of the Lisbon Union Assembly (document LI/A/28/2).

ITEM 33 OF THE CONSOLIDATED AGENDA

WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

243. See the report of the session of the General Assembly (document WO/GA/41/18).

ITEM 34 OF THE CONSOLIDATED AGENDA

SINGAPORE TREATY (STLT) ASSEMBLY

244. See the report of the session of the Singapore Treaty (STLT) (document STLT/A/4/2).

ITEM 35 OF THE CONSOLIDATED AGENDA

ANNUAL REPORT ON HUMAN RESOURCES

245. See the report of the session of the WIPO Coordination Committee (document WO/CC/66/3).

ITEM 36 OF THE CONSOLIDATED AGENDA

REVISION OF THE STAFF RULES AND REGULATIONS

246. See the report of the session of the WIPO Coordination Committee (document WO/CC/66/3).

ITEM 37 OF THE CONSOLIDATED AGENDA

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

247. Comments by several delegations were noted by the Secretariat for inclusion in the final versions of the reports.

248. 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 October 9, 2012.

249. Each of the 20 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 October 9, 2012.

ITEM 38 OF THE CONSOLIDATED AGENDA

CLOSING OF THE SESSIONS

250. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, expressed its appreciation to the Director General and the Secretariat for the smooth proceedings of the 50<sup>th</sup> series of meetings of the Assemblies. The Group also expressed its appreciation to the Chair for steering the discussions in an efficient manner through his able leadership. The Group noted that, despite differences, Member States had managed to arrive at some positive conclusions which it trusted would enhance future work. The Group believed that deliberations, both in the plenary and in informal consultations, should continue to be as inclusive and transparent as possible, in order to take into consideration the concerns of all Member States. In terms of procedure, the Group believed that creating an official list for speakers and for specific agenda items would assist in streamlining the work of the Assemblies further, and hoped that that proposal would be given due consideration. In conclusion, the Group thanked

all other groups for their constructive participation during the deliberations with a view to moving the work forward, and urged delegates to continue the positive momentum gathered during the Assemblies. The Group looked forward to engaging in the work planned in the coming months. The Group reiterated its commitment to participating constructively in the deliberations in WIPO.

251. The Delegation of Peru, speaking on behalf of GRULAC, congratulated the Chair on his outstanding work in conducting the 50<sup>th</sup> series of meetings of the Assemblies. The Group paid tribute to all delegations, the Secretariat and the interpreters for their excellent work over the past two weeks. The Group also extended its gratitude to the Director General for being open to the views of Member States, and enabling the Group to communicate its point of view to the Organization, as well as sharing that view with Member States. The Group believed that the agreements reached during the Assemblies would enable Member States to prepare a clear roadmap for the future of WIPO. The Group reiterated its commitment to the work of the Organization, and confirmed its willingness to work on the priorities identified by Member States, such as the negotiations of the texts of international instruments. In accordance with the principles of social inclusion, the Group was fully convinced of the usefulness of an instrument for the visually impaired. The Group applauded the decision of Member States to set up an Extraordinary Session of the General Assembly in December 2012, in order to convene a diplomatic conference in 2013. With regard to the work of the IGC, the Group highlighted the clear priority Member States placed on obtaining an international instrument. The Group noted that the three sessions of the IGC were scheduled to take place before the 2013 Assemblies, and that that framework would enable Member States to move forward in the negotiations. In addition, it believed that the informal consultations conducted by Ambassador Wayne McCook, Chair of the Committee, would also give Member States the necessary momentum to negotiate the text as quickly as possible. The Group expressed its gratitude to the Chair of the Committee for his professionalism and commitment, and it believed that there would be a successful outcome in 2013. The Group recalled its call, at the beginning of the week, for negotiations on multilateral frameworks to show flexibility and transparency. While the agreement reached on industrial designs reflected the commitment of Member States to move forward on that instrument, it was conditional on including technical assistance and capacity-building. The Group also pointed out that it was not a good precedent, in terms of predictability and transparency, to put forward proposals in the Assemblies that did not reflect the recommendations made in committees, particularly without prior consultation with delegations. In conclusion, the Group thanked the Organization and Member States for the efforts made to set up a work plan that reflected the priorities and important progress on matters of interest to Member States. That was the kind of multilateralism that could benefit millions of people. The Group reiterated its commitment to the work plan and future work of the Organization.

252. The Delegation of Hungary, speaking on behalf of CEBS, joined other groups and delegations in thanking and congratulating the Chair for his commitment, engagement and able leadership in conducting the 50<sup>th</sup> series of meetings of the Assemblies. The Group also extended its appreciation to the Director General, the Senior Management Team and the entire Secretariat for their hard work. In its opening statement, the Group had encouraged delegations to join efforts, keep an open mind and show flexibility to enable the smooth deliberations of the current Assemblies and future work. The Group was pleased to note that Member States had shown a constructive spirit throughout negotiations, and had achieved a positive outcome. The Group once again expressed its appreciation to the Chair for his tireless efforts to reach a compromise during the informal consultations. Although the Group's original proposal had been more ambitious, it was satisfied with the consensus reached by Member States, and believed that would result in good benefits to users worldwide. The Group looked forward to significant progress at the sessions of the SCT to be held in December 2012 and Spring 2013, with a view to agreeing on the convening of a diplomatic conference at the 2013 General Assembly. The Group also welcomed the outcome of the future work plan of the IGC. In accordance with the decision taken by the General Assembly, the Group was ready to continue intensive negotiations in a constructive spirit. Finally, the Group expressed its sincere appreciation to the



outgoing Coordinator of Group B. The Group commended him on his tremendous efforts in conducting constructive and efficient discussions, while keeping a friendly tone. The Group looked forward to continuing fruitful collaboration with the next Coordinator of Group B

253. The Delegation of the United States of America, speaking on behalf of Group B, expressed its sincere thanks and admiration to the Chair, and applauded his stewardship which had led to a successful outcome. The Group also thanked all delegations for the constructive spirit displayed during the session. The Group thanked the Director General and the Senior Management Team for their leadership over the course of the Assemblies and in the past year. Last, but certainly not least, the Group thanked the staff of the International Bureau, as well as the interpreters, for their hard work. The Group welcomed the decision to progress the work on a draft legal instrument on exceptions and limitations for persons with visual impairment and print disabilities, through the convening of an intersessional meeting of the SCCR and an Extraordinary Session of the General Assembly. The Group remained committed to the resolution of outstanding issues in order to reach agreement on that important issue. The Group also supported the work in relation to protection for broadcasting organizations throughout the course of the year. The Group had been pleased with the decision reached the previous day to accelerate work on the design law treaty within the SCT, and to set the goal on deciding to convene a diplomatic conference at the General Assembly in 2013. The Group believed that the treaty would benefit all users, particularly those in developing countries and LDCs. With that in mind, the Group reiterated its readiness to address the need for technical assistance and capacity-building in relation to the implementation of the design law treaty. The Group thanked the Chair for his tireless efforts in leading the informal consultations the previous day. The Group had been pleased with the outcome on the future work of the IGC. It stood ready to constructively engage with its partners on the three texts over the coming year. The Group extended its gratitude to Ambassador Wayne McCook, Chair of the IGC, for leading the consultations on future work and for his exemplary service in the current year's IGC sessions. The Group assured Member States it would remain, as in the past, an active and constructive participant in the years to come. The Group was committed to helping strengthen WIPO's position as a preeminent IP Organization. WIPO had a vital and unique role to play in promoting innovation, helping countries improve their IP systems and promoting IP as a tool for economic development.

254. The Delegation of Egypt, speaking on behalf of the African Group, thanked the Chair for his able and wise conducting of the proceedings of the 50<sup>th</sup> series of meetings of the Assemblies. The Group expressed its deep appreciation and gratitude to the Director General and the Secretariat for their efficient organization of the meetings. The Group also thanked the interpreters for their valuable services and tireless efforts. The Group believed that the sessions of the Assemblies had been successful on many fronts. Firstly, a clear roadmap to identify and conclude WIPO's 10-year-old negotiations on IP and the effective protection of GRs, TK and TCEs had been adopted by consensus by all WIPO Member States. That was a roadmap towards an unambiguous destination to convening a diplomatic conference in 2014. As such, the General Assembly had successfully delivered a message reflecting the agreement of all Member States that the IGC was a major priority for the Organization, and a key determinant of the success of its balanced and development-oriented norm-setting agenda. Closer engagement and commitment were needed more than ever to conclude the technical work and finalize the legal texts, thus allowing the General Assembly, in the coming year, to decide on convening a diplomatic conference. Secondly, the General Assembly had also endorsed a clear roadmap for the negotiations on copyright exceptions and limitations for the period 2012/2014. The Delegation believed Member States should continue their collective efforts to conclude a treaty on exceptions and limitations for visually impaired persons by 2013, for libraries and archives to be recommended by the 28<sup>th</sup> session of the SCCR to the 2013 General Assembly, and for educational and research institutions to be recommended by the 30<sup>th</sup> session of the SCCR to the 2014 General Assembly. The Group stressed that the strongest political will and commitment from all WIPO Member States would be critical to ensuring that the international

copyright system set the right balance between rights of authors and the public interest. Thirdly, the General Assembly had recognized the importance of and the need for developing industrial design law in a manner that truly reflected the legitimate interests and aspirations of all WIPO Member States, and ensured the right balance between costs and benefits. The Group had engaged constructively and shown a great deal of flexibility to a last-minute proposal. In return, the Group would expect equal reciprocity from other regions and groups regarding priority issues for the African Group. It also expected the SCT to advance its work in that area, with a particular focus on including in the proposed instrument strong legal provisions on technical assistance and capacity-building for developing countries and LDCs, on mitigating implementation costs and on building African capacity in the area of industrial designs. The Group stated that African aspirations for more innovation and creativity throughout the African Continent had no limits. However, a lot still needed to be done in those critical areas. The Group noted that discussions in the current Assemblies had shed light on the innovative consensus, according to which innovation was increasingly becoming the foundation of economic success and the most important means of establishing competitive advantage. The Group believed that the fundamental objective of the innovative consensus should also be the creation of a common platform where all could grow, reap benefits and mutually exchange the fruits of innovation. In that way, the innovation consensus could perfectly serve each and every one. Such a platform could also be geared to support public policies and local needs and, most important, to guard from the risk of reinforcing the undesired divide between those who could innovate and those who remained consumers of others' innovations. At a time of significant change, WIPO was expected more than ever to contribute to building that consensus and promoting sound innovation in African countries. The Group reiterated its request for WIPO to strengthen the existing regional IP offices in Africa, and to establish two WIPO external offices in Africa. The Group was confident that WIPO's four major pillars – norm-setting, standard-setting, capacity-building and servicing of clients – could and should be geared towards leveling the playing field and the international IP landscape, and to diffusing development in developing countries and LDCs. The Group reiterated its commitment to continuing to work actively and constructively with all partners to advance WIPO's journey towards mainstreaming development, maximizing development in respect of technical assistance, ensuring good governance and sound management, preserving WIPO's orientation as a UN specialized agency dedicated to using IP to promote global innovation, and promoting creative intellectual activity in developing countries with a view to accelerating their economic, social and cultural development.

255. The Delegation of China thanked the Chair for his hard work and applauded his able leadership. The Delegation also thanked the Director General and the Secretariat for having hosted and organized the Assemblies. The Delegation had been pleased with the positive and constructive attitudes of all Member States. During the Assemblies, Member States had agreed to step up efforts to implement various recommendations and decisions. In that context, the Delegation confirmed its continued support in all areas of the work of WIPO.

256. The Delegation of Brazil, speaking on behalf of the DAG, congratulated the Chair on successfully conducting the 50<sup>th</sup> series of meetings of the Assemblies. The DAG extended its gratitude to the Director General and the Secretariat for the information and feedback provided on recent developments in the Organization, and for the work achieved. The DAG also thanked the interpreters for their assistance, as well as all delegations for their strong commitment and engagement in the negotiations and decisions taken during the Assemblies. The DAG welcomed the approval of the work plan for the SCCR which would pave the way to convene a diplomatic conference in 2013 for the adoption of a treaty in favor of visually impaired persons; establish concrete steps in negotiating all limitations and exceptions; and address the protection of broadcasting organizations. The DAG encouraged all delegations to engage constructively in order to successfully achieve tangible results. It also highlighted the important decision taken by the Assemblies regarding future work of the IGC. The DAG stressed that the clear path ahead would ensure appropriate treatment of the complex issues involved. It expressed its

appreciation for the work of the IGC Chair, Ambassador Wayne McCook, who had conducted informal consultations on the work program of the IGC. The members of the DAG believed they had a responsibility as Member States to contribute to the ongoing negotiations and to produce material that would enable the next General Assembly to convene a diplomatic conference; therefore, Member States should make the best possible use of the three meetings that would take place in 2013. Regarding the work of the SCT, the DAG expressed its commitment to the ongoing negotiations. The DAG appreciated the efforts of the Chair in successfully conducting informal consultations on that issue. The DAG noted that the SCT would further develop draft articles and regulations on industrial design law. In addition, it had taken note of the decision of the Assemblies that negotiations needed to be expedited, and that the dimensions of technical assistance and capacity-building needed to be considered to enable the General Assembly to decide on convening a diplomatic conference. The DAG expressed its concern, in particular, over the fact that a substantive proposal regarding the convening of a diplomatic conference had been presented at a very late stage in the General Assembly, thus reducing the amount of time available for consultations. The DAG stressed that it would have appreciated having had sufficient time to reflect on the proposal, which had not come from the Committee and was different from the conclusions made at the SCT three weeks before. Finally, the DAG noted that, in addition to the very important normative agenda, much work needed to be done in other areas, such as the CDIP and the PBC. The DAG reiterated its commitment and willingness to contribute to an open, constructive and fruitful debate on all issues regarding the work of WIPO.

257. The Delegation of Nepal congratulated the Chair on his successful stewardship and for his efficient guidance which had enabled the work of the Assemblies to conclude on time. The Delegation commended the Director General on his active engagement during the sessions. The Delegation also thanked the Director General for having underlined, during the Assemblies, the importance of devising an action plan for the implementation of LDC deliverables. The Delegation hoped to see the development of the action plan at an early date. WIPO deliverables were critical for LDCs; those deliverables comprised knowledge and technology transformation, human and institutional capacity-building, and building knowledge infrastructure and the ability to commercialize the IP resources that LDCs possessed. The Delegation had been encouraged by the important consensus and decisions reached during the Assemblies, as well as the decision on expediting the negotiations on international treaties to protect GRTKF. Likewise, the Delegation welcomed other positive decisions, including speeding up the work on exceptions and limitations. It hoped the positive spirit that had reigned during the current Assemblies and in the past would prevail during the work of the committees. In conclusion, the Delegation thanked the Director General and the Secretariat for the documentation prepared and for providing support throughout the 50<sup>th</sup> series of meetings of the Assemblies.

258. The Delegation of Nigeria congratulated the Chair on his outstanding work in conducting the 50<sup>th</sup> series of meetings of the Assemblies. The Delegation also thanked the Director General for his stewardship and commitment in ensuring that WIPO remained an Organization that worked for all Member States. The Delegation extended its gratitude to the Secretariat and to the interpreters who had been of immeasurable support to the meetings. The Delegation thanked the Member States for their flexibility and commitment during the Assemblies. The Delegation hoped that flexibility would continue and be demonstrated throughout the future work of WIPO. The Delegation noted that the past eight days had seen very important discussions take place throughout the WIPO unions and committees, and it hoped that the issues raised in the different fora would be given an equal level of commitment by WIPO and its Member States. The Delegation looked forward to the conclusion of the work of the IGC in a diplomatic conference in 2014, as well as further discussion on the proposal outlined by the African Group for a treaty on exceptions and limitations within the work of the SCCR. The Delegation welcomed the desire for an international instrument on design law, which it believed would be a natural progression at the appropriate time. The Delegation fully recognized the importance of that initiative and looked forward to working with all Member States to ensure that the requisite and fundamental preparatory steps required for its materialization were undertaken so that the

national capacities of developing countries and LDCs would be ready for that ambitious plan. In the same vein, the Delegation recommended the reevaluation of the commitment to the ongoing work of the SCP, and encouraged Member States to make a decision to work towards a balanced and economic benefit system. The Delegation believed that WIPO was an Organization whose preeminence in IP was used as leverage in mediating the rule of global knowledge and the information economy. As such, the Organization was responsible for ensuring the protection and enforcement of IPRs, and that that did not only happen along a spectrum of ever-increasing proprietary rights without due attention to the rights, interests and concerns of most of its Member States and the broader public interest. The Delegation welcomed WIPO's engagement with the south-south cooperation on IP and development, and encouraged Member States to continue that cooperation. The Delegation once again applauded the successful conclusion of the Beijing Treaty on Audiovisual Performances and urged all Member States to allow the spirit of good faith and flexibility that had characterized those negotiations to be the standard of negotiations in WIPO.

259. The Director General thanked all Member States and all delegations for their extremely constructive engagement during the Assemblies, as well as for their support and commitment to the Organization throughout the past year. The Director General noted that some extremely successful outcomes had been achieved during these Assemblies. In particular, the Director General referred to the roadmap for the proposed treaty on visually impaired persons, including the decision to hold an Extraordinary General Assembly in December 2012, with a view to considering the possible convening of a diplomatic conference in 2013. He also referred to the roadmap for the IGC in the determination of which Member States had shown a high degree of commitment. The Director General also thanked Member States for the excellent outcome on a possible design law treaty. Further, the Director General noted the need to continue consultations with Member States on a wide range of issues such as the language policy, the management of meetings, external offices, as well as development assistance, to name a few. The Director General extended his thanks to the Chair for his wise stewardship of these meetings and for his commitment to the informal negotiations, which had achieved a positive outcome. In conclusion, the Director General expressed deep gratitude to all of his colleagues, in particular Messrs. Naresh Prasad, Sergio Balibrea and Ambi Sundaram. The Director General wished all delegations a very safe return and looked forward to engaging fully with Member States in the course of the next 12 months.

260. In his closing remarks, the Chair stated that the Assemblies had been most productive and constructive and had reached agreement on a number of important issues, ranging from taking stock of where Member States stood on different items under consideration, to deliberations about the future, or setting criteria and time frames for conclusion of the final phases of work in the normative arena. He believed that the Assemblies had critically and objectively assessed and appreciated the financial standing of WIPO, the improvements in its rules and regulations, and had monitored the implementation of the Program and Budget and of WIPO administration in general. The Assemblies had also approved the enhancement of WIPO's oversight structure as an important element of its governance, and had taken note of discussions related to governance within the mandate of the PBC. Some standing committees had been encouraged to enhance their commitment to future substantive and operational work, and to overcome certain differences in approach that had had a slowing effect on their capacity to deliver. The Chair noted that, following intensive informal consultations on the IGC and the SCT, a clear commitment towards overcoming differences in approaches and interests had prevailed. Member States had agreed on the importance of international instruments and the roadmap leading to the adoption thereof regarding GRs, TK and TCEs, as well as designs. The Chair expressed his gratitude to the Regional Groups, Coordinators and Member States who had participated in those informal consultations. He also commended them for their high level of professionalism and capacity to accommodate differences in a cooperative manner. The strategic political commitment to the cooperation framework to which the IGC and designs belonged also contained two important agreements reached within the normative sphere,

namely the intensification of the work on the basic provisions of the future visually impaired persons treaty and the holding of the Extraordinary General Assembly in December 2012, as well as the further advancing of the work on broadcasting towards 2014. The Chair stated that the Management of WIPO merited credit for its efforts to improve on performance and results, as well as to review and, where needed, introduce rules and procedures which were there to provide openness, predictability, efficiency, as well as responsibility and accountability. These were important contributions by the management of WIPO to good governance. The Chair stressed that those efforts should continue and should be fully supported. As regards the General Assembly, and based on his experience of having chaired it twice, the Chair believed that the Secretariat led by the Director General deserved recognition for its high level of professionalism and efficiency. Nevertheless, certain aspects could further be improved and attuned to the possibilities of modern communication technologies, such as clarification in the formulation of decisions, modernization of style/presentation and organization of work. The Chair congratulated and expressed his thanks to the Director General, the Secretary of the Assemblies and the Assemblies Affairs and Documentation Division for their organizational leadership and hard work, as well as to the Senior Management Team and the staff of WIPO for their work throughout the previous Assemblies and during the current Assemblies. He also expressed his thanks to the interpreters and translators for their professionalism and for having borne with the sometimes hectic schedule of the meetings. The Chair concluded by thanking all delegations for their support and work, and urged them to continue their efforts to find the best solutions to the pending items on the agenda.

261. The Fiftieth 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.

[Annexes follow]

## REPORT OF THE DIRECTOR GENERAL TO THE 2012 WIPO ASSEMBLIES

OCTOBER 2012

1. I am pleased to have the opportunity to report on the main developments in the Organization over the year since the last annual meeting of the Assemblies of the Member States in September 2011. It has been a very good year for the Organization. The highlights include

- the maintenance of a sound and **healthy financial condition** of the Organization, despite a fragile and challenged global economy;
- the successful conclusion of a new multilateral treaty, **the Beijing Treaty** on Audiovisual Performances, and good progress in a number of other areas under consideration in the normative agenda;
- expanding participation in, and strong demand for, the services of the Organization's **global IP systems**;
- the increasing maturity and scope of the Organization's **global technology and brand databases**, other IP information resources, and various platforms and tools linking the worldwide community of IP users and interested parties;
- an increasingly strategic focus in the delivery of **capacity building and other development services**;
- a new presence for the Organization in **social media**;
- further progress in management reform and the imminent successful conclusion of the **Strategic Realignment Program (SRP)**; and
- the advancement of our **construction projects**.

I shall start with a brief overview of the financial performance of the Organization and then deal with other developments under the headings of the Organization's strategic goals.

### Financial Performance

2. The financial condition of the Organization remains strong despite continuing uncertainty and fragility in the world economy. This strength can be attributed both to the good performance of the Organization's global IP systems, notably the Patent Cooperation Treaty (PCT), which together provide 93 percent of the revenue of the Organization, and to careful management and the effective deployment of cost-efficiency measures.

3. The biennium 2010-2011 concluded with a tight result, namely a marginal budgetary surplus of CHF 3.9 million, but an IPSAS<sup>7</sup>-adjusted deficit of CHF 45.8 million after deduction of expenditure from the reserves (CHF 41.9 million) and accounting for other, mainly long-term, liabilities (CHF 7.8 million). The External Auditors assessed the Organization as being IPSAS-compliant. This was the first biennium in which we have achieved this status. IPSAS is a learning experience for the Organization as we adjust to a different appreciation and picture of our financial condition. We have now moved in the current biennium to reflect estimates of IPSAS adjustments in our periodical financial reports<sup>8</sup>. In this way, we aim to maintain not only a budgetary balance, but also balanced accounting for estimates of IPSAS adjustments.

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<sup>7</sup> International Public Sector Accounting Standards (IPSAS).

<sup>8</sup> See

[http://www.wipo.int/export/sites/www/meetings/pdocs/en/memberstates/observatory/pdf/observatory\\_jun\\_2012.pdf#table1](http://www.wipo.int/export/sites/www/meetings/pdocs/en/memberstates/observatory/pdf/observatory_jun_2012.pdf#table1)

4. In the first seven months of the current biennium (to July 2012), we have achieved a surplus of CHF 12.2 million after accounting for estimates of IPSAS adjustments. There is, however, little room for complacency. Expenditure is typically lower at the commencement of a biennium. The risk of significant turbulence in the global economy and the reality of continued subdued economic growth are still present. In addition, it is likely that the Organization will need to make significant investments in information technology infrastructure in the future. We shall maintain a vigilant and cautious approach.

### **Global IP Systems<sup>9</sup>**

5. **Patent Cooperation Treaty (PCT)**. The PCT is the central node of the international patent system. It is also the fundamental pillar of WIPO's finances (generating 74.2 percent of the Organization's income), the largest employing unit in the Organization and key to the Organization's operational success.

6. The success of the PCT can be measured by its growing reach. It now covers 74 percent of the countries of the world, which are responsible for 93 percent of global economic output, 99 percent of global research and development (R&D) expenditure and 87 percent of the world's population.

7. The number of international patent applications filed under the PCT continues to rise in a robust manner. In 2011, 181,900 international applications were filed, an increase of 10.7 percent over 2010. This was an excellent result considering the restrained condition of the world economy. Consistently with the trend that has emerged in the past decade, the greatest growth<sup>10</sup> came from China, Japan and the Republic of Korea, which recorded increases of 33.4 percent, 21 percent and 8 percent, respectively. Asia accounted for 38.8 percent of PCT applications in 2011, while Europe and North America were the source of 30.9 percent and 28.3 percent, respectively. We also saw higher demand in 2011 from a number of other emerging countries, with the number of international applications rising by 20.8 percent from the Russian Federation, 17.2 percent from Brazil, 12.7 percent from Turkey and 11.2 percent from India.

8. In 2012, given the continuing uncertainty in the global economic outlook, we expect less robust growth than in 2011. Nevertheless, barring extraordinary turbulence, we expect to meet and surpass our budget targets. In the first six months of 2012, the number of international applications rose by 5.6 percent. Revenue from PCT applications over the same period rose by 24.7 percent.

9. We estimate that 54 percent of international patent applications<sup>11</sup> pass through the PCT. That also means that 46 percent of international patent applications do not pass through the PCT, but are filed using the so-called Paris Convention route. We aim to increase the percentage that makes use of the PCT. In addition to contributing positively to WIPO and its finances, this would increase transparency and traceability in the international patent system, as well as contribute to work-sharing and demand management in a context of continuously rising numbers of patent applications worldwide. There are several strategies that we are pursuing to increase the PCT share of international patent applications. These include encouraging adherence to the PCT by important economies that remain outside the system; focusing on the provision of high quality services to users, cost-efficiency, and improving the operation of the system, both through the PCT Working Group and through the management of the processing of PCT applications.

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<sup>9</sup> Strategic Goal II: The Provision of Premier Global IP Services.

<sup>10</sup> Measured by reference to the base number of applications.

<sup>11</sup> An application for patent protection for the same invention filed in more than one country.

10. The positive engagement of Member States in driving improvement in the PCT System was apparent in the new proposals presented by a number of participants in the May 2012 Session of the PCT Working Group. These new proposals promise to continue the direction of the PCT Roadmap, implementation of which has made good progress in the last twelve months, in ensuring that the PCT System continues to have a plan for future improvement. It is pleasing also that the PCT Assembly, at its meeting during the current session of the WIPO Assemblies, will consider a number of amendments to the PCT Regulations that will simplify use of the PCT for all applicants as a consequence of a change in the national law of the United States of America.

11. Among the most important of the current improvements in the International Bureau's management of the operations of the PCT is the electronic service known as ePCT, which offers secure access for PCT applicants and to national IP Offices to relevant parts of the files and databases maintained by the International Bureau for the processing of PCT applications. At the time of the 2011 Assemblies, ePCT was a small-scale pilot system with a limited group of applicants. It is now in use by applicants from over 80 countries and has recently been made available to offices. An additional feature, introduced in July 2012, allows third parties to submit observations concerning prior art that is relevant to published PCT applications. These observations are available to International Authorities and designated offices to assist in making judgments on patentability. It is an example of using the power of the Internet to assist in the pursuit of quality outcomes in the patent process. The number of third-party observations so far submitted is relatively small (18 as of September 17, 2012), but the seriousness of the submissions thus far vindicates the usefulness of the new facility. The next important step in the evolution of ePCT will be a web-based PCT application filing system, which will allow applicants to file without installing any special software, and which will offer better error-checking and validation than is currently possible.

12. In my Report last year, I emphasized the importance of a rapprochement of the PCT and the Patent Prosecution Highway (PPH) - a network of bilateral agreements under which a patent application which has been the subject of a first substantive review and report in the country of first filing will receive accelerated processing in the country of second filing. I am pleased that progress continues to be made in this rapprochement, as evidenced by the fact that 35 PPH arrangements (as of September 17, 2012) have been concluded that allow for the international search and international preliminary report on patentability under the PCT to be used as a basis for accelerated processing between the parties to a PPH arrangement. The inclusion of the PCT within PPH arrangements is working to the advantage of both the PCT and the PPH.

13. Translation continues to constitute a major cost-burden of the PCT System. The budget for the current 2012-2013 biennium envisages expenditure of 43 million CHF on PCT translation. We are pleased to report that, through careful management of our translation services, including competitive out-sourcing and the increased use of information technology, the unit cost of translation has fallen, enabling us to continue to maintain stable PCT fees, despite rising work loads and the greater complexity of translation work that results from the increasing linguistic diversity of PCT applications. It is this same linguistic diversity, however, that underlines the great value added by PCT translation, which makes available an English- and French-language abstract or summary of every published PCT application, as well as an English-language version of every international preliminary report on patentability. This invaluable service makes the technology disclosed through the PCT System more widely accessible.



14. **The Madrid System for the International Registration of Marks.** The calendar year 2011 saw international trademark applications under the Madrid System reach a record high of 42,270, which represented a 6.5 percent increase over the previous year. We expect more subdued growth in 2012, most likely in the region of 2 to 3 percent. There are now over half a million (540,000) active international registrations, corresponding to 5.5 million marks protected at the national and regional level. Those registrations belonged to 178,500 trademark owners. 80 percent of these holders may be categorized as small and medium sized enterprises (SMEs) which confirms that the Madrid system is seen as beneficial for SMEs as well as for larger companies.

15. The Madrid System is undergoing a major expansion in its membership and geographical coverage, which is expected to continue in the next three years. In the year to date, the Philippines, Colombia and New Zealand have joined the System. More accessions are expected before the end of the year as India and Mexico have concluded their respective constitutional processes and signaled their intention to accede. It is expected that those Member States of the Association of South East Asian Nations (ASEAN) that have not yet acceded to the System will do so by 2015.

16. It is still hoped that a one treaty system may become a reality in the near future. Only one State remains party to the Madrid Agreement without being party to the Madrid Protocol. The expected accession of this State to the Protocol will simplify greatly the operation of the Madrid System.

17. The International Bureau continues to strive to improve the user experience and the ease with which users can acquire, maintain and manage international trademark registrations. Recent business improvements introduced include:

- a new version of the Madrid Goods and Services Manager, WIPO's highly regarded translation and classification tool for indications of goods and services, which is now available in 10 languages (English, French and Spanish, the working languages of the Madrid System, and Arabic, Dutch, German, Hebrew, Italian, Portuguese and Russian); and
- three new web-based client service tools: the Madrid Portfolio Manager, which enables users to manage online their portfolio of registrations; Madrid Real-time Status, which enables users to consult the current status of their applications and registrations; and the Madrid Electronic Alert, which provides interested parties with information on registration activities in specified areas.

18. **The Hague System for the International Registration of Industrial Designs.** After a good year in 2011, which saw international registrations under the Hague System increase by 6.6 percent to 2,363, it is expected that demand will be steady in the economic environment of 2012. The Hague System remains small. The number of Contracting Parties to the Geneva Act edged up by three over the past year to 45, with the accessions of Montenegro, Tajikistan and Tunisia. It is expected, however, that the market reach of the System and, thus its attractiveness to users, will be transformed in the course of the next three years, with China, Japan, the Republic of Korea, the United States of America and the Member States of ASEAN all making preparations for, or giving serious consideration to, accession.

19. As the Hague System expands, it will be important to simplify its operation and to modernize its electronic systems and platforms. Simplification is a long process of international legal house-keeping, achieved by moving Contracting Parties to the latest Act of the Hague Agreement - the Geneva Act. The freezing of the 1934 Act took effect on January 1, 2010, and we are moving towards the termination of that Act. As with the Madrid System, the ultimate aim is to achieve a single treaty system, based on the Geneva Act.

20. In anticipation of a more widely used Hague System, in January 2012 the publication cycle of registered designs moved from a monthly to a weekly basis. A new e-filing platform will also be made available on the WIPO website by the end of 2012, which will have a number of enhanced functionalities to facilitate the filing of international applications (user account, facilitated uploading of reproductions, automatic check and transformation of images, integrated fee calculator and payment of fees).

21. **The Lisbon System for the International Registration of Appellations of Origin.** The Working Group on the Development of the Lisbon System has been engaged in a major review of the Lisbon System, with a view to broadening the participation in the System from its present membership of 27 States. The Working Group has entered a more intense phase of its work, having met twice since the 2011 Assemblies, and is now considering draft treaty texts that also envisage extending the System to geographical indications. This is an extremely important and difficult exercise, which has the potential of establishing a truly international register for geographical indications and appellations of origin. To achieve such an ambitious goal, however, more extensive participation and engagement in the Working Group, which has until now attracted only a relatively small number of delegations, will be needed.

22. **WIPO Arbitration and Mediation Center.** There are three main areas of the Center's work over the past year that may be highlighted. The first area is Internet domain name dispute resolution, where the Center continues to be the pre-eminent service-provider worldwide. Since December 1999, when the Uniform Dispute Resolution Procedure (UDRP) was introduced on the basis of WIPO's recommendations, the WIPO Arbitration and Mediation Center has administered over 24,000 UDRP based cases. Demand for this WIPO service continued in 2011, with trademark owners filing 2,764 cases, an increase of 2.5 percent over the previous year.

23. A major change in the domain name system (DNS) is about to take place, which may have fundamental implications for the security of trademarks on the Internet, and for the predictability and reliability of the DNS as a mechanism for the orderly differentiation of enterprises and products in electronic commerce. The Internet Corporation for Assigned Names and Numbers (ICANN), the body responsible for the technical management of the DNS, is proposing to introduce a potentially unlimited number of new generic top-level domains (i.e. the last part of a domain name to the right of the final dot). In the first stage of this expansion, it is expected that around 1,300 new domains will be introduced in the second half of 2013. This expansion is likely to render the task of monitoring the illicit use of a trademark more difficult and more expensive. WIPO has been working to try to safeguard the general principles of intellectual property in these new domains. We will administer, through the Center, a so-called pre-delegation procedure for "Legal Right Objections," designed to ensure that new domains do not infringe trademark rights. In addition, the usual UDRP will continue to apply to new second-level registrations (i.e. the part to the left of the dot).

24. A second area of the Center's work that has developed over the past year has been partnerships with IP Offices for the administration of mediation procedures for trademark oppositions and other disputes. The Center has concluded Memoranda of Understanding in this regard with the IP Office of Singapore and with the National Institute of Industrial Property of Brazil (INPI). The first disputes filed under the Singapore arrangement have been brought to settlement. In addition to sharing the administration of the disputes, the Center provides capacity-building training and other support services. The advantages of these partnerships are cost-effectiveness, the reduction of pressure on the caseloads of courts or administrative tribunals, and the freeing of an asset (the trademark) from an uncertain or disputed status, enabling it to be used productively in the economy.

25. The third area of development is the mainstream alternative dispute resolution procedures for general IP disputes administered by the Center. Here, cases arrive now at a regular rhythm. There is a steady rise in numbers from a low base. In some instances, the values in dispute are high, in one case reaching one billion United States dollars. We believe that, with globalization and the increasing use of open innovation models, the potential for neutral, international procedures that offer innovative means of conflict management is growing. In this light, we are seeing more licensing disputes submitted to mediation or, typically, the combined procedure of mediation followed, in the absence of a settlement, by expedited arbitration.

### **The International Normative Framework<sup>12</sup>**

26. The great event of the past year for the Organization was the conclusion of the Beijing Treaty on Audiovisual Performances in Beijing in June 2012. The Beijing Treaty is the first treaty on substantive intellectual property law to be concluded since 1996. The event was wonderfully hosted by the Chinese authorities and was characterized by a tremendously constructive spirit of engagement on the part of all Member States. I would like to express the deep appreciation of the international intellectual property community to the Government of the People's Republic of China for its generous hospitality and impeccable organization.

27. The Beijing Treaty redresses the disadvantaged position of performers in the audiovisual industry by providing a clearer legal basis for the international use of audiovisual productions, both in traditional media and in digital networks. The Treaty will contribute to safeguarding the rights of singers, musicians, dancers, actors and other performers against the unauthorized use of their performances in audiovisual media such as television, film and video.

28. Forty-eight States have signed the Beijing Treaty. We hope that more States will sign the Treaty over the remaining months of the year during which the Treaty is open to signature. We have developed an ambitious plan for the promotion of accession to the Treaty, which we hope to see come into force over a wide geographical area in the near future.

29. It was very noticeable that, in their concluding statements at the Beijing Diplomatic Conference, most delegations expressed the hope that the spirit of the Beijing Conference would be carried over into the rest of the normative agenda of WIPO. A number of items on that agenda are now approaching maturity, and it is hoped that the 2012 Assemblies will develop a clear path forward for those items. In particular, I urge Member States to endorse the proposed road map for a new international instrument on improving access to published works on the part of the visually impaired and the print disabled. A great deal of convergence is developing both on the substance and the form of the instrument, and I strongly encourage Member States to capitalize on this convergence to convoke an extraordinary session of the General Assembly in December 2012 in order to consider convening a diplomatic conference to conclude a treaty on this subject in the middle of 2013.

30. I would also like to urge the Member States to move towards a diplomatic conference to conclude a new treaty on design law formalities. The substance of the proposed treaty is well developed. A study prepared at the request of Member States on the impact of the proposed treaty is favorable, and shows that it would result in improved access to design protection around the world, particularly for SMEs. It is clear that compliance with the

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<sup>12</sup> Strategic Goal I: Balanced Evolution of the International Normative Framework for IP.

proposed treaty would involve a cost for IP Offices, and technical assistance for the developing and least developed countries (LDCs) would be needed. In the recent session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), no delegation opposed the treaty. Divergence exists, however, over timing, with some delegations being ready to advance to a diplomatic conference in late 2013 and others unconvinced that the moment has yet arrived.

31. An international instrument on intellectual property and genetic resources, traditional knowledge and traditional cultural expressions is a major priority for the Organization. Progress has been made over the past two years, but there is still some distance to travel. The immediate task before the Member States is to design a process for the next twelve months that will lead to a positive outcome and result at the 2013 Assemblies. To achieve that outcome, an intensive process and a great deal of commitment and engagement on the part of all delegations will be required.

32. The next year should also see intensive engagement on the protection of broadcasting organizations, where the Member States have foreseen the possibility of a diplomatic conference in 2014. In addition, work will continue in a number of other areas, which include, notably, the commitment to address the other exceptions and limitations (libraries, archives and educational materials) on the agenda of the Standing Committee on Copyright and Related Rights (SCCR).

### **Development<sup>13</sup>**

33. In line with the Member States' policy of mainstreaming development cooperation, all Sectors of the Secretariat address in their work the special needs of developing countries and LDCs in order to assist in building their capacity to participate in - and use - the intellectual property system. The Development Sector in the Secretariat is specifically responsible for:

- (i) Assistance in relation to the formulation of national IP and innovation strategies;
- (ii) Capacity-building;
- (iii) The program addressing the specific needs of the LDCs and, in particular, the WIPO Deliverables for LDCs approved at the 2011 Assemblies;
- (iv) The coordination of the inputs of other parts of the Organization in the annual work plans in relation to each country;
- (v) The implementation of the WIPO Development Agenda.

Similar responsibilities are handled for transition and related countries by the Division for Certain Countries in Europe and Asia and, in the area of copyright, by the Culture and Creative Industries Sector.

34. In order to respond to the increasing number of Member States wishing to develop national strategies, a number of practical tools have been prepared under a Development Agenda Project. These include a methodology handbook, which establishes a process for the formulation of the IP strategy in sequential steps, including data collection from desk research and interviews with IP stakeholders, preparation of a draft strategy with the support of an expert, and refinement of the strategy through a multi-sectoral national consultation process; practical templates and a baseline survey questionnaire for the conduct of desk and field research; and a handbook on benchmarking indicators to support the use of the baseline survey.

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<sup>13</sup> Strategic Goal III: Facilitating the Use of IP for Development.

35. Capacity-building activities range across the full spectrum of support infrastructure and services for intellectual property and involve most sectors of the Organization's activities. The WIPO Academy is the primary vehicle for capacity-building programs. In 2011, a total of 33,732 persons from 192 countries benefited from WIPO Academy programs (33,019 of them through the Distance Learning Program). Eight summer schools were conducted in different locations around the world, attracting 338 participants. Further progress was made in implementing the Development Agenda project for establishing Start-Up Academies, with plans for such Academies progressing in six countries. At the end of 2011, the Academy deployed a new e-learning platform in all six official languages and Portuguese. Thirteen courses are offered over the platform, which uses collaborative teaching methodologies with the aid of video, wikis, blogging and discussion fora.

36. The implementation of the recommendations of the Development Agenda continued to be a priority. To date, 26 projects have been approved to implement those recommendations, with a total budget of about 24 million Swiss francs. Six of the projects were completed in 2011 and independent evaluation reports on them were presented to the Committee on Development and Intellectual Property (CDIP). Completion and evaluation reports for another six projects will be presented to CDIP at its session in November 2012.

37. In the area of copyright, in addition to assisting in the strengthening of human-resource capacity and of the legal and regulatory framework, we have endeavoured to bring new energy to our collective management program. The credibility of collective management is a crucial factor in the creative industries. We are seeking to establish, with stakeholders, a new voluntary international quality assurance standard for collective management organizations. The project is being executed under the branding of the "TAG of Excellence", namely excellence in transparency, accountability and governance.

#### **Global Infrastructure<sup>14</sup>**

38. The Global Infrastructure program provides an integrated approach to enhancing the capacity of developing countries to use information and communication technologies (ICT) in support of IP administration and to take advantage of global knowledge databases and networks; making available through free global databases the technological, scientific and marketing information developed worldwide by the intellectual property system; and developing, in cooperation with member states, platforms and tools that enhance cooperation and promote efficiencies by reducing redundant functionalities between IP Offices.

39. **Modernizing IP Offices and enhancing their capacity to use ICT.** We continued to assist IP Offices around the world to automate the processing of IP applications and, thereby, to provide improved services to stakeholders. Demand for WIPO's assistance increased significantly in the past 12 months. More than 90 countries now receive some form of assistance in this area. More specifically:

- 62 offices use one or more of the WIPO-provided automation systems;
- 44 offices are using IPAS (Industrial Property Administration System);
- 14 offices are using AIPMS (Arab IP Management System);
- 16 offices are using WIPO Scan (a digitization and workflow management system);
- two offices are using WIPO EDMS (electronic document management system).

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<sup>14</sup> Strategic Goal IV: Coordination and Development of Global IP Infrastructure.

Many requests for assistance are outstanding and are being prioritized according to the availability of resources. The data generated by the WIPO-provided automation systems are, with the kind cooperation of the participating IP Offices, not only used locally, but also used to populate the global IP databases made available by WIPO.

40. **Global databases and other knowledge services.** Major strides have been made over the past twelve months in the development of the Organization's global databases and other services that improve access to knowledge products for developing countries and LDCs.

41. Around 14 million patent data sets from the PCT and 30 national or regional patent data collections are now searchable in PATENTSCOPE (an expansion from 8 million data sets covering 27 collections last year). New collections include those from Japan, Kenya and the Russian Federation. A new platform with higher performance characteristics has also been commissioned.

42. Several new functionalities have been added to PATENTSCOPE to improve access to its multilingual resources:

- (i) multilingual search is now available in 12 languages (an increase of three over last year) through WIPO CLIR (cross lingual information retrieval) by the addition of Dutch, Italian and Swedish (to, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian and Spanish);
- (ii) Microsoft machine translation has been integrated; and
- (iii) KIPO (Korean Intellectual Property Office) machine translation has also been integrated.

The Organization's machine translation and knowledge technologies have been shared with other United Nations (UN) entities, notably UN Headquarters in New York and the International Telecommunication Union (ITU). Other new functionalities added to PATENTSCOPE include support for technology markets through notifications of the availability of PCT applications for licensing.

43. WIPO's **Global Brands Database** has been recognized as having world-class search and other functionalities. The expansion of its data coverage is now well underway. At the moment, in addition to data from the Madrid System, notifications of State insignia and the names and acronyms of intergovernmental organizations (Article 6ter of the Paris Convention) and registration of appellations of origin under the Lisbon System, the Global Brands Database includes data on marks registered in Algeria, Canada and Morocco. We hope to add collections from four further countries in the coming weeks.

44. In addition to the global databases, we have developed, in partnership with publishers and commercial database vendors, two other programs for enhancing access to technology and knowledge for developing countries and the LDCs. Under these programs, access to scientific and technical periodicals and commercial databases is available free for persons and institutions in LDCs or at very favorable preferential rates for those in middle-income developing countries. The Access to Research for Development and Innovation (aRD<sub>i</sub>) program provides access to leading scientific periodicals. The number of registered users in aRD<sub>i</sub> has increased from 25 institutions to over 70, with a further 30 in the process of becoming registered. The content available has increased from 200 to around 250 publications. The aRD<sub>i</sub> provides the basis for WIPO's participation in the Research4Life (R4L) public-private partnership that includes similar programs from the Food and Agriculture Organisation (the AGORA program), United Nations Environment Programme (the OARE program) and the World Health Organisation (HINARI program). The R4L partnership has been extended by its partners beyond the initial

date set by the Millennium Development Goals of 2015 to at least the year 2020. The second program of WIPO in this area is the Access to Specialized Patent Information (ASPI) program, which enables patent offices and academic and research institutions in developing countries to receive free or low-cost access to sophisticated tools and services for retrieving and analyzing patent data.

45. In order to assist persons and institutions in developing countries to take advantage of the various technology and knowledge databases, we promote the establishment of Technology and Innovation Support Centers (TISCs). In the past year, 30 agreements have been signed for the establishment of TISCs, with initial training events on searching technology databases carried out in 12 countries, and intermediate and advanced training workshops conducted in a further 10 countries. Over 1,500 TISC staff have received training since the commencement of the TISC project three years ago.

46. **Platforms and tools.** Improvements have been made in the two platforms that the Organization offers for file-sharing, WIPO CASE (Centralized Access to Search and Examination) and WIPO DAS (Digital Access Service). A new version of CASE was made available to participating offices (so far, Australia, Canada and the United Kingdom). The improvements included patent family searching and remote access to the digital libraries hosted by the participating offices. Likewise, a new version of DAS was released, which offers a simplified and more attractive system for access to priority documents. Currently, eleven offices participate in DAS.

47. The international classification systems are indispensable tools for coherent IP administration worldwide. The process for the revision of these classifications has been accelerated in response to the quickening pace of both technological and business change. The IT systems that support publication and revision of the classifications have also been enhanced.

#### **WIPO as a Global Reference for IP Information<sup>15</sup>**

48. In addition to our online databases and access services, WIPO provides a number of unique world references for IP information.

49. **WIPO Lex** is the world's most comprehensive and authoritative resource of IP laws and treaties. It makes available online some 10,000 legal texts from nearly 200 jurisdictions in several languages. Global use of WIPO Lex has doubled since last year. Page views of the instruments in the database are nearing two million and WIPO Lex has become the fifth most widely consulted page on the WIPO website (up from its 10<sup>th</sup> position last year and 19<sup>th</sup> position when it was launched in 2010). The technical platform of WIPO Lex is being enhanced. The coverage of languages in which the database is available is also being enlarged. In addition to English, French and Spanish, it is expected that the database will be available in Arabic and Chinese soon. Already, the IP legal profiles of all Arabic-speaking countries and Chinese-speaking jurisdictions are fully accessible in those languages.

50. In November 2011, WIPO launched its first **World Intellectual Property Report** on the theme of The Changing Face of Innovation. This new economic publication series aims to explain, clarify and contribute to the analysis of IP trends, with a view to facilitating evidence-based policy-making. The 2011 Report recognizes that innovation is a key ingredient

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<sup>15</sup> Strategic Goal V: World Reference Source for IP Information and Analysis.

of sustained economic growth. It outlines how the innovation landscape has changed, and provides perspectives on important IP-related policy matters, including how to deal with increasingly crowded patent landscapes and how best to harness public research for innovation. Work is underway on the next World Intellectual Property Report, focusing on a different theme. The new report will be published in 2013.

51. In July this year, WIPO co-published the **2012 Global Innovation Index (GII)** with INSEAD. The GII has evolved into a valuable bench-marking tool to facilitate the evaluation of innovation capacity by policy-makers, business leaders and other stakeholders. It is supported by Alcatel-Lucent, Booz Company and the Confederation of Indian Industry (CII) as Knowledge Partners.

52. We continue to improve our collection and reporting of data on IP activity worldwide, where the WIPO Statistics Database is the world reference. We have been able to expand the country coverage of our data as a result of a greater number of responses to our annual IP statistics survey. WIPO's regular statistics publications now include the World IP Indicators, WIPO Facts and Figures, the PCT Yearly Review, the Hague System Yearly Review and Country Statistical Profiles.

53. The *WIPO Guide on Surveying the Economic Contribution of the Copyright-based Industries* continues to provide the leading world methodology for measuring the economic contribution of the copyright-based industries. Some thirty national studies based on the methodology have now been published, demonstrating the enormous contribution to GDP and to employment made by creative industries.

#### **Engagement with Global Policy Issues<sup>16</sup>**

54. Several initiatives address the role of IP in relation to global policy challenges. The most mature is **WIPO Re:Search**, which is led by WIPO in partnership with BIO Ventures for Global Health (BVGH). Under the initiative, public and private sector organizations make IP and expertise available on a royalty-free basis to qualified researchers anywhere in the world in order to promote the development of new drugs, vaccines and diagnostics to treat neglected tropical diseases (NTDs), malaria and tuberculosis (TB). The consortium includes leading pharmaceutical companies and governmental and non-governmental research and health institutions. At the time of the launch of WIPO Re:Search in October 2011, it counted 30 members. By August 2012, membership had grown to 50, including 38 providers and potential users and twelve supporters. The WIPO Re:Search consortium has reached out specifically to research institutions in Africa, particularly those that are members of the African Network for Drug and Device Innovation (ANDI). Four ANDI centers, in Cameroon, Ghana and Kenya, are now members of WIPO Re:Search.

55. The WIPO Re:Search database includes 172 technology entries submitted by 17 different providers. The first three agreements for collaborative research under the terms of WIPO Re:Search were announced in August 2012, involving AstraZeneca, the UK-based pharmaceutical company, on the one hand, and two universities and one pharmaceutical company based in South Africa, on the other hand, which were given access to compounds and research data in respect of certain NTDs and TB.

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<sup>16</sup> Strategic Goal VII: Addressing IP in relation to Global Policy Issues.



## **Communications<sup>17</sup>**

56. In the past year, we have expanded considerably our use of social media as tools of communication. The purpose has been to address audiences that we would not otherwise reach and to acknowledge that more and more of our conventional audience is, changing its behavior and habits in relation to the sources and means through which it obtains information. Our approach to the use of social media has been incremental, with all decisions based on prior research and analysis to determine which platforms and which type of content best suit the needs of the Organization and its stakeholders. The need to ensure the sustainability of any new communication channels has also been a central consideration.

57. In addition to the WIPO You Tube Channel, and the popular annual World IP Day campaign on Facebook, we launched official WIPO presences in March 2012 on Twitter (micro-blogging), Flickr (photo-sharing) and Scribd (publication-sharing). We exploited the full range of these social media to share with stakeholders and the wider public significant results achieved, such as the conclusion of the Beijing Treaty on Audiovisual Performances and the publication of the Global Innovation Index 2012. The most popular “tweets” since the launch have reached between 900,000 and one million people. We were encouraged to have achieved, within the first three months of the launch, a higher influence score on Twitter (as measured by Klout) than many comparable organizations with much longer established Twitter presences

## **Administration and Management<sup>18</sup>**

58. The Strategic Realignment Program (SRP) has guided the Secretariat over the past few years for the introduction of improvements in procedures, processes and management across the whole Organization. Through four Core Values (service orientation; accountability for results; working as one; and environmental, social and governance responsibility), 19 initiatives have shaped the future of numerous work areas. We are nearing formal completion of the SRP, which is planned for the end of 2012. Some initiatives will, of course, not yet be completed (for example, the Enterprise Resource Planning (ERP) system), but the Secretariat will move from a mode of intense process review and reform to one of continuous improvement.

59. The Internal Auditor plays a key role in support of the Chief Executive and management. A new Internal Auditor was appointed and commenced work this year. Several other key positions in the Internal Audit and Oversight Division (IAOD) were also filled. IAOD issued eight reports delivering about 85 recommendations for improvements. The areas audited and evaluated included program and project management, results-based management, human resources management and ICT management. IAOD followed up on recommendations from previous years to ensure that they had been addressed effectively. More than 95 percent of the recommendations of the past two years were accepted and management is making good progress towards implementation of all accepted recommendations. The backlog of cases for investigation is also now under control. IAOD’s work is closely scrutinized by the Independent Advisory and Oversight Committee (IAOC). I should like to record our thanks to the IAOC for its highly professional work.

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<sup>17</sup> Strategic Goal VIII: A Responsive Communications Interface between WIPO, its Member States and all Stakeholders.

<sup>18</sup> Strategic Goal IX: An Efficient Administrative and Financial Support Structure to enable WIPO to deliver its Programs.

60. A new Director of the Human Resources Management Department (HRMD) was also recently appointed and commenced work. One of the major internal exercises of the past year has been the revision of the Staff Regulations and Rules (SRR). Work on the revision was undertaken in a Consultative Group jointly chaired by, and composed of, representatives of management and of the staff. The Consultative Group worked tirelessly and professionally and I would like to record my deep appreciation for their excellent work, which will be before the Coordination Committee for consideration at this session of the Assemblies.

61. Following consultation with staff, a WIPO Code of Ethics was adopted earlier this year. A values-based, as opposed to rules-based, instrument, the Code is a short, high-level statement of principles in accessible language. A draft Whistleblower Protection Policy has been under consultation. A mandatory training program in ethics of all staff will also be launched later this year.

62. With the adoption of the new language policy in 2011, we have provided six-language coverage for all WIPO Committees from January 2012 and will be extending that coverage to all main bodies during the current biennium. We also aim to have all WIPO core publications available in the six official languages in the next biennium.

63. In addition to better language coverage, we have endeavored to improve conference management with the addition of webcasting and video on demand (VoD). Since January 2012, the proceedings of all major WIPO meetings, including the Beijing Diplomatic Conference, have been webcast and published on the Internet for VoD viewing. In total, 47 meeting days have been covered during the first seven months of 2012.

64. There will be a delay in the delivery of the new Conference Hall, which is now expected to be completed by the end of 2013. We are proceeding under a "classical mandate" of direct management of the construction project and have, by joint agreement of the parties, ended the contract with the general contractor. We have reinforced our internal team and management structure, as has the pilot, who assists us with the management of the project, and the architect. Our other construction project, the upgrade of the safety and security standards of the WIPO premises, is proceeding on track.

Let me finish by paying tribute to the staff of WIPO. I believe that this Report demonstrates that the staff have accomplished many things over the past year and have, in their sphere of responsibility, moved the Organization forward. We have many fine staff, who work in a highly professional, enthusiastic and dedicated manner. I am deeply grateful to them.

Francis Gurry  
Director General

[Annex II follows]

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

(The numbers refer to the paragraphs in this document)

Delegations of States:

Afghanistan: 104, Algeria: 82, Angola: 93, Antigua and Barbuda: 69, Argentina: 54, Australia: 34, Austria: 129, Azerbaijan: 26, Bangladesh: 72, Barbados: 49, Belarus: 52, Belgium: 68, Benin: 117, Botswana: 87, Brazil: 45<sup>1</sup>, 46, 156<sup>1</sup>, 175<sup>1</sup>, 256<sup>1</sup>, Brunei Darussalam: 86, Burkina Faso: 80, Canada: 130, Central African Republic: 116, Chile: 42, China: 20, 160, 255, Colombia: 55, Congo: 74, Costa Rica: 39, Côte d'Ivoire: 27, Croatia: 131, Cuba: 90, Cyprus: 24<sup>2</sup>, Czech Republic: 132, Democratic People's Republic of Korea: 101, Democratic Republic of the Congo: 38, Denmark: 133, Egypt: 21<sup>3</sup>, 96, 254<sup>3</sup>, El Salvador: 92, Ethiopia: 76, Gambia: 107, Georgia: 18<sup>4</sup>, 48, Germany: 134, Ghana: 85, Guatemala: 114, Guinea: 112, Holy See: 59, Hungary: 22<sup>5</sup>, 252<sup>5</sup>, Iceland: 135, India: 30, 158, 178, Indonesia: 78, Iran (Islamic Republic of): 56, Iraq: 119, Italy: 100, Jamaica: 41, Kenya: 63, Kyrgyzstan: 110, Lao People's Democratic Republic: 111, Lesotho: 136, Liberia: 88, Madagascar: 77, Malawi: 137, Malaysia: 58, Mali: 109, Mexico: 33, Mongolia: 108, Montenegro: 138, Morocco: 102, Mozambique: 91, Myanmar: 73, Nepal: 37, 257, New Zealand: 139, Nigeria: 44, 258, Norway: 140, Oman: 97, Pakistan: 47, Panama: 84, Papua New Guinea: 99, Paraguay: 60, Peru: 19<sup>6</sup>, 32, 251<sup>6</sup>, Philippines: 50, Poland: 141, Republic of Korea: 31, 224, Republic of Moldova: 53, Romania: 71, Russian Federation: 81, Rwanda: 103, Saudi Arabia: 62, Serbia: 29, Sierra Leone: 94, Singapore: 23<sup>7</sup>, 35, Slovakia: 83, South Africa: 75, Spain: 40, 179, Sri Lanka: 43, 113<sup>8</sup>, 250<sup>8</sup>, Sudan: 70, Sweden: 142, Syrian Arab Republic: 89, Tajikistan: 105, Thailand: 61, Togo: 118, Trinidad and Tobago: 65, Tunisia: 64, Turkey: 79, Uganda: 115, United Arab Emirates: 106, United Kingdom: 57, United Republic of Tanzania: 98, United States of America: 17<sup>9</sup>, 28, 157<sup>9</sup>, 159, 169, 177, 193, 204, 211, 217, 253<sup>9</sup>, Uruguay: 51, Venezuela (Bolivarian Republic of): 95, Viet Nam: 36, Yemen: 143, Zambia: 67, Zimbabwe: 66

International Intergovernmental Organizations: African Regional Intellectual Property Organization (ARIPO): 121, Association of Southeast Asian Nations (ASEAN): 23, African Union (AU): 25, Eurasian Patent Organization (EAPO): 128, League of Arab States (LAS): 120

International Non-Governmental Organizations: Computer and Communications Industry Association (CCIA): 122, International Intellectual Property Institute (IIP): 124, International Publishers Association (IPA): 125, International Video Federation (IVF): 123, Knowledge Ecology International, Inc. (KEI): 126, Third World Network (TWN): 127

[End of Annex II and of document]

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<sup>1</sup> On behalf of the Development Agenda Group (DAG).  
<sup>2</sup> On behalf of the European Union and its member states.  
<sup>3</sup> On behalf of the African Group.  
<sup>4</sup> On behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC).  
<sup>5</sup> On behalf of the Group of Central European and Baltic States (CEBS).  
<sup>6</sup> On behalf of the Group of Latin American and Caribbean Countries (GRULAC).  
<sup>7</sup> On behalf of the Association of Southeast Asian Nations (ASEAN).  
<sup>8</sup> On behalf of the Asian Group.  
<sup>9</sup> On behalf of Group B.