

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **WIPO GENERAL ASSEMBLY**

**Thirtieth (16<sup>th</sup> Ordinary) Session**  
**Geneva, September 22 to October 1, 2003**

### REPORT

*adopted by the Assembly*

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document A/39/1): 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 17, 18, 20, 23, 25 and 26.
2. The reports on the said items, with the exception of items 8, 10, 12, 13, 17 and 20, are contained in the General Report (document A/39/15).
3. The reports on items 8, 10, 12, 13, 17 and 20, are contained in the present document.
4. Mr. Bernard Kessedjian (France), was re-elected Chair of the General Assembly, and presided over the meeting of the General Assembly. Ms. Dorothy Angote (Kenya) and Mr. Wang Jingchuan (China) were elected Vice-Chairs.

## ITEM 8 OF THE CONSOLIDATED AGENDA:

COMPOSITION OF THE PROGRAM  
AND BUDGET COMMITTEE

5. Discussions were based on document WO/GA/30/1.
6. The Chair of the General Assembly, Ambassador Bernard Kessedjian (France), noted that further to informal consultations among the Group Coordinators, and taking into consideration the need expressed by a number of delegations to improve the geographical representation in the Program and Budget Committee, the following proposal on the composition of the Committee was made to the WIPO General Assembly: Algeria, Argentina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czech Republic, Ecuador, Egypt, France, Germany, Hungary, India, Italy, Japan, Kenya, Kyrgyzstan, Mexico, Morocco, Netherlands, Nigeria, Oman, Pakistan, Philippines, Republic of Korea, Russian Federation, Senegal, Serbia and Montenegro, Slovenia, South Africa, Spain, Sri Lanka, Switzerland (*ex officio*), Thailand, Ukraine, United Kingdom, United States of America, Venezuela, Zambia (41).
7. The Chair explained that the proposal was a pragmatic one, which resulted from the series of consultations held with the Group Coordinators. He underlined that it had been very difficult during those consultations to establish objective criteria. It had been an effort to try to minimize frustration rather than maximize satisfaction. The Chair also pointed out that being a member of this Committee represented a heavy responsibility and entailed a lot of work. He said that members of the Program and Budget Committee were taking on the moral obligation of taking part in the Committee and in its work. Finally, the Chair recalled that the Program and Budget Committee was open to all because every Member State which is party to WIPO could take part as an observer in its work.
8. The Delegation of Portugal, speaking on behalf of Group B, expressed its thanks on the one hand, to the Chair for the efficiency, the high diplomatic skills and experience he had shown during the series of consultations he had undertaken from September 2002 to July 2003, with the Group Coordinators on the question of the composition of the Program and Budget Committee, and, on the other hand, to all interested delegations for the cooperation and flexibility demonstrated along the consultation process, which had led to a positive result with consensus prevailing on a proposal for a new composition of the Program and Budget Committee.
9. The Delegation said that the new agreed composition of the Program and Budget Committee represented an increase in number of eight members over the previous membership of the Program and Budget Committee. The additional seats on the Program and Budget Committee would be distributed among the Groups on a differential basis, taking into account the concerns of those who defended the need for a more balanced geographical representation. In the view of Group B, the criterion of equitable geographical representation was one among others that needed to be taken into account in determining the composition of such an important WIPO body. The Delegation of Portugal noted that it was probably not the perfect and most desirable solution for all, but it was indeed the feasible and constructive outcome in a pragmatic spirit of compromise. He said that Group B took note of the consensus reached and welcomed the newly arrived members that had been elected for the remainder of the current term, that is September 2003 to September 2005.

10. The General Assembly approved the composition of the Program and Budget Committee, as described in paragraph 6 above, for the period September 2003 to September 2005.

ITEM 10 OF THE CONSOLIDATED AGENDA:

DIPLOMATIC CONFERENCE ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES

11. Discussions were based on document WO/GA/30/3.

12. The Secretariat introduced document WO/GA/30/3, and recalled the decision adopted by the WIPO General Assembly at its September 2002 session to convene an *ad hoc* informal meeting open to all interested Member States and intergovernmental and non-governmental organizations to discuss the renewal of the dialogue on the protection of audiovisual performances. The meeting was now proposed to take place on November 6 and 7, 2003. It was also proposed that the issue of the Diplomatic Conference on the protection of audiovisual performances remain on the agenda of the WIPO General Assembly for its session in September 2004.

13. The Chair recalled that, at its meeting in September 2002, the General Assembly had agreed that the Director General and the International Bureau should conduct consultations with all interested parties and commission studies from experts. However, not all of these studies had been available in time and, therefore, the meeting had to be postponed. He was of the opinion that the calling of the *ad hoc* informal meeting would be helpful to renew the dialogue on the protection of audiovisual performances.

14. The Delegation of Italy, speaking on behalf of the European Community and its Member States as well as the acceding States, supported the proposal relating to the convening of the *ad hoc* informal meeting on November 6 and 7, 2003. The European Community and its Member States as well as the acceding States had noted the various studies commissioned by the WIPO Secretariat in preparation of the meeting. While each of those studies dealt with important elements of the issues at stake, the world community was faced with a difficult task in view of the different concepts at stake. WIPO owed it to performers the updating of their audiovisual rights at the international level. The Delegation agreed that the issue of the Diplomatic Conference on the protection of audiovisual performances should remain on the agenda of the WIPO General Assembly for its session in September 2004.

15. The Delegation of Costa Rica, speaking on behalf of the Group of Latin American and Caribbean Countries, recalled that the Group attached particular importance to the protection of audiovisual performances and therefore supported, as in the previous years, the suggestion that the matter be retained on the agenda of the WIPO General Assembly for its session in September 2004. Although it had not been possible to hold the *ad hoc* informal meeting in June 2003, the Group supported the reconvening of that meeting on November 6 and 7, 2003 for the resolution of outstanding issues. Many years had passed since discussions had started on the question, and in December 2000 Member States had been very close to reaching a

consensus that could not finally be achieved. The Delegation stated that it was necessary to accelerate the negotiating process to complete the work of the Diplomatic Conference.

16. The Delegation of Romania, speaking on behalf of the Group of Central European and Baltic States, noted the proposals contained in document WO/GA/30/3. It recalled that most of the member States of that Group already granted under their national laws protection to audiovisual performances. Consequently, the Group was interested in resolving the remaining issues and supported the proposal by the Secretariat that the informal *ad hoc* meeting be called on November 6 and 7, 2003. The Group also supported the suggestion that the matter of the Diplomatic Conference on the Protection of Audiovisual Performances be retained on the agenda of the September 2004 General Assembly.

17. The Delegation of South Africa supported the proposal of the Secretariat that the issue of the Diplomatic Conference on the protection of audiovisual performances remain on the agenda of the WIPO General Assembly for its session in September 2004. It expressed its hope that solutions to outstanding issues would be found. In the Delegation's view, it would be appropriate to link the Diplomatic Conference with the work of the Intergovernmental Committee on Intellectual Property related to Genetic Resources, Traditional Knowledge and Folklore, so that in 2004 the progress on both issues could be assessed in an integrated manner.

18. The Delegation of Mexico welcomed the initiative of the Secretariat to re-start the dialogue on the protection of audiovisual performances. It informed the Assembly of the extended protection that had recently been granted to authors and performers in the national law of its country. In the case of authors this protection extended to 100 years after the death of the author while in the case of performers it was extended to 75 years with regard to the unwaivable and transferable right in the exploitation of their performances. The Delegation supported the proposal by the Secretariat to hold an *ad hoc* informal meeting and to maintain the issue of the Diplomatic Conference on the agenda of the General Assembly.

19. The Delegation of Japan recognized the efforts made by various parties and the Secretariat to find possible solutions for the audiovisual treaty in the three years since the last Diplomatic Conference. However, little progress had been achieved. The adoption of a treaty on the protection of audiovisual performances was important in order to maintain the balance among the various holders of related rights. The *ad hoc* informal meeting would maintain the momentum and the Delegation hoped that it would achieve significant progress towards a new international instrument. The Delegation fully supported the proposals by the Secretariat contained in document WO/GA/30/3 and expressed its readiness to cooperate with other countries in concluding the treaty.

20. The Delegation of the United States of America expressed its appreciation of and support for the efforts of the Director General and the International Bureau and for the suggestion to maintain the issue of a possible Diplomatic Conference on the protection of audiovisual performances on the agenda of the WIPO General Assembly in its session in September 2004.

21. The Delegation of Kyrgyzstan supported the proposal for an *ad hoc* informal meeting on the protection of audiovisual performances on November 6 and 7, 2003. It expressed its hope that the meeting would be constructive and would achieve progress towards the reconvening of the Diplomatic Conference on the protection of audiovisual performances.

22. The Delegation of the Philippines expressed its support for maintaining the item on the agenda of the 2004 General Assembly and for holding an *ad hoc* informal meeting on the issue in November. It considered that it was high time to reach a definite outcome on the issue. It suggested to the International Bureau to consider organizing additional regional or national activities on the subject, as well as supporting the participation of developing countries in the Diplomatic Conference and in the *ad hoc* informal meeting.
23. The Delegation of the Russian Federation noted the efforts by the International Bureau to move towards an international treaty on the protection of audiovisual performances. It was of the opinion that the *ad hoc* informal meeting to be held in November was of great importance as it could be instrumental in resolving the different issues around Article 12 of the existing draft treaty. The Delegation expressed its hope that a Diplomatic Conference on the issue would be convened in 2005.
24. The Delegation of Morocco supported the efforts of the Secretariat to hold an *ad hoc* informal meeting on the protection of audiovisual performances. The Delegation held the view that the issue of the protection of audiovisual performances should be kept on the agenda of the General Assembly for its 2004 session. It was also of the opinion that it was time to find satisfactory results for the protection of audiovisual performances.
25. The Delegation of Panama supported the statement made by the GRULAC countries in favor of holding an *ad hoc* informal meeting on the protection of audiovisual performances and maintaining that issue on the agenda for the 2004 session of the General Assembly. It expressed confidence in the progress of discussions that would take place and the possibility of solving the pending differences.
26. The Representative of the *Asociación Nacional de Intérpretes* (ANDI) of Mexico commended the Director General for his interest in maintaining the momentum in the discussions on the protection of audiovisual performances. He asked the members of the Assembly not only to maintain the issue on the agenda of its session in 2004, but also to speed up the discussions leading to the adoption of a treaty. Mexico had recently reformed its copyright legislation in order to increase the level of protection for performers and other rightholders. He was confident that the performers' claim to protection would not be neglected at the international level.
27. The Representative of the International Federation of Actors (FIA) expressed its support of performers from all over the world for an international instrument containing sufficient protection regarding the use of performances in the analogue and digital environments, including moral rights and a remuneration for each form of exploitation. After three years of silence, it was time to re-start the discussions, which should not be limited to the United States of America and the European Community, but take place in a multilateral framework, comprising all members of the international community. He commended the Secretariat for its proposal and invited all Member States to take part constructively in the *ad hoc* informal meeting. Time was ripe to develop concrete proposals that would lead to the international protection requested by performers.
28. The Chair took note of the consensus of the Assembly on the two items submitted for its consideration in document WO/GA/30/3, namely, that the *ad hoc* informal meeting would take place on November 6 and 7, 2003, and that the issue of the Diplomatic Conference on the Protection of Audiovisual Performances would remain on the agenda for the WIPO General Assembly for its session in September 2004. He recalled the informal nature of the *ad hoc*

meeting, the purpose of which was limited to clarifying the issues at stake and providing a basis for future progress in discussions.

29. The General Assembly noted that the *ad hoc* informal meeting would take place on November 6 and 7, 2003, and decided that the issue of the Diplomatic Conference on the Protection of Audiovisual Performances would remain on the agenda of the WIPO General Assembly for its session in September 2004.

#### ITEM 12 OF THE CONSOLIDATED AGENDA:

##### MATTERS CONCERNING THE ADVISORY COMMITTEE ON ENFORCEMENT

30. Discussions were based on document WO/GA/30/6.

31. In introducing this Agenda item, Mr. Henry Olsson (Sweden), Chair of the Advisory Committee on Enforcement (ACE), was invited to introduce the Conclusions by the Chair (Annex to document WO/GA/30/6).

32. In summarizing the Conclusion by the Chair, Mr. Olsson recalled the decision of the General Assembly of last year to establish one single committee dealing with industrial property and copyright and related rights, since problems were the same in both fields. He reiterated that the mandate of the ACE focused on awareness raising, technical assistance and training, and did not include norm setting. The ACE meeting was well attended by representatives of 72 Member States and 21 intergovernmental and non-governmental organizations. The following substantive points arose from the Conclusions by the Chair and deserved particular mention:

(a) there was unanimous agreement that enforcement was very important and that WIPO was in an eminently appropriate position to contribute to raising awareness in this field;

(b) the ACE was informed of, and appreciated, the great number of activities pertaining to enforcement matters undertaken by WIPO. The ACE encouraged the Secretariat to continue to include enforcement issues in its activities, both in the context of cooperation for development and in other contexts such as small and medium-sized enterprises, and to strengthen cooperation with other external organizations;

(c) the IPEIS Forum was an excellent forum for the exchange of information and discussions. Participants were encouraged to make active use thereof and to provide the Secretariat with appropriate information; and

(d) the ACE expressed its full support for the thematic approach suggested by the Secretariat. While, for future meetings, the selection of themes and issues would still have to be discussed, there was agreement that the next meeting would deal with the role of the judiciary, quasi-judicial authorities and prosecution, and that it would also include related matters such as litigation costs.

(e) in addition, the ACE had decided that the request by the Delegation of Saudi Arabia, supported by a number of Arab countries, to have working documents translated into Arabic, should be considered by this General Assembly.

33. The Secretariat stated that it was aware of the difficulties in working due to the limited number of languages in which working documents were made available, but the financial implications of having documents translated in all the official languages of the WIPO should be also taken into account. It was therefore proposed that this issue be submitted to the Program and Budget Committee for consideration.

34. The Delegation of Saudi Arabia, thanking the Director General and the Secretariat for the excellent documents prepared for the meeting of the ACE, stated that the availability of working documents in Arabic would assist developing countries in complying with international obligations. This would be to the benefit of more than 20 Arabic speaking countries. He recalled that Arabic was an official language in which WIPO documents for the Assemblies Meetings were normally translated.

35. The Delegation of Egypt referred to the meeting of the ACE this year. In this context, it expressed its appreciation for the work undertaken by the Secretariat in preparation for the meeting as well as for the able chairmanship of Mr. Olsson. The Meeting witnessed a constructive exchange of points of view. The Delegation highlighted the importance of enforcement, as a pillar, among others, of any effective system for intellectual property protection. It was looking forward to the next meeting of the ACE, to be held in Geneva, on the role of the judiciary. The Delegation fully supported the request by Saudi Arabia that the working documents be translated into Arabic. It also understood that this request had financial implications. It recalled that the Egyptian Delegation had formulated a request that the working documents for the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, be translated into Arabic. It further suggested that, as a first step, those documents that were of particular importance could be made available in Arabic.

36. Speaking on behalf of Group B, the Delegation of Portugal reiterated that the issue of enforcement of intellectual property rights was recognized as being one of great importance. Last year, in September 2002, the General Assembly had approved the establishment of the Advisory Committee on Enforcement. Group B appreciated this decision and the establishment of the Electronic Forum, which provided an excellent mechanism for the exchange of information and experience in the field of enforcement. The first session of the ACE was held last June, under the chairmanship of Mr. Henry Olsson, to whom it was never too much to pay tribute. Group B encouraged WIPO to continue to include enforcement in its cooperation for development activities and other activities such as those pertaining to small and medium-sized enterprises. Regarding the request that had been made by the Delegation of Saudi Arabia, and supported by other Arab countries, for working documents to be prepared in Arabic, and taking due account of the fact that working documents for meetings of WIPO Committees were generally only made available in English, French and Spanish, Group B stated that it would like to know the budgetary implication of such a request before expressing any substantive position on this issue. Therefore, a study of the budgetary implications to making documents available in other languages than the usual ones should be undertaken by the Secretariat and presented for consideration by the next General Assembly.

37. The Delegation of Kazakhstan, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries, expressed its appreciation for the work of

Mr. Olsson and of the Secretariat. The Delegation stated that the countries of the Group had similar difficulties, as the Arab countries, and that at least 12 countries would benefit if working documents could be made available in Russian. The Delegation supported the proposal by the Secretariat that this issue be examined by the Program and Budget Committee.

38. The Delegation of Costa Rica, on behalf of GRULAC, thanked the Secretariat for the working documents and appreciated the establishment of the ACE, the mandate of which excluded norm-setting activities. The Delegation expressed the expectation that the future work of the ACE would fall within its mandate and budgetary allocation. The Delegation mentioned that GRULAC would appreciate if future meetings would only take place in Geneva.

39. The Delegation of Italy, speaking on behalf of the European Union and its acceding countries, supported the efforts conducted by WIPO in the field of enforcement. The Delegation stated that, in this regard, the European Union wanted to express its grateful appreciation for the establishment of the Advisory Committee on Enforcement, by the last WIPO General Assembly. The Delegation pointed out that the European Union was convinced that enforcement was an extremely important issue and that the enforcement measures should be an integral part of a comprehensive system of legal protection of copyright and related rights and industrial property rights. The Delegation underscored that during the first session of the Advisory Committee held in June 11 to 13, 2003, in Geneva, discussions focused on administrative and procedural matters as well as the scope of the activities of the Committee; issues pertaining to the enforcement of intellectual property rights; co-ordination; training and development of enforcement strategies; matters concerning the electronic exchange of information; and the future work of the Committee. The Delegation fully agreed with the decision to hold the next meeting of the Committee in 2004 and the inclusion of presentations on the role of the judiciary and quasi-judicial authorities, as well as of prosecution, in enforcement activities and related issues such as litigation costs. The Delegation underlined that the European Union had made a significant step to enforce the intellectual property protection system with the adoption, a few weeks ago, of an EU Regulation (Regulation (CE) 1383/2003 of the European Council, July 22, 2003) on the control of counterfeit and pirated goods at the external border of the European Union. The European Union was also discussing the text of a Directive harmonizing the laws of the member States on the means of enforcing intellectual property rights. The Delegation stressed the necessity that the forthcoming session of the Committee in 2004 acts as a forum where member States, intergovernmental organizations and non-governmental organizations, should focus on these matters with a view to strengthening the WIPO enforcement activities and, in particular, to provide an efficient protection of intellectual property rights.

40. The Delegation of Morocco expressed appreciation for the activities of the Enforcement and Special Projects Division. It also supported the statement made by the Delegation of Saudi Arabia. In light of the importance of consultations at the national level and in order to give effect to international obligations, the Delegation proposed that consideration be given to the translation of working documents into Arabic, regardless of budgetary implications.

41. The Delegation of the Republic of Moldova, speaking on behalf of the Group of Countries of Central Asia, the Caucasus and Eastern Europe, underscored the importance of the work of the ACE for the countries in its Group. The Delegation mentioned that they had the legal framework within which intellectual property rights will be protected, but that they



were now concerned with the implementation thereof as they had recently established a specialized body dealing in particular with the enforcement of intellectual property rights.

42. The Delegation of South Africa expressed its support for the work of the ACE and requested WIPO to conduct a study to determine the economic impact of the protection of intellectual property rights at the national level in order to establish how much intellectual property contributed to the GDP of a county or region as this would then have an impact on budgetary allocations at the national level.

43. The Delegation of Algeria stated that it is closely following the work of the ACE and that it supported the request by Saudi Arabia. The Delegation agreed that the issue, concerning the translation into Arabic of the working documents of the ACE, be transmitted to the Program and Budget Committee as suggested by the Secretariat.

44. The Delegation of the Philippines stated that it viewed the enforcement of intellectual property rights as very important and that it supported the theme on the role of the judiciary to be discussed in the next meeting. It also mentioned that the participation of the relevant authorities should be encouraged. The Delegation informed of the establishment of a permanent enforcement service, which would actively participate in the future work of ACE.

45. The Delegation of Zambia, speaking on behalf of the African Group, commended the Secretariat for its efficient work and thanked Mr. Olsson for his good chairmanship. The Group supported the proposal by the Secretariat concerning the translation of the working documents in Arabic and requested Group B to exercise more flexibility to find a solution. As enforcement was an integral part of intellectual property protection, the Group welcomed the work by the ACE. He stated that the protection and enforcement of intellectual property rights would result in socio-economical development and encouraged the Secretariat to provide the necessary technical assistance.

46. The Delegation of the United States of America endorsed the statement by the Delegation of Portugal on behalf of Group B and expressed its appreciation for the work of the ACE. The Delegation supported the translation of working documents in other languages, provided that it is in line with the available resources.

47. The Delegation of the Sudan stated that it valued the enforcement activities within the framework of the ACE and endorsed the proposal by Saudi Arabia that the working documents be made available in Arabic, as this would assist Arab countries in meeting their enforcement obligations. The Delegation realized that there would be budgetary implications, but that a number of countries would benefit therefrom.

48. The Delegation of China thanked the Secretariat and Mr. Olsson for their work, as it regards enforcement as a very important issue of intellectual property protection. The Delegation mentioned that its Government had made efforts and had achieved good results in China on the enforcement of intellectual property rights. The previous ACE meeting had provided a forum for the exchange of experiences and it believed that according to the previous decision by the General Assembly, the mandate of the ACE should be adhered to. The Delegation encouraged future work to focus on education, training and awareness building in order to enhance the level of enforcement, particularly in developing countries.

49. The Delegation of the Russian Federation associated itself with the statement made by the Delegation of Kazakhstan and thanked the Chairman of the ACE and the Secretariat for

the excellent documents. The Delegation underscored the importance of the enforcement of intellectual property rights as well as the importance of education and training of all the relevant stakeholders. Regarding paragraph 5 of document WO/GA/30/6, the Delegation proposed that equal rights be given to all the official languages of WIPO and that the inclusion of Russian, as working language of the ACE, also be examined and considered by the Program and Budget Committee.

50. The Delegation of Oman reaffirmed the importance of the ACE as it provided assistance to developing countries in the area of enforcement. It also expressed its support for the proposal by Saudi Arabia.

51. The Delegation of Tunisia attached great importance to, and followed the activities of, the ACE. The Delegation expressed its total support for the request by Saudi Arabia. Since its judiciary and customs bodies worked mostly in Arabic, the translation of ACE documents into that language would allow the authorities concerned not only to follow the work of the ACE, but also to take an active part therein.

52. The Delegation of Kyrgyzstan expressed its appreciation for the work of the ACE and for its future work. The Delegation also supported the statement by the Delegation of Kazakhstan. It further mentioned that, due to the importance of the issue, numerous national bodies would be involved in the combating of counterfeiting and piracy. These bodies would have to rely on documents being made available in Russian. As such, it would be very beneficial if the working documents could be made available in Russian.

53. The Representative of the League of Arab States endorsed the proposal made by Saudi Arabia and a number of other delegations of Arab countries. It would be of importance for the League and its member States to receive the working documents in Arabic since there was a connection between the availability of documents in Arabic and the understanding of intellectual property issues. Moreover, the Delegation asked for the Arabic translation of all WIPO documents, as well as the introduction of the Arabic language in other WIPO Unions and Assemblies, as it had yearly programs in Arabic dealing with all fields of intellectual property protection. The Delegation stated that the proposal by the Secretariat should be submitted to the Program and Budget Committee not only for examination, but also for implementation. In addition, awareness building was also a main focus and a very important factor in the process of invention and creativity.

54. The Chair concluded by congratulating the ACE and its Chairman Mr. Olsson. He emphasized that all delegations supported the work of the Committee and that it fulfilled its mandate in a very positive way.

55. The General Assembly

(i) noted the Conclusions by the Chair and encouraged the Advisory Committee on Enforcement to continue its work; and

(ii) decided that the question concerning the language for working documents be submitted for examination to the Program and Budget Committee, which should report to the Assemblies in 2004.

## ITEM 13 OF THE CONSOLIDATED AGENDA:

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

56. Discussions were based on documents WO/GA/30/5, 7 and 7 Add.1.

57. The Chair, in opening the discussion on Item 13, invited the Member States to express their views on the proposal by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) that the draft Technical Study on Disclosure Requirements Related to Genetic Resources and Traditional Knowledge (“the Technical Study”) contained in document WO/GA/30/7 Add.1 be transmitted as a technical reference document to the Secretariat of the Convention on Biological Diversity (CBD). The Chair also reported on informal consultations that had taken place on the question of the future mandate of the IGC, on the basis of a draft Chair proposal.

58. The Delegation of Zambia, speaking on behalf of the African Group, emphasized its support and appreciation for the work done so far in the context of the IGC. The Delegation stated that the focussed, policy-oriented discussions and the examination of different national and regional experiences had enhanced understanding of the issues at stake in their different dimensions. Capacity-building and law making at the local and national levels were useful in themselves, and also provided lessons and built consensus and momentum for further action to establish an effective international framework of protection. The African Group had considered that the time was ripe during the coming biennium for the IGC to go beyond its deliberative mandate and to enter into a norm -setting mode, with a view to reaching an international legally binding instrument. The Group believed that such an instrument was fundamental for combating bio-piracy, and for ensuring effective protection and enforcement of rights related to the issues under discussion. The Group was aware that to arrive at such an international legally binding instrument, it was first necessary to develop relevant elements and principles of such instruments, as in any norm-setting process. The Group appreciated that for a binding instrument to be truly effective as a tool for economic development, consensus was necessary, and it was willing to work towards that consensus. The Group highlighted that these issues were inevitably interlinked; for any conclusion reach to result in effective protection, discussions and developments in one area should take account of developments elsewhere. Work should also consider and complement other developments on these topics, especially in the CBD, the FAO, and the WTO. The Group supported the recommendation of the IGC that the Technical Study be transmitted to the CBD Secretariat. Regarding an international legally binding instrument, in a spirit of flexibility and consensus, the Group supported the Chair’s proposal because consensus on the original African Group position had not been possible. The Group drew attention in particular to the reference in the proposal to an international instrument.

59. The Delegation of the Philippines, speaking on behalf of the Asian Group, noted that the countries of the Asian region possess a rich legacy of genetic resources, traditional knowledge and folklore. These resources are valued for their use by peoples of the region and also for the fair and equitable sharing of their benefits with the larger international community. The Asian Group considered that the time had come to move beyond the academic work that had been undertaken over an extended period: to provide meaningful support to aspirations to meaningfully protect genetic resources, traditional knowledge and

folklore, the IGC had to move on to a discussion of the international dimensions of these issues with a view to establishing norms and a legally binding international instrument. It was this noble reason that inspired this Group to support continued work by the IGC. The Asian Group welcomed WIPO's work in this area, but realized that consensus was necessary, and in that spirit it accepted the Chair's text.

60. The Delegation of Romania, speaking on behalf of the Group of the Central European and Baltic States, emphasized that the IGC should continue its work and expressed full support for statement prepared by the Chair.

61. The Delegation of Portugal, speaking on behalf of Group B, expressed appreciation for the Chair's efforts in developing an outcome that was balanced and globally acceptable, and sent a positive signal to the international community. The consensus had emerged as a result of plenary discussion and informal consultations. Although Group B had had some difficulties with the text, in a spirit of compromise, Group B was willing to join this consensus.

62. The Delegation of China expressed support for the position expressed by the Delegation of the Philippines on behalf of the Asian Group.

63. The Delegation of Italy, on behalf of the European Community, its Member States and acceding countries, expressed appreciation for the establishment of the IGC and for the significant work undertaken so far. It observed that greater importance of the role of intellectual property in these areas will serve to ensure that intellectual property policy continues to play a key role to support indigenous and local communities, and noted that further in-depth discussion of the concepts of TK and folklore is necessary. The Delegation favored a voluntary fund to assist the participation of indigenous and local communities in the work of the IGC, based on a transparent, low cost administration. Welcoming the work of the IGC, the Delegation confirmed its support for its continuation. Without prejudging any possible outcome at this stage, it stressed its commitment to find appropriate and balanced solutions.

64. The Delegation of Venezuela recalled that its country had called for protection of traditional knowledge (TK) since the creation of the IGC and had undertaken considerable work domestically. It noted that the IGC dealt with a unique situation for which no results had yet been found, and recalled that the IGC had found that existing intellectual property was insufficient for TK protection. The time had now come to discuss how best to set up a system for the protection of TK. The Delegation was concerned that the IGC was still calling for the establishment of catalogues of TK, and was concerned at the tendency to focus on this and other topics that were not of importance to the TK holders of Venezuela. It felt that it was important to establish a system for the protection of TK, and proposed that the IGC's work be clearly defined and should focus on the preparation of an international instrument. The Delegation needed to advise the indigenous peoples of Venezuela that a clear and specific mandate had been established for this process. The Delegation agreed with the transmission of the Technical Study to the CBD, noting that it should not contain any recommendations.

65. The Delegation of Peru reported that Peru had hosted a regional meeting on this subject in July 2003. A law on the *sui generis* protection of TK had been adopted in Peru and certain other projects were under way. The Delegation referred to certain recent cases involving plants with medicinal properties from the Andean region, such as the recent Maca case, on which Peru had presented a study to the fifth session of the Committee (document

WIPO/GRTKF/IC/5/13). The Delegation wanted the IGC's work to include establishing guidelines for protection to lay the foundation for a future normative system.

66. The Delegation of Australia expressed concern that if no mandate for the IGC was set, there would be no opportunity for its future work. This would be a historical opportunity lost for the world intellectual property community. Australia had strongly supported the work of the Committee. The Delegation considered that the IGC was on a path to build a third pillar for the world IP community - a pillar which would complement the pillars of the Berne and Paris Conventions. This pillar, in the Delegation's view, would provide appropriate protection for TK. However, it cautioned that haste without reconciliation would undermine the possibility of building this third pillar. The Delegation endorsed the forwarding of the Technical Study to the CBD Secretariat.

67. The Delegation of Switzerland welcomed the work already done by the IGC and noted that many questions still remained to be clarified. It therefore supported the extension of its mandate, which should be as close as possible to the compromise text in the IGC's fifth session. The Delegation commented that the Technical Study represented a good basis for future discussions, not only in the CBD but also in the IGC. It was a very important document and should be transmitted as proposed. The Delegation recalled a Swiss proposal submitted to the PCT Reform Working Group for amendment of the Regulations under the PCT (document PCT/R/WG/4/13) explicitly to allow national patent legislation to require the disclosure of the origin of the genetic resources or TK upon which an invention is directly based. These amendments would be a simple and practical solution to the issue of access to genetic resources and the fair and equitable sharing of benefits.

68. The Delegation of Ecuador recalled the importance it attached to TK and folklore, due to the biological and cultural diversity of Ecuador. Ecuador's sovereign rights over its biological resources were protected by international law through treaties to which Ecuador was a Contracting Party. The Delegation recalled that Ecuador had supported the creation of the IGC, which had worked fruitfully and made progress towards the main objective of protecting TK. Despite the work already achieved, the Delegation felt that the time had now come to take a step forward to give meaning to the existence of the IGC by developing an international instrument to protect TK and folklore.

69. The Delegation of Colombia acknowledged the important contribution that had been made by the IGC in formulating new approaches and concepts, stressing the high quality of the IGC's documentation, and favored the continuation of its mandate. The Delegation expressed particular interest in having access to appropriate WIPO assistance mechanisms so as to develop institutional capacity to achieve results and effective policies in the Committee's work. Given the characteristics of Colombia, including its indigenous peoples, rich crafts industry and Afro-American communities, and bearing in mind the various sectors interested in the topic, it was vital for Colombia to have WIPO's support for constructive consultations at the national level, so as to achieve progress in consolidating a clear position and contribute to the aims of the IGC. It said that in the short time available, the IGC's recommendations should be given precedence and that the Committee should have flexible procedures to allow for the necessary adjustments to be made as the work progressed. It wanted to see the international recognition of protection systems for TK and folklore, but recognized this would have to be the outcome of a process that was accepted by all Member States throughout the world. The Delegation welcomed the proposal for a voluntary fund which would allow for the participation of other interested sectors.

70. The Delegation of Indonesia expressed appreciation for the quality of materials and documentation prepared on these issues. As the Delegation supported consultations among secretariats of international organizations since this provided could offer constructive inputs for their respective Member States, it agreed the Technical Study should be transmitted to the CBD Secretariat as a technical reference document. The Delegation noted with pleasure that, after extensive discussions during the five sessions of the IGC, most Member States had rallied to the view that stakeholders, notably those in developing countries, deserved international legal protection as well as economic benefits for their efforts to preserve and safeguard their precious TK and folklore. In view of the progress already made, the Delegation supported extension of the IGC's mandate to work out solutions which would be suitable and agreeable to all Member States.

71. The Delegation of Oman declared that the Sultanate of Oman was amongst the many countries that attached great importance to the topics of genetic resources, TK and folklore, and had received the earlier WIPO fact-finding missions. Oman had hosted the International Forum on 'Intellectual Property and Traditional Knowledge: Our Identity, Our Future' in January 2002. The Delegation noted that its call for international adequate protection to be given to these resources was not new. It stressed the importance of giving the IGC a new mandate and expressed gratitude for the efforts made by the Secretariat in preparing the documents and for the excellence of the discussions held in the IGC. The Delegation believed that the work of the IGC could produce the protection that is aspired for.

72. The Delegation of Cameroon congratulated the Chair for his diplomatic skills in respect particularly of this Agenda Item, and WIPO for having initiated negotiations on this important subject. The Delegation recalled that TK, folklore and genetic resources were of a global character and not exclusively an African affair or one for developing countries alone. All Delegations present had therefore an interest in establishing an equitable, win-win relationship. Recalling that the development dimension of intellectual property was the new orientation of WIPO negotiations, the Delegation observed that only an adequate protection system could ensure this development objective, in view of the high development potential of this subject matter. The Delegation cited the simple example of extending the patent law system to recognize TK. The Delegation endorsed the statement made by the Delegation of Zambia on behalf of the African Group, namely that the IGC's mandate be extended, that the IGC's negotiations be accelerated, that the IGC should report to the General Assemblies in 2004, and that these negotiations should culminate in the establishment of international instruments for the protection of genetic resources, TK and folklore within a reasonable timeframe.

73. The Delegation of Kyrgyzstan also supported the continued work of the IGC and in this connection supported the text of the Chair. The Delegation called for an extended IGC mandate, since Kyrgyzstan was rich in resources being examined and international norms to protect them were important. The Delegation advised that a bill on genetic resources, TK and folklore was being developed in its country, and it wished to see harmonization of its national laws with international norms. Hence the IGC's work was very important, and the documentation prepared on these questions was valuable.

74. The Delegation of South Africa fully supported the intervention of the Delegation of Zambia made on behalf of the African Group, and the Chair's text on this issue. The Delegation affirmed that the IGC should accelerate its work and present a progress report to the General Assembly in September 2004. The International Bureau should continue its

assistance to the IGC by providing Member States with the necessary expertise and documentation.

75. The Delegation of Mexico expressed its gratitude to the Chair for making available a compromise text which would make it possible to progress in analyzing and studying very complex issues, and fully supported the proposal. The main elements of the proposals were sufficiently broad to extend the mandate of the IGC for another two years without excluding new tasks. This, the Delegation stated, meant a stronger mandate, without excluding any outcome, including the possibility of negotiating, when the time came, an international treaty. The interim report in September 2004 would make it possible to decide on further steps to be taken.

76. The Delegation of China stated that it highly appreciated both the work of the Secretariat, under the leadership of the Director General, over the last two years on IP and genetic resources, TK and folklore, and the fruitful studies and discussions undertaken by the IGC. The Delegation stated that, as a developing country, China paid great attention to the roles that genetic resources, TK and folklore could play in promoting quality of life and socio-economic development. China had taken various measures to facilitate protection and use of genetic resources, TK and folklore. For example, in 2002 the State Intellectual Property Office (SIPO) established a traditional medicinal knowledge database with deep indexing, an English version of which was being developed. The Delegation welcomed the fact that SIPO's suggestions on the coverage of TK in the International Patent Classification (IPC) had largely been adopted and incorporated. The Delegation advised that SIPO had recently opened an information website on IP and biodiversity in China, with an English version. The Delegation noted that the IGC, with active participation of all Member States, had achieved some positive results, although at its fifth session did not reach consensus on its future mandate. The Delegation reaffirmed its support for continuation of the IGC and favored an international instrument as an objective for the IGC in the next two years. However, as many relevant questions still needed to be carefully studied, the IGC should strengthen its activities in this area. This work included the collection and exchange of practices and experiences of Member States to seek as far as possible common understanding and consistency between States. In other words, the focus of the IGC should be placed on areas where there was consensus. Common ground should be sought and differences set aside, so that genetic resources, TK and folklore could serve the purpose of national development and prosperity, as well as cultural diversity. In this way, the rich heritage of genetic resources, TK and folklore of all countries would, with adequate protection, play its role for the well being of all mankind.

77. The Delegation of Panama thanked Mr. Henry Olsson for his leadership in chairing previous IGC sessions. The Delegation stated that Panama had made significant progress in policy programs and participation in the economic national sectors and resources and in national groups promoting those resources, and that WIPO's assistance had been vital and significant in achieving this progress. The Government of Panama was aware that these actions still had to go through important stages for which there was a need for the IGC to continue its work, ensuring that its activities would respond to the concerns, interests and difficulties of countries like Panama so that they could legitimately benefit from their national resources. Therefore, the Delegation wished for the IGC's work to continue, and that its tasks should be expanded in such a way that they corresponded with the expectations of all the Member countries of WIPO. The Delegation accordingly accepted and supported the Chair's proposal.

78. The Delegation of Sudan expressed support for the statement made by the Delegation of Zambia on behalf of the African Group and for the Chair's text. The Delegation stated that the protection of genetic resources, TK and folklore had been high on WIPO's agenda for some time due to the express interest of many stakeholders in the potential of these resources, like other IP assets, to provide for all societies a steady supply of services and products and the free movement of goods and services which would be otherwise impossible to sustain if exposed to over-exploitation and unregulated use. The IGC had achieved much and there was an incentive for all stakeholders to build on its work through the multilateral process, leading to an international instrument. The Delegation highlighted two concerns. First, asserting rights in genetic resources, TK and folklore did not prevent others from access to and use of these resources, much in the same way that patent and copyright laws did not prevent others from using and copying protected inventions and works. In fact, IP rights would provide more access and a guaranteed supply of these resources to all stakeholders. Second, there was a backlog of work in the different IP areas aiming at balancing rights of all stakeholders, including in emerging technologies such as domain names and cyberspace activities. There was a duty to deal with these with the help of WIPO. This meant that one had to be prepared to offer alternatives and solutions to regulate the exploitation of these accumulating IP resources to protect the legitimate interests of the owners and users. The Delegation stated that one could not rely on the 'law of the commons' to control the continuing exhaustion of IP resources, and genetic resources, TK and folklore were no exception. Finally, the Delegation expressed support for the Chair's text in relation to extending the mandate of the IGC to complete its work leading to the establishment of an international instrument.

79. The Delegation of Ethiopia expressed support for the statement made by Zambia on behalf of the African Group. The Delegate emphasized that Africa is rich in the assets represented by genetic resources, TK and folklore. Development of intellectual property protection for these assets through the IGC process will therefore have significant positive impact on the social, economic and cultural development of all countries, particularly those that are custodians of such treasures. With this in mind, the Delegate supported the proposal submitted by the Chair and urged the IGC to accelerate the mandate given to it by this body.

80. The Delegation of Egypt emphasized the importance it attached to the work of the IGC, and recalled the active role it had played in past sessions of the IGC. The past sessions had witnessed in-depth discussions among delegations on the different dimensions of the issues as well as on the form of protection that could be provided. The Delegation expressed its appreciation to the Secretariat for the quality of the documents that were prepared for these sessions. It underlined the importance for attention to be given to issues of genetic resources, TK and folklore in the technical cooperation activities of WIPO, and stressed the need for allocating appropriate funding to the sector dealing with these issues in the International Bureau. The Delegation looked forward to the continued work of the IGC. It was of the opinion that the IGC should enter into a norm-setting phase in order to elaborate international norms for the protection of genetic resources, TK and folklore against misappropriation and to ensure a fair sharing of their benefits. As the Egyptian Delegation had reiterated, during past sessions of the IGC, these norms should take the form of an international legally binding instrument or instruments. However, the Delegation also believed in the importance of consensus and that we should therefore agree on terms of reference for the IGC that meet with consensus.

81. The Delegation of Kenya expressed support for the African Group position and for the continued work of the IGC, highlighting that the Chairman's proposal provided for accelerated work by the IGC and a progress report in September 2004. That report should



provide clear insight on the next steps towards formal legislation for the protection of genetic resources, TK and folklore.

82. The Delegation of Jamaica noted that its country was rich in cultural and biological resources that need protection from misappropriation, misuse and piracy. For this reason the Delegation supported continued work by the IGC, and emphasized that the time was right for an international instrument on this subject. Continued work on clarifying certain concepts was also supported, with an understanding that this work would be time-bound. Extending the mandate of the IGC for an additional two years was therefore supported, as outlined in the Chairman's proposal. The Delegation also emphasized that the rights of TK holders should be protected as the rights of patent and copyright holders are protected and are enshrined in legally binding instruments. Hope was expressed that work would progress towards a legally binding instrument.

83. The Delegation of Cuba expressed appreciation for the work done by the IGC on genetic resources, TK and folklore, and support for continuing the mandate of the IGC. The Delegation also supported the IGC moving into new work so that in the near future appropriate international instruments could be developed.

84. The Delegation of the Philippines expressed support for a continuation of the mandate of the IGC and for the Chair's proposal, because it promised acceleration of the IGC's work with the possibility of an international instrument. The Delegation further express hope that whatever system was adopted, the process will consider the many gray aspects that still need to be clarified.

85. The Islamic Republic of Iran noted that WIPO has played an important role in developing the issues involved in genetic resources, TK and folklore. The aim of these efforts was to deliver tangible outcomes leading to an integrated package of capacity building, policy statements and fair legal mechanisms. The Delegation expressed support for continued work by the IGC as expressed by the Asian Group.

86. The Delegation of Mexico expressed appreciation for the flexibility shown by many delegations which had indicated that, by working together, appropriate protection can be achieved for genetic resources, TK and folklore. It was important for the IGC to continue its work and move towards standards, without excluding an international instrument. The Delegation emphasized that it interpreted the Chair's text to mean that the IGC would go beyond academic work and pursue the establishment of norms. The Delegation expressed commitment to obtaining the best form of protection bearing in mind the interests of indigenous peoples and local communities.

87. The Delegation of Kazakhstan emphasized the importance of the issues addressed by the IGC, and supported the work towards resolution of these issues undertaken by the developing countries. The Delegation further supported the Chairman's text as it accommodated aspirations of most delegations. A more rigid framework would have been premature, so that the current text was a wise and flexible option.

88. The Delegation of Nicaragua expressed gratitude for the work of the IGC and supported continuation of its work towards developing an international instrument for the protection of genetic resources, TK and folklore, and the equitable sharing of benefits in this domain.

89. The Delegation of Oman expressed its strong interest in the subject, and noted that it was no accident that it aspired to an international instrument that would protect genetic resources, TK and folklore. It expressed full support for the statement made on behalf of the Asian Group.

90. The Delegation of Botswana expressed support for the statement made on behalf of the African Group and for continuation of the IGC's work, in the hope that it would lead to an international instrument for the protection of genetic resources, TK and folklore. The Delegation noted that Botswana was putting protection mechanisms in place, and hoped that such measures would help alleviate poverty, provide greater use of resources and bring about socio-economic development. The delegation also urged WIPO to explore additional regional frameworks as the basis for protection of this subject matter.

91. The Delegation of Morocco expressed support for the African Group statement stressed the importance of the IGC and paid tribute to the Committee for the work that it has done. The Delegation expressed the view that the IGC should continue its work. Paying tribute to the efforts of the Chair, the Delegation supported the Chair's proposal. The Delegation also stressed the importance of providing the IGC with the necessary material resources to conduct its work and to develop international instruments to protect this wealth.

92. The Representative of the Food and Agriculture Organization noted that the International Treaty on Plant Genetic Resources for Food and Agriculture ("the Treaty") provided an internationally agreed framework for the conservation and sustainable utilization of plant genetic resources for food and agriculture, recognizing Farmers' Rights for the first time in any legally binding international agreement and establishing a Multilateral System of Access and Benefit-sharing for the genetic resources of crucial crops. The Treaty was rapidly approaching entry into force and the first meeting of its Governing Body was expected to take place in 2004. The Representative commented that his organization had followed closely and supported the work of the IGC since its establishment, because of the direct implications for the Treaty and for the FAO Commission on Genetic Resources for Food and Agriculture, which is the only inter-governmental body with a mandate to address all policy aspects of genetic resources for food and agriculture. It would continue to follow and contribute to the IGC's work. He noted that on these important and delicate matters, Member States needed to seek synergies between the work of two organizations and in other fora, in a spirit of mutual respect for their individual and complementary mandates. He expressed appreciation for the contribution of the WIPO Secretariat to the Treaty negotiations, which negotiating countries had greatly appreciated. The Representative added that the Interim Committee for the Treaty had invited WIPO to provide technical assistance as required in the context of its forthcoming work on the standard material transfer agreement to be used in implementing the Treaty's Multilateral System of Access and Benefit-sharing.

93. On the basis of the proposal by the Chair, and mindful of the importance of intellectual property in relation to genetic resources, traditional knowledge and folklore, the WIPO General Assembly decided that:

(i) the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) will continue its work for the next budgetary biennium on questions included in its previous mandate,

(ii) its new work will focus, in particular, on a consideration of the international dimension of those questions, without prejudice to the work pursued in other fora, and

(iii) no outcome of its work is excluded, including the possible development of an international instrument or instruments.

94. The General Assembly urged the IGC to accelerate its work and to present a progress report to the session of the General Assembly in September 2004.

95. The General Assembly further requested the International Bureau to continue to assist the IGC by providing Member States with necessary expertise and documentation.

96. The Delegation of Venezuela stated that, for procedural reasons, it was taking the floor after adoption of the General Assembly's decision on this question. The Delegation thanked the Chair for the efforts to reconcile positions on this subject but noted that despite those efforts, the decision did not satisfy the Delegation of Venezuela and did not reflect the interests of Venezuela, nor achieve its aspirations. The Delegation of Venezuela noted that it had been flexible and had worked in a cooperative spirit, but the results were not what was expected nor aimed for. The Delegation had been urged to show more flexibility, but felt that such pressure should be applied to those who oppose developing this system rather than a country with particular interests in the subject, and had a mandate from its indigenous peoples and local communities as well as a precise constitutional mandate, to protect genetic resources, traditional knowledge and folklore. The Delegation noted that it had been active on all items in the five sessions of the IGC, and that Venezuela's commitment in this area had been shown in the many meetings held and that will be held with indigenous peoples and local communities. The Delegation clarified that it could not go along with the consensus, but it would not oppose what had been approved. The Delegation clarified that the instrument resulting from this continued work would not be a database or a simple catalogue. The goal of the IGC would be to develop a system so that local communities and indigenous peoples would have tools to promote their development. The Delegation expressed concern that it had not been possible to provide funding for the participation of local communities and indigenous peoples in these meetings. The Delegation indicated that it would be difficult to convince authorities and indigenous peoples if the next sessions do not tackle the real elements of protection for these subjects. Finally the Delegation thanked the chairman of the IGC for the seriousness, objectivity and wisdom with which he had conducted his work.

97. The General Assembly took note of the technical study contained in document WO/GA/30/7 Add.1, and approved its transmission to the Secretariat of the Convention on Biological Diversity (CBD) as a technical reference document, subject to the understandings set out in paragraphs 3 and 4 of document WO/GA/30/7, for reference by the CBD Conference of Parties and relevant subsidiary working groups of the CBD.

#### ITEM 17 OF THE CONSOLIDATED AGENDA:

##### INTERNET DOMAIN NAMES

98. Discussions were based on document WO/GA/30/2.

99. The Secretariat recalled that, at its meeting in September 2002, the WIPO General Assembly recommended that the Uniform Domain Name Dispute Resolution Policy (UDRP) be amended to provide protection for the names and acronyms of international intergovernmental organizations and country names against their abusive registration as domain names. The Secretariat reported that it had transmitted these recommendations to the Board of the Internet Corporation for Assigned Names and Numbers (ICANN), which had, in turn, forwarded them to the internal committees of ICANN, including the Governmental Advisory Committee (GAC). The Secretariat further explained that the GAC was supporting implementing the WIPO recommendations, and that the GAC had suggested that a joint working group of representatives of various committees of ICANN be established to consider the practical implications of implementing these recommendations. This working group, which also comprises a WIPO representative, has now been established by ICANN.

100. Speaking on behalf of the European Communities as well as its acceding States, the Delegation of Italy noted that, at its meeting in September 2002, the WIPO General Assembly had decided not to take any direct action to address the abusive registration of geographical indications as domain names. The Delegation pointed out that domain names were related to intellectual property issues although they were not currently classified as a form of intellectual property. The Delegation highlighted the difficulties that domain names could create for geographical indications, which were protected under the provisions of a number of international treaties, including the Paris Convention for the Protection of Industrial Property, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The Delegation expressed its wish that further work be done to solve these issues and recalled the statement made on behalf of the European Union at the last meeting of the General Assemblies. The Delegation concluded by stating that the experience acquired by WIPO in the field of domain names would be highly useful to reach satisfactory results.

101. The General Assembly took note of the contents of document WO/GA/28/2 and, in particular, of the status of the recommendations of the Member States of WIPO before ICANN.

#### ITEM 20 OF THE CONSOLIDATED AGENDA:

#### RESOLUTIONS AND DECISIONS OF THE UNITED NATIONS; REPORTS OF THE JOINT INSPECTION UNIT (JIU)

102. Discussions were based on document WO/GA/30/4.

103. The Representative of the Joint Inspection Unit (JIU) expressed the JIU's appreciation for the exemplary cooperation it received from WIPO. The JIU welcomed WIPO's openness to constructive dialogue and valued the timely and thoughtful comments that it had provided on JIU reports. In particular, the Representative highlighted the positive exchanges that the JIU has had with the Secretariat of WIPO in establishing a formalized approach to the handling and follow-up of reports. The JIU was very pleased to see that the "Pilot Scheme for Follow-up on Reports of the JIU," described in paragraphs 43 to 54 of the document under discussion, was submitted for endorsement by the General Assembly. The Representative

observed that similar procedures had already been endorsed by the legislative organs of a number of organizations in the United Nations system, including FAO, ICAO, UNESCO, UNIDO, UPU, WFP, WHO and WMO, in addition to the United Nations itself.

104. The Representative of the JIU then made observations on the JIU reports submitted to the General Assembly. The first of those dealt with governance oversight. With reference to paragraph 60 of document WO/GA/30/4, which states that many JIU recommendations are of limited relevance to WIPO, the Representative of the JIU said that he would not wish to debate this point, but rather to assure the General Assembly that the Unit will endeavor to ensure that future reports would be more relevant to the concerns of United Nations system organizations. To this end, the JIU will introduce, in the near future, new procedures in formulating the Unit's work program with a view to better reflecting the concerns and interests of the organizations. In light of this, the General Assembly might wish to look at this issue again at a later stage.

105. The next JIU report addressed the involvement and cooperation of civil society organizations in technical cooperation activities of the United Nations system organizations. WIPO's activities in this area are commendable. In particular, the Representative of the JIU mentioned WIPO's cooperation for development program, which involves close contact with industry as well as trade, professional and consumer associations. The JIU noted with appreciation WIPO's World Wide Academy, its program for small and medium sized enterprises, and other initiatives to establish and maintain constructive links with civil society. The JIU encouraged WIPO to continue to embrace partnerships with civil society organizations and to maintain high standards and policy guidelines to govern and manage these dealings.

106. With reference to the JIU report on the administration of justice, the Representative of the JIU noted that recommendation 2 of the report aimed to strengthen the capacity of organizations to conduct informal conciliation and mediation and to establish the function of ombudsman. The United Nations Secretary-General established last year an Office of the Ombudsman. In this connection, the JIU noted with satisfaction that the Director General of WIPO had also recently appointed a Mediator to deal with the problems and grievances of the staff. Another recommendation deals with the harmonization of the work and procedures of the ILO Administrative Tribunal, which covers WIPO, and the United Nations Administrative Tribunal. The Inspectors found that the statutory provisions and work procedures of the two tribunals differ in a number of important aspects. In this context, the United Nations General Assembly had requested that the JIU "study the possibility of harmonizing the statutes of the United Nations Administrative Tribunal and the ILO Administrative Tribunal ... for consideration by the General Assembly by its fifty-ninth session" which is scheduled for 2004. As this is a matter of interest for WIPO, the JIU will keep WIPO informed about developments.

107. The JIU report on revenue-producing activities reviewed the policy context and management arrangements for revenue-producing activities common to most organizations of the United Nations system. These include, for example, sales of publications, fee-for-service activities, catering, rental of premises, and souvenir and gift items. The report recognized that, for most of the organizations, WIPO being an exception, the primary objective of these activities was, in fact, not to generate income or engage in commercial businesses as such, which would be contrary to the Charter, but rather and more essentially to support broader programmatic goals of the organizations. However, the report also highlighted the need to rationalize and strengthen the policy and managerial framework for such activities as a means

to attaining these goals. In their collective comments on this report, members of the United Nations System Chief Executives Board for Coordination (CEB) had welcomed it as timely and favorably commented on most of its recommendations. Given that revenue-producing activities provide the bulk of WIPO's income, which is an exception, this report is of great interest to the organization. Indeed, the revenue-producing activities of WIPO were highlighted as best practices and extensively reflected throughout the report. The Representative of the JIU reiterated the JIU's appreciation to WIPO for its useful input and extensive experience shared with the JIU in the preparation of this report.

108. With reference to the JIU report on management information systems, the United Nations system organizations are estimated to have already spent close to one billion US dollars over the last decade in introducing or developing management information systems designed to facilitate improved management in human resources, finances and administrative areas. In spite of the magnitude of resources involved, inter-agency cooperation and coordination on management information systems is not satisfactory. The tendency of agencies to stress differences rather than commonalities, in areas such as payroll processing, accounting and human resource management, continues to be a concern. The JIU considered that United Nations system organizations, under the leadership of the Secretary-General, as Chairman of the CEB, should endeavor to enhance cooperation in order to minimize and avoid duplication of efforts and investments. To give impetus to such cooperation, it would be vital for Member States, through the legislative bodies, to send a clear and consistent message to the secretariats of the United Nations system organizations. In this regard, the Representative of the JIU was pleased to note that the Secretariat of WIPO was already implementing the three recommendations addressed to the legislative organs. With respect to recommendation 1, the JIU noted the progress made in extending the Administration Integrated Management System (AIMS) project to include areas such as procurement, travel management, human resources management and payroll. As for recommendation 2, a Chief Information Officer (CIO) had already been appointed with responsibilities similar to those contained in the JIU recommendation. Concerning recommendation 3, steps had also been taken to develop WIPO's management information system.

109. The last JIU report under consideration concerned multilingualism in the United Nations System. The three recommendations that required action by the legislative bodies were detailed in paragraphs 87, 90 and 92 of document WO/GA/30/4. The first recommendation was supported by the finding that, although most governing bodies consider multilingualism to be a corollary to their universal character and are keen on maintaining language parity, there are different categories of languages used for interpretation, translation or communication purposes. There is therefore a need to better define the status of the different languages in order better to meet the expectations of the different stakeholders. Recommendation 6 (b) of this report aimed at encouraging governing bodies to review their own needs for recurring documents or the provisions on documents submitted by Member States, so as to help reduce the increasing volume of overall documentation for their meetings. Such a review would greatly contribute to support ongoing efforts undertaken in that direction by the Secretariats. Recommendation 7 of this report was justified by the fact that, quite often, legislative organs are prompt to request more multilingual content from the Secretariat without fully taking into account the related financial implications. The underlying principle noted here is that the regular budget should be the prime source for such improvements, particularly in the framework of a results-based budget approach. This does not necessarily entail an overall increase of the global budget as it may also be derived from the reallocation of resources, phased priorities and more proactive partnerships for which opportunities do exist.

110. Pending endorsement of the pilot scheme for follow-up on the reports of the JIU, the Representative of the JIU expressed the hope that the JIU reports presented in the current General Assembly session would be subject to the provisions contained in this procedure, and that the General Assembly would take specific actions on the recommendations addressed to it, thus facilitating the Secretariat's actions for their implementation in accordance with the follow-up procedure.

111. The Delegation of the Russian Federation thanked the Director General for a very well-prepared document and confirmed its position as to the real need to introduce into international organizations, including WIPO, a system of monitoring and controlling the implementation of recommendations that are made by supervisory bodies, including the JIU. The Delegation thanked the Secretariat for the progress that had been made in this specific area, noting that it had been possible to establish pilot scheme for implementation of recommendations within WIPO. With regard to the JIU report on governance oversight, the Delegation said that it supported recommendation 2 (d), which referred to the establishment within international organizations of small expert advisory bodies on administrative, financial and related issues. The Delegation did not fully understand the somewhat negative reaction of the Secretariat that there already exist other such expert bodies within WIPO. If the Secretariat objected to the idea of establishing a small body of the type recommended, that is, a small body that might report to the Program and Budget Committee, then perhaps some thought could be given to another approach for considering documents that have serious financial repercussions, possibly following the example of other United Nations bodies. In this context, the Delegation referred to the Advisory Committee on Administrative and Budgetary Questions of the United Nations. With regard to the JIU report on multilingualism within the United Nations system, the Delegation generally agreed with the Director General's assessment to the effect that the situation is relatively good within WIPO. However, there are several areas where further progress would be possible. The Delegation observed that in the various Standing Committees, although there was interpretation in the six official languages, documents tended to be prepared only in English, French and Spanish. Moreover, some bodies generally use only English and French. The Delegation said that it hoped that some specific steps could be taken to remedy that situation.

112. The Delegation of Egypt welcomed the document and reiterated the importance it attached to the position of WIPO as a specialized agency of the United Nations system. It welcomed all the recommendations and resolutions that contributed towards harmonizing the activities, procedures and practices of WIPO with those of the United Nations system. With regard to paragraph 19 of the document, concerning the relationship between WIPO and the private sector, the Delegation considered that the reference should be to the revised program and budget proposal (document WO/PBC/7/2) that had been recommended to be adopted by the seventh session of the Program and Budget Committee.

113. The WIPO General Assembly noted the information and recommendations contained in document WO/GA/30/4.

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