

WIPO



WO/CF/23/1

ORIGINAL: English

DATE: September 23, 2005

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO CONFERENCE

Twenty-Third (17th Ordinary) Session
Geneva, September 26 to October 5, 2005

PERMANENT COMMITTEE ON COOPERATION FOR DEVELOPMENT
RELATED TO INTELLECTUAL PROPERTY

Document prepared by the Secretariat

1. The fourth session of the Permanent Committee on Cooperation for Development Related to Intellectual Property (“the PCIPD”) was convened by the Director General on April 14 and 15, 2005, and September 16, 2005, in Geneva. The PCIPD adopted the report, which is contained in the Annex to this document.

2. *The WIPO Conference is invited to take note and comment on the information contained in the Annex.*

[Annex follows]

ANNEX

REPORT
(WIPO document PCIPD/4/3)

1. The WIPO Permanent Committee on Cooperation for Development Related to Intellectual Property (“the Committee”) held its fourth session in Geneva at WIPO headquarters from April 14 to 15, 2005.

2. The following States were represented: Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Burundi, Cambodia, Canada, Chile, China, Colombia, Congo, Côte d’Ivoire, Cuba, Denmark, Dominican Republic, Egypt, Estonia, Ethiopia, France, Gabon, Germany, Greece, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta , Mexico, Mongolia, Morocco, Mozambique, Namibia, Netherlands, Niger, Nigeria, Pakistan, Paraguay, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, and United States of America (82).

3. The following intergovernmental organizations (IGOs) took part as observers: African Intellectual Property Organization (OAPI), African Union (AU), Commission of the European Communities (CEC), European Patent Organization (EPO), Food and Agriculture Organization of the United Nations (FAO), League of Arab States (LAS), and World Trade Organization (WTO)(7).

4. Representatives of the following international non-governmental organizations (NGOs) took part as observers: Association for the Promotion of Intellectual Property in Africa (APPIA), Association littéraire et artistique internationale (ALAI), Business Software Alliance (BSA), Central and Eastern European Copyright Alliance (CEECA), Digital Video Broadcasting (DVB), Electronic Information for Libraries (EIFL), European Film Companies Alliance (EFCA), Exchange and Cooperation Centre for Latin America (ECCLA), Free Software Foundation Europe (FSF Europe), Friends World Committee for Consultation (FWCC), Ibero-Latin-American Federation of Performers (FILAIE), International Federation of Actors (IFA), International Federation of Film Producers Associations (FIAPF), International Federation of Industrial Property Attorneys (FICPI), International Federation of Library Associations and Institutions (IFLA), International Federation of Musicians (FIM), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Music Managers Forum (IMMF), International Publishers Association (IPA), International Video Federation (IVF), Médecins Sans Frontières (MSF) and Third World Network (TWN)(24).

5. Representatives of the following national non-governmental organization took part as observer: Electronic Frontier Foundation (EEF) (1).

6. Representatives of the following non-accredited NGOs attended the Meeting *asad hoc* observers: Access to Learning Materials in Southern Africa/Consumer Institute South Africa, Business Software Alliance (BSA), USA, Consumers International/TransAtlantic Consumer Dialogue (TACD) Secretariat, London, Electronic Information for Libraries (eIFL), European Digital Rights (EDRI), German Chamber of Patent Attorneys, Independent Film and Television Alliance, London, Institute for Policy Innovation (IPI), USA, Institute of International Trade Law and Development - IDCID (Brazil), Intellectual Property Charter (IPC) at the Royal Society for the Encouragement of Arts, Manufacturers and Commerce, U.K., International Centre for Trade and Sustainable Development (ICTSD), International Policy Network (IPN), London, LINK Centre, University of the Witwatersrand, Johannesburg, South Africa, Third World Network, Geneva, Union for the Public Domain, USA.

7. Discussions were based on the following document:

- “Overview of Policy Directions, Priority Areas and Projects in WIPO’s Support of the Development Objectives of Developing Countries” (PCIPD/4/2).

Agenda Item 1: Opening of the Session

8. The session was opened by Mr. Geoffrey Yu, Deputy Director General of WIPO, who welcomed the participants on behalf of the Director General of WIPO, Dr. Kamil Idris.

Agenda Item 2: Election of Officers

9. The Committee unanimously elected Ambassador Enrique A. Manalo (Philippines) as Chair and Fernando Zapata Lopez, Director General, Copyright Office (Colombia) as Vice-Chair.

10. The Chair thanked the participants for the confidence put in him in electing him to chair the fourth session of the PCIPD. He referred to the decision taken during the WIPO Assemblies in September 2004, that the fourth session of the PCIPD be convened back-to-back with the first session of the Inter-Sessional Intergovernmental Meeting (IIM). He explained that the role of the PCIPD was to review the activities of the program for development cooperation and to serve as the main forum for identifying new and reviewing ongoing priorities and to make recommendations to the WIPO Conference. He said that the Planning for the Program of Action and Economic Development of WIPO for the years 2004 to 2005 had been drafted on the basis of the discussions held at the third session of PCIPD and at the Forum on Strategic Issues for the Future held under the auspices of that Committee in October 2002. The Chair further indicated that policy issues would be discussed at this meeting on the basis of the achievements described in the PCIPD document, which covered development of national IP policy and strategies, public policy, using IP in the market place, technology transfer, human resource development, institutional support, legislative advice and partnerships with governments, as well as with IGOs and NGOs. As mentioned in that document, the fourth session of the PCIPD was being held at a critical phase in the evolution of the intellectual property system, a phase marked by discussions in international organizations - a good example of that was seen in the IIM earlier that week - which had been

characterized by major shift in priorities and direction in WIPO's cooperation for development activities, since the last meeting of the PCIPD in 2002. The Chair hoped that the session would enable Member States to discuss possible new directions in WIPO's cooperation for development activities for developing countries and least developed countries, as well as the use of intellectual property for economic development and future work and activities in those areas.

Item 3: Adoption of the Agenda

11. The Draft Agenda as proposed in document PCIPD/4/1 Prov. was unanimously adopted.

12. Concerning Agenda Item 5, Adoption of the Draft Report, the Chair proposed that, due to the short duration of the fourth session, the Report could be submitted to the Delegations at a later date, with a draft report circulated sometime during the week of April 27, 2005. However, he proposed that a substantive paper could be adopted in the form of a Chair's summary, which all Delegations would be given a chance to consider before the end of the session so that it could be adopted. The Chair's proposal was adopted.

13. The Chair then proceeded to the issue of the non-accredited NGOs that wished to participate in the meeting and invited the Legal Counsel to read out their names. The Secretariat read out the list of the 15 non-accredited NGOs wishing to participate in the meeting, which was as follows: Institute of International Trade Law and Development (IDCID), Brazil; Institute for Policy Innovation (IPI), USA; Independent Film and Television Alliance, London; International Policy Network (IPN), London; Union for the Public Domain, USA; European Digital Rights (EDRI); Intellectual Property Charter (IPC) and Royal Society for the Encouragements of Arts, Manufactures and Commerce, UK; Electronic Information for Libraries (eIFL); International Centre for Trade and Sustainable Development (ICTSD); German Chamber of Patent Attorneys; Access to Learning Materials in Southern Africa; Consumer Institute South Africa; Consumers International and TransAtlantic Consumer Dialogue (TACD) Secretariat, London; Third World Network, Geneva; LINK Centre, University of the Witwatersrand, Johannesburg, South Africa; and the Business Software Alliance (BSA), USA.

The Committee unanimously decided to admit them to the meeting as *ad hoc* observers.

Item 4: Overview of Policy Directions, Priority Areas and Projects in WIPO's Support of the Development Objectives of Developing Countries (document PCIPD/4/2).

14. The Chairman invited the Secretariat to introduce the document.

15. The Secretariat stated that WIPO followed a number of guiding principles in carrying out its program of support for developing countries. It stressed that first and foremost, WIPO tried within the limited resources available to the Secretariat, to cover as many developing countries as possible, within any given year and to respond positively, wherever possible, to the wide range of requests and needs expressed by them. Those requests ranged from equipment and basic training for IP office administrative personnel, to the development of national IP policies, study and support of business opportunities to enable stakeholders within the national economy to exploit and use IP assets, to create employment opportunities and to generate revenues. The second guiding principle was that the activities undertaken by the

Organization were demand and Member State-driven. This meant that WIPO responded to specific requests and while responding to them, engaged in a continuing dialogue with the requesting country, a process which was lengthy in order to define the objective of the activity, how and when it was to be carried out and the individuals and institutions that would be targeted by the activity. Thirdly, WIPO was responsive to the evolving situation in each Member State. It was responsive to the circumstances, conditions, sensitivities, readiness and the priorities of the requesting country and took account of the needs and expectations of the range of stakeholders within that country. Fourthly, WIPO was also responsive to the evolution of the international IP situation, the new emerging issues, new circumstances expectations and directions, particularly in the area of public policy and the broad objectives of development, which every country in the developing world wished to attain. Fifthly, to the extent possible, in carrying out those activities, WIPO used local and regional expertise. Sixthly, the last guiding principle was that WIPO engaged, with the government or the institution in the country concerned, in a process of evaluation, which naturally took account of the nature of the activity and the timeframe within which it was carried out, in order to see whether the results obtained were consistent with the results desired. The Secretariat gave a brief account of the kind of activities that had been undertaken or were in the process of being undertaken, in line with the guiding principles. In Africa, WIPO was engaged in stocktaking of the intellectual property situation in some 10 countries and, based on that stocktaking, assisting the governments to develop appropriate national IP strategies that supported the different categories of stakeholders. The Organization had also been engaged in a dialogue with policy makers within the African continent, an example being WIPO's active participation in a Conference of Ministers of Health, convened by the *Organisation africaine de la propriété intellectuelle* (OAPI), based in Yaoundé, which examined issues of health and IP. It indicated that WIPO was also working with a group of francophone African countries, to help them develop national structures which could be used to protect and exploit geographical indications, in support of local products and produce. It further indicated that in view of the fact that the continent had many LDCs, the organization had worked on a whole range of activities, in close cooperation with a number of regional institutions, such as the African Commission and NEPAD, a body set up by the African Summit to give a firm grounding to all economic activities taking place in the continent. In the Arab countries, WIPO had been assisting governments to understand the economic impact and potential of cultural industries, and the contribution that they could make to the national economy. WIPO had undertaken a study in a number of countries, the aim of which was to provide material input to governments to develop appropriate support policies to help those industries, and the creators engaged in those industries, realize their potential comparative strengths. The Secretariat specified that WIPO had also brought together senior Arab officials to examine how IP could be used to create business opportunities on the ground and had gathered together for that purpose Arab enterprises, institutions and governments with experience in order to exchange views and come up with inputs for their own internal processes. Within the Asian setting, that process was undertaken with the group of 10 Association of South East Asian Nations (ASEAN) countries in order to develop a number of economic studies of a practical nature. Those studies were not initiated by the WIPO, but were defined through a series of dialogues that took place with individual governments within the ASEAN Secretariat, the ASEAN Working Group on Intellectual Property, which were comprised of representatives of governments, and the ASEAN-Geneva Committee which was comprised of the Geneva-based Ambassadors of those countries. It stated that that example gave the PCIPD an idea that when WIPO developed activities and projects, it involved a whole range of players at different levels, nationally, and if it was an activity which was regional in nature,

with regional mechanisms and organisms. WIPO had also been very active in providing advice on legislation to a number of countries, particularly LDCs, not confined to Asia, that were currently seeking accession to the World Trade Organization and also preparing to implement the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) by January 1, 2006. Those kinds of consultations and advice, more than anything else, touched on the flexibilities in the TRIPS Agreement, because that was where governments required more support and inputs. The nature of that advice was obviously of a bilateral and confidential nature, but the Secretariat assured all delegates that that was a very important and sensitive part of what was provided by way of support to governments. WIPO had also engaged in a regional dialogue, that examined how the players, in particular the individual creators, music performers, composers, could use the current intellectual property regime that existed in those countries and at the international level. It also examined what those users were able to produce and create for their flourishing local cultural industry, which would also give expression to local tradition and cultural diversity. Within the Latin American and Caribbean region, WIPO had organized an important meeting of the Ministers of Caribbean Countries in charge of intellectual property. That meeting defined jointly a program of precise activities, which they wanted to see implemented within that sub-region, and which formed the content of a cooperation agreement, that was signed by the Ministers and the Director General of WIPO. It was also pointed out that WIPO was also working closely with a number of countries in that part of the world, to undertake national IP audits or stocktaking of the current IP situation within those countries, and out of that, enable the countries to develop appropriate IP strategies that would fit into the overall developmental objectives of those countries. In that regard, it was noted that in the stocktaking exercise, some of those countries also realized that national institutional linkages did not exist at an adequate level, and as part of that stocktaking exercise and the development of appropriate IP strategies, those linkages should be established or strengthened. It was explained that in the area of advice on the TRIPS Agreement and the flexibilities available in that and other international treaties, discussions had been held on a range of issues, including how to give effect to the Doha Declaration to issues relating to limitations and exceptions, which were appropriate to promoting education, access to knowledge within the copyright framework, test data protection, competition, as well as the issue of parallel importation. In that region, WIPO had also organized for the Heads of Latin American IP Offices, a discussion on public policy issues in the IP arena. On the issue of proprietary and open source software, discussions covered a range of opinions, with speakers from academia, the government, consumer interests and industry. That example illustrated the WIPO practice that, whenever an important issue was touched upon, the range of opinions were given free rein and it was thereafter up to the country to decide what was most appropriate for itself. In respect of LDCs, the Secretariat highlighted one important activity which took place towards the end of last year, with the generous support of the Government of the Republic of Korea. WIPO had organized a Ministerial Conference, which looked at the options available to LDCs to adopt appropriate uses of the IP system, to further their special developmental objectives, and to examine those options in the light of the experiences gained from other countries which were in similar economic situations not long ago. It concluded by saying that naturally, the Organization and the Secretariat looked forward to any suggestions, observations and guidance that the Member States would be giving over the next two days. The Secretariat assured the delegations that the members of the Secretariat, not only within the Sector that dealt primarily with developing countries, but also across the Organization, formed a dedicated team which aimed to do its best in serving the interests of the Member States.

16. The Delegation of Morocco, speaking on behalf of the African Group, made a reference to document PCIPD/4/2, which highlighted policy directions, priority areas and projects, and WIPO's support for the development objectives of developing countries. The overall direction of policies which were described in the document met the expectations of African countries in a general manner, particularly because they fit into the future vision and the strategic direction of WIPO, which was based on the use of the intellectual property system as a driving force for wealth creation and for overcoming poverty. The Delegation welcomed the activities undertaken by WIPO as part of its cooperation programs for development involving African countries, and was aware of the importance of promoting the intellectual property system as a tool for economic, social, cultural and technological development in developing countries. The Delegation urged the International Bureau to continue intensively to work on providing assistance to African countries with the view to enabling the African countries to meeting the numerous challenges they were facing, in the area of intellectual property. As for the challenges, firstly there was the question of promoting human resources, capacity building and training for the use of patent systems and the use of copyright; secondly, there was the matter of raising awareness and disseminating information to promote creativity and innovation; thirdly, there was the need to update management procedures, particularly government procedures, for intellectual property rights, and the need to improve the institutional mechanisms for the management of copyrights; fourthly, the need for assistance to establish national systems for intellectual property that were effective and efficient, and to take due account of the needs of small and medium-sized enterprises (SMEs), when it came to deciding on cooperation activities for development, and to strengthen national offices to ensure that they had appropriate legislation for intellectual property, which was really crucial if the African countries were to promote the use of intellectual property in SMEs. Lastly, the African countries needed to make due use of the flexibility provided by international instruments, as referred to in paragraphs 41 to 44 of document PCIPD/4/2. The Delegation highlighted the importance of modernization and automation of intellectual property offices in the knowledge-based economy, where massive use was being made of Information and Communication Technology (ICTs) as management tools. The Delegation also considered it crucial to improve access to technical information, within the framework of the WIPO action plan, in order to overcome the digital divide. The Delegation believed that promotion and protection of intellectual property and effective application of intellectual property rights remained to a large extent dependent on the establishment of an effective legal framework, and depended on having modern organizational systems and efficient administrative infrastructures to allow people to acquire IP rights. If application mechanisms were intended to prevent infringements of intellectual property, it nonetheless remained also true that efforts had to be made to ensure that rightholders, and the society as a whole, were able to benefit and derive tangible benefits from the intellectual property system.

17. The Delegation of Italy, speaking on behalf of Group B, acknowledged the important work and successes of the International Bureau in its activities in the area of development so far, but at the same time expressed the view that it was timely to discuss WIPO's current role and activities to go beyond issues of capacity building and deepen the understanding of the relationship between Intellectual Property and economic, social and cultural development. The Delegation stated that WIPO, as all UN Agencies, should contribute coherently to the objectives of attaining the international development goals, including those contained in the Millennium Declaration. In past biennia, WIPO had devoted a substantial amount of its

resources, both financial and human, to ensure the common objective of allowing intellectual property to be a tool for development, and a significant amount had been proposed by the Director General of WIPO for the following biennium for technical cooperation and capacity building activities. The Delegation thought that it was important that WIPO continued to devote substantial funding for those activities in the future. After having heard interventions made during the first session of the IIM, both by developed and developing countries, and also by NGOs, it seemed to Group B countries that, besides the allocation of funding, the current means devoted to those activities fully met the objectives of WIPO, and the needs of recipients should be examined and assessed. The Delegation felt that WIPO should also take into account the flexibility that existed in international agreements such as TRIPS. As a first step, the Delegation believed that it was appropriate to undertake stocktaking and evaluation of WIPO activities in that field. In particular, it wished to see whether the activities carried out by WIPO addressed the needs expressed by recipient countries, and to see how WIPO's activities could be better coordinated with the programs of other international organizations and donors. The Delegation proposed the launching in that session of a discussion, in order to ensure that agreement could be reached to adopt a recommendation, to perform a stocktaking and evaluation of WIPO's activities in the development field and to ask that a report be prepared to enable Members States to make comments and proposals to re-orient the activities of the International Bureau. The Group B countries were looking forward to opening a discussion in that meeting of how the PCIPD could clarify its mandate and its role in support of WIPO's work on IP and development.

18. The Delegation of Jamaica, speaking on behalf of the Group of Latin America and the Caribbean Countries (GRULAC), expressed its regret that it had not had the opportunity to be in the room at the start of this meeting, since the representatives of the Group were in a regional coordination meeting and were not aware that the meeting had started without the Group being present. The Delegation then prefaced its intervention by saying that comments on document PCIPD/4/2 would be made by individual members of the Group during that session. The Delegation said that there was an urgent need to have frequent PCIPD meetings, particularly once a year, as the previous PCIPD meeting had taken place two years before and since then Delegations had not had the opportunity to take stock of the organization's programs and activities. The Group was of the view that, although WIPO had provided countries with technical assistance, more had to be done to ensure that such assistance fully complemented the development objectives of developing countries. In this regard, the Delegation noted that the aim of WIPO's program and activities, to be intensified over 2006 and 2007 biennium, was to assist developing countries in acquiring technology, creating intellectual property assets and generating income and employment, by integrating and implementing intellectual property strategies into their sustainable development goals. The Delegation requested to be advised on how exactly the general ideas outlined in that document would be converted into concrete actions, and on the budgetary implications. GRULAC noted that in paragraph 9 of the document, WIPO could marshal resources across the spectrum of government agencies, and other key partners in NGO and business sectors in support of the IP strategies for the promotion of science and technology and cultural industries. The Delegation further noted that it was not clear to them what was intended in this paragraph and it believed it would be very useful to receive further information from the Secretariat on this issue. It emphasized the need for clarification on the NGOs that were referred to as also the business groups. It wished also to ascertain whether such groups, both NGOs and business groups, had donated financial resources to the organization, and whether these resources had been used to finance cooperation for development activities and who

these partners were. The Delegation pointed out that it was not very clear what was intended in paragraph 9 of the document and, therefore, further information during the course of this meeting would be quite useful. GRULAC wished to stress that resources to fund WIPO's activities should not only remain in the Organization's regular budget, but should also be increased in order to ensure full and effective implementation of the various activities. It wished, therefore, to caution against any reliance on extra-budgetary resources for cooperation activities within WIPO. The Delegation emphasized that while it recognized that contributions from donor countries could increase the volume of technical assistance, it wished to emphasize that such extra-budgetary resources were not bound by principles and guidelines established within the Organization. Those extra-budgetary resources were often times unpredictable, thereby, affecting viability, transparency and neutrality of such activities and programs. It wished to also stress that the cooperation activities should remain in WIPO's budget and should be increased. The Delegation urged that additional resources be earmarked for activities to be undertaken in the Latin American and Caribbean region, including the cooperation agreement signed between WIPO and Caribbean governments. As developing countries took steps to put in place IP implementing legislation such as the TRIPS Agreement and WIPO administered treaties, WIPO's technical assistance remained critical. It pointed out that the assistance should not focus only on the compatibility of national legislations and existing IP treaties, but more importantly, on how developing countries could use the built-in flexibilities in international IPR treaties in support of their development objectives. Flexibility in IPR laws, was an important aspect of TRIPS. The Doha Declaration on TRIPS and Public Health, as well as the General Council August 30 Decision, concerning countries with non-existing or insufficient manufacturing capacities, were instructive. The Delegation believed that in this regard, WIPO's cooperation program should respond to requests from countries seeking specific advice on implementing legislation including exceptions and limitations in IPR protection. WIPO should also pursue cooperation in the area of research and development including through activities with relevant international organizations. The Group welcomed the attention to be given to projects and deliverables in the area of copy right based or cultural industries, tourism, health care and branding strategies for the handicraft sector. GRULAC shared the observation that developing countries have a vast wealth of cultural assets, both physical and intangible, and that exploitation of those assets to the benefit of developing countries should be an integral part of the Organization's objectives. The Group called for the strengthening of activities in support of national cultural industries, traditional knowledge and genetic resources in developing countries. It stated that an important new development in the activities envisaged for the future was that WIPO would assist developing countries in strengthening their capabilities to participate in and benefit from technology transfer and exchange. At the last PCIPD session, GRULAC had emphasized that the nationally and regionally focused action plans needed to be broadened to include participation of various ministries and government agencies to better respond to the needs and priorities of Member States. It further emphasized that the proposal was relevant now than ever before, particularly, as it focused increasingly on the development aspects of IP, which was of a crosscutting nature, and that technical assistance was a very important service which assisted countries in building their capacities, particularly in the productive sector, to make them more competitive. The Delegation stated that WIPO's technical assistance in the area of IP remained an important service as it sought to ensure that IP was used as an important tool in support of development.

19. The Delegation of Benin, speaking on behalf of the Least Developed Countries (LDCs), thanked the Secretariat for the excellent preparation of this session and the quality of

documents. The Delegation noted that it had now been some 33 years since the United Nations decided to call the least developed countries, a category of countries which it judged to be particularly handicapped in development and deserving, therefore, particular attention from the international community and support in their development efforts. The Delegation pointed out that the danger threatening these countries, which it had the privilege of representing, was to find itself soon in a state of isolation, *vis-a-vis* other groups of countries, and thus losing any possibility of overcoming this and entering an era of exclusion, despite all the good will and efforts it had made to take advantage of the possibilities enabling it to face the challenges which they were facing now. The present state of affairs, no doubt, explained the concern which WIPO had demonstrated towards LDCs and added that thanks to technical cooperation from WIPO, governments of LDCs were able to accelerate and facilitate the process of their choice. The Delegation further stated that the present priorities had been identified at the third United Nations Conference on Least Developed Countries in May 2001, and that WIPO had implemented recommendations in the following 5 areas: collective management of copyright and related rights, information technology, human resources, genetic resources, traditional knowledge and folklore and SMEs. Concrete activities were being carried out in these areas. Thus, LDCs had benefited from the WIPONET program, contributing to the automation of intellectual property offices, which to date, were established in some 28 LDCs. WIPO also ensured training of human resources, meeting the needs of LDCs. The WIPO Worldwide Academy offered assistance in various countries. The Delegation noted that the quality of results obtained was appreciated. It thanked all the donor countries and contributors to the regular budget and appealed to WIPO to continue this positive trend with multiform ongoing support to WIPO activities, because the present economy based on knowledge had emphasized intellectual property rights in the areas of sustainable development. The Delegation stated that like some developing countries, LDCs wished to use the intellectual property system to obtain results in order to promote development and creation of wealth. It held the view that although LDCs faced multiple stakes when they sought to set up an effective intellectual property system, they were making tremendous efforts to integrate intellectual property in national development policies. But, despite these efforts to set up intellectual property systems, LDCs remained confronted with lack of resources and weakness of intellectual property structures, which lacked qualified staff, knowledge and information on intellectual property conventions and treaties. The Delegation recognized the benefits which could be derived and did not minimize the difficulties faced in seeking the establishment of intellectual property institutions. Most of them, it added, did not have the pillar of an intellectual property infrastructure, appropriate framework, effective structures, trained staff and model communication networks, neither did LDCs have the necessary technical and financial resources to meet these needs without financial assistance for this titanic effort. It, therefore, advocated the setting up of a trust fund, such as was envisaged in paragraph 76 of document PCIPD 4/2, by which industrialized countries or relatively advanced developing countries could financially support cooperation for development activities carried out by WIPO, particularly, for the LDCs. The Delegation added that the reality of LDCs called for coordinated assistance by rich countries in technology transfer, and they wanted to achieve tangible results as reducing the gap between LDCs and the more developed countries was a global imperative. It added that moving towards an economy based on know-how and supported by a high performance intellectual property systems was a way to create wealth to help meet those objectives, and though the task was an immense one, the benefits derived would be worth the challenge, particularly, concerning the creation of the protection of traditional knowledge, which was of tremendous importance for most LDCs. The Delegation believed that given the lack of existence of a

proper legal framework for protection, traditional knowledge was used in order to manufacture new products, without taking any advantage from trading these products by the original rightholders of this knowledge. In view of that situation, the application of intellectual property rights for traditional knowledge and folklore carried true economic potential. The Delegation stated that this was a national resource, which to a large part, remained unexploited and unused. As very often, LDCs had these resources in great abundance, and so it was desirable to find an institutional framework, which could appropriately protect and use those resources. Technological development, particularly in the area of information and communication, had recently contributed to the marginalization of LDCs. Development should not be discounted. The Delegation pointed out that LDCs supported the creation of a database on intellectual property rights by WIPO, to provide their citizens with the means to recover their copyright revenues which the developed world owed them. It added that their knowledge had been exploited, without any benefit accruing to them, and emphasized that the time had come to contribute to the interaction of LDCs in the new global economy, based on knowledge and on which modern technologies were at the heart of economic problems. The Delegation believed that LDCs wanted the meeting to result in the adoption of recommendations aimed at action and appealed to WIPO to continue its tireless efforts together with Member States to provide the necessary resources and the appropriate responses to meet the real needs of the LDCs which deserved very careful consideration.

20. The Delegation of Luxembourg, speaking on behalf of the European Union (EU) and its 25 Member States, thanked the WIPO Secretariat for document PCIPD4/2 and reasserted its support to the work conducted by the Committee, as well as to strengthening its status and its role in order to expand its field of application and intensify its work. The European Union subscribed to the objective of the work already accomplished by WIPO strategies and policies and favored the extension of its activities, taking account of its needs, demands and development level of each country. In that regard, the European Union considered that WIPO should go well beyond technical assistance and capacity building at the national level, given the need to deepen its knowledge and understanding of the way in which intellectual property could better contribute to economic, social and cultural development in developing countries and, in particular, in LDCs. That would support WIPO's approach, aiming to further stress the need for a balance between intellectual property protection and social development. The Delegation was pleased to see the constructive and result-based approach adopted by WIPO, ensuring that developing countries could use intellectual property, whether in industrial property or in the cultural area, so that those countries could accede to a knowledge-based economy and draw benefits from it. It pointed out that stress should be particularly placed in those areas which would lead to the strongest economic development in the long term, and that while taking into account the objectives of sustainable development, evaluation and follow-up should be a part of the technical assistance programs giving attention to the specific needs of each country. The European Union fully subscribed to the initial idea, consisting of exchanging experience and information to create models which could equally apply to other countries. Furthermore, it supported WIPO's program objectives in terms of legislative assistance, enabling developing countries to make proper decisions in their national legislation regarding the different alternatives and flexibilities offered by an international legal framework. In that regard, technical assistance and capacity building had particular importance, enabling developing countries to fully implement the Doha Declaration on TRIPS and Public Health. The Delegation pointed out that it might be appropriate to explore potential export markets, resulting from the identification and protection of geographical indications, which could even offer some protection to traditional knowledge products. Also,

that it would be extremely useful to proceed with an exchange of good practices which could also take place in the context of the PCIPD. The European Union was also pleased to see activities undertaken by WIPO in the area of research, funded by public funds. It was very important to establish a link between the type of public research and possible commercial uses, particularly for medium-size enterprises, which constituted a considerable component of all economies. It stressed the importance of recognizing the economic potential of developing countries, and to facilitate the setting up of creative industries. A flourishing cultural industry meant not only preserving the national identity of the country, but also favored a broader promotion of the country in general. The Delegation stated that development of all creative industries should maintain a certain balance, both in international legislations as well as national legislations between rights holders and users, given the flexibilities reserved for particular user groups, e.g. handicapped persons. Regarding industrial property strategies and policies, the European Union wished to give greater attention to identifying areas, where improvement was necessary on a case by case basis, and further, it expressed its support for the work underway on aspects related to genetic resource protection and the protection of traditional knowledge. In that regard, the European Union presented WIPO with a balanced proposal on disclosure of origin or genetic resource sources and traditional knowledge, which were associated with patent applications. The European Union associated itself fully with WIPO when it gave particular attention to the development and management of intellectual property assets in research institutions to the creation of research centered networks to capacity building centers in terms of granting intellectual property licenses in developing countries, in particular, in the least developed countries in order to allow them to participate and benefit for technology transfer and exchange between countries.

21. The Delegation of Singapore, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), of Brunei, Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam, thanked the Secretariat for preparing the meeting document, and the Deputy Director General, Mr. Geoffrey Yu, for his supplementary oral presentation. The Delegation stated that since a substantive statement was already made at the IIM on WIPO's role in promoting development in the ASEAN region, it would not make a long intervention. However, the Delegation would like to express its appreciation to the Director General and his staff for their dedication and for WIPO's continuing assistance to ASEAN in policy implementation, strategy formulation and practical activities aimed at helping governments, creators, the private sector and other stakeholders to leverage on intellectual property systems as a tool for economic, social and cultural development. The Delegation also shared WIPO's view on the continued importance of close engagement in policy discussions, to help synthesize issues of importance to ASEAN Member States, taking into account national needs and circumstances in determining future directions, programs and activities. The Delegation said that it did not wish to go into detail about the wide range of WIPO activities undertaken in the ASEAN region over the last 12 months, but stated that 2004 had been a good year for ASEAN-WIPO cooperation, which started with the successful visit of the ASEAN Secretary General to WIPO in January 2004. The Delegation further stated that following the visit, several key areas in the field of IP were identified for closer ASEAN-WIPO cooperation. In the course of the year, over 30 missions, seminars, workshops, study visits and other events were undertaken by WIPO in the ASEAN region, over a range of issues both at the national and regional level. The 9th ASEAN-WIPO Consultations, held in September 2004, in Geneva, between the Director General and ASEAN Geneva Ambassadors, further consolidated the already close cooperation. Recently, WIPO senior officials engaged the ASEAN Senior Economic Officials in a high level dialogue in

Manila. The Delegation further noted that ASEAN-WIPO cooperation had been close, varied and intense, and looked forward to further cooperating with WIPO in promoting its overall development objectives and in helping the region achieve the Millennium Development Goals (MDGs). The Delegation was confident that ASEAN-WIPO cooperation would continue to grow and prosper, both in scope and in depth.

22. The Delegation of Senegal expressed its thanks to the International Bureau of WIPO that offered the opportunity for it to come and exchange views on development objectives and the WIPO Plan of Action for Cooperation. The Delegation expressed its support for the statement made by the Delegation of Morocco, on behalf of the African Group, and the statement made by Benin on behalf of the Least Developed Countries (LDCs). The Delegation stated that the Government of Senegal was aware of the fact that culture was the beginning and end of development. It had prepared a cultural policy, and developed the infrastructure so as to make culture a priority. The Delegation also recalled the joint initiative of Cote-d'Ivoire-Senegal in the area of literary publishing, which had led to the first creation in West Africa, the first establishment of a publishing house, and several years later, further led to two new publishing houses in Cote d'Ivoire and Senegal. In the area of dance, theater and other areas, Senegal had, through the cultural policy, established mechanisms, which promoted and favored culture. In that regard, the Delegation mentioned the establishment of a modern dance school for Africa, a national theater of Daniel Sorano, with three theater ensembles and a ballet circle. The Delegation stated that a decorative arts program, a national music program and also an arts school, which had promoted artistic creations in general, had been developed. The Delegation observed that the existence of a social and political will through the adoption of a cultural policy, constituted a preamble to all cultural development. Efforts made so far were still insufficient to develop the cultural industry. The Delegation said that while lack of copyright legislation was an impediment to sanction infringement of copyright, its national legislation now aimed to strengthen these and had revised the criminal code. The reform of the customs code had also introduced border measures. Sanctioning infringement in relation to the law, required technical measures. Since then, Senegal had adopted such legislation, enabling it to regulate, to a remarkable degree, the matters concerned and to sanction piracy. Within that framework, a Council, presided over by the Prime Minister himself, was held in Dakar in March 2005, dealing with the measures to eliminate piracy. The Delegation observed, among other results, the creation of a specific anti piracy brigade, through which the Government of Senegal had committed sufficient funds to set up a collective management organization to combat piracy and promote intellectual property rights for the benefit of development. Despite the action taken by public authorities to mobilize financial resources and private initiatives, which had led to the creation of several small cultural enterprises in areas, such as books, theater, cinema, and visual arts, the cultural industry still faced a funding problem, due to the lack of resources to promote cultural extension. The Ministry of Culture had not received enough help from banks, which had been timid in providing resources. It was very important to facilitate contacts with banking institutions so as to facilitate access to the funding. The Delegation stated that the Government supported the initiative wholeheartedly and had also supported the creation of a trusteeship fund, in favor of culture, through cultural diversity and multilateral cultural diversity in order to avoid cultural discrimination. In the area of globalization, any uniformity of culture should be combated. Populations would be able to express themselves through writing, music, dance, film, theater, in all liberty, and thus choosing their own form of expression. It would be only under these conditions that cultural dialogue would be possible. The Delegation expressed Senegal's determination to contribute to the adoption, in the

context of UNESCO, of an international convention on cultural diversity. The Delegation stated further that the Third World Festival of the Arts would be held in Dakar in December 2006, following the second session organized by Nigeria and the first event which was held in Senegal in 1996. The Delegation expressed, that as far as cooperation with the International Bureau was concerned, it noted with interest, the guidelines contained in document PCIPD/4/2 and WIPO's objectives in economic development. It appeared to the Delegation that in paragraph 1 of the document, as far as the initial objective relating to legal and technical assistance was concerned, the International Bureau was looking at actions to enable developing countries to take advantage of intellectual property. The Delegation welcomed the initiative of WIPO, because it constituted a reflection of the vision of the Director General, who wished intellectual property to be more effective, so as to serve the interest of developing countries. Development was a concept of multi-dimensional nature, ranging from culture to economy and the social arena. According to this concept, the Delegation envisaged its future cooperation with WIPO in the areas of capacity building, technical support, implementation of copyright and related rights network, management of intellectual property, building a common database in order to give sufficient capacity to better respond to the needs of rightholders, users, and to enable them also to cooperate with other societies throughout the world. In that context, it also mentioned the respect of norms established in the context of a common information system set up by the International Federation of Authors and Composers. The Delegation said that its membership was appreciated by African members and underlined that it wished to be able to cooperate with other Member States throughout the world, and to put IP in the services of development. With reference to intellectual capacity building, it noted that IP should serve the objective of sustainable development, which could only be done through a proper understanding of the questions related to it, obviously first by the rightholders, users and the general public. That was why information and awareness raising had been retained as two priorities by the Republic of Senegal. That was more relevant because there had been an increase in cases of IP infringement. As a result, administration as well as customs staff and the police, had to be better informed and trained. Moreover, because of those questions, the administration of justice charged with rendering justice, would soon find the need to be better trained and equipped with new tools, so that they would be able to pursue these cases. Educators, aware of their responsibilities, should carry out the studies to meet those challenges. It stressed that for those reasons, the Government of Republic of Senegal appreciated the support of the International Bureau and that the project concerned would be submitted at the proper time in the area of public health. It emphasized the need to ensure that public health problems should be better dealt with. The Delegation wished to draw the attention to the need to ensure, in the context of cooperation with other specialized institutions, that WIPO should take account of all the channels so that their communities would be able to have access to the necessary medicines.

23. The Delegation of Ethiopia expressed its thanks and appreciation to Mr. Geoffrey Yu, Deputy Director General of WIPO for his introductory statement which set the pace for the deliberation. It also commended the International Bureau for the preparation of the useful documents. The Delegation associated itself with the statement delivered by Morocco on behalf of the African Group and by Benin on behalf of the LDCs. The Delegation noted that intellectual property continued to be used in many countries as a policy instrument, to create wealth, as well as to enhance social and cultural development. It was an issue that had attracted global attention, because of the relevance to development in key policies in the fields such as food security, health, labor, trade and traditional knowledge. It was of the view that given such an immense importance of intellectual property, WIPO, with the mission of

encouraging creative ability and the mandate to promote the protection of IP throughout the world, should play a leading role in supporting the efforts of its Member States, particularly those of the weaker ones, to foster the conditions necessary to encourage creative and innovative activity. It went without saying that the countries in the LDCs group constituted the weakest members of this Organization. LDCs were plagued by such constraints as poor managerial and technical capacity, shortage of financial resources, weak public administration and deficiency in physical infrastructure. The Delegation stated that these disadvantages had a serious bearing on the efforts to unleash the creative potential of the peoples of the LDCs. It was incumbent on WIPO to intensify its support to LDCs and to bolster their efforts of undertaking, with their limited means, to address the constraints faced by them, and in their efforts to put in place a well-functioning IP system. The Delegation observed that with the objective of enhancing its capacity in the field of IP, the Ethiopian Intellectual Property Office was set up two years ago. Before the establishment of the office, the Government had dealt with IP issues in a fragmented manner. Patents were handled by the Commission on Science and Technology, Trademarks by the Ministry of Trade and Industry and Copyrights by the Ministry of Culture. With the establishment of the office, all these were brought under one roof, thus facilitating knowledge-sharing and streamlining administrative procedures. The Government empowered the office to direct and implement the country's IP policy. The office was able to map out a three-year strategy plan, with clear goals, ranging from financial sufficiency to establishing the copyright collective management society in Ethiopia. The office had open lines of communication, which made full use of WIPONET, intranet and e-mail services. Having set up networks with other government ministries, and in collaboration with the rightholders, the Ethiopian Intellectual Property Office had managed to take administrative and legal measures to fight counterfeiting and other IP rights infringements. In May 2004, Ethiopia established a national Intellectual Property Council, whose aim was to further reinforce the work of the office by facilitating coordination of IP policy and enforcement, and to work towards the integration of IP into national developing planning. The Delegation emphasized that it was abundantly clear that though much remained to be done, Ethiopia had put in place many of the building blocks required for effective IP institutions. The efforts of the office were already delivering fruits in terms of improved IP protection and increased patent activity. The Delegation expressed its appreciation for the support it received from WIPO in all these endeavors, such as in the fields of the Ethiopian Intellectual Property Office automation and human resources training. WIPO also co-organized with the Ethiopian Intellectual Property Office and with the Ethiopian Inventors' Association, a National Conference on the Role of Invention and Innovation in the National Economic Development of Ethiopia: Challenges and Prospects, which was held from February 9 to 11, 2005, in Addis Ababa. The main objectives of the conference were, among others, to raise awareness on the role of invention and innovation in socioeconomic development, as well as to highlight the importance of protecting IP in the country; to assess the prevailing problems associated with IP rights and also to award successful inventors and creators in the recognition of their outstanding achievements. More than 250 participants from various sections of society, participated in the conference which recommended measures that need to be taken in a range of areas, including policy and legal related issues, in terms of capacity building in the administration of IP system and in the promotion of public awareness. The participants urged the Government, the professional association and WIPO to give due consideration for the implementation of those recommendations. It hoped that WIPO would spare no efforts to realize the implementation of those recommendations, specifically those that fell within its competence. The Delegation expressed its thanks to WIPO, not merely because it co-organized the conference, but also because it had graced the conference with the

participation of WIPO's high level delegation, headed by Mr. Geoffrey Yu, the Deputy Director General of WIPO. During that occasion, the Delegation also paid a visit to high level government officials, including the President of the Federal Democratic Republic of Ethiopia, the Deputy Prime Minister and the Minister of Agriculture and Rural Development, the Minister of Foreign Affairs, the Minister of Trade and Industry, the President of the Addis Ababa University, the representatives of the private sector and the business community. All these were clear manifestations of the commitment of the Government of Ethiopia to build IP institutions and systems. The Government was thankful to the DDG for his visit to Ethiopia. As Ethiopia had also initiated accession negotiations to the WTO, given its limited capacity vis-à-vis the complex and costly WTO accession negotiation, the Delegation wished to reiterate its request to WIPO to extend its support to Ethiopia, with respect to its negotiation on the TRIPS Agreement. The Delegation was confident that WIPO, under the able leadership of the Director General, Dr. Kamil Idris, would continue to play a leading role in ensuring that IP system was an efficient and effective tool for economic growth and that it was accessible to all.

24. The Delegation of Sweden stated that it fully subscribed to the declarations made on behalf of Group B by the Delegation of Italy, and by the Delegation of Luxembourg on behalf of the European Union. It wished to make additional comments concerning the document that had been introduced by the Deputy Director General. The Delegation studied that document with great attention, and was pleased to note that the considerations reflected, correspond almost exactly to the policy direction which had been followed in the three development cooperation programs organized by the Government of Sweden and the Swedish International Development Agency with WIPO, for developing countries. The first of those programs concerned copyright and related rights, the second industrial property and the third was aimed at the LDCs. Each program had approximately 25 participants and was fully funded by the Swedish Development Cooperation Agency. The Delegation pointed out that those programs had a very practical approach, as each participant had to select a country project, i.e. some measure which he/she intended to undertake country in order to improve the IP protection in the country. In most cases, those projects were aimed at establishing or improving the infrastructures or institutions in the country. It noted that each program consisted of three or four weeks in Stockholm with a one-week follow-up meeting in a developing country, approximately six months after the Stockholm program. As stated, the policy directions which this delegation followed, corresponded almost exactly to what was seen in the document prepared by the International Bureau. In addition to the theoretical and practical aspect of the study visits, Sweden had added issues such as public policy, sessions on international negotiations, communication skills, project management, and computer know-how. It was felt that those were very practical matters that the participants needed to familiarize themselves with. The Delegation further noted that the programs also dealt with competition law, SMEs, as well as issues relating to genetic resources, traditional knowledge and folklore. It was stressed that the course was indeed very practical in its approach. The Delegation indicated that the course had yielded gratifying results, as was shown in the follow-up meeting to the first course on copyright. It was further noted that the programs had seen a positive response from the participants, particularly in the practical approach used, and that it was unfortunate that with the popularity of the program, more applications were received than could be accepted, as there was limit of 75 participants per year. The Delegation stated that in view of the discussions held over the last three days, the Swedish Government and the Swedish Development Cooperation Agency attached a lot of importance to a proper evaluation of the programs and of their impact on developing countries, and that

the Government of Sweden was putting a lot of effort into ensuring that the follow-up was a practical and positive one. The Delegation acknowledged that another aspect that it found very gratifying was that the organizers tried to encourage discussions, networking and cooperation not only between the Swedish government and the participants, but also among the participants, It was felt that such cooperation between developing countries and the sharing of experiences, was of great particular value and hence encouraged. It had been seen that networks, which had been established in Stockholm, survived over the years. The Delegation added that those programs were very much demand-driven and that each country set the priorities that it wanted to achieve. The Delegation assured the International Bureau that it intended to continue the cooperation in the years to come, following the outlined approach. The Delegation thought that it would be proper to put on record the gratitude of its Government and its authorities for all the cooperation and assistance provided by the International Bureau in the organization of those fairly extensive programs.

25. The Delegation of the Dominican Republic, stated that within the purpose of the PCIPD meeting, it would like to place on record its satisfaction with the cooperation granted to it by WIPO. The Dominican Republic had undertaken a restructuring process of human resources, technological systems, as well as the legislative framework in the Intellectual Property and Copyright Office. WIPO, through its Economic Development Bureau for Latin America and the Caribbean, had responded to all its requests for cooperation and because of that, the Delegation would like to thank the WIPO. The Delegation also said that WIPO had organized a Seminar on intellectual property together with the Chilean Government, which was extremely successful and essential as it related to trade and intellectual property issues and useful for the negotiations on a free trade agreement being carried out in several countries of Latin America, including the Dominican Republic. It concluded by pointing out that the Dominican Republic still required cooperation activities from WIPO for advancing their intellectual property systems, and that was why it was essential that the cooperation budget of WIPO be maintained or even increased for the benefit of countries which had not benefited from cooperation activities.

26. The Delegation of Sudan expressed its wholehearted thanks to WIPO and its Director General for the excellent documentation that had been provided for the meeting, and it also thanked the organization for its willingness to be at the disposal of and assistance to developing countries and to LDCs in particular. It continued by stating that the Organization was interested in LDCs and developing countries and that had been the case for many years. Sudan, as a LDC, had enjoyed long-standing support from WIPO, particularly for the development of new intellectual property offices. In fact, Sudan not only received assistance from WIPO with that development, but also assistance in the training of judges and other experts on intellectual property and that allowed its office and courts to work very effectively. The result of that could be seen in the growing number of cases, referring to intellectual property, that had been brought before the courts in the country in recent years. The Delegation stated that this reflected the fact that there was now greater awareness of problems of infringement of intellectual property rights, and assistance of WIPO in that regard had been of great value to the Government. The Delegation indicated that the IPO had been able to train people in their work place and that this had made it possible for the IPO to frequently anticipate problems and not just to react to them once they had occurred. The Delegation went on to say that as a developing country, Sudan had obtained assistance and legal advice from WIPO, particularly on the TRIPS Agreement and WIPO conventions. The role played by WIPO had been of great importance to Sudan. The Delegation hoped that the number of

LDCs would shrink, as more and more assistance was provided by WIPO, and that the 55 LDCs would be a number that shrank as the years go by. What was important was to diagnose the problems that those countries had to identify and then to provide appropriate solutions to them. There were many challenges that LDCs faced today, and many awaited them in the future. The Delegation went on to say that Sudan granted patents, at times, without properly verifying the authenticity of those patents and of the products involved. This was a problem that still existed and one that the country was trying to overcome. It was very difficult for inventors to register their inventions in Sudan and internationally because the process was not perfect. The Delegation stated that despite the fact that progress had been made, there were still some problems, for example, inventions that were of great value frequently ended up being assailed by big corporations, and the inventor himself got very little profit from it, no matter how unique or innovative it might have been. The Delegation therefore asked that WIPO provide further technical assistance that would allow its country to combat that problem, as it was an unfair situation and that as a developing country, it found it particularly difficult to overcome that problem. It reiterated the need for technical assistance, but also indicated a need for financial resources, in order to allow Sudan to properly defend its intellectual property rights. The Delegation asserted that it would like to pay particular tribute to the Republic of Korea, which it knew, had a very positive experience in recent years. It pointed out that the Republic of Korea, in just a very few years had really leaped forward and become an extremely advanced country and was really a pioneer for nations like Sudan in the field of innovation. Whether one looked at the car industry or information technology, one could see that Korea was now very much in the forefront, and Sudan was inspired by that example. It said that it welcomed the conference that took place on October 27 and 28, 2004, in Seoul in which many developing countries, including LDCs were able to participate. The Delegation noted that that conference alone, of course, was not enough, but it was a very positive step forward and many good things were said that were of great assistance to it, although the issue of financial resources still remained key to real progress. That having been so, some of the participants at that conference decided that they would give greater financial assistance to promote intellectual property on clearer and more coherent basis and that would apply, particularly to developing countries as well as LDCs. The Delegation once again paid tribute to what had been achieved in the Republic of Korea and thought that it was something that should serve as an example to all nations. It congratulated Mr. Yussef, the previous Vice-Chair of the conference and publisher of an excellent study entitled "Education and research", and another on training. That study contained a great deal of useful information on training, that was on the kind of training that can be provided to people working in the domain of intellectual property. The Delegation concluded by expressing the hope that WIPO would take up the responsibility of translating that study into Arabic and other languages as well, because of its great value and use.

27. The Delegation of Pakistan said that the overall vision animating the document was encouraging. There was a welcome trend, in the last two years in particular, in WIPO to consciously factor economic and social issues into intellectual property programs and activities. That vision, the Delegation believed, might have to be further strengthened in the wake of progress in the debate on the Development Agenda. It noted that what was not clear from that document was how well the Organization could deal with the tasks that had been set out. For instance, did it have the resources, financial and human, to fulfill those tasks? That was one of the points that would have to be elaborated during the meeting. It stated that from the budget documents that it had looked at, it appeared that the regular budget had declined and what it needed to know was, the extent of the gap that had been filled by extra budgetary

funding and contributions, because, as was pointed out by the Delegation of Jamaica, that carried implications in terms of predictability and impacted on the demand-driven nature of the activities that the Organization needed to undertake. It thereafter broached the importance question concerning human resources. The Delegation noted that if the activities of the Organization with regard to development cooperation were to be enhanced, there was a need to have personnel with an understanding of developing countries' requirements, knowledge and skills necessary to formulate well-designed programs, based on the actual demands that existed in the developing countries. With the increased emphasis on activities that basically went beyond the strengthening of IP offices and indeed impinged on the interface of IP and health, education, technology, the requirement of having personnel with the requisite background and experience in development, became even more conspicuous. The Delegation indicated that it was entirely clear from the document that the Organization was appropriately structured to successfully implement the broad range of programs that had been outlined therein. As a general principle, the Delegation was reluctant to comment on the internal organizational structure of any agency, but given the increasing importance of WIPO's activities and the broad impact that they were due to have, it was perhaps useful to have that discussion. It further indicated that there was a need to be assured that the themes which had been discussed at the IIM, once matured in terms of a broader consensus, had trickled down into the various committees and that the Organization was properly structured and had the necessary absorption and delivery capacity to carry out those tasks. The Delegation suggested the following: (1) more detailed briefing needed to be provided by the Secretariat on the nature of activities undertaken in some of the areas identified in that document. For instance, in paragraph 21, it stated that "WIPO [had] developed a methodology for surveying the economic contribution of the copyright-based industries, in terms of generation of value added, employment and foreign trade". While that was one aspect of the picture, there was a need, as had been stressed by the Delegation since the last General Assembly and continued in the IIM, for an assessment of the impact of IP on important issues, like the pricing and availability of essential products, pharmaceuticals, text books, educational software, and also with regard to the misappropriation of traditional knowledge and biological sources, and the possible constraining effects of IP on access to transfer of technology, innovation and competition policy. Those were areas, which needed to be looked into. The Delegation drew attention to the important issue of flexibility that had been addressed in the document as a public policy issue. Paragraph 46 talked about information sharing and paragraph 47 went on to say that "[t]he international copyright system [had] achieved a careful balance between the right of creators and authors to control the use of their works, and the public good in accessing such information". The Delegation believed that more information was required on this aspect and basically, the analysis and the activities that needed to be undertaken had to be evidence-based. The Delegation questioned whether one could be absolutely sure of claiming that this balance had been achieved? It stated that what one needed to do with regard to the activities in terms of flexibility was to examine firstly, where those flexibilities existed, whether they had somehow been impeded by exorcising them or making them operational through multiple caveats, and if they did not exist, there was a need to ensure that sufficient flexibilities were created. It continued with, (2) more information, as this delegation had already requested, from the Secretariat on the level of regular funds and extra-budgetary funds, so that the whole picture, in terms of how activities had been carried out and what impact funding could have had on the design and delivery, could clearly be understood. Followed by, (3) the need to undertake tasks in more areas such as economic analysis of intellectual property, which had already been discussed during the IIM and was proposed by this Delegation in the General Assembly, in terms of impact assessment and had been

included in the proposal by the “Friends of Development,” which it believed was an important area. (4) Regarding the structure of the Organization, it would be important to have an organizational chart, clearly showing the responsibilities of various units involved in development cooperation, so as to have been able to get a full picture of what was being done under the heading of Development by the Organization and how the different activities complemented or supplemented each other. The Delegation summed up by saying that it needed to be said that WIPO was part of the UN family and it was time for the Organization to have in its work and its conduct, some of the family values, including development, which was placed high on the agenda of the United Nations system. The work of the Organization in terms of technical cooperation was fine, and it had been elaborated in the document, but what appeared was that the way it was being carried out now was like introducing WIPO into development rather than the development dimension into WIPO. It declared that a more demand-driven needs-based approach in terms of the implications of the Organization’s activities for the Development Agenda at the country level and at the international level had to be present. For that, WIPO needed to have some measure of intellectual rectitude in its approach, which would basically place the core issues pertaining to development at the heart of its operations, and then it would not only enhance the visibility of the Organization in the UN family in terms of its contribution to development, but would also really incorporate the development dimension into its work from the Delegation’s point of view.

28. The Delegation of Niger subscribed to the statement made by the representative of the African Group as well as to the representative of the LDCs, and declared that WIPO cooperation activities were an important program to promote development of intellectual property in African countries. During the last few years, WIPO had provided important assistance for intellectual property development in Niger. Statements made by WIPO had enabled Niger to develop a legislation which conformed to international norms, but also to modernize the intellectual property infrastructure, strengthening capacity, promotion of awareness for the general public. Niger had benefited from activities, such as the initiative by universities and research centers to promote and develop intellectual property tools and the initiative towards SMEs to encourage the use of intellectual property so as to improve their competitiveness. Nevertheless, the Delegation believed that the use of intellectual property in development actions remained very weak, and was pleased to see the inclusion by WIPO of activities in the context of the Millennium development objectives, since it was more than necessary to help countries move towards drafting a strategy on intellectual property policy. WIPO activities in the area of cooperation to development had been important in several ways. Given the lack of sufficient resources, it was necessary to assess those statements in order to identify the gaps and the potential of countries, so as to leverage on the basis of which, it could base the development of intellectual property tools and the rational use of resources. In terms of intellectual property development in developing countries, the Delegation believed it was insufficient to simply endow these countries with national strategies and policies, but was important also to give them the means with which to implement such strategies. The Delegation recalled that most African countries, in particular the least developed ones, had structural adjustment policies underway, and the resources were therefore rare to fund the intellectual property promotion. It underlined the importance of increasing budget activities for cooperation in development in Africa. The Delegation mentioned major works initiated by the International Bureau, in particular the Bureau for Cooperation for Development for Africa, in cooperation with the African Organization for Intellectual Property (OAPI), such as the initiative for essential medicines in Africa, which facilitated access to essential medicines for the most vulnerable layers of the population, and

the regional training center for intellectual property, which would enable African countries to strengthen capacity in the sub-region.

29. The Delegation of Namibia associated itself with the statement made by Morocco on behalf of Africa and declared that most of its statement would be submitted to the Secretariat in writing. The government of Namibia had set itself a development agenda to allow itself to graduate from being a developing country to a developed country by the year 2030. The agenda was known as “the vision 2030”. Namibia had also put in place National Development Program two (NDPII), in order to review a number of policies that included SME policy, IP policy, educational review programs, competition policy, science and technology, information and technology. Namibia was also a member state of regional and international organizations in the sub region and was currently involved in multilateral and bilateral negotiations, to which it needed some capacity. The Government of Namibia had acknowledged the help received from WIPO in the area of legislative advice, automation of the IP office, and the setting up of the collective societies. The Government of Namibia had declared it would soon present its development program to WIPO as a development partner, in order to identify common areas where cooperation was sought, specially in view of paragraph 38 of the document 4/2. The government intended that resources be made available to the Organization in order to help Members States, and Namibia in particular, to achieve its objectives. The Delegation also mentioned the assistance provided by the Government of Sweden, to which it was thankful.

30. The Delegation of Paraguay associated itself with the statement made by the GRULAC representative and thanked WIPO for the cooperation provided to Paraguay over recent years, particularly the cooperation received in legislative adaptation on the patent law, in which all the flexibility related to the TRIPS agreement was included; the constant consultations on flexibility provided by WIPO; the task to strengthen the country’s collective management companies and the collective management of performing artists’ society; the training of human resources through remote training systems with provision of didactic materials, training tools, and other intellectual property tools for national companies, such as present studies that were being carried out on the use of intellectual property assets by international property institutions to design strategies and to take the necessary measures, so that all could benefit from these intellectual property measures. The Delegation added that Paraguay was developing intellectual property strategies in policies that could benefit from intellectual property system in all its aspects, and the first measure to be taken within these strategies was the creation of the Intellectual Property Institute of Paraguay, which was to promote not only the effectiveness of services provided, but also to provide funding for the use of intellectual property assets by national SMEs. The Delegation mentioned the seminar sponsored by WIPO in Chile the previous year and the use of flexibilities present to the international agreements. The Government of Paraguay emphasized that cooperation depended on the demand of countries and it was very pleased to announce that the country was designing an intellectual property system to provide greater benefits and to eliminate the deficiencies in that system. The country also thanked WIPO for all the help given to developing countries, particularly with the economic impact analysis of intellectual property in those countries.

31. The Delegation of Morocco expressed its wholehearted support for the African Group statement. The WIPO synthesis that is set forth in document PCIPD/4/2 responded to the concerns expressed by Morocco at the last session of WIPO General Assembly in 2004. The Delegation of Morocco asked that emphasis be placed on WIPO activities that had been part of its work since the outset and also stressed the need to specify its development objectives.

Morocco acknowledged that the document PCIPD 4/2 highlighted policy directions, priority areas and projects defined by the Organization as it moved towards its development objectives, and there were several directions of policies intended to assist developing countries in integrating intellectual property aspects within their overall policies for development. The document also referred to ways and means that could be used by developing countries, as they sought to make full use of IP in the service of their economic, social and cultural development within a knowledge economy. The Delegation of Morocco expressed its interest in the development of national strategies for intellectual property that were based on tangible results, such as those obtained by the pilot project. However, it would be prudent to suggest pilots projects for national strategies and to have figures as to what precisely was involved, also what instruments and tools would be of use and what stakeholders would be involved, which made the whole process more transparent and enabled people to have better ideas of how precisely it was possible to undertake the activities proposed. The Delegation urged the need to plan each and every stage of strategy implementation in order to see what could be achieved in the 2006-2007 biennium, and that would be part of an overall plan that would assist Morocco in integrating national policies and strategies. The Delegation of Morocco congratulated WIPO for the initiatives taken with reference to the use of IP on the market, and added that Morocco welcomed the idea of establishing a real linkage between upstream, public-funded research, and downstream commercial use and exploitation of research results when it came to scientific research, and believed that promotion of the use of innovation on the market and establishment of synergies by creating networks that brought together different research networks for developing and developed countries were necessary. The Delegation of Morocco expressed the hope that WIPO would further involve itself in establishing some kind of model or practical guide that would provide the results of successful experience in other countries, experiments and so on, which would allow for the benefit from such experience. The Delegation also requested to have the results of specific studies undertaken by WIPO in different countries of the world. The Delegation declared its awareness to the particular attention paid to certain activities when it came to transfer and exchange of technology, as the idea of supporting proper management for IP within research centers, establishment of research centers, establishment of a pool for professionals who were involved in license negotiation, training of trainers and so on, which the Delegation thought were all very useful program components. The Delegation also suggested the preparing of a model that could provide developing countries with some ideas of successful experiences in other countries. The Delegation recognized the work that had been done by WIPO in terms of capacity-building and human resources development, such as WIPO's involvement in the updating of the Morocco Office for Intellectual Property and in the country's human resource training programs. It emphasized the need for continuity in that kind of activity and the particular importance of having assistance that would be tailored to meet the new needs and challenges. The Delegation considered WIPO's general policy directions, priority areas and projects were very much in line with the objectives of Morocco, as it tried to integrate and implement an IP dimension to its development policies and objectives. The Delegation added that Morocco had been working on a plan for 2005-2006 and all those items were very much in line with what was being done with WTO and with the TRIPS agreement. Morocco declared to be focusing on five main parts: improving its legislation; promoting innovation; developing a training system; establishing a marketing strategy which would also be a communication strategy; and modernization of its organization and human resource development. Morocco would contribute to the implementation of future programs intended to allow it to bring into being the vision that WIPO pointed out in the document PCIPD 4/2.

32. The Delegation of Jamaica thanked WIPO for its on-going efforts to provide technical assistance and training to developing countries, and commended the support to Jamaica's intellectual property office and stakeholders. The Delegation said it was pleased to see that WIPO would seek to intensify its programs and activities over the 2006-2007 biennium to assist developing countries in various areas, and that, note would be taken of the Millennium Development Goals, which was a very important development. The Delegation supported the focus that the document had given to the role of creative industries and the use of national branding strategies. It also appreciated that practical projects and deliverables in these two areas would be undertaken by WIPO. The Delegation stated that creative industries in Jamaica, including the musical industry, were of fundamental importance. They were embedded in the country's cultural background and were therefore a key asset whose use and protection could provide new opportunities. Creative industries were seen as one of the most dynamic sectors in the global trading system. In fact, UNCTAD estimated that the global market value of creative industries would increase to US\$1.3 trillion in 2005, from 831 billion in 2000. Regrettably, only a fraction of this amount would flow to developing countries like Jamaica. The Delegation explained that was the reason why it supported the attention to be given to activities in the area of copyright and related rights and particularly, in areas related to collective management. The Delegation noted that Caribbean ministers, at their sixth meeting on intellectual property held in Saint John's, Antigua and Barbuda, on November 25 and 26, 2003, had signed a cooperation agreement with WIPO, with a view to creating conditions for the development, protection, ownership, management and use of IP assets, in the Caribbean subregion, and fostering technological innovation and enterprise competitiveness, including in the area of cultural industries. It specified that full and effective implementation of the projects should be pursued within the context of this cooperation agreement. The Delegation further pointed out that copyright was not the only area, but an important one, given the value of the copyright industry in Jamaica. Another aspect of WIPO's work, which was strongly supported, was the work related to the development of branding strategies, aimed at ensuring that the Jamaican brand was safeguarded and that its unauthorized and inappropriate use was prohibited. The Delegation stressed that the government continued to develop new IP legislation to achieve objectives, such as the implementation of the Geographical Indications Act which had been passed in February, last year. It thanked the WIPO for the advice provided on this legislation. A national branding workshop was also held in Jamaica, last November, which was quite useful. It brought together various IP stakeholders who would work together to lead the process of developing a national strategic plan to branding for the country. The Delegation anticipated further assistance from WIPO in this regard, including follow-up workshops. It noted that WIPO remained a key partner for Jamaica, both in terms of the promotion of IP and its overall development efforts, which was demonstrated by the number of activities and programs enshrined in the cooperation agreement signed with WIPO. Jamaica was strongly committed to the agreement and would continue to cooperate with WIPO so as to put in place an IP system which would correspond to the country's development objectives.

33. The Delegation of Spain expressed its support to the written statements submitted by Group B and the European Union. It was pleased by the holding of the meeting because the role of the Committee was extremely important, particularly when there were crucial discussions underway on the future of IP, as a tool for promoting development of the Least Developed Countries. The Delegation thanked the WIPO for the excellent documents presented for the meeting. The Delegation referred to its statement made at the IIM and

reiterated its commitment to work with WIPO, with the greatest dedication towards strengthening and consolidating national solid IP organization, the integration IP in public policies and sensitization of the Least Developed Countries in IP. The Delegation noted that in this framework, the Spanish cooperation had traditionally focused on Latin America for obvious linguistic reasons, through various bilateral and multilateral programs. However, Spain made cooperation efforts for certain African and Asian countries. This intense cooperation with WIPO, which was co-organized around particular projects, consisted in: holding regional seminars for intellectual property officials, or judges and magistrates, sending experts to Latin America, or holding particular events related to industrial and intellectual property or other in market economies. Another primordial interest of Spain mentioned was to foster the utilization of new technologies in the development of training actions, such as on-line training courses. Recently established, also bilaterally, was a new activity of the National Spanish Office, where on-line training was organized together with the World Bank, in most parts of the world: The main purpose of the initiative was to provide intensive training using the support of international technologies, and particularly the Internet. In that way, the beneficiaries were greater in number and more specialized in accordance with new requirements. In addition to carrying out the initiative directed to Spanish-speaking patent and trademark examiners, the Spanish Patent Office was planning to extend the course to other IP related to public fields, as well as magistrates and judges. The Delegation stressed the need for the WIPO Worldwide Academy to introduce improvements in many aspects of its operation, as regards the content of the training programs and the criteria for admission and selection of candidates, in order to avoid that the training from becoming out of date. What was even more important was that candidates that attended be the most appropriate, so that these training courses could be really successful. The Delegation made a similar remark regarding the need to introduce evaluation and follow up mechanisms of these training activities, which was extremely important for the WIPO Worldwide Academy, if it wanted to maintain an optimal level of quality training. Spain was ready to cooperate fully in these activities. The Delegation concluded by referring to the constitution of a WIPO Trust Fund to which Spain would be fully committed. The Delegation recalled that last July, in 2004, the Spanish Patent Office signed a Memorandum of Understanding with the WIPO, so that the Spanish Patent Office would establish an annual trust fund whose principal objective was that this would be a joint agenda, so that the WIPO and the Spanish Patent Office could conduct joint activities, in the future. The program would be dissemination and awareness promotion of the advantages of industrial property; training activities for public officials, workshops to define procedures on common practices at the sub regional level, or to initiate training activities or the exchange of experience, in the areas which had not yet been tackled, such as technology transfer. In the framework of the trust fund, the Delegation mentioned the idea of translating, in principle, into Spanish, the International Patent Classification in its electronic form, as to date, the IPC was available only in French and English. This would be a solid support to Latin American Patent Offices, the Delegation specified. Likewise, with regard to the LATIPAT Project or the constitution of a database of documents of Latin American Patents which were now published and distributed through Internet, that would contribute to the dissemination of knowledge contained in the patents documents, and to promote technology transfer and trade negotiations. Through this project, the Spanish Trademark and Patent Office would also contribute, together with WIPO and the European Patent Office, to generating a series of documents in Spanish which would strengthen the patent documentation for the entire Latin American community. In conclusion, the Delegation recalled Spain's commitment with WIPO to carry forward the activities that were mentioned, to maintain an on-going dialogue with all delegates present and in its larger sense. The Delegation expressed

its absolute readiness to include as part of its cooperation activity, commitment that would come out of a productive discussion on the best service that national economies could provide to industrial property.

34. The Delegation of Mozambique associated itself with the statement made by the Delegations of Morocco and Benin, made on behalf African Countries and the LDCs, respectively. It noted that speaking about cooperation for development in WIPO, meant addressing the basics of all IP activities that were being carried out in its country. The Delegation acknowledged that Mozambique had benefited already from technical assistance provided by WIPO, since the establishment of the IP system in the country, some years ago. Many activities of sensitization on the IP role, training and capacity building were held throughout the country. IP was a new field in its country, which meant that a deep and broad work still had to be done in order to explain to the stakeholders what was IP, its potential and its role in development, and how to benefit from IP. The Delegation noted that several events had already taken place with the logistic and financial assistance of WIPO. On the other hand, the Delegation pointed out for the success of these activities, knowledge and competence in IP management was necessary. WIPO had provided, on several occasions, training for officials in different aspects of IP, including the basics of IP, registration procedures, management of IPRs, technology transfer, etc. In that particular area, the Delegation highlighted the initiative taken by some countries in collaboration with WIPO to provide training courses for Mozambican officials. These countries were mainly, Portugal, Brazil and Sweden. The Delegation welcomed the initiatives and hoped that more countries would provide the same. It underscored the initiative of the Republic of Korea at the Ministerial Conference that took place last year, which provided valuable experience, shed light on the potential of IP, and the way forward for countries that were still struggling to benefit from the IP system. The Delegation emphasized that WIPO's assistance and technical advice was crucial for the legislative reforms that was taking place in its country, and on the best way to enact legislation that would fit the country's needs. The Delegation indicated that in July 2005, a workshop would be held in Maputo, where all IP stakeholders would be gathered to learn how to elaborate a national IP strategy. It was expected that an IP strategy would be put in place in Mozambique, later in 2006. The Delegation underlined that before that, a broad assessment of the potential of IP in several fields would be carried out in order to facilitate the adoption of an adequate IP strategy in Mozambique. WIPO's assistance was similarly crucial for the automation of the IP office and soon, a database of the IPRs would be operational, using the software and expertise developed by WIPO. The database would undoubtedly improve the IP Office capacity in the management of IP. The Delegation pointed out that concerning copyright, a collective management society was already in place and the creators were starting to benefit from their works. In the last months, some actions were undertaken by the recently created society and by the Industrial Property Institute for a massive campaign against counterfeiting practices. The Delegation explained that it enumerated all these activities in order to stress how important technical assistance was for carrying out country's duties, and to show the need for continued assistance in the years to come. Considering the member-driven approach adopted by WIPO, it had already submitted a comprehensive request for assistance which mainly focused on: Sensitization on the potential of IP for economical, technical, social and cultural development to all stakeholders; capacity building, training and human resources development; automation of the IP offices; a better valorization and economic exploitation of IP that benefited all, but especially the SME's; the assessment of the IP assets in the country; the elaboration of an IP and innovation strategy and adequate legislation; and efficient enforcement of IP rights. The

Delegation was happy to learn that the program of activities for the next years would still focus on those activities and expected that, as in the past, WIPO would support all these efforts, through its technical cooperation programs.

35. The Delegation of the Republic of Korea referred to the interventions of the Delegations of Sudan and Mozambique and added comments specifically related to Korea's activities seeking to assist developing countries to take benefit from intellectual property. It noted that one of the primary aims of WIPO's work was to support developing Member States to design and implement strategies to create, own and exploit intellectual property for economic, social and cultural development. The Delegation said that the present scope of the programs and activities of WIPO was understood to cover assistance to developing countries in acquiring technology, creating intellectual property assets as well as generating income and employment by integrating and implementing intellectual property strategies into their sustainable development goals. The Delegation pointed out that the Korean Intellectual Property Office (KIPO) and WIPO had signed a Cooperation Agreement in November 2001. As a follow up to the agreement, KIPO concluded arrangements, last June, for establishing the Korea Funds-in-Trust as a means for assisting developing countries in the IPR field. The Delegation noted that the activities under the fund were primarily focused on helping the developing and Least-Developed Countries (LDCs) to increase their capability of using IP as a tool for economic and social development. The Delegation hoped that the lessons learned from the Korean experience, on the way it utilized IP for economic development, would prove beneficial to developing countries, through a range of activities carried out under the Korea Funds-in-Trust. The Delegation added that, last year, it launched a Joint Certificate Course between the WIPO Worldwide Academy (WWA) and the International Intellectual Property Training Institute (IIPTI). The program comprised a distance learning course of WWA and a course on IPR laws ran by the IIPTI. With the help of the Korea Funds-in-Trust, it was hoped to gradually widen the scope of the program. The Delegation was convinced that, with the continued interest and assistance of other Member States, the program would attain its goal. Lastly, the Delegation noted that its country had cooperated with WIPO in co-hosting the Ministerial Conference on Intellectual Property for LDCs. It emphasized that the conference was a great opportunity to explore emerging IP issues in LDCs and to learn from the experience of Korea in utilizing IP for economic development. The Delegation concluded by, once again, reiterating its country's commitment to supporting developing countries and LDCs in order for these countries to gain maximum advantage from the international rules governing intellectual property, through the economic development programs of WIPO.

36. The Delegation of Cuba started by expressing its appreciation for the positive results from the cooperation and technical assistance activities in its country. Among the major activities developed in the previous two years, the Delegation mentioned training of human resources, through the organization of national and regional seminars, the WIPO Worldwide Academy, the European Patent Office, and the Spanish Patent and Trademark Office. The Delegation stressed that its country highly valued the support provided by the Bureau for Latin America and the Caribbean Countries in the automation of patents administration, and fostering technological capabilities through industrial property centres, thus contributing to strengthening the national industrial property system, as well as the capacity to manage the various international treaties to which Cuba was a party. Another important aspect mentioned was the inclusion of two university centers in the WIPO University Initiative, with a view to strengthening the capacity for using the technology information contained in patent documents. The Delegation also considered relevant the holding of annual Meetings of

Directors of Patent Offices, with a view to including IP policy issues on the international IP agenda. The Delegation recognized that the promotion of national inventions through the of the WIPO gold medal award scheme, had contributed to the stimulation and recognition of Cuban inventions at the international level. On the other hand, the Delegation considered that it was necessary to increase the WIPO budget for cooperation and to include this in the overall WIPO Program Budget, with a view to ensuring that activities planned were implemented in an efficient manner. Likewise, the Delegation considered that technical assistance should be principally supported by the regular budget of the Organization. It added that it was necessary to include the development dimension into the policies related to intellectual property protection, particularly in technical assistance activities, which should take into account the integration of country's public policies and the balance of the interests of rights holders and the interests of companies. The Delegation invited WIPO to pursue its technical assistance work without losing sight of the specific needs of developing countries which vary from one country to another. It stressed that WIPO's technical assistance to developing countries could be expanded to include, for example, new activities directed towards: (i) facilitating access of individual inventors and SMEs to the international IP protection system; (ii) developing actions aimed at promoting total integration of universities and research and development centers into the IP system, through the implementation of concrete and effective actions; (iii) intensifying a balanced cooperation in the application and use of the international registration systems, which were not only used by traditional users, but also by national administrators of each system; (iv) holding for developing countries, before and during international negotiations substantive and broad regional consultations. The outcome would then inform the negotiation process, where countries would discuss, in a transparent way, the implications, the pros and cons of each proposal so as to favour more effective, broad participation; and (v) developing initiatives which enabled timely dissemination of new technologies in developing countries. Finally, the Delegation expressed its support to the statement made on behalf of GRULAC.

37. The Delegation of Congo thanked the Director General of WIPO and the International Bureau for their skills and assistance in extending development cooperation. The Delegation associated itself with the declaration made by the Delegation of Morocco, on behalf of the African Group. It noted that the working document made available to the Committee had set out clear strategic guidelines and priorities for WIPO with regard to its contribution to development in developing countries, in a global knowledge context. The Delegation highlighted the strategic dimension that WIPO had stressed in the context of development with intellectual property going beyond technical assistance, and for the inclusion of the framework of sustainable development. It welcomed the efforts of the Organization to help industrial, social, and cultural property rights. The Delegation also encouraged the initiatives aimed at ensuring greater coherence and policy coordination, as well as the work efficiency. It pointed particularly to the idea of creating a network of research centers. The Delegation was convinced that technical assistance was crucial for all developing countries. Thus, it totally shared the assessment made in the declaration made by the Delegation of Morocco on behalf of the African Group, which welcomed the stocktaking within WIPO on development cooperation to benefit African countries. However, the Delegation underscored the cross-cutting nature of intellectual property and the varying nature of developing countries. It supported the idea of adapting cooperation programs to the needs and levels of development of countries. The Delegation highlighted activities carried out in its country, indicating that the two sectors, that had mainly benefited from WIPO's support, were capacity building and intellectual property promotion. As far as capacity building was concerned, the Delegation

said that Congo was connected to WIPONET in June 2003 and received WIPO support for re-establishing a documentation center on IP. Regarding human resources, besides regional cooperation, workshops and seminars were conducted in Brazzaville, around customs issues, and management of intellectual property. The Delegation also mentioned a copyright seminar and an awareness-raising and information seminar which brought together scholars and various actors from different economic sectors. The Delegation stated that much remained to be done and noted that, in the short run, its country looked forward to activities aimed at educating users and stakeholders within the SMEs community, and the public at large, improving the intellectual property administration and assistance in information technologies.

38. The Delegation of the United States of America associated itself strongly with the statement of Group B. It extended its appreciation to the Secretariat for the preparation of a comprehensive and extremely useful report, entitled “Overview of Policy Directions, Priority Areas and Projects in WIPO’s Support of the Development Objectives of Developing Countries”. The Delegation noted that the report provided a very useful point of departure for the continuing work of the PCIPD, as it drew attention not only to the long standing programs and activities of WIPO in the area of development related aspects of intellectual property, but also pointed to fruitful areas for the future work of the PCIPD. The Delegation further noted that the report appropriately placed the ongoing work of the PCIPD in the context of the evolving priorities and directions of WIPO, bearing in mind the broader changes and increased focus of the role of intellectual property in economic, social and cultural development in other international fora. The Delegation said that one example of the usefulness of the report was the report’s discussion of flexibilities and public policy, which provided useful information on the role of intellectual property, at the intersection of trade and development, and would help to advance discussion on these complex issues within the PCIPD. In that context and looking forward, the Delegation believed that the PCIPD should be strengthened and reinvigorated, and that the Secretariat should undertake an urgent stocktaking and evaluation of its role, within WIPO and its programs and activities. The Delegation requested, in particular, clarification from the International Bureau regarding the scope of the mandate of the PCIPD. It recalled the US proposal for the establishment of a WIPO Partnership Program recently submitted in connection with the ongoing Intersessional Intergovernmental Meeting process, which was considering a range of key issues related to intellectual property and its role in economic, social and cultural development. Although this was not the time to discuss the details of the proposal at length (the details of the proposal itself was on the WIPO website), the Delegation said that the purpose of the proposal was to make an immediate and positive contribution by providing an outline for a mechanism that would match “needs” and “opportunities” in the area of the development related aspects of intellectual property rights. The Delegation looked forward to discussing the proposal, and the proposals of other countries, in the current forum and others. In the spirit of a new departure for the PCIPD as a forum for sustained, rich and deep discussion among other things of the complex issues before it, the Delegation said it would dispense with its prepared comments on US government programs and activities in the area of technical assistance and training. Of course, the Delegation added, all of the members of the U.S. Delegation remained available throughout the 4th session of the PCIPD, or at any time, to discuss these programs and activities, such as the United States Patent and Trademark Office (USPTO)’s “Visiting Scholarly Program, the “Enforcement Academy”, the International Institute of Copyright Office and the other programs offered by the Department of State, Department of Commerce, Department of Justice and many other federal agencies and departments of the

United States of America Government. The Delegation looked forward to learning more about the views of other members of the Committee regarding the future role of the PCIPD.

39. The Delegation of Colombia fully endorsed what had already been expressed by the Delegation of Jamaica, on behalf of GRULAC. It, in particular, stressed the need to hold a meeting of PCIPD once a year in order to provide a better follow-up to the progress of planned cooperation activities. The Delegation thanked the Secretariat of WIPO for presenting an excellent working document, which although it did not provide general guidelines, gave a clear reference to jointly defined cooperation as well as technical assistance priorities to be implemented by WIPO during the next biennium. The Delegation referred to the earlier intervention of the regional coordinator and stated that the efforts deployed by WIPO for strengthening the system, particularly in developing countries, and its readiness to provide new financial, technical and human resources was a vitally important aspect which would help all members of WIPO. The Delegation thought it was particularly necessary to craft a new cooperation model that would complement the programs and activities developed by WIPO in this area. The Delegation noted that, according to the WIPO document, France, Japan, the Republic of Korea and Spain had committed themselves to providing financial support to WIPO cooperation programs, through the donation of funds. It encouraged them to continue and invited other countries to do the same and provide additional financial resources for strengthening WIPO's cooperation activities. The Delegation made a special mention of the cooperation program carried out by Spain and Sweden, which gave greater hope for strengthening intellectual property in its continent. The Delegation then referred to the methods of evaluating the economic contribution of copyright related industries. It pointed out that it was in the interest of its country, and certainly of others to apply the method which it considered extremely useful. However, it observed that the implementation of this system would imply the provision of sufficient financial resources which generally were limited in those areas. That was why it was imperative to increase financial resources in the cooperation for development program. In this regard, the Delegation put two points on record. One, the importance of counting the studies which dealt with the way the different private sector enterprises established a particular method of combating piracy, in each of these sectors. The Delegation stated that with this kind of diagnostics of the economic impact of industries protected by copyright on the GDP in each of the developing countries, it would be much easier for the highest government officials to determine specifically the index of piracy. In that way, the Delegation added, the country would be assured that the methodology was good and that the information collected was reliable and described the real situation. The Delegation suggested to keep in mind the importance for countries to reflect these aspects in the national accounts. If a country had the methodology and the intention to use it, it would be meaningless if that was not reflected in the national accounting systems and no information was added to those particular industries. The Delegation recognized that it could happen that all those sectors delivered information that was very complete, but not broken down. It agreed that the studies were difficult to carry out, unless countries had an adequate methodology and resources to do so. The second point was about paragraph 25 of the document, which recommended the trade development for protected traditional knowledge and genetic resources, and the adoption of strategies based on knowledge of population. In that regard, the Delegation was interested to know these strategies, the time of implementing them and the possible implications, in order to ask the secretariat to prepare a document that would illustrate this process and enable the inclusion of these strategies into its program budget to be reviewed soon. The Delegation stressed the efforts made by the Bureau for Economic Development in Colombia. It referred to one project called "Intellectual Property Network" aimed at encouraging researchers from developing countries to create, protect and

use the results of scientific research in the area of health. The project which had had the support of WIPO, as well as the International University Network of Geneva, was considered a pilot project in the Latin America and Caribbean region, and would serve as a model for the implementation of the project in other countries. The Delegation noted that the project was at the implementation stage now, and its principal objective was capacity building for adequate use of scientific research, through training of 45 professionals in the area of health research; and for a better understanding and use of IP products in research centers. The project, which linked 12 Colombian research centers, had come up with a proposal of strengthening intellectual property protection in developing countries, and a model which would be available to be used internationally by the scientific community, government officials in charge of formulating science, technology, health and intellectual property projects. The Delegation called for WIPO to improve the administrative capacity for Colombian IP entities. It pointed to the automation of the copyright system which was a goal of the copyright office of Latin American and Caribbean agreed upon at the meeting of Heads of Copyright Offices held in Quito, in 2001. During that meeting, the Latin American and Caribbean Office Economic Development Bureau had taken the commitment to carrying out the project in the Copyright Office of Colombia, as a pilot project. The Delegation announced that the project had been completed at a fairly high cost, and today some of the offices of the region were using the model. The Delegation noted that it was worth pointing out that it was not only an instrument for automation of the registry, but was also of tremendous use for transparency in handling information in these services. The users were sure of the authenticity of the information and the replies in terms of copyright and related rights. The Delegation added that likewise, a few months ago, Colombia had developed a plan for national intellectual property strategy encompassing many sectors. This project had the strong support of WIPO experts. The preparation of the strategic plan was at an audit and inventory stage and it was currently moving towards the formulation of the plan and the intellectual property strategy which would be included in the national development plan. The Delegation considered that the institutional effort made for the formulation of the strategic plan meant that the country would be able to define key priorities in terms of development needs, evaluate and identify how intellectual property could contribute positively to responding to the country's needs. The Delegation reiterated, the importance of continued WIPO's cooperation and assistance for its country and said that it was formulating a plan and intellectual property strategies to be included in the national development plan along the same lines. It considered that the institutional effort for the strategic plan would mean that it could define a series of priorities in terms of its development needs, and could evaluate and identify how intellectual property could be a positive contribution to those needs. It took the opportunity of being at the Forum to reiterate to WIPO how important it was for it to continue to cooperate and to count on their cooperation and assistance. That work was made possible because it was able to include in its development plan, currently being implemented in Colombia, development strategies needed to emphasize intellectual property protection, in particular, that the Government was to support collective copyright management and everything having to do with generating a culture of respecting copyright and related rights. The Delegation said that it would like to very briefly refer to three aspects, which reiterated requests already made. It thought that the best way for the Secretariat to develop the item contained in the document was to seek a balance between protected rights and the general interests, particularly copyright interests. The Secretariat should prepare a catalogue to limits and wavers, or in exceptions, as it was known that the possibility of establishing a catalogue of limits and exceptions, particularly with the digital agenda, was a specific result of treaties adopted in 1996. Each country should prepare its own catalogue of limits in the environment, particularly in the constraints that

always existed when it needed the technological measures, which would enable it to study the sector. That was something, derived from treaties administered by WIPO, but more useful would be a balance in the national treaty and if WIPO supported developing countries with a catalogue of wavers of limits and exceptions.

40. While the Delegation of Colombia did not want to create any controversy on copyright protection, in the meeting that ended the previous day, it said that there were many occasions where it had the opportunity to hear about the controversy between rightholders and the general interest. It would like to appeal to the Secretariat, to see whether the matter could be clarified, because it was becoming increasingly important. The Delegation said that in particular, between the enterprise and the patent, very few times or maybe never did we see the inventor, but between the enterprise and the work, whether it was a musical work or some other, you always saw the author. In such cases, it was necessary to make a distinction between the author and the performing artist. The Delegation said that if it pointed to a decrease or to the elimination of certain prerogatives for copyright, we would be infringing on the rights of authors in the framework of knowledge and it would be very sad for authors or performing artists as even if their product could be valued economically, we would simply consider this as a social obstacle, when the obligation of Government was to seek a balance also in the digital area, in an information society. The Delegation said that it would like to make an appeal, as already done with WIPO in Bogota the previous month, during the seminar on Negotiation Rights. Finally, it would also like to mention a contribution made by the Delegation of Senegal that morning on an aspect, which was important. The Delegation spoke about the lack of financial support for the creation of artistic works. It was a real problem in all countries, particularly so in Colombia, especially for software creations. Colombia had many creators who did not have funding lines for the production or distribution of a work, and the contribution of the Secretariat was to indicate how it worked in developed countries. The Delegation said that it would like to ask the Secretariat that it would be fairly useful to go back to the earlier practice where the Organization used to provide an inventory of the activities carried out in the various countries and regions, so that it could have a specific idea of what activities had been carried out, what was happening, and also to enable it to thank those who had helped to carry out certain cooperation activities.

41. The Delegation of Brazil thanked the Secretariat for the explanation of document PCIPD/4/2. In the spirit of engaging in constructive dialogue on intellectual property issues as advocated by the proposal for the establishment of a development agenda, the Delegation said that Brazil would like to submit its views with respect to the activities of the Committee. While it recognized that the proposals incorporated in the development agenda encompassed a wide range of issues that extended beyond the helm of technical assistance and of the PCIPD, the proposal itself did not overlook the relevance of technical cooperation for developing countries, as an important tool aiming to achieve higher levels of social and economic benefits. However, it also recognized that technical cooperation may end up being a burden if its focus was turned exclusively to the introduction of regulations and standard procedures, which developing countries may not be prepared to incorporate. For that reason, it underscored that more was needed to be done to ensure that such assistance was useful for developing objectives. In view of the proposal for redirection on the focus of technical assistance as well as the need to design tailor made programs to meet each country's level of development, it said that it would like to take this opportunity to present some suggestions for action that should be considered in WIPO's future work concerning technical systems. In addition, it submitted some examples of how development focused technical assistance

programs could be employed to meet Brazilian needs. Firstly, it suggested the expansion in the number of workshops for intellectual property examiners focusing on the impact, benefits and challenges presented by IP systems, to specific national settings. Those activities could foster debate on, for example, the convenience of adoption of multilateral and bilateral IP agreements. The use of existing IP legislation in favor of developmental challenges, taking into special account, the benefits that could stem from the use of flexibilities that are provided for by the system itself. It could also deal with social and economic consequences of the IP system, in specific industrial factors such as pharmaceutical, biotechnology, entertainment, information technology and others. Secondly, the Delegation said that it would be interesting to discuss the reshaping of training programs and outreaching activities offered by WIPO. In its current form, WIPO educational tools were greatly centered on informing how to implement and use the IP system. Instead, it would be desirable to promote discussions on when, why and in association to which strategies should IP be used. In order to streamline the use of the system, WIPO should take the opportunity of offering training, that stimulated a critical debate on IP mechanisms, taking into account both its advantages, limitations and flexibilities. Finally, the Delegation said that it believed that it would be useful to increase the number of initiatives that examined IP from the perspective of technological innovation. The protection of intangibles was an important strategic decision that had to be taken within the broader challenges of technological management. From such a perspective, technical systems should incorporate actions on the relation between IP and innovation, focusing on the development of capabilities in technological management and in licensing evaluation of tangibles and negotiating strategies. Applied to a country like Brazil, the Delegation said that the preceding topics could be translated into action such as funding of education of activities to include case studies of positive and negative experiences in the use of IP mechanisms and the promotion of discussion on the potential economic importance of geographical indications and collective trademarks, art, crafts and other industries. Joint action could be established with WIPO to promote studies that examined the potential positive impact of the use of search IP mechanisms by Brazilian enterprises. That could be implemented through seminars, study tours and training courses. In addition, it would like to propose an integrated project for the promotion of IP among Brazilian exporters. That could integrate other Brazilian initiatives of the Ministry of Development, Industry and Foreign Trade. WIPO could also support the organization of international seminars on the following subjects: assessment of the implications of IP and public health for developing countries; examination of the IT industry in developing countries in order to analyze the advantages and disadvantages in software protection; potential benefits from the use of open source software; discussion on IP, Genetic Resources and Traditional Knowledge with a view to devising adequate mechanisms of protection; possibilities stemming from the use of Geographical Indications in adding value to art-craft goods; ways in which collaborative licensing of cultural goods protected by copyright such as the creative commons could contribute to innovation, creativity and increase access to knowledge. The Delegation said that they had stated earlier that there were many development-oriented issues that should be addressed by WIPO technical assistance work. That was without prejudice to acknowledging the importance that WIPO had increasingly been giving to activities that placed IP into the perspective of innovation. In that sense, it recognized the force directed to the structuring of training programs involving licensing and evaluation of intangibles. Initiatives such as this should be further explored.

42. The Delegation of Japan associated itself with what the Delegation of Italy mentioned before, mainly that it was important and crucial for WIPO to have more efficiency and transparency in its cooperation activities. The Delegation held the view that it was

appropriate to be engaged in the comprehensive assessment of WIPO's cooperation activities at this stage. The Delegation believed that it was also timely for it to consider the suitable role of the PCIPD, especially as it begun discussion about IP and development. It was worth considering the role of PCIPD, in order to respond to the requests from developing and developed countries in order to seek the possible new directions to go toward. The Delegation said that Japan had an understanding of the importance of cooperation activities and had an important role in WIPO where it contributed a considerable sum of money (a little more than 2.5 million CHF per year) to the Japan Funds-in-Trust. WIPO and the Government of Japan, including the Japan Patent Office (JPO), the Japan Copyright Office, and other governmental organizations in Japan were engaged in many activities, such as training programs, long-term fellowship, seminars and symposiums, and expert missions, using the Funds-in-Trust. The Delegation submitted the details reflected in the report of the meeting. It said that the Government of Japan was engaged in these activities keeping development aspects in mind, and was determined to continue to do so. The Delegation made a reference to the good example of the cooperation activities by Japan International Cooperation Agency (JICA). In JICA's activities for example, human resource development was planned, conducted and evaluated, with the participation of the Government of the beneficiary developing country and JICA. The Delegation said that the Government of Japan continued to be engaged in cooperation activities. The Delegation said that it expected such cooperation activities as Government of Japan engaged in to prevail in WIPO.

43. The Delegation of the United Kingdom wished to associate itself fully with the statements of Group B and also of the EC and its 25 Member States. The UK welcomed the document produced by the IB for the meeting. It believed that it provided a comprehensive summary of WIPO's activities in support of development objectives of developing countries. The Delegation wished to reflect on their submission to the first session of the IIM, which concluded its work just the day before. In their submission to that meeting, document IIM/1/5, the UK had put forward a suggestion that WIPO Member States should consider strengthening and refocusing the PCIPD to create a rejuvenated, active, and specific committee for defining WIPO programs on development and acting as a seed bed for development discussions. The Delegation said that in the light of the outcome of the IIM meeting, the UK was currently considering the possibility of submitting further thoughts on their ideas for the PCIPD in more operative and actionable language. In its submission to the IIM, it noted the importance of complementing policy coherence, donor coordination and TA effectiveness. It also stressed the importance of integrating IP policies with formulation and implementation of broader development and poverty reduction plans. Document PCIPD/4/2 prepared for the meeting also recognized its importance and rightly identified the need for WIPO to optimize the use of its resources, by coordinating its activities with those of other bi-lateral, multilateral, and international organizations involved with IP and development. The Delegation said that the UK has already welcomed a proposal submitted to the IIM by the US to further strengthen and coordinate among donors and also between potential donors and potential recipients. Apart from better coordination, it said that it was also necessary to effectively monitor the impact of any technical assistance and capacity building program on development in the recipient country. The UK was aware that the PCIPD had in the past been invited to consider evaluation reports produced with the aid of external auditors on technical cooperation activities undertaken by WIPO. It referred to the example in document PCIPD/2/8, which was discussed at the second session of the PCIPD in 2001. It was however unclear to them: whether these reports had sufficiently focused on the actual impact on development in the participating country; whether the PCIPD has adequately scrutinized the

findings of these reports; and whether robust mechanisms to ensure that lessons learned were incorporated into future activities. A rejuvenated PCIPD, with inputs from both IP and development specialists from Member States would seem well capable of enhancing the evaluation process. In spite of suggestions to the contrary, the Delegation stated that the UK fully understood that the issue of IP and development extended beyond technical assistance and capacity building, although as noted by many Delegations, including all those that had submitted proposals to the IIM, that area had a very important role to play. The Delegation said that it would go as far as to say that it was not aware of anyone that was under the misconception that IP and development was limited solely to the issue of technical assistance and capacity building. It was therefore important for the Delegation to stress that it foresaw a rejuvenated and strengthened PCIPD, as providing a vehicle for considering not just technical assistance and capacity building initiatives, but also other aspects of IP and development, with a view to deepening their understanding in this area. For example, it noted that in conjunction with the first session of the PCIP, held in 1999, a seminar was held on IP and economic development. The program for that seminar included debates on TRIPS and technology transfer to developing countries, and the role of IP in promoting enterprise development and competitiveness in developing countries. The Delegation stated that it envisaged a rejuvenated PCIPD undertaking further initiatives in certain areas, while at the same time continuing to act as the responsible body for reviewing and evaluating WIPO's technical assistance and capacity building program. It was its belief that the PCIPD already had a sufficiently broad mandate to fulfill this new role. Like the United States of America, the United Kingdom Delegation too would like to invite the IB to provide confirmation of the precise extent of the mandate of the body. The Delegation said that they had put forward some ideas on how it believed the PCIPD could be strengthened and reinvigorated. It had submitted these ideas in the spirit of cooperation and looked forward to hearing the views of other Member States.

44. The Delegation of Kenya thanked the WIPO Secretariat for preparing document PCIPD/4/2 on the direction and priority areas for the meeting. The Delegation wished to highlight the following activities that WIPO had continued to support in its country. The Kenyan Industrial Property Office had been fully automated. The Patent Trademark Registry and the Utility Model Registry were fully operational and automated due to the assistance from WIPO. Various technical missions and advance training had been conducted by WIPO in the country. Kenyan IP Officers have been trained in the Madrid, Nice, Hague and Vienna systems. The programs had gone a long way to strengthen the human resource capacity of the country. The Delegation said that Kenya as a country continued to take measures to leverage intellectual property assets for economic, social, cultural and economic development, to create a knowledge-based economy. The country was presently in the process of developing a national IP strategy and policy. In line with the preparation of the IP strategy, Kenya facilitated by WIPO, had undertaken an audit of the IP situation in the country. The Delegation stated that it was expected that by the end of this year, a stakeholders forum would be convened to validate the audit report and to launch the IP policy for the country. In recognizing the role of IP in the market place, Kenya continued to undertake awareness creation and sensitization workshops, amongst the small and medium-sized enterprises with technical support from WIPO. The Delegation announced that it was expected that a seminar on franchising, licensing and product branding would be held in Nairobi later in the year. The Delegation emphasized the creation of innovation hubs and centers that would act as points of commercialization of inventions. The hubs would go a long way in promoting science and technology as tools for development. The Delegation supported measures that

would link up-stream public funded research with down-stream commercial utilization of research in developing countries. It stated that discussions on the future progress in patent protection could not be complete without reference to recognition and protection of traditional knowledge, genetic resources and folklore. The Delegation pointed out that Kenya noted that there was a great potential for creating wealth and expertise in those areas and consequently, WIPO extensive work relating to the commercial dimension of protection of traditional knowledge should be continued. The Delegation noted that exchange of technology was one of the surest ways of enabling developing countries to have a knowledge-based economy. Consequently, the Delegation supported all initiatives that encouraged technology transfer and technical assistance. Measures and policies that would strengthen local research and development capacities were welcomed. Laying stress on institution building and human resource development, the Delegation stated that many developing countries, Kenya included, had a weak IP institution and limited human resources. Recognition of this fact encouraged Kenya to emphasize the following future activities: the need to create and strengthen research centers and networks; the need to establish innovation hubs and centers; the need to create links between innovators in developing countries and potential investors from the developed countries; the enhancement of training human resource personnel, from developing countries on IP issues; and provisional digital and IT equipment to enable the IP Offices to be better equipped to face the challenges of IP management.

45. The Delegation of Australia said that Member States had the unique opportunity during the week to discuss the effectiveness of IP development programs generally, to revisit the direction the WIPO development program was currently taking, and subsequently to consider carefully a broader agenda for WIPO in the coming years. The Delegation stated that while the provision of technical cooperation programs to Member States had been a key priority for WIPO over the years, it was imperative that such activities were driven by Member States who sought such assistance and remained relevant to the needs of Member States and the community at large. The Delegation felt that it was important for Member States to work closely with WIPO, to ensure that the individual IP needs were clearly identified and that effective strategies were developed for achieving those goals. Increasingly, Member States and organizations such as APIC were becoming actively engaged in supporting IP initiatives. The Delegation further stated that it was important that such work was well targeted and coordinated with WIPO efforts. Mindful of this, their activities focused on developing IP strategies with partner countries to ensure that programs directed towards meeting key priorities identified by them, were delivered in the most appropriate way. The Delegation said that Australia looked to continue to play its part in supporting IP related activities to enhance development in the region, through a holistic, participatory and flexible approach. As such, they looked forward to working with WIPO, other Member States and organizations with IP interest to ensure an effective coordinated approach to support sustainable development. Associated with this, the Delegation felt that there was an opportunity to revitalize the PCIPD as a mechanism to further WIPO development strategies more generally as well as to enhance monitoring and evaluation of programs and activities. The Delegation also pointed to the number of references made to the issue of geographical indications. The Delegation said that it would not be a surprise to many people in the room that the issue was a broad one and differences on it were many, including between developing countries. The benefits from that form of protection could not be assumed in the manner of some of the interventions made earlier that morning, but should be questioned in an open manner, some what in the way indicated by the Delegation of Brazil. The Delegation said that it would also

hope that if and when the issue of geographical indications arose, it would also fully explore the important flexibilities and exceptions in the TRIPS Agreement.

46. The Delegation of Bahrain congratulated the members of the International Bureau and referred to many areas where WIPO had been supporting the programs and activities that for economic and social development in the Kingdom of Bahrain. The continuous collaboration and the coordination with the Arab Bureau had tangible results. It also had an impact by increasing awareness through the workshops and the forums that took place at the regional and international level that put light on the importance of intellectual property in the present era of technology and information and the speed of production and its impact on the economic development, and also to support the educational programs in the national Universities. The Delegation stated that modernizing the specialized equipment and setting the globalized agenda for traditional knowledge was among the challenges that the Arab Bureau gave support to and the necessary mechanisms to support it, which lead to a good investment and good results at the national level. Therefore, supporting such programs and providing the appropriate financial help were among the requirements and prerequisites that they needed in order to achieve many of the common interests at the national and international level.

47. The Delegation of Austria stated that it was aware of the fundamental importance of development with regard to intellectual property rights. The Delegation said that it welcomed the on-going discussion for further enhancing WIPO's development activities and that it supported the efforts to increase the efficiency of WIPO with respect to development issues. The Delegation added that Austria also actively supported WIPO's role as a promoter of IP awareness. In the Delegation's view, IPRs were doubtless just one tool to achieve economic development and not an end in themselves, nevertheless, if used properly, the IPR system would be of economic benefit for both developed and developing countries. The Delegation stated that without IPR awareness among a country's population, the system could not serve its purpose, especially in developing countries, and that therefore, Austria cooperated closely with WIPO in giving regular IPR training courses for officers from developing countries and LDCs. The Delegation indicated that the training programs seemed to be highly welcomed by the trainees, and would serve for building IPR capacity and competence in the respective countries. The Delegation mentioned that furthermore, Austria, conducted state-of-the art searches for inventors of developing countries, thus supporting creativity and innovation in those countries, in close cooperation with WIPO by caring for a substantial part of these searches. The Delegation added that the potential for creating an economically beneficial IPR system in those countries was thus enhanced and supported. The Delegation concluded that Austria's cooperation with WIPO had proved to be successful in the past and that it looked forward to enhancing it in the future.

48. The Delegation of Canada, stated that it supported the comments made by the Delegation of Italy on behalf of Group B, in particular with Group B's proposal for stock-taking of WIPO's activities, with respect to development and a strengthened and renewed role for the PCIPD in this regard. The Delegation mentioned that it had undertaken several technical cooperation activities related to intellectual property and technology transfer, which were elaborated in detail in Canada's notification to the WTO articles, 66 and 67 of the TRIPS Agreement. The Delegation said that Canada also supported and participated in collaborative activities, such as the substantial research efforts related to intellectual property, including issue papers related to TRIPS and WIPO funded by the Canadian International

Development Agency, together with the Quaker United Nations Office, based in Geneva, and the International Development Research Center in Ottawa. The Delegation indicated that it was planning to continue the work together with the Quakers and the International Center for Trade and Development. The Delegation added that Canada also participated in technical cooperation activities that focused on the practical application of the flexibility in intellectual property agreements, such as the WTO Regional Seminars that helped to elaborate the new flexibilities in the TRIPS Agreement on compulsory licensing for pharmaceutical products. Canada had implemented these new TRIPS Agreement provisions in its law a year back. The Delegation stated that the document prepared by WIPO for this meeting was very useful as it raised some of the issues discussed in the IIM, such as the need to develop intellectual property strategies that would take into account the sustainable development goals of developing countries, and the need for Members to make use of options and flexibilities available in the international legal framework, when developing their national legislation. The Delegation pointed out that there was a consensus that WIPO's work on intellectual property and development was about much more than technical cooperation and capacity building. The Delegation presented two concrete suggestions to help the PCIPD provide a sharper focus and enhanced organization of its work. The Delegation believed that the time may be right for WIPO Members to agree on at least four operating principles for the PCIPD which were, intellectual property was a means and not an end in itself; work at WIPO should support the internationally agreed development goals; balanced and flexible intellectual property rights could and should promote creativity and innovation in support of economic, social and cultural development in all nations; and finally that development and implementation of intellectual property norms should take into account the specific circumstances of each nation and society, including with respect to the level of development. The Delegation pointed out that although it appeared to the Delegation that there already was some consensus in the room on these kinds of principles, yet no WIPO body had adopted principles along these lines until then. The Delegation said that Canada believed that it may be useful for this body to do so, perhaps by reflecting these basic principles in the Chair's summary for the meeting. The Delegation also suggested to organize the work around three basic themes: Innovation, Creativity and Economic Growth; Intellectual Property Development and Capacity Building; The Role of WIPO to Support Development, the Organization, its Bodies and the Secretariat, and to include these points as agenda items for the next PCIPD meeting. The Delegation said that if innovation, creativity and economic growth were an agenda item or an agreed theme, a discussion on the purpose and the rationale for intellectual property rights, and on the impact of intellectual property rights in developing countries and LDC's could have been made, such as with respect to innovation, creativity, growth, markets, competition, health, education, etc. The Delegation added that a discussion on the dissemination and absorption of technology, sometimes referred to as technology transfer, and the developing countries and least developed countries' practical use of intellectual property rights to foster economic, social and cultural development could also have been discussed. Under the second theme, intellectual property, policy development and capacity building, the Delegation pointed out that, a discussion on how WIPO Members undertook to achieve the goals set under the first item could have been realized, including discussions on international norm-setting at WIPO, domestic implementation of IPRs, the need for balance in the intellectual property system, such as between producers and users, flexibilities in the IP system including rights and exceptions, national IP strategies, model laws, technical cooperation and capacity building, to help Members advocate their interests at WIPO and implement them in their home countries. Referring to the third item, the Role of WIPO to support development, the Delegation raised questions regarding how WIPO

facilitated Member States' work and objectives, with respect to coherence between WIPO and other UN and international agencies, WIPO's support to internationally agreed development goals, WIPO's governance, structure, mandate, financial and human resources, the member-driven focus that WIPO had, transparency vis-à-vis the interests of the Member States, including the public, industries and the civil society. The Delegation suggested that in case there was agreement on these themes along these lines, the Chair's summary of the current meeting could recommend that the work of the next session of the PCIPD, which the Delegation believed should come sooner rather than later, should be organized around the above broadened and strengthened set of issues, with a view to giving a new momentum to WIPO's work on IP and development.

49. The Delegation of India appreciated the report prepared for facilitating discussion on the important subject. It, however, requested to share some quantitative data in order to better understand the shift in the priorities and directions of WIPO's technical assistance activities, and facilitate the optimum and equitable utilization of resources. The Delegation noted that India had always recognized that IP protection was not an end in itself, but a means to an end, i.e. as a catalyst in sustainable social, cultural and techno-economic development of the country. The main objective of IPR protection should be to encourage creative, inventive and innovative activities, in order to benefit economically and speedily the largest sections of society. The Delegation insisted that should be kept in mind in planning and implementing WIPO's technical assistance for grants. However, the Delegation said there was a need to enhance resource allocation and to make the programs demand-driven with tangible deliverables. In that regard, the Delegation stated that it would welcome the work of strengthening the capabilities to participate effectively, and to benefit from technology transfer and exchange. The Delegation recognized that required a higher priority for human capital development and promotion of R & D activities. It asked for proper impact assessment studies to be undertaken, in order to reorient and focus on some of the programs and to ensure optimal delivery. The Delegation mentioned that its country had overhauled its legislative and administrative systems relating to IP by effectively using the flexibilities available, consistent with the requirement to protect national interest and public health concerns. It highlighted the ambitious program undertaken simultaneously for comprehensive modernization of the IPOs to complement the legislative measures taken, as a strategic response to the present knowledge-based economy. The main components of the program included human resources development, networking and computerization of offices, streamlining and re-engineering of the work procedures, preparation of databases, with the objective of creating an IT enabled user-friendly world class IP office. In this regard, the Delegation pointed out that support of WIPO had dwindled over the years, and expressed the need for the newly inducted examiners to be exposed to international trends, through suitable training and exchange programs, in order to ensure better client-service and quality management in the delivery of services. The Delegation acknowledged that there was always more scope for collaboration in order to benchmark with international standards. With respect to the public health issues, the Delegation noted that the document articulated the preservation of public health space, in consonance with the requirements of the national concerns. It stressed that India had recently amended its Patents Act, incorporating the flexibilities available particularly under paragraph 6 of the Doha Declaration on TRIPS and public health, in accordance with its international commitments. That had attracted lot of attention, both at the national and international levels, because of India's unique position of strength as a supplier of low cost, high quality medicines to many countries, which had inadequate manufacturing capabilities. Viewed in that context, the Delegation added, India

was always at the service of other developing countries, which would like to maximize its policy space, to strike a proper balance between intellectual property protection and social development goals, and also to assist WIPO in the challenge as brought up in the document. Referring to the document under discussion, the Delegation pointed out that it merely gave a descriptive account of activities and added that it would have been better if it had analyzed the impact of the initiatives concurrently. It emphasized that after two and a half years, Member States should be in a position to say what concerns had been addressed and what had yet to be achieved. Member States should also be able to identify the residual and emerging challenges, that needed to be addressed in the next biennium. In short, the Delegation raised the question whether the initiatives left the developing countries better placed or in a bigger bind after all these years, and said that otherwise, these would be activities which would keep some people busy and engaged, but without leading to any significant developmental objectives, which was the very *raison d'être* of the effort. In that context, the Delegation expressed its disappointment that the document was somehow not helpful and possibly explained the demands for independent audit. The Delegation, therefore, found that some of the delegations who had argued that PCIPD was an adequate forum to fully take care of the development agenda, would also not find much evidence in the documents to support the claim. The Delegation stated that even as the meeting carried on with these technical assistance activities and the PCIPD review, unless one was able to shift gears and change the paradigm, WIPO would not be able to fulfil adequately, the legitimate expectations of all its constituents, particularly the developing countries.

50. The Delegation of France fully associated itself with the statements made by the Delegation of Italy, on behalf of Group B and the Delegation of Luxembourg, on behalf of the European Union, and thanked the International Bureau for a very useful synthesis report. It noted that France had traditionally attached particular importance to the question of development. Convinced of the contribution of intellectual property to development, France provided on, an ongoing basis, active support to cooperation and technical assistance activities conducted by WIPO, through a trust fund. The fund gave WIPO extra budgetary resources, for carrying out cooperation activities responding to needs expressed by beneficiary countries from all geographical horizons, and implemented by the International Bureau. Without going into details of the various actions undertaken in the fields of industrial property, trademark, geographical indications as well as literary and artistic property, the Delegation preferred to limit the intervention to the diversity of these actions, and the readiness to share the experience of its country in this field. In the light of the expectations and of certain questions raised as to the effective contribution of intellectual property to the economic, cultural and social development of developing countries, particularly the LDCs, as well as the role of the Organization in this respect, the Delegation shared the views of those who considered that it was important to properly assess the impact of WIPO's development activities. The Delegation felt it was necessary to concretely envisage the way that WIPO should enhance its subsidiary organs, particularly the PCIPD and its mandate, so that efforts effectively deployed meet the broad development needs, thus contributing to the realization of the Millennium Development Goals. In this regard, the Delegation welcomed the concrete proposal made by the Delegation of Canada, which would enable a better structure for the discussions.

51. The Delegation of the Syrian Arab Republic expressed its country's gratitude for WIPO's continued support to the intellectual property offices in Syria. It thanked more specifically the Economic Development Bureau for Arab countries in WIPO, which had

helped to increase the awareness of IP in the country. The Delegation commended WIPO's efforts to help Syria in the modernization of its IP legislation and thanked WIPO for the technical assistance provided, specifically for the automation of the IP Office. The Delegation further elaborated on the support provided to the judiciary, the legislative and the customs offices, as well as the IP curricula development in educational institutions, which were of great importance to the country. The Delegation also noted the training of human resources, so as to ensure that the country benefited from IP, as an effective tool of economic, social and cultural development, and the promotion of the protection of the creative and innovative activities. It stressed the need to support the Arab Bureau and to provide it with adequate resources, so that it could continue to provide its services to the Arab countries, seeking to increase the IP culture, and to support the rich folklore as well as all the creative forces in the societies.

52. The Delegation of Switzerland thanked the International Bureau for the document prepared for the meeting. It fully endorsed the statement made by the Delegation of Italy, on behalf of Group B, and made a few additional comments. The Delegation stated that as a specialized United Nations organization in charge of intellectual property, WIPO had, over the years, carried out precious work, which should be continued in the future with a view to promoting the development of IP, as a useful means to promote the economic, social and cultural well-being of individuals and peoples of the world, towards contributing to the development objectives, including those contained in the Millennium Declaration. The Delegation emphasized the importance for WIPO to continue to devote sufficient funds to these activities in the future. But besides resource allocation and referring to what had transpired from the exchange of views since the beginning of the week, the Delegation observed that it seemed important to proceed with the assessment of both the activities and the means allocated by WIPO to technical assistance and capacity building, in order to be sure that WIPO's objectives and the needs of its member States were met. The Committee could, therefore, usefully recommend to the next assemblies that such an evaluation should be started. The Delegation noted that its country had carried out various technical cooperation activities, which were notified each year to the WIPO. In that regard, it mentioned technical cooperation projects developed with Vietnam, on the basis of expressed priority needs. The Delegation reported that the project was very successful, and that the country would continue to develop new projects in the future. Referring to the IIM discussion on intellectual property and development, the Delegation joined earlier interventions and indicated that the PCIPD could see its role strengthened and offer an appropriate forum, where the current discussion would be pursued. It wished that the International Bureau would clarify the present mandate of the Committee, in order to determine whether these discussion could continue within the Committee or should be changed in the future. On the basis of that information, the Delegation said it would be pleased to discuss the way to strengthen and reinvigorate the committee, so that it could offer a useful forum for discussions, enable a better understanding of the relationship between intellectual property and economic, social and cultural development, and be able to have a decision on WIPO activities for development related to intellectual property. The Delegation concluded its statement by thanking the Delegation of Canada for its very concrete proposals, which should also be examined later because they were very much along the lines of the discussions to be held later on the activities of the Committee.

53. The Delegation of the Hashemite Kingdom of Jordan thanked the WIPO, particularly the International Bureau and the Economic Development Bureau for Arab Countries, for their

assistance aimed at meeting the needs of its country. It thanked the Director General and the Secretariat for the document that was very clear, particularly as regards development and intellectual property. The Delegation stressed the importance of prioritizing human resources and the participation of all stakeholders and society, both in the public and private sectors. In that context, it hoped that WIPO would continue its work, particularly that of promotion of intellectual property, with a view to helping to achieve development goals in its country. The Delegation highlighted the assistance received from the Arab Bureau, mainly for the establishment of new offices in order to promote intellectual property and broaden the scope of intellectual property in the country. Another achievement was holding of a regional conference that stressed the role of IP in economic development. In addition, the role of IP in spreading, disseminating and distributing medicines called for very close cooperation between Jordan and WIPO. WIPO had also provided legal assistance. In that respect, the Delegation was happy to announce that its country had recently introduced various amendments to the laws governing copyright, as well as provisions of the WIPO agreement on copyright and composers. Hence, Jordan was the first Arab State to have ratified these two agreements. The Delegation added that the close and fruitful cooperation between WIPO and the various stakeholders in Jordan had given rise to the creation of new studies and universities where intellectual property courses were offered, and the introduction of intellectual property topics for students at high school level. Furthermore, in the same educational work, the Delegation noted that many national seminars bringing together stakeholders from both the public and private sectors were conducted. The seminars considered issues of intellectual property that were priorities for the country, particularly genetic resources and folklore and traditional knowledge. The Minister of Labor and various unions in Jordan participated in the seminars. In concluding, the Delegation extended, once again, its thanks to the WIPO and the Arab Bureau and reiterated its appeal that the Organization should not stop its assistance to its country.

54. The Delegation of Iran appreciated the Secretariat for providing the documents and thanked the Director General, Dr. Kamil Idris and Mr. Geoffrey Yu and their colleagues for their cooperation in providing technical assistance, holding seminars and providing legal advice. The Delegation hoped to witness more cooperation in this regard. In the context of the document, the Delegation made the following comments: (i) Regarding the general approach of document, creating IP assets as an economic tool was a phenomenon for which that dimension was not even clear for industrialized nations. However, the requirements of developing countries in such subjects should be considered; (ii) Concerning paragraphs 21 to 27, and the issues mentioned, the Delegation stressed that the international dimension of genetic resources, traditional knowledge and folklore should also be the focus of the future work of WIPO so as to reach concrete results; (iii) As regards human resources, the Delegation noted that technical assistance, training courses, capacity building and cooperation with different institutions at the national level should be taken into account, in the light of the principle of member-driven demand and after observation of each country's capacity. The Delegation added that any initiative aimed at increasing the funds from the Organization or Member States would have positive results in these areas; (iv) As far as paragraph 41 was concerned, the Delegation considered it as a positive approach concerning flexibility and public policies, and said that there should be an assessment process in this regard. Finally, the Delegation stated that there should be a distinction between the mandates of PCIPD and IIM.

55. The Delegation of Trinidad and Tobago extended sincere thanks to the Deputy Director General for his illuminating summary of the main points contained in document PCIPD/4/2.

The Delegation identified itself with statements made by the Delegation of Jamaica in respect of the Cooperation for Development Agreement signed by the Member States of the Caribbean Community and Common Market (CARICOM). As signatories to that agreement, the Delegation felt encouraged by statements contained in document PCIPD/4/2 with regard to WIPO “overview of policy directions, priority areas and projects... in support of the development objectives of developing countries.” The Delegation was pleased to note that the contents of the document contained items in line with the past, present and future initiatives of its country, in terms of IP development strategies. The Delegation acknowledged the many ways in which its country had benefited from WIPO’s assistance in legislative reform and institutional strengthening. That support from WIPO dated back to 1996. The Delegation said its country now looked forward to using the expertise and structures, thus developed, for integrating and implementing intellectual property strategies into its sustainable development goals. The Delegation noted that Trinidad and Tobago was already holding discussions with WIPO with a view to determining ways in which WIPO might be of assistance and for defining its revitalized development thrust. In that regard, it was encouraged to note the inclusion of some of its comments to WIPO in the document. The Delegation added that it gave a positive indication that WIPO’s policy directions, priority areas and projects, as contained in the document under discussion, were truly member-focused and member-driven. The Delegation agreed with the statement contained in Section II of the document, concerning the integration of intellectual property into national policy. It pointed out that as a result of past and recent initiatives, including the Cooperation for development Agreement, Trinidad and Tobago was in the process of developing a national intellectual property policy. Already a broad-based national committee had been appointed by the government and a draft policy document prepared, which would form the basis for further consultations. The Delegation took the opportunity to thank WIPO for the encouragement and support received, while formulating modalities for the draft policy framework. The Delegation indicated that there were other major developments worth mentioning: Firstly, the country had established a committee to deal with cable and video piracy, as one of its several initiatives to balance the rights of rightsholders with the demand for access to information and content by the public; additionally, the extremely useful information developed and disseminated by WIPO’s SMEs Division was actively distributed to the industrial sector and was largely appreciated. Further, in the extremely important energy sector, the country was anxiously awaiting the results of a recently launched WIPO IP energy audit, designed to examine the extent of use of IP in the energy sector, and, the extent to which major players in the energy sector were IP-aware. An additional benefit to be derived from this project, was a general sensitization of decision-makers, in both the public and private sectors, to the crucial underlying importance of IP to the nation’s prosperity. Beyond prosperity, IP impacted the very soul and pride of Trinidad and Tobago. The country was currently engaged in mounting a challenge to several foreign patents granted on aspects of the steelpan, which was the national instrument of Trinidad and Tobago. A committee had been established to recommend ways in which the rights to that invention might be legally protected. This approach involved patents, industrial designs, trademarks, geographical indications and perhaps *sui generis* systems of protection, for an item of tremendous national importance and pride which was deeply embedded in the culture. The Delegation concluded that document PCIPD/4/2 was leading to the very direction that Trinidad and Tobago was taking on matters of tremendous national importance. The Delegation said that it had some thoughts on ways in which the WIPO statements and projections might find greater synergies with some of the proposals that were under intense debate in the first session of the IIM, and these thoughts would be shared in a formal proposal to be submitted to WIPO.

56. The Delegation of Brazil took the opportunity to address two issues that had been raised during the session. The first one referred to the concerns expressed by the Australian Delegation regarding the suggestion for WIPO cooperation in promoting discussions on the use of geographical indications (GIs). The Delegation took the opportunity to make it clear that the suggestion in Brazil's previous statement should be read in the context of the need to further explore the flexibilities provided for by the IP system, including the flexibilities the TRIPS Agreement foresees with respect to GIs. Secondly, on behalf of the "Group of Friends of Development", the Delegation of Brazil referred to the proposal orally presented by Canada about the Organization of future discussions in this Committee. In this respect, the Delegation welcomed Canada's efforts to contribute to a constructive dialogue in this body, but recalled that neither the mandate nor the agenda for this PCIPD session left room to discuss this matter here.

57. The Delegation of Romania congratulated and thanked the Secretariat for the report provided to delegations, which summarized the WIPO priorities and projects and its assistance in cooperation and development. The Delegation noted that cooperation between Romania and WIPO had helped Romania to draft a strategy on intellectual property over the period 2003 - 2007, which would help institutions to promote, protect and extend intellectual property. It was also helping the Office of patents and trademarks, the Ministry of Justice, the Administration of the Interior, the National authority for customs, the Office for the protection of consumers, the Romanian chamber of commerce, the National agency SMEs, etc. A working meeting of all the above authorities brought together stakeholders in cultural industries, antipiracy and anticounterfeiting agencies, to try to increase enforcement measures, including measures to spread relevant information to the general public, and particularly, the youth. Among the positive measurable results of these projects and common efforts, the Delegation noted the participation and open-learning measures with the assistance of WIPO, which trained over 900 students. Romania also had a record number of medals awarded under the WIPO scheme. The application of the intellectual property system had increased after setting up an intellectual property centre with the Bucharest University Law Faculty. That program took place with the help and support of WIPO, and soon, in a month, there would be a post-graduate program. The Delegation thanked WIPO for its support and congratulated WIPO and its Worldwide Academy. The Delegation also thanked the US copyright office and the British Copyright Council for sharing their skills and training programs that greatly benefited its country. The Delegation stressed the positive impact of seminars organized on geographical indications, intellectual property and SMEs as well as the role of libraries in access to information, the special training program for Romanian judges organized by WIPO and the European Patent Office. To conclude, the Delegation thought it was crucial to increase the progress of promoting intellectual property. That was based on many efforts, particularly re-instituting intellectual property rights among the fundamental rights recognized by the Constitution, which was recently amended. Extending efforts to reinforce specific intellectual property laws, Romania would continue to cooperate with WIPO. Regarding the PCIPD and its role, the Delegation joined the European Union's position in contending that this committee could have a broader mandate to promote development. It supported efforts to evaluate cooperation programs conducted by WIPO in various developing or least-developed countries to help their respective economies.

58. The Delegation of Malawi expressed its gratitude to the International Bureau for the documents for the meeting. It highlighted a few developments and issues related to Malawi. The Delegation recalled that Malawi was one of those countries, which were currently carrying out an IP audit with the assistance of WIPO. It stated that this was a very important exercise, which would enable its country to see how best it could utilize intellectual property for development. The Delegation hoped it would help develop an IP policy and that WIPO would assist in addressing some of the problems that would be identified through the audit. The Delegation pointed out that to complement the assistance the country received, it had signed its own commitment promoting the rights of creative people in the country. The Government had allocated a piece of land, free of charge to the copyright society of Malawi to build its own offices. Construction of the first phase of the offices started last year, with the assistance of the Norwegian Government and the Norwegian Reprographic Rights Organization (COFINOR). The offices should be ready for occupation in June 2005. Thus, copyright and related rights would have a permanent home in the country. The new offices would also provide space for the rights holders association to also carry out their own activities. As a new office, it would seek the assistance of WIPO, especially in terms of equipment. Finally, the Delegation greatly appreciated WIPO's activities in institution building and human resources development. It noted that its country benefited from the courses offered by the WIPO Worldwide Academy, and renewed its request for WIPO to organize some of these courses within the African region. The Delegation recalled, with fond memories, how WIPO assisted COSOMA to organize three Regional Intensive Training Courses on Collective Management of copyright in 2002 and 2003. More than 20 participants from Botswana, Kenya, Malawi, Mauritius, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe benefited from these courses. The courses enabled African Member States to focus on the specific problems existing within their region, to share experiences and develop close working relationship amongst themselves. COSOMA continued to receive requests for the same courses and, therefore, the Delegation appealed to WIPO to organize the same courses again. It was further encouraged to renew this request, because the African Regional Intellectual Property Organization (ARIPO), extended its mandate to copyright and related rights, last year, and had established a regular training centre in Harare, Zimbabwe where some of these courses could be held.

59. The Delegation of Lesotho supported the statement made by the Delegation of Morocco on behalf of the African Group and to that made by Benin on behalf of the least developed countries. The Delegation thanked WIPO for the support received in modernization of IP Offices, in training of the personnel and in legislative advice, and asked WIPO to intensify its support to Lesotho, especially in the area of Copyright. The Delegation underlined that Lesotho was committed to setting up a collective management system that would reward the rightholders to combat piracy. The Delegation was pleased that WIPO had included in its activities a program for enhancing the capacity of SMEs, which are an important component of Lesotho's economy, so as to improve their competitiveness in the market place. In the Delegation's view, equally important to Lesotho is the development of branding strategies for the handicraft sector. The Delegation asked for the support of WIPO in that direction, as well as the continuation of WIPO's support in legislative advice.

60. The Delegation of Chile supported the statement of GRULAC. The Delegation thanked WIPO for all the cooperation activities undertaken in Chile, such as the joint WIPO-CEPAL seminar in Santiago, seminars on enforcement in Santiago and other regions, seminars on radio broadcasting, and also the seminar with innovative pieces being funded with the

European Union. The Delegation also thanked WIPO for the participation of its officials in the seminar on exceptions and limits to copyright. The Delegation, as already mentioned in the IIM meeting, mentioned that Chili was interested in stressing some aspects which should be included in the cooperation activity such as; the importance of flexibility, particularly in exceptions and limitations, the possibility of assessing the impact in public policies of the adoption of the highest degree of standards in Intellectual Property, complementary measures to promote creativity and access to knowledge and technology and finally to ensure unnecessary excessive influence of the public dominion. The Delegation thought that it would also be useful to clarify the specific mandate of this Committee, as already mentioned by Switzerland.

61. The Delegation of Argentina supported the statement made on behalf of GRULAC. The Delegation referred to the proposal made by Canada and also subscribed to what Brazil indicated previously. The Delegation said that it didn't consider that the proposal was within the purview of the PCIPD and underlined the fact that the agenda, which was adopted, did not include any item related to the future work of the Committee or referred to the specific mandate of the Committee. The Delegation said that the General Assembly decided where the development agenda would be discussed and stated that the PCIPD had no mandate to change what was in fact the decision of the General Assembly. The Delegation said that it did not consider it acceptable that the proposal be discussed in the PCIPD.

62. The Delegation of China, expressed its appreciation to WIPO on the role the Organization played in promoting the work on development of developing countries, and expressed its wish to strengthen the cooperation with WIPO and other Member States.

63. The Delegation of India expressed its wish to respond to an issue pointed out by the Delegations of Brazil and Argentina. The Delegation said that this was regarding the core issue of development and the question of integrating them into all areas of WIPO's work and mandate. The Delegation agreed with Brazil and Argentina that the PCIPD only dealt with cooperation and technical assistance issues. In its view, the PCIPD could not consider the issues emerging out of the IIM, as the IIM had been able to redefine the turf of all ongoing consultations in WIPO. The Delegation appreciated the suggestions made by the Delegation of Canada, but added that their full potential could not be realized within the narrow and well-defined contours of the PCIPD. The Delegation said that the development agenda was crosscutting in its sweep and unless brought up front in all the negotiations and other bodies of WIPO, it would be totally inadequate. The Delegation stated that it might even argue that the PCIPD could get subsumed in the development agenda, but the development agenda could not be addressed in the PCIPD alone. The Delegation underlined that the development issues were not a subset of intellectual property issues.

64. The Delegation of Canada informed the Chair that copies of the basic points it had raised earlier were available, and encouraged Delegations and NGOs to pick up copies. The Delegation, referring to those who thought perhaps this was not the right Committee to discuss the subjects pointed out in the Canadian proposal, said that in fact the Canadian proposal reflected many of the issues that were already raised in the IIM meeting earlier this week. The Delegation explained that it had tried to do so in such a way that would create a structure in which all WIPO members could discuss their proposals and ideas on development and intellectual property not just the proposals from some members. The Delegation said that it had tried out some of these ideas with some Delegations who felt at that time that it would

be appropriate to raise these kind of ideas in the IIM, but if they were now suggesting that the IIM was the right body, the Delegation added, that it would be happy to raise these issues there and that it certainly did not have the intention of undermining the work of the IIM or the General Assemblies. At the same time, the Delegation said that it would appreciate it if the secretariat could clarify whether there was anything in the mandate of the PCIPD which would prevent this body to have a discussion on the kind of issues that the Delegation of Canada had raised in its proposal earlier. The Delegation stated that the themes raised were, Innovation, Creativity and Economic Growth; IP Policy Development and Capacity Building; and the Role of WIPO: the Organization, its Bodies and Secretariat with respect to development issues. The Delegation concluded that it would appreciate that the ideas stated be reflected in the Chair's summary and that if there was no consensus on the idea of the principles or themes of that work, the Chair's summary could indicate simply that there was no consensus on this idea that the Delegation of Canadian had raised.

65. The Delegation of Bangladesh stated that it felt that, a total involvement with the process of establishing a Development Agenda was important and that the PCIPD should play a more supportive role in the whole process. It added that PCIPD should also be one of the arms for implementing WIPO's development agenda. The Delegation proposed the following comments on the document. Firstly, having gone through document PCIPD/4/2 in the PCIPD session, Bangladesh felt that this could have been linked with the just concluded meeting on the establishment of a Development Agenda. Secondly, the PCIPD document could have incorporated a chapter that would have provided an appraisal and assessment of WIPO's past activities in the development related sector, the challenges and constraints that it had faced and how it could be improved. And lastly, inclusion of statistics on the spread of WIPO's countrywide development activities would also have been necessary for the sake of transparency and equity. The Delegation pointed out that technical cooperation and transfer of technology in the domain of IP rights were two crucial issues for LDCs like Bangladesh and that they would be focusing their concerns and trust on those areas. It stated clearly that under any discussions, the focus of WIPO should always remain on assisting national governments in developing their national IP systems and related structures. This focus should not be lost sight off while calling for the broad-based coverage of technical assistance by WIPO. The Delegation stated that development and creation of intellectual property in Bangladesh was an ongoing process. It pointed out that in Bangladesh the industrial property rights covering patents and industrial designs and protection of the Patent Office were under the Ministry of Industries. The Patent Design Act 2005, which was prepared by an expert committee, was in conformity with the TRIPS Agreement and was now under the active consideration of the Government. A new setup of the Department of Patents, Design and Trademark had been approved and it was hoped that with this new setup, the Department would run smoothly to face the challenges of globalization. Also, that the project to automate the Patent Office would be completed very soon with the financial and technical assistance of WIPO. The Delegation stated that Bangladesh, being a Member of the least developed countries (LDCs), was faced with financial constraints and therefore could not improve their intellectual property system according to its requirements. The Delegation was of the view that WIPO could assist and support development for the modernization of Bangladesh in its national development objectives taking into account the relevance and international standards, including those in IP under the TRIPS Agreement. It thanked WIPO for convening this meeting and for giving them the opportunity to attend the PCIPD and IIM meetings on a Development Agenda for WIPO and hoped that its assistance would continue in the future for developing countries, particularly, for LDCs enabling them to express their views and also

gather knowledge and experience to develop the IP system in their respective countries. Lastly, it questioned how it could achieve such results. The Delegation added that for them, it seemed that it would be in their own collective interest to minimize the range of potential conflict areas and adopt a more consensual approach. It cautioned that least developed countries did not have the luxury of a long time span in which to decrease the gap between the rich and poor which was expanding and LDCs had to start making sure that those gaps did not widen any further.

66. The Delegation of Nigeria commended the International Bureau for its work and its usual efficiency and commitment in the organization of conferences. The Delegation associated itself with the statement made by the Delegation of Morocco, on behalf of the Africa Group, and stated that while it did not wish to enter into the substance of their statement, for the sake of brevity, it pointed out that they welcomed the submission of document PCIPD/4/2 as well as the very clear and lucid statements and comments of the Deputy Director General, Mr. Geoffrey Yu, made at the commencement of the meeting. It believed that the said document formed a good basis for discussions and that it was an honest and competent appraisal of all aspects of WIPO's cooperation for development activities although couched in generalized terms. It noted with interest the constructive statement by the Delegation of Pakistan and hoped that the Secretariat would take due notice of it. The Delegation made some observations regarding the previous day's discussions of the document, especially the statements made by several delegations in respect of the work of PCIPD. There had been calls for the review of this mandate and questions had been asked as to whether it was the appropriate body to implement the Development Agenda that had been envisaged for WIPO. It stated that the matter of the assessment of the Committee's activities in the past had also been broached and asked if calls had been made for the revitalization of the work of the Committee. The Delegation wished to refer, particularly, to the statement of the Delegations of Italy, the United States of America, the United Kingdom, Canada, Brazil, India, Iran and others. It considered that all the proposals or recommendations made were meritorious and, therefore, deserving of closer consideration. The Delegation pointed out that Canada had especially offered a set of elaborate, constructive and realistic proposals. Taken together with the observations made by Pakistan, the United Kingdom and the other countries mentioned above, it thought that it should form the basis of future discussions on the substance and direction of the work of PCIPD. Regarding the level of bilateral cooperation by Nigeria and WIPO, the Delegation expressed its gratitude to the Director General, Dr. Kamil Idris, and indicated that there were a number of programs that had been implemented and also several that were on-going between WIPO and Nigeria, pointing out that these were in the text and would be made available to the Secretariat. However, it pointed out that within the context of paragraphs 21 and 26 of the document, there were some observations regarding the creative industries in Nigeria, particularly, the film and music sectors. The Delegation drew attention to the Nigerian film industry, which was experiencing a phenomenal growth in recent years and was now ranked in the league of the 4th largest in the world with wide polarship in the rest of Africa, Europe and the United States of America. It had quite a substantial number of people and helped to polarize Nigerian culture and arts abroad. The Delegation pointed out that the music industry was also in a similar state of ascendancy. They were, however, constrained by the challenges facing players in the creative sectors as the Coalition for Creative Development had pointed out in their joint paper submitted at the IIM, among such challenges it borrowed from the Coalition for Creative Development's paper, were shortages of local investors, inadequate support services, weak marketing and distribution facilities, endemic illegal copying and distribution, deficiencies in

existing systems in the collection of royalties and deficiencies in local imposition of IPR laws. Therefore, the Delegation fully shared those observations regarding the creative industry, in general, and the Nigerian sector, in particular and called on WIPO to undertake, as part of its future cooperative work with Nigeria, an examination of those problems with a view to their amelioration. The Delegation further mentioned that its statement would not be complete if it did not make a reference to certain matters of principles that were of vital concern and wished to expand the parameters of the discussion by introducing elements, that it felt were germane to the issues. Firstly, it noted the repeated assertion that IP could be used for the creation of wealth, which it felt, was true in many cases and was a laudable, but that it might not be so in many other cases. The Delegation noted that in some societies, notably in developing and least developed countries, the preoccupation of a vast majority of people was not with wealth creation, but with the struggle for survival from one day to the next. Matters such as access to clean drinking water, food and nutrition, affordable medicines, educating the young, employment and so forth rather than wealth creation were of primary concern. Therefore, any development agenda or activity should incorporate the amelioration of those problems in its principles and objectives and it called upon WIPO to pay particular attention to its proclamation in paragraph 2 of the document which it quoted, “sustainable development in this context means that economic goals are balanced by social objectives. While doing so, WIPO will also bear in mind the United Nations (UN) Millennium Development Goals”. Secondly, the Delegation stated its observation and concern with the usual attitude that while discussing developmental matters, which was not the case at the IIM, and certainly not at the PCIPD, that developing countries only sought advantages and benefits from their developed counterparts without giving anything in return. It countered this by pointing out, however, that an objective assessment of the realities on the ground proved otherwise. It further pointed out that one factor in the debate was the brain drain syndrome of which the economies of the developed countries benefited to a great extent from the influx of highly trained and qualified professionals from the developing countries as they were engaged in all facets of life in their adopted countries and contributed to its economic development. The Delegation further stated that it should not be forgotten that such individuals whose intellect and industry were highly valued by the industrialized countries were largely trained in their countries of origin, often at the public expense and also that the natural resources and other materials from the developing countries, which were often obtained at give-away prices, were driving the engine of development in the industrialized countries. Furthermore, it continued, their countries were indispensable as markets for the final products of the industries of these countries, therefore, it would not be justifiable to maintain that developing countries contributed nothing or that they were recipients only of aid and handouts. The Delegation stated that the present unequal relationship had to give way to more balanced and mutually beneficial symbiosis between the developed and developing economies. In this connection, it wished to address those issues that it felt were critical to this process which included: (1) expansion of investment in developing countries to view their capacity to industrialize and build more modern infrastructure, (2) opening up access to the markets of developed countries for exports from developing countries, and (3) a radical redressing of the debt situation of developing countries. In the light of these observations, the Delegation welcomed the Report of the Commission for Africa, that was recently released, and praised the Prime Minister of Great Britain, Mr. Tony Blair, for his role in the establishment of the Commission. It praised, particularly, his genuine and sincere efforts at championing the cause of Africa and hoped that the concern would be shared by the rest of the world to help Africa overcome its myriad of problems. Finally, the Delegation underscored the importance with which it viewed WIPO as a specialized agency of the United Nations, pointing out that its work encompassed various

aspects of the economic well being of many Member States and that it was now being called upon to take on additional responsibilities. It noted that if WIPO were to effectively discharge its functions, especially in the development arena, it needed to be adequately empowered to meet those expectations, therefore, it supported the calls made by other delegations for WIPO's sufficient funding.

67. The Delegation of Algeria stated that its Delegation had not intervened at the time when a report was being provided on the activities which were carried out and those which had not been carried out in various areas, but that they valued the technical cooperation between WIPO and developing countries. The Delegation reiterated what they had said in the first Inter-Sessional Intergovernmental Meeting (IIM) regarding an action plan for WIPO which they believed should go beyond simple technical assistance and embrace global development. In its view WIPO should stimulate efforts in developing countries to make the knowledge-based economy a reality and also develop the culture of intellectual property as a reality. Enhancement of human resources was of fundamental importance. The Delegation pointed out that it was not clear whether development of the impact of modern technology, notably, gaining time, but reducing space, was conducive to the needs of developing countries, and wondered whether WIPO might not function more efficiently by opening up regional offices, as was the case with other international organizations. It also stated that without prejudice on the various discussions and conclusions that two meetings of the IIM being proposed for June and July of 2005, the proposal voiced by the UK regarding enlarging the mandate of the PCIPD should not be rejected and should not be swept aside. The transparent assessment of activities of PCIPD in each country and region were essential when it came to evaluating future work and also that the response of the International Bureau to the questions raised by Pakistan could be enlightening. It stated that although delegations of developing countries had shared their willingness to cooperate, only five countries had actually provided a voluntary financial contribution to ensure that the knowledge-based economy could become a reality. The Delegation was of the view that an increase in aid was, therefore, necessary to meet those needs.

68. The Representative of the Civil Society Coalition (CSC), said that CSC represented 28 non-governmental organizations from 12 countries in the North and South. Its members were concerned with the wide range of issues that were relevant to WIPO, including access to medicine, access to knowledge and better mechanisms to support creative activity. CSC welcomed the background document PCIPD/4/2 prepared by the International Bureau, highlighting WIPO's support of the development objectives of developing countries, but it felt quite disappointed with the sparsely worded section on the question to access to medicine, perhaps because the Secretariat and the Member States had yet to truly discuss this important issue in detail. From its perspective, WIPO had failed to address this serious problem in a meaningful way. This could and should be remedied. It urged WIPO Member States to place the issue of implementation of the Doha Declaration on TRIPS and Public Health on the agenda of the Standing Committee on Patents (SCP) for a full discussion. The Secretariat could provide background information to the SCP on the following empirical issues:

1. How many developing countries had access to medicines for all?
2. How many persons died annually because of a lack of access to medicines?
3. How many least developed countries had implemented paragraph 7 of the Doha Declaration on TRIPS and Public Health?
4. How many developing countries had adopted Bolar style exceptions to patent rights for early registration of generic medicines?
5. Since 1995, how many developing countries had exercised their rights to issue compulsory licenses to medicines, consistent with paragraph 5

of the Doha Declaration on TRIPS and Public Health? 6. For countries that had issued compulsory licenses, what were the grounds for issuing them? 7. How had countries addressed the TRIPS requirements to pay adequate remuneration to patent owners? 8. How many countries had used Article 31(k) and Article 40 of the TRIPS to authorize non-voluntary use of patents? With regard to TRIPS, Article 39.3, what advice was WIPO giving to countries who faced bilateral trade pressures to protect test data? Had WIPO considered new proposals for compensatory liability and cost sharing for test data, such as was used by the United States of America for agricultural chemicals? The Representative pointed out that these issues were extremely important for the poor and they should be discussed as soon as possible. If WIPO Member States were serious about protecting public health, it was imperative that the PCIPD should make specific recommendations that would ensure that technical assistance regarding access to medicines was improved and expanded. It urged the Secretariat to work closely with Member States and the CSC to review and identify specific areas where technical cooperation could be improved to address the Doha mandate on public health.

69. The Representative of Consumers International (CI) thanked the Secretariat and the Member States for the flexibility they had shown with regard to *ad hoc* accreditation for civil society non-governmental organizations. CI represented 250 consumer groups in 115 countries, and strove to promote a fairer society through defending the rights of all consumers, especially the poor, marginalized and disadvantaged. CI had joined the hundreds of groups and leading experts who had endorsed the Geneva Declaration on the Future of WIPO. The report prepared by the Secretariat, PCIPD/4/2, on activities regarding technical assistance, was under consideration. CI supported, in particular, the statements in paragraphs 47, 48 and 49, concerning the need to seek a balance between consumers and owners of copyrighted works. It looked forward to working with the Secretariat and Member States to elaborate on the mechanisms that were needed to achieve that balance, particularly where needed, to promote access to knowledge. To that end, CI looked forward to the response to the request by Chile that the Standing Committee on Copyright and Related Rights examined the issue of limitations and exceptions to copyright, in the context of expanding access to knowledge. The Representative, however, expressed his concern that WIPO's technical assistance program did not have the appropriate balance to protect consumer interests. There was a tendency to represent stronger and more intellectual property rights, as wholly beneficial for developing countries, as if money flowed from foreign consumers to domestic right owners, even when the opposite was often the case. There was virtually no discussion on the problems in relation to high prices and the barriers that the poor faced in obtaining access to knowledge. In its most recent report on PCT patent filings, WIPO reported that 6.3 per cent of patent filings were from developing countries, while 93.7 per cent were from developed economies. Ownership of patents was even more highly concentrated and unequal than global income, as measured by GDP. Given the vast disparities of the ownership and control of intellectual property assets, it was appropriate to ask, whose interests were being served by ever-higher levels of intellectual property protection. It was of the view that WIPO needed to develop a culture of consumer protection. That was an important and deep topic, that included every aspect of WIPO's technical assistance program. To start with, WIPO should heed the calls to assist its members to implement paragraph 4 of the Doha Declaration on TRIPS and Public Health. That topic too, was complex which went far beyond the implementation of paragraph 6 of the Declaration. CI emphasized that the most important thing was to call upon countries to implement national patent laws to promote access to medicines for all. It was also necessary to solve the problem

concerning pharmaceutical test data, mentioned in paragraph 43 of the Secretariat document. It could not be the case that after the world announced its supports for compulsory licensing of patents, it then claimed that the test data be an exclusive rights regime that was subject to no exceptions, like a super patent. There were also many other areas where WIPO should address over-reaching in terms of intellectual property rights. It called upon the Member States to schedule agenda items in relevant standing committees on the implementation of Article 4 of the TRIPS Agreement, concerning the control of anti-competitive practices in contractual licenses. It underscored that this was important because WTO scholars said that developing countries had not had the capacity to develop appropriate *per se* rules to regulate conduct that restrained competition that might have adverse effects on trade and might impede the transfer and dissemination of technology. The Representative said that the Geneva Declaration on the Future of WIPO called for the creation of a body to systematically address the protection of consumer rights. The establishment of such a Consumer Protection Committee could help balance the extensive advice and lobbying WIPO currently received from industry right-owner bodies.

70. The Representative of *Médecins Sans Frontières* (MSF) stated that it was pleased to note that in the document PCIPD/4/2, a reference was made to the Doha Declaration on the TRIPS Agreement and Public Health, which was adopted nearly four years ago. Nevertheless, it believed that WIPO could and should have a much stronger role in supporting countries in implementing the flexibilities of the TRIPS Agreement to ensure that countries could take measures to promote access to medicines for all. MSF stated that WIPO, for example, could give express guidance on how LDCs could implement paragraph 7 of the Doha Declaration, which allowed them not to grant or enforce pharmaceutical product patents until 2016. WIPO could provide examples of best practices in compulsory licensing, including how to determine reasonable royalties. WIPO could clarify what was required by the TRIPS Agreement in the area of data protection. A mere reference to the Doha Declaration on TRIPS and Public Health in the document was not enough. It urged WIPO to be pro-active in assisting in the implementation of the Doha Declaration. MSF stated further that WIPO should work with other UN Agencies, such as the World Health Organization (WHO), to help ensure that the health needs were taken into account when patent laws were reviewed and discussed.

71. The Representative of the Free Software Foundation (FSF-Europe) said that the Organization was a globally active center of expertise for free software with a European focus. The Representative said that its intervention would deal with the digital development activities referred to in document PCIPD/4/2, prepared by the International Bureau. Information and Communication Technologies (ICTs) were described in the document, both as tools for administration systems and as the object of technology transfer. Furthermore, ICTs' impact upon other areas of interests to WIPO, in particular copyright and free software, could contribute positively to all of these. Free software was defined as the freedom of unlimited use for any purpose, the freedom to study, the freedom to modify and the freedom to distribute. FSF-Europe wished to refer to the Declaration of Principles and the Plan of Action adopted by all UN Member States during the December 2003 World Summit on the Information Society, as, amongst others, paragraph 23(o) of the Plan of Action stated that a variety of software models, such as proprietary and free software should be promoted. That impacted not only on paragraphs 12 and 34 of PCIPD/4/2, but also paragraphs 48 and 49, needed to be seen in the light of this decision by the Member States. It was crucial that WIPO programs did not *de-jure* or *de-facto* mandate any of these activities in favor of proprietary

software. All such activities should be equally and fully available with free software. It also considered that, regarding technology transfer and the bridging of the digital divide, the potential of free software should be taken into account by the measures listed in Section II of the document. As alluded to by the “knowledge economy” reference in paragraph 14, Information and Communication Technologies (ICTs) could be a powerful tool to enable industrial growth. The sustainability of such growth was, to a very high degree, a function of the control over such ICT infrastructures. It noted that the model of proprietary software was based on absolute and permanent control by the proprietor; on the other hand, the model of free software, based on the creative use of copyright, offered freedom for political and commercial activity, giving each Member State flexibility and control over their ICTs infrastructure. The region of Extremadura in Spain was a good example of how a primarily agricultural economy could rapidly evolve into a digitally networked high-skill region fostering high economic development through commercial free software clusters. Adding training and competency in free software to WIPO’s development related programs would greatly increase the impact and open up an entire new area of knowledge-based economic development.

72. The Representative of the International Chamber of Commerce (ICC) noted that in keeping with the global membership and mandate, ICC supported the continuation, improvement and expansion of WIPO’s assistance program to enhance the ability of developing countries to fully benefit from and exploit the intellectual property system. ICC concurred with the many delegations that had stressed the important role that IP protection played as a tool for economic, social and cultural development. However, it was the view of its members that intellectual property protection was, but one element of a larger policy framework to promote development. ICC applauded WIPO’s active cooperation with developing and least developed countries under the cooperation for development program, thereby improving their capacity to integrate and make better use of the intellectual property system. Moreover, the Committee also seemed to be involved in many of the issues now raised with respect to the development aspect of the intellectual property system. In view of WIPO’s budgetary limitations, and in order to avoid creating redundancies among different bodies in WIPO, ICC was of the view that new issues related to intellectual property and development should be addressed by the Committee, presumably without any deviation from its original purposes. ICC expressed its willingness and looked forward to working with WIPO and all Member States through its international secretariat and global membership to ensure that the intellectual property system continued to serve as a tool for development.

73. The Representative of the International Federation of Film Producers Association (FIAPF), stated that it represented various structures that were involved in film production throughout the world. FIAPF had member organizations in 27 countries in four continents. The Representative added that while entering the third millennium, and at this particular time, cultural products were becoming particularly important, which meant that cinema was becoming increasingly important and that we found ourselves very much in the forefront of efforts to promote economic development. The capacity of its sector to contribute to national economy was, in fact, a guarantee of cultural freedom because it allowed local producers to reflect people - no matter where they lived, to reflect the wealth and the diversity of their own culture and thereby enriching their lives. The Representative also recalled what was stated by the representative of the Argentine Producers about the situation in Argentina, in the course of the inter-sessional meeting. He reminded that when, in fact, Argentina plunged into the most devastating crisis of its history, only the cinema in Argentina allowed the people to remember

their own identity and also allowed the rest of the world to remember that despite the great suffering the country was going through, nonetheless, the people living there were able to show heroic qualities of resistance. It considered that if people were, in fact, to live life to the full, particularly in developing countries, this cultural industry, more than ever today, needed to find itself within a national legal framework which would allow it to guarantee its rights, and that meant copyright and neighboring rights, as well as rights to production. The Representative observed that the audiovisual factor was very much at risk today, and wished to dwell for a few moments on what those risks were. It noted that the first risk factor was that, despite the fact that something was being produced in terms of physical goods, like a car, and so on, that was not the situation at all. FIAPF pointed out that people could not simply produce something that might be at a low cost on the basis of a low cost model, that could far better meet the needs of the market. It would be impossible to just study what exactly you wanted and produce a finished product that would be mass-produced. Each and every film was different, unique, and it was almost impossible to decide whether or not a film would be a success or failure in advance. It highlighted the fact that making a film was very expensive. If one thought of the Hollywood film, it might be more or less about 50 million dollars today. It was a lot less, however, to make a European film, and even more cheap to make a film in developing countries. However, in relative terms, the kind of risk incurred by a film producer in Burkina Faso, India or Argentina, was just as great a risk as was run by a Hollywood producer, even if the film cost only 10 million dollars. The Representative continued to explain that this was because the funding challenge faced in developing countries was of a different order of magnitude from that encountered in developed countries. It observed that people were trying to get funding for a high-risk product and so, investors were extremely prudent about investing. That was how it was possible for them to put films better produced in different parts of the world, on an equal footing in that respect. It was all really almost impossible. It observed further that film producers had to do something if they wanted to manage this risk in order to continue to offer the general public a range of cultural products, despite all of the problems that were involved. One of the things that they did was to get involved in co-productions with foreign partners, which meant sharing the financial risk, and also meant improving the quality of the film, particularly for instance, by getting assistance with script writing and so on. It also meant providing a great number of outlets for the film once it was a finished product. The development of co-production in world cinema today resulted in a close relationship between developing and developed countries in that sector. It was encouraging to see that there was a lot of creative inter-change taking place today. What had to be done was to encourage linkages between creators, producers and distributors of films in developing and developed countries. This allowed these products, which were cultural value added products, to circulate freely throughout the world, which was very much in the interest of all, certainly in the interest of film producers in developing countries. It also meant that they could continue to work in this area and, therefore, would be able to generate jobs in their countries. It was a very positive trend. The Representative referred to matters that needed to be done. Firstly, an international legal framework should be in place, guaranteeing copyright and related rights on the basis of a minimum that would apply to all. That should stimulate exchange and cooperation at an international level in this crucial area. Secondly, specific measures were necessary to make it possible for creators and producers in developing countries to gain access to funding opportunities, including funding for the products that they were involved in producing and funding to allow them to market their products nationally and internationally as well. Thirdly, the maximum possible opportunities had to be provided for entrepreneurs of SMEs, to improve training for management of audiovisual products, so that they could maximize financial returns on those products, and

could also develop self-funding in the countries where they were established. The Representative concluded by stating that it wished to propose a number of proposals that would be realistic, practical and encouraging and would provide incentives to move forward in the way that had been described. It urged that the joint document, Coalition for Creative Paper, circulated by the inter-sessional meeting, be studied. Copies were available for all today. It also indicated that FIAPF was at the disposal of the Secretariat and of Member States of WIPO to contribute its expertise to further elaborating its proposals. FIAPF also referred to document PCIPD/4/2, provided by WIPO, which it found extremely useful and interesting. It hoped that its proposals could be included in the work program that was envisaged along side other proposals put forward by other delegations.

74. The Representative of the International Federation of Library Associations and Electronic Information for Libraries, speaking on behalf of two NGOs, the International Federation of Libraries Associations and Electronic Information for Libraries, opened its statement by declaring that access to information was essential to education and research and had a direct impact on economic growth and quality of life, and that the Representative's main concern was in the area of Copyright and Related Rights. The Representative declared that library services had changed dramatically over the last 20 years; new information technologies offered libraries wonderful new ways of providing local access to global resources, opportunities to develop innovative services and to reach out in new ways to communities. Recent examples were the British Library opening its treasures to the world in the "Turning the Pages Project"; a digital literacy project in South Africa where more than seven thousand people each month accessed computers in six public libraries in a city where 60% of the residents had never used a computer; a project by the National Library of Uganda and Anywhere Books which had provided the population in Uganda with a digital book mobile and print-on-demand center for primary health care and other essential information. The Representative stated that, although there were new opportunities, users had fewer rights in the digital environment than in the analog world. In particular, there were new layers of rights on digital information, like database rights. It then stated that technical protection measures that prevented users from availing of lawful exceptions and non-negotiable licenses that overrode fair use provisions created legal barriers and technological blocks leading to confusion and uncertainty, which discouraged and prevented access and fair use, and that the digital environment should not be regarded as different from the analog; otherwise, users would be penalized simply because of the mode of delivery. Such issues affected libraries all over the world. But while libraries in developed countries were consulted by governments and often also by rightholders' organizations and were actively engaged in protecting the public interest of libraries and education through their national and regional library organizations, libraries in developing countries were often not included in the same way, when national IP policies, Copyright and related laws were being updated. That was partly due to a lack of awareness of the issues, lack of resources, and lack of capacity within the library' communities, which was not surprising, as the role of the traditional librarian changed to information broker, database specialist and legal expert with the need to negotiate complex licenses with publishers for access to essential electronic resources. The international library community was working to raise awareness and build capacity, so that libraries in developing countries could become valued and knowledgeable partners in national and international policies for a such as WIPO. The Representative agreed on the need for policy makers and legal draft persons, who were informed on the use of options and flexibilities, and therefore took a keen interest in the technical assistance provided by WIPO to developing countries. The Federation believed that the flexibilities and public policy issues set out in section 6 of

paper PCIPD/4/2 were essential for any technical assistance program, and that discussion among stakeholders was crucial to achieving a fair and balanced outcome, as mentioned in paragraph 46 of the Document. However, the Representative did not think that developing appropriate mechanisms for balancing the interest of the rightholders and the users community via consultation process and reliable data should be limited only to least developed countries, as set out in paragraph 52 of the document, but consultations with a wide range of groups such as libraries, consumers, educators, people with disabilities, as well as rightholders, should be facilitated in all developing countries. The Federation declared its support to the comment from the Delegation of Pakistan for more information on the methodology and processes adopted by WIPO referred to in paper PCIPD/4/2. The Federation also claimed that the professional library community had to be consulted, so as to avoid the risk of inappropriately drafted Copyright legislation. The Federation offered its assistance in identifying local and regional expertise or to participate in the development of technical assistance programs and mentioned that it would be a great shame that, as countries developed and their infrastructure improved, libraries in the future would find themselves unable to provide appropriate digital services because of unbalanced Copyright laws.

75. The Representative of the International Federation of Reproduction Rights (IFFRO) remarked that copyright industries were among the most important contributors to cultural independence and diversity and to the economic growth of nations, and that no distinctive culture could be created or sustained without them. Intellectual development and growth would be put at risk if they were not allowed to evolve properly. The Federation announced that copyright industries contributed significantly to Growth Domestic Product, generally 4-6% in developed nations, and that they remained among the main growth areas and were also major contributors to the creation of new jobs. In several countries, these industries were growing at speeds substantially higher than other industries, and had over the past decades been the only sector showing a steady and unbroken growth in employment rates. Within the cultural industries, the print media including literature, sheet music and press/periodicals from daily newspapers through trade publishing to scientific publishing were among the most important contributors to a society's overall well-being. Ensuring that those industries had market conditions that encouraged the rightholders to provide access to their products and enabled them to collect a fair reward for their use, enhanced the potential of these industries to stimulate cultural and economic development. The Federation asserted that collective management organizations, reproduction rights organizations or RROs administered certain types of access to copyright and similar reproduction for the use within an institution, for example, of chapter of a book in an educational establishment, in many countries. It then stated that co-operation was often needed between government and / or intergovernmental initiatives and NGOs, both national and international, to put into place effective and well functioning RROs in order to enable the establishment of the infrastructure and licensing mechanisms. It also claimed that the role of governmental and intergovernmental bodies was to put into place a proper legislative framework and other conditions that enabled CMOs to function properly. The Federation mentioned its development program, which enabled the cooperation *inter alia* with WIPO, with whom IFFRO had signed an agreement on cooperation. The program foresaw collaboration in the form of sensitizing the public and rights holders and copyright awareness building, and also capacity building and training of personnel, through the organization of workshops including all aspects of RRO activities as well as the development of business plans, training on the spot and at a host RRO through a mentoring program, sometimes in cooperation with WIPO. Part of the work relating to technical assistance was carried out under the agreement on cooperation between WIPO and

IFRRO, such as the joint WIPO-IFRRO publication on Collective Management in reprography, in which the development of the text was fully financed by IFRRO under its development program and co-published by the two partners. The publication was directed towards and provided useful information to governments as well as to rightholders and their associations. IFRRO declared to be working hard to promote the collective management of reprographic reproduction rights and the development in the developing countries through its regional committees, and that work had started in all regions. The Federation pointed out the example of Malawi, one of the least developed countries, where COSOMA, the national copyright society, had organized the rights holders' association to form a Reprographic Rights Committee. COSOMA had signed licensing agreements with the two major universities and some colleges thus providing legal access to copyright works through photocopying and the payment of fees for such use to authors, creators and publishers, and negotiations with the Ministry of Education and the Central Government were at an advanced stage. That cooperation had only been made possible because of joint efforts from the government of Malawi, COSOMA and Malawi rights holders, IFRRO, to a large extent through a strong commitment from the Norwegian IFRRO member Kopinor, and WIPO, through the African Bureau. The Federation mentioned the importance of the role played by WIPO in that cooperation activity, especially at an initial phase when sensitizing rights holders and users was imperative. For the society, it was important to have reasonable access to scientific and literary works. For rightholders, adequate opportunity for a fair remuneration for the use of their work, *inter alia* through licensing mechanisms, was essential to stimulate the creation and publication of new intellectual works. In that sense, the Federation believed that a constructive cooperation between governmental, intergovernmental bodies and NGOs, often within the framework of WIPO, was the best way forward to create a win-win situation that would enable creative industries to contribute to economic growth and to cultural independence and diversity.

76. The Representative of the Eurasian Patent Office (EAPO) mentioned a statement made by the Office on the occasion of the previous inter-sessional intergovernmental meeting, which highlighted the need for a closer cooperation on the work that had been done by WIPO and regional patent organizations, particularly when it came to providing assistance to countries. It then pointed out that the Eurasian Patent Office had established the assistance to Member States, who participated in European patent conventions since its very onset. Assistance included training, providing access to patent information resources, and all of the necessary technical assistance that entails. The Office then requested specific assistance by WIPO, so as to enhance its efforts. The Office believed that the coordination of efforts would improve the effectiveness of assistance given for the development of patent offices in countries in the region of Europe and Asia.

77. The Representative of the European Patent Office (EPO) remarked that the Office's significant contribution to technical assistance in the field of intellectual property delivered to developing countries and to least developed countries, had already been presented in that meeting. EPO's starting point was to give to the IP offices the means, tools, capacities and skills needed to carry out successfully their jurisdictional mandate, which usually was to register and administrate IP titles including publishing and disseminating patent information. In the past 20 years, the Office had achieved a concrete and satisfactory result, which was not always apparent given the complexity of the system and the local conditions faced. However, EPO did not think such results were enough. EPO was fully aware of the fact that IP had entered the center of the political arena. Some of its Member States had contributed

significantly to structure this very sensitive and complex discussion, and EPO had supported strongly such efforts, such as the works of the IPR Commission. Regarding the development aspects of the IP system, EPO declared that the window for opportunity was open with the works done by the task forces for the Millennium Project 2005, as reflected in their reports. The Office called attention to the report of task force 10, dealing with science, technology and innovation, as a vehicle and tool for development, which stated that STI was a “*conduit sine qua non* for achieving all other goals”, and that a change of paradigm was currently occurring regarding the way development aid was conceived and delivered. The EPO continued making reference to the report, where it was stated that almost all attempts to transfer technology and scientific knowledge had failed up to that moment, and that the key issue for that failure was the lack of a demand side and lack of structures to absorb and maintain and develop the offers. The EPO thought the report made some interesting suggestions for an alternative and more promising approach. The basic elements were focused on transfer of mature adapted technologies for which a demand side should exist, such as using necessary infrastructure projects in the urban and agrarian communities for local capacity building, and then using local industry and SMEs as a vehicle for technological transfer. The EPO stated that patent documentation was probably the better source for finding solutions to a technical problem as soon as it was identified, and that was the reason why IP offices made that knowledge available virtually everywhere or to everyone having telecom access, which was a major evolution, as such type of information had never been served by and made technically available to the ones that were virtually excluded from the technological scientific circuit. EPO believed the critical challenge for the IP community was to make patent information formally and technically available to a general and abstract public as well as to the existing demand side, and help the possible users to understand and evaluate its content. That could become an efficient way of transferring technical and scientific knowledge to developing countries and thus help them make the first steps towards becoming knowledge societies. EPO stated that the IP community could play a central role in helping the United Nations to achieve the Millennium development goals in addition to its usual jurisdictional mandates, which was both a huge challenge and at the same time a big opportunity for the IP community, as the success in using that enabling aspect of the system would make the protection side more easily accepted. The Representative announced that the Office had developed a strategy based on the principle that IP should serve wider development goals and work persistently to develop strategic tools and skills to make that happen. The Office was working in close cooperation with its Member States, WIPO, and other partners supporting many IP offices around the world to get the adequate means, tools and skills to carry out their basic tasks. It had also started developing tools for making patent documentation effectively available to the relevant target groups. However, much still had to be done, in particular towards developing new, special skills on the offer side and awareness on the demanding one. In order to succeed, EPO needed combined and coordinated efforts from all sides, which was unfortunately not yet the case. Therefore, EPO declared its support to all initiatives in that direction and assured its continuous and intensified engagement and efforts with that respect.

78. The International Federation of Phonographic Industry (IFPI), representing the recording industry across the world, supported the ongoing work of WIPO in development issues, including the PCIPD, and recalled the Federation’s general points presented in the IIM and carried forward in the joint position paper of the Right Holder’s Coalition for Creative Development, to which it would add some specific points in the light of the works from the PCIPD. Regarding the issues raised in the paper PCIPD 4/2, IFPI appreciated, in particular, the need for WIPO’s work with developing countries with the aim to improve the intellectual

property protection systems in a way that suited their particular needs. IFPI affirmed its awareness on the paramount importance of internationally agreed standards of protection with the reality of developed and developing countries for the building of a network of licensing and distribution contracts, as it worked with record companies of all different sizes based in different continents of the world. Therefore, it was essential that WIPO worked with all countries on a case-by-case basis, identifying specific problems and working toward solutions serving the individual needs. Having followed the work of the PCIPD, IFPI supported the expanding scope of the Committee to a wider range of activities. Taking into consideration discussions held during the week, IFPI encouraged WIPO to play a leading role in coordinating the development work of other agencies and international or regional organizations in pursuing development goals related to Copyright. More on the practical side, it was believed that individual creators, performers and companies would benefit from further help and the effective management of Copyright and licensing of their rights, and to take advantage of the benefits of distribution opportunities currently offered by digital technologies. IFPI thought WIPO's work would continue to deepen the knowledge of the impact of Copyright on economic and cultural levels, where more factual basis would aid the drawing of policy conclusions. IFPI welcomed the initiative to publish a guide to surveying economic contributions of Copyright-based industries and propose other factual studies in the Copyright field exploring also the cultural aspects. IFPI stressed the importance of hearing and taking into account the opinions and day-to-day experiences of individual rightholders. IFPI concluded by stating that the recording industries stood ready to assist and contribute to the work of the Committee as it moved forward on those and other initiatives. Based on the experience and expertise of many record companies of all sizes producing music in 78 countries at different levels of development, IFPI offered itself to contribute with information and assistance in partnership building.

79. The Representative of the Third World Network had three observations to make about the document prepared by the Secretariat. First, the document appeared to be premised on the basis that protection and implementation of intellectual property rights was the only way to promote creativity and innovation. Throughout the document, there was reference to the technical assistance granted by the Secretariat to developing countries and LDCs in developing and implementing suitable IP strategies. However, the Representative recalled the 1971 Agreement between the UN and WIPO, which entrusted WIPO with the responsibility "for promoting creative intellectual activity and for facilitating the transfer of technology related to industry property to the developing countries". In line with that mandate, WIPO also had the mandate to promote creativity, innovation, and transfer of technology and that could be done not only using IP as a tool, but also through the use of other alternative models. In the context of technical assistance, it was important for WIPO to be open to and consider other non IP systems for fostering creativity, innovation and transfer of technology and to encourage the use where appropriate after analyzing the benefits and costs of each system. Secondly, the Representative found that the document could be improved with the provision of more detailed information as pointed out by some member States yesterday. In particular, it referred to paragraph 8 of the document, which stated "specific WIPO support includes the conduct of national surveys on the existing state of the IP system, particularly through IP audits". The Representative understood that the results of the national IP audit were to be used to determine where the system needed to be reinforced. However, it was not clear from the document what methodology was used to conduct those IP audits and stated that it would therefore be useful to have had more detailed information on the national IP audits that were conducted. The Representative went on to say, that what might be more useful in developing

countries, in its view, was a study of the implications and impact of the IP obligations on the society, for example on access to medicines, access to information and technology. That was particularly important now, due to the numerous subregional and bilateral trade agreements where developing countries were asked to undertake TRIPS plus obligations, which might have had important development implications. Such an assessment would enable developing countries to be in a better position to decide whether the obligations they were undertaking would assist them to meet their development goals. The methodology used in making those types of assessments should also be made available to the public. It also referred to paragraph 25, which stated “WIPO [would] continue to do extensive work on aspects relating to the commercial dimension of the protection of traditional knowledge and benefit sharing from genetic resources. Strategies were being suggested which build on the knowledge of the people.” The Representative therefore believed that it would be useful to have had more information on the strategies that were being suggested to developing countries and also information on examples of technical assistance being given to developing countries and LDCs. It concluded by supporting the call made by many member State and the proposal of the Friends of Development for increased transparency in the deliverance of technical assistance and an independent evaluation and monitoring of the technical assistance that had been and would be given by WIPO.

80. The Representative of the Union for the Public Domain (UPD) explained it was a non-profit organization that sought to protect and enhance the public domain. The WIPO Secretariat report (PCIPD/4/2) regarding technical assistance to developing countries repeatedly described activities that would extend private rights over knowledge resources, implicitly endorsing restrictions on access to knowledge as a strategy to promote wealth creation. The Representative stated that there was another way of thinking about knowledge resources that pointed in the opposite direction. As IBM and other innovative firms were now discovering, in some cases it was the sharing of knowledge resources that did the most to create wealth and innovation. The Representative noted that a simple and powerful example was the Internet. The development of open public domain communication protocols, not protected by patents, trade secrets or other restrictive regimes, provided the foundation for the most important communications platform of the current generation, a platform that had generated an astonishing amount of private and social wealth. Governments and donors within the United States of America, United Kingdom, Germany, Japan, France and others supported a project to put the human genome into the public domain because it would be more valuable to society if no one owned it, and if everyone had free access to it. Those governments acted to prevent private investors from sequencing and patenting the human genome. The US National Institute of Health now required publicly-funded research to enter free public archives, because it thought the information was more valuable when it was freely available to scientists. The theory of wealth creation through public goods was missing from the WIPO technical assistance document and that was a mistake. The Representative believed that it was not because a resource was free that it did not have, or create, value and WIPO needed to answer the question of the day - what should be free and open, and what should be closed and not free? It stressed that the current debate was important for everyone, but particularly for developing countries, where students, businesses and others had few resources to buy non-free knowledge goods. Who were the people in the WIPO Secretariat who could advise developing countries on new open knowledge business models? What publications did WIPO offer that explained the benefits of the public domain in supporting innovation or wealth creation? It concluded by asking member States to call upon the Secretariat to produce

a report which identified areas where knowledge in the public domain, and freely available was as valuable as those placed within the IP regime.

81. The Representative of the International Video Federation (IVF) stated that it was one of the many organizations that had co-signed the document of the Coalition for Creative Development, which was available to all the delegates outside the room. The Representative declared that it would like to add its voice to the comments made by its colleagues from FIAPF and the representative from the phonographic industries and wanted to briefly point out several items. It indicated that the creator sector, especially the area of audiovisual, was a very fragile sector; its survival depended upon authors rights and the protection thereof. FIAPF indicated that there was no need to point out that authors rights were necessary to encourage creation, to make it possible for creative activities which generated a cultural and economic benefit as well. It further pointed out that was important for the creative individual and also very important for the public good. The implementation of the basic principles of authors' rights was of essential importance in strengthening those fragile sector in developing countries. FIAPF noted that digital technologies, which provided new opportunities for developing and developed countries alike, must benefit from proper legislation and a legal framework that permitted access to content, but which also protected the rightholders. The economic backdrop of many developing countries accentuated the challenges faced by stakeholders in the creative sector. The Representative concluded by drawing attention to the Coalition for Creative Development's document, which included a list of practical measures to assist developing countries, such as aid for the training of economic partners and cooperation between creative companies. Those were just some of the measures that were put forward and which were of a very practical nature and that those proposals sought to strengthen the role of creativity as an engine to growth and development.

82. The Representative of the International Federation of Musicians (FIM) explained that the Federation was set up in 1948 and was the only NGO representing professional organizations and unions of musicians on the international level, with members from 75 countries representing several hundred thousands musicians from around the world. FIM was a co-signatory of the document of the Coalition for Creative Development, which had been made available by a number of NGOs representing the rights holder in the area of authors rights and related rights. The Representative stated that amongst the objectives that it pursued: the benefits of its members, the protection of authors rights for musicians, which was a high priority and had been for a number of years, it wanted to see to it that there was a growth of the cultural sector, especially in the world of music in developing countries. Those countries provided a wealth of different types of music and the potential was great. The Representative was convinced for its part that the protection of authors rights and related rights in developing countries provided a major opportunity for the development in their cultural sector and that it was important when it came to the type of activities that could bring about important economic spin-offs. The Representative noted that protective measures would be acceptable and efficient only where they had been established in compliance with a proper balance with the requirements of users. It went on to say, infrastructural production and distribution were often too weak or non existent, and the lack of investors, improper enforcement or poor legislation slowed down or inhibited the development process related to authors rights and related rights and that impacted the legitimate income for musicians. The parallel markets for pirated CDs and DVDs made it impossible for users to acquire the legitimate work of authors and musicians, which was harmful to the industry and to the artists. The Representative stated that a number of governmental organizations had

underscored the need for cooperation, for the sharing of knowledge and for the bridging of the digital divide. It shared an example of a well-known Senegalese musician, for whom the enforcement of intellectual property rights on the international scale and in his country had allowed him to become a very important player in the music industry in Senegal and that example, amongst others, bore witness to the positive effects of effective enforcement for the entire national music industry. FIM was also pleased to see the backing provided by WIPO for the activities of training and awareness raising for the associations of musicians in developing countries and that was done in conjunction with the various offices of authors rights and organizations in charge of collective administration. It indicated that with WIPO's cooperation it should make it possible to reach the objectives set, the proper enforcement of related rights. The Representative again pointed out that the conservation and promotion of traditional music and folklore and cultural diversity could be expected from proper enforcement of intellectual property rights and related rights. The Representative concluded by saying that in its view, the WIPO treaties that protect intellectual property rights and related rights provided a very homogeneous and important framework, and a number of tools and instruments, which must be promoted vigorously.

83. The Representative of the International Federation of Actors (FIA) underscored the importance and added value of intellectual property rights, especially authors rights and related rights. That those were very important for cultural and social fulfillment of all countries, as well as developing countries. Its members, performing artists, were the very heart of the sector and embraced the various messages provided, particularly the need for proper protection, and the means to derive a fair remuneration from their works, including setting up systems, which ensured that there was effective protection in day-to-day life. That was an essential condition to make sure that every country could have had cultural fulfillment. The Representative added that it important to have had legal protection or to strengthen the legal protection provided to performing and recording artists and that WIPO had a very important role to play. In that connection, the Representative encouraged WIPO to continue its work and noted that specific actions were necessary to make it possible for the artist to manage or negotiate their rights, which included setting up collective organizations that were truly representative and truly operational. The Representative highlighted that not only were there collective negotiating organizations, but also guilds and trade associations/unions that had the responsibility of negotiating minimum standards for the sector and that often they worked in conjunction with the negotiation of exclusive rights. The Representative encouraged WIPO to carry out in-depth analysis in the field and to be especially watchful for developing countries to measure the level of enforcement of intellectual property rights for performing artists and recording artists. It emphasized that often those rights existed only on paper, preventing effective enforcement and the potential for cultural, economic and social growth. The Representative again pointed out that often in developing countries rightholders existed in a framework that was: fragmented or not properly regulated, had no protection, no contracts, and often were not properly remunerated, had no-one to negotiate working conditions, and that there was no framework that made it possible for them to assemble and to organize. The Representative stressed that in such frameworks, rightholders required various support measures and training as well as an open dialogue between the leading players and the organizations of performing artists together with employers and the government. The Representative called for strengthened partnerships between WIPO and other international governmental organizations such as the International Labour Office (ILO), and international NGOs, which were very important partners, to continue the work in favor of intellectual property rights. The Representative believed that it was important to also focus on other

aspects such as the social dialogue, access to new technologies, support for promotion and national cultural production, support of job markets appropriate IP legislation, education and training of users as well as government authorities in intellectual property. It concluded by stating that its organization was willing to back those activities, but that the funding must be secured through new partnerships.

84. The Representative of the International Publishers Association (IPA) stated that it was an international federation of national associations that represented literary, scientific and educational publishers from all part of the world, which was established in Paris, in 1895, and which at present had 79 members from 66 countries. IPA indicated that its member associations had been able to benefit from cooperation from WIPO, both nationally and regionally. IPA stated as an example that in Africa, WIPO sent out copyright experts to be involved in training, many of those were involved in the process concerned with preserving IP in Africa. IPA said that this work was often done discreetly, but extremely effectively and that it considered that in fact it was diplomatic discretion that was shown in that regard. IPA judged the effectiveness of what was done by the fruits in terms of dissemination of information to all those who were concerned. IPA said that it appreciated the determination of WIPO in the enforcement of copyright protection. In IPA's view, what was of concern to African writers was the message that they wanted to convey to those living in their immediate environment and that was important to approve the quality of their lives. The Representative said that they were then the targets for the content of their texts and that was the public they were seeking to serve, and that it was from that public that they would like to receive the first fruits of copyright. IPA mentioned that, it was sad to say that those people, despite the fact that they were in a majority in Africa, nonetheless were illiterate to a very large extent and therefore were not able to buy books. IPA underlined the fact that books in Africa today were a luxury product and that being so, copyright simply represented scanty income. IPA stated that writers found that they end up being the ones who lose out in that whole process and of course it meant that their creativity ultimately lost out. In IPA's point of view, it was important to integrate copyright into an overall standard that would reflect the enormous vitality and cultural diversity of African countries and make that a real driving force for the creative life of all our societies. IPA mentioned that WIPO had often supported copyright associations and publishing associations at national, regional and international level and that it had done that by raising awareness of the issues involved and also through cooperation with targeted associations. IPA continued by saying that however, WIPO should focus itself increasingly on the following specific measures: Firstly, WIPO should provide logistic support to regional bodies in order to have a standing framework or structure that could be of assistance for instance to writers' associations, who are the main beneficiaries of copyright. Secondly, WIPO should provide support to regional NGOs that were involved in management of copyright, such as l'APNET (The Network of African Publishers), which was established in 1920 and which brought together 46 national publishing associations, in the 53 states that went to make up the African Union. IPA expressed its conviction in the fact that a great deal could be achieve by WIPO's cooperation with these professionals who were already organized in recognized professional bodies and who were very much involved in managing and generating copyright today. IPA said that it believed that training, seminars and conferences would become more frequent and that all matter of copyright would be discussed and would thereby become more transparent and clear to all. The Representative concluded by expressing thoughts on the importance of having balanced, well-planed and well-structured meetings at a local, regional, continental and even global level.

85. The Representative of the International Federation of the Industrial Property Attorneys (FICPI) stated that it was a truly international organization as its members, independent (private) IP Practitioners, were from more than 80 countries. FICPI said that its members represented creators and owners of IP rights, and often users (licenses) of IP rights and parties who wanted to invalidate IP rights. FICPI indicated that as such, it always advocated a balanced approach in respect of creation, enforcement and use of IP rights. FICPI stated that there was clearly a need to intensify and focus the efforts of WIPO in respect of the needs least and developing countries. FICPI indicated that it supported the activities of WIPO and other organizations in relation to the evolution of the IP system to accommodate the need of LDCs and developing countries. The Representative pointed out that, however, the IP system also needed to undergo its natural evolution process, in respect of the needs of developed countries. FICPI expressed, in this regard, its wish to caution that the existing drive to accelerate the evolution process of IP in respect of LDCs and developing countries had the danger to overlook the very much needed natural evolution process of the IP system in respect of the needs of developed countries. As an example FICPI mentioned the harmonization efforts of the patent system in terms of the Substantive Patent Law Treaty (SPLT) which has been brought to a halt in view of the intervention of traditional knowledge issues. FICPI said that the traditional knowledge issues were complex and important and might take some time to resolve, and that in the mean time, it would be sad if the much needed harmonization of the patent system, on at least a number of crucial issues, was unduly delayed. In FICPI's view, the harmonization of the patent system in some crucial issues would clearly be to the benefit of all parties concerned. FICPI concluded by expressing its support to the existing activities of WIPO and other organizations to promote development in LDCs and developing countries, and said that on the other hand, it requests WIPO and its member countries to please allow the evolution process of the IP system, to also run its natural course in respect of the needs of those users of the IP system in developed countries.

86. The Representative of the Electronic Frontier Foundation (EFF) stated that it was a civil society organization with offices in the United States of America and the United Kingdom, dedicated to protecting civil liberties, freedom of expression and the public interest in the digital environment. EFF said that it was funded primarily by its 10,000 individual members, and published a weekly newsletter with over 50,000 subscribers worldwide. EFF reminded that it had submitted a briefing paper for national delegates in the first session of the Inter-Sessional Intergovernmental Meeting on the Development Agenda proposal which analyzed how access to knowledge was impaired by legally sanctioned technical locks, such as technological protection measures and made several recommendations for WIPO's future development work on technical assistance and co-operation. EFF expressed its wish to incorporate that briefing paper by reference. EFF stated that while it didn't believe that WIPO's development work was, or should be, limited to the provision of technical assistance, it supported the review and strengthening of WIPO's capacity to provide technical assistance that was meaningful, effective, and specific to the particular development needs of the countries it assists. EFF in particular, recommended that in providing technical assistance to developing countries on implementation of their technological protection measures obligations, WIPO should take account of existing public interest flexibilities in international instruments, and preserve policy space for both countries' existing national copyright law exceptions and limitations, and the creation of new exceptions appropriate to their specific development needs. In that context, EFF addressed a statement in paragraph 48 of the WIPO Secretariat's Report, document PCIPD/4/2, concerning digital rights management. As paragraph 47 of that document stated, "the international copyright system has achieved a

careful balance between the right of creators and authors to control the use of their works, and the public good in accessing such information. Exceptions and limitations to copyright and related rights help to maintain this balance, and are recognized in international conventions and codified in national legislation". EFF said that while it strongly endorsed that statement, it believes that the assertion in following paragraph 48, that digital rights management technologies could be deployed to enable defined uses of digital content by beneficiaries of copyright exceptions, such as for visually impaired people, was both misleading and erroneous for three reasons. Hence in EFF's view, it was not a useful basis for WIPO's technical assistance to developing countries. EFF said that first, the digital rights management technology described in paragraph 48 didn't exist, and that digital rights management technology couldn't tell the difference between infringing and non-infringing uses, and that thus, it was not possible for DRM to play the role of "enabling" copyright exceptions and limitations. Secondly, EFF said that the statement in paragraph 48 was premised on a profound reversal of the norm, where rightsholders enforce a limited set of well-defined rights, and all other public uses of a copyrighted work are lawful, and that instead, that statement assumed a world where the opposite was true; rightsholders would control all uses of works and access was permitted only under conditions authorized by rightsholders. In EFF's view, that framework also didn't permit access to work that had ceased to be copyrighted and are in the public domain, and this would place a very heavy burden indeed on access to knowledge, with a consequent detrimental impact on development. Thirdly, the Representative added that the statement in paragraph 48 didn't present national delegates with a complete picture of the costs and benefits of adopting such DRM regimes. EFF said, specifically, that it failed to identify that access to knowledge would be more heavily restricted when DRM was deployed together with legal prohibitions on the circumvention of such technological protection measures, and on the distribution of tools, technologies and devices that could be used to circumvent in order to exercise existing copyright law exceptions and limitations, nor did it reflect the likely collateral harm to other sectors of countries' economies. EFF concluded that in the context of existing obligations under the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty, EFF believed that advocacy of DRM in WIPO's technical assistance and cooperation activities was inappropriate without a full impact assessment of the costs of introducing such new norms.

Item 5: Adoption of the Draft Report

87. The Chair indicated that, as discussed, he had prepared a draft Chair's summary and that earlier that day he had given copies to the Regional Group Coordinators requesting them to consult their various groups and Delegations on possible reactions to the draft. He encouraged Delegations or Coordinators to address the questions or the reactions they had on the draft, which was circulated earlier that morning.

88. The Delegation of Jamaica, speaking on behalf of GRULAC, informed the Chair that GRULAC could not accept the draft summary as an outcome of that meeting. In GRULAC's view, the draft had no legal status as there were no item on the agenda regarding the adoption of the Chair's summary and all the items concerning the PCIPD outcome was item 5 concerning the adoption of the report. The Delegation said that the Group was quite emphatic that the report should be the only outcome of this meeting. However, the Delegation on behalf of the group, said that GRULAC was flexible regarding the time frame for the adoption of the report if it was not possible or feasible to do so at the end of that day's meeting. The

Delegation concluded that GRULAC was flexible regarding when the report could be adopted and could in fact agree to a deferred adoption of the report that was required in item 5.

89. The Delegation of Italy, speaking on behalf of Group B expressed its disappointment at the fact that members could not agree on the summary by the Chair, which in Group B's view, would have given that meeting a tangible outcome. The Delegation said that it believed that a session of the PCIPD should be convened at the earliest and that it agreed that the draft report should be circulated and adopted as soon as possible.

90. The Delegation of Morocco, speaking on behalf of the African Group informed the Chair that the African Group, in the spirit of flexibility, joined the consensus, during the recent IIM meeting, for the adoption of the Summary by the Chair because of some difficulties expressed which did not allow the production of the draft report of the meeting. However, this new practice seemed to be becoming more regular and replacing the practice of concluding meetings by adopting the report. The African Group, for that reason, asked that all necessary provisions be taken in advance so that future meetings conclude with the adoption of a report. Regarding the proposed Chair's summary, the African Group did not favor it. The African Group asked that the draft report be communicated to all the permanent missions and Member States in no later than two weeks time and also to be available on the website of WIPO. As far as adoption of this report, the African Group asked for it to be adopted at a special session of that Committee at the edge of the General Assemblies in September 2005, the ultimate goal being to avoid the implication of additional financial resources of a special session before the annual session of the general assemblies for the adoption of that report. The African Group stated that it didn't favor virtual adoption because of the digital divide, which several African countries suffer from.

91. The Secretariat said that it would like to very briefly respond to three matters raised earlier by Delegations in their interventions. The first related to the question of the mandate of the PCIPD. It added that its statement would be subject to any possible correction that might be made later, as the Legal Counsel of WIPO was not present. The Secretariat stated that the Committee was created by a decision of the WIPO Conference when it met in its 16th session in September 1998, and that decision was contained in document WO/CF/16/2 dated September 15, 1998. It added that in that decision, the WIPO Conference decided to accept the proposal which created the PCIPD and requested the Director General to initiate procedures for merging the two previous Permanent Committees, one dealing with development cooperation related to industrial property and the other related to copyright and neighboring rights. Subsequent to that decision taken by the WIPO Conference, the PCIPD, which was a newly constituted body, had its first session from May 31 to June 4, 1999, and adopted Rules of Procedures governing its work. The Secretariat indicated that the information was available in document PCIPD/1/2 dated May 18, 1999. It said that the latter document contained two Rules of Procedures. The first pertained to the fact that the work of the PCIPD would be governed by WIPO's General Rules of Procedures and the second was that the membership of the PCIPD would be open to all Member States of the Organization and applied, with some limitations, also to IGOs and NGOs. The Secretariat said that the reason why that second rule was needed was because in the two previous Permanent Committees, it was necessary under the rules of those two pre-existing bodies that Member States had to express their interest in joining the Permanent Committee in question. When the PCIPD was created, it was decided that it would no longer be necessary for Member States to inform the Director General of their interest in being a member. The decision which was

taken by the WIPO Conference in 1998 and the Rules of Procedure adopted by the first session of the PCIPD were entirely silent on the question of the PCIPD's mandate. Regarding the second matter, the Secretariat explained that the sentence in paragraph 9 of document PCIPD/4/2 which said "a strategy and related action plan can be established to marshal resources across the spectrum of government agencies, and other key partners in the non-governmental and business sectors" referred not to action which WIPO or the Secretariat intended to take, but to action which could be undertaken by developing-country Member States themselves. That sentence flowed from paragraph 8 which referred to WIPO supporting developing countries in undertaking national IP audits. Such audits were meant to lead to the adoption of a national IP strategy and an action plan in a given country that could provide it with a basis for marshalling local and external resources. The Secretariat continued with the third and the last matter, saying that a number of questions were raised by a Delegation and that he would like to respond only, because of lack of time, to the issue relating to budgetary, financial, and human resources for carrying out WIPO's cooperation for development program, for the coming period. It informed the Committee that information in this regard was available in the document on the Draft Program and Budget 2006-2007 that the Secretariat had prepared and which would be considered by the Program and Budget Committee later in April. The budgetary allocations proposed for the new biennium for the different programs, expected extra budgetary resources available to the Organization and the sources of those extra-budgetary resources, were all contained in the document

92. The Chair thanked the Secretariat for its remarks, which would also be reflected in the report of the Committee, and proceeded to the item of the adoption of the draft report. The Chair read his proposal for the procedure that would be adopted for the preparation and adoption of the report as follows:

"The fourth session of the PCIPD will be suspended to enable the draft report containing all the interventions yesterday and today, to be prepared by the Secretariat and communicated to the Permanent Mission of Member States by April 27, 2005. The draft report would also be made available, in electronic form and on the WIPO Website, to the Member States, IGOs and NGOs within the same deadline. Comments on the Draft Report should be communicated in writing to the Secretariat by May 9, 2005. The revised Draft Report would then be made available by May 19, 2005, and would be considered for adoption at the resumed Fourth Session which will take place for the said purpose of the adoption at the time of the September 2005 session of the WIPO Assemblies. The Report of the PCIPD would thereafter be submitted in time to the WIPO Conference, which will be meeting during the said September 2005 sessions of the WIPO Assemblies, for adoption by the WIPO Conference. The date and other details regarding the resumed Fourth Session of the PCIPD will be communicated by the Secretariat as soon as possible."

93. The Delegation of Brazil, stated that the Chair's proposal complied with its expectations regarding the draft report. The Delegation said that it understood that there was no tradition for forwarding that factual report for adoption of the WIPO Conference and therefore it would suggest that, that course of action be deleted from that paragraph. The Delegation said that it saw no reason to forward a factual report that was just a reproduction of statements from members, for adoption by the WIPO Conference.

94. The Delegation of Netherlands asked the Secretariat what would be the financial implications of that practice if it was agreed to. The Delegation asked whether that would mean considerable amount of costs to resume a session in order to adopt a factual report and whether it was justified.

95. The Delegation of India, stated that it also would be eager to hear if there were any cost implications of this resumed meeting. The Delegation said that it would be good to have that point confirmed by the Secretariat, and indicated that it was expecting the authoritative version from the Secretariat about past practice regarding the practice of submitting reports to committees. The Delegation said that it was not certain that it was common for every committee to submit its report to the WIPO Conference or Assembly.

96. The Delegation of Morocco reminded the position of its Group, which called for the adoption of that report at a special session of the Committee.

97. On the issue of financial implications, the Secretariat indicated that a resumed Fourth Session for the purposes of adopting the report, would coincide with the September 2005 WIPO Assemblies, in order to minimize any costs that might be incurred, because all conference services would already be in place for those series of meeting, in particular interpreters who would have been engaged for that series of meetings. It added that if that procedure were to be followed, the extra expenses would be minimal.

98. The Chair referred to the suggestion of the Delegation of Brazil concerning the report and said that it wanted to delete the text after the word "session". The Chair wanted to assure the Delegations that the whole purpose of this proposal was in fact to take care of the following: One, the Delegations could not adopt the draft or even get a draft before this evening so therefore, all Delegations had to wait till next week. The second point was that comments would be received from Delegations on the first draft, which would be incorporated in a revised draft. Once that revised draft was made available, the Delegations would have time to go over it and finally decide whether they were going to adopt it. With regard to adoption, he thought that the best time to minimize costs would be as close as possible to the meeting of the WIPO Assemblies in September.

99. The Delegation of Senegal wanted to associate itself with the statement made by the Delegation of Morocco on behalf of the African Group, and to thank the Secretariat for the clarification they had just provided on the questions that they asked, particularly regarding possible cost implications of the special session during the Assemblies. The Delegation thought, as stated by the Moroccan Delegate on behalf of the African Group, that the African Group made this proposal to take account of the financial implications which they were seeking to minimize, and that was why they sought to have an adoption during the Assemblies. It was comforted by the explanation given by the Secretariat. Secondly, the Delegation was in agreement with the summary made of the principles of the adoption. The Delegation said since the text gave a notion that the report would be submitted to the WIPO Conference for adoption would be a problem for them, because it was a problem of the relationship between the Committee and the WIPO Conference, as was raised earlier by the Delegation of Brazil. The Delegation would like to refer to the statement made by the Chair the previous morning, when he reminded them that the Committee made recommendations to the WIPO Conference, the Delegation interpreted this to mean that the Committee adopted the report and submitted it to the Conference for review and as such, the Conference did not adopt the Committee's Report, but reviewed the Report of the Committee. The Delegation

felt that if they had to rework this text, they would suggest what Brazil had proposed , that they would take out the mention of “for adoption by the WIPO conference” as just indicated.

100. Reading the text that the Chair had proposed, the Delegation of Italy thought that the Chair captured the sense of the discussion they had during the day. The Delegation would be quite cautious about reopening a debate on this text, although it was not a negotiating text, because as the Delegation said before, Group B had a lot of sympathy for the African needs and concerns to have the text adopted at the usual time. The Delegation said, as in their previous intervention, that Group B would like this report to be adopted as soon as possible and thought that the timetable that was presented by the Chair really meant that a text would have to be adopted in four to five months time. The Delegation urged the Chair to take into consideration their request to have the report adopted as soon as possible.

101. The Chair said that what we had proposed and read out was not a negotiating text. But in order to take into account the concerns behind the proposal of the Delegation of Brazil, as well as what was mentioned by the Delegation of Senegal, at least for the moment the Chair suggested that perhaps they should come back to this matter after clarification from the Legal Counsel.

102. Responding to the point raised by the Delegation of India, regarding subsequent action that might have or might not have taken place with the reports of the previous sessions of the PCIPD, the Secretariat clarified that the three previous sessions’ reports were sent to the WIPO Conference which had met after the session in question in the three instances. It quoted as an example of what the WIPO Conference did in respect of the report of the third session of the PCIPD, namely the last one before the current one, when the report was sent to the WIPO Conference which met in September 2003. The decision of the WIPO Conference in that year was that it took note of the PCIPD’s report.

103. Responding to the question as to whether the PCIPD was required to submit its report to any other body, the Legal Counsel replied in the affirmative, as the PCIPD was only a subsidiary body. It is not a governing body in WIPO, and as such it was required to submit its report to one of the governing bodies and in this case it was the WIPO Conference.

104. The Chair thanked the Legal Counsel for that clarification and, in the light of such clarification, he proposed a revised text (see para 110) which was adopted.

105. The Chairman suspended the meeting to meet again in September 2005.

106. The following was adopted by the meeting:

“The fourth session of the PCIPD will be suspended to enable the draft report containing all the interventions yesterday and today, to be prepared by the Secretariat and communicated to the Permanent Mission of Member States by April 27, 2005. The draft report would also be made available, in electronic form and on the WIPO Website, to the Member States, IGOs and NGOs within the same deadline. Comments on the Draft Report should be communicated in writing to the Secretariat by May 9, 2005. The revised Draft Report would then be made available by May 19, 2005, and would be considered for adoption at the resumed Fourth Session which will take place for the said purpose of the adoption

at the time of the September 2005 session of the WIPO Assemblies. The Report of the PCIPD would thereafter be submitted in time to the WIPO Conference. The date and other details regarding the resumed Fourth Session of the PCIPD will be communicated by the Secretariat as soon as possible.”

107. Although in paragraph 107 above, the PCIPD had decided to convene its resumed session “at the time of the September 2005 session of the WIPO Assemblies”, the resumed session was held on September 16, 2005, due to the heavy schedule of meetings during the said session of the Assemblies and adopted the foregoing report without any comments / amendments.

[End of document]