

WIPO



A/41/17
ORIGINAL: English
DATE: October 5, 2005

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

ASSEMBLIES OF THE MEMBER STATES OF WIPO

**Forty-First Series of Meetings
Geneva, September 26 to October 5, 2005**

GENERAL REPORT

adopted by the Assemblies

TABLE OF CONTENTS

	Paragraphs
INTRODUCTION.....	1 to 5
ITEMS OF THE CONSOLIDATED AGENDA (see document A/41/1)	
Item 1: OPENING OF THE SESSIONS.....	6 to 8
Item 2: ADOPTION OF THE AGENDA	9
Item 3: ELECTION OF THE OFFICERS	10 to 14

Paragraphs

Item 4:	PROGRAM PERFORMANCE REPORT FOR 2004; PROGRAM IMPLEMENTATION OVERVIEW – JANUARY 1 TO JUNE 30, 2005	15 to 142
Item 5:	ACCOUNTS FOR THE 2002-2003 BIENNIUM; INTERIM FINANCIAL STATEMENT FOR 2004; ARREARS IN CONTRIBUTIONS	143 to 154
Item 6:	PROPOSED PROGRAM AND BUDGET FOR 2006-2007	155 to 194
Item 7:	COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE.....	195 (and WO/GA/32/13)
Item 8:	MATTERS CONCERNING THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)	196 (and WO/GA/32/13)
Item 9:	THE PROTECTION OF AUDIOVISUAL PERFORMANCES	197 (and WO/GA/32/13)
Item 10:	PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS.....	198 (and WO/GA/32/13)
Item 11:	MATTERS CONCERNING THE DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A REVISED TRADEMARK LAW TREATY (TLT)	199 (and WO/GA/32/13)
Item 12:	MATTERS CONCERNING THE PERMANENT COMMITTEE ON COOPERATION FOR DEVELOPMENT RELATED TO INTELLECTUAL PROPERTY (PCIPD)	200 (and WO/CF/23/2)
Item 13:	MATTERS CONCERNING A DEVELOPMENT AGENDA FOR WIPO.....	201 (and WO/GA/32/13)
Item 14:	MATTERS CONCERNING THE ESTABLISHMENT OF A NEW WORK PLAN FOR THE STANDING COMMITTEE ON THE LAW OF PATENTS IN RESPECT OF THE DRAFT SUBSTANTIVE PATENT LAW TREATY (SPLT).....	202 (and WO/GA/32/13)

Item 15:	MATTERS CONCERNING THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)	203 (and WO/GA/32/13)
Item 16:	INVITATION TO WIPO FROM THE CONFERENCE OF PARTIES OF THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)	204 (and WO/GA/32/13)
Item 17:	MATTERS CONCERNING THE PATENT LAW TREATY (PLT).....	205 (and WO/GA/32/13)
Item 18:	MATTERS CONCERNING THE PATENT LAW TREATY ASSEMBLY	206 (and PLT/A/1/4)
Item 19:	MATTERS CONCERNING THE MADRID UNION.....	207 (and MM/A/36/3)
Item 20:	MATTERS CONCERNING THE IPC UNION.....	208 (and IPC/A/23/3)
Item 21:	MATTERS CONCERNING THE PCT UNION.....	209 (and PCT/A/34/6)
Item 22:	MATTERS CONCERNING INTERNET DOMAIN NAMES.....	210 (and WO/GA/32/13)
Item 23:	REPORT OF THE JOINT INSPECTION UNIT (JIU).....	211 to 288
Item 24:	COMPOSITION OF THE WIPO COORDINATION COMMITTEE; ELECTION OF THE MEMBERS OF THE EXECUTIVE COMMITTEES OF THE PARIS AND BERNE UNIONS AND DESIGNATION OF THE <i>AD HOC</i> MEMBERS OF THE WIPO COORDINATION COMMITTEE.....	289 and 290
Item 25:	APPROVAL OF AGREEMENTS.....	291 (and WO/CC/53/3)
Item 26:	ADMISSION OF OBSERVERS	292 to 296
Item 27:	STAFF MATTERS	297 (and WO/CC/53/3)

Item 28: ADOPTION OF THE REPORTS.....298 to 318
AND OF THE INDIVIDUAL REPORTS OF
EACH GOVERNING BODY

Item 29: CLOSING OF THE SESSIONS.....319 to 329

ANNEX I: MATRIX

ANNEX II: INDEX OF INTERVENTIONS BY DELEGATIONS OF STATES
AND REPRESENTATIVES OF INTERNATIONAL
INTERGOVERNMENTAL AND INTERNATIONAL
NON-GOVERNMENTAL ORGANIZATIONS

INTRODUCTION

1. This General Report records the deliberations and decisions of the following 19 Assemblies and other bodies of the Member States of WIPO:

- (1) WIPO General Assembly, thirty-second (17th ordinary) session
- (2) WIPO Conference, twenty-third (17th ordinary) session
- (3) WIPO Coordination Committee, fifty-third (36th ordinary) session
- (4) Paris Union Assembly, thirty-sixth (17th ordinary) session
- (5) Paris Union Executive Committee, forty-second (41st ordinary) session
- (6) Berne Union Assembly, thirty-first (17th ordinary) session
- (7) Berne Union Executive Committee, forty-eighth (36th ordinary) session
- (8) Madrid Union Assembly, thirty-sixth (16th ordinary) session
- (9) Hague Union Assembly, twenty-third (15th ordinary) session
- (10) Nice Union Assembly, twenty-third (17th ordinary) session
- (11) Lisbon Union Assembly, twentieth (16th ordinary) session
- (12) Locarno Union Assembly, twenty-third (16th ordinary) session
- (13) IPC [International Patent Classification] Union Assembly, twenty-third (15th ordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, thirty-fourth (15th ordinary) session
- (15) Budapest Union Assembly, twentieth (13th ordinary) session
- (16) Vienna Union Assembly, sixteenth (13th ordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, third (2nd ordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, third (2nd ordinary) session
- (19) PLT [Patent Law Treaty] Assembly, First (1st ordinary) session

meeting in Geneva from September 26 to October 5, 2005, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies convened (hereinafter referred to as “the joint meeting(s)” and “the Assemblies of the Member States,” respectively).

2. In addition to this General Report, separate Reports have been drawn up on the sessions of the General Assembly (WO/GA/32/13), WIPO Conference (WO/CF/23/2), WIPO Coordination Committee (WO/CC/53/3), Paris Union Assembly (P/A/36/1), Paris Union Executive Committee (P/EC/42/1), Berne Union Assembly (B/A/31/1), Berne Union Executive Committee (B/EC/48/1), Madrid Union Assembly (MM/A/36/3), Hague Union Assembly (H/A/23/1), Nice Union Assembly (N/A/23/1), Lisbon Union Assembly (LI/A/20/1), Locarno Union Assembly (LO/A/23/1), IPC Union Assembly (IPC/A/23/3), PCT Union Assembly (PCT/A/34/6), Budapest Union Assembly (BP/A/20/1), Vienna Union Assembly (VA/A/16/1), WIPO Copyright Treaty Assembly (WCT/A/3/1), WIPO Performances and Phonograms Treaty Assembly (WPPT/A/3/1) and the Patent Law Treaty Assembly (PLT/A/1/4).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 30, 2005, is set forth in document A/41/INF/1 Rev.2.

4. The meetings dealing with the following items of the Agenda (document A/41/1) were presided over by the following Chairs:

Items 1, 2 and 3	Mr. Bernard Kessedjian (France), outgoing Chair of the General Assembly
Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 22, 23, 26, 28 and 29	Mr. Enrique Manalo (Philippines), newly-elected Chair of the General Assembly
Items 12 and 24	Mr. Rigoberto Gauto Vielman (Paraguay), Chair of the WIPO Conference
Item 18	Mrs. Darina Kyliánová (Slovakia), Chair of the Patent Law Treaty Assembly
Item 19	Mr. James Otieno-Odek (Kenya), Chair of the Madrid Union Assembly
Item 20	Mr. Gilles Barrier (France), Chair of the IPC Union Assembly
Item 21	Mrs. Nadia Ibrahim Mohamed Abdallah (Egypt), Chair of the PCT Union Assembly
Items 25 and 27	Mr. Love Mtesa (Zambia), Chair of the WIPO Coordination Committee
Item 28	The Chair (or, in his absence, a Vice-Chair, or, in the absence of the Chair and both Vice-Chairs, an <i>ad hoc</i> Chair) of one of the 19 Governing Bodies concerned, that is for the General Report, the Report of the WIPO General Assembly, the Report of the PCT Union Assembly, the Reports of the Paris Union Assembly, the Paris Union Executive Committee, the Berne Union Assembly, the Berne Union Executive Committee, the Assemblies of the Hague Union, Nice Union, Lisbon Union, Locarno Union, Budapest Union, Vienna Union, WIPO Copyright Treaty, and the WIPO Performances and Phonograms Treaty Assembly, Ambassador Enrique Manalo (Philippines); the Report of the WIPO Conference, Mr. Rigoberto Gauto Vielman (Paraguay); the Report of the Coordination Committee, Mr. Li-Feng Peter Schrock (Germany); the Report of the Madrid Union Assembly,

Mr. James Otieno-Odek (Kenya); the Report of the IPC Union Assembly, Mr. Gilles Barrier (France) and the Report of the PLT Assembly, Mr. Usman Sarki (Nigeria).

5. An index of interventions by Delegations of States and Representatives of intergovernmental and non-governmental organizations mentioned in this report is reproduced as Annex II to this report. The Agenda, as adopted, and the list of participants will appear in documents A/41/1 and A/41/INF/3, respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

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

7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 19 Assemblies and other bodies concerned by the outgoing Chair of the General Assembly, Mr. Bernard Kessedjian (France), who gave the floor to the Director General, who made the following statement:

“My first and most pleasurable task today is to welcome you all to the WIPO Assemblies. Before we begin work on our extensive and challenging agenda, I would like to take the opportunity to extend our thanks to the outgoing Chairman, His Excellency Ambassador Bernard Kessedjian, who has so steadfastly and adeptly guided us in our work for over two eventful years. I am sure I speak for you all in expressing our gratitude for the great professionalism he brought to that task, the skillful way he handled the evolving debate and his dedication to achieving the best possible outcome.

“Now, just a few highlights:

“We are approaching the end of the 2004-2005 financial biennium with very positive financial results. Thanks to strict budgetary discipline and a number of cost-saving measures, the biennium will close with a level of expenditure matching the level of income. This was accomplished without compromising the priority objectives of this Organization (in particular, assistance to developing countries and countries in transition) and without compromising the efficiency of the services provided to users in the private sector.

“The proposed Program and Budget which I have presented for the next biennium builds on this consolidated financial situation. It is a balanced budget, with no deficit, no increase in the level of fees paid by users of WIPO services, and most importantly reserves at the level indicated by Member States. It also incorporates a number of efficiency targets in various areas.

“I am pleased that it was endorsed by the Program and Budget Committee at its April meeting, and – to respond to concerns expressed by some delegations – I wish to stress that the proposed Program and Budget before this Assembly has a built-in flexibility, not only on the financial level but also on the program level. In particular, it may accommodate, if need be, additional activities that may be requested by Member States in a number of areas.

“I have also decided to incorporate in the proposed Program and Budget the relevant recommendations made by the Joint Inspection Unit in its February 2005 report. Other JIU recommendations are before the relevant bodies for discussion and decision at this session.

“I am also pleased by the rapid progress made regarding the recommendations of the Program and Budget Committee in relation to the oversight function in this Organization. Thanks to the successful deliberations of the Working Group of the Program and Budget Committee in May, June and July of this year, this Assembly has before it proposals to establish a WIPO Audit Committee and also to adopt a WIPO Audit Charter. I personally welcome these two proposals.

“In an additional positive step, the Program and Budget Committee agreed last April to work on a new mechanism to further involve Member States in the preparation of the WIPO Program and Budget and the subsequent follow up.

“The Organization will continue to play a crucial role in assisting countries to use the intellectual property system to their advantage, and to leverage it to contribute to achieving the UN Millennium Development Goals. These development activities are thus not confined to enabling developing countries to meet their obligations under multilateral intellectual property instruments to which they are party, but, most importantly, aim at empowering them with the necessary tools to develop, protect, enforce and exploit intellectual property rights with a view to achieving economic, social and cultural development. The development goals and aspirations of our Member States will continue to form the cornerstone of our initiatives and actions. The development dimension of intellectual property has always been, and will continue to be, a main pillar of the Organization’s mandate and this has become even more evident today, when there is universal agreement on its importance. I very much welcome the forthcoming discussions on the Development Agenda, and look forward to their positive outcome.

“In other areas, WIPO continued to enhance its activities with certain countries of Europe and Asia, giving special attention to strengthening regional cooperation; and the WIPO Worldwide Academy, also continued to develop, and pursue its goals, thus delivering greater demystification, education and human development.

“During these meetings, the Assemblies will be called upon to make decisions regarding the future work plan of the Standing Committee on Patents, including the long-standing question of the draft Substantive Patent Law Treaty. I have confidence that your deliberations will enable the forging of a path that will enhance WIPO’s role as the key forum for the discussion of questions of patent policy and the development of international approaches to such questions.

“The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, has seen further progress in its work, with these Assemblies being asked to endorse a recommendation that its existing mandate be extended during the next biennium, enabling work in this important area to continue to advance.

“Efforts to enhance the copyright system and its effective use are continuing. Significant headway has been achieved in the discussions regarding the updating of the protection of broadcasting organizations. I am confident that, following the successful consultations that took place this year, the Assemblies will approve the proposal to move forward to a Diplomatic Conference.

“Constructive informal consultations have taken place towards reaching agreement on the main outstanding issue concerning audiovisual performances. Further progress is still needed and we will continue to make every effort to assist Member States in reaching a fair solution.

“Elsewhere, in the field of enforcement of intellectual property rights, the Organization has stepped up its efforts in awareness-raising and in training and education.

“The Patent Cooperation Treaty continues to experience a steady and healthy expansion of demand. Last year saw an increase in international applications of 6.3 per cent over 2003. This year, international applications are expected to grow at a rate of around 8 per cent.

“Great progress has been made in the deployment of information technology within the PCT. We expect, for example, the full electronic processing of applications to be fully functional within the International Bureau within the next 12 months.

“The Madrid System for the International Registration of Marks has seen remarkable growth in the number of international applications and registrations since last year. Under its increased membership, the Madrid System has become a truly worldwide trademark registration system. In 2004, applications had increased by 23.5 per cent over 2003 and a further 19 per cent growth is projected for 2005. A fee reduction is proposed, for applicants from least developed countries, which would help trademark owners from LDCs benefit from the Madrid System.

“I would like to end with a few words about the staff of WIPO, whom I consider to be the greatest asset of this Organization. They have provided WIPO and myself – and thus, you all – with hard work, dedication, loyalty and support. Over the past year, they have continued to produce work of the finest quality, bringing enthusiasm and commitment to fulfilling the mandates that have been given to them.

“I am confident that with the continuing support of such a body of staff and with the backing, vision and political commitment of you, our Member States, the Organization will continue to hone, refine and improve the intellectual property system, to enable it to perform both efficiently and effectively and to be supple enough to adapt with ingenuity and creativity to the challenges of the future.”

8. The outgoing Chair of the General Assembly, Mr. Bernard Kessedjian (France), made the following statement:

“My dear Director General, I am very worried because my speech is almost the same as yours and I am worried that the delegates are hearing it for the second time. While this reflects our intellectual complicity, I am nevertheless going to read it because there are differences.

“I would like to begin by thanking you most warmly and in particular, with your permission, by thanking Africa, because it is this continent that dictates my presence here and to which I owe my three terms in office. Thank you Africa. I have on occasion hesitated to thank Africa because it is a heavy burden, although I can tell you that it was nevertheless exciting. In any case, I hope that I have not disappointed all of you too greatly.

“Now for a rapid assessment of WIPO. During the past few years, the Organization has shown constant progress. Continuous growth for WIPO is a success, but also a challenge for any Organization, since development implies adaptation. In specific terms, it has been necessary for WIPO to match this growth in terms of resources so as to satisfy the demands for its services. Despite the difficulties encountered by the Organization, the response to users’ expectations has been satisfactory. You will remember that one year ago we were concerned about the financial situation and its repercussions for registration fees. I took the liberty of drawing your attention to this subject and last year in the General Assemblies we had an excellent discussion. I believe I am able to tell you that we have now emerged from this difficult situation owing to the savings and management measures which the International Bureau has taken in a rapid and effective manner. These efforts have allowed balanced finances to be achieved without recourse to the reserves, which remain at a normal level, or to an increase in fees. Of course these efforts should be maintained. I would even say that they should be strengthened and I am happy that, for the next biennium, the International Bureau has put forward a draft Program and Budget which corresponds to this logic. In addition to the changes in the financial situation, a very useful debate has been launched at several levels on the Organization’s operation and on the means to strengthen its management, supervisory authorities and the central role which must be played by the Member States. I am satisfied that these issues have been the subject of a joint effort on the part of the Member States and the International Bureau, thereby allowing specific measures to be adopted, an audit committee to be set up and an internal audit charter to be established. I am convinced that these new tools will make WIPO a cutting-edge organization in terms of structures, management methods and transparency. This is an aim to be achieved since the future of our Organization depends on it.

“Ladies and Gentlemen, the Assemblies have a particularly full agenda, whether it is the adoption of the budget or issues relating to the SPLT, the Development Agenda, Intergovernmental Committee, or also the protection of broadcasting organizations. I hope that we will continue our discussions on all these subjects which are all important for WIPO and for its Member States with the willingness to achieve bold compromise solutions, i.e. for us to come out on top. The increasing number of stalemates which have marked numerous meetings in previous years are a source of concern to me. They place a burden on all the work done in the Organization. We must emerge from this situation. I will say it again, on top, so that all concerned achieve what they want. In

order to avoid a stalemate, it is important to question once again what is at stake. For example, the issue of drugs is fundamental. What is at stake is no less than access to healthcare for populations on the fringes of the global markets and the extension of the protection against the major epidemics which threaten our planet.

“In another area where we have no ready made legal solution, I am thinking of the misuse or unlawful use of genetic resources, traditional knowledge and folklore, we must get away from inappropriate conceptions and find solutions to achieve equitable protection. It is, however, essential to complete successfully the difficult work of adapting the intellectual property legal framework so as not to lose sight of the fundamental aspects which it gives us. We are perfectly aware to what extent the fruits of the mind are essential for the economic, social and cultural development of our societies. We are equally aware that the progress which the whole world wishes to benefit from is generated by continuous intellectual creation. Intellectual property and development are not opposites. On the contrary. Development supports research which itself must generate growth and further development. This matter is not specific to WIPO but is at the heart of the concerns of all branches of the United Nations. It is the fight against endemic poverty and underdevelopment. Yes, intellectual property must serve humanity, i.e. it must serve development in all its forms and it must serve everyone. For that reason, I wish here to reaffirm the importance of intellectual property not as an end in itself, but because by simulating creativity and invention, it contributes to development and to prosperity, as I have just said. I regret that despite all the efforts we have made and which were about to come to fruition, we did not have the opportunity to hold the WIPO summit on intellectual property and the knowledge economy in Beijing, in April 2003. My friend, Ambassador Sha, and I spent long exciting hours with you in this very room or in the smaller adjoining room. Our many colleagues contributed their talents to the negotiation. Everything was on the table and a common political vision was being formed. That vision is what we are cruelly lacking today. So let us pick up the project and once again make plans for our journey to Beijing.

“Ladies and Gentlemen, delegates, dear colleagues, dear friends, at the end of my term of office as Chairman of the Assemblies, I would like to tell you what an honor it has been to sit at this podium. It is not of course a sinecure, but I must say that thanks to the professionalism and enthusiasm, at times exaggerated, of all the delegates, it was a stimulating exercise whose interest has continued to grow through the different sessions. I wish in particular to thank Dr. Kamil Idris, my friend Kamil Idris, and all his team at the podium, those who are here in the hall, those who are in their offices, the interpreters, the whole of the WIPO house, which for three years was my house. I believe that they are doing a superb job and we should encourage them by ourselves taking our own responsibilities.

“It is now left for me to wish that this session of the Assemblies is a fruitful one and in advance I wish my successor every success.”

ITEM 2 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE AGENDA

9. After due consideration, each of the Assemblies and other bodies concerned adopted the agenda as proposed in document A/41/1 (hereinafter referred to in this document and in the documents listed in paragraph 2 above as the “Consolidated Agenda”).

ITEM 3 OF THE CONSOLIDATED AGENDA:

ELECTION OF THE OFFICERS

10. Discussions were based on document A/41/INF/1 Rev.2.

11. Following informal consultations among the Group Coordinators, the WIPO General Assembly elected Ambassador Enrique Manalo (Philippines) as its Chair, on September 26, 2005.

12. Further informal consultations among the Group Coordinators in respect of the election of the officers of the remaining 18 WIPO Assemblies and other bodies, resulted in a proposal for the election of officers that was presented by the Secretariat on September 29, 2005.

13. The list of the officers elected for the Assemblies and other bodies appears in document A/41/INF/4 Rev.

14. The newly elected Chair of the General Assembly, Ambassador Enrique Manalo (Philippines), expressed his thanks to the Member States for electing him as the Chair of the Assemblies. He assured the delegations that he would endeavor to discharge his responsibilities to the utmost of his capacity. He especially thanked his predecessor, Ambassador Bernard Kessedjian for the hard work and dedication he had displayed as Chairman of the Assembly and expressed both the Assemblies' and his gratitude for his legacy of inspired leadership. He said that he was deeply honored to serve the General Assembly as its President, knowing that the decisions that they would be adopting would significantly influence the future course of work of WIPO. He did not wish to re-state the key issues as they had been mentioned by the Director General and Ambassador Kessedjian, but he wished to add that the decisions taken during the Assemblies were the responsibilities of the Member States, and the Chair's main task was to facilitate and encourage constructive dialogue and negotiation to arrive at those important decisions. He recalled that the delegates had a substantive agenda before them and relatively limited time-frame in which to deal with it. He therefore laid out some ground rules that he intended to follow. The Chair would hold regular consultations with the Group Coordinators and other interested delegations, and in this regard, he planned to meet the Group Coordinators every morning before the start of each session and after the close of each session. He intended to hold extensive sessions if needed, including night meetings. He said that in order to ensure that the Assemblies discussed all the agenda items satisfactorily, the Delegates had to be strict with the refreshment breaks when the nature of their schedule made it necessary. The Chair encouraged delegations and groups to initiate meetings amongst themselves on certain issues, as this would be an important means of assisting the Chair in advancing the Assemblies' work. On general statements

under item 4, he recalled that Member States had already been encouraged to submit their statements in writing which, in turn, would be fully reflected in the records of the proceedings. The Chair strongly urged those States wishing to take the floor and make verbal statements to exercise internal discipline and limit their remarks to a maximum of five minutes. He further said that he would follow the WIPO practice in so far as the order of speakers was concerned. The tentative timetable set out on page 2 of the draft agenda, envisaged that items 1 to 7 be completed between the same day and the next. The Chair recalled that all those agenda items happened to be institutional issues and so it was his hope that they could complete consideration of them by the end of the next day and begin discussing substantive items starting with the Advisory Committee on Enforcement by Wednesday, September 28, 2005, at the latest. He emphasized that not all agenda items called for detailed discussions and recalled that certain items simply provided information to the Assemblies and did not necessarily call for any decision on their part. He suggested that delegates be as brief as possible on those items and, if possible, refrain from discussing them unless there was an urgent need to do so. When the Assemblies considered items where no discussions were called for, he would remind delegations to simply take note, unless there was really a pressing need to go on record. The Chair recalled that there were also certain items on which he believed informal consultations had taken place and some on which there was unanimous agreement. For those items, the Secretariat would make announcements and if the Assembly approved, they would proceed without going into detailed discussion. The Chair also reminded the delegations that their deliberations in the General Assembly should focus on addressing, where pertinent, the recommendations of the subsidiary bodies. Delegations should avoid as much as possible repeating the technical issues and debates already covered by those bodies. Speaking on the decision-making process, the Chair stated that he would follow the WIPO rules of procedure, the applicable treaties and conventions, and most importantly, the practice and traditions in WIPO, in particular, the tradition pertaining to consensus. He once again thanked the WIPO Member States for electing him as Chair of the General Assembly and looked forward to fruitful discussions and deliberations. He had no doubt that all decisions would be taken in the best interests of WIPO, and opined that with the help and collaboration of the delegations, he was confident of the successful conclusion of the work of this year's Assemblies.

ITEM 4 OF THE CONSOLIDATED AGENDA:

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

15. Discussions were based on documents A/41/2 and A/41/3, respectively.
16. The Delegations and Representatives of the following 97 States, six intergovernmental organizations and fourteen non-governmental organizations made statements concerning Agenda Item 4: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belize, Benin, Bhutan, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, China, Congo, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, Georgia, Germany, Ghana, Guinea Bissau, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua,

Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Zambia, Zimbabwe, African Union (AU), African Regional Intellectual Property Organization (ARIPO), Commission of the European Communities (CEC), Eurasian Patent Organization (EAPO), European Patent Office (EPO), African Intellectual Property Organization (OAPI), Center for International Environmental Law (CIEL), Civil Society Coalition (CSC), Electronic Frontier Foundation (EFF), Free Software Foundations (FSFs), International Chamber of Commerce (ICC), International Federation of Film Producers Associations (FIAPF), International Federation of Musicians (FIM), International Federation of the Phonographic Industry (IFPI), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of Library Associations (IFLA), *Médecins Sans Frontières* (MSF), North American Broadcasters Association (NABA), *Asociación Nacional de Intérpretes* (ANDI) and the World Association for Small and Medium Enterprises (WASME).

17. The Delegation of Morocco, speaking on behalf of the African Group, expressed its gratitude to the Director General for his strategic goals which had ensured the extension of the scope of intellectual property for the benefit of a large number of developing countries, the promotion of intellectual property culture as a key vector of economic, cultural and social development, and the contribution of intellectual property to the achievement of the Millennium Development Goals (MDGs). The African Group commended the efforts made by the International Bureau in preparing documents for the meetings. It expressed its satisfaction with the positive results of the activities and action programs in Africa, referring to several items including the technical and legal assistance which had enabled legislation to be adapted to international standards, the programs of cooperation for development which had enabled the modernization and automation of intellectual property infrastructures, and also the national action plans which had encouraged creativity and innovation. The Delegation noted the increased interest shown by the African Group in the technical and legal cooperation programs, in the activities of the WIPO Worldwide Academy, in cooperation for development, and in topics relating to genetic resources, traditional knowledge and cultural expressions. With respect to cooperation for development, the Delegation also stressed that specific attention should be paid to certain areas including the development of human resources, bridging the digital divide, and recognizing the needs of small and medium-sized enterprises (SMEs). It drew attention to the need for a sound financial base to ensure optimum operation of WIPO and to meet the expectations of Member States. Possible budget deficits could in no way justify the absence of ambition in areas of major importance for African countries. The Delegation also added that WIPO programs should take advantage of the flexibility provided by the international agreements and seek to maintain a financial balance when strengthening intellectual property systems. The Delegation wished to highlight the fact that the major concern of African countries was without any doubt the “development dimension”, as evidenced by the New Partnership for African Development (NEPAD). On behalf of the African Group, the Delegation reaffirmed its interest in continuing the process of discussion at WIPO on the Development Agenda. It added, however, that the process could not be considered complete while certain proposals, particularly those of the African Group, had not been examined in the intergovernmental process. A sense of equity called for a fair, equal treatment of all proposals submitted. The Delegation recalled the declaration of the G77 countries at the Second South-South Summit in Doha calling upon WIPO, as a specialized agency of the United Nations, to integrate the

development dimension into all its future plans and activities, involving the furthering of development, access to knowledge, technical assistance and technology transfer. As a follow-up to the work of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, the African Group wished to reaffirm its interest in the establishment of a binding international instrument to provide protection of traditional knowledge and folklore against abusive use and misappropriation. In connection with this Committee, the African Group stated that participation of accredited non-governmental organizations representing local and indigenous communities should be further encouraged. The Delegation wished to recall the commitment of the African Group to making a positive, realistic contribution to the Meeting so that it would become an effective forum for discussion and result in constructive, tangible conclusions commensurate with the expectations of Member States.

18. The Delegation of the Islamic Republic of Iran, speaking on behalf of the Asian Group, noted that the agenda of the meeting contained many important subjects of a complex nature that had been under discussion in different bodies of WIPO during the last year, and each would have to be addressed on its own merit. In continuing to support the trend of measures on cost effectiveness the Delegation said that such activities should not affect the concerns of developing countries and LDCs regarding their particular programs and assistance in the 2006-2007 biennium, in particular, the attainment of the MDGs and other recognized international instruments. WIPO, as a specialized UN agency, whilst working on promotion and protection of right holders should also be committed to the public policies concerns and public interest of developing countries. In this regard, the Group of 77 at their Second South-South Summit in Doha in June 2005, had emphasized the need to integrate the development dimension into all areas of WIPO activities that promote development, such as, access to knowledge for all, pro-development norm setting, establishing development friendly principles and guidelines for the provision of technical assistance and the transfer of technology. In addition, WIPO should also pay attention to the rights of other stakeholders and public interest in its representation in other international organizations. The Asian group further believed that all WIPO's protection activities should take an inclusive approach that fostered the economic, social and cultural development of all member States. The Delegation recalled that at different WIPO committees such as the SCP, IGC and PCT Reform working group, the Asian group had repeatedly requested that the issue of the misappropriation of genetic resources and associated traditional knowledge in the existing international IPR system be addressed and had pushed for more tangible result-oriented results. The group had high expectations that the IGC in particular will properly address these concerns in its future work on its mandate including the production of an internationally legal binding instrument. The Asian group was of the opinion that WIPO's technical assistance program should be enhanced on a demand-driven basis whilst balancing the equal interests of all stakeholders and in the provision of legal advice to member States that ensured an appropriate balance between public policy goals and international IPR commitments. WIPO's role in empowering different national groups concerned with IP issues including the private sector, SMEs, research and academic institutions should also be encouraged. The group recognized that due to the differing levels of development of an IP infrastructure in member States, a one-size-fits all system cannot properly respond to the needs of developing countries and WIPO should include impact assessment and evaluation studies in its norm-making work in developing countries and LDCs to ensure the utility and impact of any high standard protection. Finally, to improve the work of Committees in WIPO, an inclusive, democratic and transparent approach with regard to the establish rules and procedures was required.

19. The Delegation of the Czech Republic, speaking on behalf of the Central European and Baltic States, began by reaffirming the commitment of the group to the purposes and principles of WIPO. The Organization played a valuable role in multilateralism and in the development of an international IP system which promoted sustained economic growth and global prosperity for all. The Delegations stated, in particular, that WIPO had the great potential to contribute significantly to providing multilateral solutions to the problems of the strengthening of development and the UN itself, as specified in the outcome document of the High-Level Plenary Meeting of the UN General Assembly in September 2005. With regard to the demanding WIPO GA agenda that contained many interlinked and important issues, the group felt that a pragmatic and flexible approach with the full participation of all WIPO member States would assure outcomes that would benefit all in the future.

20. The Delegation of Switzerland, speaking on behalf of Group B, recognized that the creation, development and production of IP have played a fundamental role in rapid technological progress, in improvements in the human condition and in the diffusion of well being, science, art and culture across the globe. The group believed these overarching strategic goals to be correct and that WIPO should continue to play an active and influential role in the achievement of them by improving the global understanding of IP concepts, the establishment and reinforcement of the framework of appropriate national and international law, and effective international cooperation. WIPO should also continue to exploit its core competencies to build a better understanding of IP, to develop the IP system and to enhance the efficiency of the Secretariat and the services it provides, which would enable the Organization to play a strong supporting role in the UN system, toward achieving the internationally agreed developing goals and objectives including the UN MDGs. Group B strongly urged the General Assembly to set patent discussions back on track by approving a limited work plan for the Standing Committee on the Law of Patents (SCP) that supports the common interest of all member States and their nationals, i.e. to improve patent quality, simplify procedures, reduce costs for users, reduce the duplication of work by patent offices and to establish more consistent and common examinations among WIPO members. With regard to the Intergovernmental Committee on IP, Genetic Resources, Traditional Knowledge and Folklore (IGC) the Group was willing to consider the continuation of the work of the Committee during the 2006-2007 biennium under the terms of its current mandate. Since the last WIPO assemblies, three meetings of the IIM had enabled WIPO members to have a first discussion on several issues related to IP and development and the Group looked forward to the continuation of discussions on development issues in the appropriate forum. Group B supported the continuation of the *ad hoc* working group on the legal development of the Madrid System under which important decisions were needed to be taken as the system was becoming increasingly relevant, and further welcomed the entry into force of the Patent Law Treaty. With respect to the issue of the Convention on Biological Diversity's request that WIPO examine and, where appropriate, address specific issues regarding the interrelation of access to genetic resources and disclosure requirements in IP rights applications, the Group recommended that the draft examination of issues contained in the Annex to document WO/GA/32/8 be transmitted to the Conference of Parties of the Convention on Biological Diversity without delay. The Delegation noted with approval that WIPO committees and parties were making great efforts to involve and consult non-governmental organizations as such meetings provided a useful platform for constructive dialogue which the Group encouraged, in order to enable the Organization and its members to be more responsive to the needs and expectations of all stakeholders, including civil society. In this context, Group B also welcomed the principle of the creation of a voluntary contribution fund that would facilitate and encourage the participation of indigenous and local communities, and other customary holders or custodians of traditional knowledge and traditional cultural expressions,

in WIPO's work in the fields of genetic resources, traditional knowledge and folklore. With regard to budgetary issues, Group B took a keen interest in the efficient and strategic management of WIPO's program and budget and had expressed serious concerns in 2004 about WIPO's general financial situation. Since then, constructive work had been accomplished and the Group welcomed the prioritization within the draft program and budget, and the improved projections and expenditure discipline resulting in the required cost savings measures and, therefore, no fee increase. Concerning the draft program and budget for 2006-2007, which endorses a new budget approach and represents innovation, both in the way the document is structured and in its content, the Group welcomes: a balanced budget, no fee increase, an increased mobilization for technical assistance, that the level of the reserves are on target, a predictable forecast model for PCT fees and the development of similar models for the other registration systems, and the tackling of traditional and new priorities. The Group fully endorsed the creation of an audit committee of WIPO and the adoption of an internal audit charter. Group B also welcomed the Secretariat's initiative to engage the services of an external management entity for the new construction project and recommended the full implementation of the recommendations contained in the reports of the external auditors. The level of cooperation with the JIU was applauded, however, the Group believed that more could be done: namely that the GA should establish that transfers between programs should be limited to five per cent of the program concerned and not of the total budget, which would be in line with common practice within the UN family. Also, that this particular recommendation should be decided by the GA and not referred for further consideration to the PBC. Further the Group suggested that the GA follow the advice of the JIU and direct the Director General to discontinue his practice of personal promotions and modify the staff rules accordingly. With regard to the desk to desk review, the audit committee should be involved in the development of the terms of reference, the selection process and in overseeing the project. Group B considered that, taking also in consideration the biennial nature of WIPO's budget, increase participation of the PBC would be of great help, not only during the preparation of the budget but also in its oversight and implementation.

21. The Delegation of the Republic of Moldova, speaking on behalf of the countries of Central Asia, the Caucasus and Eastern Europe, expressed its satisfaction on the realization of WIPO programs in 2004, in particular, as regards cooperation with the countries in the region. The Delegation supported the Program and Budget for 2006-2007, and drew attention to the need for achieving real objectives that corresponded to the needs of the countries in the region, while respecting the directions given in the budget. The Delegation was also in favor of transparency in the Organization's work and therefore supported the creation of an Audit Committee. Furthermore, the Delegation supported the Joint Inspection Unit (JIU) recommendations and hoped that these recommendations would be discussed in more detail. The Delegation also welcomed the positive reactions of the International Bureau to Member States' demands, particularly translation of working documents into Russian for the Advisory Committee on Enforcement, and hoped that this trend would continue. Regarding the broadcasting treaty, the Delegation stated that during the regional consultations in Moscow in June 2005, the countries in the region had reached a common understanding about the need for an international instrument guaranteeing protection for broadcasting organizations, and, therefore, it supported a diplomatic conference on the subject in 2006. Lastly, the Delegation was also closely following the discussions in the IIM on the development agenda, and the developments relating to patent law, and it hoped that Member States would be willing to compromise in order to reach consensus on these issues.

22. The Delegation of China thanked the Director General and WIPO staff for the organization of the Assemblies, and stated that WIPO played a significant role in promoting

the building of a fair and equitable IP system. The Delegation further noted that, in the last twelve months, the Chinese Intellectual Property System had made important progress. In 2004, a total of 350,000 patent applications had been received for inventions, utility models or designs, a 15 per cent increase over 2003, of which 130,000 were for inventions, representing a 29 per cent increase. As of August 31, 2005, a total of 300,000 applications had been received, a 33 per cent increase, of which 110,000 were for inventions, representing a 34 per cent increase. In 2004, China had also received a total of 600,000 trademark registrations, an increase of 30 per cent. The Delegation informed that the State Council had commenced the formulation of a National IP Strategy. The work would be done by around 20 central government agencies. The purpose of this initiative was to hasten the build-up of a market environment favorable to fair competition, and to enhance the innovative competence and competitiveness of China. In terms of legislative progress, the Rules on Copyright Collecting Societies became effective in March 2005, and the Rules on the Administrative Protection of Copyright on the Internet on May 30, 2005. The Supreme People's Court and the Supreme Prosecutor General had jointly issued the Interpretation on the Applicable Laws for the Trial of IP Criminal Cases in December 2004. Its implementation had lowered the threshold of criminal punishment for IP violations. The Delegation pointed out that China had continued to strengthen its cooperation with WIPO in many areas to enhance the use of the PCT system by Chinese companies, and to this end, WIPO and the State Intellectual Property Office of China (SIPO) had organized seminars in Beijing, Shanghai and Shenzhen, for 600 participants from companies, patent agencies and research institutes. China had also supported WIPO's IP training events in the Asia Pacific region, including the Asia and Pacific SME Symposium in December 2004, the WIPO PCT sub-regional seminar for four neighboring countries in Beijing in July 2005, and a WIPO-SIDA (Sweden) cooperation follow-up seminar in Beijing. The Delegation furthermore underlined the importance of WIPO's mandate, and its unique significance as a UN specialized agency in IP, to promote global economic development and the accomplishment of the UN MDGs. In particular, in light of the greater global economic integration and the resulting closer knit of countries' interests, the various norm setting activities of the Organization had powerful implications for the development of all countries. The Delegation recalled that in 2000, Heads of State reached a consensus and approved the Millennium Declaration and the MDGs, and the Delegation pointed out that IP, as an important element in the development and economic prosperity of countries, should contribute to the accomplishment of the goals. It also stressed that all stakeholders, while considering their own IP interests, should be encouraged to feel a greater sense of duty in facilitating the realization of the goals and to strive for greater consensus in setting fair and more credible international norms, which responded to the concerns of all countries, in particular the developing countries, and which promoted a balanced global economic development. The Delegation further noted China's open and constructive participation in the activities of the Organization, and underlined its support for the continuation of the debate on various topics. However, the Delegation underscored the necessity of taking into account the interests of all countries with their different situations and development levels during the norm setting process, and noted that the safeguarding of the interests of rights holders should not be detrimental to the public interest. Also, encouraging and protecting technological innovation should be done in parallel with promotion of technology transfer. The Delegation furthermore underlined the importance of issues such as disclosure of origin of genetic resources and benefit sharing, and it believed that there was a need to formulate a binding protection treaty. The Delegation then mentioned that the development agenda was capturing the concerns of the developing world, however, its implications not only concerned developing countries, but also the industrialized world, which increasingly relied on developing countries' markets, and the Delegation hoped that the discussions on the development agenda would be structured and substantive with positive

outcomes in the near future for the benefit of Member States. Lastly, regarding the Hong Kong Special Administrative Region (Hong Kong SAR), the Delegation highlighted the expansion of laws in Hong Kong taking duly into account IP interests and the interests of right holders. Also, important improvements had been made in electronic services, which had now become interactive, and programs for SMEs were ongoing.

23. The Delegation of Benin, speaking on behalf of least-developed countries (LDCs), noted with satisfaction that 44 LDCs were members of WIPO, thus demonstrating the growing importance of intellectual property. The Delegation highlighted the efforts made by the Director General and referred to the important agenda items, including the Program and Budget for 2006-2007, the Permanent Committee on Cooperation for Development Related to Intellectual Property, and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. In particular, it said that it was grateful to the Director General for his proposal to reduce fees for applicants from LDCs. Furthermore, the Delegation hoped that WIPO would consolidate the establishment of intellectual property institutions in LDCs and called for the continuation of the Organization's technical assistance, unanimously supporting the adoption of the Program and Budget for 2006-2007. The Delegation recalled that it had previously expressed, on behalf of the LDCs, its own concerns regarding the proposal for a development agenda made by the African Group, and added that the work done at the sessions of the Intergovernmental Committee on the WIPO Development Agenda, and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore should continue. It also thanked the Organization for its assistance as part of the Nationally-Focused Action Plans (NAFPs) for specific countries, which allowed the major players to take an active part in the dialogue through which intellectual property contributed to the development of the LDCs. In that regard, it referred to the LDCs Ministerial Conference, jointly organized by WIPO and the Government of the Republic of Korea in Seoul, from October 25 to 27, 2004. It cited the Republic of Korea as an example in relation to intellectual property and productive work. It stated further that the LDCs had a lot to learn from the experience of such successful competitiveness. It expressed its gratitude to the Swedish International Development Agency (SIDA) and to the Swedish Patent and Registration Office for the training program set up in cooperation with WIPO. It suggested that solutions should be explored as quickly as possible so as to ascertain what the possibilities were for research and development, technology transfer and the establishment of national intellectual property offices, which would benefit the economic and social development of the LDCs. The Delegation also made known its concern with regard to reducing the divide between the standard of living of LDCs and that of developed countries, considering it to be an economic, political and ethical imperative at the global level. In order to achieve that, it was necessary to identify the factors, synergies and crucial relationships for creating an environment favorable to innovation and the marketing of intellectual property goods and services. Consequently, the LDCs should transform their political environment and make the requisite institutional adjustments so that intellectual property acted as a lever for growth and development. It urged that intellectual property should be integrated into the planning and national development strategies of LDCs. In conclusion, the Delegation said that it was in favor of setting up a trust fund for the LDCs in order to help them use intellectual property for wealth creation purposes.

24. The Delegation of Thailand, speaking on behalf of the Association of South East Asian Nations (ASEAN), expressed its pleasure at having the Philippines—an active Member of ASEAN—presiding as Chairman of the Assemblies this meeting, and offered congratulations to the other ASEAN appointment holders. The Delegation affirmed the support of the ASEAN delegations in working towards a successful outcome at the Assemblies meeting and

thanked the WIPO Secretariat for preparing the comprehensive overview, and the Director General for his introductory statement. In a geographical region where national growth is increasingly driven by knowledge, technology and information, ASEAN fully shared the view that IP served as a catalyst for economic, social and cultural development. The Delegation pointed out that WIPO and ASEAN had jointly produced a landmark study in 2001 titled “The Use of Intellectual Property as a Tool for Economic Growth in the ASEAN Region,” which drew upon the lessons and challenges within ASEAN, and which still remained a key point of reference that guided ASEAN countries in respect to cooperation on IP matters. The last two years had witnessed an expansion and an intensification of ASEAN-WIPO cooperation: WIPO had organized over 50 meetings, seminars, workshops, study visits and other events in the ASEAN region, which covered a range of issues both at the national and regional level. The ASEAN Secretary General had made a successful visit to WIPO in January 2004. ASEAN-WIPO cooperation reached a new milestone in March 2005, when WIPO senior officials engaged the ASEAN Senior Economic Officials in a high-level dialogue in Manila. At the Tenth ASEAN-WIPO Consultation Session in September 2005, the ASEAN-Geneva Ambassadors expressed their desire to further strengthen dialogue and cooperation with WIPO, in particular for WIPO’s continued participation at ASEAN meetings. Similarly, ASEAN was working actively towards greater involvement by the ASEAN Secretariat in WIPO activities. ASEAN was also keen to work closely with the WIPO Secretariat to improve the qualitative aspects of IP cooperation. As such, it was important to view all the achievements of past programs and activities, and in that regard, key priorities for ASEAN would include: (i) strengthening the national IP legal infrastructure and institutional capacities; (ii) assistance in the full integration of IP into national economic, social and cultural policies; (iii) raising national IP awareness; and (iv) the involvement of a range of stakeholders in realizing the benefits of IP. ASEAN is a diverse region comprising developing countries at different stages of development as well as LDCs. Therefore, the Delegation urged that WIPO’s core programs should pay special attention to the specific needs and circumstances of individual ASEAN countries, to better enable them to fully exploit their IP assets. Finally, the Delegation reiterated the appreciation of the ASEAN countries to the Director General and his staff for their dedication and professionalism, and to WIPO for its continuing assistance to ASEAN.

25. The Delegation of the United Kingdom, speaking on behalf of the European Community (EC), its 25 Member States and the Acceding States of Bulgaria and Romania, thanked the WIPO Secretariat for all the hard work that had gone into producing the many documents for the Assemblies meeting, as well as their efforts throughout the year. The Delegation supported the statements made by Switzerland on behalf of Group B, and by the Czech Republic on behalf of the Central European and Baltic States, and noted that it was keen to make real progress on the important issues which were to be addressed during the meeting. The Delegation emphasized its commitment to multilateralism in general, and to WIPO in particular, and that the EC and its Member States continued to support the development of an international intellectual property system, which promoted the economic, social and cultural development of all. The evolution of such a system could only benefit from the full participation of all WIPO Member States, which in turn would reap great benefits from the resulting system—not only for individual patent offices and applicants, but also from the improved certainty for third parties and civil society that rights granted were of high quality and that applications which did not meet the required standard were refused promptly. In the last Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), the EU had presented a specific proposal for an effective, balanced and realistic global system for the disclosure of the source of genetic resources in patent applications. In meetings to discuss proposals on establishing a

Development Agenda for WIPO, the EC and its Member States had played an active role and had listened carefully to the concerns of others. Looking to the future, there was a possibility of two diplomatic conferences being held in 2006, and as with all issues, the Delegation stressed that flexibility would be required on all sides to ensure successful outcomes. The Delegation looked forward, as always, to making every effort to achieve a positive outcome to this Assemblies meeting, and called on all WIPO Member States to approach the meeting with a similarly positive attitude. The Delegation underscored that with some flexibility on all sides and a will to attain mutually beneficial results, the outcome of the Assemblies meeting could provide the necessary direction and impetus for WIPO.

26. The Delegation of Argentina, on behalf of the Group of 77 and China, informed the Assemblies that the Group 77 and China had held their Second South-South Summit, in Doha, Qatar, in June 2005, being “fully convinced of the imperative to continue to act in solidarity and unity for a peaceful and prosperous world that responds to” their “aspirations”. The Group “reaffirmed” its “commitment” to “the protection and promotion of its collective interest in genuine international cooperation for development”. On that occasion, the Heads of States and Governments of the Member countries of the Group of 77 and China had adopted the Doha Declaration and the Plan of Action of the Second South-South Summit and had called for its implementation. In the Doha Declaration the Heads of States and Governments: “emphasize that while developing countries are committed to undertaking their international obligations, these undertakings may impose high cost, and that given the differences in the levels of development and the ability of countries to assume obligations, it is imperative that identical obligations are not forced on unequal participants”; “emphasize the need to integrate the development dimension into international rule-making and that the international community must remain sensitive to this and take into account the need for flexibility and national policy space for countries who assume international commitments” and they “reject the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures”; “recognize that the attainment of development is an objective of all stakeholders including civil society, NGOs and private sector”, “while recognizing the primary responsibility of government in the formulation and implementation of national strategy and policies for sustainable development”; “emphasize that it is essential to adopt appropriate measures to overcome the technological gap between the developing and the developed countries and to work towards arrangements that facilitate the processes of technology transfer”; “urge the high level Plenary Meeting” of the General Assembly of the United Nations “to undertake to work expeditiously towards integrating the development dimensions in the rulemaking in the intellectual property regime that is development oriented and that facilitates the transfer of technology and knowledge to developing countries, and, in this context, to undertake to also work towards a legally binding international instrument on the preservation, protection and promotion of traditional knowledge and genetic resources”; “urge the high level Plenary Meeting” to also “strengthen the intergovernmental oversight, particularly, with the involvement of developing countries, to ensure their responsiveness to development priorities and needs of developing countries”; “stress the need for international rules to allow policy space and policy flexibility for developing countries, as they are directly related to the development strategies of national governments” and “emphasize the need for policy space to formulate development strategies that take into account national interests and differing needs of countries which are not always taken into account by international economic policy making in the process of integration with the global economy”; “believe that restrictive business practices and monopoly rights exercised by global corporations and other entities often impede innovation, flow of information and technology and that the major component of good governance at the international level should be good corporate governance and corporate social responsibility, which should address issues such as

anti-competitive practices of larger market players including transnational corporations; a fair balance between holders of intellectual property rights and public policy and societal goals; the need for access to knowledge, transfer of technology and FDI”; “reaffirm also the urgency, subject to national legislation, of recognizing the rights of local and indigenous communities that are holders of traditional knowledge, innovations and practices and, with the approval and involvement of the holders of such knowledge, innovation and practices, of developing a benefit sharing mechanism on mutually agreed terms for the use of such knowledge, innovations and practices”; “stress the importance of strengthening the knowledge and scientific and technological capacity of developing countries”. Furthermore, the Doha Plan of Action committed the Heads of States and Governments to ensure its implementation as follows: “to work towards a common strategy for securing national policy space for developing countries in all areas, particularly in trade, investment, financial and industrial policy, which allow them to adopt the most appropriate measures and actions sustainable to their national interest and priorities, and to realize their right to development”; and, “to enhance the development dimension of the international Intellectual Property Rights system, taking into account the different levels of development of developing countries with a view to ensuring affordable access to necessary basic products, including medicines and educational tools and software, the transfer of knowledge, the promotion of research and stimulation of innovation and creativity, and in this regard” they “call on WIPO, as a UN agency, to include in all its future plans and activities, including legal advice, a development dimension that includes promoting development and access to knowledge for all, pro-development norm setting, establishing development friendly principles and guidelines for the provisions of technical assistance and the transfer and dissemination of technology”.

27. The Delegation of Argentina, speaking on behalf of the “Friends of Development” (Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, Sierra Leone, South Africa, Tanzania and Venezuela), recalled that since the Assemblies meeting in 2004, a number of meetings and negotiations had been held, thus fulfilling the mandates approved a year ago by this body and the Delegation expected that the Assemblies would consider and endorse the agreements that had been reached in the various committees without the need to re-open such recommendations in a context where time was limited and the issues many. The Group were firm believers in consensus building through adequate work at the technical level and supported fully-fledged participatory processes in which the voices and views of all members, developing or not, were heard and considered. As requested, the Group had brought to the Assemblies a detailed proposal for a WIPO development agenda. The Group stressed the need for change in the Organization so that the tenets of development, so familiar to the UN system in general, were also taken up as the guiding principle of the international system for the protection of IPRs. The consideration of a WIPO development agenda was a medium to long-term process which needed to be tackled at the highest level by means of additional IIMs and it was of the utmost importance to developing countries that it be made a common goal to ensure that development concerns were effectively mainstreamed into all of the activities under governments responsibilities’ as WIPO Members. The Group believed, therefore that there was room for improvement in WIPO as an agency of the UN family in procedural, administrative and substantive terms. The budgetary process needed closer involvement by Member States in all its stages and the 2006-2007 program and budget should reflect the general thrust and objectives of the entire membership. Cooperation and assistance activities must comply with broad development objectives and follow strict guidance from both the donating and the recipient members. They must not become mere tools for the enforcement of IP agreements to the benefit of rights holders and, possibly, to the detriment of a member’s national interest. WIPO’s assistance activities should give recipient countries the opportunity to fulfill the entire range of their

international IP obligations, including the effective use of flexibilities that are an integral part of the IP agreements and may be instrumental for developing countries to attain the goals set in the millennium declaration. The IP system should also cater to the interests of those who are concerned with and directly affected by certain negative trends in the field of IP protection, in particular, bio-piracy, the misappropriation of associated traditional knowledge and the lack of protection of cultural expressions and folklore. These issues were especially important for developing countries and must be handled through new appropriate and effective substantive international obligations. The Delegation also expressed its hope that issues, such as the extension of protection to new areas like webcasting would be adequately and further considered in WIPO with a view to promoting a consensus building exercise inclusive of developing countries. Finally the Delegation recalled that the position of the “Friends of Development” regarding the sensitive issue of a substantive PLT was clearly reflected in the report of the 11th session of the Standing Committee on the Law of Patents.

28. The Delegation of Ethiopia expressed its appreciation to the Director General for his outstanding leadership, to the entire staff of the International Bureau for their hard work and for the comprehensive documents made available for the Assemblies meeting, and to WIPO for the highly satisfactory program performance in 2004 and the first six months of 2005. The Delegation associated itself with the statements made by Morocco, on behalf of the African Group, and by Benin on behalf of the LDCs. The Delegation pointed out that there was a growing realization of the potential of intellectual property as a tool for leveraging increased economic growth of nations, and that it continued to be used in many countries as a policy instrument to create wealth, as well as to ensure and enhance social and cultural development. However, it noted that the immense benefits of IP were not fairly distributed among countries, with the LDCs continuing to remain marginalized as in many other fronts. Owing to their deep-seated socio-economic difficulties, the LDCs were not equipped with effective IP institutions that could help unleash the potential of IP in their respective development endeavors. In that connection, the Delegation was pleased to note that WIPO had continued to assist, and requested that WIPO intensify such efforts, the LDCs with their IP systems in a manner consistent with their interests, development objectives, strategies and international obligations, including assistance in formulating and implementing a proper intellectual property policy and strategy, building institutions, and acquiring skills in administration and other aspects of the IP system. The Delegation observed that the agenda of the Assemblies meeting contained a number of important items, including an item on the proposed Program and Budget for 2006-2007, matters concerning WIPO’s Development Agenda, and on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and noted that during the current year, the Director General had also produced specific concrete proposals for the benefit of the least developed countries, as contained in document MM/A/30/2, titled “Fee Reduction for Applicants from Least Developed Countries.” Although this reduction would have no financial impact on the budget of the Madrid Union, the Delegation emphasized that it was of great benefit for the least developed countries given their current economic situation. The Delegation urged the Assemblies to adopt the proposed 2006-2007 Budget unanimously. With regard to the WIPO Development Agenda, it noted that its concerns had been addressed in the African Group proposal. The Delegation fully supported the continuation of that work of the IGC and in that connection, noted that the proposed Trust Fund should be established as a matter of priority in order to finance the active participation of LDC participants in the work of the Committee. The Delegation noted that it had been some time since Ethiopia had established an Ethiopian Intellectual Property Office. Before the establishment of that Office, the Government had dealt with the IP issues in a fragmented manner, with patents handled by the Commission on Science and Technology, trademarks by the Ministry of Trade and

Industry, and copyright by the Ministry of Culture. With the establishment of the Office, all those activities were brought under one roof, thus facilitating knowledge sharing and streamlining of administrative procedures. The Government empowered the Office to direct and implement the country's IP policy. The Office has been able to map out a three-year strategy plan, with clear goals ranging from financial self-sufficiency to establishing a copyright collective management society in Ethiopia. The Office has open lines of communication, which makes full use of WIPONET, intranet and e-mail services. Having set up networks with other Government ministries and in collaboration with rightholders, the Ethiopian Intellectual Property Office has started the process of taking administrative and legal measures to fight counterfeiting and other infringements of IP rights. 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 development planning. The Delegation gratefully acknowledged the support received from WIPO in terms of automating the Ethiopian Intellectual Property Office, in training human resources, and in other matters. In February 2005, WIPO had 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." More than 250 participants, drawn from various sections of society participated, and several valuable recommendations were made as a consequence. As a follow up to the implementation of the recommendations, a Nationally Focussed Action Plan (NFAP) for Ethiopia, focussing on capacity building in the area of IP in support of the agricultural sector, was prepared by WIPO and was subsequently reviewed and approved by the Government. The Delegation hoped that WIPO would take the necessary measures to implement it and expressed its confidence that WIPO would continue to play a leading role in ensuring that the IP system was an efficient and effective tool for economic growth, and was accessible to all.

29. The Delegation of the Republic of Korea commended the Director General and his able staff for the achievements of WIPO in 2004, and noted its expectation that WIPO would continue to exert itself in further developing the IP system and raising the level of IP protection. As PCT applications had reached about 123,000 in 2004, the Delegation welcomed the Director General's decision not to increase the PCT fees, and hoped that WIPO would continue its policy of facilitating the filing of PCT applications. In 2004, the Republic of Korea received 3,600 PCT applications, which represented an annual increase of 20.5 per cent. For the first eight months of 2005, Korea's PCT applications had reached 2,900, reflecting a dramatic increase of 32 per cent over the same period of the previous year. In the field of cooperation for development, the Republic of Korea had cooperated in various WIPO activities for developing countries and the least developed countries. Since 1996, Korea has been collaborating with WIPO in organizing regular WIPO-Asia Pacific regional seminars, and in 2004, Korea successfully held a WIPO regional seminar titled "Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore" for 80 IP experts from 40 developing countries. The Delegation pointed out that Korea had established the Korea Funds-In-Trust (FIT), worth US \$800,000, to help developing countries and LDCs develop their IP systems. In the first business year of the Fund, from July 2004 to June 2005, eight deliverables of the workplan were completed. As mentioned in paragraph 70 of Assemblies document A/41/2, the PCT-ROAD System (PCT Receiving Office Administration System) was deployed in five developing countries to facilitate their electronic filing of PCT applications. The PCT-ROAD system was especially valued because it greatly increased the efficiency of patent administration. In conjunction with WIPO, an exclusive PCT-ROAD Section was established on the WIPO website to enable all IP Offices to download and utilize the software—free of charge. It was hoped that many more Member States would utilize the

software in the years ahead. In addition, PCT awareness was promoted in developing countries by holding national and regional seminars for the Asia-Pacific region as well as an international seminar. The Korea Funds-In-Trust had thus far benefited 33 developing countries and LDCs, including 12 countries in the Asia-Pacific region. In the second year of the Fund, it was planned to use US\$520,000 on seven projects including KIPO-WIPO joint seminars and the establishment of an IP Information Center for LDCs. The Delegation referred to the statement by the Delegation of Benin on behalf of LDCs, and observed that the Ministerial Conference on IP for LDCs, which Korea co-hosted with WIPO in Seoul during October 2004, had been a great success. At that conference, ministers from 25 LDCs and about 150 IP experts from around the world discussed how to utilize the IP system for national development. The ministers adopted the Seoul Ministerial Declaration, which recognized that the creation, protection, management and use of IP rights contributed to economic development. The participants also shared in the Korean experience of using the IP system to develop its economy. The Delegation stated that industrial property applications filed with KIPO jumped to 327,000 in 2004, and that by the end of August 2005, the applications filed had reached 230,000, which represented an increase of 10.2 per cent over the same period of the previous year. The patent applications in particular had shown a 17.2 per cent increase over the same period of the previous year. To efficiently respond to the proliferation of applications, 248 additional patent examiners were being recruited in 2005. Furthermore, to shorten the patent pendency period and to improve the quality of examinations, cutting-edge automation systems had been implemented, including an intelligent searching system. At KIPO, all IP administrative procedures from filing applications to examinations, trials and registrations are processed electronically. In 2004, KIPO had achieved a remarkable e-filing rate of 96 per cent for patent applications and an electronic document processing rate of 99 per cent. For the greater convenience of applicants, KIPO has been further improving its automation system, and as a result, by November 2005, e-filing would be available 24 hours a day, seven days a week. While KIPO had been striving to develop the Korean national IP system, the Delegation noted that it also wished to contribute to the development of the global IP system, and to raise the level of IP protection by cooperating with WIPO and other Member States. The delegation hoped that WIPO would play a more active role in setting international IP norms, harmonizing international IP systems and developing the IP systems of developing countries, so that all Member States could then enjoy the benefits of the IP system for national development.

30. The Delegation of Malaysia expressed its gratitude and appreciation to the Director General and the other members of the WIPO Secretariat for their efforts and diligence in preparing the 41st Series of Assemblies of WIPO Member States. It congratulated WIPO on the achievements and positive assistance made by WIPO in 2004 and during the first half of 2005. The Delegation underscored that WIPO's active role in cooperation and assistance in raising the level of awareness on the importance of IP and the IP system would further attract even more countries in years to come to join this Organization; it then welcomed Comoros as the newest Member State of WIPO. The Delegation recognized WIPO's efforts in promoting a better IP system and providing Member States with a strategic opportunity to review the spending priorities of the Organization, which it felt would enable further efficiencies in WIPO's program delivery, and thus in achieving the Organization's roles, goals and objectives to better serve the interests of all the Member States. WIPO should continue to focus on the development of balanced international IP laws which were responsive to the emerging needs, and which were effective in encouraging innovation and creativity, as well as adequately flexible in accommodating the objectives of the Member States' national policies. The Delegation felt that a close consultation with the developing countries should be continued, especially in strengthening WIPO's training programs and assistance in

modernizing IP administration. The Delegation expressed appreciation to WIPO for supporting nations by providing training to enhance the human resource capabilities, supporting the legal amendment processes, and assisting in the introduction of new legislation. It noted that Malaysia had been honored to host the “WIPO Asia-Pacific Regional Symposium on the Protection and Enforcement of Intellectual Property Rights” recently, jointly organized by WIPO in cooperation with the Japan Patent Office (JPO)—it looked forward to even more cooperation with WIPO in the future. The Delegation acknowledged the role of enforcement as an important integral part of the overall IP landscape, and in that regard, a continuous effort in combating piracy and counterfeiting had been increased, and stiffer penalties had been accorded to any infringement of IPRs as provided in the relevant IP laws. That effort had been carried out by more than one authority, and now included the Enforcement Division of the Ministry of Domestic Trade and Consumer Affairs, the Royal Police, the Customs Department and the Ministry of Health, local authorities, and the Attorney General’s Chamber, all of whom were continuously working closely in coordinating the enforcement and prosecution activities. Recognizing the urgent need to curb piracy and counterfeiting at the exit points, particularly at the airports and seaports, the Enforcement Division had established a Special Export Unit in April 2005 with offices stationed at the exit points to halt smuggling activities of pirated goods by unscrupulous traders or pirates, which had been enhanced by the placement of two high-tech scanner machines at the major airports in Malaysia. That new strategy had proven successful and the approach would also be extended to major seaports in the country soon. The Delegation emphasized that the Government of Malaysia supported international cooperation in combating piracy and counterfeit products and welcomed any initiative to establish interregional and international cooperation for that purpose. The Delegation noted the commendable work that had been carried out by WIPO in conducting the three Intersessional Intergovernmental Meetings (IIM) on a Development Agenda for WIPO. The decision of the last General Assemblies of September – October 2004 was to examine the existing proposals and to discuss new ones, as well as to prepare a report for the 2005 General Assemblies meeting. With regards to how to take the Development Agenda initiative further, the Delegation was of the view that more time should be set aside for discussions so that appropriate conclusions could be made on the substance of the Development Agenda as well as on the operational plan as to how it should be implemented. There had been different views on how the debate should continue, whether renewing the IIM or continuing work at WIPO’s Permanent Committee on Cooperation for Development (PCIPD). The Delegation supported the option that the IIM should be given a mandate to continue the discussions on this matter. The Delegation concluded by reiterating its continuous commitment and support on WIPO policies and projects to ensure equitable benefit sharing of IP development for the respective Member States, and noting that it looked forward to the continuation of effective consultations and collaboration with WIPO for any future initiatives leading to the more focussed and productive work of this Organization.

31. The Delegation of Sri Lanka observed that previous speeches had highlighted, in an unprecedented manner, the importance of the development issues in the work of WIPO. This was natural given the High Level Plenary Meeting that had taken place in New York in September 2005 and also the Doha Second South-South Summit to which reference had been made by the Asian Group statement, to which Sri Lanka fully subscribed. The Second South-South Summit in Doha in June 2005 had called for WIPO, as a UN agency, to enhance the development dimension of the international intellectual property rights system taking into account the different levels of development of developing countries with a view to ensuring affordable access to medicine, educational tools and software, the transfer of knowledge, the promotion of research and stimulation of innovation and creativity. The Delegation thanked the Director General for his commitment to development as a cornerstone of WIPO’s work in

the new development agenda initiative, which was currently under discussion in WIPO. The Delegation noted that the WIPO Assemblies were taking place in the background of an unprecedented gathering of Heads of State and Governments in New York to celebrate the 60th Anniversary of the founding of the United Nations; where leaders had reaffirmed that “development was a central goal by itself” and “constituted a key element of the over-arching framework of United Nations activities”. In relation to the development agenda the Delegation considered that the IIMs had produced a rich dialog with a number of proposals; some of which remained to be discussed, including the very interesting proposal from the African group. Broad consensus had emerged among both developing and developed countries on the need to renew this process. The Delegation trusted that the General Assembly would adopt the necessary decisions to have three further sessions of IIMs in 2006 which would prepare recommendations to influence all the activities of WIPO, particularly its norm setting activities, reflecting the reality that countries were currently at different levels of development. Whilst the Delegation saw a broad emerging consensus regarding the development agenda in WIPO it felt that more work needed to be done to find a consensus on how to take forward the work of the Standing Committee on the Law of Patents, as well as on the proposal to protect the rights of broadcasting organizations. The Delegation further informed the Assembly of some recent national developments in the promotion and protection of intellectual property rights in Sri Lanka. The National Intellectual Property Office (NIPO) was grateful for the long-standing cooperation provided by WIPO as well as multi-donor assistance to strengthen it with both the necessary hardware and training of human resources. The NIPO work program laid emphasis on the implementation of newly enacted intellectual property law; enforcement of Intellectual Property Rights; capacity building within the Intellectual Property office including automation support, human resources development including training of NIPO staff, officers of the enforcement agencies and the judiciary. The services of the Office were also expanding beyond its traditional role, covering areas such as public awareness building and training, teaching in institutions of higher learning inventor support, dispute resolutions and the role of intellectual property in development, and promoting intellectual property and its strategic importance for economic development. NIPO was also charged with considering accession to those WIPO treaties to which Sri Lanka was not yet a party. The Delegation informed the assembly that Sri Lanka would shortly be depositing the instrument of accession to the Bern Convention as revised in 1971 and amended in 1979. Sri Lanka, through its National Office, had been actively participating in the human resources development and capacity building activities of WIPO for more than two decades, including the organization of WIPO training courses for the Asia Pacific Region. The Delegation hoped that WIPO would once again hold a similar program in Sri Lanka taking into consideration the emerging needs of the developing countries of the region. Within the SAARC region, there had been cooperation over the last few years in deriving common strategies for intellectual property protection, and common statements would be delivered during the Assembly which Sri Lanka fully supported.

32. The Delegation of Bangladesh complimented the Director General upon his dedication and leadership of the staff of WIPO. The Delegation supported the statement made by the Islamic Republic of Iran on behalf of the Asian Group and also the statement made by Benin on behalf of the Least Developed Countries. Following the 60th Anniversary Meeting at the United Nations in New York, the Delegation felt it important for the Assembly to review the progress made in achieving the millennium development goals. The Delegation thought that WIPO could, and should, contribute to achieving the millennium development goals, including the overarching goal of reducing poverty. Some countries had put forward the idea of a development dimension to the work of the Assembly as the development dimension of intellectual property, which had proven to be so important for the development of the nations,

had come to the forefront. The activities of WIPO had to be geared in such a way as to bring the maximum possible benefits to society as a whole. The Delegation felt that through the regional level consultations, organized by WIPO, the Member States were able to understand, more clearly, the issues concerning: the protection of audiovisual performances; protections of the rights of the broadcasting organizations; and matters concerning the diplomatic conference for the adoption of the revised trademark law treaty. The Delegation believed that it would be possible to achieve consensus and it was vital that consultations on issues of importance were undertaken in a participatory, broad-based and inclusive manner. The needs and concerns of the Member States, especially the LDCs, had to be taken onboard, and development concerns had to be mainstreamed in every branch of WIPO's activities. The first area where this could be done was regarding the proposal on a new substantive patent law treaty: the Delegation felt that, prior to an agreement on a program for a draft treaty, it was time to incorporate the development dimension, otherwise the negotiations might not add value to the regimes currently in place. Any SPLT had to be a balanced instrument with adequate safeguards, flexibility and policies based on the needs of the developing countries. The Delegation recognized that the LDCs had the greatest disadvantage in drawing upon IP to help in their development efforts. The Delegation appreciated the work undertaken by the LDC unit in WIPO, but felt that the unit should be strengthened to meet the challenge of work that remained to be done. In conclusion the Delegation believed that WIPO needed to adapt to the changing reality and the current needs in order for it to be meaningful in the development process. The "Friends of Development" had made some proposals which needed to be considered and the Delegation stated that there had to be no hesitation to consider the full range of proposals through cooperation and dialogue to find solutions that would be meaningful for all. Concerning the functioning of WIPO, the Delegation emphasized that it was important for the Member States to look at the two separate functions that WIPO was expected to perform: firstly, the development dimension, to be incorporated into the architecture of processes enabling WIPO to implement the decisions of its Member States; and, secondly, the support of the Organization to the treaty making processes of the Members States, an area where WIPO had to exhibit strict neutrality and be an impartial technical advisor in the negotiations. Other organizations in Geneva played such a role and the Delegation saw no reason why the Member States could not also expect such a role from WIPO.

33. The Delegation of Myanmar associated itself with the statements made by the Delegation of Iran on behalf of the Asian Group and by Thailand on behalf of the ASEAN. It informed the meeting that as Myanmar was a member of WTO and one of the LDC countries, the obligations under the Agreement of Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) would come into force on January 1, 2006 and that the fulfillment of this commitment posed a considerable challenge to Myanmar. The Government of Myanmar had been making every effort to adopt the National Law on Intellectual Property Rights as well as to establish an efficient and modernized IP system in Myanmar and expressed appreciation to WIPO for providing the legislative advice and technical assistance throughout 2005. However, enacting a National Law on IP was only the first step to fulfill the obligations contained in the TRIPS Agreement. The Delegation recognized that there was room for improvement in their IP system and therefore needed a considerable amount of technical, as well as financial, assistance to implement the IP laws in conformity with the international obligations. In meeting these objectives, the Delegation firmly believed that WIPO would continue to extend its assistance to Myanmar in order to establish an efficient and modernized IP system in Myanmar, as well as providing technical assistance to developing countries to fulfill their obligations under the TRIPS agreement. However, the Delegation emphasized that WIPO's legislative advice should take into account each country's level of economic and

technology development so that developing countries did not have burden in implementing their obligations. Myanmar, as a one of the ASEAN Countries, was very pleased that the Government of Singapore had offered to host the Diplomatic Conference for the adoption of a revised Trademark law Treaty in March 2006 and fully supported this offer. In concluding, the Delegation believed that the fruitful and positive results from the Assembly would help all countries to achieve development and prosperity in various aspects.

34. The Delegation of Sudan fully supported the statement made by the Delegation of Morocco on behalf of the African Group. The Delegation valued the important role played by WIPO and, in particular, by the Director General towards contributing to the achievement of the millennium development goals. The Delegation noted with satisfaction the leading role played by WIPO within the UN System by effectively contributing to the main objectives of economic and social development, international peace and security. The Delegation believed that there was worldwide consensus on the importance of development and was confident that WIPO would fulfill its tasks in that regard and integrate that dimension, as reflected in its objectives and programs, in contribution to economic development, particularly, in developing countries. It expressed the hope that enhanced technical and legal assistance and national work plans would be provided to developing countries, with particular attention to Least Developed Countries (LDCs). The Delegation believed that budget rationalization should not affect programs designed for development and capacity-building in developing countries, aiming at overcoming the technological divide between those countries and developed countries, and facilitating access to technological achievements worldwide. Opportunities should be made available to the creative resources of developing countries to be translated into economic assets that would contribute to a secure future. The Delegation hoped that WIPO would continue to give priority to encouraging creativity for young people by introducing intellectual property in teaching programs. It further stated that the significance of WIPO's mandate was reflected in the importance attached by countries, entities and civil society organizations wishing to join WIPO, and the need to give all parties the opportunity to participate in defining and then achieving the objectives of WIPO. Hope was also expressed that documentation be translated into Arabic on an equal basis with other languages. Regarding the long-standing issue of audiovisual protection, the Delegation hoped that the present discussions and future studies would allow different opinions to converge and enable WIPO to find the means to ensure a balanced protection for audiovisual performers and broadcasters at the international level, with due regard to the priorities of developing countries and LDCs, including enhancing access to information, before convening a Diplomatic Conference. The Delegation called for a unanimous decision regarding the integration of the webcasting issue and work to be made for the amendment of the treaty on domain names to overcome any conflicting interface with trademarks, recalling the significant number of cases settled by the Center of Mediation and Arbitration. In that context, it was suggested that a specific code be used for country names as a basis for such protection. Noting that patent systems were essential tools for technological progress and technology creation and transfer, the Delegation stressed that discussions should take into account priorities of developing countries. Progress should be made in achieving the common objective of harmonizing substantive patent laws, which would alleviate concerns related to the protection of traditional knowledge. Regarding biodiversity, the Delegation called for the preservation and sustainable use of biodiversity for the benefit of the present and future generations, stating that Sudan had ratified the Convention on Biodiversity (CBD) on July 31, 1995. Finally the Delegation expressed support for the work of the present session, which should be based on dialogue and consultation.

35. The Delegation of Afghanistan thanked the Director General for his support and encouragement which had resulted in Afghanistan's accession to the WIPO Convention. The Delegation reported that following two decades of conflicts and almost four years of relative peace Afghanistan was leaving behind the war based economy. The peaceful completion of the first direct presidential elections and the successful parliamentary elections had marked the end of the transitional period set forth in the historic Bonn Agreement, thus allowing the country to pursue firmly its reconstruction and revival. Awareness of the changes in the global economy over the last decade and recognizing that the twin processes of globalization and liberalization had opened up a new era in terms of government policies, enterprise organization and multilateral discipline, Afghanistan had embarked on the modernization of the legal frameworks dealing with intellectual property. Protection of IP was an essential component of an environment conducive to creativity and innovation, in addition to the following measures: market oriented incentives; minimizing the cost of innovation; timely disclosure of innovation for wider dissemination; and, coherent interaction with other regulatory frameworks such as investment policy and competition policies. In these efforts, Afghanistan was facing several immediate tasks namely: improving or elaborating the relevant legal framework in line with international norms and standards taking into account its level of economic and technological development; strengthening or establishing the relevant administrative offices; enhancing enforcement mechanisms; undertaking adequate training of staff; and, fostering the capability to monitor and promote innovative activities in technology and its transfer. It was evident that the legal and administrative changes faced by Afghanistan were costly in budgetary terms. In this respect Afghanistan would be confronted with severe financial and administrative constraints and the Delegation hoped that WIPO would provide technical assistance. If Afghanistan was on the road to recovery, this was due to the fact that trade and investment had been identified, within the National Development Framework, as the engine for growth and development. The Delegation recognized creation and innovation as an integral component of the economic revival of the country and stated that the Government was fully committed, with the support of its developing partners, to invest heavily and physically in legal and institutional infrastructures as well as human resources. Overall, the Government recognized the importance of strengthening the knowledge, scientific and technology capacities of the country by better understanding and enhancing the development dimension of the international intellectual property rights system. The Delegation strongly felt that IPR could, in this context, ensure affordable access to necessary basic products, including medicines and software educational tools, the transfer of knowledge, the promotion of research and stimulation of innovation and creativity. The Delegation stressed that WIPO, under the leadership of the Director General and his commitment to the development dimension, was the Organization where this dimension of IP would foster access to knowledge and the transfer and dissemination of technology in developing countries and particularly in LDCs.

36. The Delegation of Romania associated itself with the statement made by the United Kingdom on behalf of the EU. The Delegation further informed the meeting that IP related laws in Romania fully complied with international standards and with the ratification of the Patent Law Treaty, Romania being among the first ten countries to have done so, was the latest move in this process. Steps were taken to harmonize the legislation with the European Union *acquis*: the Parliament had recently revised laws on the IP, including a copyright bill and the industrial property rights in line with the recent European Directive on enforcement of IPRs. The implementation of the IP legislation and fighting counterfeiting and piracy were now Romania's most important tasks. Under the co-ordination of the General Prosecutor's Office, an action plan for the next two years was being finalized in order to increase the efficiency of IP rights enforcement. The national offices in charge of copyright and industrial

property rights were expanding their cooperation with law-enforcement agencies, focussing on both the development of training of IP officers and raising public awareness. In December 2004, an IP center for developing human resources with the judiciary had opened its first program at the Faculty of Law in Bucharest, in cooperation with the WIPO Worldwide Academy and the above-mentioned national offices. A Specialized Section for Intellectual Property had been opened, on January 1, 2005, at the Court of Appeal in Bucharest, as a first step towards the establishment of specialized IP courts in Romania; during the first three months of activity, over 115 cases had been brought in front of this court. The training of the judges working in these specialized IP courts was included in special programs with WIPO, EPO and other national IP Offices. The second program of this kind was due to open shortly. Consideration was being given to expand, in 2006, the specialized training programs at regional levels together with the Enforcement and Special Projects Division and the regional bureau within WIPO.

37. The Delegation of Peru said that the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) was the national authority for the protection of intellectual property rights in Peru. The Delegation referred to three points of major importance for its Government: (a) the future of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC); (b) the relationship between intellectual property and development; and (c) the future of discussions on patents. The work done in the IGC had thus far been productive, especially in relation to traditional knowledge. However, in the case of the treatment of disclosure of origin and genetic resources in general, specific progress had not been made. The Delegation considered therefore that its treatment would be more appropriate in the Standing Committee on the Law of Patents (SCP), given that the disclosure of origin, prior informed consent and fair and equitable benefit sharing were closely linked to that system and should constitute requirements for patentability and for their exclusion in the case of unlawful use of genetic resources or traditional knowledge. That was the vision which the Delegation expressed in order to continue the work of the IGC for a further two years in accordance with the existing mandate, for which reason efforts should be combined in order to obtain concrete results. That could be the case for traditional knowledge, where a basis existed in the form of draft wording for a possible international instrument on the subject, which could be converted into a legally binding international agreement in the short term. The Government of Peru considered that intellectual property protection should not be an end in itself but an effective instrument contributing to economic development, the fight against poverty and the achievement of sustainable human development. The promotion of intellectual property protection throughout the world through cooperation with States, in collaboration with any international organization, should give due consideration to the development needs of its Member States, in particular those of developing countries and the least developed countries (LDCs). Embodying that vision, Peru formed an active part of the "Friends of Development" which, at the previous General Assemblies, had proposed that a real development agenda be incorporated in the Organization's work, with concrete and viable proposals. In that sense, the intersessional intergovernmental meetings had given the opportunity to discuss those proposals in an open and constructive manner. In addition, other delegations had presented their own proposals, which highlighted the importance of the subject. Of those proposals, special interest had been generated by that of the African Group, with the same orientation as that of the "Friends of Development". The best way to be able to continue the discussions was to maintain the trends followed thus far. In relation to the SCP, the Delegation was open to continuing the work as it had been done up to the end of 2003, with an open consideration of all the agenda items without priority. The discussion of patents had included various important subjects, such as the inclusion of the disclosure of origin as a requirement for

patentability, and no possible result could be prejudged or sought in certain areas before others. A return to the system of work based on the text of the Substantive Patent Law Treaty (SPLT) could help to continue the work done in an appropriate manner. Those three subjects should be dealt with separately, in accordance with their own merits and without seeking trade-offs between them. The Government of Peru attached great importance to intellectual property protection and to the work done by WIPO in that area. Proof of that was Peru's accession to the Lisbon Agreement in February 2005, through which the appellation of origin "Pisco", which recognized an alcoholic spirit originating from Peru, had been entered in the International Register administered by the Organization, which confirmed its international recognition. Finally, the Delegation expressed its appreciation and support to the Delegation of Singapore for its proposal to host the Diplomatic Conference to discuss the Revised Trademark Law Treaty and to provide cooperation for the participation of developing country delegates.

38. The Delegation of Japan commended the Director General and WIPO staff for the remarkable accomplishments, and stated that to achieve sustainable growth in the world economy, the international community had to address the important development issues, which could not be solved by IP systems alone, although such systems were important tools for economic growth. It was therefore important to discuss what role an IP system, and what role WIPO, as a UN specialized agency, should play. Regarding the WIPO Development Agenda, a constructive discussion had started, and Japan would continue to take an active part in this discussion and make various contributions towards development from an IP point of view. The Delegation also stated that Japan had undertaken various development cooperation activities, such as human resources development and IP awareness raising programs, aimed at providing assistance to developing countries in their effort to achieve economic growth through IP systems, by means of the Japan Funds-in-Trust (FIT) contribution to WIPO. Japan was determined to continue these activities taking into consideration the needs of developing nations, and to participate in discussions about the IP system. The Delegation further stated that Japan was one of the countries which had achieved economic development by effectively utilizing the IP system, and that the IP system had played an important role in expanding and strengthening technological development in Japan. The Government of Japan was considering IP as an essential tool for economic growth, focussing specifically on the three steps of the so called "Intellectual Property Creation Cycle": creation; protection and exploitation of IP. Relevant government industries and agencies had thus been coordinating their efforts to advance the national IP strategy, the IP creation cycle, and make Japan an IP-based nation. Specifically, the IP Strategic Program, incorporating concrete policies for the implementation of Japan's IP strategy, had been formulated on an annual basis since 2003, based on the progress of previous years. The Delegation was of the view that it was important to discuss IP policies and strategies among high-level policy makers worldwide, including from developing countries. Therefore, using the Japan FIT, Japan and WIPO planned to hold a High-level Forum on IP Policy and Strategy in January 2006, in Tokyo, aiming at providing an opportunity for Member States to reach a common understanding on IP policies and strategies and how IP plays an essential role in economic development. Prior to the Forum, the National Center for Industrial Property Information and Training would host the International Patent Licensing Seminar in Tokyo. Furthermore, the Delegation stated that Japan intended to host a new WIPO Office for research, following discussions among Member States at various WIPO meetings about the need to discuss the issue of IP and development from a wider perspective rather than considering IP only from a technology assistance point of view. To make the discussion a constructive one, Japan believed that research on the issue of IP and development was indispensable, and was therefore willing to host a new WIPO Office in Japan which would function as a WIPO IP research center

coordinating IP-related joint research activities to be conducted by WIPO and the United Nations University (UNU), located in Japan. Japan intends to host the WIPO Office on condition that approval is given by the financial authority of Japan and the budget for the next Japanese fiscal year is approved by the Diet. Japan will offer resources and facilities for the new WIPO Office and therefore, no additional financial burden will be placed on WIPO. UNU was conducting research on development issues from a variety of perspectives closely linked to IP, and in 2004 WIPO and UNU had signed a memorandum of understanding to the effect that the two organizations would work more closely together to enhance research in the field of IP. Such cooperation would greatly help to effectively address the new issue of IP and development, and the Delegation trusted that the offer of the Government of Japan, with no additional financial burden on WIPO, would enhance the cooperation between WIPO and UNU. In particular, joint IP research activities, on subjects such as the economic impact of the IP system and the relationship between the IP system and technology transfer, were expected to generate information and insights which would be very helpful for the discussion about IP and development, and would provide all WIPO Member States, both developed and developing countries, with valuable knowledge, and would increase the awareness of the importance of IP in general. The Delegation added that the UNU is going to start preparations on a research project in the field of traditional knowledge and genetic resources, and this pilot study could be expanded if the WIPO Office in Japan assisted the work in the future. Regarding the efficiency of WIPO activities, the Delegation appreciated WIPO efforts to reduce expenses, and hoped that the Internal Audit Charter and the WIPO Audit Committee would be introduced as soon as possible to achieve effective and transparent administrative processes in WIPO, and, as a result, build confidence in WIPO, which the Delegation considered of utmost importance. It also stated that to make WIPO's financial situation sound and healthy, WIPO should ensure a steady income by making the PCT and Madrid systems as well as other services more attractive, which could be achieved by computerizing WIPO services and making them more accessible to users. The Delegation appreciated the balanced budget policy adopted in the Program and Budget 2006-2007, and it hoped that WIPO would make continuous efforts to enhance the efficiency of administrative processes and improve the attractiveness of its services, which would ensure a sound and well-balanced budget management. Concerning counterfeiting and piracy, the Delegation noted that these were still serious problems for both developed and developing countries, and consequently, all countries worldwide should work together to tackle this problem. Japan would therefore take actively part in the discussions in the Advisory Committee on Enforcement, and continue to extend technical assistance to encourage developing nations to improve their IP enforcement capabilities. Furthermore, the Delegation noted that the need to harmonize the existing patent systems had become more urgent, and that Japan jointly with the United States of America, at the Tenth Session of the SCP in September 2004, had proposed a revised approach that limited the work of the SCP to an initial package of priority items. At the SCP Informal Consultations in Casablanca in February 2005, an agreement had been reached that the six issues: prior art; grace period; novelty; inventive step; sufficiency of disclosure and genetic resources, should be addressed in parallel, accelerated processes; the first four in the SCT and the remaining two issues in the IGC. The Delegation further stated that the harmonization of patent systems would help reduce burdens on IP Offices and applicants, and it therefore hoped that the Assemblies would confirm the agreement reached at the SCP Informal Consultations and speed up the discussion on the harmonization of patent systems. The Delegation also hoped that an examination of the issue regarding the interrelation between access to genetic resources and disclosure requirements in IP rights applications would be taken up at the Assemblies, an issue which the CBD had invited WIPO to address, and that WIPO would continue to hold discussions on this issue from a technical point of view in which Japan would actively participate. The Delegation further highlighted discussions on IP and

development in international fora other than WIPO, and it hoped that WIPO would make fully use of its expertise and address the development issue in cooperation with other international organizations. Regarding the WCT and the WPPT, the Delegation noted that it would be desirable that more countries become members of those treaties as soon as possible to ensure adequate copyright protection. It also made reference to the WIPO Broadcasting and Audiovisual Performances Treaties, and regretted that no agreement had been reached with respect to the former at the Assemblies last year. Japan hoped that progress would be made at the ongoing Assemblies. The latter Treaty had been discussed in WIPO since the Diplomatic Conference in 2000, and the Delegation stated that in order to keep a balance with the WCT and WPPT, an early adoption of both Treaties was desirable and Japan would actively participate in the discussions. Finally, The Delegation looked forward to the revision of the TLT at the Diplomatic Conference in March 2006.

39. The Delegation of Finland associated itself with the statements made on behalf of Group B and the European Union. It thanked the Director General and WIPO staff for the presented reports and noted its satisfaction with the balanced budget. Regarding the new workplan for the SCP, the Delegation reiterated its support for the continuation of the patent law harmonization process within WIPO because it was important for the improvement of the quality of patents and for the reduction of double work. The WIPO Development Agenda and the future mandate of the IGC were also important issues, and Finland would show a spirit of compromise in order to move ahead. The Delegation was also pleased with the progress made in the Working Group on Reform of the PCT, which had agreed on a number of proposed amendments to the PCT Regulations. Furthermore, the Delegation stated that the cooperation between Member States as well as development aspects had always played a significant role in WIPO's activities, for example, WIPO had organized, together with the Republic of South Africa and AIPPI, the Third International Forum on Creativity and Inventiveness - A Better Future for Humanity in the 21st Century, in Cape Town in May 2005. The goal of the Forum was to stimulate a constructive and open dialogue on ways of promoting creativity and inventiveness in the world. The Delegation underlined the importance of such discussions between developing countries, including LDCs, countries in transition and industrialized countries, and noted that the 4th Forum was expected to be held in two years. The Delegation also recalled that Finland, two years ago, had been appointed by the PCT Union Assembly as an International Searching and Examining Authority under the PCT, and informed the Assemblies that the Finnish Office had started functioning as a PCT Authority as of April 1, 2005. The Delegation also mentioned Finland's commemoration of World IP Day on April 26, and noted that Finland had decided to make the day a recurring tradition to further IP awareness, and that it was important that WIPO continued to support and develop these significant events. Finland will also, in 2005, start an IP rights campaign and project to assist SMEs nationally, which WIPO had agreed to support. Regarding copyrights and related rights, the Delegation commended WIPO's work, and noted that the preparatory work on a new treaty on the rights of broadcasting organizations was well advanced, and Finland was ready to proceed to a diplomatic conference on this matter in the first half of 2006. The Delegation concluded by reaffirming its readiness to contribute positively and constructively to the work of the Assemblies and it looked forward to a fruitful meeting.

40. The Delegation of Zambia commended the Director General and WIPO staff for the performance, excellent results and documentation made available to Delegations. It noted that the commitment and dedication to the objectives of the Organization had been clearly demonstrated, and that WIPO had become a household name in every country. The Delegation also associated itself with the statements made by Morocco on behalf of the

African Group and Benin on behalf of the LDCs. It further said that there was no doubt that the success of WIPO would be measured, to a large extent, in the way that the development agenda for developing countries, especially the LDCs, was addressed by the Organization, and the Delegation therefore hoped that all Member States would find it appropriate and necessary not only to maintain technical assistance to developing countries, especially the LDCs, but also to enhance it. The Delegation believed that WIPO technical assistance would go a long way in contributing to the social and economic development of LDCs in particular, and developing countries in general, and it appealed to all Member States to support the budget presented by the Director General to ensure that technical assistance programs were not disrupted in any way. The Delegation furthermore supported the offer by Singapore to host the Diplomatic Conference in 2006, and it looked forward to a successful outcome of that Conference. The Delegation concluded by assuring the Assemblies of Zambia's cooperation and it looked forward to a successful conclusion of the meetings.

41. The Delegation of Tunisia associated itself with the statement made by the Delegation of Morocco on behalf of the African Group and welcomed the efforts made by the Director General to ensure clarity in the documents provided. The Delegation said that the development of innovation and creativity, observance of intellectual property rights and export promotion played a very important role in its country's strategy. Further to new Tunisian industrial property legislation, significant changes had been observed during the past few years in relation to the protection of patents and marks. Similarly, the system of opposition and conciliation in relation to filing and registration of marks, set up in accordance with the legislation, had generated significant benefits for the parties to disputes, in particular in relation to savings of time, energy and the costs involved in possible recourse to judicial proceedings. Furthermore, following Tunisia's accession to the Patent Cooperation Treaty (PCT), in December 2001, and to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, in 2004, the number of international applications by Tunisian nationals continued to increase. The Delegation also emphasized that the new state of affairs had generated fresh momentum among those participating in the intellectual property sector. The Delegation went on to express the wish for a significant program of cooperation and assistance to be included among the WIPO activities for economic development in favor of developing countries. In conclusion, it thanked the Organization for its significant contribution to the preparatory process for the second phase of the World Summit on the Information Society, which would take place in Tunis on November 16, 17 and 18, 2005. The main aim of the Summit was to promote the knowledge-based society and to devote information and communication technologies to the service of development, as well as to reduce the digital divide between developed and developing countries. The Delegation said that in the context of the digital environment, it was the task of intellectual property to establish a climate of solidarity among peoples and dialogue between civilizations, and to develop real cooperation between all the interested parties: governments, international organizations, civil society and the private sector.

42. The Delegation of Morocco thanked the Director General for efforts made in promoting and developing intellectual property throughout the world, and particularly in developing countries. It also congratulated all members of the International Bureau who had contributed to the sound operation of the Organization. The Delegation recalled the main events concerning intellectual property in Morocco. Technological developments had made it essential to adapt national intellectual property legislation. Major awareness-raising and information-providing activities had been undertaken to improve knowledge of the principle of copyright and related rights, and the nature of rights protected and the scope of that protection. Amendments, currently being adopted, had been drawn up for the national law of

February 15, 2000 on Copyright And Related Rights in order to meet the challenges of technological modernization and enable the Kingdom of Morocco to fulfill its international commitments. The aim of the amendments was to improve the national copyright and related rights protection system, and increase the speed of processing and the protection of rightholders against acts of counterfeiting and piracy. Further aims were to strengthen the role of the Moroccan Copyright Office, improve legal protection against circumvention of technological security measures, strengthen conservatory measures and the civil and criminal sanctions against any infringement of a protected right, and strengthen border measures. Furthermore, the amendments aimed to extend the term of protection for economic rights. Additionally, a draft decree currently being adopted provided for the setting up of a permanent Interministerial Commission for combating counterfeiting and piracy and any other act constituting an infringement of protected rights. Several events had been organized in the course of the year in cooperation with WIPO, particularly on means of combating counterfeiting and piracy in audiovisual matters, and on the contribution of the collective management of copyright and related rights to economic, social and cultural development. The delegation recalled that in May 2005, Morocco had hosted the Regional Consultation for Arab Countries on the Protection of Broadcasters' Rights which was part of the international process for strengthening those rights. It stated that Law No. 17-97 on the Protection of Industrial Property had brought Moroccan legislation into compliance with international standards, particularly with the TRIPS Agreement. During the period since that law had come into force on December 18, 2004, the number of filings of intellectual property titles had increased. Compared with the same period in the previous year, there had been an 18 per cent increase in filings for patents, 23 per cent for trademarks and 30 per cent for industrial designs. National filings represented a significant portion of the total number of filings, reaching almost 77 per cent for trademarks. The increase in the percentage of national filings reflected an improved image of industrial property for Moroccan enterprises, and had been made possible by awareness-raising and promotion activities, and by the modernization of the Moroccan Industrial and Commercial Property Office (OMPIC). The OMPIC had made remote electronic services a strategic element in its development policy, providing quality of service and implementing modern, innovative projects. Thanks to those innovations, the Office had received the national prize for the best quality of electronic administration services "e-Mtiarz" from the Prime Minister on June 22, 2005, at the time of the opening ceremony of the fourth e-Gov forum. In order to ensure durability of industrial property development, the OMPIC Administrative Council had adopted *Vision 2010* at its Sixth Session on February 14, 2005. The "vision" would be implemented in two phases: the 2005-2007 development plan and the 2008-2010 development plan. Implementation would draw on the experience of Moroccan economic partners. The Delegation added that in that context, Morocco gave an important place to cooperation in order to build up and exchange experience. The Delegation wished to thank WIPO and in particular the Bureau for Arab Countries for the work in strengthening international cooperation in the development of intellectual property and for actively supporting the exchange of experience between Morocco and its counterparts in Arab and African countries. The Delegation wished to recall its desire to participate actively in the discussions and concluded by reaffirming the commitment of Morocco to making intellectual property a tool for development and creativity for the benefit of all.

43. The Delegation of the Islamic Republic of Iran recalled that effective steps had been taken at the national and international level to promote intellectual property in Iran; a draft Act for the registration of patents, marks and industrial designs had been submitted to the Islamic Consultative Assembly for final approval by parliament in early 2006; a comprehensive legal bill for the protection of artistic literary works had recently been

submitted to the Council of Ministers; a law for the protection of geographical indications had already been approved by parliament and would be implemented in the near future; and the bill for the accession of Iran to the PCT had also been approved by the Council of Ministers and was now being examined at the Islamic Consultative Assembly. Iran had also acceded to the convention establishing WIPO, the Madrid Agreement and Protocol for the international registration of marks and had ratified the Lisbon Agreement for the protection of appellations of origin and their international registration. The Delegation agreed that, whilst new initiatives and recommendations to reduce WIPO's operating costs and enhance the management of program and human resources were welcome, this should not mean that development program are the victims of any budget constraints. Rather that an inclusive approach was required that considered public policy objectives in the process of any norm setting activity. Development was an important challenge that should be incorporated in all WIPO activities and its tangible outcomes should be clear in treaties under discussion. The Delegation stated that, in order to enjoy a fair and balanced patent law, bearing in mind the different level of development, and also considering the poor IP infrastructures in developing countries and LDCs, an inclusive approach which considers public policy objectives in the process of any norm-setting activity should be followed. In addition, it stated that, given the cross-cutting nature of issues in copyright and related rights (broadcasting), the rights of all stakeholders and public entities need to be considered during in-depth discussion of the respective subjects. The Delegation cautioned that consideration should be paid to the ability of countries to absorb changes to the Madrid System and welcomed the proposal for the holding of a diplomatic conference on the TLT in Singapore. Also, that with regard to discussions on genetic resources, traditional knowledge and folklore in different WIPO committees, in particular the IGC, there was now a need to take a step forward and upgrade the decision of the GA at its 39th session in 2003. Finally, the Delegation stated that a transparent and informative approach should be sought in the administration of the committee to ensure the proper handling of meetings, with regard to the respective rule of procedures in and norm-setting activities in WIPO.

44. The Delegation of Pakistan, in aligning itself with the statement of the Asian Group, said that there were three core items for discussion: the Development Agenda, the draft Substantive Patent Law Treaty and the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC). The development agenda and the IGC on Traditional Knowledge were central to the work of WIPO and include a number of issues, which need to be addressed as a matter of priority such as: the issues of the economic impact assessment of IP norms; measures to mitigate the possible adverse effects of IPRs on the availability and affordability of pharmaceuticals textbooks and educational software; the relationship of IP with access to technology and possible anti-competition aspects of the IP system. It would be a mistake to treat the development agenda solely as a developing countries agenda, particularly as in recent years development issues have been highlighted by informed public opinion as well as by think tanks and academics in the developed worlds, e.g. the report of the commission on Intellectual property rights, studies by UNDP and IBRD and economic and legal analysis done by mainstream academics notably from Stanford and Duke universities. Member States should strive to quickly agree on a clear mechanism for focussed deliberations on specific development agenda proposals, with a view to making substantive recommendations to the next Assembly. In endorsing the continuation of the work of the IGC, the Delegation said that focused discussions on the elements of possible international agreements on genetic resources, traditional knowledge and folklore would help respond to long-standing concerns of many member States regarding the misappropriation of traditional knowledge and expressions of cultural heritage, as well as genetic resources. In expressing concerns on the matter of a new work plan for the SCP, the Delegation said that,

although it understood the need to move forward on at least a limited set of issues pertaining to the substantive patent law treaty, all proposals put forward in the context of the SPLT should be discussed together in order to have a balanced outcome. The Delegation remained unconvinced that not all the issues being pushed for decisions in an early, limited package are of a purely “functional” nature, with no constraining effects on existing flexibilities within the patent system. There was a need for properly structured consultations on a balanced set of issues accompanied by a systematic exercise of clarification of the developmental implications of the specific proposals. With regard to the draft program and budget for 2006-2007, the Delegation may be in a position to approve it, provided that sufficient funds were allocated to cover activities related to the development agenda. The Delegation also cautioned that the external audit function not be allowed to become a mechanism for micro-management, thus undermining the efficiency and effectiveness of the Organization. The Delegation reported that steps had been taken in Pakistan to streamline and modernize the IP system: the IP Organization of Pakistan, established in 2005 as an autonomous body, was working towards an integrated and more efficient management of IP in the country. The organization will coordinate the various IP related activities including improvement of the effectiveness of the intellectual property system and formulation of a national IP strategy. Finally the Delegation thanked the Organization for its competence, professionalism and dedication and particularly the Director General’s reiteration of his commitment to contribute to the achievement of the UN MDGs and to strengthen regional cooperation, for which he had the Delegation’s full support.

45. The Delegation of Honduras aligned itself with the need for constructive debate in order to improve WIPO performance regarding the development dimension and its role for the protection of IPRs. It was important that the current debates in WIPO take into account the different needs, priorities and interests of countries, and that discussions should strike a balance among holders of IPRs. The Delegation supported any positive improvement of the organization to engage international cooperation for development to developing countries by integrating the development dimension in all its future plans and activities that will facilitate the process of promoting development such as: access and dissemination of technology and knowledge transfer; work on an international instrument on folklore protection and the promotion of traditional knowledge and genetic resources that will recognize the rights of local and indigenous communities and, at the same time, developing and implementing benefits sharing mechanisms of mutually agreed terms for the use of such knowledge innovation and practices; ensuring affordable access to indispensable and basic medicines; educational ICT tools in order to bridge the digital divide; promotion of research and stimulation of innovation and creativity; and technical assistance oriented to the needs of developing countries.

46. The Delegation of El Salvador expressed its sincere gratitude for the dynamic work done by WIPO during 2004 and the first half of 2005. It said that El Salvador had continued to make great efforts to promote and respect intellectual property, thereby seeking to strengthen the links between its national initiatives and those made by WIPO, which created links between all the responsible institutions involved. The Delegation emphasized the efforts made by the national authorities responsible, i.e. the Public Prosecutor’s Office and the National Civil Police, the Private Property Unit of the Public Prosecutor’s Office, which contained the Intellectual Property Protection Unit, the National Registration Center, which organized National Inventions Week, the commemoration of World Intellectual Property Day, the conduct of workshops and seminars designed for university lecturers, students, small and medium-sized enterprises, judges, prosecutors, lawyers and the general public, as well as promoting the WIPO University Initiative Project, with positive results, which involved three

universities in El Salvador. The Delegation referred to the support in all those activities of the Salvadorean Association of Intellectual Property (ASPI) Union, an organization which represented many different private sectors in the country. In relation to copyright and related rights, the Delegation highlighted the importance of the establishment of two collective management bodies, the Society of Authors, Composers and Performers (SACIM) and the Cooperative Society for the Promotion and Protection of Intellectual Property (FOMPI). It referred to the interinstitutional efforts made by El Salvador for the enforcement of intellectual property rights, in order to unify and coordinate their work, in the maintenance of the standards defined in the Quality Management System ISO 9001 2000, for the continuous improvement of the quality and productivity of the services provided by the National Registration Center, in accordance with the protection standards granted in multilateral agreements and free trade treaties. Recalling the words of the national President during the recent United Nations General Assembly, the Delegation said that El Salvador was working to strengthen a Solidarity Network program for the development of small and medium-sized enterprises (SMEs), in relation to technology, innovation and competitiveness, in projects for the evaluation of technology indices and the valuation of intangible assets, the construction of a public education model — the Connect Project — thereby making technology accessible to students. The Delegation indicated the priority for El Salvador of strengthening institutions in the international sphere, thereby creating closer links with intellectual property institutions such as WIPO, the European Patent Office, the Spanish Patent and Trademark Office, the Mexican Industrial Property Institute and INDAUTOR of Mexico, and the Directorate General of Copyright in Colombia, which it thanked for the assistance provided. The Delegation emphasized that El Salvador was developing processes for its forthcoming accession to other WIPO treaties, such as the Patent Cooperation Treaty (PCT) and the Budapest Treaty. El Salvador was a country with broad challenges in the search for sustainable development, in which the Delegation highlighted the important role of intellectual property. It urged WIPO to continue making efforts to support national and international initiatives for the construction of an intellectual property system which served as a driving force to promote growth opportunities.

47. The Delegation of India delivered the best wishes and felicitations of the people of India to the Assemblies of the World Intellectual Property Organization, and looked forward to its participation in the important meeting and working towards evolving an equitable international intellectual property regime. The Delegation noted that at the 60th Session of the UN General Assembly held recently in New York, the Indian Prime Minister had observed that the ideas of the UN ran parallel to the ethos of Indian civilization contained in the ancient Indian concept of “Vasudhaiva Kutumbakam,” or the “whole world is one family.” The UN was striving to attain the eight Millennium Development Goals that commit the international community to development challenges—ranging from extreme poverty to access to education—by the year 2015. The World Intellectual Property Organization, as one of the specialized agencies under the UN System, was also required to gear itself to play an active role in contributing to the attainment of the Millennium Development Goals. The Delegation underscored that an ideal regime of intellectual property rights had to strike a balance between private incentives for innovators, and the public interest of maximizing access to the fruits of innovation. Article 27 of the 1948 Universal Declaration of Human Rights has recognized “that everyone has the right to the protection of moral and material interest resulting from any scientific, literary or artistic production of which he is the author and that everyone has the right to share in scientific advancement and its benefits.” India has been striving to evolve an effective IPR regime, and had earlier this year amended its Patents Act. International intellectual property rules and standards, which were expanding significantly, had important implications for innovation and development, and they affected almost all aspects of life,

including availability and access to essential medicines, educational materials, seeds for poor farmers, and even the ability to use the Internet to share information and culture. The Delegation observed that the policy debate going on in WIPO and in its different bodies to address the developmental concerns had made considerable progress. In that regard, it welcomed all the positive proposals put forth by a number of delegations, including the “Friends of Development” and the African Group during the Intersessional Intergovernmental Meetings (IIM). The time had now come to examine closely the various approaches and suggestions made so far, so as to take forward certain elements of the WIPO Development Agenda and the commitment adopted at the 2004 General Assembly to maintain the development dimension in all areas of WIPO’s work. The Delegation stressed that the IIMs, while continuing to engage themselves in enunciating the common concerns of developing countries, needed to make rapid progress in their work and prioritize the various developmental issues which needed to be addressed first. The Delegation had also been closely following the discussions in the Inter-Governmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC), and suggested that the treasure house of biogenetic resources and traditional knowledge in developing countries represented the heritage of the human civilization, and that the holders of such knowledge and heritage needed full protection and avenues of development. The question of misappropriation of genetic resources and associated traditional knowledge in the existing international IPR system was a matter of central concern. Those issues had been repeatedly raised by many developing countries in the discussions of the SPLT, the PCT Reform Working Group and in the IGC. While the IGC should continue to work and make progress in all components of the Work Program, it should be without prejudice to progress on any of those components in other fora dealing with trade and intellectual property. The Delegation emphasized that any efforts to harmonize the patent laws at the global level would be incomplete without addressing the issues of disclosure of genetic and biological resources and traditional knowledge. Moreover, all substantive issues on the subject of harmonizing the patent laws needed to be deliberated upon simultaneously and on an equal footing. The dialogue needed to move forward in a holistic and transparent manner, and in a process which was acceptable to all Member States. The Delegation noted that many differences still existed on a compilation of proposals from Member States on the Draft Consolidated Text for a Treaty on the Protection of the Rights of Broadcasting Organizations. While it preferred to see that agreement evolve, the Delegation felt that more discussions, both formal and open ended, were required among the Member States so that a consensus was evolved on the substantive as well as procedural matters before a Diplomatic Conference on the subject was convened. The Delegation expressed its appreciation for the technical assistance programs run by WIPO. The country had modernized its Patents, Copyrights, Trademarks and Design Offices, and the Geographical Indications Registry. It pointed out that, while various member countries were at different stages of development, particularly with respect to evolving IPR systems, India was in a position to assist WIPO to deliver demand driven, technical assistance programs to other developing countries. The Delegation expressed appreciation for the work done by the WIPO Secretariat in preparing the documents and undertaking other logistic arrangements for the Assemblies, and stressed that in order to make all-round progress in the deliberations, it was necessary to build consensus on issues before the Assemblies so that WIPO would be able to play effectively the role assigned to it. The Delegation assured the meeting of its full support and cooperation, and endorsed the statements made by the Group of 77 and the Asian Group.

48. The Delegation of Kenya expressed its appreciation to the Director General and to the WIPO Secretariat for their efforts and excellent work. The Delegation observed that the utility of IP for growth and development processes today was without doubt, which was one

reason why it expected a seamless continuation of the work of the Organization. In that regard, it noted that the Assemblies meeting had a critical role to play and was expected to make some key recommendations and decisions—the timely endorsement of the Program and Budget being clearly an immediate one, which the Delegation fully supported. On other items, including the Development Agenda, there needed to be flexibility and understanding from all parties. On the IGC, the Delegation wished to see a clear decision made on the continuation of its work. The Delegation also stated that WIPO policies should reflect the needs of developing countries and LDCs and should not be in conflict with national social and public interests. Furthermore, WIPO activities should ensure that the protection and enforcement of IP rights contribute to the promotion of technological innovation and to the transfer and dissemination of technology, in a manner conducive to social and economic welfare, and to the balance of rights and obligations. The Delegation hoped that in line with WIPO's mission, WIPO would undertake more programs focussing on national growth in developing countries and LDCs, and urged other Delegations to develop a consensus for approving the proposed WIPO Program and Budget 2006-2007, in order to enable the Organization to continue its crucial role of ensuring that IP contribute to growth worldwide. The Delegation appreciated the assistance received by WIPO, and noted that Kenya's main areas of interest had been the protection of traditional knowledge and folklore, access to genetic resources, assistance to SMEs, training, and matters relating to legal instruments administered by WIPO. Regarding the latter, the Delegation highlighted WIPO's assistance for the review of Kenya's IP rights legislation to accommodate changes in the local, regional and international scenes. Also, WIPO's support in computerization / automation systems and other ICT techniques had highly strengthened the Kenya Industrial Property Institute's operations, enabling timely and efficient delivery of services to the public. The Delegation further highlighted WIPO's assistance to SMEs in Kenya which would maximize the utilization of IP by SMEs for their growth and development and thus contribute to national growth. WIPO had also contributed to Kenya's efforts in human resource development in IP rights by offering long-and short-term training. The Delegation looked forward to continued cooperation with WIPO and added that WIPO, as an inter-governmental international organization, responsible for the promotion and protection of IP rights, had a great contribution to offer to international development efforts, because IP was playing a major role in the technological, industrial, cultural, social and economic development of any nation, and was the cornerstone of modern economic policy and a catalyst for development. IP's integration in global issues like the WTO was a clear indication of its implication in the attraction of investment in the world's liberalized economy. The Delegation stated that, therefore, there was enough justification that IP was a major development tool, and it was time that WIPO expanded its development activities to embrace a wider perspective to enable all Member States maximize utilization of IP for national growth. It was in this respect that Kenya advocated for the establishment of the WIPO Development Agenda with clear mandates and implementation monitoring system. The Delegation believed that the proposals by the African Group, and Brazil, on behalf of other Member States, were a good basis for the way forward in establishing the WIPO Development Agenda. Lastly, the Delegation recognized that WIPO was a UN specialized agency in the area of IP, and therefore felt that WIPO should utilize its institutional and human resources capacities to address issues that involved IP norm-setting, and WIPO should take a lead in ongoing debates, such as debates on IP rights and public health, protection of geographical indications, access to genetic resources, protection of traditional knowledge and folklore. While addressing issues relating to IP rights development in Kenya, the Delegation said that despite the fact that the international community had put in place measures to ensure that IP rights played their vital role in national growth, the desired objectives had not been achieved mainly because users of the legal frameworks had not optimally utilized the IPR system. Thus, in order to integrate IP

into Kenya's sustainable growth, and create an enabling environment for maximum utilization of IP, Kenya was developing a national IP policy, as well as policies and legislation on traditional knowledge, genetic resources and traditional cultural expressions/folklore. Also, new legislation to enhance the protection of geographical indications, the layout of integrated circuits and against counterfeits, were in the process of enactment. Further, to strengthen the enforcement of IP rights, the Customs and Excise Act was being amended to provide for enhanced border measures. An Advisory Committee on anti-dumping and counterfeits was about to be gazetted. In addition, the Delegation emphasized that efforts were being made to integrate IP rights, indigenous knowledge and traditional cultural expressions into the constitution, which would form the basis for policies and laws necessary for the further development and exploitation of the IP regime in the Country and for the protection of traditional knowledge and cultural heritage.

49. The Delegation of Thailand associated itself with the statement by Iran on behalf of the Asian Group. It noted that the Assemblies were taking place in a critical and challenging time, with many issues still waiting to be resolved during the meeting; it hoped for a successful outcome, which was well balanced and reflected the interests of developing countries. The Delegation regarded the mainstreaming of the development dimension into all activities of WIPO as a key priority for the Organization, in line with the work of the United Nations and other international bodies, all aimed towards fulfilling the UN Millennium Development Goals. It saw a need for an international intellectual property system that was well balanced and sensitive to the needs of developing countries as well as one that promoted research, technology transfer and the stimulation of innovation. Given the importance of the protection of genetic resources, traditional knowledge and folklore to economic growth and national identity, the Delegation supported the renewal of the IGC's mandate and the eventual realization of an international, legally binding instrument; it also welcomed the establishment of the Voluntary Fund to facilitate the active involvement of representatives of indigenous and local communities in the IGC's work. In regard to the invitation from the Conference of Parties (COP) of the Convention on Biological Diversity (CBD) for WIPO to undertake work on disclosure requirements and genetic resources and traditional knowledge, the Delegation welcomed the invitation and looked forward to seeing the issue of disclosure requirements in more of a result-oriented basis; however, the Delegation also stressed that the discussion on that issue in the IGC should not in any way undermine, but only support, the on-going negotiations in the TRIPS Council of the WTO. It sought for the Assemblies to be able to find a positive and inclusive approach to move forward on the workplan of the Standing Committee on Patents, and to be able to proceed with the drafting of the Substantive Patent Law Treaty (SPLT). The Delegation confirmed its support to Singapore to host the WIPO Diplomatic Conference for a Revised Trademark Law Treaty (RTLTL) in March 2006, which it believed would be beneficial to WIPO, and which would also ensure greater participation within the region. The Delegation commended the Director General and his staff for their dedication and efforts to help developing countries effectively use IP as a tool for economic development and to better tackle the new and emerging IP issues.

50. The Delegation of Turkey congratulated the WIPO and the Director General for their active and successful administration over the past year of a wide range of programs of activities which have served the overall objectives of WIPO to promote the protection of IP around the world. It also thanked the Secretariat for their efforts and attention in respect to the preparation of the meeting documents, and offered its appreciation for WIPO's efforts in further improving the international IP system, the Patent System, for revising the IPC, for promoting PCT Reform, and especially on the matters concerning a Development Agenda for WIPO. It noted that the on-going debate on the IIM Meetings, and all proposals received

from Member States, will contribute to WIPO's perspective and strategy for its future work. The Delegation appreciated WIPO's contribution to the protection of traditional knowledge, genetic resources and folklore, and supported a continuation of the IGC's mandate. The Delegation noted that Turkey had, in 2004, completed its national work in respect to the Trademark Treaty and The Hague Agreement Concerning the International Deposit of Industrial Designs, and both agreements had been published in the official "*Gazette*"; implementation had commenced on January 1, 2005. At the national level, the Turkish Patent Institute (TPI) legislation on IP was under revision, and draft laws had been open to review by concerned bodies. The TPI had been performing its activities in its new and modern building for more than one year. The strategic plan had been completed, and the reorganization studies in the TPI were on-going and had been partially completed. The TPI had recruited new staff in 2004, 19 of which were examiners; 600 staff participated in internal training programs, and the restructuring of the office had resulted in substantial increases in productivity, efficiency and client satisfaction. Despite the 134 years of history of the IP system in Turkey, raising awareness and dissemination of information on IP was still a key issue, and the TPI had developed special promotion activities and allocated extra resources. In this regard, the Delegation stated that the number of information offices had been increased from 5 to 23, which effectively meant around 100 offices when counting the cooperation with Chambers and the authority in charge of SMEs. TPI had also organized 45 seminars in 2004, with a participation of around 6,000 persons, in addition to many local and international events on various subjects. The Delegation further referred to the 25 per cent increase in IP rights applications in 2004, compared to 10 per cent in previous years, and noted that, for example, the number of trademark applications had increased to 46,500 in 2004, with around 60-65,000 expected for 2005. Despite the increasing number of applications, the backlog had been completely absorbed. Regarding patents, TPI had recently started to perform search and examination reports in certain IPC classes, for which purpose the EPOQUE Database had been installed and training activities completed. This would result in a cost and time advantage for especially domestic applicants, as well as easy communication, which in turn was expected to result in an increase in the number of domestic patent applications. The Delegation also mentioned that in order to become a paperless office, the implementation of automation projects had been partially completed. The Delegation concluded by expressing its wish to undertake joint cooperation projects with WIPO to strengthen existing collaboration between TPI and WIPO.

51. The Delegation of Cameroon conveyed its thanks to the Director General for his dedication, his initiatives at the head of the Organization, and for the quality of the documents submitted to the Member States for consideration. The Delegation indicated its particular appreciation of the measures taken to maintain the financial balance of WIPO without jeopardizing either objectives or efficacy and welcomed particularly the inclusion, as suggested by the Director General, of new objectives in a balanced budget. It referred to the international context in which the Member States showed increased awareness of the importance of intellectual property for their economic development, the tangible proof thereof being the growing number of States becoming Members of the Organization. It also stated that Cameroon, which hosted the Headquarters of the African Intellectual Property Organization (OAPI) actively supported the efforts of the Organization. It cited the wide range of natural resources and also the extensive cultural heritage of the country. It called for the Organization to continue to provide assistance with the enforcement of intellectual property rights and the adoption of the WIPO Development Agenda. It reaffirmed its support for the promotion of WIPO's ideals and goals while aiming to preserve and strengthen the interests of developing countries in a general way. It mentioned the Subregional Workshop on the Implementation of Intellectual Property Rights for French-speaking African countries,

which was held on September 13 to 16, 2005, in Yaoundé, in cooperation with the Government of Cameroon, and which was attended by sixteen countries. It announced the proposal of the Ministry of Scientific Research and Innovation to organize in 2006 a workshop for raising awareness and providing information on the management of intellectual property in research bodies and in the universities. Given its intention to make intellectual property the main driving force for promoting the private sector, Cameroon had just established a new investment charter which provided for the creation of an intellectual property center. It concluded by expressing the wish to continue to rely on WIPO assistance in setting up that structure.

52. The Delegation of Trinidad and Tobago had set itself a national goal of becoming a knowledge-based society by the year 2020, with a knowledge-based economy and thus welcomed the international cooperation of sharing comments, experiences and progress for the optimum use of the development of the international IP systems, and WIPO's facilitation in terms of sourcing expertise, funding and coordinating infrastructure for development. In this regard the Delegation recommended an increase in the number of WIPO staff, experts and consultants allocated to the LAC region and to the Caribbean sub-region in particular. The Delegation said that a national intellectual property policy was nearing completion, which would give a centralized direction to the development and use of the IP system. The Delegation commended the work of WIPO's SMEs Division and Worldwide Academy and the continuation of the work of the standing committees, in particular the PLT and that dealing with Trademarks, Industrial Designs and Geographical Indications as well as the IGC on IP, Genetic Resources, Traditional Knowledge and Folklore. With regard to the PCT, Trinidad and Tobago had received 96 per cent of its patent applications in 2004 via the PCT. This was of great significance to their operations and, whilst progress was encouraged, consideration must be given to the circumstances under which smaller IP offices operate. The implementation, by WIPO, of the IP Registration and Administration System (IPRAS) had allowed for the flexibility of allocating and reallocating scarce human resources to better deal with the technical and administrative processes of the IP Office and Trinidad and Tobago continued to partner with WIPO in providing assistance in developing IP offices in the Caribbean region. The Delegation expressed the view that they were very heartened and congratulated WIPO on the initiative of the signing of the WIPO Cooperation for Development Agreement in 2003. However, its real success will be judged by its implementation and urged a speedier implementation of the Agreement. The Delegation reiterated a "one size fits all" approach will not be successful simply because of the varying stages of development of IP Offices in the Caribbean. The Delegation looked towards WIPO for its continual support for regional initiatives such as the Caribbean Copyright Link and other regional approaches in IP, particularly in the areas of automation and enforcement.

53. The Delegation of Kyrgyzstan fully supported the statement of the coordinator of the Central Asian Countries, Caucasus and Eastern Europe Group. It mentioned the successful work carried out by WIPO in 2004 and in the first half of 2005, in particular in respect of Program 09 relating to cooperation with certain countries in Europe and Asia. It also made special mention of the completion by WIPO and ROSPATENT of the translation into Russian of the book by the Director General of WIPO entitled "Intellectual Property – A Power Tool for Economic Growth" and the provision of sufficient free copies of the book to all countries in the region. It was certain that the book would help raise the level of understanding of the importance and role of intellectual property in social and economic development among large sectors of the population. For Kyrgyzstan, several plans involving WIPO support within the framework of the program of cooperation between the government and WIPO had been postponed as a result of the well-known events of the "national revolution" on

March 24, 2005. The Delegation hoped that those plans would be implemented with WIPO support in the near future, in relation both to the training visit to WIPO of representatives of national law enforcement bodies and also to the organization of a regional seminar on industrial property protection. It also mentioned that despite some political and economic instability in the first half of 2005, the national intellectual property system had operated with an adequate degree of success, and all internal programs for 2004 and for eight months of the current year had been executed. Moreover, excellent results had been achieved on several items, in particular for filings by national applicants on trademarks in 2004 compared with 2003 where there had been a 75 per cent growth, and a 63 per cent growth for the eight months of 2005, compared with the same period the previous year. Significant growth was observed also in the collection of royalties in the country. Greater activity had been seen in patenting of inventions in the PCT and EAPO systems by national applicants. As to legislative matters, the program had been implemented with the preparation of two modern legislative instruments, namely the draft law on the Protection of Genetic Resources and Traditional Knowledge and also on the Preservation and Legal Protection of Folklore. In conclusion, the Delegation expressed its confidence that WIPO would continue to be successful in its work to ensure that IP became a genuine tool for social and economic progress in all countries.

54. The Delegation of Papua New Guinea, in associating itself with the statement of the Asia-Pacific Group, attached great importance to IP rights when engaging in policy discussions of importance to the region, taking into account national needs and circumstances in the achievement of the UN MDGs. The Delegation noted that IP continues to be used in many countries as a policy instrument, to leverage IP systems as tools for economic, social and cultural development. As an issue that attracted global attention because of the relevance to development issues such as the traditional knowledge, genetic resources and folklore, WIPO should play a leading role in supporting member States' efforts to encourage creative ability and to protect IP, in particular those of the developing and least developed countries, to foster the conditions necessary to encourage creative and innovative activity. The IP Office of Papua New Guinea had the objective of enhancing its capacity in the field of IP, and had been empowered to develop and implement the country's IP policy and as such the Office had been tasked with mapping out its strategic plan, with clear goals, ranging from financial sufficiency to establishing the Copyright Collective Management functions within the IP Office, given the level of industry in the region. The Delegation was appreciative of the support it had received from the Government of Australia, WIPO and the Forum Secretariat in this work. Finally, the Delegation supported the proposal by the Delegation of Singapore to host the Diplomatic Conference on the TLT in 2006.

55. The Delegation of Jamaica welcomed WIPO's commitment to continue to play a crucial role in assisting developing countries to use their IP systems to their advantage and to leverage them to contribute to the achievement of the UN MDGs. It emphasized that IP can be a catalyst for growth and development and has brought enormous economic dividends for many countries, however, several developing countries were lagging behind in their full utilization of IP as a tool for development. WIPO had a continuing role to play in supporting developing countries like Jamaica in their efforts to incorporate IP into national development strategies and policies. Jamaica remained committed to the cooperation agreement between WIPO and the Caribbean subregion and its aims of creating the conditions for the development, protection, ownership, management and use of IP assets in the Caribbean and fostering technological innovation and enterprise competitiveness including cultural industries. Under the cooperation agreement, a number of seminars covering trademark administration, specifically opposition hearings, the Madrid System and the enforcement of IP

rights had been successfully held. Jamaican SMEs had begun to use the IP system and collective management organizations for music and reprographic reproduction rights continue to grow. WIPO had been instrumental in creating a subregional back office mechanism, the Caribbean Copyright Link, which had resulted in a significant increase in the amount of royalties distributed in 2005. The protection of geographical indications act had been recently passed and Jamaica intended to accede to the Nice and Vienna Classification Agreements. The Delegation supported the adoption of the proposed program and budget for 2006-2007 and the consensus which emerged at the 2004 General Assemblies meeting on a Development Agenda for WIPO, which had the potential to deepen and enhance WIPO's contribution to development, especially in critical areas such as norm-setting, the preservation of policy space and the transfer of technology. The Delegation supported the renewal of the IIM's mandate to facilitate greater engagement among member States on this important subject and called for an expeditious resolution of the outstanding issues surrounding the protection of audiovisual performances and the conclusion of this important instrument to safeguard the rights of performers against the unauthorized use of their performances in the audiovisual media. In this regard Jamaica supported the convening of a diplomatic conference on the protection of the rights of broadcasting organizations and extension of the mandate of the IGC.

56. The Delegation of Cambodia associated itself with the statements made by the Delegation of the Islamic Republic of Iran on behalf of the Asian Group, the Delegation of Benin on behalf of the LDCs, and the Delegation of Thailand on behalf of ASEAN. The Delegation recalled that there were a number of important items on the agenda of the meeting and that in the previous year WIPO had taken a number of initiatives in Cambodia and invested its resources to build IP institutions. Now was the time to consolidate the work done so far and to start the work of integrating IP into national development policies and strategies which required solid technical assistance from WIPO. LDCs had been arguing strongly for the protection of expression of folklore through the establishment of new IP laws and institutions and WIPO should help LDCs to participate actively in the work of the IGC, most notably, through the priority creation of the proposed trust fund to finance LDC participation. The Delegation recalled that through its LDCs' program, WIPO had helped to bring key players, such as ministers and other senior government officials from developed, developing and least developed countries, as well as NGOs, IGOs and civil society, into dialogue with IP professionals in order to better articulate LDCs' development issues as regards IP and to agree on the best way to address them. In this context, a ministerial conference, in which Cambodia had participated, on IP for LDCs had been organized by WIPO in cooperation with the Government of the Republic of Korea in Seoul in October 2004 with the purpose of providing ministers of LDCs with an occasion to exchange experience on integrating IP into national development policies and strategies for wealth creation. Cambodia had also been a recipient of European Community assistance through the ECAP II project which provided technical assistance on IP development in Cambodia by focusing on four areas: the development of a legal framework by adapting the national legal framework to the agreement on TRIPS; improving the administration of IPR to deliver high quality services to applicants; strengthening the enforcement of IPR, to bring national enforcement structures into conformity with TRIPS requirements; raising general IP awareness and information dissemination. Cambodia appealed to the EC to continue this program through the extension and initiation of the ECAP III program to allow governments sufficient time to derive the full benefit from this assistance. The Delegation endorsed the proposal for a diplomatic conference for the adoption of the revised Trademark Law Treaty, to be held in Singapore in March 2006, as this would be an opportunity for Asian nations to mark their commitment to the protection and management of IPRs as an important tool for economic development as well as enabling the maximum number of LDCs to attend, given their geographical proximity

and the facilitation of the Singaporean government. The Delegation said that the need to support Cambodia in enhancing its institutional IP framework and human resources capacity was more urgent than ever before and that WIPO should assist LDCs like Cambodia to: establish a network of global technological alliances with other members on IP issues; initiate government and private research and development programs on IP in order to stimulate participation in business and industry by using IP as a tool for development; set up national strategies in the field on the effective use of IPRs; and undertake studies to demonstrate the economic, social and cultural impact of the use of intellectual property systems in advanced economy and in some successful developing countries in order to draw lessons from experiences that are applicable for LDCs.

57. The Delegation of Israel expressed its appreciation for the continuing fruitful cooperation between WIPO and Israel in various aspects of IP, particularly, the PCT and automation of the Israeli Patent Office. In past years, the Israeli public had acquired a higher awareness of the benefits of the skillful use of IP protection systems, which was expressed in a high rate of use of these systems, especially of the PCT. This use would undoubtedly expand with Israel's entry into the Madrid Protocol expected towards the end of the year 2006. The Delegation was also grateful to the WIPO Worldwide Academy for the organization of a second successful seminar held in Geneva for Israel and Palestinian students and hoped that such seminars would continue. In 2005 the Israeli Patent Office had successfully implemented an advanced automated administrative system for the handling and examination of patent applications with the financial assistance and under the guidance of WIPO experts. Israel recognized the importance of the PCT reform and congratulated WIPO on its achievements made in streamlining the PCT procedure and in transforming itself into a modern information technology driven organization. The Israeli Patent Office was an intensive user of the PCT SAFE and IMPACT systems and was an active participant in the development of the PCT ROAD project. Such projects provided invaluable assistance to applicants, the receiving office and designated office in their national phase. The Delegation welcomed and supported the proposed measures to make the PCT process even more attractive and user friendly.

58. The Delegation of Brazil congratulated the Director General and his staff on their work, expressed satisfaction at the decision that the Organization would work towards achieving the Millennium Development Goals, and endorsed the statements made by Argentina on behalf of the Group of 77 and China and the "Friends of Development". The Delegation said that the current historical moment presented challenges that could not be avoided: on the one hand, technological advances had allowed barriers to be overcome which had been considered insurmountable in the past, largely owing to the incentive provided by innovation; secondly, most countries continued to be deprived of the benefits achieved and ran the risk of not satisfying the conditions which would allow them to achieve those benefits. It was the duty of the international community to guarantee that all countries had the possibility to apply their development policies. The Delegation said that Brazil had endeavored to promote technological development by using innovation as a central element of its industrial, technological and external trade policy, and through the enactment of a Law on Innovation in 2004, and by continuing the process of strengthening the National Institute of Industrial Property (INPI), with a broad program that included cooperation with the European Patent Office (EPO) as well as Argentina, United States of America, Germany and other countries. The Delegation expressed the view that intellectual property protection could only be an effective means of promoting development if the different national realities were respected, and the flexibilities provided for in the specific international system were exploited and expanded. WIPO had a great responsibility, as a specialized agency of the United Nations, to

guarantee that international protection was consistent with the development objectives enshrined by the international community. Furthermore, the Delegation recalled that together with Argentina and 12 other co-sponsoring countries, Brazil had proposed the approval of a Development Agenda in order to fulfil, to the greatest extent possible, the duty placed on WIPO. It also made clear that the debates that had taken place in the intersessional meetings called to examine that initiative had demonstrated the broad support, both among members and civil society, for the “development dimension” to be a concern that should be reflected in all the activities undertaken by WIPO bodies. It also observed that in the coming days countries would be called upon to take decisions on subjects that might have decisive consequences in relation to issues of well known public interest. For developing countries, the preservation of the flexibilities provided for in the main international agreements protecting intellectual property was of fundamental importance and Brazil was striving to achieve the necessary balance in order to guarantee all States the necessary room to apply public policies in essential sectors, such as public health, the environment, education, science and technology and the promotion of cultural diversity, as well as to ensure that different viewpoints on the subjects were taken into account and that transparency prevailed in the debates and procedures approved.

59. The Delegation of the United States of America associated itself with the earlier statement made by the Delegation of Switzerland on behalf of Group B and gave its full support to WIPO’s work in promoting the protection of IP worldwide. The Delegation was convinced that making strong IP protection available stimulated domestic creativity, local and foreign investment and the transfer of technology. As such WIPO’s work was indispensable in helping countries to put robust intellectual property systems in place, which assist in their development. The United States of America was very active in its efforts to assist developing and least developed countries to achieve these goals and to stimulate their economic, social and cultural development and the Delegation fully intends to continue working closely with WIPO in this important area. In the past year the United States Patent and Trademark Office had conducted numerous training programs in conjunction with WIPO for developing and least developed countries and had an ongoing program that offered courses in patent and trademark examination, IP enforcement and focused development related IP assistance. The United States Copyright Office continued to use its Copyright Institute to provide training in copyrights for officials from developing and least developed countries. The Delegation supported, as a positive step, the fact that the Secretariat had proposed a balanced budget with no fee increases and urged the Secretariat to continue to provide greater transparency and oversight in the budget process and documents. However, some concerns about the fiscal operations of the Organization remained, most notably, the Delegation’s serious concern regarding the alleged financial irregularities in WIPO and the need to fully and completely investigate, address and rectify any problems that may exist. This concern highlighted the need to reconsider the auditor’s function within WIPO as well as certain of its personnel regulations. The integrity of the Organization was vital to its continued success and that of its employees.

60. The Delegation of Egypt associated itself with the statements made on behalf of the African Group, the G77 and the “Friends of Development”. It also thanked the Director General for his comprehensive opening statement. The Delegation noted that IP was an important component of development due to its contribution to human creativity and technological progress, and, therefore, IP should be approached in a comprehensive manner with emphasis on its development components. By addressing the wider national policy objectives of Member States, the differences between their levels of development and socio-economic conditions, and the legitimate rights of the public interest, continued progress

in the IP regime could be ensured. To this end, Egypt had actively and constructively participated in the discussions on the development agenda and co-sponsored two important proposals, namely the proposal by the “Friends of Development” and the African Group proposal. The Delegation considered the IIM process as a crucial endeavor which should deliver effective results on how development could be best integrated in all WIPO activities, including technical assistance and norm setting. The Delegation was at the same time attentive to developments outside WIPO, which would have an effect on the ongoing discussions, and it believed that the Doha Plan of Action of the Group of 77, had clearly reflected the developing countries’ determination to place development at the forefront of the international IP system. The Delegation also recalled that the United Nations was currently reviewing the implementation of the Millennium Development Goals, and the time had therefore come for WIPO, as a UN agency, and its Member States, to acknowledge that further progress of the IP system would not be sustainable if the development dimension and public policy concerns were not fully integrated. This approach would surely preserve the credibility of the international IP system, and the Delegation hoped that tangible progress would be made during the Assemblies towards realizing this goal. The Delegation also said that WIPO technical cooperation activities had continued to be carried out in an effective manner, and that valuable efforts had been undertaken to modernize the IP infrastructure and provide training assistance to developing countries in the various fields of IP. The Delegation further noted that many developing countries and LDCs had taken concrete steps towards integration into the international IP system by acceding to a number of relevant multilateral agreements. In this respect, Egypt had acceded to the Nice Agreement in March 2005, and the Delegation considered this a tangible step towards fully adhering to the international system of the registration of marks. Furthermore, the Delegation thanked the EPO and WIPO for their technical and financial support towards establishing a regional patent training center in Egypt, and noted that the administrative procedures for implementing this project were expected to be finalized shortly. Lastly, the Delegation thanked the Member States of the PCT Union for supporting Egypt’s proposal for the addition of Arabic as a language of publication in the PCT, and noted that this step would further promote innovation and creativity in the Arab world.

61. The Delegation of South Africa associated itself with the statements made on behalf of the African Group and “the Group of Friends for Development”. It also expressed its gratitude, support and recognition of the work of the Director General and the Secretariat. The Delegation reiterated that WIPO needed to be guided by UN development related commitments and resolutions and, in particular, to contribute to the achievement of the Millennium Developing Goals. The Delegation noted that IP had an important role to play in promoting economic, social and cultural development, and that WIPO, had a significant role to play in ensuring that IP systems supported development objectives. Member States, therefore, had the responsibility of ensuring that development remained central to WIPO’s activities. With regard to the development agenda for WIPO, the Delegation noted the progress made but considered the work of the IIM as incomplete, because many developing countries’ written proposals had yet to be discussed in detail, including the proposal by the African Group. The Delegation, therefore, supported the renewal of the IIM mandate. With regard to national developments concerning genetic resources, traditional knowledge and folklore, the Delegation mentioned that a Policy on the Protection of Indigenous Knowledge Systems had been approved by Cabinet in 2004, and each Government Department now had to align its laws with the Policy. The South African Government had also passed a National Environment Management Bio-diversity Act, informed by the principles in the Convention on Biological Diversity which South Africa had ratified. To ensure a smooth implementation of the Bio-diversity Act, regulations dealing with permits for bio-prospecting of genetic

resources and benefit sharing agreements would be issued. Amendments to the Patent Act had been approved by the National Assembly in 2005, which compel patentees to disclose indigenous genetic and biological resources, use of indigenous knowledge leading to invention, co-ownership of the patent where applicable, prior informed consent and benefit sharing arrangements. The patent registry would not process any patent before the above mentioned requirements were met, and the Registrar is empowered to call meetings of the affected communities to ensure that the requirements were met. Failure to comply with the requirements may result in patent invalidation. The Delegation also stated that, in a near future, the Plant Variety Act would have to be amended to be in line with this approach. The Delegation invited other Member States to join South Africa in this approach in the protection of indigenous knowledge systems using the IP system where applicable. Regarding the work of the IGC, the Delegation was of the view that enough information had been gathered and the IGC should now formulate an international instrument, and the Assemblies should decide on whether this instrument should be binding or not. The Delegation further stressed that the Assemblies could not entertain the IGC's request to continue to explore whether issues related to the work of the IGC could be protected by the IP system, before it pronounced on the mandate issued in 2003, and called on the Assemblies to decide accordingly. The Delegation also mentioned that South Africa was in the process of producing instruments or legislation that would protect other forms of indigenous knowledge, such as trademarks, geographical indications, designs and trade secrets, using the IP system, and, to this end, South Africa was participating in the UNESCO process. With regard to the proposed Substantive Patent Law Treaty, the Delegation reiterated that developing countries could not support a process that was unbalanced in its approach to the concerns and interests of developing countries, and urged WIPO to start formulating instruments that were for the benefit and development of all Member States. The Delegation further stated that South Africa would support the harmonization of patent laws in the Substantive Patent Law Treaty if the aim was to protect genetic, biological, bio-technological and associated knowledge, and if punitive measures would apply to any act of bio-piracy and patenting of indigenous knowledge. The Delegation encouraged developing countries to incorporate such elements into their national legislation, which might lead to the development of regional and international binding instruments or guidelines. With regard to the protection of audiovisual performances, the Delegation was of the view that an instrument in this area could easily be seen as a subset to the protection of traditional knowledge as well as folkloric issues, and it encouraged the Assemblies to take a comprehensive view rather than piecemeal approach, and to conduct a socio-economic and regulatory impact assessment to assess the impact of these treaties. The Delegation also recommended that the work of the IGC should be concluded before finalizing the work on audiovisual performances, as the work of the IGC interfaced with issues in areas such as the SPLT, PLT and audiovisual performances. With regard to Internet domain names, the Delegation stressed that any discussion during the Assemblies should include the following issues: whether the protection of country codes within a domain name system should be extended to names, by which countries are commonly known; how to address the question of sovereign immunity of States before the codes of other countries in relation to the protection of country names in the domain name system; whether protection should be granted to existing registrations of domain names in which rights may have been allegedly acquired, especially if misrepresentation, fraud and *mala fide* can be implied. The Delegation mentioned that South Africa was currently developing a domain name dispute resolution mechanism, and necessary legislation and regulations would be in force soon. With regard to the invitation from the CBD, the Delegation recommended that the invitation be responded to by WIPO as an institution, and urged the Assemblies to take a policy decision that WIPO should not prejudice the work of other UN agencies. The Delegation supported the convening of a Diplomatic Conference on the Trademark Law Treaty, and noted that in

order to become a Member of that Treaty, South Africa would follow its national accession and ratification process, which included consultation with national stakeholders. The Delegation also announced that the national process of ratification of the Madrid Protocol had been completed, and that necessary legislation would be formulated for approval and promulgation. Concerning the Patent Law Treaty, the Delegation supported the view that all WIPO committees, in the law of patents, should be dealt with in an inclusive, transparent and harmonized manner, and that issues raised under the SPLT, PCT and IGC should form part of the discussions under the PLT. The Delegation furthermore mentioned that South Africa had commenced the formulation of a policy regarding the protection of indigenous knowledge using the orthodox IP system, and would encourage local communities to use the IP system as well as their customary laws to protect their IP. Also, South Africa had embarked on a project dealing with analyses of benefits accruing from international IP treaties, and the results would guide the Government as to which treaties it should ratify. Lastly, the Delegation announced that in order to promote innovation and creativity, the Policy on Public Funded Research would be adopted soon, and that the IP emanating from such research would be co-owned by both the private sector and the Government, where applicable.

62. The Delegation of Oman expressed gratitude to the Director General for his efforts to ensure the success of WIPO's programs and activities. Oman attached high importance to IP and to its relationship with WIPO and the Director General who had made several visits to Oman where he had met with the highest authorities. The Delegation hoped that the relationship would be maintained and further developed, and it thanked WIPO for all its support. The Delegation declared that Oman had joined the WCT and WPPT, both of which had become effective as of September 20, 2005. However, Oman was not only interested in the trade-related aspects of IP, but also in its role in economic development, and the Delegation therefore fully endorsed such orientation and reiterated its support to the statement made on behalf of the Asian Group. The Delegation expressed concern regarding protection of folklore and traditional knowledge, in view of the impact they had on the Omani society, and hoped that an international instrument would be concluded. In the meanwhile, Oman was preparing, in collaboration with WIPO, a national legislation for the protection of traditional crafts. The Delegation stated that, as illustrated by the national seminar held in February 2005, mentioned in document A/41/3, Oman was also working in cooperation with WIPO on the introduction of IP in teaching programs, including those intended for higher studies. Emphasis was put on the importance of development within WIPO and the necessity to pursue a dialogue on matters relating to the establishment of a WIPO development agenda in the Intersessional Intergovernmental Meeting (IIM). The Delegation welcomed the offer made by Singapore to host the Diplomatic Conference for the Adoption of the Revised Trademark Law Treaty. Regarding the Proposed Program and Budget for 2006-2007, the Delegation endorsed the decisions made by the Program and Budget Committee session in April 2005, and commended the flexibility embodied to overcome obstacles that could arise during the implementation phase. In that context, the Delegation noted that there were some five million Swiss Francs which were not allocated nor provided for in the proposed Budget, and suggested that the said amount could be used to finance new activities, including, in particular, further sessions of the IIM. Finally, the Delegation said it was willing to discuss any item with open-heartedness and open-mindedness, to ensure the success of the present session.

63. The Delegation of Costa Rica said that as an institution of the United Nations system, WIPO was affected by constant changes necessary to meet new requirements, in particular in relation to developing countries, economies in transition and the least developed countries (LDCs). With regard to the budget, the Delegation supported the final draft budget and

emphasized that the most important thing was the sufficient availability of resources, not only to train and improve the infrastructure of national offices, but also to promote the use of intellectual property in the various sections of society. The full support given to the proposal to establish an Audit Committee, in order to strengthen the management and internal audit mechanisms for the resources administered and the sound operation of the Organization should be highlighted. It was also hoped that work on the construction of the new building would recommence. In relation to the rights of broadcasting organizations, the Delegation supported the call for the Diplomatic Conference on the protection of broadcasting organizations, scheduled to take place in the second half of 2006. It was hoped also that for the time being the subject of the protection of webcasting organizations would be excluded. As to the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, the Delegation welcomed and supported the offer made by the Delegation of Singapore to host the Conference and to provide it with appropriate technical support, not only for the Secretariat but also for developing countries. In terms of the Development Agenda and its discussion forum, the Delegation shared the majority opinion put forward by other delegations in the sense that discussions should continue in the IIM. The Delegation considered that the Organization was at a stage where it must analyze and deal with each one of the proposals put forward, which should be discussed in the same forum and on equal conditions. It also reiterated support for the renewal of the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and highlighted the establishment of the voluntary fund to finance the representatives of indigenous communities. That Fund would guarantee the full participation of the representatives of indigenous communities in the debates. Finally, in relation to the Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD), it reiterated its support for the continuation of the Committee's work, since it was a Committee which should be re-energized as a key entity in defining the policies to support developing countries.

64. The Delegation of the Democratic People's Republic of Korea commended the Director General and the Secretariat for the activities undertaken aimed at creating an IP culture, protecting IP, developing global IP protection systems, and enhancing the efficiency of the Secretariat in accordance with the main guiding principles for implementing its program for the biennium 2004-2005, in spite of the financial constraints faced by the Organization. The Delegation noted the increase in the membership of the treaties and conventions administered by WIPO and in the number of international patent, trademark and industrial design applications compared to previous years. The Delegation found the filing of the one millionth PCT application particularly encouraging, and stated that the progress made in the field of IP protection systems and services once again proved that the global interest in IP was growing and responsive efforts of WIPO and its Member States were being strengthened. The Delegation appreciated that WIPO, during the period under review, had carried out its activities in accordance with result based programming and budgeting principles, however, the Delegation noted that although progress had been made in WIPO's development cooperation activities, there was still room for improvement in the human resources development activities of the WIPO Worldwide Academy, automation of IP Offices, and legal services for developing countries and LDCs. In particular, the Delegation urged WIPO to strengthen its emphasis on capacity building, access to technology, modernization of the IP system and human resource development. The Delegation also expected that the Program and Budget for 2006-2007 would be formulated to meet the demand of developing countries while preventing that budgetary constraints would undermine development cooperation activities. In this regard, the Delegation welcomed the introduced cost saving measures. Regarding developments at the national level, the Delegation stated that the Government was giving

priority to science and technology, and encouraged people to participate in IP activities. The Delegation further noted that a National Exhibition of Innovations and New Techniques and a National Exhibition on Industrial Art had been organized in 2005. Also, the Regulation on Advertising had recently been adopted and existing laws like the Law on Trademarks and the Law on Industrial Designs had been revised in line with ongoing developments. Lastly, the Delegation mentioned that the Democratic People's Republic of Korea had started to register and protect international appellation of origins after its accession to the Lisbon Convention in January 2005, and a national training seminar on this subject had recently been organized in close cooperation with WIPO.

65. The Delegation of Singapore associated itself with the statements made on behalf of the Asian Group and on behalf of ASEAN, and thanked the Director General and the Secretariat for their dedication and professionalism. It expressed its satisfaction with the quality of the Program Performance Report for 2004 and the Program Implementation Overview, January 1 to June 30, 2005, and noted that the range of activities undertaken was a reflection of the quality of work undertaken by the Secretariat during the period under review. The Delegation was pleased that Singapore had been able to contribute towards WIPO's vital role in the development of a robust IP framework in the Asia Pacific region; an example of which had been the jointly organized training course on copyright in the music industry. The Delegation also emphasized its gratitude for WIPO's assistance in connection with the survey on the economic contribution of the copyright-based industries using WIPO methodology, which had been completed in May 2004, and which was an invaluable reference in formulating national economic development strategies in Singapore. Regarding national developments, the Delegation noted that Singapore, in the area of trademarks, had enacted provisions that allow for the registration of non-visually perceptible marks, making sound and scent marks registrable. In addition, Singapore had enacted provisions to empower national enforcement agencies to be more proactive in preventing the import, export and transshipment of counterfeit goods, and had given effect to the WIPO Joint Recommendations concerning provisions on the protection of well-known marks. The Delegation also mentioned that Singapore had enhanced its Designs regime by acceding to the Geneva Act of the Hague Agreement in April 2005, and a fully automated system for the registration of designs, the E-Designs system, had been implemented. Also, Singapore had acceded to the WCT and WPPT in January 2005, and the Delegation was confident that with amendments to its national law giving effect to the treaties' provisions, the copyright regime in Singapore was ready to take on the challenges posed by a digital environment. Finally, the Delegation looked forward to expanding its cooperation with WIPO in the coming years.

66. The Delegation of Viet Nam stated that as the leading international Organization responsible for the promotion of IP protection worldwide, WIPO had played an important role in coordinating the cooperation among Member States and other stakeholders in the creation of an effective IP culture and a strong international IP protection system. The Delegation appreciated WIPO's achievements during the period under review, and supported the proposed policies and programs to ensure a proper IP protection worldwide, in particular, development cooperation activities, such as improvement of IP awareness, support of IP policy development, and strategy formulation, IP enforcement, modernization of IP protection systems and human resources development, which had contributed to the empowerment of Member States to develop, protect, enforce, manage and commercially exploit IP as a tool for economic, social and cultural development. The Delegation noted that Viet Nam had been a beneficiary country in these cooperation programs which had contributed significantly to the development of its national IP system. Regarding such developments, the Delegation mentioned that a wide range of activities to improve and modernize the IP system had been

implemented, with a view to prepare for Viet Nam's membership of the WTO. A separate IP law, which was expected to be promulgated by the end of 2005, would improve and systematize Viet Nam's legal IP documents and increase the legal effect of its IP legislation. Also, various projects aimed at strengthening administration and enforcement capacities, supporting SMEs to develop and exploit their IP, promoting innovative and inventive activities, and enhancing public awareness, had been implemented and attained good results. In addition, due attention was being paid to international integration activities, and Viet Nam was undergoing the necessary procedures to join some of the WIPO-administered international treaties, such as the Geneva Convention, for which it had deposited its instrument of accession in 2005, and the Madrid Protocol. The Delegation also noted, however, that work still needed to be done with regard to the establishment of an IP culture in Viet Nam, and that piracy and counterfeiting remained a problem and big challenge for the enforcement of IP rights. Viet Nam was facing up to these challenges in order to create a strong IP protection system, and thereby an attractive environment for foreign investors and the international business community. Furthermore, the Delegation supported the proposal of Singapore to host the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (TLT). Also, the Delegation urged WIPO to study the proposal of the Government of Japan to host a new WIPO Office for research in Japan, and it believed that the establishment of such an office would further assist developing countries to research and to solve important problems concerning IP and development, and to increase their IP awareness. The Delegation concluded by reiterating its thanks to WIPO for its effective cooperation and assistance to Viet Nam, and to all countries for their support.

67. The Delegation of Togo supported the statement by Morocco on behalf of the African Group and that of Benin on behalf of the Group of least developed countries (LDCs). It also expressed its sincere congratulations to WIPO, the Director General and his staff on the work done during the 2003-2004 biennium, the implementation of the WIPO Program from January 1 to June 30, 2005, and the clarity of the documents submitted for evaluation by the Member States, as well as the efforts made to promote intellectual property throughout the world. The Delegation also emphasized that, since 1997, the resources devoted to cooperation for development had increased steadily, which had allowed African countries in general, and Togo in particular, to benefit from multiple forms of assistance from WIPO. In particular, it cited the assistance received for trainee scholarships, the coverage of expenses of the Togolese Delegations participating in certain meetings and seminars, the implementation of the WIPONET project, and so on. The Delegation added that through such support the Togolese authorities responsible for intellectual property, the National Institute of Industrial Property and Technology (INPIT) and the Togolese Copyright Office (BUTODRA), had endeavored to meet new challenges and had been able to react gradually to changing national intellectual property needs. The Delegation said that Togo had already acceded to several international agreements administered by WIPO and was ready to undertake the procedures with a view to its accession to the different agreements to which it was not yet party. It said that in the third millennium when knowledge and intellectual property protection created an ever greater synergy which should be profitable to all, it would be desirable for all States to converge towards "globalization without marginalization". The Delegation added that on the path towards concerted globalization, intellectual property should be the subject of particular attention since reliable intellectual property systems able to promote investment and creation were necessary for the development of countries. The Delegation said that Togo was making efforts to integrate intellectual property into its development strategies by promoting cooperation between universities and industry in order to further the cause of invention and innovation and thus generate economic growth and development. It said that it could rely on the support, experience and assistance provided by WIPO and its partners. It wished,

however, to emphasize that the AIDS pandemic placed developing countries, on a daily basis, in a disastrous situation, while the holders of drug patents were located in developed countries. The Delegation suggested that while respecting WIPO's rules, intellectual property rights should be humanized by introducing into laws certain pragmatic exceptions which would not harm in any way the standards set by the TRIPS Agreement, but would allow the lives of millions of inventors, innovators and consumers to be saved. The Delegation further expressed the wish that, in the process of momentum towards codifying intellectual property rights, WIPO should devote particular attention to the situation resulting from that scourge, for the good of humanity. The Delegation concluded by thanking the Director General for setting up the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and was convinced that the different work done by the Committee would lead to the establishment of an international "defensive protection" system for the intellectual property rights of the traditional custodians of such ancestral knowledge and genetic resources.

68. The Delegation of Nigeria commended the Secretariat and the Director General for his work and reaffirmed its commitment to his leadership. In aligning itself with the statement made by the Delegation of Morocco on behalf of the African Group, the Delegation recalled that much progress had been made on the Development Agenda for WIPO under the aegis of the IIM. With regard to the financial status of WIPO the Delegation was satisfied to note that WIPO was approaching the end of the 2004-2005 financial biennium with satisfactory results, and commended the Organization for maintaining strict budget discipline and for the introduction of cost-saving measures. WIPO had responded positively to the report of the JIU including proposals for the establishment of an Audit Committee, a review of staffing policy, and the establishment of best practice and checks and balances. The Delegation felt, however, that the search for efficiencies, cost-savings and best practice should not be allowed to constitute an unwarranted obstacle to the proper execution of WIPO's important programs especially those that related to the provision of development assistance and the extension of technical cooperation to developing and least developed countries. Also that the pursuit of best practice should not allow the sub-letting of WIPO's tasks to outside agencies or corporate consultants that would lead to external micro-management of the Organization. With regard to the development agenda, the Delegation considered that development was an intrinsic human trait and recognized that developing countries and LDCs were confronted by a myriad of problems that could only be resolved, despite the best efforts of the countries themselves, by a concerted international effort. This viewpoint had formed the foundation of all international initiatives such as the MDGs, the NEPAD program of action, the Doha Second South-South Summit, and the High-level Plenary Meeting of the UNGA held in September 2005. WIPO must, therefore, position itself in such a way that would allow it to render a comprehensive package of development assistance to its Member States and that this should be one of the most important preoccupations of the Organization in coming years. The Delegation regretted that the efforts of the development agenda had been hijacked by certain subjective interests and subordinated to individual national considerations. Instead of debating the substantive issues involved, the last two IIM meetings had ended up devoting more time to procedural matters. In this regard the Delegation reiterated its position that it was of no consequence which body or mechanism was charged with the implementation of the development agenda: whether the process should be continued within a renewed IIM mandate or be transferred to another body such as the PCIPD should not constitute an obstacle. What was important was to agree on those elements that constitute the development agenda for WIPO and to empower the Organization sufficiently to undertake the mandate. In this connection, the Delegation welcomed the Director-General's undertaking that WIPO would continue to play an important role in assisting individual countries especially in

meeting the goals of the MDGs. With regard to the IGC the Delegation called upon all member States to show good faith in the forth-coming process and to make speedy progress toward the convening of a Diplomatic Conference. The issues being discussed in the IGC were of interest not only to indigenous and traditional communities but to all nations. The Delegation noted that a series of regional consultations had been organized on the protection of the rights of broadcasting organizations and audiovisual performances and looked forward to the final resolution of outstanding substantive issues related to the subject, in particular, the production of clear and decisive parameters in relation to those aspects of the matter that are of technically challenging nature such as webcasting and similar issues. The Delegation also wished to see a clear position taken in respect of the public domain in broadcasting especially in matters related to the general interests and well being of the public, such as; public enlightenment, education and cultural development, which should be provided to the public at the barest minimum cost or even at no cost at all. The speedy conclusion of negotiations on the protection of the rights of audiovisual performers was necessary to protect the rights of performing artists, writers and authors, producers and others involved in the cultural industry. The Delegation wished to underscore, however, that in both cases the overall rights of the public to access to knowledge and culturally beneficial programs must not be compromised or impeded while protecting the rights of commercial interests and individual performers. Finally, the Delegation welcomed the offer by the government of Singapore to host a diplomatic conference on a revised Trademark Law Treaty.

69. The Delegation of Antigua and Barbuda recalled that, although a change in government and limited resources had hampered work over the past year, the Antigua and Barbuda IP and Commerce Office site had been officially dedicated in May 2005. The Prime Minister, other governmental ministers, private and public stakeholders were treated to an exhibition featuring local artists in celebration of World IP Day Theme for 2005 and the public's interest in IP, the protection of IPRs and the impact that IP has on businesses, was heightened during the event. Consequently the demand for workshops on SMEs, copyright and the significance of IP to businesses had increased substantially. Musical artists, who had become frustrated over piracy of their works, were demanding services that would assist them with the protection of their rights and the collection of royalties on their behalf. Significantly, two major musical bands had filed an action against infringers who continued to reproduce and sell copies of musical works without the authorization of right holders. In both instances, the High Court of Justice had granted the application for an injunction to prohibit the sale of the infringing goods. The Delegation, therefore, supported the continuation of work in the area of copyright and related rights, with specific focus on the development of an international copyright law. The Delegation applauded WIPO for the continuation of its activities in the areas of genetic resources, traditional knowledge and folklore, enforcement, information technology, policy and systems development and human resource development and specifically commended and encouraged the work of the IGC. The issue of the legal protection of traditional knowledge and expressions of folklore and traditional cultural expressions continued to be one of vital importance to the Caribbean region since the tourism product would be greatly enhanced by the protection, preservation and promotion of cultural assets. The Delegation regretted that budgetary constraints had restricted the activities of the Secretariat, and the Latin American and Caribbean Bureau in particular, to those that were regional in nature or had been demanded by more than one country within the region, as a result of which deliverables that had been promised under the Cooperation for Development Agreement for 2005 were yet to be realized. In commending WIPO's organization of a regional training program on trademarks and opposition hearings for officials of the Caribbean IP offices that was held in Jamaica in June 2005, the Delegation recognized that this was a preliminary activity and requested WIPO to facilitate a follow-up program that

would focus more on the practical exercises of opposition hearings. The Delegation also noted that it continued to wait for the specific allotment of funds to be allocated toward the project in order to ensure its expected successes, as requested by the CARICOM States during the Ministerial meeting and agreed by WIPO via the Director General at the WIPO Ministerial Meeting for the Caribbean in 2003. The Delegation welcomed the discussions on the Development Agenda and was reassured by the Director General's opening statement that WIPO would continue to play a crucial role in assisting countries to use the IP system to their advantage and that the development dimension of IP has always been and will continue to be a main pillar in WIPO's mandate. In this regard the Delegation proposed that the Director General and the Ministers responsible for IP in the Caribbean region review the Agreement, its annex and its relevance to the region in light of the fact that the true intent and spirit of the Agreement had been seriously affected by the financial changes within WIPO and the current economic trends within the respective countries. The CARICOM Single Market and Economy (CSME) would become a reality in 2006; it was critical, therefore, for the region to assess the relevance of this Agreement to the development of the region. More importantly, there was a need to assess the importance of the Agreement to the regional and national policies on IP where they exist, and its relevance to the conduct of an inventory of the region's IP assets and the protection, preservation and promotion of those assets. Many developing and least-developed countries continued to experience pressure from right holders and by extension from the Governments of the developed countries to implement effective enforcement mechanisms to protect their interests. It was therefore imperative for the region to reciprocate the pressure and ensure that the rest of the world respect, acknowledge and protect the rights of the Caribbean artists, inventors and creators by applying similar pressures through the implementation of policies that would facilitate the creation of an ideal atmosphere for the development and promotion of IP assets. The Delegation welcomed WIPO's facilitation of roving national seminars on enforcement and reiteration the intention of the Government of Antigua and Barbuda to stop the exploitation of IP assets by unauthorized entities and individuals.

70. The Delegation of Algeria congratulated and thanked the International Bureau for efforts made in preparing the meeting and for the quality of the documents made available in several languages. It expressed its gratitude and support for the Director General in respect of actions taken to further the development of intellectual property throughout the world, and particularly in the developing countries. It associated itself with the statement made by the Delegation of Morocco on behalf of the African Group, and with that of Argentina on behalf of the Group of 77 and China. It recalled that its position and aims regarding the items on the agenda were the establishment of a balanced, fair system. It added that the question of development was of critical importance and that intellectual property played a major role in achieving objectives. It pointed out that, despite progress made in recent years, additional effort was needed to reduce the current imbalance. It also reported on the development of intellectual property in Algeria, which, as in other countries, had been extremely positive. A significant improvement in dealing with intellectual property matters had been noted in recent years, for both foreigners and nationals of the country. The Delegation then mentioned that following adoption of a new legislative mechanism in 2003 adapting Algerian legislation to international standards, particularly the TRIPS Agreement, the implementing legislation had been promulgated in 2005 and would enable all related aspects to be dealt with. The Delegation stated that the management of intellectual property had been modernized by the introduction of computerized systems and the digitization of information. It recalled that training concerned both young officials of the intellectual property authorities and also judges, customs officers, and even security personnel dealing with national economic matters. The Delegation added that to raise awareness, regular organization of regional seminars and major

local events was necessary, such as the World Intellectual Property Day, the African Intellectual Property Day and the National Innovation Day, which were attended by the President of the Republic and in which the highest authorities in the country took a particular interest. The Delegation then mentioned the national filing statistics which showed a growth in excess of 80 per cent over the last five years. The increase was 30 per cent for patents, of which 15 per cent concerned national patents, 25 per cent for trademarks where national filings had increased from 400 to 700 over the previous five years, and 200 per cent for industrial designs essentially from national sources. The Delegation concluded by referring to the bilateral cooperation between Algeria and the EPO, and also with other countries, and its international cooperation with WIPO, which had made a major contribution to the development of its intellectual property activities.

71. The Delegation of Cuba reiterated that finding solutions to the concerns and problems encountered by developing and the least developed countries (LDCs) was a major concern of the international community, as demonstrated by the adoption of the Millennium Development Goals. It said that WIPO should continue to play a fundamental role for its Member States and deal with their concerns, particularly those of developing countries, by taking appropriate measures to facilitate the transfer of industrial property technology to developing countries, in order to promote countries' economic, social and cultural development, as stipulated by the Agreement between the United Nations and the World Intellectual Property Organization. The Delegation explained that intellectual property entailed substantial costs, both real and immediate, and therefore intellectual property policies needed to be flexible and allow for different national policies which were sufficient to guarantee that the cost of intellectual property protection did not exceed the benefits. In the harmonization work done consideration should be given to the problems of public interest and other development measures promoting food security, public health, and access to knowledge, which was essential if social aims were to be achieved. Thus, it was not necessary to strengthen the current international legal system. The Delegation indicated that the action taken by the Organization to contain budgetary expenditure had continued, but it recognized that WIPO must make greater efforts to promote the participation of developing countries in the Organization's different Standing Committees, in particular as concerned substantive issues such as those relating to the Patent Law Treaty, and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and should continue financing actively technical assistance and cooperation in all areas of work. The Delegation said that the Organization's budget should give particular consideration to the proposals derived from the Development Agenda, taking into account their importance for the Organization's current and future development, and that those proposals required rapid action if they were to be implemented. It recognized the work done by the Bureau of Economic Cooperation for Latin America and the Caribbean in the development and use of information technologies for the complete automation of industrial property offices and in the development of national seminars which provided a comprehensive industrial property culture in the political and institutional sphere, as well as in the draft WIPO University Initiative. The Delegation expressed confidence in WIPO's capacity and expertise in promoting an innovative, comprehensive and all-encompassing debate which reconsidered, in a realistic and objective manner, the way in which intellectual property was perceived and developed, taking into account the impact of industrial property standards on developing countries' economies, and which favored the room for maneuver that was essential in the implementation of policies. Similarly, it supported fully the statement made by Argentina on behalf of the Group of 77 and China and of the "Friends of Development". It informed the Assemblies that it was sending to the Organization's Secretariat a communication from the Republic of Cuba to the Member States of the Paris Union, which made known the inconsistent course of action

taken by the United States of America which, by means of an inappropriate legal mechanism, Section 211 of the Omnibus Appropriations Act of the United States of America, granted the owners of abandoned marks unknown or non-existent rights, with the single aim of preventing Cuban companies, or their successors in interest, from exercising the rights belonging to them in valid registered marks, in accordance with the relevant national United States legislation. The Delegation emphasized that such flagrant violations by the United States of America constituted a new expression of the hostile, unjustified and supremacist policy of blockades against the Republic of Cuba, a policy which, while exceeding the economic, commercial and financial spheres, was currently acquiring a new form of expression, extending to intellectual property.

72. The Delegation of Nepal aligned itself with the statements made by the Delegations of Iran and Benin on behalf of the Asian and LDCs Groups respectively, and commended WIPO on undertaking an innovative approach and strategic approach to the attainment of its objectives. The Delegation noted with satisfaction that WIPO had effectively launched and implemented a number of specific programs within the framework of strategic areas, namely the creation of IP culture, the protection, enhancement and development of IP and the efficiency of the Secretariat. In recognizing that budgetary constraints had delayed the expected progress in a number of activities, the Delegation welcomed the strategy adopted by WIPO of cost saving measures. Nevertheless, the Delegation hoped that such measures would not affect the fundamental activities of the Organization including development cooperation. In welcoming the proposed program and budget for the biennium 2006-2007, the Delegation noted that unprecedented technological development had reshaped the global economy, the significance of the IP system in all sectors of the community was ever increasing and the role of WIPO had never been more crucial. The Organization had a significant role to play to realize the developing potential of poor countries through the leveraging of their IP which helped sustain the global development process. The Delegation requested, therefore, substantially enhanced levels of development cooperation for capacity building in developing countries particularly the LDCs. Within the context of the MDGs the Delegation urged WIPO to take a more active part in promoting the development dimension the discussions on establishing a development agenda for WIPO deserved support in this regard. The Delegation also welcomed other key WIPO activities in areas such as the work on genetic resources, traditional knowledge and folklore, and the efforts of the IGC were commendable in this regard. The Delegation also reiterated its view that WIPO activities should be geared towards development, so that no country would be left marginalized from the mainstream development process. The Delegation noted with satisfaction that WIPO was launching an extensive number of IP promotion activities including training and seminars at national, regional and international levels, advisory missions, legal and technical advice and assistance in other technical areas. Nepal had also benefited from such useful programs and activities including WIPONET. The LDC ministerial meeting organized in 2004 had been a welcome move for LDCs and should be followed by impact assessments and further LDC-focussed activities. Finally the Delegation said that the role of IP could not be underestimated in today's knowledge based economy and in this regard extensive global cooperation was required to promote IP culture in every corner of the globe. It also stated that capacity building of developing countries, particularly LDCs, should receive priority in international development cooperation. The role of WIPO was therefore crucial to make use of IP effective and fair for all.

73. The Delegation of Belize recalled that a number of the activities of the Belize IP Office (BELIPO), including the production of public education materials, broadcasting and webcasting of a locally produced television advert and various enforcement activities, had

been made possible through the support of WIPO and other IP offices such as the USPTO, and expressed its thanks to these organizations for their ongoing support. Such support had come in the form of seminars, staff training fellowships and information technology and had enabled BELIPO to launch its own trademark and patent electronic filing systems. The Delegation also expressed its continued support for the cooperation agreement between WIPO and the governments of the Caribbean countries and for the ongoing regional consultation on the collective management of reprographic rights in the Caribbean. Finally, the Delegation gave its approval for the proposal to hold a diplomatic conference on a revised TLT in Singapore in 2006.

74. The Delegation of Australia highlighted Australia's continued active participation in the consideration of the proposed broadcasters' rights treaty in the SCCR, in which there had been a constructive discussion of the draft treaty text. The Delegation also commended the important work in the SCT, particularly with regard to the updating of the Trademark Law Treaty and furthering the understanding of geographical indications issues, and it looked forward to the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty in 2006. Australia believed that this process provided an exemplary model for other fora within WIPO to follow. In contrast, Australia had been discouraged by the lack of progress with the draft Substantive Patent Law Treaty, and was concerned about the implications of this lack of progress for the future of WIPO. The Delegation further noted Australia's support of the discussions concerning the WIPO Development Agenda, which it viewed as an important initiative, and it hoped that such discussions could now be brought within WIPO's normal Program and Budget in order to enable real outcomes to be achieved in the short and long term. Australia was also pleased to see continued support for the work undertaken by the IGC, and hoped that further practical outcomes would be achieved if Member States supported extending the IGC mandate for a further two years. The Delegation also hoped that over the next year, greater consensus could be built among Member States to ensure that strong progress could be made to overcome outstanding issues in various WIPO fora, and the Delegation urged Member States to be more flexible when considering options discussed in the committees and to consider carefully the impact of their decisions on the future of WIPO. The Delegation was also encouraged by the proposed introduction of internal audit measures to assist the monitoring of WIPO's budget, and it believed that these measures would not only provide greater transparency for WIPO's internal procedures but also assist WIPO in focussing its programs more effectively. Furthermore, the Delegation mentioned that Australia had been engaged in a range of technical assistance projects, including in cooperation with WIPO and the Pacific Island Forum Secretariat for the development of legislative improvements for Pacific Island countries that focus on creating regional mechanisms for the management of IP in the region. Also, with assistance from APEC, Australia had delivered seminars and public education and awareness programs to Indonesia, Viet Nam, Philippines, Mexico and Chile, and had assisted Nepal in further developing its IP system and in progressing its WTO accession process. In April 2005, the visit to Australia, by WIPO Deputy Director General, Dr. Francis Gurry, provided an excellent opportunity for the mutual sharing of information, which will help Australia enhance its strategic approach to IP protection. Regarding national developments, the Delegation noted that, in December 2004, the Plant Breeder's Rights Office had been brought under the auspices of IP Australia, and that, together with the move of copyright responsibility to solely within the Attorney-General's Department, this further reflected Australia's more strategic and coordinated approach to IP policy. There had also been a number of amendments to Australia's IP legislation, for example, major amendments had been made to the Copyright Act in 2004 to strengthen copyright protection and to expand the rights of photographers and performers in line with the obligations of the WCT and the WPPT. Australia was currently

working towards formal accession to both these treaties. Furthermore, there had been minor amendments to Australian patents and trademarks legislation, including amendments to reflect changes to the PCT, and as necessitated by Australia's free trade agreement with the United States of America, as well as amendments to the Trademarks Regulations relating to the Madrid Protocol. In addition, minor legislative changes were planned for October 2005, to bring into effect IP Australia's trademarks assisted filing service, designed primarily, but not exclusively, for self filing applicants, offering a simple and fast pre-assessment of the registrability of a trademark. Such reforms illustrate the evolving nature of IP and the need for governments to ensure that laws keep pace with changing technology and meet the needs of creators and users of IP. Lastly, the Delegation looked forward to continuing its constructive cooperation with WIPO and Member States to further refine the IP system.

75. The Delegation of Austria associated itself with the statements made on behalf of Group B and on behalf of the European Union and its Member States. It congratulated the Director General and WIPO staff on the progress made and the results achieved by the Organization, despite the income shortfall during the beginning of the biennium 2004-2005, and welcomed the implementation of cost saving measures. The presented documents clearly showed that the important aspect of development, even without being specifically mentioned in the mandate of the Organization, was taken duly into account by WIPO when implementing its mandate, and the Delegation appreciated the ongoing in-depth discussions to even improve, if necessary, this dimension under the current mandate based on the outcome of a needs assessment. The Delegation welcomed the special attention which had been paid to the needs of SMEs to raise their level of awareness and to increase their use of the IP systems, and supported the continuation and even expansion of such activities in the next biennium. The Delegation further noted with appreciation the transparency and efficiency with which the presented documents had been drafted, and noted that transparency and predictability were also the main criteria in the consideration of the proposed Program and Budget 2006-2007. It welcomed the balanced budget and the results-based approach, and commended the Secretariat for the cost saving measures which had made it possible not to propose a fee increase during the biennium under review. The Delegation further noted that ongoing work to improve forecasting for PCT income and the development of similar forecast models for the Madrid and Hague systems would considerably add to the criteria of predictability and should be continued. It appreciated the specific proposals regarding human resources to cope with growth in the PCT and Madrid systems, to help maintain and even increase the timely delivery of quality service in these systems. The Delegation also stated that as an additional future aspect of transparency it would welcome the establishment of an audit committee following best practices in other international organizations. Furthermore, the Delegation noted that the increasing global acceptance of IP as a result of WIPO's activities was illustrated by the growing number of accessions to the Treaties and Unions administered by WIPO, and it commended WIPO for the results achieved in making the systems created by those international treaties even more attractive to users and offices involved. It particularly noted the progress made in reforming the PCT, in which Austria, as an ISA and IPEA under the PCT, had taken active part in to make the patent system more transparent and user-friendly, and the Delegation fully supported the proposals concerning future work in Document PCT/A/34/1 and the proposed amendments of the Regulations under the PCT as contained in Document PCT/A/33/2. The Delegation had also taken note of the deliberations in the ad-hoc Working Group on the legal development of the Madrid system, and supported the proposal to continue this work in 2006. In order to help trademark owners from LDCs take full advantage of the benefits of the Madrid system the Delegation welcomed the idea to grant a fee reduction for applicants from LDCs. The Delegation also noted with satisfaction

the progress achieved in the SCT regarding a revision of the Trademark Law Treaty which had led to the decision to convene a Diplomatic Conference in 2006, and pledged its full cooperation and commitment to make the Conference a success. The Delegation further stressed the importance of WIPO development cooperation activities and reiterated Austria's willingness to further provide assistance and support to such activities. The Delegation concluded by reiterating Austria's commitment to continue contributing to WIPO's global goals in the years to come.

76. The Delegation of Azerbaijan endorsed the unanimous opinion expressed concerning the effectiveness with which WIPO, under the leadership of the Director General, had once again proved that intellectual property was a foundation for the existence and coexistence of humanity, that no culture was alien to it and that it was inherent in all States. The Delegation also thanked the WIPO Secretariat for the substantive nature and high quality of the documents provided, in which a multifaceted evaluation of the Organization's activities during the reporting period was given. As always, Azerbaijan wholeheartedly supported the initiatives designed to expand the range of WIPO's activities, such as the Worldwide Academy distance learning program, inclusion in the agenda and discussion of matters relating to the Patent Law Treaty (PLT), the Trademark Law Treaty (TLT), Madrid Union, PCT Union, genetic resources, traditional knowledge and folklore, and also programs in the interest of small and medium-sized enterprises. The efforts designed to develop the intellectual property system for their use as an instrument of the economic, social and cultural development of countries underpinned all WIPO's activities. The Delegation supported the proposals put forward to the current Assemblies concerning the insertion of a number of corrections and amendments to the Patent Cooperation Treaty (PCT), the Patent Law Treaty (PLT), matters relating to the PLT, prepared by the International Bureau, issues concerning internet domain names and also recommendations of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The reforms of the PCT system had resulted in an increase in the number of international applications under that system received from Azerbaijan. The advertising material issued by the Office in the field of trademarks had led to the appearance of the first applications for trademarks by national applicants, in accordance with the Madrid Agreement procedure. Azerbaijan supported the proposal by the Government of Singapore to hold a Diplomatic Conference in Singapore, scheduled to take place in 2006. It was sure that the initiative by Singapore would obtain the necessary support of the member countries attending the 41st series of meetings of the WIPO Assemblies. Taking into account the highly effective work done by the WIPO Worldwide Academy in organizing seminars and training courses for specialists from national offices, mention should be made of the distance learning program organized by WIPO and which provided training opportunities not only for specialists, but also for a broad spectrum of employees in various sectors and students. During the past few years, many specialists from the national Office had retrained and had undertaken distance learning courses, as well as being awarded the corresponding training certificates by the WIPO Academy on the basis of examination results. Work was currently being done by Azerbaijan with a view to its accession to other international treaties and agreements administered by WIPO, in particular the Madrid Protocol. With a view to the further harmonization of national legislation with international treaties and agreements, the Office was working to amend patent legislation and laws on trademarks and geographical indications. The most important tasks currently facing the Patent Office of the Republic of Azerbaijan were to solve the problem of enhancing the provision of information, automating the information search process, creating foundations for implementing a system of receiving applications in electronic form and enhancing the legal basis in the field of industrial property, as well as developing the system of services for applicants. Those problems could be

resolved only with WIPO's direct assistance and support. Addressing the Director General, the Delegation said that the Patent Office of Azerbaijan had always seen him as the embodiment of the multifaceted assistance and support provided by WIPO in relation to intellectual property protection. It hoped that he would visit Azerbaijan in the near future and thereby strengthen bilateral cooperation, create new trends and give momentum to intellectual property development. In future, the activities of the Patent Office of the Republic of Azerbaijan would be devoted to creating the conditions for the successful implementation of programs and the educational and guidance documents produced by WIPO, with a view to enhancing work done in the sphere of industrial property protection, which constituted a source of progress in all spheres of human activity.

77. The Delegation of Belarus expressed particular gratitude to the WIPO Director General and the WIPO staff for the work done during the reporting period, as evidenced by the Program Performance Report for 2004 and the Program Implementation Overview for January 1 to June 30, 2005. Those documents, prepared in a transparent and efficient manner, provided convincing proof that, despite the financial restrictions during the reporting period, WIPO continued to have a positive influence on the development of intellectual property throughout the world and the successful implementation of various kinds of IP activities as a key instrument of economic, social and cultural development. In relation to the social and economic development of Belarus, the short-term tasks were indissolubly linked to the establishment of a knowledge-based economy, which required the maximum concentration of available resources, the enrichment and effective use of intellectual property for the promotion of innovation and creation in the interests of developing the economy. Over the past ten years, Belarus had developed sufficiently streamlined intellectual property legislation which nonetheless continued to be enhanced and in the previous year amendments had been made to the Law on Trademarks (Service Marks), the Legal Protection of Topographies of Integrated Circuits, and Patents for Plant Varieties. The country considered that its legislation complied fully with international standards, including the TRIPS Agreement. In Belarus concrete steps had been taken to protect rights, further improve awareness and the dissemination of knowledge to society concerning the importance of intellectual property for the provision of competitive products and social and economic development. The work done covered a broad spectrum and formed part of the close cooperation with and support provided by WIPO in many areas. A seminar had been held in Minsk in November 2004 with WIPO's assistance, entitled Intellectual Property and its Impact on Economic Development, for the heads of State authorities, leading enterprises and institutions. The seminar had helped to increase interest in intellectual property and its role as a valuable economic asset. The Delegation expressed particular gratitude for support in the development of the potential of national human resources and the increase in the level of access to intellectual property knowledge. Significant momentum had been generated in that regard by the agreements reached between the President of Belarus and the Director General of WIPO. The intellectual property system could not function effectively without qualified managerial staff and such issues were dealt with in Belarus by the Intellectual Property Training Center. Cooperation between the Training Center and WIPO for the development of human resources was taking place on the basis of the Protocol on Cooperation between the National Center of Intellectual Property of Belarus and WIPO, signed in 2004. In this regard, the Delegation considered it essential to strengthen in all possible ways the opportunity for the WIPO Worldwide Academy to satisfy more fully the various requirements of the different categories of users. A draft law, amending and updating the Law of the Republic of Belarus on Copyright and Related Rights, had been prepared and would shortly be submitted to Parliament for consideration, thereby providing a significant improvement in the activities of collective copyright and related rights management organizations. On a different subject, the

Delegation of Belarus viewed positively the Organization's new budget policy and expressed support for the proposed Program and all the basic elements of the balanced budget for 2006-2007. It noted with satisfaction that during the current biennium the financial situation had improved and, in accordance with the balanced budget policy, said that although available resources might be limited, it was sure that a reduction in the funds for Program 7 (Certain Countries in Europe and Asia) which it valued highly, would be compensated by the benefits of activities that would be carried out as part of other programs, in particular the new Program 3 (Strategic Use of Intellectual Property for Development), aimed at providing assistance for the most effective possible use of intellectual property in order to create material wealth. The Delegation expressed support for the Organization's efforts to improve the forecasting of PCT income, a step which would aid stability in WIPO's future financial situation, and to undertake similar work in relation to the Madrid and Hague systems. Belarus also supported the initiative by Singapore to hold a Diplomatic Conference to revise the WIPO Trademark Law Treaty in 2006. The country confirmed its devotion to the cause of development and intellectual property protection in close cooperation with WIPO.

78. The Delegation of Bhutan associated itself with the statements made by the Islamic Republic of Iran on behalf of the Asian Group and Benin on behalf of the LDCs. It paid tribute to the Director General for his leadership and commended the achievements of WIPO development activities and programs. Lastly, the Delegation supported Singapore's proposal to host the Diplomatic Conference for the Adoption of the Revised Trademark Law Treaty in March 2006.

79. The Delegation of Bulgaria stated that one of the major tasks of the Patent Office of the Republic of Bulgaria was to raise public awareness of patents, and thanked WIPO for its support in this regard. The Delegation highlighted the celebration of World IP Day, in cooperation with WIPO and the EPO, during which a seminar "Patents - Establishment and Enforcement of Exclusive Rights" had been organized, and the names of the most distinguished Bulgarian inventors in 2004 had been introduced in the Golden Book of Bulgarian Inventors. The Delegation also thanked WIPO for its assistance in organizing seminars on the role of the IP system in the business strategy of SMEs, which had taken place in November 2004, in Sofia, and in July 2005, in Varna. It also mentioned that in June 2005, the Office had received an invitation from WIPO to participate as a trainer in a regional seminar on trademarks and geographical indications in the Former Yugoslav Republic of Macedonia, and that a similar seminar would be co-organized with WIPO, with the financial support of the European Commission, in November 2005, in Sofia. The Delegation further mentioned that it was expected that a Bulgarian translation of the last edition of WIPO's IP Handbook would be available at the end of 2005, and thanked WIPO and the EPO for their cooperation and financial support for this important activity. The Delegation concluded by reiterating its hopes for a continued fruitful cooperation with WIPO in the future.

80. The Delegation of Burkina Faso confirmed the commitment and interest shown by its government with respect to the ideals of the World Intellectual Property Organization. The Delegation expressed its entire satisfaction with the support provided by WIPO and for the Organization's efforts within the framework of cooperation for development and technical progress of humanity. It further indicated that Burkina Faso supported the proposal of Argentina and Brazil on establishing a WIPO Development Agenda. The Delegation wished to congratulate the Director General and his staff on their efforts in promoting intellectual property throughout the world. It referred to the theme of World Intellectual Property Day: "Think, Imagine, Create" which Burkina Faso had taken into account in its various activities promoting inventions and innovations. The success of the National Scientific Research and

Technology Innovation Forum (FRSIT) and the Ouagadougou International Arts and Crafts Fair (SIAO), two major events for promoting inventive activity and for SME/SMI creation, was indicative of the interest shown at the national level in such matters. The Delegation recalled that every FRSIT Forum had been well attended both by inventors, research-workers, private operators from countries in the West and Central African subregion, and also by international scientific research centers. In that respect, the Delegation expressed its gratitude to WIPO for the prizes given and the seminars organized, and for its promise to assist Burkina Faso in carrying out the evaluation of FRSIT. The Delegation stated that, with WIPO and OAPI assistance, the project on the promotion and protection of geographical indications had entered its final phase with the creation of a Product Selection Committee. The members of that Committee were already at work and two products had been selected for submission to OAPI for registration. The Delegation also thanked WIPO for its support in building up the Burkinabé Copyright Office (BBDA), particularly with respect to its operational capacity, the material support provided and the organization of seminars. In that context, the WIPO Academy had contributed to the training of BBDA personnel. The Delegation also indicated that through WIPO support, Burkina Faso had been able to participate in many meetings of international importance and in seminars organized in Burkina Faso for those involved in the application of laws (customs, police), and also in seminars on the implementation of related rights. However, the Delegation indicated its concern in respect of executive staff in the national collective management structure. In order to help improve public knowledge of literary and artistic property, which was constantly evolving as a result of new information and communication technologies, it wished to obtain WIPO support for granting, for example, study grants for training executive staff required to give classes and lectures in professional schools and other training structures. It also wished to strengthen cooperation in the creation of legal and institutional frameworks for intellectual property management. It also mentioned that officials of national agencies and judges from the country had benefited from WIPO training in the course of 2005 by participating in workshops and seminars on the infringement of intellectual property, patent information and access to drugs. The Delegation also thanked WIPO for its technical participation and its assistance in the acquisition of computer and office equipment, particularly within the WIPONET framework, but regretted that the equipment was not yet operational for the BBDA. The Delegation referred to the ever increasing interest shown by students and professionals in intellectual property and expressed its wish to obtain WIPO publications for the library being built within the BBDA. Burkina Faso intended to make full use of the industrial property system as a tool for implementing its development strategy through consolidation of the industrial base and development of the trade in manufactured goods. To that end, the National Directorate of Industrial Property wished to acquire adequate means for carrying out its assignments fully and effectively. In response to that approach, the conversion of the Directorate into a National Industrial Property Center, thereby giving it a special status, was still envisaged. The Delegation repeated its request to WIPO to support the restructuring by donating computer and office equipment. It expressed its hopes in the project known as the "WIPO University Initiative". In that context, its government had included the subject in the syllabuses of the top graduate schools for the coming academic year. The Delegation expressed its gratitude to the WIPO Cooperation for Development Bureau for Africa for having brought its country into that project.

81. The Delegation of Canada congratulated the Director General for receiving the order of the Aztec Eagle in June 2005, honoring his commitment toward an IP culture, and commended WIPO for its many initiatives over the last year which were vital and essential to the future of IP globally. The Delegation highlighted Canada's continuous constructive role in finding new ways of working together to further advance the awareness and use of the IP

system. The Delegation was pleased to learn about the launch of the on-line edition of the WIPO Gazette of International Marks, which would undoubtedly prove to be beneficial to the trademark community. It also applauded WIPO's initiative of hosting an on-line forum encouraging stakeholders to participate in the IP Policy Debate, and noted that the comments collected showed that the exercise was indeed an opportunity for a frank discussion and genuine forum for exchanging ideas on the relationship between the IP system and the information society. The Delegation further thanked WIPO for tackling the issue of regulating domain name registration, and for recommending the introduction of a uniform IP protection mechanism when dealing with new generic Top-level Domains. The Delegation also commended WIPO for continuing to monitor and promote the rights of indigenous people, and supported WIPO's commitment in providing a common understanding of how the principles of the IP system could be best developed and applied to serve the interests articulated by holders of traditional knowledge and custodians of traditional cultural expressions. In addition, the Delegation congratulated WIPO for its well-chosen theme for the 2005 World IP Day campaign. Regarding national developments, the Delegation underscored Canada's commitment to modernizing its IP laws and regulations, as clearly indicated by the Federal Government, including in the October 2004's Speech from the Throne in which the Government had spoken about "modernizing regulation to enhance conditions for an innovative economy while finding improved ways to meet high standards of social and environment protection". To that end, proposed technical amendments to the Patent Act had received royal assent in May 2005, complementing Bill C-9, also known as the Jean Chrétien Pledge to Africa, ensuring equal participation of the Senate in assessing and recommending eligible candidates for an expert advisory committee set to review which pharmaceutical products were eligible for export and which countries were eligible to receive them. The proposed amendments reflected Canada's continued commitment to balancing its objectives of facilitating the flow of life-saving drugs to developing countries while maintaining the integrity of its IP regime and meeting its international obligations. The Delegation also announced Canada's upcoming amendments to the Copyright Act, which would be an important initiative as a balanced copyright framework would help to support the use of the Internet to foster innovation and learning, while establishing stable and predictable marketplace rules. The Delegation noted that World IP Day had been celebrated in cooperation with the Intellectual Property Institute of Canada and Young Inventors International, and had been an opportunity to raise IP awareness across the country. In addition, the Delegation stated that Canada had been proud to co-host with WIPO the annual Executive Workshop on the Application of Management Techniques in the Delivery of IP Services, which had been held in May 2005. The Delegation further underscored that the Canadian Intellectual Property Organization (CIPO) had maintained and strengthened Canada's international presence with regard to the overall economic and social environment in the Asia-Pacific region at the 20th and the 21st meetings of the Asia-Pacific Economic Cooperation-Intellectual Property Experts Group (APEC-IPEG), held in Korea and the Philippines respectively. The promotion of greater regional economic and social cooperation remained a critical objective for Canada, and this goal continued to be pursued through the promotion of trade liberalization and facilitation within the APEC forum. Canada also continued to be involved in a wide range of policy-related work, and had recently placed a greater emphasis on economic and technical cooperation programs in the Asia-Pacific region. The Delegation also mentioned that further to its international search authority / international preliminary examination authority (ISA/IPEA) status, obtained on July 26, 2004, under the PCT, CIPO had issued its first International Report on Patentability Opinion (IPRP) in July 2005, following the first International Search Report (ISR) and Written Opinion issued by Canada in October 2004, making Canada one of only 11 IPOs to acquire this status and reinforcing its commitment to continuous improvement in the range and quality of IP

services. Also, as part of its Client Relationship Management (CRM) strategy, CIPO had initiated its third National Client Survey to gauge the satisfaction of its clients and stakeholders. The Delegation concluded by assuring the Assemblies that Canada would continue to contribute to the pursuit of WIPO's global goals.

82. The Delegation of the Central African Republic expressed its warm congratulations to the Director General and to the International Bureau for the preparation and the success of the meetings of the Assemblies. Like the delegations from the other African countries, the Delegation expressed its satisfaction with program achievements in 2004 and in the first half of 2005, and congratulated the Director General on the transparency with which the work had been carried out.

83. The Delegation of the Congo offered its congratulations to the Director General and welcomed the Secretariat's efforts to provide clarity in the reports submitted to Member States. The Delegation was pleased to note the satisfactory results achieved during 2004 and the first half of 2005, despite financial difficulties. It hoped that the aims set for the 2006-2007 biennium would also be crowned with success. It continued by saying that, in the current context of economic globalization, all countries throughout the world were called upon to cooperate to meet the numerous challenges of the current age, be they health scourges such as AIDS, tuberculosis and malaria, which were rife in developing countries owing to the expensive nature of drugs; poverty for which reduction strategies should be implemented; and the improvement of the wellbeing of populations. The Delegation emphasized that its country attached considerable importance to the protection of intellectual property rights, which was a guarantee for the stimulation of technical progress, economic development and growth. It reaffirmed its support for the continuation of the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, with a view to establishing an international protection instrument against misuse or unlawful appropriation. It further expressed its deep gratitude for the multifaceted assistance provided by WIPO for the Congo on a continuous basis in the fields of logistics, training and raising awareness of the importance of intellectual property. WIPO had, during the previous biennium, organized in Brazzaville a national workshop and a sub-regional workshop on intellectual property for the customs authorities of the Member States of the Central African Economic and Monetary Community (CAEMC) and for economic players, university staff, enterprise managers and students so as to allow them to exploit the benefits offered by intellectual property in their activities and their business. The Delegation also referred to the annual celebration of World Intellectual Property Day in the form of theater scenes and cultural events. Finally, it associated itself with the statement made by the Representative of Morocco on behalf of the African Group. In conclusion, it reaffirmed Congo's availability to cooperate with WIPO in the promotion and awareness raising of economic players so that intellectual property contributed to economic growth in the country.

84. The Delegation of Cyprus noted that Cyprus had always paid special attention to IP and had ratified a number of WIPO Treaties such as the Paris Convention, the Patent Cooperation Treaty, the Berne Convention, and the Madrid Agreement and Protocol. The Delegation further stated that Cyprus was making concentrated efforts to achieve an effective enforcement of its IP laws and international treaties which it had ratified, and noted that since Cyprus' accession to the European Union, its national legislation on the protection of IP had been considerably strengthened and the enforcement of IP laws had become more effective. The Delegation also supported the global cooperation on IP protection which would provide economic, social and cultural development to all countries, and it stated that Cyprus further intended to protect the work of researchers, artists, and musicians. Finally, Cyprus looked

forward to a constructive discussion in the Assemblies which would contribute to the furtherance of the aims of WIPO and its Member States.

85. The Delegation of the Czech Republic thanked the Director General and WIPO staff for WIPO's achievements as reflected in the Program Performance Report and the Program Implementation Overview, and stated that it attached great importance to the development of WIPO's Global Protection Systems and Services and international IP law. The Delegation also noted that progress in patent law harmonization was one of the Czech Republic's priorities, and it supported efforts at the international, regional and national levels to improve enforcement mechanisms and render the enforcement of IP rights more effective. The Delegation noted with satisfaction the new accessions to the Madrid, PCT, Hague and Lisbon systems and their wider use, and welcomed the availability of electronic filing of international patent applications to all applicants, the launching of the new electronic priority document (E-Pdoc) application and the "Article 6ter Express" database. The Delegation supported the completion of the IPC reform and appreciated the elaboration of relevant basic documents and electronic data for the reformed IPC, and noted that the entry into force of the Patent Law Treaty contributed to the development of the international patent system. Furthermore, the Delegation appreciated WIPO's activities to promote awareness and understanding of IP and its effective use, and noted that the Czech Industrial Property Office continued to provide training to industrial property professionals from developing countries in cooperation with WIPO. The Delegation also highlighted the Seminar on Modern Trends in IP Development, organized by the Czech Industrial Property Office in cooperation with WIPO and TAIEX, aimed at improving the knowledge of recent international and European trends in, and role of, IP rights as a tool for economic development, and of the protection of trademarks in a global and European context. The Czech Republic had also been pleased to host the 14th Annual EPIDOS 2004 Conference, organized jointly with the EPO, and noted that the 19th Annual MARQUES Conference had been held in Prague in 2005. The Delegation also appreciated WIPO's efforts to reach agreement on the key points of the treaty on broadcasters' rights and the regional consultations on this issue, and it believed that the WIPO Assemblies could make the key decision to call a diplomatic conference. The Delegation was also confident that it would be possible to enhance the protection of the rights of performing artists in the audiovisual field, and that this topic would remain on the agenda of the session of the WIPO Assemblies in 2006. The Delegation furthermore noted that the meetings of the Advisory Committee on Enforcement had been fruitful, as it believed that the infringement of IP rights was still an important problem, and the Delegation welcomed the opportunity to discuss theoretical and practical issues and experiences at the next Advisory Committee meeting in April 2006, or at the IPEIS forum. The Delegation also supported the activities of the IGC and hoped that the WIPO Assemblies would decide on the extension of the Committee's mandate to enable it to continue its work, and it supported the continuation of the discussions on the WIPO Development Agenda and believed that those would result in concrete conclusions in the near future. Lastly, the Delegation noted the importance of WIPO and its role in international cooperation on the protection of IP rights, and it supported a well-defined and transparent agenda for the Organization, based on rational budgetary measures that observed the principle of maximum cost-effectiveness and efficiency.

86. The Delegation of Denmark noted that since the beginning of the 90s there had been a sharp increase in Danish companies' patent activity, growth only exceeded by Canada, and being at the same level as Finland. Today, Denmark was holding a sixth place amongst the OECD countries, up from a twentieth place in 1990. This could be explained, at the macro level, by a higher growth rate of patent active industries in Denmark compared to the rest of the OECD countries, but traditionally less patent active industries and smaller companies had

also become much more patent active during the last decade. This growth in national patent activity was a product of companies adapting to the new competitive environment being a result of globalization, and it reinforced the important role of national patent Offices as facilitators and promoters of IPR protection and the key role of international cooperation among WIPO Member States in order to continue to meet users' demands. The Delegation pointed out that the Danish Patent and Trademark Office had always considered a high level of quality to be of utmost importance and such a high level had been reached in Scandinavia, but that a high quality level was bringing along obligations and demands on Offices: to maintain and further develop a constant high level of quality in its procedures and decisions; to constantly streamline the process; to meet requirements to cut back without compromising the quality of outputs; and, demands on external relations with organizations such as WIPO. The Delegation was convinced that WIPO had the capacity to meet the demands of development from national Offices and to further enhance the quality of present patent legislation, and to set an example with respect to good governance and responsible economic leadership. The Delegation stressed, however, that time had come for Member States to decide which way to go within the framework of WIPO. It believed that WIPO was the place to further develop and harmonize patent legislation and to ensure a worldwide high quality of procedures in national Offices when dealing with patents, and that the technical expertise and specific qualifications available for discussing a variety of issues within WIPO should be kept in mind. The Delegation believed that the right instruments for changes were new treaties and amendments to existing ones, and although it was aware that not all countries would be able to adhere to new treaties and amendments at the same time, changes to the present system were needed, and in case such changes could not be fulfilled within the framework of WIPO, alternative options would have to be looked into. The Delegation further noted that Member States were contributing to WIPO's economy and would continue to do so as long as WIPO was acting in the common interest, and that in return for this contribution a reasonable level of administration and responsible economic leadership was expected. The Delegation also stressed Denmark's will to engage in the issue of the development agenda in a constructive and result-oriented manner, but noted its concern about proposals undermining the fundamental structures of the present system. In this regard, the Delegation informed the Secretariat that Denmark accepted the invitation to make a presentation at the third session of the Advisory Committee on Enforcement, in April 2006, on Denmark's experiences in the field of education, awareness raising and training related to the enforcement of IPRs. The Delegation furthermore announced that Denmark had ratified the PLT as one of 10 Member states required in order for the Treaty to enter into force, and that Denmark looked forward to participate in the first ordinary session of the PLT Assembly. Finally, regarding recent developments in Denmark on legislative matters, the Delegation noted that three bills would be introduced in the next year: amendments to the Utility Models Act, to make it more user-friendly and to harmonize it with the provisions of the Patent Act; implementation of the EU Directive on Enforcement of IPRs; and, the ratification of the amendments to the European Patent Convention in 2000.

87. The Delegation of the Dominican Republic expressed its support for the statement made by the Ambassador of Argentina on behalf of the "Friends of Development", which reflected the position of the Delegation in the different areas mentioned, as well as the statement made on behalf of the G-77. The Delegation thanked the Secretariat for the reports contained in documents A/41/2 and A/41/3. It said that for the Dominican Republic the use of intellectual property was a means to achieve national aims of cultural, economic and social development and to benefit depressed sectors, and considered that WIPO played a predominant role in achieving those aims. As to the WIPO program of cooperation for development, the Delegation welcomed the positive work done in the past year, which had strengthened the

creation of capacity, and the legal and technical means of the Industrial Property and Copyright Offices, especially the work done in the field of patents, within the framework of the Joint Administration Council between the Dominican Republic and Central America. The Delegation urged WIPO to continue such positive work without losing sight of the specific needs of each developing country, and considered it important to improve cooperation for development, with a view to bringing to fruition and increasing the benefits of intellectual property in developing countries, devising for that purpose intellectual property policies which provided not only the benefits of protection but also covered its costs so that such protection did not become a burden in the form of new obligations for developing countries. It said that cooperation should achieve greater flexibility in the application of national policies of public interest, in services such as education, health, access to knowledge and so on for the purposes of achieving the Millennium Development Goals. It held the view that in negotiating the Treaty to harmonize the international patent system within the framework of the Standing Committee on the Law of Patents (SCP), as well as in the Treaty for the protection of broadcasting organizations in the Standing Committee on Copyright and Related Rights (SCCR), developing and the least developed countries (LDCs) should be allowed to preserve the requisite room for maneuver and flexibility which existed in intellectual property agreements such as the TRIPS Agreement, thereby allowing the relevant standards to meet the needs and interests of States. Similarly, the Delegation considered it relevant, prior to the establishment of such standards, for WIPO, with the assistance of other international organizations, to evaluate the impact on developing countries and the LDCs. It referred to the importance of the proposal to establish a WIPO Development Agenda, in which regard it reiterated that the intention of the proposal of which it was a co-sponsor was not to criticize the work done by WIPO, but to assist the incorporation of the development dimension in all WIPO's activities, since as an Organization belonging to the United Nations system, it was the institution called upon to place intellectual property at the service of development. The Delegation therefore supported the holding of at least three intergovernmental meetings in 2006, between sessions, and the provision of a report to the 2006 General Assemblies, in order to establish, by means of specific action, the development program within the Organization's different activities.

88. The Delegation of Germany stated that intellectual property was an important subject for both industrialized as well as developing countries and that it attached great importance to WIPO's work, expressing its sincere appreciation to the Director General and his team for the close cooperation, mutual trust and responsiveness. The Delegation believed that in light of the results-oriented management and budgeting implemented by WIPO the achievements that were reflected in the Program Performance Report and the Program Implementation Overview reports should be carefully evaluated to appreciate the efficiency and effectiveness of the Organization and its work. The Delegation was pleased to learn that the International Bureau had closely cooperated with the JIU, who had reviewed the management and administration as far as budgetary matters and oversight were concerned, and declared that Germany fully concurred with JIU's findings, conclusions and recommendations. The Delegation commended the International Bureau for the swift steps that it had taken to implement the key recommendations and felt that the suggested desk-to-desk needs assessment of human and financial resources appeared to be a good opportunity for stock taking and adjustments with a view to making the International Bureau even more efficient and effective. Also welcomed was the proposed setting up of an Audit Committee, which would monitor the implementation of JIU's recommendations and oversee the suggested desk-to-desk review. The Delegation was confident that further improvements of the management and administration could be achieved in order to enhance the Organization's capacity to fully live up to its expectations. The Delegation welcomed the program and

budget as presented, in particular, it appreciated the fact that there was no fee increase envisaged for the next biennium and also no expenditure deficit. Moreover, it commended the International Bureau for the timely development of forecast models for PCT fees and for working on similar forecast models in other areas. According to the Delegation's view the documentation transparently showed that recent financial problems of WIPO were due to overoptimistic forecasts rather than the reduced increase of income. It noted in this context that WIPO was a financially sound organization, because its income was still growing at a very satisfactory pace of more than eight per cent during the 2004-2005 biennium. The Delegation further stated that WIPO's Global Protection Systems and Services were core activities that did not only serve the private sector and national economies, but also generated most of the income of the Organization. Their attractiveness and acceptance were beyond question, but the financial robustness of WIPO depended heavily on success in these areas, because the revenue that they generated fueled many other important programs. The Delegation explained that WIPO's endeavors to harmonize legal concepts and provisions of the Member States to further the development of intellectual property as a tool for economic growth and the creation of prosperity represented one of these important areas where the Organization did not generate revenues but had to disburse funds. The same applied to, and even more resources were needed for, the equally important area of development cooperation. With respect to norm-setting the Delegation felt that substantial progress had been made in the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) as regards the revision of the Trademark Law Treaty (TLT). The Delegation looked forward to the Diplomatic Conference for the adoption of a revised TLT and stated that the German Government had informed the Government of Singapore of its sincere hope that the venue of this conference be Singapore. The Delegation warmly thanked Singapore for its generous offer to host this conference and urged other Delegations also to accept this offer. It was the opinion of the Delegation that substantial progress had also been made in the Standing Committee of Copyright and Related Rights (SCCR) in respect of the protection of broadcasting organizations. The Delegation supported the idea of having also a Diplomatic Conference on the protection of broadcasting organizations in 2006. However, the Delegation deplored the fact that little or no progress had been possible in the field of patent law, in particular in regard to the harmonization of substantive provisions, it nevertheless hoped that other Delegations would approach this issue with an open mind and in a spirit of compromise. It admitted that the task of striking an appropriate and fair balance between diverging interests was always a delicate one. But it also believed that such a compromise solution had been reached in Casablanca and therefore urged Delegations to support this approach as a realistic and balanced one. The Delegation also stressed that it attached great importance to the new IP-related issues that Member States had been discussing since the last General Assembly during the inter-sessional intergovernmental meetings on a Development Agenda for WIPO (IIM) as well as an *ad hoc* intergovernmental meeting on Genetic Resources and Disclosure Requirements and of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The Delegation felt that due to the complexity of the topics and the different interests involved a solution that suited everyone might not to be expected in the near future, but it thought that with respect to WIPO's development dimension a way forward should be found. The Delegation was of the opinion that one possible solution could be a reinvigorated Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD) and therefore suggested that the PCIPD take development issues to a higher level. At the same time the Delegation considered the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to be the forum with the most expertise in respect of all these intellectual property aspects. It therefore suggested that the leadership with respect to such discussions remain within the IGC and as a

lot of work remained to be done, the Delegation also proposed that the comprehensive mandate be extended. Regarding development cooperation activities undertaken by the German Patent and Trademark Office, the Delegation reported that its worldwide technical cooperation with other Offices and IP-related organizations continued. The Delegation stated that, as in previous years, many seminars and training courses had been run for foreign experts, for example from various Asian countries, Saudi-Arabia, Russia, Poland and also the United Kingdom. The Delegation pointed out that the President of the German Office, during a visit to the State Intellectual Property Office of the People's Republic of China (SIPO) had signed an agreement regarding the continuation of technical cooperation. The Delegation also mentioned that the President of the German Office had visited the Japan Patent Office (JPO) and that on this occasion both sides had emphasized their interest in a sustainable close cooperation.

89. The Delegation of Ghana thanked the Director General for taking on new challenges and introducing new initiatives and reforms impacting the work of the Organization in line with changes and emerging trends in the world, and it was pleased to see that WIPO had now established itself as one of the most exemplary agencies in the UN family. The Delegation appreciated WIPO's continued assistance to Ghana and other developing countries in the area of IP, such as the automation project for the Trademark Section which had already improved service delivery, the implementation of regulations for patents, trademarks, industrial designs and geographical indications which were in the pipeline. The Delegation commended WIPO for its continued support to the IP Office, and noted that Ghana also had benefited from a national survey conducted to elicit information in respect of the management of IP assets. WIPO's participation in the International Conference hosted by the Ministry for Women and Children, in collaboration with the Global Women Innovators and Inventors and the Pan African Women Innovators and Inventors, had also helped in raising awareness of the importance of IP for women innovators and inventors. The Delegation appreciated WIPO's efforts in improving the international patent system, as the harmonization of patent law was important and should be pursued for the benefit of all national Offices and users of the system, and hoped that future discussions of the Standing Committee on the Law of Patents would be limited to the six issues under the SPLT, including genetic resources and disclosure of origin, without prejudice as to what was being discussed in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The Delegation noted with interest the ongoing discussions in the IGC and hoped that discussions on the new mandate would progress to norms setting and the development of a binding international instrument. Lastly, the Delegation looked forward to a speedy adoption of the WIPO Program and Budget for the next biennium, in order to facilitate the discussions of the substantive and numerous agenda items, and to a fruitful conclusion of the WIPO Assemblies.

90. The Delegation of Guinea-Bissau associated itself with the statements made by the Representative of Morocco on behalf of the African Group and by the Representative of Benin on behalf of the Group of Least Developed Countries (LDCs). It expressed its thanks and gratitude to the Organization for the work done during the previous year. It expressed its satisfaction in particular with the Program and Performance Report for 2004 and the Program Implementation Overview for the first half of 2005. The Delegation subscribed to the Director General's views regarding the creation of an intellectual property culture and the development of the intellectual property system as a tool for economic, social and cultural growth. It also announced that Guinea-Bissau had held the current year's intellectual property day on 26 April, 2005. The purpose of that event was to make the public and private sectors, and also civil society, more aware of the importance of intellectual property in industrial and

commercial development. In the course of the events, a radio debate was held on the topic of “Intellectual Property: its State of Development in Guinea-Bissau” moderated by the Director of the Industrial Property Service and the President of the Guinea-Bissau Copyright Association. The Delegation expressed its gratitude for the considerable assistance provided by WIPO in the area of intellectual property, particularly with regard to technical assistance and training programs. Finally, it expressed satisfaction with the desire shown by WIPO in the course of the year to cooperate with the Governments of the Portuguese-speaking African countries (PALOPs) in general and with Guinea-Bissau in particular for the promotion and protection of intellectual property. The Delegation concluded by stressing the fact that such action was very important since it contributed to the promotion and development of intellectual property in all the Portuguese-speaking African countries.

91. The Delegation of Hungary believed that one of WIPO’s central tasks was to play a leading role in the international development of IP law, and Hungary therefore welcomed the initiatives aiming at the international harmonization of IP legislation. In this regard, the Delegation underscored the importance of the revision of the Trademark Law Treaty, and believed that the simplification of procedural and formal requirements would further foster trademark protection on a global scale. Hungary thus welcomed the convening of the Diplomatic Conference for the adoption of the revised TLT. The Delegation also appreciated the initiative to convene the Diplomatic Conference on the Protection of the Rights of Broadcasting Organizations, and noted that Hungary would welcome if similar progress could be made concerning the protection of audiovisual performances. Regarding the Patent Law Treaty, the Delegation announced that Hungary intended to begin the process of accession in the near future. Hungary further welcomed WIPO initiatives aimed at increasing the efficiency of its financial administration, in particular, the establishment of an Audit Committee and an Audit Charter. The Delegation expected that these measures would contribute to the reinforcement of transparency and audit in WIPO. The Delegation also noted its appreciation of WIPO’s enforcement-related activities, since Hungary was in the process of implementing the EU Directive 2004/48/EC on the enforcement of IP rights, and stated that Hungary was determined to introduce even more effective enforcement procedures and remedies regarding IP rights during this process. Hungary’s cooperation with WIPO was also in concurrence with the action plan launched by the Hungarian Patent Office, *The Action Plan Promoting Industrial Property Competitiveness of Entrepreneurs* (VIVACE). Using this new framework, the Hungarian Patent Office continued to make tremendous efforts to improve public IP awareness, and the Delegation appreciated WIPO’s activities complementing national efforts. The Delegation highlighted the recent publication of the customized Hungarian version of the brochures ‘Making a mark’ and ‘Looking good’ by the Hungarian Patent Office, and hoped that they would contribute to the further demystification of IP and to a larger outreach of awareness raising activities. Furthermore, a two-day seminar “Competitiveness in the Internal Market of the EU: The Role of Designs and their Legal Protection” had been hosted by the Hungarian Patent Office in December 2004, initiated by WIPO and supported by TAIEX, at which WIPO and OHIM representatives, Hungarian Patent Office experts and other speakers exchanged views and shared experiences on the role of designs as promoters of competitiveness in the European Union. The Delegation further underscored the completion of a cooperation project between WIPO and the Hungarian Patent Office in the field of copyright, and noted that the assessment of the economic contribution of the copyright-based industries in Hungary, in accordance with the WIPO Guide on Surveying the Economic Contribution of the Copyright-Based Industries, had been accomplished with great success. Lastly, the Delegation hoped that a compromise would be reached at the Assemblies on the future work of WIPO, and that a proper balance would be found between interests reflected in the Development Agenda and the need to foster and further develop IP

protection on a global scale. Hungary was committed to work constructively on these issues and to take a positive and flexible approach, and the Delegation stressed that it firmly believed in multilateral cooperation under the auspices of WIPO, and that WIPO was the most suitable international forum for dealing with the issues of global IP protection.

92. The Delegation of Iceland congratulated WIPO, the Director General and his staff, on the excellent work done in the past year, documented in the Program Performance Report for 2004, which showed that many of the proposed objectives had been accomplished; in particular the work undertaken to create an IP culture. Iceland welcomed the publication of two practical guides on IP for SMEs and the initiative taken to raise the awareness of IPRs on the World Intellectual Day, April 26. Good progress had been achieved in the development of the international IP system and Iceland welcomed the accession of the European Community to the Madrid Protocol which was a very positive step that could be highly beneficial for the users of the system, and the Delegation hoped to see further development in this direction in the future. Regarding international IP legislation, Iceland welcomed the updating of the Trademark Law Treaty which was scheduled to take place at a Diplomatic Conference in March 2006. It was very important to bring legislation and procedures in line with technological advances. Iceland also welcomed the entry into force of the Patent Law Treaty. Furthermore, the Delegation sought increased harmonization of substantive patent law and therefore supported the continuing work of the Standing Committee on Patents. There had been several significant events for IPRs in Iceland during 2004. Four important laws had been passed by the Icelandic parliament. The legal protection of biotechnological inventions had been implemented in Iceland by amendments to the Patent Act the European Parliament and Council's directive, no. 98/44/EB. The Trademark Act, Design Act and Patent Act had been revised in order to publish the Icelandic IP Gazette electronically on the Internet. An Act regarding employers' rights to inventions was approved by the parliament, which was the first legislation regarding these issues in Iceland. Legislation concerning Iceland's accession to the European Patent Office on November 1, 2004 had also been implemented. Prior to the accession, the European Patent Convention from 1973 had been implemented, by adding a new chapter to the Icelandic Patent Act. Furthermore the amendments to the European Patent Act from the year 2000 and the London Agreement on the application of Article 65 EPC had been implemented although they had not yet entered into force. With these amendments and Iceland's adherence to the European Patent Convention a huge step had been taken in order to improve the legal framework for IP protection in Iceland and the Delegation was confident that these achievements would strengthen innovation and economic growth in Iceland. The number of Patent applications had increased by 19 per cent and the number of Trademark applications by five per cent during 2004. The only field where applications had dropped was in the design field, where the number of applications had decreased by five per cent. The Office's ambition was to create a favorable framework for applicants and to increase the awareness of IP rights, and this had influenced the work of the Office during previous years. On the occasion of the World Intellectual Property Day on April 26 Iceland had carried out some awareness raising activities for the first time. A seminar on IP rights had been organized at the Icelandic Patent Office, specialists had been encouraged to write articles on IPRs in newspapers and a new brochure on IPRs in Iceland had been published. The Icelandic Patent Office intended to work further on raising the awareness on IPRs in the future and would continue to organize activities to promote IP awareness on World Intellectual Property Day.

93. The Delegation of Italy associated itself with the statements made on behalf of the European Community and Group B. It also thanked the Director General and the Secretariat for the preparation of the Assemblies. The Delegation stated that the Italian Government was

actively engaged in strengthening and developing the IP system, both at a national and international level. In this regard, the Delegation emphasized its commitment to WIPO and its work regarding the enforcement of IP rights, and mentioned various measures that had been recently approved in Italy targeting counterfeiting and piracy, such as administrative sanctions for consumers who consume counterfeit products; establishment of an IP help-desk in the Italian Trade Commission's offices worldwide, in order to assist Italian companies abroad; and, approval of an Industrial Property Code. The Code was a systematic collection of all IP laws to enable easier access for users of the IP system, and public awareness raising campaigns and educational campaigns on the respect and protection of IP rights had been organized. The Delegation further stated that the Italian Government was about to study the possibility to include IP law as a non-compulsory discipline in the curricula of universities' doctorates. In addition, the Delegation believed that it was important for SMEs to become more competitive in the international economic environment, and that the key element towards that goal was their access to new forms of know-how resulting from research activities. In this regard, Italy had promoted and developed a series of measures aimed at facilitating a more efficient exchange of information on new technologies from public and private research institutions to SMEs. Regarding international cooperation, the Delegation mentioned that Italy had signed a Memorandum of Understanding with China in 2004, recently followed by the approval of an Action Plan, which would engage the Patent and Trademark Offices in Italy and China in an exchange of information on several issues related to IP, and in coordinating the two judicial systems on the application of administrative rules fighting counterfeiting and piracy. Also, Italy had strongly supported multilateralism in general, and WIPO activities in particular, and the Delegation highlighted the "International Symposium on Geographical Indications (G.I.)" held in Parma, in June 2005, which had been organized jointly with WIPO. The Delegation also underlined the importance of training, and recalled Italy's continued support to the Post Graduate Program on IP, organized jointly with the WIPO Worldwide Academy, which allowed, on an annual basis, 40 experts from all over the world, in particular from LDCs, to attend specific courses at the ILO Training Center in Turin, Italy. Italy would also host an "International Symposium on Intellectual Property and the Competitiveness of Small and Medium-sized Enterprises (SMEs) in the Textile and Clothing Industry" in Caserta, towards the end of 2005, organized jointly by WIPO and the Italian Ministry of Productive Activities - Italian Patent and Trademark Office and the Italian Institute for Industrial Promotion (IPI). Furthermore, the Delegation had actively participated in the discussions on a development agenda for WIPO, and thanked the Director General for the organization of the informal meetings in Casablanca, aimed at giving a new impetus to the work of the SCP, the IGC and the discussions concerning a development agenda for WIPO. On this particular issue, the Delegation endorsed the statements made on behalf of the EU and Group B, and expressed its willingness to continue the discussions on the development issues. The Delegation also thanked the Director General for the proposed Program and Budget for biennium 2006-2007, and noted that while in the past years some concerns were expressed about WIPO's general financial situation, Italy was now pleased to see WIPO's efforts to bring the budget in line with strategic objectives, and the Delegation applauded the introduction of cost saving measures. Lastly, the Delegation expressed its satisfaction with the exhibition of Italian design at WIPO headquarters, which had been organized jointly by WIPO and the Italian Government.

94. The Delegation of Lesotho associated itself with the statements made by Morocco on behalf of the African Group and Benin on behalf of LDCs and commended the Secretariat and the Director General on the tangible assistance that is provided with the aim of empowering and strengthening IPOs in developing countries through the NFAPs. The Delegation noted with satisfaction the activities of the IGC and hoped that its mandate would be extended into

the 2006-2007 biennium so that its work would crystallize in a legally binding international instrument. It had confidence that discussions at the GA on the Development Agenda will enable a positive outcome to be reached, which would ensure that the framework of IP contributed to technological development, improved the transfer of technology to developing countries and firmly placed development at the center of WIPO's work and activities. The Delegation was grateful to WIPO for its tireless efforts in capacity-building activities, in particular the Professional Training Program, and thanked the Organization for its support via the outreach program geared towards demystification of IP and its use as a power tool for development.

95. The Delegation of Liberia thanked the Director General for the professional manner in which WIPO affairs were being conducted, his commitment and the presented documents. The Delegation also noted, with satisfaction, the efforts of the Director General to tailor WIPO's programs in a user-friendly way, which had enabled IP stakeholders to grasp IP concepts, and WIPO's continuous support to Liberia's IP system, including the provision of modern equipment, and professional and technical assistance in the areas of industrial property and copyright documentation and administration. In addition, the Delegation expressed its gratitude to WIPO for its involvement in upgrading the capacity of the Liberia Copyright Office and creating international awareness about the existence and activities of the Office. This constructive approach adopted by WIPO had strengthened the resolve of the Government of Liberia to empower the Copyright Office to generate sufficient funds for the completion of the renovation works of its office space. The Delegation also noted that the Copyright Office, in an effort to decentralize its activities, had established sub-offices and a Collective Management Society Office within the Copyright Office, and that a two day awareness workshop had been organized in August 2005 by the stakeholders in the Artistic Industry and the Liberia Copyright Office. Finally, the Delegation noted that in order to further enhance the effectiveness and efficiency of the Liberia IP system, it requested WIPO's continued assistance in providing training and equipment so as to put Liberia on par with international IP standards.

96. The Delegation of Madagascar congratulated the Director General and all WIPO staff for the excellent work done. It encouraged the continuation of the policy of program reorientation and associated itself with the statement made by the Delegations of Benin, on behalf of the LDCs, and Morocco, on behalf of the African Group. It thanked WIPO for its valuable cooperation, in particular regarding the organization in November 2004 of the workshop on intellectual property as an economic development tool, which had been held as part of the celebration of the anniversaries of the Madagascar intellectual property offices. The Delegation said that national managers had benefited from trainee scholarships granted by WIPO, thereby strengthening capacity and enhancing human resources for intellectual property purposes. Madagascar had drawn up draft legislation which was designed to comply with the TRIPS Agreement. In that context, it hoped that WIPO could provide legal assistance in relation to the drafting of implementing texts. The Delegation expressed its support for the draft Program and Budget for the 2006-2007 biennium and also satisfaction at the balanced budget which showed no increase in fees and where the resources allocated to cooperation were increasing. The Delegation concluded by expressing support for the extension of the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore so that it might complete the preparation of international instruments for the protection of those three elements successfully.

97. The Delegation of Malawi associated itself with the statements made on behalf of the African Group and on behalf of the LDCs with regard to the Development Agenda, the draft Substantive Patent Law Treaty and matters concerning the IGC. The Delegation commended the Director General and the Secretariat for the presented documents, and expressed its satisfaction with the achievements of program objectives and the status of implementation of activities, as outlined in the Program Performance Report for 2004 and the Program Implementation Overview from January 1 to June 30, 2005. Concerning the accounts for the 2002-2003 biennium, and the interim financial statement for 2004, the Delegation welcomed the conclusions of the External Auditor's report, and noted that the Secretariat had demonstrated its commitment to achieve more transparency and efficiency in the budgetary policy. Concerning the proposed Program and Budget for 2006-2007, the Delegation commended the Secretariat for its new budgetary policy within a results-based approach and welcomed the proposed balanced budget as well as the more predictable income forecasting model for the PCT. In addition, the Delegation welcomed the realignment and consolidation of programs along five strategic goals as outlined in the Medium-term Plan, and expressed its support for the proposed Program and Budget for 2006-2007, including the revised construction project to be financed by a commercial loan, an income growth projection of 4.4 per cent, no deficit, no fee increases, and with reserves on target. The Delegation believed that all programs in the proposed Program and Budget substantially reflected the wishes of Member States and were consistent with the Organization's mandate and medium-term vision. In particular, the Delegation welcomed those programs aimed at promoting an IP culture, providing Member States with assistance for the formulation and development of IP policies, and design of IP systems consistent with national development objectives. The Delegation furthermore stated that the Government of Malawi was in the process of elaborating a number of important policy statements, such as the Malawi Growth and Development Strategy, the Private Sector Development Strategy, and the National Export Strategy, which would place renewed emphasis on private sector-led growth, and it was hoped that the policies would complement the Poverty Reduction and Growth Facility Program recently agreed with the IMF and Malawi's own national vision to create new wealth in order to accelerate progress towards the attainment of the Millennium Development Goals. The Delegation thanked WIPO for its assistance during the period under review, including the installation and implementation of, and training in, the IP automation system which would contribute to enhancing the efficiency of the IP office, and the IP Country Audit, the results of which would form the basis for formulating sound IP policy proposals. In addition, a number of officials had been trained in various WIPO Worldwide Academy courses, and WIPO had enabled the participation of the Malawi Delegation in the Seoul Ministerial Conference for LDCs in 2004. The Delegation reiterated, however, its requests for further assistance in the areas of human resource development, legislative review and establishment of patent information services, and, in particular, integration of IP into national development strategies and policies, and development and modernization of IP infrastructures. The Delegation therefore hoped that programs relating to the strategic use of IP for development, the WIPO Worldwide Academy, and modernization of IP institutions would be prioritized higher in future budget proposals. Furthermore, the Delegation emphasized the importance of the issue of disclosure of origin of genetic resources and traditional knowledge in patent applications, and it believed that while taking into account the varying levels of development of Member States, any future development of the patent system should also accommodate and preserve existing flexibility for countries to adopt public interest policies suitable to their needs. The Delegation therefore fully supported the continuation of the intergovernmental inter-sessional meetings to facilitate a satisfactory consensus on the outstanding issues. In this connection, the Delegation supported the renewal of the mandate of the IGC in the next biennium, and hoped that it would result in an internationally agreed instrument for protection of traditional

knowledge, genetic resources and folklore. Lastly, the Delegation also welcomed the Comoros as a new member of the group of LDCs as well as the proposal for the reduction of fees for applicants from LDCs using the Madrid system.

98. The Delegation of Mauritania supported the statement made by the Representative of Morocco on behalf of the African Group and also that made by the Representative of Benin on behalf of the Group of Least-Developed Countries (LDC). It congratulated the Secretariat on the quality and clarity of the documents submitted to the Member States. It further expressed its gratitude for the assistance received from WIPO in various forms. It concluded by expressing the wish to further rely on the Organization's support for introducing awareness-raising, training and promotion activities for the intellectual property system in Mauritania, particularly within the framework of the National Invention Fair to which the Organization had always contributed by giving medals and prizes.

99. The Delegation of Mozambique associated itself with the statements made on behalf of the African Group and on behalf of LDCs, and thanked WIPO for its support regarding the development of the IP system in Mozambique. The Delegation, in particular, highlighted the development of a national IP strategy, in the process of which a National Workshop for Development of an IP Strategy had been held in June, in cooperation with WIPO. The seminar had raised the Government's awareness of the importance of such an instrument and it had committed itself to approve a national IP strategy within the next year. WIPO had also been supportive in the development of human resources, the provision of IT equipment, and in the development of an IP rights database that would be in place in December 2005. The Delegation further highlighted the upcoming National Workshop for Trademark and Patent Agents and the National Workshop on the Enforcement of IP Rights, in Maputo, in October and November 2005, respectively, organized with WIPO's assistance. It also referred to a wide range of IP awareness raising activities, that would take place in the near future, also with WIPO's assistance. Regarding the issues on the agenda of the Assemblies, the Delegation supported the approval of the Program and Budget for 2006-2007, and reiterated its full support for further discussions on the WIPO Development Agenda aimed at achieving concrete results, and incorporation of the development dimension in the work of the Organization. The WIPO Development Agenda was considered crucial by the Delegation, and it stated that the Agenda might constitute a clear guide for WIPO activities. Regarding genetic resources, traditional knowledge and folklore, the Delegation stated that efforts should be made in order to maintain the debate and drive the Organization to results that would guide Member States. It also noted that as an African country it shared the same concerns as those countries that would like to see more valorization of its resources while protecting them from misappropriation. The Delegation also welcomed the Director General's proposal regarding a reduction of the fees applicable in the Madrid System by 10 per cent for applicants from LDCs, and it believed that such a reduction would enhance the use of the Madrid system in the LDCs. In conclusion, the Delegation supported the offer of Singapore to host the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty.

100. The Delegation of Namibia associated itself with the statements made by Morocco on behalf of the African Group and by Benin on behalf of the LDCs, and aligned itself to the opinion expressed by Brazil and Argentina on behalf of "the Group of Friends for Development" with regards to the development agenda. The Delegation also thanked WIPO for its assistance in the automation of the registration of trademarks, legal advice in the preparation of the Industrial Property and Geographical Indications Bills, revision of the Copyright and Competition Acts, and training in the Madrid, PCT, and Hague systems. The Delegation welcomed the proposed Program and Budget for 2006-2007, and was pleased with

the flexibility built into the budget, which allowed for country driven development initiatives, and with the fact that the budget did not compromise activities and programs geared towards development in LDCs. The Delegation further recognized the disparities in the level of development between nations, and in this respect referred to the recent United Nations report, which ranked Namibia at the top, as the country with most differences in income distribution. The Delegation found that the categorization of Namibia as a developing country, above all in the field of IP, was untenable as a true reflection of its level of development. The Delegation supported the offer by Singapore to host the Diplomatic Conference on the revision of the Trademark Law Treaty in March 2006, and assured the Assemblies that Namibia would join any emerging consensus on the matter. In conclusion, the Delegation extended its thanks to WIPO for its continuous advice and support to Namibia in its efforts to reach its national objectives as outlined in Vision 2030.

101. The Delegation of New Zealand underlined the strong motivation by the Intellectual Property Office of New Zealand (IPONZ) and the Intellectual Property Policy Group, both part of the Ministry of Economic Development, to support innovation. The Delegation recognized that creativity, inventiveness and entrepreneurship were important to New Zealand's ongoing economic success as well as an intrinsic and fundamental part of its cultural identity. This had translated into the introduction of strategies to increase awareness and understanding of intellectual property protection, increase responsiveness to clients through streamlined processes and increased access to information, and the ongoing practice of enhancing relationships both with clients and with other IP Offices. Visiting delegations from the Korean Intellectual Property Office, the State Intellectual Property Office of the People's Republic of China, the Taiwan Intellectual Property Office, and the Intellectual Property Office of Australia (IP Australia) met with New Zealand officials during the year, exchanging knowledge and discussing opportunities to enhance practices. The Delegation also looked forward to hosting representatives from a range of Offices in November at the inaugural Asia-Pacific Intellectual Property Office Forum, which would provide a significant opportunity to discuss common practice issues, current and future challenges and possible responses to address them. Work on a joint program of IP coordination with IP Australia had also commenced, aimed at enhancing coordination and achieving the long-term goal of a single seamless IP rights processing system for both countries. The Delegation also stressed that identifying ways to improve and enhance clients' experiences, and to streamline processes as much as possible, remained an integral part of IPONZ's work. It also recognized that where business regulation was easy to comply with, and compliance costs were balanced by resulting benefits to the community, it was more likely that compliance would be achieved. The Delegation further noted that IPONZ, over the past year, had increased the scope of services to include: an increasing range of online services through a new online assistance "self-service" function designed to provide clients with a simpler system for finding information and answers to questions on intellectual property; a facility for registered users to send trademark correspondence to the Office electronically, linking it directly with their application and receiving confirmation of receipt within minutes; and, an online search facility for all new registered design representations (older designs were being made available progressively). IPONZ had also completed a five-year project to electronically back-capture patent specifications, marking an important milestone towards its goal to make information more accessible. Over 90,000 patent specifications (3.5 million pages) were now freely available for searching online. The Delegation noted that New Zealand applicants had embraced the use of online systems and that around 83 per cent of all trademarks filed during the past year were done through online channels, an increase of eight per cent over the previous year, and more than 70 per cent of renewals were lodged online. IPONZ was also actively working with other organizations to reach potential clients and increase

understanding of intellectual property rights. A particular focus of the current public awareness and education strategy had been the building of networks with organizations having contact with innovators and entrepreneurs, with a particular focus on small and medium-sized enterprises and young creators. IPONZ also continued to maintain its presence at public events on innovation and had produced a series of new information sheets to promote understanding of the various protections available and their importance. Lastly, the Delegation noted a number of developments in New Zealand's intellectual property law reform program: the Geographical Indications (Wine and Spirits) Registration Bill had been introduced to Parliament and takes into account international developments since the Geographical Indications Act 1994 was passed; a Bill to amend the Copyright Act 1994 to take account of new technologies was expected to be introduced to Parliament following the General Election in September, and if passed, a national interest analysis would be undertaken to consider accession to the WIPO Internet Treaties; preliminary work had been undertaken on a review of the Copyright Act 1994 relating to commissioning of certain types of copyright works; a comprehensive review of the Patents Act 1953 had been completed, and submissions sought on an exposure draft, and it was expected that the Patents Bill would be introduced to Parliament by the end of the year; work had also been undertaken in the patents area in relation to the effect on research of the enforcement of patents over genetic material; a review of the Plant Variety Rights Act 1987 had been completed and an exposure draft Bill had been recently released and comments sought; a process for considering the possibility of acceding to the Madrid Protocol, Trademark Law Treaty and the Nice Agreement was under way; a review of the enforcement of the criminal provisions under trademarks and copyright legislation relating to counterfeiting of trademarks and pirating of goods had been initiated; and, the examination of the interface between intellectual property and traditional knowledge continued.

102. The Delegation of Nicaragua expressed its gratitude to the WIPO Director General and Deputy Directors General, and in particular to the members of the Bureau of Economic Cooperation for Latin America and the Caribbean, for the support given to Nicaragua in strengthening the national intellectual property system. It also urged that the cooperation programs for Nicaragua should continue to increase in effectiveness. It stated that Nicaragua had acceded to almost all the industrial property and copyright and related rights agreements, and wished to continue raising the standards of protection for intellectual property rights. It had also agreed to accede to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, and the final stage of accession to the Agreement providing protection for geographical indications was being completed. Another important task was the accession, in the medium term, to the Trademark Law Treaty, and the approval of the accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. The Delegation referred to the WIPO Regional Seminar, held in Managua, on Global Protection Systems (Marks, Industrial Designs and Appellations of Origin), as tools for enterprise competitiveness and efficiency in the administration of rights, in which the main government authorities from the whole of the Latin American region and the Nicaraguan private sector had participated. It stated that the results obtained in the implementation of the PCT had had a very positive impact in the country. As to marks and other distinctive signs, Nicaragua continued with the policy of granting registration for marks within a period not exceeding eight months, provided that they did not give rise to any opposition or objections. It should be mentioned that National Law 380 on Marks and Other Distinctive Signs provided for the protection of any sign which was suitable for distinguishing goods or services, including the protection of sound marks, certification marks, domain names and well known marks. The Delegation highlighted the support provided by the Industrial Property Office of the Republic of Chile, in

relation especially to the electronic filing of marks applications. Nicaragua was preparing the programs and requisite technology with a view to providing an electronic service for marks and other distinctive signs. In relation to protection of plant varieties, as a signatory to the International Convention for the Protection of New Varieties of Plants, 1978 Act, Nicaragua had acquired significant experience in becoming the first country in the Central American region to apply the *sui generis* system of protection. The establishment of a Qualifying Committee comprising specialists from different government institutions, research bodies, universities and specialized centers was an excellent practice in the light of the provisions of Law 318 on the Protection of New Varieties of Plants. The Government hoped to accede to the 1991 Act in 2010. As to copyright, the Delegation referred to the major advances achieved with the first collective management society known as NICAUTOR, which had approved legal personality and had received due authorization from the National Copyright and Related Rights Office (ONDADX) of Nicaragua. In that sense, Nicaraguan authors and performers enjoyed the support provided by the WIPO regional project and it was hoped that in the medium term the fees to be implemented for the use of musical works would be approved. ONDADX and the Directorate of Marks and Other Distinctive Signs had continued with their intensive work to strengthen the Intellectual Property Unit of the Public Prosecutor's Office and the Economic Policy Unit specializing in intellectual property crimes. Particular reference should be made to the Mexican Industrial Property Institute and Mexican experts in the field of collective rights management. The Delegation said that it supported the call for a diplomatic conference on the protection of broadcasting organizations, preferably in the first quarter of 2006 and, if it were necessary, to keep the subject on the Assemblies agenda. The Government of Nicaragua was preparing the foundations of Chapter 15 on Intellectual Property, contained in the Free Trade Agreement between Central America, the Dominican Republic and the United States of America, known by its acronym CAFTA-DR, the provisions of which constituted not only a regulatory framework for all States Parties, but would be transformed into a "harmonization" regulation, in relation to those aspects where no room for independent implementation by each member country existed. In that connection, the Delegation requested the support of WIPO for the introduction of such a policy. The Delegation also mentioned the work pending on a free trade treaty between the countries of Central America and the European Community, and highlighted the support provided by the European Patent Office and the Spanish Patent and Trademark Office, especially in the training of Nicaraguan officials. As for access to genetic resources, the Delegation mentioned that Nicaragua had acceded to the 1995 Convention on Biological Diversity, the Convention on the Conservation of Biodiversity and Priority Protection of Forest Areas in Central America and the Cartagena Protocol on Biosafety. Finally, the Delegation hoped that the necessary balancing points would be found in order to continue strengthening intellectual property rights, with a view to achieving economic, social and cultural development.

103. The Delegation of Norway associated itself with the statement made on behalf of Group B, and noted that in recent years Norway had expressed the importance of improving Member States' ability to monitor WIPO's economy and, in 2004, the Delegation had expressed serious concerns about WIPO's general financial situation and strongly encouraged the Organization to further increase its efforts within this field. The Delegation therefore welcomed the constructive work that has been done within the Secretariat in this respect, and was pleased to see that the draft Program and Budget for 2006–2007 reflected the introduction of cost saving measures and endorsed a new budget approach, both in the way the document was structured and in its content. The Delegation was however concerned about the deadlock with respect to the progress of the SPLT and the WIPO Development Agenda. It strongly believed that establishment of a substantive patent law treaty would be beneficial for all Member States, and that WIPO was the appropriate forum to further develop and harmonize

patent legislation. The Delegation noted the importance of continuing the discussions on the Development Agenda and encouraged all Member States to contribute to a positive progress. Concerning activities and development on a national level, the Delegation was pleased to inform the Assemblies that Norway would accede to the Geneva Act of the Hague Agreement within the next year, and would host a group of 20 trainees in collaboration with the WIPO Academy in November 2005. Also, World IP Day had been celebrated at the Norwegian Patent Office, and the Delegation noted that the rate of national patent applications had increased last year in correspondence with the positive trend in PCT-filings. The Delegation concluded by underlining its commitment to contribute to the success of the Assemblies in a positive and constructive way.

104. The Delegation of Poland congratulated the Director General and WIPO staff for the Program Performance Report for the Year 2004 and the Program Implementation Overview, January 1 to June 30, 2005, and expressed its satisfaction with the results achieved and the way WIPO was carrying out its work. The Delegation associated itself with the statement made by the United Kingdom on behalf of the European Union and its 25 Member States, including the comments made on the Development Agenda. The Delegation also noted the progress in the reform of the PCT system and welcomed the implementation of the reform-related amendments to the PCT Regulations. It looked forward to achieving useful results with the reform. The Delegation further stated that Poland's accession to the European Patent Convention on March 1, 2004, and its joining of the European Union on May 1, 2004, had opened a new page in the history of industrial property in Poland. Participation in the European patent system, the community trademark and industrial design systems had created new possibilities of legal protection for national and foreign applicants. Both accessions, as well as the amendments to the Industrial Property Law of June 30, 2000, had spurred organizational changes in the Polish Patent Office and increased cooperation with users of the industrial property protection system. Improving the efficiency of the application examination procedure and providing support to the Office's examiners would be necessary in order to achieve early results of the strategy launched at the Polish Patent Office (PPO) to shorten the time of granting protection. These steps were part of systematic activities to enhance the effectiveness of existing procedures over the next few years. Such activities also included the modernization of the PPO's information technology infrastructure in cooperation with the European Patent Office (EPO). Owing to substantial growth of Internet accessibility it had become possible to facilitate free-of-charge access to databases available on the PPO's web page. A number of projects had been initiated in cooperation with the EPO, including the EPTOS project allowing e-filing. PPO's goal was to create a modern integrated service platform for on-line communication between the Office and other users of the industrial property protection system over the next few years on the basis of the program "Improvement of the Competitiveness of Enterprises". Lastly, within the framework of the EU Transition Facility Program on Enforcement of Intellectual and Industrial Property Rights, the PPO would ensure on-line exchange of information with customs services, police prosecutor's office and border guards.

105. The Delegation of the Republic of Moldova thanked the Director General and the Secretariat for the preparation of the Assemblies, and it welcomed WIPO's efforts to revitalize and strengthen WIPO's contribution to economic growth and welfare worldwide, and, along with other UN Agencies, to the attainment of the Millennium Development Goals. The Delegation was confident that the recognition of the role of knowledge and innovation in contributing to development was one step further in facing global emergencies, and noted that the transformation of knowledge into high quality and accessible goods and services required the strengthening of the national infrastructure for research and development activities, and

enhanced international cooperation. The Republic of Moldova was improving the environment for research and development by means of a long-term strategy that was placing science and research at the forefront of national economic development. The strategy included measures such as improving the legal framework related to research and development, consolidation of the scientific infrastructure, capacity building and human resource development, and encouraging entrepreneurial activities based on new technologies. The Delegation stated that the State Agency on Intellectual Property, created last year by merging the Industrial Property and Copyright Offices into a single body, was playing an important role in this initiative. In addition, numerous activities directed at sustaining and encouraging the transformation of innovations and creations into valuable tangible assets had been undertaken during the past year, and a series of thematic conferences and symposia had been organized, in cooperation with the Moldovan Academy of Science and the National Agency for Technology Transfer, with the participation of the United States of America and European Union Research Programs and Funds. The Delegation also welcomed WIPO publications and advice on IP as a tool for economic growth, and encouraged WIPO to continue its work on this particular issue. The Delegation further stressed the importance of the establishment of a modern IP protection and enforcement system, and noted that the State Agency on Intellectual Property was in the process of improving IP laws and regulations, bringing them in line with the latest developments in international law, including changes in the Patent Law following the entry into force of the Patent Law Treaty and preparations for the implementation of the 8th edition of the IPC. The Delegation also mentioned that in accordance with the Partnership and Cooperation Agreement between the Republic of Moldova and the EU, national IP laws were being harmonized with the EU Directives and Regulations, and in this regard, industrial property laws on patents, trademarks, industrial designs and protected names were expected to be amended by the end of 2006. The EU Enforcement Directive and the TRIPS provisions on enforcement would also be implemented, being part of a wide action plan to enhance the fight against counterfeiting and piracy. In the same context, measures for ensuring an effective cooperation between government institutions involved in anti-counterfeiting and anti-piracy activities were being implemented, and a National Commission for IP Enforcement Issues would be established in the near future. The Delegation also highlighted the upgrading of the enforcement of copyright, by way of introducing sanctions for copyright and related rights infringements in the Penal Code in December 2004. At the international level, the Delegation welcomed the activities of the WIPO Advisory Committee on Enforcement, including the creation of the Electronic Forum for countries to share experiences. The Delegation also attached great importance to capacity building and highlighted national efforts in this regard, while, at the same time, commending the training courses organized by the WIPO Worldwide Academy, where the expansion of the Distance Learning program was seen as an important achievement. Lastly, the Delegation appealed for WIPO's and Member States' support for the restoration of the State Agency on Intellectual Property's archive and printing house following their destruction due to torrential rain in Moldova in August 2005.

106. The Delegation of the Russian Federation expressed support for the statement made by the coordinator of the Group of Countries of Central Asia, the Caucasus and Eastern Europe and said that intellectual property matters and the protection of the rights to use IP were becoming ever greater priorities, not only at the national and regional levels, but also on the international agenda. That fact was justified from the view that intellectual property was one of the key factors for sustainable development of both the national and global economies. The countries which provided the basic sources of intellectual property results strived to create legal frameworks regulating their use. In that connection, national legislation and law-enforcement practice were being applied and refined. The policy designed to protect the

results of intellectual property was based on the desire to achieve a fully-fledged competitive market. The provision for inventors, scientists, writers, artists, businessmen, etc. of the protection of the rights for their works not only allowed their own contributions to be returned to them (both financial and intellectual), but also constituted the greatest possible stimulus for the creation of new works, goods and services. Great importance was attached to developing the intellectual property system both at the national and international levels, and WIPO was viewed as an international organization recognized as being at the forefront of that process. In that connection, the Delegation expressed support for the Program and Budget for the 2006-2007 biennium and also approved the new vision held by WIPO in relation to the role played by intellectual property in the modern world, the strategic aims defined in the Program for the coming biennium and the new structural approach used in formulating the priorities for activities and specific programs. It also noted positively the more balanced approach to staff policy, and the efforts recently made by the Organization to provide realistic and justified income forecasts. It was hoped that the efforts made by the Secretariat in that direction would be maintained in the future. Expressing support for the general budget for the biennium, the Delegation noted the need to devote particular attention to the relationship, including in financial terms, between the different programs, a more detailed account of the interests of the Member States, and increased transparency in relation to the Organization's expenditure. In that connection, support was expressed for the establishment of an Audit Committee. Having defined the priority development of the IP system, the Russian Government was taking steps to improve Russian legislation and law enforcement practice, and to increase the potential for innovation and its maximum possible application in the interests of society. Measures were being devised for the effective use by the State of intellectual property subject matter, refinement of the normative and legal base, and the creation of a system of economic stimuli to commercialize research and developments generated using federal budget resources. WIPO's assistance and support in that sphere were of great significance, especially in the development of a system to protect copyright at the national level. The Russian Federation was, in the same way as many other States, addressing the issue of research into economic aspects of copyright and its influence on the national economy and the Delegation was grateful to WIPO for the method-related and financial support for such research. The processes of economic globalization and the upheaval caused by technological development posed new and serious tasks for WIPO. Special attention should be paid to the role defined by the Member States of the United Nations when signing the Convention Establishing the World Intellectual Property Organization, and also WIPO's leadership should be strengthened in the implementation of international cooperation as it pertained to intellectual property. The Russian Federation was particularly pleased to note the signing between Rospatent and WIPO of a Memorandum of Understanding, aimed at taking practical measures to strengthen and improve the system of protection for intellectual property rights in Russia. In June 2005, a regional consultation meeting had been held in Russia for the countries of Central Asia, the Caucasus, and Eastern Europe, as part of the Regional Consultations on the Protection of the Rights of Broadcasting Organizations, organized by WIPO. Support was expressed for the decision taken by the regional meeting to hold a diplomatic conference on the protection of the rights of broadcasting organizations and the Delegation considered that the establishment of such an international legal instrument would be a further step towards providing protection for the interests of rights owners and of society as a whole. Many issues were to be examined during the current meetings in relation to the activities of WIPO. The results of the activities previously undertaken were reflected in the documents provided, for which the Russian Federation wished to thank the Secretariat and the Director General personally. In conclusion, the Delegation emphasized that WIPO possessed the necessary and unique potential to play a leading role in the international regulation of intellectual property matters and to provide substantive assistance for the economic development of the Member States and

stated that the most important condition in the improvement and development of international intellectual property legal standards was the goodwill of all WIPO Member States and a combination of efforts in the search for mutually acceptable solutions and the achievement of a consensus.

107. The Delegation of Saint Vincent and the Grenadines considered an effective IP regime critical for enhancing national competitiveness, as the State sought to meet the challenge of economic diversification in an increasingly knowledge-based global society. The Delegation recalled the willingness of Saint Vincent and the Grenadines and other Caribbean nations to cooperate with WIPO to take their IP systems beyond the mere administration of rules, and secure a place for the Caribbean region on the frontier of wealth creation. The Delegation expressed the view that the WIPO-Caribbean Technical Cooperation Agreement of 2003 exemplified the Director General's commitment to expanding the development dimension of the Organization even before the expansion of trade in intellectual capital had brought the development mandate of WIPO and other international organizations into sharper focus. The Delegation further stated that as Saint Vincent and the Grenadines undertook the strengthening of its national infrastructure for the protection, promotion and enforcement of IP rights, capacity building ranked high among its priorities. The Delegation therefore thanked WIPO and the Intellectual Property Office of Trinidad and Tobago, respectively, for the technical assistance and training provided to the Commerce and Intellectual Property Office of Saint Vincent and the Grenadines. The Delegation reported that, since the last session of the Assemblies, positive developments in its national IP system had included the passage of legislation governing the protection of industrial designs and typographies of integrated circuits, and there had been a steady increase in the number of trademark applications. Notwithstanding the progress achieved, the Delegation was aware of the great gap to be bridged in order to render its IP system an effective mechanism for full integration into the global economy. The Delegation therefore considered it critical to achieve greater correlation between the rate of implementation of the WIPO-Caribbean Cooperation for Development Project and the rate of transformation of the international trading environment. To this end, the Delegation requested that the Project objectives be adequately supported within WIPO's budget. Lastly, the Delegation supported the work of the IGC, and stated that Delegations of the Caribbean Community had recently given consideration to factors that should inform the development of national instruments in this regard. The Delegation affirmed its commitment to deepening its cooperation with WIPO and to supporting the social, cultural and economic enrichment of all nations.

108. The Delegation of Slovakia commended the Director General for his management and WIPO staff for their commitment, dedication and professionalism. The Delegation appreciated WIPO activities to demystify the role of IP at the general public level, and noted that the Program Performance Report and the Program Implementation Overview provided a transparent synopsis of the implemented activities. Concerning the proposed Program and Budget for 2006-2007, the Delegation commended the Secretariat for its new budgetary policy within a result-based management approach, and it welcomed the fact that the Secretariat had proposed a balanced budget and not a fee increase. As to the adoption of a predictable forecasting model for the PCT, the Delegation believed that it would meet all its expectations and would give impetus to the development of a similar model for the Madrid system. The Delegation further welcomed the establishment of an audit committee, and noted that the participation in the committee of representatives of Member States and of the Secretariat would guarantee an efficient and transparent fulfillment of its objectives. The Delegation also supported the important role and work of the IGC. Regarding the implementation of effective tools for protection of IP rights in the digital environment, the

Delegation commended WIPO's activities and results in the field of domain names under the WIPO Arbitration and Mediation Center. With regard to national developments, the Delegation emphasized Slovakia's efforts to raise public awareness about IP, its real importance and strategic role for business and economic growth. The Delegation further noted that the long-term objective of the Slovak IP Office was to become a partner for companies in creating and integrating their IP strategy into overall business strategy. In addition to its regular services, such as access to databases and educational activities, the Office was also encouraging and supporting entrepreneurs in a practical way, including by awarding a biannual medal and a financial prize for the best Slovak inventor. Furthermore, to enhance contacts with the public, the Office had opened 10 Contact and Information Points and Patent Information Centers, which main role was to answer basic questions, to inform about possible ways of IP protection, and to make available basic IP literature. A new initiative of the Office was the establishment of Information and Advisory Points for Innovation (INNOINFO), the purpose of which was to provide systematic assistance for SMEs and to foster innovation activities, promote creativity, skill, entrepreneurial spirit and cooperation in a practical and creative way. The Delegation also underscored the importance of SMEs in the social and economic progress of Slovakia, and noted that the Office was co-operating with the National Agency for Development of Small and Medium-Sized Enterprises as well as with the Chambers of Commerce to exchange information on relevant educational activities and to ensure accessibility of all relevant information. The Delegation underlined the growing importance of innovations, which necessitated the creation of a favorable environment by drafting a new legislation, of which the draft proposal was expected to be adopted in the course of 2005. The Slovak Industrial Property Office had also joined WIPO and other IP Offices in celebrating World IP Day with a variety of professional and cultural events, and the Delegation thanked WIPO for its support and assistance provided to the Slovak Industrial Property Office. The Delegation, in particular, was pleased with the technical assistance provided in the framework of the cooperation between WIPO and the TAIEX Office. The Delegation concluded by stressing that the cooperation between WIPO and Slovakia would continue to strengthen IP rights in the country.

109. The Delegation of Spain underlined the importance of the subject of intellectual property for its country, particularly in relation to cooperation work. With reference to industrial property, the Spanish Patent and Trademark Office (OEPM) considered that in the debates in WIPO on a Development Agenda it was necessary to introduce a new concept of cooperation, the cornerstone of which would rest on the exchange, coordination and preparation of joint cooperation agendas, with constant consultation and taking into account the real needs of recipient countries. The Delegation referred to the Memorandum of Understanding with WIPO through which the OEPM had established an annual trust fund for a "joint agenda" of cooperation. Through the fund, a series of dissemination and awareness-raising activities were funded in relation to the benefits of industrial property systems, training activities for various public representatives, workshops for the definition of common procedures or practices at the subregional level and exchange of experiences and training in spheres such as the transfer of technology. The Delegation also cited the OEPM's efforts regarding the dissemination of information technology, such as the progress made in the LATIPAT project on electronic publication of patent applications for Ibero-American countries. Through the project, the OEPM intended to contribute, in collaboration with WIPO and the European Patent Office, to the generation of a collection of Spanish patent documentation, and to strengthen the links in relation to patents throughout the Ibero-American community. The database contained about 400,000 patent files from 12 Ibero-American countries. The Delegation also referred to the Third Regional Seminar for Judges and Prosecutors from Latin America, organized in collaboration with WIPO, the

European Patent Office and the General Council of the Judiciary of Spain, held in October 2004, the fourth edition of which was scheduled for October 2005. In June 2005, a practical inter-regional seminar had been organized on marks and common aspects of industrial property, designed for staff from the Ibero-American offices. The Delegation highlighted the developments made in the Ibero-American Search and Information Technology (CIBIT) program, in progress since 2002, which constituted a new form of cooperation in the Ibero-American community for training in the management of information technology search reports. The Delegation referred further to the possibility of filing European and international patent applications by electronic means, on offer since 2004, and to that of filing applications for marks and trade names by electronic means, which had existed since 2005. It praised the most recent approval of the electronic communications work plan within the framework of the Patent Cooperation Treaty (PCT). The Delegation referred to the establishment of a telematic register within the OEPM for the receipt, processing and dispatch of applications, reports and communications relating to certain procedures. The digitalization of the archive was also advancing rapidly, which would allow the scientific community, inventors and citizens in general to access the complete documentation of patent records by electronic means. The OEPM was working increasingly within the PCT system as an International Searching Authority and an International Preliminary Examining Authority. The Delegation highlighted the activities against the infringement of industrial and intellectual property rights, such as training activities for judges and prosecutors, and the development of statistics on piracy, in collaboration with the Police, Civil Guard and Customs. In addition, a campaign was planned to raise the awareness of consumers in cooperation with town halls and other public authorities. As to copyright, the Delegation referred to the 2003 Memorandum of Understanding between the Ministry of Culture and WIPO. Within the framework of that agreement, joint cooperation for development activities had continued, as well as consultations and exchange of information between individual authorities with specific competence in the field. The Delegation mentioned the participation of the Ministry of Culture in the Third Regional Seminar for Judges and Prosecutors from Latin America, held in Guatemala in 2004, and organized by WIPO, the European Patent Office and the OEPM, with the collaboration of the General Council of the Judiciary and the Spanish International Cooperation Agency. It referred also to participation in the Second Regional Seminar on Intellectual Property for Judges and Prosecutors from Latin America, held in Madrid in 2003, and the joint activity with the Management Authority for Rights of Audiovisual Producers (EGEDA), in the seminar held in Buenos Aires in April 2005 on the subject of audiovisual works. It further highlighted the participation of the Ministry of Culture in the postgraduate course known as “the challenges of intellectual property in Latin America and the European experience”, held in Toledo in 2005, as an initiative promoted by the *University of Castilla-La Mancha*, designed for Latin American legal experts. The Delegation also referred to the Third Forum on Copyright and Related Rights, held in Guatemala in April 2005, intended for Ibero American judges and magistrates, and to the granting of scholarships for Ibero-American professionals with a view to a three-week stay at the Ministry of Culture. That Ministry had promoted a comprehensive plan for the reduction and eradication of activities infringing intellectual property rights, as a basic institutional reference instrument in the fight against the piracy of literary, musical and cinematographic works and software, involving a whole range of affected participants, as well as eleven Ministries, Autonomous Communities and local entities, with the active collaboration of intellectual property rights management bodies, information and communication technology industries, and consumers. The Plan established five series of measures: cooperation and collaboration, prevention, awareness raising, norm setting and training. Finally, the Delegation highlighted the experiments and collaboration undertaken with the Public Prosecutor’s Office for the training of its members in the field of copyright.

110. The Delegation of Swaziland associated itself with the statement made on behalf of the African Group and thanked the Director General and WIPO staff for their support and assistance to Swaziland, such as the training of university lecturers and enforcement officials. The Delegation noted with interest the recent developments in norm setting activities and treaty formulation within the WIPO Standing Committees, and it looked forward to progress in the areas of traditional knowledge, genetic resources and folklore, areas in which Swaziland intended to comply with international standards of law enforcement. The Delegation also commended WIPO for activities aimed at empowering SMEs. Furthermore, the Delegation had taken note of the income shortfall and the slight rise in income expected for WIPO in the biennium 2006-2007, and was concerned of the impact that such a shortfall had on the cooperation for development activities which were a priority for developing countries. The Delegation hoped that a balance would be reflected between the interests of developed and developing countries so that all would share the benefits from WIPO membership. Lastly, the Delegation reiterated its requests for assistance after amendments and enactment of relevant legislation, in areas such as: patent utility models and industrial designs legislation; patent regulations; copyright and neighboring rights legislation; establishment of a copyright office; training, including on enforcement; automation assistance; and, IP awareness raising programs.

111. The Delegation of Sweden supported the statements made by Switzerland on behalf of Group B and the United Kingdom on behalf of the EC and its Member States. The Delegation emphasized its support for the development of an international IP system which promotes economic, social and cultural development for all, and underscored its commitment to multilateralism in general and to WIPO in particular. It noted that Sweden was committed to take forward the work on the proposals on establishing a development agenda for WIPO, the work of the IGC, and to agreeing upon a future work program for the SCP on patent law harmonization, aiming at improving patent quality and reduction of the duplication of work. The Delegation also underlined the importance of an agreement in the near future on the issue of disclosure requirements in patent applications. In the field of trademarks, the Delegation noted that significant progress had been made in the SCT, most notably with regard to the draft revised Trademark Law Treaty, which had been successfully prepared for a Diplomatic Conference. A review of the Madrid system had also begun, and the Delegation considered these to be important steps towards simplified and effective procedures for trademark registrations. Sweden was also pleased to note that the work of the SCCR on a treaty concerning the protection of the rights of broadcasting organizations now was ready to be concluded by a Diplomatic Conference in 2006. The Delegation noted the importance of the work of the Advisory Committee on Enforcement and supported the convening of that Committee at appropriate intervals during the following biennium. Furthermore, the Delegation appreciated its cooperation with WIPO in the organization of three annual SIDA-financed programs relating to various aspects of IP in the global economy; on copyright, industrial property and one specifically targeting LDCs. The Delegation also informed the Assemblies that the Swedish Copyright Act had been revised to implement the EU Directive on the harmonization of certain aspects of copyright and related rights in the information society (2001/29/EC) and the Swedish Parliament had approved of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and Sweden had therefore fulfilled the requirements to be able to ratify these treaties. Ratification would take place at the same time, and together with, the rest of the Member States of the European Union.

112. The Delegation of Switzerland wished to join the other delegations in thanking the Director General and the Secretariat for the work done in the course of the year and for the quality of the documents submitted to the Member States. It fully endorsed the statement made on behalf of Group B. Concerning the draft Program and Budget for the 2006-2007 biennium, the Delegation expressed its satisfaction that it was a balanced draft budget with increased allocation of funds for development and with reserves maintained at a reasonable level, without any increase in fees. It therefore fully supported its adoption. However, it also expressed the wish that core activities of the Organization should not be forgotten, namely the international registration of intellectual property titles, norm-setting activities and technical cooperation activities, so that WIPO could continue to play its role on the international scene. It considered it to be essential that adequate means be allocated to those sectors. The Delegation also fully supported the adoption of the Internal Audit Charter and the establishment of the audit committee, and noted with satisfaction the decision of the Secretariat concerning external management of the new construction. The various measures constituted a response to the recurrent recommendations of the External Auditor and also provided a useful contribution to the implementation of certain recommendations of the United Nations Joint Inspection Unit (JIU). In that respect, it strongly encouraged the Organization to continue its cooperation with the JIU and with Member States so that all JIU recommendations could be duly processed and implemented. It then explained that substantive patent law harmonization remained one of its major objectives that was to be pursued both for national Offices and for users of the system and the public at large. It expressed the wish that work in that area be recommenced as quickly as possible at WIPO. The Delegation then mentioned its active participation in work on establishing a work program for the Standing Committee on the Law of Patents (SCP) and noted the concerns of the other delegations on genetic resources and on the links between intellectual property and development in particular. It considered it important that the work and discussions in hand in those other sectors achieve results. For that reason, the Delegation had made a proposal at the previous SCP meeting establishing a link between four priority topics of patent law harmonization for the SCP (prior art, grace period, novelty and inventive step), and two topics on genetic resources for the IGC (sufficiency of disclosure and genetic resources), with a view to the convening of a Diplomatic Conference on those topics while continuing at the same time to give thought to development issues. It expressed satisfaction with the progress of the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and the positive results and practices which had been achieved. It was therefore in favor of extending the present mandate of the Committee for the forthcoming biennium. It expressed support for the current proposal to create a voluntary contribution fund, even though it had always previously supported direct WIPO financing of the participation of indigenous and local community representatives in the Committee discussions (although that proposal had not achieved consensus within the Committee). The Delegation also supported the proposal for convening a Diplomatic Conference on the protection of broadcasting organizations in 2006 in Geneva. It then reviewed the various developments concerning intellectual property legislation which had occurred during the year at national level. The revision of the Swiss Law on Patents had continued in order to provide appropriate protection for biotechnology inventions while incorporating clear limits to avoid obstacles to research and to guarantee an appropriate balance between the interests of the patent owners and those of the community. The revision process aimed to adapt Swiss legislation to the latest international patent agreements including the WIPO Patent Law Treaty (PLT), the latest revision of the European Patent Convention and the Agreement on the Languages of the European Patent Office (EPO), and the solution adopted by the World Trade Organization (WTO) General Council at the end of August 2003 concerning the simplification of access for developing countries to

pharmaceutical products protected by a patent. It added that the revision of the Swiss Law on Copyright had continued with a view to encouraging creation and maintaining a fair balance between the interests of the different players concerned: creators, the cultural economy, users of works and services protected by copyright, and the information society in general. That revision would allow Switzerland to ratify the WIPO Internet treaties (WCT and WPPT). With respect to international cooperation activities, Switzerland had maintained its involvement in various international fora and in bilateral activities for intellectual property development, particularly in international activities concerning the protection of genetic resources, traditional knowledge and folklore, the Convention on Biological Diversity (CBD) and the WTO TRIPS Council. With respect to WTO, Switzerland had continued to promote the improvement of international protection for geographical indications, in particular through the extension of the additional protection provided under Article 23 of the TRIPS Agreement to the geographical indications identifying all goods. Among the technical cooperation activities undertaken by Switzerland, the Delegation mentioned continuation of the cooperation program it had developed together with the Vietnamese Intellectual Property and Copyright Offices, launched in June 2001, and particularly the visit to the Federal Intellectual Property Institute of members of the Vietnamese authorities, along with parliamentarians and judges, with a view to receiving intensive training in all areas of intellectual property, particularly on patent law, technological information, counterfeiting and piracy.

113. The Delegation of the Syrian Arab Republic noted the significant developments which had taken place during the foregoing year in the field of IP, in particular, accession by the Syrian Arab Republic to the World Intellectual Property Organization (WIPO) and to the Nice Agreement, the entry into force of the Madrid Agreement and Protocol (with over 300 international applications designating Syria), and the implementation of procedures for the reception of applications under the PCT national phase. Various events had also been organized in cooperation with WIPO in the field of IP, namely: a Seminar on Intellectual Property and the Protection of Pharmaceutical Products; a seminar on registration procedures under the Madrid Agreement and Protocol, for trademark agents, businesses and industry; and, a seminar on international trademark registration procedures under the Madrid Agreement and Protocol. The Delegation emphasized that the Ministry of Economy and Trade was committed to make further efforts towards the enhancement of the role of IP and the promotion of an IP culture. In that regard, a fifth introductory book on IP had been published. Work was also underway for the automation of office procedures, the progressive decrease of paper work, the creation of an electronic archiving system, the development of a new draft law for the protection of industrial and commercial property, and the creation of a network connecting the various cities. Finally, the Delegation expressed gratitude for WIPO's continuous cooperation with Syria and for the efforts made by the Organization, under the leadership of its Director General, in addressing the challenges of IP. The Delegation also commended the Director General's continued success in enhancing WIPO's performance and work efficiency.

114. The Delegation of the former Yugoslav Republic of Macedonia noted that the State Office for Industrial Property in 2005 had started the preparations for the enactment of the Law for Changes and Additions to the Law on Industrial Property - the final piece of industrial property rights legislation - which confirmed Macedonia's determination to harmonize its domestic legislation with the *acquis communautaire* in this area. The enactment of this Law would facilitate harmonization with the EU Directive 98/44/E3 for legal protection of biotechnological inventions. The incorporation of this directive in the Law on Industrial Property from 2002 was postponed because more thorough analyses and consultations were deemed necessary. Macedonia would, however, again seek the opinion of

WIPO experts on the changes to the law. The Delegation also highlighted the enactment of the Law on Customs Measures for the Protection of Intellectual Property Rights, as well as the related secondary legislation, which would significantly enhance the efficiency of the enforcement of industrial property rights as well as copyright and related rights. The Delegation further noted that Macedonia was facing a significant step in its readiness to acquire the status of a European Union Member State, and was in this context preparing the National Program for the period 2006-2010, to which end, the necessary industrial property legislation had been harmonized, after comprehensive analyses of the implications of Macedonia's upcoming accession to the Patent Law and Trademark Law Treaties and the Vienna Agreement. In addition, Macedonia had enacted the Law on Ratification of the Geneva Act of the Hague Agreement. The Delegation further noted that the State Office for Industrial Property had initiated the formation of a Coordinating Body for Industrial Property within the Government, whose main task was to improve the functioning of an integrated system of protection and enforcement of industrial property rights. The Delegation believed that an efficient enforcement of such rights involved a quick exchange of information related to the registered and protected rights available within the Office, and access to the electronic databases at the Office would be available through the internal network for the entities involved in the protection and enforcement of the rights, while another access would be open to all other users through the web site. The Project for Assistance to the State Office of Industrial Property, 04/MAC01/04/002, financed by the EU, commenced in September 2005, and would establish a legal and regulatory framework in the field of industrial property and provide a collaborative IT supported platform for institutions responsible for enforcement of industrial property rights (police, customs, public prosecutors, inspectors and courts). The IT platform would provide the required services for interested parties and the operation of the State Office of Industrial Property would be strengthened in order to maintain and support the development of an efficient and effective protection of industrial property rights and enable the collaborative institutions to act ex-officio for the enforcement of such rights. Regarding cooperation with WIPO, the State Office for Industrial Property had organized a seminar "Some aspects of the trademark protection", held in Skopje, in June 2005, and a joint CARDS Regional Workshop for Managers and Staff of Small and Medium Sized Enterprises (SMEs) would be held in Skopje in October 2005. In the area of bilateral cooperation, the Delegation highlighted the cooperation with the Turkish Patent Institute and the Albanian Patent and Trademark Office. Regarding copyright and related rights, the Delegation recalled that the Ministry of Culture was the responsible government authority for copyright and related rights protection and legislation in Macedonia. The supervision of the implementation of the Law on Copyright and Related Rights were performed by culture inspectors who, in 2004, had conducted 107 inspections, of which 48 had been requested by rights holders, while 59 had been performed "ex officio". Furthermore, 79 initiations of a misdemeanor procedure had been passed on to competent court bodies, and 10,947 pirated goods had been temporarily seized. In 2005, over 40,000 pirated goods had been confiscated due to coordinated action, common inspections and exchange of information with the Organized Crime Inspectors in the Ministry of Interior and the State Market Inspectorate of the Ministry of Economy. To further strengthen inspections, the culture inspectors had received training and technical equipment within the framework of the CARDS IPR Program 2002, financed by the European Agency for Reconstruction, and the Ministry of Culture had organized, in cooperation with UNESCO, an Anti-Piracy Training Seminar in April 2005, which was a follow-up to the Anti-Piracy Training for Trainers Seminar which had been held in 2004 in Sofia, Bulgaria. The Delegation further informed the Assemblies that a Coordination Body for Copyright and Related Rights had been established as an inter-ministerial body, in order to strengthen and coordinate all government efforts in this field. In order to ensure an integrated approach, the Government had adopted, in June 2004, a program and action plan for the effective

implementation of the protection of copyright and related rights, and the Coordination Body would submit, by the end of 2005, information to the Government on the implementation of various measures and activities in progress. The Delegation concluded by mentioning major upcoming national developments and activities in the field of copyright and related rights such as: changes and additions to the Law on Copyright and Related Rights, harmonized with the relevant EU Directives; transposition of the Customs Measures Regulation; preparation of an action plan for complete effectuation of the protection of copyright; enhancing the coordination with other competent inspection authorities; human resource development; monitoring of broadcasting organizations to gather evidence for eventual misdemeanors and criminal procedures; creation of necessary prerequisites for the establishment of collective management organizations; continuation of the public destruction of pirated objects; promotion of public IP awareness; and, establishment of a web portal.

115. The Delegation of Uganda stated that during the past year cooperation between WIPO and Uganda had continued to grow and remarkable results had been achieved. Technical assistance in the area of training and capacity building had been provided in all fields of IP through seven cooperation programs, targeting staff, policy makers and private sector actors including SMEs. WIPO's facilitation of national, regional and international workshops was critical to disseminate information on global topical issues in the protection and development of IP, and the Delegation noted that the interaction between various international experts, regulators/registrars, policy makers, users and rights owners was the most effective way of promoting IP protection and development. The Delegation agreed with WIPO that dissemination of IP information among SMEs was of strategic importance, and in this regard a baseline survey for the needs assessment of SMEs in Uganda had been initiated. WIPO had also initiated and supported an IP Audit in Uganda, and a Strategic Planning Workshop was to be held in October 2005 to help the country formulate a national IP Policy. The Delegation further mentioned that WIPO had conducted a preliminary survey, training and technical installations for the automation of the registration of trademarks. The Delegation appreciated the role of WIPO and its vision on the Development Agenda for the LDCs, and noted that the promotion and protection of IP rights were given priority in the national policy framework of the Poverty Eradication Action Plan, as IP was expected to help in the eradication of poverty through more wealth creation. However, the Delegation remained concerned about the progress of the work of the IGC, and stated that like other LDCs and developing countries, Uganda had great interest in positive IGC outputs and outcomes, and the Delegation looked forward to making progress at the present Assemblies on issues affecting the work of the IGC and other policy programs that had stagnated over the past period. The Delegation concluded by welcoming WIPO's current policies towards LDCs and associated itself with the aspirations of the Assemblies.

116. The Delegation of Ukraine stated that in the context of the rapid progress of the modern global community, creation played one of the most important roles and constituted a fundamental part of IP, and in order to achieve economic and social prosperity, each country needed a system of legal IP protection. The Government of Ukraine was devoting significant efforts to establishing such a system for the development of the economy, which would be impossible without the broad involvement of the national intellectual resources and the provision of reliable protection for the rights of authors and creators of modern high-level technologies. The Delegation further noted that during the years of independence, Ukraine had created a normative-legal base in the IP field, which corresponded to basic international norms and standards, had introduced active mechanisms for the implementation of legal norms, and had developed an executive infrastructure. This had helped to establish a modern IP market which was a prerequisite for Ukraine's admission to the World Trade Organization

and integration into the European Community. Furthermore, Ukraine attached particular importance to the demystification of IP at all levels of the Government, which had facilitated better informed and balanced decisions, aimed at supporting the use of IP in investment, transfer of technologies, creation of new trademarks, preservation of the authenticity of culture, improvement of the intellectual capital of individuals and the creation of new employment. Significant successes could also be observed in the area of IP training. Currently, 16 higher education institutions in Ukraine had licenses for the training of specialists and awarding of Masters Degrees in IP. In addition, a scientific training and production center, the "Intellectual Property Academy", had recently been set up to facilitate the training of specialists, providing study courses for judges, law-enforcement representatives, customs and tax authorities, and for other specialists linked to the protection of IP rights. The Delegation supported WIPO's activities aimed at strengthening the legal protection of IP worldwide and enhancing cooperation between countries and regions, as well as the reform of the Patent Cooperation Treaty system and the International Patent Classification (IPC). The Delegation expressed its gratitude for WIPO's contribution to the development of the national IP system in Ukraine, in particular for the seminars held on the introduction of the eighth edition of the IPC and use of the Internet version of IPC-8, the retraining of Ukrainian specialists in IP, and the organization of a fact-finding visit for the winners of the All-Ukrainian Competition for the Protection of Scientific Research Works for students of the Junior Academy of Sciences of Ukraine. Moreover, the Delegation expressed its concern regarding the observance of the principle of balanced representation of Member States among WIPO staff members, and noted that the regional group of Countries of Eastern Europe, Central Asia and the Caucasus was insufficiently represented in the WIPO Secretariat. The Delegation further stated that in light of the acceleration of the processes of globalization and the strengthening of the role played by international organizations, it was urgent to reconsider talks about holding a high-level meeting during which Heads of State, political activists and business representatives could meet and exchange ideas relating to the importance of IP, its protection and use in the global and national economies. Such a meeting would allow a number of the current problems in the area of IP, which required immediate resolution, to be defined, and would offer a unique opportunity to discuss those issues and to facilitate the development of a new qualitative model for the development of international relations in the IP field. The Delegation proposed that WIPO examine the possibility of holding such a high-level meeting under its auspices. Lastly, the Delegation urged WIPO to provide all-encompassing support for countries with economies in transition to further develop the necessary infrastructure and human resources for the use of IP as an important development tool.

117. The Delegation of the United Republic of Tanzania associated itself with the statements made by the Delegation of Morocco on behalf of the African Group, the Delegation of Benin on behalf of LDCs and the Delegation of Argentina on behalf of the "Friends of Development", and congratulated WIPO on the exceptional and outstanding results it has achieved since the last session of the Assemblies. The Delegation had closely followed the work of the IIM and strongly supported the continuation of its mandate, as it was the conviction of the United Republic of Tanzania that the evolution of an effective international IP protection system should be balanced by taking on board of clearly designed international development strategies for the benefit of developing countries and LDCs. Enhanced IP protection systems should not be an end in themselves but a means to achieving a well-balanced economic system which would benefit all nations. Finally, the Delegation supported the proposal of the Delegation of Singapore to host a Diplomatic Conference for the TLT in March 2006 and thanked the Delegation for its commitment to facilitate the participation of developing and least developed countries in that important conference.

118. The Delegation of Uruguay said that its government attached great importance to the debates conducted in the Assemblies and considered them to be of enormous significance for the Organization and the member countries. It requested that the decisions reached take into account the interest of all parties and that they promote access for developing and the least developed countries (LDCs) to the benefits of the intellectual property system, with a balanced and flexible focus. Intellectual property protection could fulfil important functions in scientific and technological development, as well as in the commercial development and competitive strategy of enterprises, and for that reason the strategic plan for the coming five years was designed to foster the promotion of innovation, the addition of value to exports through the promotion of industrial property instruments and the development of the cultural industries. The Delegation described the essential outlines of that new focus, the purpose of which was to devise an intellectual property policy: (a) the promotion of innovation and inventive activity through the dissemination of knowledge on patents and technological information in research and development strategies, in the sense that industrial property was a strategic ally of the national system of science, technology and innovation, for which reason efforts were being made for continuing participation in the project for the creation of the LATIPAT database. The Delegation referred to the creation of the Innovation Office, the precursor to an innovation agency, with the task of promoting and fostering innovation, science and technology, promoting inter-institutional coordination, and linking social and productive needs with scientific, technological and innovation capacities; (b) the promotion of the use of distinctive signs by small and medium-sized enterprises, whereby the purpose of the National Directorate of Industrial Property was to disseminate and promote underused distinctive signs such as collective marks and geographical indications, jointly with WIPO, in the preparation of a program to be implemented during 2006 and 2007; (c) the priority strategic guidelines of the recently established Copyright Council, relating to the dissemination of copyright protection, the incorporation of the teaching of that subject at all levels, the creation of specialized university institutes as a tool for protecting and generating value for incipient cultural industries in the sphere of music, cinema, video, software etc., which had demonstrated a high level of dynamism, market penetration and strong attraction for performers and young entrepreneurs. Another focus of attention was the search for solutions allowing universal access to knowledge, which was essential in the fight against poverty and inequality; (d) the strengthening of coordination policies between public and private institutions and in the promotion of cooperation and networking, for which purpose the establishment of an inter-institutional intellectual property group had been proposed, charged with coordinating the country's domestic and foreign policy in that regard. The Delegation said that it was vitally important for countries to be able to absorb knowledge, use it and adapt it to their own purposes, a process which required the effective transfer of technology and of "tacit" knowledge which could not be easily decoded. It explained that since the Uruguay Round developing countries had been supporting the increase in intellectual property protection subsequently implemented by developed countries in favor of their own enterprises. Those who took decisions on a State's intellectual property policy in terms of development should find the correct balance between the interests of users of knowledge and the producers of such knowledge. The Delegation emphasized that the optimum degree of protection was that in which social benefits exceeded social costs, without moving away from the TRIPS Agreement, which established that the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology for the reciprocal benefit of the producers and users of technological knowledge, so that social and economic well being and the balance of rights and obligations were promoted. Similarly, it indicated that the Agreement in question provided, among its principles, for the protection of public health and

nutrition for the population, while preventing the infringement of intellectual property rights or the recourse to practices which limited trade in an unjustifiable manner or were to the detriment of the international transfer of technology. It explained that Uruguay supported the proposal of the “Friends of Development” and subscribed to the foundations thereof: development promotion and access to knowledge for all; incorporation of the development dimension in WIPO programs, especially as it referred to the Organization’s norm-setting work; the constant search to safeguard and promote the public domain and the innovative and creative activities depending thereon; and the drawing-up of guidelines for the transfer and dissemination of technology, intended to benefit development.

119. The Delegation of Zimbabwe aligned itself with the statement made by Morocco on behalf of the African Group and expressed its thanks to WIPO for its assistance in the automation of the Zimbabwe IP Office whereby it was hoped that all the administration and processing of IP matters would be fully automated by the end of October 2005. In 2004 Zimbabwe, in cooperation with WIPO and ARIPO, had successfully hosted an “IP Expo 2004” which had helped to stimulate technological development and awareness of IP matters in Zimbabwe. The Delegation fully supported the offer of the government of Singapore to host a Diplomatic Conference in 2006 and in particular their generosity in agreeing to finance the conference. Finally, the Delegation sought the assistance of WIPO in the training of its human resources especially enforcement agents on IP rights.

120. The Delegation of Georgia stated that, while the Program Performance Report and Program Implementation Overview showed that WIPO had successfully implemented its mandate, it was regrettable that the budgetary deficit had prevented all planned programs from being fully realized. It welcomed recent steps taken to address this issue and considered that the proposed Program and Budget for the 2006-2007 biennium was well-formulated, and that it catered to the interests of various countries, IGOs and NGOs, as well as the recommendations of the United Nations Joint Inspection Unit. The Delegation supported the Organization’s efforts to develop an IP culture through media contacts, cooperation with other UN organizations and creation of new information products, but stated that countries not using official WIPO languages faced serious obstacles due to the translation and publication costs. Therefore, the Delegation proposed that special funds be allocated in the WIPO Program and Budget for the translation of information products into national languages. The Delegation expressed great interest in the expansion of WIPO activities to promote the integration of IP in national policy, scientific and technical development, stating that such assistance should be balanced, concrete and adapted to the various levels of development and needs of Member States. Such activities should also include the creation of an IP audit tool and IP strategies database. Furthermore, the Delegation welcomed PCT system reforms and the rise in the number of contracting States to the Madrid and Hague Agreements. With respect to the Lisbon Agreement, the Delegation stated that, although several countries, including Georgia, had joined the Agreement in recent years, protection was inadequate and that consultations for its modernization were necessary. With respect to geographical indications, the Delegation noted that the issue was complex and that finding a generally acceptable solution not easy. It stated that well-known geographical indications deserved a special approach, and that WIPO and WTO should combine efforts with a view to achieving a compromise and developing principles acceptable to different parties. With respect to human resources for development, the Delegation welcomed the expansion of the WIPO Worldwide Academy programs to include potential business and scientific users, and commended the WIPO Worldwide Academy’s website. Concerning IP protection in Georgia, the Delegation stated that in 2005, the Parliament of Georgia had adopted the Amendments to the Law on Copyright and Neighboring Rights as a step in the further harmonization of the Georgian

legislation with EU legislation, under the Agreement on Partnership and Cooperation concluded with the EU. These amendments also provided for the requirements of the WCT and WPPT, and the Rome Convention, to which Georgia had acceded in recent years. In addition, the Criminal Code and Code of Administrative Violations had been amended, including the list of actions punishable in the field of IP, which had been widened and edited, and fines and sanctions, which had been toughened significantly. Furthermore, draft laws concerning amendments to the Law on Special Border Measures and the Law on Trademarks were currently being considered. The Delegation also stated that, in 2004, Georgia acceded to the Lisbon Agreement and had started bilateral negotiations with various countries, including Ukraine, with whom an agreement was expected to be signed. Preliminary consultations with the EU to conclude an agreement on the wine trade had also begun. Finally, bilateral negotiations were on the agenda of the Joint Economic Cooperation Commission of the Georgia and Russian Federation, and a presentation to other CIS (Commonwealth of Independent States) countries on this initiative was planned.

121. The Representative of the African Union thanked the Director General of WIPO for the impetus he had given to intellectual property throughout the world. The Representative congratulated the members of the International Bureau on the quality of the documents submitted and for the smooth running of the General Assembly. She expressed her satisfaction that the items on the agenda took the main concerns of the African Union into consideration, namely cooperation, technical assistance, genetic resources, traditional knowledge and folklore, as well as the WIPO Development Agenda. She then stated that the African Union associated itself with the statements made on those points by the representatives of the African Group, the LDC Group and the African Union Member States themselves. She stressed the special importance given by the African Union to intellectual property which was considered as a major asset in the process of development in Africa. The Representative mentioned that the African Union was involved in a certain number of activities closely or indirectly linked with intellectual property. Those activities concerned particularly the promotion of scientific and technological research, with the project for creating a Center of Excellence aimed at developing a common approach to the management and use of intellectual property and to related national policies. The program aimed to improve the ability of African Union Member States to deal effectively with scientific and technological subjects and the related intellectual property issues. She added that an action plan had been established within the framework of the New Partnership for African Development (NEPAD) which committed the African Union and its Member States to promoting a social and economic development framework for meeting the main challenges of the day such as reducing poverty and endemic under-development, and combating the marginalization of Africa. A further aim of the plan was to harmonize the intellectual property systems and practices in Africa. The Representative announced that the Commission of the African Union planned to organize, in the near future, seminars, training workshops, consultative discussions and other cooperation meetings for promoting the notion of intellectual property in the process of economic, social and cultural development. She added that it was hoped that such activities could benefit from WIPO cooperation and technical assistance. She also mentioned that the African Union had appreciated WIPO support to African countries for the drafting of intellectual property legislation, the modernization of infrastructures and the improvement of management systems in national Offices. She added that such assistance should be strengthened, given the immense needs of Africa. She also expressed the wish that the African Union and its Member States continue the joint AU/WIPO project on awarding medals and rewards to African inventors. The African Union was satisfied with the work done by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and wished it to continue its work to

find solutions to those issues of prime importance for Africa. The immense potential of Africa in this field was well known. Africa was also a major source of medicinal plants, often exploited abusively and in a highly lucrative manner without any respect for the rules of intellectual property. In that context, the Representative mentioned that the African Union had an operational pharmacopoeia structure at its scientific office in Lagos, Nigeria, and had declared the years 2001-2010 as the “Decade for Traditional Medicine in Africa”. The Representative expressed the wish of the African Union to see the establishment of an adequate international legal instrument providing intellectual property protection for genetic resources, traditional knowledge and folklore, which were amongst the most precious resources of the African continent and its traditional communities, their natural custodians. The Representative also stated that the African Union had followed with great interest the discussions on the WIPO Development Agenda in the course of the Inter-sessional Intergovernmental meetings. She firmly supported the proposals submitted by the African Group reflecting the specific African situation and strongly recommended that they be taken into consideration since this had not been done adequately in the past.

122. The Representative of the African Regional Intellectual Property Organization (ARIPO) associated himself with the statements made by the Delegations of Morocco and Benin on behalf of the African and LDCs Groups respectively and with the statement made on behalf of the G77. ARIPO was grateful to be able to participate as an observer in WIPO meetings and as a representative of 16 WIPO member States providing IP protection on a multiple country basis as well as technological support services based on the patent information to users in its member States. The Representative highlighted a number of activities that had been undertaken in cooperation with WIPO, including: a roundtable on IP for heads of IP offices of ARIPO member States; a workshop for licensing and development of negotiations skills; a third WIPO forum on innovation for the sustainable development; and, regional consultations on the protection of broadcasting organizations. Cooperation with WIPO had also been enhanced through the quadripartite agreement between ARIPO, OAPI, ARCT and WIPO, which provided a forum for the evaluation of development work for IP in Africa. Further collaboration between ARIPO and WIPO would be manifest through training programs undertaken within the cooperation agreement that was concluded between ARIPO and the WIPO Worldwide Academy. Infrastructure development and harmonization of IP laws of the Member States of ARIPO were very crucial for the development of IP and in this regard WIPO had employed a consultant to work with the ARIPO systems administrator in the automation of IP offices (IPAS) of the Member States of ARIPO. WIPO had also been involved in the harmonization of IP laws of the Member States of ARIPO so that they are compliant with the TRIPS agreement. Further collaboration with WIPO had been enhanced through the PCT and ARIPO was pleased to report that, of its 16 member States, 15 were party to the PCT. The Representative was conscious of the need for the harmonization of the African regional organizations (OAPI and ARIPO) and both organizations were currently examining the report of the feasibility study on the harmonization of African regional organizations on IP. There existed already areas of convergence such as the common approach on the draft legal instrument for the protection of traditional knowledge, genetic resources and folklore, and in a joint training center for the two organizations and a cooperation agreement to this effect had been concluded on September 17, 2005. ARIPO had also benefited from a number of bilateral agreements with organizations such as the EPO, the USPTO, INPI France, the Eurasian Patent Office and the UK Patent Office. ARIPO would take the opportunity of these Assemblies to conclude a similar agreement with INPI Mexico and to undertake further negotiations with INPI Portugal.

123. The Representative of the African Intellectual Property Organization (OAPI) congratulated the Director General and all his staff for their efforts during the previous 12 months and for having made the intellectual property system simpler and more accessible. He stated that through solid cooperation, WIPO and OAPI were following the common ideals of the protection of intellectual property rights, the contribution of intellectual property to the progress of humanity and to the technological development of economically weak countries. He indicated that OAPI wished to see work continue on the Development Agenda and on the development of the international patent system, as well as continuation of the work of the Permanent Committee for Cooperation for Development, the Advisory Commission on Enforcement and the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. He also expressed the wish for consolidation of the protection of audiovisual performances and of the rights of broadcasting organizations. He stated that OAPI associated itself with the statements made by the African Group, the Group of Least Developed Countries (LDCs), and the African Union. He recalled that OAPI was following with great interest the development of topics currently under discussion such as the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the work on the development of the patent system, and the Development Agenda. He expressed his satisfaction with the cooperation activities of WIPO and OAPI. In that context, he mentioned the organization of seminars and workshops in OAPI member countries, the project on industrial property search networks, the project on the promotion of geographical indications, and human resources training by, for example, the introduction of intellectual property training in universities. On that point, he mentioned the recent inauguration of the OAPI "Denis Ekani" Regional Center for intellectual property training. The Representative of OAPI wished to thank all those who took part in that important event, and in particular WIPO, ARIPO, EPO, France's National Institute of Industrial Property, CEIPI, IEEPI, the Portuguese Institute of Industrial Property and the Mexican Institute of Industrial Property. He concluded by expressing the wish that the cooperation and partnership between OAPI and WIPO would continue.

124. The Representative of the European Patent Office (EPO) stated that the globalization of our society had resulted in recent international agreements being concluded on the protection of intellectual property, thus reflecting the growing importance of knowledge and of the value of innovation. The extensive discussions held throughout the world were evidence of the considerable influence of the patent system in our economies. Those discussions helped better understand the special needs and specific conditions of use of that system by all concerned. The Representative also mentioned that the EPO had 31 Member States and covered an economic area of over 560 million people, which was larger than the area covered by the European Community (EC). Knowing the cultural, economic and intellectual diversity, the EPO envisaged a 40 per cent increase in patent applications in 2005 compared with 2000. He indicated that the high cost of granting patents was often an obstacle for potential users of the system, particularly the Small and Medium-Sized Enterprises (SMEs). For that reason, the Office had already substantially reduced procedural fees and looked forward to rapid ratification of the London Protocol which, when implemented, would considerably reduce patent granting costs and thereby further encourage research and development. He also stated that the EPO fully supported the work of the EC concerning the setting up of a community patent which would ensure adaptation to the European context. The Office would be responsible for grant and administration. The Representative then reported on the international cooperation activities of the Office throughout the world, recalling that the EPO was one of the main managing bodies for bilateral programs and as such was responsible for managing many projects financed by the EC. He mentioned the particular attention given to the issue of the protection of biodiversity and traditional

knowledge. He explained that globalization had revealed an imbalance between the least developed countries, the countries in transition and the developed countries. On the topic of international cooperation, he cited many awareness-raising activities in the form of seminars or training workshops on traditional knowledge and biodiversity. He also mentioned that the Office was preparing to put in place specific databases on traditional knowledge which would subsequently be integrated into the search tools, and particularly into the EPOQUE search database. Such databases constituted an inestimable source of information on those specific areas of knowledge and would therefore play an active role in providing protection against the illicit granting of patents. With respect to the Development Agenda, he stated that the Office was extremely sensitive to issues linking economic growth and development to the patent system. He explained that the EPO had been an active participant in discussions on the adoption by WIPO of a Development Agenda. He commended the efforts of all in that respect and called for a shared commitment to achieving harmonious economic development, respectful of the needs of all. He noted specifically that substantive patent law harmonization was a major contemporary issue. He added that the Office fully supported that essential process in a context which had become globalized and where the development of our society and the growing internationalization of exchanges called for rapid harmonization of substantive patent law to provide enhanced proficiency of patent examination and granting systems, and greater coherence of case law. He continued by stating that it seemed to him essential to reach a common position so that every individual could more reliably benefit from the rights granted for his invention. In conclusion, he commended the common determination to promote a high standard of industrial property protection for the well-being of all and expressed his conviction that the combination of the efforts of all would enable the new challenges to be met.

125. The Representative of the Eurasian Patent Office expressed its support for WIPO activities. The Representative noted that the Eurasian Patent Convention, since its coming into force ten years earlier, had gained world recognition, as evidenced by the demand made on it by applicants from 58 countries, the continuous growth in Eurasian applications, and the granting of Eurasian patents having effect in nine countries covering one-sixth of the earth's surface. The Eurasian Patent Office would celebrate its tenth anniversary at the beginning of September 2006 and an international conference devoted to the role and importance of the world patent system would be organized to coincide with that event. The Representative expressed its gratitude to the Director General of WIPO, to the heads of the regional patent organizations, and to all those who had readily responded to the invitation to participate in that conference. Along with the development of the Eurasian Patent Office, the Eurasian Patent Organization had actively assisted a number of national patent offices of Member States, in particular by granting free access to its information and search resources, payment of internet channels, training of specialists, etc. The Representative acknowledged the active help received from the European Patent Organization since the creation of the Eurasian Patent Office, and identified the forthcoming task of modernizing EAPO activities by moving to paperless filing of applications and prosecution for the granting of Eurasian patents. Such modernization would require corresponding modernization of the majority of national patent offices in the Member States. The Representative expressed its wish for WIPO support and the strengthening of cooperation with the Organization.

126. The Representative of the European Commission highlighted developments in the EU during the past year, and noted that following the Directive 2004/48/EC on the enforcement of IP rights, adopted in April 2004, the Commission had published a statement (OJ L 94 of 13.4.2005, p.37) in which it considered those IP rights which were at least covered by the scope of the Directive. Furthermore, in July 2005, the Commission had adopted proposals for

a Directive and Framework decision on criminal sanctions on IP infringements (COM (2005) 276 final), and these proposals would now go forward for discussion with the EU Member States and European Parliament. In October 2004, the Commission had adopted a proposal for a Regulation to allow compulsory licensing of patented medicines for exports to countries in need, which would implement the WTO general Council Decision of 30 August 2003, and the proposal was currently under discussion in the Council of the EU and the European Parliament. The Representative also noted that, in its vote of July 6, 2005, the European Parliament had rejected the Commission's proposal for a Directive on computer-implemented inventions, which aimed at clarifying the existing practice in Europe concerning patents in this area, and work on the proposal for a regulation on the Community patent and on the proposals for the establishment of a specialized Community jurisdiction on patents was stalled in the Council. Furthermore, the Representative stated that following the adoption of the proposal for a Directive amending Directive 98/71/EC on the legal protection of designs in September 2004, discussions were taking place in the Council and the European Parliament. The Economic and Monetary Affairs Committees and the Economic and Social Committee had previously adopted favorable opinions about the proposal. The Commission was also finalizing an intense legislative period on the Community trademark Regulation and had already adopted an amendment of the implementing measures. It was also considered advisable to amend the rules in force to improve or clarify the procedures for registration, in particular the opposition procedure, and in order to cover the specific nature and means of electronic submission procedure, certain provisions had been amended. The Commission was also about to adopt a reduction of the fees for the registration of the Community trademark, and it was expected that the accession of the European Community to the Madrid Protocol and the administration of the electronic registration procedure would also simplify the procedure and decrease costs. Regarding copyright and related rights, the Representative mentioned that further to the communication on the management of copyright and related rights in the Internal market, adopted by the European Commission in April 2004, and the consultation of interested circles that followed in July 2005, the Commission had adopted a study on a community initiative on the cross-border collective management of copyright. The study examined the present structures for cross-border management of copyright for the provision of online music services, and concluded that entirely new structures may be required and that the most effective model for achieving this was to enable right-holders to authorize a collective society of their choice to manage their works across the entire EU. Further to the study, the Commission would adopt an impact assessment as well as a recommendation with those principles to which Member States would have to adhere to in order to develop the above system. The Representative also mentioned that the review of the EU legal framework in the field of copyright and related rights, which kicked off with a consultation in 2004, was ongoing with studies being carried out by independent contractors and an impact assessment foreseen for 2006. The Representative concluded by noting that nine of the new Member States of the European Community had already ratified the WCT and/or the WPPT, and that the European Community and its remaining Member States were preparing adhesion to both Treaties in the not too distant future, depending on the implementation by Member States of Directive 2001/29/EC on copyright and related rights in the information society.

127. The Representative of the World Association for Small and Medium Enterprises (WASME) congratulated the Director General for ensuring that the promotion and protection of intellectual property gets its rightful place on the agenda of policy makers at the highest levels in Member States, and was recognized in this century of knowledge, indeed this century of the mind, as an important adjunct in the promotion of socio-economic and cultural development of the right owners, balanced with the rights of the consumers and users. He

praised the diligent contribution and dedication of the WIPO staff, and requested that the Director General continue efforts and attempts in helping to promote capacity building among SMEs. In this respect, the representative conveyed thanks from the President and the Secretary General of WASME to the Director General, the Executive Director dealing with SMEs and the Director of the SMEs Division for their support to SMEs and to WASME. He expressed appreciation for the Director General's concern for improving the competitiveness of SMEs through the use of intellectual property rights and the various initiatives taken in recent years through the creation of a separate WIPO Division in October 2000 for dealing with the needs of SMEs. The Representative explained that the SMEs are the backbone of most economies. They are engines of sustainable employment generation and broadbased economic growth; they comprise a widely divergent spectrum of establishments engaged in economic activities ranging from micro and rural enterprises to modern industrial units using sophisticated technologies. Hence the necessity to help them effectively using the intellectual property system for upgrading their competitive capabilities. They employ over 300 million people worldwide, and contribute a very large percentage of employment in the industrial sector, generally about 40 to 60 per cent of the entire industrial production, and between 30 to 50 per cent of exports in most countries. The Representative noted that WASME had been established in 1980, and was the only international NGO of SMEs, and had consultative status in a number of UN Agencies. It had members and associates in 112 countries, industrialized, developing and those in transition, as well as in least developed countries. It regularly received and disseminated information to its members on training programs organized by institutes and institutions in various developed and developing countries for training of entrepreneurs and personnel of SMEs. For reaping the real economic benefits of intellectual property, he stressed that industry Associations should also pay attention to the use of the IP system by SMEs. Over the recent years WASME has organized a number of international conferences in Europe, the Russian Federation, the United States of America, Africa, Asia including China and India, and in the Middle East. The Representative observed that there were over 5 million SMEs in India, with around 80 per cent of the industrial sector employment, making it the second largest employer of human resources after agriculture, employing around 20 million people, contributing 35 per cent of the total export trade and accounting for nearly 40 per cent of the total value of industrial production. In China, SMEs accounted for 60 per cent of gross industries output, 75 per cent of total employment and 40 per cent to 60 per cent of the total export trade. In the Republic of Korea, SMEs accounted for 47 per cent of gross output, 71 per cent of employment, and 40 per cent of exports. SMEs were also the breeding ground for entrepreneurs and for inter-related flow of trade, and were often also responsible for rural and social development. He stressed that SMEs faced certain hurdles, such as limited access to finance, lack of qualified human resources, high levels of regulations and red tape, taxation and rigidities of the labor market. The Representative mentioned that, in a large number of countries participating in this session, the share of SMEs was a very large percentage of all establishments, for example, in the OECD countries (Canada, France, Germany, Italy, United Kingdom and United States of America); in Asia (China, India, Japan, Malaysia, Republic of Korea, Singapore); in Arab countries (Egypt, Jordan); in Africa (Ghana, Nigeria); in Latin America (Brazil, Mexico, Uruguay); to take only a few examples; their share of employment in these countries is between 50 and 70 per cent. The Representative informed that the Government of India had unveiled on August 10 2005, a major package for their SMEs sector which aimed at doubling the flow of bank credit to the SME sector in five years, by 2009-10, thereby reducing their debt burden. He underscored that studies undertaken in developed or developing countries had shown that SMEs in general were not well informed of the potential benefits of using IP assets in their business strategy. He noted that WASME had conducted several training programs for SME entrepreneurs, with particular emphasis on the training of women, and an International

Training Program on “Management of Innovation and Technology Transfer” which took place from 12 to 15 October, 2004, in New Delhi in collaboration with the International Network for Small and Medium sized Enterprises, for which he extended appreciation for WIPO’s contribution to that program through an external resource person. He also mentioned that WASME publishes research studies on various issues relating to SMEs, including government policy formulations, international trade regimes and a bimonthly magazine is circulated to members and associates in over 112 countries containing the latest information on SME matters. The Representative underscored that WASME was sincerely looking to further strengthen its cooperation with WIPO in spreading awareness among SMEs on the need to use the IP system for improving competitiveness of their products and services, and had been distributing WIPO’s CD ROM on “IP for SMEs” to its members and associates at its Conferences. He complimented WIPO on the user friendly new look of WIPO’s SMEs website, which he found to be an effective tool in information dissemination. He also noted with appreciation WIPO publications “Making a Mark” (an introduction to Trademarks for SMEs), and for “Looking Good” (an introduction to Industrial Designs for SMEs), both of which had been published in 5 languages by WIPO and were in the process of being published also in Russian. He welcomed the publication of “Inventing the Future,” (an introduction to Patents for SMEs), the publication by WIPO and ITC titled “Marketing Crafts and Visual Arts: the Role of Intellectual Property,” “Secrets of Intellectual Property” (a Guide for Small and Medium-sized exporters), and “Exchanging Value: Negotiating Technology Licensing Agreements,” as also the “Secrets of the Pharmaceutical Industry: A Guide for Small and Medium-sized Exporters.” He also noted that WIPO SMEs Division had been responsible in drafting of “Shaping the Future: A guide on Intellectual Property Rights for the Indian Machine Tool Industry,” in partnership with UNIDO and the Indian Machine Tools Manufacturing Association (IMTMA). He applauded the SME Division’s preparation of “IP Panorama,” a Multi-Media Interactive CD-ROM Product. He noted that the first of the ten modules of IP for Business had been completed under a joint project in collaboration with the Korean Intellectual Property Office (KIPO) and Korean Inventors Promotion Agency (KIPA). He mentioned that it was noteworthy that subscribers to monthly e-newsletter of the WIPO’s SMEs Division had continued to increase to nearly 20,000 as of September 2005. He also noted that a WIPO-WASME Special Workshop on Practical IP Issues for SME Associations, and Trade and Business Associations was proposed to be held at WIPO headquarters in 2006. The Representative reiterated his plea to all Member States present, who had a large number of SMEs employing millions of people, to make available adequate financial and human resources to the Director General, while approving the Program and Budget for the next biennium, to enable his SMEs Division in carrying on the task of taking the tools of the IP system to SMEs worldwide and for the continuation and successful implementation of this large task for the SMEs. The Representative offered his gratitude and thanks to the Director General for thus helping to build awareness and understanding of IP issues within the SME business community worldwide, for practical use of the IP system in increasing their competitive capability, and congratulated the Director General and his Organization for the initiatives, foresight and commitment in setting up an excellent road map for helping SMEs.

128. The Representative of the Civil Society Coalition (CSC) recalled that the CSC represented 28 NGOs from at least twelve countries, and that its members were concerned with a wide range of issues relevant to WIPO, including access to medicines and knowledge, and better mechanisms to support creative activity. The CSC was strongly supportive of the proposals by the “Friends of Development” for the WIPO Development Agenda, and urged WIPO to take more seriously its role in supporting development and protecting the public interest. The CSC also strongly supported a proposal in the Agenda to create a treaty on

access to knowledge, and it called upon WIPO to discuss such a treaty in the Standing Committees on Copyright and Patents. The Representative also agreed that WIPO should address the control of anti-competitive practices, including problems of monopoly in software markets, and that WIPO, in this respect, needed to discuss the implementation of Article 40 of the TRIPS Agreement. WIPO should furthermore address the issues of access to medicine, and in particular, work with WHO and other relevant bodies to provide assistance to LDCs in the implementation of paragraph 7 of the Doha Declaration on TRIPS and Public Health. The CSC was opposed to the convening of a diplomatic conference on a proposed treaty for broadcasting, cablecasting and webcasting organizations, as it was of the opinion that the process for consideration of the treaty was flawed, the views of consumers had not been respected, and WIPO had yet to engage the technology community on the radical and restrictive webcasting proposal. In addition, there had been no economic analysis of the impact of the treaties on consumers, or on copyright owners, and it was being presented as something that was necessary to address piracy. However, the treaty had little to do with piracy, which is already illegal everywhere for copyrighted works, but more with the IP right for transmitting information. The Representative considered it deceptive to talk about the treaty protecting only a signal, but then provide for extensive commercial rights, lasting 50 years, to make reproductions and redistribute the works. The CSC was therefore deeply troubled by the nature of the proposed right, which was not based upon creativity, nor on invention, and it was a claim that the investment in transmitting information should create a 50 year exclusive right in content, far longer than the term of protection for databases in Europe, and more than 10 times the term of protection for test data for pharmaceutical clinical trials in the United States of America. This right was on top of copyright in copyrighted work, and applied even to works in the public domain under copyright laws. The Representative further stated that if this was extended to the web, on the Internet, it would harm access to knowledge even more, and therefore, the creation of rights in information, simply for transmitting or making the information available to the public, was the wrong paradigm for access to knowledge, and it would harm copyright owners, consumers and innovation. The Representative was also of the opinion that the ongoing demands to extend rights obtained by one group to another group were predictable, but questioned what this would eventually lead to, as multiple rights were now being given on the same works, an example of which was a broadcaster right on top of a copyright. The end of this would be no public domain, curtailing the free movement of information, higher prices for information, and less access to knowledge, and hence a less informed and less equal society. The Representative stressed that the costs and risks of the proposal would be very large, and the benefits, if any, very small, and that WIPO should also reconsider the process of setting priorities, when WIPO had yet to respond to requests by consumers to address the control of anti-competitive practices, consumer problems from technological protection measures and digital rights management measures, the need for minimum limitations and exceptions for the blind, education and libraries, and the proposal for a treaty on access to knowledge. The Representative noted that WIPO must find a way to address consumer rights in ways that better protect access to knowledge.

129. The Representative of the North American Broadcasters Association (NABA), speaking on behalf of the Association and the 12 broadcasting associations accredited by WIPO, recalled that in 1997 the WIPO General Assemblies had decided, through the Standing Committee on Copyright and Related Rights (SCCR), to satisfy the request of certain Member States to study the suitability of updating the protection granted to broadcasting organizations, those rights not having been updated in the previous 40 years. The Delegation highlighted how since that time information meetings had been held in Cancun and the Philippines, as well as general meetings and 12 sessions of the SCCR, and that more than 100 WIPO

Member States, participating in the regional consultations held in the past few months, had expressed their desire to continue with the negotiations within the framework of a Diplomatic Conference, which had been proposed for 2006. The Representative said that the consensus reflected in the agreements on regional consultations was recognition that the updating of the protection of broadcasting organizations did not undermine the rights of other holders, did not grant rights in the content of the signal, nor restrict free access to works in the public domain or represent a subject of debate between north and south. He highlighted further that the treaty would strengthen the broadcasting industry in both developed and developing countries. The Representative pointed out that the need to update the protection of broadcasting organizations at the international level was the result of the development of digital technology itself, which very easily made possible the unauthorized distribution of millions of copies of broadcast signals for profit-making purposes. Such unauthorized use or piracy of signals endangered not only the investments made, but especially the capacity to perform the social function of informing, training and promoting the cultural exchange between nations. The Representative referred to the significant contribution made by those signals to the social and economic development of countries, public and private, local and multinational broadcasting organizations in both developed and developing countries, and requested that the Assembly call for a diplomatic conference in 2006, in order to approve the treaty updating those rights in the face of new technologies, which would thereby also contribute to the international development agenda of nations.

130. The Representative of the International Federation of Reproduction Rights Organization (IFRRO) recalled that IFRRO, represented collective management organizations in the field of reprographic reproduction, so-called RROs, as well as national and international associations of creators and publishers of books, journals and other printed works. RROs had been set up in more than 50 countries on all continents, and they licensed access to scientific and literary works through reprography and certain digital uses in a number of different ways according to the laws and circumstances of the country. The Representative stated that corporate industries were important contributors to cultural independence and diversity, and to the economic growth of nations, and that intellectual development and growth would be put at risk if they were not allowed to evolve appropriately. Furthermore, if the local market did not function properly, due to rampant piracy and widespread unlawful copying of books and other copyright works, there was no incentive for local authors to write and local publishers to make investments in the print publishing industry, the result of which would be increased dependence of import of foreign works, knowledge and cultural expressions. It was therefore unfortunate if some saw the notion of copyright protection in a negative way. The Representative also stated that, among others, RROs represented a creative solution to striking the balance between user needs and rights holders requirements. The Representative then informed the Assemblies that IFRRO was running a development program, which, *inter alia*, ultimately aimed at providing reasonably, easy and affordable access to copyright works, and which included awareness building, enforcement and establishment of RROs, mentoring through partnership with existing RROs, and a training program. To this end, WIPO and IFRRO had signed a cooperation agreement, which had proved to be successful, and to the benefit of many countries worldwide, and the Representative underlined that the cooperation was entirely demand-driven, and that action only took place at the request of governments and rights holders in a given country. A recent example had been the consultation on the establishment of a regional RRO in the Caribbean. Finally, the Representative reiterated the invitation made to WIPO and Member States during the third IIM meeting in July, 2005, to consider studying a pilot for a concerted action in the form of a strategic partnership in the book sector to be carried out in selected countries.

131. The Representative of the International Federation of Film Producers Associations (FIAPF) referred to two topics on the agenda of the Assemblies meetings, namely the Development Agenda and the handling of broadcasters' rights. He first thanked the Member States and the Secretariat for having provided an opportunity to discuss in more detail the Federation's contribution to economic and social development. He noted that film producers and directors from countries such as Argentina, India, Egypt and South Africa had been able to comment directly during the three Intergovernmental Meetings. Those film creators were also cultural entrepreneurs in a copyright-based industry which generated jobs not only during film production, but also throughout a whole range of peripheral service industries. Production was always the final expression of their culture. Local culture reflected the concerns, aspirations and dreams of a local public. He stressed that it was more than ever necessary for those creative enterprises to move away from the economic precariousness they too frequently experienced in developing and least developed countries. He added that they should be able to participate fully in a cinematographic and audiovisual economy and culture increasingly dependent for its success on the establishment of information networks of creativity and inter-enterprise cooperation. The FIAPF hoped to have demonstrated, as it had done during the discussions in the previous months, that intensified, positive cooperation between Member States and their respective audiovisual sectors, particularly along a North-South axis, and not theoretical dogmatism, was needed to meet that challenge. The Representative again invited the Member States to work with the FIAPF on realistic projects for cooperation, meeting real needs and focusing on the growth of the audiovisual industry as a motor for development. With respect to the rights of broadcasters, the Representative stressed that audiovisual producers were the main creative and economic associates of television channels throughout the world. It was difficult to envisage the success of those broadcasting organizations with the public without the creativity and dynamic involvement of the production companies providing high quality films and programs in all areas of the world. He added that the audiovisual production sector had always been the leader in combating audiovisual piracy, the importance of which had been stressed by a large number of delegations. He emphasized that in order to combat effectively the pandemic evil threatening the audiovisual economy and undermining cultural diversity, it was essential to maintain a harmonized international system for copyright and related rights. In conclusion, he suggested that while international treaties gave rights to producers and authors of works to protect audiovisual content, it was desirable to add to this legal panoply by granting broadcasters a right to prohibit illicit exploitation of their broadcast signal carrying audiovisual programs.

132. The Representative of the International Federation of the Phonographic Industry (IFPI) recalled that IFPI represented the interests of more than 14,000 record companies in 75 countries worldwide, and noted that the protection of copyright and related rights was the foundation of the industry. The Representative acknowledged the great importance of the work done by WIPO in many areas relating to copyright, including enforcement, education and training and norm setting, and he stated that IFPI had participated in those activities in the past and would continue to do so. On the issue of the broadcasters' treaty, IFPI had been supportive of the general idea of updating protection for broadcasters as set out in the Rome Convention, however, IFPI continued to have concerns about the catalogue and scope of rights that were needed to fight signal piracy and the potential effect on right holders in the content that was broadcast. The Representative hoped that these concerns would be promptly addressed in the process in order to achieve a widely acceptable outcome. On the issue of the development agenda, IFPI fully supported the inclusion and increased focus on the relationship between IP and development, and the Representative noted that copyright played a strong positive role in furthering cultural and economic development in less developed countries as well as the most developed ones. The Representative urged the Secretariat and

Member States to move as quickly as possible toward identifying real solutions and adopting concrete projects that would assist developing countries and their creators in using the copyright system to enhance development, and IFPI looked forward to assisting in this effort.

133. The Representative of the International Federation of Musicians (FIM) said that the Federation represented several hundred thousand musicians in around 75 countries throughout the world. He explained that the Federation had worked for many years to promote the intellectual property rights of musicians and made an essential contribution to the discussions which had led to the adoption of the 1961 Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and the WIPO Performances and Phonograms Treaty in 1996. The Delegation praised the efforts made by the Organization to further discussion of the issue of protection for audiovisual performances, in the same way that it had promoted the emergence of a consensus in the debate on the protection of broadcasting organizations. It further expressed its support for the continuation of discussions with a view to adopting an instrument protecting performers in relation to their audiovisual performances. The prospect of holding a diplomatic conference in 2006 on the subject of the protection of broadcasting organizations emphasized the urgent need to accelerate the work done on the protection of audiovisual performers. The Delegation drew attention to the fact that a new treaty protecting broadcasting organizations should not be the reason for a sustained imbalance to the detriment of the creators of content. Finally, it emphasized the importance that the FIM attached to promoting the intellectual property rights of musicians in developing countries. It was necessary not only to guarantee musicians a fundamental part of their resources but also to promote the development of the whole music industry sector and to guarantee the conditions of cultural diversity. From that point of view, the regional initiatives taken by WIPO in terms of awareness raising and training were essential. In conclusion, the Delegation hoped that those initiatives would continue in cooperation with the organizations representing musicians so that the immense musical wealth of those countries were recognized.

134. The Representative of the Center for International Environmental Law (CIEL) called the attention to a statement recently signed by over 25 NGOs, from both developed and developing countries, which addressed many of the issues relevant to the Assemblies. The Representative also recalled that CIEL, at the 2004 WIPO Assembly meetings had welcomed the recognition of the need to ensure that WIPO's work program and activities adequately supported and advanced international sustainable development objectives, and the Representative urged WIPO to take concrete steps towards an effective mainstreaming of sustainable development concerns in its programs and activities. The Representative also stressed that concrete measures should be taken, for example, certain proposed elements of the WIPO development agenda, such as the development impact assessment of norm setting activities, could already be agreed upon at the Assemblies. The Representative further recalled that, in the third session of the IIM, the "Friends of Development" had suggested that the Assemblies should address issues such as the establishment of a WIPO Evaluation and Research Office as well as principles and guidelines on norm setting, and that the United Kingdom, speaking on behalf of the European Union and its Member States, had suggested various items that it considered the Assemblies could make decisions on. The absence of concrete measures presented to the Assemblies was therefore discouraging, but underscored the need for further comprehensive discussions within the IIM process. To fulfil the commitment to a WIPO development agenda, the General Assembly would also need to ensure that its decisions on a range of other critical issues supported, rather than undermined, the consideration of sustainable development concerns in WIPO. Finally, the Representative stressed that sustainable development oriented results could not be achieved in a process

lacking participation and transparency, and noted that to live up to the agenda launched in 2004, the WIPO Assemblies would have to reflect a balanced approach in its own discussions.

135. The Representative of the Electronic Frontier Foundation (EFF) stated that EFF was an international civil society organization with some 10,000 members worldwide and offices in the United States of America, the United Kingdom and Canada, and that its work revolved around the protection of civil liberties, freedom of expression and the public interest in the digital environment. With respect to the development agenda, the Representative reiterated EFF's support for the proposal of the "Friends of Development" and, in particular, the proposals for an independent evidence-based development impact assessment for new WIPO norm setting activities and the adoption of guidelines for the provision of impartial and balanced technical assistance. The Representative also noted that the WIPO Development Agenda had received substantial attention outside WIPO, and the Representative read from an article by Nobel Laureate Joseph Stiglitz, in which he hoped that in WIPO's reconsideration of IP regimes the voices of the developing world would be heard more clearly than it was in the WTO negotiations, and hence the need for the development agenda to remain at the center of WIPO's activities. The Representative also stated that EFF was concerned about the proposed WIPO broadcasting treaty, and noted that in the United States of America, thousands of EFF supporters had contacted the Federal Government to protest against the treaty and had requested thorough investigation of its potential impacts. The concerns were primarily about the broad scope and questionable necessity of the treaty, and the Representative pointed out that there was no consensus among, for example, American web technology companies that webcasters would benefit from new monopoly rights. The webcasting proposal had been expressly rejected by 20 web technology companies who presented an open letter to the 12th session of the SCCR. The Representative believed that these fundamental questions and the demonstrated public interest in their answers made a strong argument for keeping discussion on the proposed broadcasting treaty open, and EFF therefore believed that a diplomatic conference on the broadcasting treaty was premature.

136. The Representative of the Free Software Foundations (FSFs) in Europe and Latin America, recalled that the FSFs were globally active centers of expertise acting in a network of sister organizations based in India, Latin America, Europe and the United States of America, and that its area of expertise concerned issues raised by a digitized society and economy. The Representative, who noted that the FSFs had participated in the IIM process, stated that looking at the regulatory initiatives, one paradox was evident, namely that while society was getting ready to unleash human creativity as never done before, regulatory proposals, such as the Broadcasting Treaty, were seeking to create new barriers, where the potential benefits and costs seemed unequally matched in disfavor of humankind. The Representative draw a comparison with software patents, which had been introduced without evaluation, and according to the findings of several renowned institutions, including the Massachusetts Institute of Technology (MIT), the Boston University School of Law, Price Waterhouse Coopers, the US Federal Trade Commission and Deutsche Bank Research, one now had to realize that they were harmful to competition and stifled innovation. The situation had degenerated to the point that software patents had been compared to weapons of mass destruction. The Representative feared that similar experiences were possible with the Broadcasting Treaty, and he noted that raising additional barriers by introduction of criminal sanctions against commercial infringement at a time when society was still struggling to fully understand the implications of the digital age would be hasty and unwise. The Representative also stated that WIPO's traditional tool set revolved around monopolies, such as copyrights, patents or trademarks, which had often been treated on the basis that more was always better. However, finding the proper balance between too little and too much was the challenge before

any regulation, and given the fundamental impact of all regulations made at WIPO level, a conservative approach would be logical where new regulations would only be introduced if scientific evidence, and evidence from a public review period, conclusively showed it to have a positive effect. Old regulations should be reviewed periodically in the same spirit to determine whether they required adjustment. The Representative expressed his view that the creation of a WIPO Research and Evaluation Office therefore seemed trivial, as did the search for alternative means of fostering creativity, as WIPO existed to promote creativity. At the time of WIPO's inception, most alternative means of fostering creativity were not yet conceived, in particular those related to digitalization. Now that they existed, it would be natural for WIPO to explore them. Lastly, the Representative stated that the discussions on the Development Agenda had proven to be difficult due to procedural discussions, which took the majority of the time spent in the IIM process, and he pointed out that it would be a waste of time and efforts not to continue what was begun, and therefore strongly supported the notion of continuing the IIM process.

137. The Representative of the International Federation of Library Associations (IFLA), recalled that IFLA was a not-for-profit public interest organization representing hundreds of thousands of professional librarians in 150 countries, and noted that access to information was essential to education and research because it had a direct impact on economic growth and quality of life. The Representative stated that, consequently, IFLA's main concern was copyright and related rights. The Representative further noted that IFLA had closely followed the discussions on a Development Agenda for WIPO, and had welcomed the proposals by Member States, in particular by the "Friends of Development" which contained constructive ideas to assist WIPO in its mission as a UN agency specializing in IP. The Representative also said that the IIM had been making steady progress towards establishing the detailed issues that needed to be considered, and there was broad agreement on the need for a Development Agenda. However, regrettably, consensus on how to handle future discussions was thwarted by the disagreement of a tiny minority of Member States, and thus a major issue was now to find a way forward for the Development Agenda discussions to proceed. The Representative firmly believed that the way forward was to continue the IIM process and not to transfer the discussions elsewhere, and IFLA therefore urged the Assemblies to renew the mandate of the IIMs for another year.

138. The Representative of *Médecins Sans Frontières* (MSF) recalled that MSF was an international medical humanitarian organization providing assistance through more than 500 medical relief programs in 80 countries worldwide, and that MSF's interest in IP regulation and, in particular, pharmaceutical patents, stemmed from its medical experiences in the field where MSF was increasingly confronted with problems of access to medicines. The Representative stated that patents were affecting prices and availability of medicines, which were often priced out of the reach of the poor that desperately needed them, and that today, a second wave of drug price crisis was apparent because of the cost of the new generation AIDS medicines which could be 10 to 12 times more costly than the first generation of such medicines. The Representative stressed that MSF could not accept a world in which medical innovation could only be enjoyed by the wealthy, and WIPO needed to engage in the debate of how health needs driven innovation could be encouraged to address the needs of people in developing countries. The Representative also noted that the implementation of TRIPS was in its early days, and that the consequences for public health were only beginning to show. Also, the Representative feared the emerging of new patent standards through WIPO's work, for example on the Substantive Patent Law treaty (SPLT), before the consequences of the current global patent system were fully understood. The Representative was encouraged by the debates within WIPO on the development agenda, and considered the renewal of the

mandate of the IIM process essential to ensure that the development agenda received the attention it deserved at the highest possible level. The Representative concluded by advocating for a balanced IP system that had the public interest as its main focus, and stressed that WIPO, being a UN Agency, should take a public interest approach in its work.

139. The Representative of the National Association of Performers (ANDI) hailed the Director General who, several years previously, had been awarded the Dolores del Río prize, the ultimate recognition for Mexican performers. The Representative said that it was difficult in the space of five minutes to make clear the overwhelming need to make progress with and finalize an audiovisual treaty, as well it being difficult to understand that such rapid progress had been made on the treaty concerning broadcasting organizations, without there being the same speed for those who, with their creative and intellectual capacity, provided the raw material of what the organizations referred to disseminated or communicated to the public. The Representative recalled having heard for a number of years that government representatives were very close to reaching agreement on the one article which made the signing of the treaty impossible in 2000 but that no specific date had been fixed, while at the same time thousands of audiovisual performances were being transmitted throughout the world without any protection. The Representative also made clear the difficulty in understanding that, although there was broad protection for phonogram performances, there did exist a difference which meant that authors, performers and phonogram producers were protected while that was not the case with audiovisual performers. The Representative requested once again not only that audiovisual matters remain on the agenda year by year, but also that real progress be made on the treaty and that no thought be given to a treaty for broadcasting organizations if such bodies which provided the raw material of performances were not protected in a manner that could be regulated by national legislation. In that connection, it requested the Member States to listen to the voices of their artists and their intellectual creators who without any doubt gave identity to each one of the countries in the world, and urged all present to take a definitive step in concluding satisfactorily an international instrument which guarded and protected the lifetime work of performers.

140. The Representative of the International Chamber of Commerce (ICC) stated that ICC represented small and large businesses from all sectors in over 70 developing countries and LDCs, which needed a well-functioning and accessible IP system to be able to continue to create employment and cultural and economic enrichment for their communities. WIPO was playing a key role in managing international IP registration systems and in assisting Member States to adapt international IP law to new challenges and needs, and it was therefore essential for business users and right-holders that WIPO was able to function effectively and efficiently. The Representative was thus concerned that progress in several key areas of WIPO's work, including the Development Agenda, had been disrupted because of lack of consensus among Member States. The Representative underscored ICC's wish to promote development in all countries and believed that an important way to achieve this would be to ensure an appropriate framework of IP rights, and an effective infrastructure to process and help nationals of different countries make use of these rights, because the recognition and protection of IP assets, supported by appropriate policies in areas such as taxes, investment regulations, production incentives, trade policies, competition rules, and education, were necessary preconditions for development. The Representative recalled that in a panel discussion organized by ICC during the June IIM session, representatives from innovative and creative industries in Argentina, Brazil, Egypt, and India, as well as an NGO specializing in helping developing countries increase export revenue through IP rights, had highlighted how IP had helped make local industries more competitive in local and international markets and contributed to social, cultural and economic development. Furthermore, the Representative

stated that WIPO played a very important role in helping countries put into place the necessary IP frameworks, infrastructure and policies, and to use these to further their developmental goals. The ICC therefore urged governments to find a consensus rapidly on the various points of disagreement which were stalling WIPO's work in different areas, and with respect to the future of the Development Agenda, to find a solution that would allow discussions on substantive issues to progress.

141. The Director General thanked Member States, IGOs and NGOs for their statements and interventions and said that he was most appreciative of the numerous expressions of support and thanks addressed to him personally, which he dedicated to his colleagues in the WIPO Secretariat who had worked hard to ensure that the Assemblies would become a success. The Director General was also pleased to learn of the many positive developments which had taken place in the IP systems of Member States over the past 12 months, and he had, in particular, noted the tremendous expansion in the use of IP in a number of developing countries and LDCs. The double-digit growth in applications, whether for patents, trademarks, or designs in those countries, he said, all pointed to the health of the IP system, and demonstrated how the judicious use of IP, based on comprehensive IP policies and strategies, could make a significant difference in countries' economic output and growth. The Director General then assured all Member States, in particular developing countries and LDCs, that the Organization remained more committed than ever in supporting them in their efforts to strengthen their national and regional IP systems, as well as in developing well-articulated national IP policies and accompanying action plans. The Director General was, however, fully conscious of the aspirations and expectations of developing countries and LDCs regarding the creation of public policy space in the use of IP, especially with regard to health, education, food, security, better living conditions, employment and the eradication of poverty, and he stressed that WIPO would continue to emphasize those concerns in its development cooperation program, and would enhance its support to LDCs in making more effective use of their IP to advance their development and social goals. The Director General also took note and welcomed the offer of the Government of Japan to host a WIPO-Japan Office, which would be dedicated to conducting research in cooperation with the United Nations University in Japan. He stated that such an Office would certainly be of great benefit to the entire membership of the Organization, and welcomed that the offer would not have any financial implications for the Organization. He would engage in discussions with the Government of Japan to agree on suitable arrangements. The Director General concluded by thanking the Chairman and all Delegations for the very constructive discussions, and said that he was confident that they would continue in the same spirit in order to conclude all items under consideration successfully.

142. The Assemblies of the Member States of WIPO, each as far as it is concerned, approved the contents of document A/41/2, and noted the information contained in document A/41/3.

ITEM 5 OF THE CONSOLIDATED AGENDA:

ACCOUNTS FOR THE 2002-2003 BIENNIUM; INTERIM FINANCIAL STATEMENT FOR 2004; ARREARS IN CONTRIBUTIONS

143. Discussions were based on documents A/41/6, 7, 13, 14 and 15.

144. On introducing the item, the Secretariat indicated that the Financial Management Report and the Report of the External Auditor for the 2002-2003 biennium had been examined in detail by the Program and Budget Committee at its eighth session held in April 2005, which had recommended to the Assembly of Member States that the reports be approved. It also indicated that the Interim Financial Statement and the three audit reports on the buildings had been given to that same Committee in April. The Secretariat specified how it intended to follow the recommendations made by the auditors for organizing work on the new construction. The Secretariat informed the Assembly that the Director General had decided to have an independent review undertaken in order to respond to the allegations that had been made concerning the Organization, and that it be administered and supervised by the External Auditor, and carried out by an external firm. The review should be concluded by end November and the results sent immediately to all Member States.

145. The Chair then gave the floor to the External Auditor, Mr. Grüter, Director of the Swiss Federal Audit Office, who first expressed his wish to make a number of clarifications on the nature of his terms of reference governing audit in order to avoid any misunderstandings. He stated that the Federal Audit Office is the supreme Swiss public audit body and institution and, in that capacity, is also a member of the International Organization of Supreme Audit Institutions (INTOSAI). Audits are carried out by qualified staff of the Federal Audit Office who, in the second half of each year, carry out an interim audit and, every two years in the first half of the year, carry out the final audit of the biennium. They also regularly carry out special audits such as audits of information technology or of buildings. The areas audited are determined by means of a risk analysis and auditing procedures are implemented by sampling methods. The auditing standards of the Panel of External Auditors of the United Nations are applicable. The terms of reference governing audit were annexed to the WIPO Financial Regulations. That document defines the checks to be carried out and the indications to be made in the report submitted. It also specifies the rights and obligations of the auditor. The auditing standards of the Panel of External Auditors of the United Nations stipulate that the External Auditor is obliged to follow scrupulously the relevant provisions of the Financial Regulations. It is nevertheless understood that the provisions of the regulations leave the auditors an adequate degree of freedom so that they can themselves determine the precise scope, nature and extent of the audit. The members of the Panel undertake to abide by INTOSAI standards. The External Auditor carries out an audit of the financial statements, of compliance with the specified mandate, and of management. The External Auditor gives an opinion on whether the financial statements provide a true picture of the Organization audited and of the compliance of the activities of the Organization with the specified mandate. Furthermore, the External Auditor submits a detailed report containing other observations made during the audit, particularly concerning management. Finally, the External Auditor also has to take into consideration any other issue considered important.

146. Mr. Grüter mentioned the report drawn up by the Joint Inspection Unit (JIU), which was on the Assembly's agenda, and also document A/41/12 prepared by the Secretariat detailing the follow-up to the Joint Inspection Unit's recommendations. Joint Inspection Unit recommendation 11 relates to the terms of reference governing audit. According to that recommendation, the General Assembly is to take steps to strengthen the effectiveness and independence of oversight at WIPO, specifically by requesting the External Auditor to review his/her terms of reference with a view to bringing them in line with the best practices of other United Nations organizations. As indicated by the Secretariat, under paragraph 25 of the document, the Program and Budget Committee is the competent body to examine any proposed amendment to the Financial Regulations. It was suggested that the General Assembly send the JIU recommendation to the Program and Budget Committee for

examination at its next session. Mr. Grüter added that if that issue were to be addressed during the current session, he would like to be involved in the work, because the WIPO terms of reference governing audit were identical to the model used throughout the United Nations common system and a working group of the Panel, made up of France, the United Kingdom and Switzerland had been dealing with the issue since 2004 with a view to adapting the terms of reference to the auditing standards of the Panel and the recommendations of INTOSAI. A proposal was to be discussed by the Panel at its forthcoming session in December 2005.

147. Referring to the audit reports being examined by the Assembly, Mr. Grüter gave several clarifications. He first mentioned that his audit report for the 2002-2003 biennium had been examined by the Program and Budget Committee at its eighth session in April 2005. The report appeared in document A/41/6. He stated that the Secretariat had responded to his four recommendations by introducing adequate measures. He therefore invited the Assembly to adopt the recommendation in paragraph 23(i) of the document by approving the accounts for the 2002-2003 biennium.

148. Mr. Grüter referred to the audit reports on the buildings and recalled the main recommendations given in the three reports. The first recommendation concerned the introduction of internal project management processes. He stressed the need to make available a description of processes, define the terms of reference of the persons involved, document and archive all modifications to the project and the decisions taken, improve coordination among the various Divisions of the WIPO Secretariat, and ensure information exchange within the Organization and the quality of information brought to the attention of the General Assembly. All those processes would have to be strictly followed, as would all the usual standards and practices.

149. In order to show the necessary objectivity, regularity and transparency for granting contracts, Mr. Grüter considered it essential that appropriate processes be defined and introduced rapidly. Those processes would take existing legislation into account and, in particular, establish all the conditions to define rules relating to the invitation to tender. Principally, the choice and weighting of evaluation criteria, secondly the method of assessing prices and, finally, the definition of the aptitude criteria applicable to the evaluation of the bidders. Those parameters were, of course, not to be modified during the process.

150. Concerning the subject of the reservation made in the audit of the construction accounts of the former WMO building, Mr. Grüter stated that, in the absence of satisfactory substantiating documents, and given that verification of all additional costs was objectively impossible, he had not been able to verify the justification of the entire claim of some 1.4 million francs made by the general contractor. He considered that the lack of rigor and the numerous failings observed in the various audits since 2002 relating to management of the construction projects had confirmed that not all requirements were met in WIPO for managing the new construction project in an optimum manner. Consequently, it was essential to rectify this deficient project management by introducing external project management.

151. Mr. Grüter invited the Assembly to approve the proposal made by the WIPO Secretariat in document A/41/16 established subsequent to his 2004 audit follow-up report. He mentioned the need to ensure the cooperation and full commitment of all internal participants with external project management. Mr. Grüter also expressed his optimism, adding that he had had the assurance of the Secretariat that those recommendations would be followed.

152. Mr. Grüter considered that it was not necessary to return to the matter of the review to be administered by the Federal Audit Office since it had already been mentioned by the Secretariat.

153. Finally, the External Auditor indicated that he favored the creation of an Audit Committee and recommended that the Assembly approve the proposal of the Secretariat on that matter. He also expressed the wish that the Federal Audit Office be involved in those discussions and in the work relating to the Internal Audit Charter.

154. The Assemblies of the Member States of WIPO:

- (i) approved the accounts for the 2002-2003 biennium;
- (ii) approved the 2002-2003 Financial Management Report (document FMR/2002-2003);
- (iii) noted the interim financial statement for 2004;
- (iv) noted the status of payment of contributions and working capital funds as at September 20, 2005;
- (v) noted the three reports of the External Auditor (documents A/41/13, 14 and 15).

ITEM 6 OF THE CONSOLIDATED AGENDA:

PROPOSED PROGRAM AND BUDGET FOR 2006-2007

155. Discussions were based on documents A/41/4, 5, 10, 11 and 16.

156. The Secretariat, in its introduction of the Proposed Program and Budget for 2006-2007, recalled that although at the 2004 Assemblies concerns had been expressed in respect of the Organization's financial situation and level of reserves, the financial situation of the Organization had since significantly improved, and that therefore the deficit for 2004-2005, which at some point had been estimated to be as high as 40 million Swiss francs, would be reduced to a marginal amount, effectively resulting in a budgetary balance. It clarified that this had been achieved not because of an increase in the income level but by a significant reduction in expenditures. It noted that the Secretariat's income projections were now based on a more reliable model, and that these projections had been consistent throughout the budgetary process, from its presentation to the Program and Budget Committee at the informal session in February 2005 to the presentation at the following ordinary session in April 2005. The Secretariat emphasized that budgetary balance had been achieved through a series of cost-saving measures in all the sectors of the Organization, as well as a revision of a number of practices and procedures which had made it possible to contain expenditures without compromising assistance to developing countries and countries in transition nor the efficiency of the services that the Organization was providing to end users in the area of patents, trademarks and designs. The Secretariat stated that through these efficiency gains, in 2004-2005 the Organization would be able to absorb a workload increase of almost ten per cent in the PCT and of over 26 per cent in the Madrid system, with no staff increase,

and, in fact, even with an overall reduction in the total number of employees (headcount) of almost ten per cent compared to early 2004.

157. The Secretariat stated that this consolidated financial situation formed the basis on which the Proposed Program and Budget for 2006-2007 had been submitted to the Program and Budget Committee in April. It stated that after four biennia of deficit spending, a balanced budget was now being proposed for 2006-2007. Furthermore, the Secretariat had worked, particularly as concerned PCT income, to improve its ability to forecast its income and now considered that this system formed a solid basis for income projection. The Secretariat noted that the reserves would be at the target level approved by the Member States in 2000 (representing 18 per cent of biennial expenditure). It emphasized that the proposed Program and Budget for 2006-2007 envisaged no deficit and no increase in the level of fees paid by the users of the PCT, Madrid and Hague systems. It further noted that the Organization's income continued to grow, with an estimated growth of about eight per cent in the 2004-2005 biennium over the 2002-2003 biennium, and a further growth of around four per cent in the next biennium. This clearly showed that services provided by the Organization continued to be relevant, and in growing demand.

158. It should be also noted that although the Proposed Program and Budget was only marginally higher than the revised budget for 2004-2005, resources proposed to be allocated to cooperation with developing countries in 2006-2007 were higher compared to the revised budget for 2004-2005.

159. The Secretariat further stated that the Proposed Program and Budget for 2006-2007 had incorporated some of the recommendations contained in the report of the Joint Inspection Unit (JIU) on the management of the Organization that had been submitted to WIPO in February 2005. In particular, it incorporated the recommendation to conduct a desk-to-desk review of the human and financial requirements of the Organization, and made provisions for its cost. The Secretariat welcomed the opportunity to conduct such a review which, if approved by the Member States, would be implemented in 2006. The Proposed Program and Budget for 2006-2007 also included the resumption of the new construction project through a commercial loan. The allocation proposed in the 2006-2007 budget (Program 31) was meant to cover the cost of servicing the loan and engaging an external management firm, in accordance with the recommendation of the External Auditor. The Program and Budget Committee (PBC), in its April session, had recommended the proposed Program and Budget for 2006-2007 for the approval of the Assemblies. It had also mandated the Secretariat to convene an informal Working Group of the PBC to work on two issues: the possible establishment of a WIPO Audit Committee, and the adoption of an Internal Audit Charter. The said Working Group had met between April and July and had agreed on a proposal to establish a WIPO Audit Committee and a proposal to adopt a WIPO Internal Audit Charter, to be annexed to the Financial Regulations of the Organization. Both documents were now before the Assembly (documents A/41/10 and A/41/11). The PBC had also agreed to put on the agenda of its next session a new mechanism to further involve Member States in the process of preparation and follow-up of WIPO's Program and Budget.

160. Finally, the Secretariat emphasized that, as mentioned by the Director General in his opening statement, the proposed Program and Budget for 2006-2007 had an in-built flexibility on the financial and programmatic levels. For this reason, the Proposed Program and Budget for 2006-2007 would be able to accommodate new initiatives that could be requested by the Member States during the course of the biennium.

161. The Delegation of Brazil, speaking on behalf of the Delegations of Argentina, Bolivia, Brazil, Cuba, Ecuador, the Islamic Republic of Iran, Peru, Sierra Leone, South Africa, Tanzania and Venezuela, noted that the body established in WIPO to address and recommend to the General Assembly the Program and Budget of the Organization was the Program and Budget Committee (PBC), and that notwithstanding its responsibility in the budgetary process, this Committee had held a three-day meeting only in April to analyze and formulate recommendations to this General Assembly on the Program and Budget 2006-2007 (a proposal by the Secretariat). The countries on behalf of which the Delegation spoke had clearly identified the shortcomings of the Program and Budget Committee and noted that in practice superficial debate of the financial aspect of the budget had been held, insufficient time to analyze the document had been provided for, the distribution of the document itself had been done only a few days before the meeting and, in their view, information provided in support of the proposal had been insufficient. Additionally, although financial and programmatic aspects of the proposal were equally important, the programmatic aspects proposed by the Secretariat for a whole biennium had never been a matter of discussion, neither in the PBC nor in other bodies. In the view of the said countries, it was obvious that the current practice of calling for only a meeting of very short duration to discuss the budget did not allow Member States time for the elaboration of recommendations on a responsible and informed basis. Therefore, the said countries believed that the PBC should meet on a regular basis, and should hold as many meetings as necessary, to address all the issues of its competence in an appropriate way, and that dedicated budget analysis would facilitate the inherent control functions and responsibilities of Member States and substantially improve allocation of resources in the most transparent and efficient way. The Program and Budget Committee had recognized in its April session the need for a new mechanism to involve Member States in the drafting of the programmatic and budgetary aspects and in the discussions and follow-up of the Program and Budget. In this sense, the said countries proposed that the General Assembly should decide that the Program and Budget Committee should start, as it had already been agreed in the Committee, discussions for the implementation of such a mechanism, to be operative for the consideration of the Program and Budget for 2008-2009, and that the PBC should submit a proposal for its adoption by the next General Assembly in 2006. Finally, a decision had been taken, as contained in paragraph 174, subparagraph 3 of the report of the April session of the PBC, but this recommendation had not been reflected in any of the proposed decisions submitted to the Assembly. The following text to implement the Program and Budget Committee's recommendation, as referred to above, should therefore be considered and adopted by the present session of the General Assembly: "The General Assembly decides that adjustments to the Program and Budget for 2006-2007 shall be carried out in order to take into account any programmatic and budgetary implications resulting from on-going discussions on the WIPO Development Agenda and other issues."

162. The Delegation of the Czech Republic, speaking on behalf of the Group of Central European and Baltic States, thanked the Secretariat for the proposed Program and Budget for 2006-2007. At the Program and Budget Committee session in April 2005, the members of the Group had welcomed the new budgetary policy for WIPO, including the proposal not to increase the level of fees, and had associated themselves with all the pillars on which the budget for 2006-2007 was based. The Group was convinced that the Proposed Program and Budget for 2006-2007 would contribute to the Organization's financial stability and to the achievement of the internationally agreed development goals. Members of the Group would be pleased to actively participate in all proposed programs. For all these reasons the Program and Budget should be adopted by the General Assembly. The Group also wished to underline the importance it attached to the principles of good governance. In this respect, it supported

the proposal to establish a WIPO Audit Committee, and was of the view that its establishment would promote the effectiveness of the Organization and the transparency of the whole decision process. It also supported the Internal Audit Charter, as proposed by the Working Group of the Program and Budget Committee. With regard to the new construction project, the Group was persuaded that its resumption was economically justified. It expressed its support of the proposed external project management structure as presented in document A/41/16; however, it was of the opinion that the construction of a conference hall should not be abandoned.

163. The Delegation of the Islamic Republic of Iran, speaking on behalf of the Asian Group, noted the importance of the Program and Budget Committee (PBC) as the body responsible to allocate budgets and arrange programs, a task that should be carried out in a balanced way to cover the interests and concerns of all Member States. It was of the view that the work of the Committee could be made more efficient if Member States were given further opportunities to express their views. In this respect, the Asian Group supported sub-paragraph 5 of paragraph 174 of the final report of the PBC whereby the Committee would include in the agenda of its next session the identification of a mechanism that would involve Member States in the discussion and follow-up of the Program and Budget. It recalled that the PBC, during its eighth session meeting, had decided that the General Assembly could make adjustments to the proposed Program and Budget for 2006-2007 in order to accommodate budgetary implications that could result from on-going discussions. In this context, the Asian Group supported the adjustment to the Proposed Program and Budget for 2006-2007 based on discussions of various subjects in the present session of the General Assembly, including the Development Agenda.

164. The Delegation of Switzerland, speaking on behalf of Group B, thanked the Secretariat for its presentation and expressed its special appreciation for the dedicated work of the WIPO Controller and her team. Group B fully supported the Proposed Program and Budget for 2006-2007. It had a keen interest in the efficient and strategic management of WIPO's program and budget. In 2004, Group B had expressed serious concerns about WIPO's financial situation. Constructive work had been accomplished since, with and within the International Bureau. Group B welcomed the fact that the Program and Budget presented at the April 2005 session of the Program and Budget Committee (PBC) reflected the priorities of Group B, such as better income projections, improved expenditure discipline resulting in cost savings and no fee increase. Discussions of the draft Program and Budget for the next biennium had provided opportunities for WIPO and its Member States to set priorities and achieve further efficiency and cost savings in WIPO's program delivery. The Proposed Program and Budget for 2006-2007 endorsed a new budgetary approach and represented an innovation in the way the document was structured as well as in its content. Group B was satisfied with this new budgetary policy and the key elements for attaining a sound process. In particular, it welcomed a balanced budget, no fee increase, increased mobilization of resources for technical assistance, reserves on target, improved forecast models for PCT fees and development of similar models for other registration systems, and the tackling of additional priorities. Group B also fully endorsed the recommendation of the PBC on the establishment of a WIPO Audit Committee and on the adoption of an Internal Audit Charter, and looked forward to their adoption by the Assembly. With regard to the new construction project, Group B welcomed the initiative of the International Bureau to engage the services of an external management entity and recommended the full implementation of the recommendations contained in the reports of the External Auditor in this area.

165. The Delegation of Morocco, speaking on behalf of the African Group, expressed its satisfaction with the overall strategy of the Proposed Program and Budget strategy for 2006-2007, and in particular with the realistic scope of the strategic directions and the ultimate aim of the five strategic goals and priority areas covered by 31 programs. The Delegation noted that the proposed budget contained certain core points and encouraging distinctive features which were a balanced income and expenditure, the presence of a large number of positive financial parameters, particularly the overall increase of four per cent in income compared with 2004-2005, the absence of any deficit or increase in fees, and the holding of reserves at the level approved by the Member States of 18 per cent of the total budget for the biennium. The Delegation observed that the proposed budget had the advantage of taking into account the two main recommendations of the Joint Inspection Unit which required that the budget for the biennium be based on the revised budget of the current financial period, and that an assessment of human and financial resources be carried out, the results of which would form a basis for a possible adjustment to be examined by the Members. The Delegation stated that the African Group had responded favorably to the increase observed in the resources allocated to the program for cooperation with developing countries, and expressed satisfaction with the special attention given to the needs of developing countries and the least developed countries for integrating intellectual property into their national development strategies and policies. Given all those reasons, the Delegation expressed its support for the proposed budget and commended the untiring efforts made by the International Bureau to ensure that the budget policy implemented was characterized by rigor, rationalization and transparency, thereby enabling considerable savings to be made in operating expenditure. With respect to the project for the new construction, the Delegation expressed its support, as it had previously indicated at the eighth session of the Program and Budget Committee, for the option involving financing the project for the new construction by means of a commercial bank loan. The Delegation explained that several considerations had led to that decision, namely: the value and significance of the strong case presented by the International Bureau in document WO/PBC/8/INF/1, hinging essentially on a range of financial benefits and global economic arguments (see page 105 of document WO/PBC/8/3); the legal conformity of this option with the WIPO Convention; and the absolute need to benefit from investment already made in the project for the new construction, representing 18 per cent of the total amount. In that respect, the Delegation stressed the importance for WIPO to envisage the future possibility of a conference room, recalling that a decision to that effect had been taken by the Member States in 2002. The Delegation added that a conference room would enable the Organization to reduce its operating costs and undoubtedly improve its programming of meetings.

166. The Delegation of China associated itself with the statement made by the Delegation of the Islamic Republic of Iran on behalf of the Asian Group. During the past year, WIPO had faced many challenges. The Delegation expressed its appreciation for the efforts made by the Director General and the Secretariat to respond to these challenges. WIPO had gradually followed up on a number of suggestions by the Member States and effective measures had been taken to save expenditure, such as the re-negotiation of purchasing contracts, the re-adjustment of office space needs and the reduction in air ticket fares. Such a management method was necessary for an Organization of WIPO's scale. The Delegation expressed its support of WIPO's proposal for a balanced budget. It expressed its hope that WIPO would consider the opinions of all parties, including the Asian Group, and that these would be incorporated in the final budget document. The Delegation expressed its full support to WIPO's activities, and reported that its Government had been active during the past year in promoting intellectual property as well as cooperation and exchange activities with neighboring countries in the intellectual property field. In light of the present financial

situation of WIPO, and to ensure the success of WIPO activities, the Government of China had increased its human resources and financial inputs for cooperating with WIPO and hosted a number of relevant activities at the invitation of WIPO and other Member States. Finally, the Delegation expressed its gratitude to the Secretariat for providing high quality Chinese documents for the Program and Budget Committee.

167. The Delegation of Benin, speaking on behalf of the 44 Least-developed Countries (LDCs) which were members of WIPO, recalled that in recent years the Director General of WIPO had taken firm initiatives in favor of the LDCs, in particular the training of several intellectual property technicians, the supply of computers, the introduction of information and communication systems in over 30 intellectual property offices, the organization of seminars and workshops on genetic resources, traditional knowledge and folklore, and in many other areas of intellectual property, and the setting up of collective management societies. The Delegation stated that, while consolidating achievements, the aim of the 2006-2007 biennium should be to concentrate on centers of excellence, enterprises and business centers, and also encourage the use of intellectual property to promote the production of goods and services to be placed on the market.

168. The Delegation of Benin stated that the challenge of developing intellectual property in the LDCs should therefore be that of creating an environment favoring economic growth, construction and the modernization of infrastructures. The Group of LDCs expressed the opinion that the Proposed Program and Budget for 2006-2007 outlined those concerns, and, given the urgency and extent of the needs mentioned in that budget for those countries, appealed strongly for the Program and Budget for the 2006-2007 biennium to be approved by consensus, thereby giving WIPO, following its great achievement of presenting a balanced budget after its major financial difficulties, the means to implement its policy for the forthcoming two years. The Delegation noted that although much still remained to be done with respect to the process for establishing budget discussions, the overall framework could be improved. It called on the delegations to commence work on the forthcoming budgets by starting, as requested by certain delegations, more detailed discussions.

169. The Delegation of the United Kingdom, speaking on behalf of the European Community (EU), its 25 Member States and the Acceding States of Bulgaria and Romania, thanked the Director General for his Proposed Program and Budget for 2006-2007. The EU supported the proposal and in particular welcomed: a balanced budget; no fee increase; increased mobilization for technical assistance; reserves on target; a predictable forecast model for PCT fees, and development of similar models for other systems of registration and the tackling of traditional and new priorities. It welcomed WIPO's efforts to bring the budget into line with strategic objectives, and commended the Secretariat for a much-improved layout and format under a more results-based approach. Results and indicators had certainly improved. As WIPO developed a mainstream results-based management principle throughout the Organization, the Delegation looked forward to seeing further fine tuning of indicators with more measurable, realistic and time-related objectives. The World Summit Outcome document agreed in New York in September 2005 had recognized the need for budgetary, financial and human resources policies, regulations and rules corresponding to the current needs of the United Nations. In this context, it looked at the Director General to demonstrate engagement, commitment and leadership on implementing results-based management, moving WIPO towards a more performance-based culture. Results-based management demanded, among other things, clearly defined responsibilities and authority for all staff as well as performance assessment and career development linked to performance. In this regard, it welcomed the news that the Secretariat

was committed to preparing a comprehensive human resources strategy, taking into account the outcome of the desk-to-desk assessment. It hoped that the Secretariat would consult and inform Member States as the strategy developed. It also welcomed the personal support expressed by the Director General for the two new initiatives on a WIPO Audit Committee and an Internal Audit Charter. WIPO was an important organization of the United Nations (UN) system with a fundamental role in promoting innovation worldwide. As such, WIPO needed strong governance and transparency of process. The World Summit Outcome document called for a comprehensive review of governance arrangements in the UN. The EU regarded good governance as an opportunity for, and an aid to, the efficient running of the Organization. In this respect, it recalled the Outcome document's views on the need to substantially improve oversight processes in the UN system. The Delegation welcomed the Internal Audit Charter for WIPO as a useful tool in providing increased transparency and accountability to all Member States, as well as greater independence for the Internal Auditor. The good reputation of WIPO needed to be protected. It therefore welcomed the news that the Director General would bring an independent auditor to look into allegations of fraud and to make recommendations on improvements to internal controls. It looked forward to receiving the auditor's report, which should also be shared with the Audit Committee at the earliest opportunity. Note had been taken of the Director General's letter of August 12, 2005, to the Member States seeking improvements of Staff Regulation 1.6 on activities and interests outside the International Bureau. The EU proposed that the Regulation should — in line with the Outcome document's views on ethics and conduct — reflect the highest standard for holders of public office and asked the Secretariat to present the Regulation for consideration during this General Assembly so that it might be implemented immediately. The EU also strongly supported the advice of the Joint Inspection Unit (JIU) that WIPO Member States should exercise their Board of Directors' function and take a more active and robust role. The setting up of a permanent Audit Committee in WIPO, in line with the Outcome document's views on the need to enhance the independence of oversight structures in the UN, was therefore a welcomed development, that the EU strongly supported. The EU looked forward to seeing the Audit Committee established and working by the end of the year. Finally, it stressed that a key early role for the Audit Committee would be to define the terms of reference and supervise the selection of a contractor for the desk-to-desk assessment recommended by the JIU.

170. The Delegation of Colombia expressed its gratitude to the Director General and his whole team for the efforts made in preparing the Proposed Program and Budget for the coming biennium. The Delegation said that the proposal constituted a solid financial basis for achieving the affective implementation of the actions and programs laid down within WIPO's vision and that in turn it provided for effective management of the resources based on the costs of planned implementation. It said it was important to highlight the fact that the proposal envisaged a clear and measured budget, one which was based on the five major strategic aims of the Organization and which incorporated in turn priority spheres, specific objectives and output indicators for assessing the fulfillment of said objectives. The Delegation indicated its support for the Proposed Program and Budget for the coming biennium, support which had already been made clear during the meeting of the Program and Budget Committee of which it was a member, and that it considered that the recommendations of that subsidiary body were optimum and constituted a direction for said proposed budget to be followed by the Assemblies. For those purposes, it said that it was essential to take into account many of the positive elements of the budget, such as a balance in the levels of income and expenditure, provisions for an increase in income equivalent to 4.4 per cent, a projected zero deficit and adequate maintenance of the minimum levels of reserves. The Delegation said that it also understood that the proposed budget envisaged the

necessary flexibilities for subsequent adjustment, taking into account the budgetary implications of the decisions to be adopted by the Assemblies, for which reason room for budgetary maneuver existed in order to continue making progress with and accelerating the work of the different technical committees and bodies engaged in discussions and deliberations on the Development Agenda and, in general, strengthening the programs of cooperation for economic development. As to the future work of the Program and Budget Committee, the Delegation of Colombia said that it considered it essential to strengthen the role played by said body and to plan at least two formal meetings for the coming biennium as well as, as part of its future agenda, to identify clearly various subjects such as: first, the discussion, preparation and design of the budget by program for the 2008-2009 biennium; second, the follow-up to the implementation of the programs and activities budgeted for the coming biennium; third, the revision of the adjustments by program which were necessary, in particular the budgetary implementation of the aims of the WIPO cooperation program; fourth, the review and analysis of the reports relating to the assessment of the needs of the Organization's human and financial resources that would be carried out by WIPO by means of independent experts; and fifth, electing the members of the WIPO Audit Committee which was proposed and subsequently receiving and analyzing the reports of that Committee. The tasks in question gave some idea of the fact that the Committee's role should be more active and broader in the coming biennium. Finally, the Delegation said that its Government firmly supported the creation of the Audit Committee, as recommended by the Program and Budget Committee, since said mechanism was based on the focus of effective management of the Organization's resources, and it was consistent with the Internal Audit Charter recommended by said Working Group of the Program and Budget Committee. The Delegation also noted that the efforts made by the Director General in terms of the timely and sustained application of some of the recommendations made by the United Nations Joint Inspection Unit to WIPO in February 2005 should be highlighted.

171. The Delegation of Egypt thanked the Director General for the presentation made on the main features of the Proposed Program and Budget and supported the need for a mechanism that would give enough time to discuss and follow up the program and budget. It also supported the establishment of a WIPO Audit Committee, which was a step in the right direction. It stressed, in particular, the importance of transparency, improvement in forecasting the PCT fee income, and the five strategic goals. The Delegation believed that the first and the fourth of these goals were of particular importance as they would help establish an intellectual property culture, particularly with regard to economic development. Intellectual property needed to be promoted to become a means of economic growth and for the development of small and medium-sized enterprises that may considerably benefit from the technical information contained in patent documents. It believed that these would create the necessary economic assets for a country. It noted that this was also linked to the provision of services in the field of intellectual property and believed that such services were extremely important and highlighted that the link between development and these services. The Delegation appreciated that the Proposed Program and Budget was results-based. It also noted with satisfaction that the proposal contained sufficient flexibility to allow the implementation of new activities in accordance with the needs expressed by Member States which require extensive support from WIPO, especially in the fields of automation, training and development and in the management procedures of the various offices. It expressed hope that the budget would be fully implemented. Concerning the documents for the Assemblies, the Delegation indicated that, while it had received them in good time, it encouraged the promotion of electronic means for the communication of such documents in order to enable all delegations to have sufficient time to study them.

172. The Delegation of Switzerland expressed its thanks to the Director General and staff of WIPO for the work done during the year and for preparing the Assemblies in particular. The Delegation commended WIPO staff on their devotion to their work, indicating that they were a valuable asset for the Organization and its Member States. It associated itself with the statement made on behalf of Group B, and was pleased to observe that the draft Program and Budget for the 2006-2007 biennium was balanced with greater allocation of funds for development, while maintaining reserves at a reasonable level without increasing fees, which responded to various concerns expressed by the Delegation. It noted that the new budget brought out the priorities of the Organization more clearly. The Delegation therefore fully supported adoption of the draft budget. The Delegation also expressed its satisfaction in seeing two documents submitted for adoption by the Assemblies, concerning the strengthening of the internal audit function within the Organization and also that which the Member States themselves should carry out. The Delegation expressed its full support for the adoption of the Internal Audit Charter and the creation of the Audit Committee in response to certain recommendations made by the Joint Inspection Unit (JIU) and the external auditors. The Delegation commended the decision of the International Bureau to entrust an external firm with the management of the new building construction in line with the recommendations of the External Auditor. The Delegation recommended that the Secretariat fully implement the various recommendations of the Auditor and commended the cooperation which had been initiated between the Joint Inspection Unit and WIPO, as well as the decision of the International Bureau to implement certain recommendations already. The Delegation encouraged the International Bureau to continue its cooperation with the JIU and to implement the other relevant recommendations of the JIU in the shortest possible time. The Delegation stated that it was pleased that discussions would be undertaken in the Program and Budget Committee to provide for greater participation of that Committee not only in the budget preparation phase but also in its implementation and overview phase. In its conclusion, the Delegation noted that WIPO, in its Program and Budget overview for the next biennium, envisaged continuing efforts to respond most effectively to the needs of its Member States by strengthening several programs with the commitment to putting emphasis on intellectual property policies. It stated that the core activities of WIPO should not be forgotten, namely the international registration of intellectual property titles and the technical cooperation activities. In that way, WIPO would continue to play a key role in the correct operation of international intellectual property systems. The Delegation expressed the wish that priority be given to those sectors and that adequate means be allocated.

173. The Delegation of the United States of America associated itself fully with the Group B statement. It welcomed the announcement by Deputy Director General Petit, of the engagement of independent auditors to investigate the allegations of financial improprieties and looked forward to receiving their report. It also welcomed WIPO's development of the 2006-2007 budget, which balanced expenditures with projected income levels without fee increases, reversing the prior year's practice of using the WIPO reserves to finance deficit spending. In addition, it welcomed WIPO's determination to re-examine its human resources strategy and to slow the recent growth in its staffing levels, and in particular its reliance on temporary contract employees. It looked forward to receiving interim reports confirming that during the coming biennium actual expenditures and staffing levels would not exceed projections. The Delegation fully supported the approval of the WIPO Internal Audit Charter and the establishment of a WIPO Audit Committee as means to improve accountability within the Organization and to enhance the quality of internal oversight. It also strongly urged WIPO to take swift action to put these measures in place. The United States of America fully supported giving the Audit Committee broad oversight authority, including oversight of the new construction project and of the planned assessment of WIPO's human and financial

resource requirements. It also encouraged the Organization to continue to pursue greater transparency, especially by ensuring full access to information on operations for internal audit staff and the WIPO Audit Committee. With respect to the new construction project, the Delegation indicated its full support for the External Auditor's recommendation that WIPO should retain external project management expertise and that it take all necessary steps to ensure the integrity and transparency of the contracting process during the new construction project. As was customary, the Delegation reiterated its position against the use of US Government contributions to cover the cost of external borrowing. That said, it welcomed WIPO's constructive engagement on budgetary matters and looked forward to continuing that process in the future.

174. The Delegation of Djibouti associated itself with the statements made by the Delegation of Morocco on behalf of the African Group and the Delegation of Benin on behalf of the least developed countries. It referred particularly to the statement made on behalf of the LDCs and expressed its appreciation of the efficiency and manner with which the real, day -to-day needs, and particularly the material needs, of the least developed countries were dealt with. The Delegation thanked WIPO, the Director General Mr. Kamil Idris and his Deputy Directors General including Mrs. Hayes and Mr. Petit. The Delegation pointed out that WIPO assistance was vital for Africa and particularly for the LDCs which constituted a special case with respect to the other Member States. In conclusion, the Delegation stated that the draft Program and Budget for 2006-2007 should be adopted.

175. The Delegation of Belarus expressed particular thanks to the Director General of WIPO, and his team for the enormous amount of work that had been done in 2004 and the first half of 2005, which showed that the Secretariat was committed to fully implement the program for 2004-2005. The Secretariat's work had been carried out transparently and effectively and in spite of financial restrictions WIPO had continued to exert a substantial impact on the worldwide development of intellectual property, as a key instrument for economic, social and cultural development. The Delegation commended the Organization's new budgetary policy and expressed its support for the proposed Program and Budget for 2006/07 and all of its key elements. It was pleased to note that the financial situation of WIPO had improved and that a balanced budget policy was being adopted. This policy might imply restrictions, but funding would nonetheless be based on an equitable approach. The new Program was very useful in that it dealt with the strategic use of IP for development. The Delegation commended the efforts made by the Secretariat to improve PCT income forecasts, as a way to further enhance the financial stability of WIPO in future. Similar work should be undertaken for the Madrid and Hague systems. The Delegation also supported the offer by Singapore to host the Diplomatic Conference on Trademarks.

176. The Delegation of Ethiopia thanked the Director General and his team for its invaluable work. It observed that the demand for the services of WIPO from various stakeholders was increasing. In particular, least developed countries (LDCs) looked at WIPO for its indispensable support in their endeavors to put in place a vibrant intellectual property system. It was in the interest of all to empower WIPO to meet this demand. The efforts made by the Organization to achieve a balanced budget without compromising delivery deserved applause and encouragement. The Director General of WIPO himself had assured the Assembly that the Proposed Program and Budget for the 2006-2007 biennium was flexible enough to accommodate new activities as and when they arose and, in light of these considerations, fully supported the endorsement of the Proposed Program and Budget for 2006-2007. Finally, it associated itself with the statements made by the Delegation of Morocco on behalf of the African Group and by the Delegation of Benin on behalf of the Group of LDCs.

177. The Delegation of Australia fully supported the statement made by Group B and believed that the Proposed Program and Budget for 2006-2007 should be approved by the Assemblies. It strongly endorsed the views expressed by a number of delegations that the role of the Program and Budget Committee (PBC) should be enhanced. Increased participation of the PBC in the development and oversight of the Program and Budget would be a good move for the Organization. It believed that this would greatly assist the improvement of governance within WIPO. For similar reasons, the Delegation also strongly endorsed the establishment of a WIPO Audit Committee and the adoption of an appropriate Internal Audit Charter. The Audit Committee should have a strong role in overseeing the new construction project and the desk-to-desk review. It should also have access to the outcome of the agreed independent external review into fraud allegations which had been announced by the Director General.

178. The Delegation of Canada thanked the External Auditor for his excellent work and stated that it fully supported the statement made on behalf of Group B. It expressed its support for the Proposed Program and Budget for 2006-2007 since it advocated a balanced budget, with no increase in any user fees, maintenance of adequate reserves, improved forecasting for PCT income and general support for the JIU recommendations. The Delegation also strongly supported the establishment of a WIPO Audit Committee and the adoption of an Internal Audit Charter. These initiatives would strongly enhance the program and budget process of the Organization.

179. The Delegation of Germany fully supported the statements made by the Delegation of Switzerland, on behalf of Group B, and by the Delegation of the United Kingdom on behalf of the European Union (EU). The Delegation welcomed the new budget policy of the International Bureau, which was clearly visible in the documents presented to the Assembly. WIPO was indeed a financially sound Organization, with its income still growing at the very satisfactory rate of more than eight per cent in the current biennium. The Delegation was pleased to learn that deficit spending would be avoided in the current biennium. It also commended the Secretariat for the key elements of its new budget policy for the next biennium, namely: no fee increase, no deficit spending, and the timely development of forecast models for the PCT, Madrid and Hague systems. The Proposed Program and Budget for 2006-2007 had been discussed in the informal and formal sessions of the Program and Budget Committee (PBC) which had taken place earlier in the year. The PBC had recommended that the General Assembly approve the Proposed Program and Budget 2006-2007. The Delegation fully agreed with this recommendation and supported the budget proposal as presented by the Director General. The Delegation also welcomed the proposal to establish a WIPO Audit Committee and thanked the members of the open-ended Working Group of the PBC for their determination, swift negotiations and well-drafted proposal. The WIPO Audit Committee would play an important role in further improving the oversight and control mechanisms of WIPO and also responded to the advice of the Joint Inspection Unit (JIU) that WIPO Member States should exercise their Board-of-Directors function more decisively. Given the wide range of recommendations made by the JIU, implementation should be closely followed. It was, therefore, important that there be a body of manageable size whose members had the required qualifications and professional experience. The Audit Committee could play this role by monitoring the implementation of the JIU's recommendations and overseeing the desk-to-desk review which would be performed by an external company. Germany also welcomed the fact that oversight questions were receiving broad attention at the moment within the United Nations system. Germany strongly believed that the trust between the Secretariat and the Member States should be the guiding principle. The Audit Committee would also be instrumental in confirming that the trust of the Member

States in the work of the Secretariat of WIPO was well placed at all times. The Delegation also welcomed the proposal on the adoption of a WIPO Internal Audit Charter. WIPO stakeholders needed to be confident that WIPO programs were being properly managed and that the income generated from fees paid by their countries' users were being put to good use. It stressed that the Working Group of the Program and Budget Committee had concluded that it was the responsibility of the Director General to ensure that all internal audit functions were carried out in WIPO. It acknowledged that the Director General had embarked on a broad process of consultation with Member States in respect of these issues, that the Secretariat had shown openness with regard to recommendations from its Member States and had provided additional information on best practices in other international organizations. This was sincerely appreciated by the Delegation. The Working Group had agreed on several amendments to the initial draft presented by the Director General. The Delegation pointed to two examples: firstly, it had agreed that the Internal Auditor should serve for a fixed term of four years (renewable, on the recommendation of the Audit Committee, for an additional term of four years) and that the Internal Auditor could not be eligible for any further employment at WIPO: this would strengthen the independence of the Internal Auditor. Secondly, the link between Member States and the Internal Auditor had been significantly strengthened in the recommended text of the Internal Audit Charter, which now provided that the General Assembly would receive a summary report from the Internal Auditor, and that comments, if any, by the Director General on this report would be submitted separately.

180. The Delegation of Pakistan associated itself with the statement made by the Delegation of the Islamic Republic of Iran on behalf of the Asian Group. It appreciated the different developments with regard to budgeting in the Organization, including budgetary balance. It was pleased to learn from the Secretariat that the deficit in 2004-2005 had been reduced to a marginal, minimum level, that the five strategic objectives of the Organization were being met and that the reserve target had been achieved. The Delegation had taken note of the concerns expressed by some other Member States with regard to procedural and substantive aspects of budgeting in the Organization and stated that it shared some of those concerns. It then mentioned what it regarded as important elements in respect of budgeting in WIPO. Firstly, it was important to ensure that the budget process be member-driven and inclusive. In this sense, the Delegation welcomed the inclusion in the agenda of the next session of the Program and Budget Committee of an item on a new mechanism to ensure greater participation of the Member States in the preparation, implementation and follow-up of the budget exercise. Secondly, it considered that it was also important to ensure the relevance of the program and budget process. For this reason, it was important that the budget could be adjusted to reflect the outcome of current discussions on different issues of concern to the Member States. Thirdly, while it welcomed the audit-related proposals submitted to the Assembly with a view to improving the functioning of the Organization, it cautioned that these new audit mechanisms should not evolve into micromanagement, which ultimately would jeopardize the effectiveness and efficiency of the Organization, as had been seen in other organizations of the UN system. Finally, the Delegation welcomed the statement made by the Director General on the built-in flexibilities of the Proposed Program and Budget for 2006-2007, whereby adjustments could be done to reflect decisions that would be taken on various issues under discussion, in particular, on the Development Agenda. The Delegation was of the view that, having taken note of this statement, the Assembly could proceed to adopt the proposed budget.

181. The Delegation of Chile celebrated the fact that after four biennia showing deficits, a balanced budget had been presented, practices had been revised and measures taken that would mean a saving for the Organization, and that it would not be necessary to increase the

fees for PCT applications. Notwithstanding, it expressed its agreement with the recommendations made, for example by the Delegation of Colombia, to the effect that there should be more meetings of the Program and Budget Committee and that members could follow up their implementation, since during the short meeting of that Committee the lack of substantive discussion had been evident in relation to points raised by certain Committee members. The Delegation said that in that sense it agreed with Brazil, speaking on behalf of the "Friends of Development", regarding the fact that the General Assemblies should instruct the Program and Budget Committee to move to implement a mechanism involving members in the drafting of budgetary and program-related aspects as well as in the discussions on follow-up to the program, and that such a mechanism should be proposed to the General Assemblies in 2006. Finally, the Delegation expressed its agreement with the proposal made by Brazil to include a paragraph in the Assembly decisions regarding paragraph 174.3 of the Report of the Program and Budget Committee, for the purposes of incorporating the necessary flexibility so as to adjust the budget for the biennium according to the decisions taken regarding the WIPO Development Agenda and other subjects.

182. The Delegation of Kenya thanked the Director General and the Secretariat for presenting a balanced budget with no fee increases, and the proposal to adopt an Internal Audit Charter. The Delegation welcomed increased mobilization for technical assistance and the priorities as identified, and supported these initiatives. It associated itself with the statement made by the Delegation of Morocco on behalf of the African Group. It fully endorsed the adoption of the Proposed Program and Budget for the 2006-2007 biennium as presented. Kenya was a member of the Program and Budget Committee and had actively participated in the eighth session, which had decided to recommend the Proposed Program and Budget for adoption to the General Assembly. It was of particular importance to the Delegation that the proposed budget was flexible and would be able to take into account any budgetary implications that might result from the ongoing discussions on the WIPO Development Agenda and other issues. Finally, the Delegation noted that as a result of the discussion on budget the Organization had introduced various mechanisms in matters of audit and oversight, as recommended by the Joint Inspection Unit.

183. The Delegation of the Russian Federation, which had actively participated in the work of the Program and Budget Committee, extended its full support for the documents which had been submitted to the Assemblies, noting their high quality. It supported the new approach taken by WIPO as it sought to continue to raise the profile of intellectual property, as well as the strategic orientation which had been adopted. It was a balanced program approach that would lead the Organization forward and help Member States to promote economic, social and cultural development. The Delegation expressed its wholehearted support for the balanced approach that had been adopted, and for the fact that all the strategic objectives that Member States had set themselves on program had been reflected in the budget proposal. It stated that if a year before there had been a certain amount of pessimism, Member States were now all more optimistic because, in the past year, the Director General himself had been personally involved in resolving all the issues that had been raised, and in identifying a new approach, which was commendable. This new approach had permitted remarkable results, namely no increase in fee levels, a balanced budget, and no deficit spending. In the view of the Delegation, the slight increase in the proposed budget for 2006-2007 was justified and supported by a detailed analysis. It wished to underline the importance of maintaining a certain flexibility to be able to take into account relevant recommendations of the JIU and the Audit Committee. New interim report mechanisms would be welcomed to ensure a certain amount of, if necessary, flexibility, and to follow up on the recommendations of the JIU and of the Audit Committee, so as to enhance the transparency of the budget process. Finally, the

Delegation expressed its support for the proposal to establish a WIPO Audit Committee and to adopt a WIPO Internal Audit Charter.

184. The Delegation of Japan supported the statement made by the Delegation of Switzerland on behalf of Group B and supported the proposal of a balanced budget for the 2006-2007 biennium. It expressed high appreciation for the efforts of the International Bureau to reduce operational expenditure for the 2004-2005 biennium and hoped that this trend would continue in the next biennium. It invited the International Bureau to continue to work to make the PCT system more attractive to users, thereby securing the main source of income of the Organization. Finally, it supported the adoption of the Internal Audit Charter and the establishment of a WIPO Audit Committee.

185. The Delegation of Antigua and Barbuda commended the Director General and the Secretariat for the quality of the documents that had been prepared for these Assemblies and applauded the Director General's continuing efforts for developing effective intellectual property systems. It expressed its appreciation and support for all the initiatives of the Organization, especially those aimed at meeting the particular needs of the developing countries. The Delegation of Antigua and Barbuda, speaking on behalf of the Caribbean states represented in the General Assemblies, supported the Proposed Program and Budget for 2006-2007. It was a balanced budget, with proposed expenditure matched by projected income, no fee increase, and no deficit. The Delegation was pleased to note that the proposal had taken into account two main recommendations of the Joint Inspection Unit (JIU), namely: first, that the budget for the next biennium should be based on the revised budget for the current biennium; and second, that a comprehensive desk-to-desk assessment of the human and financial resources of WIPO be undertaken and, based on its results, the budget could be adjusted, as need be, in 2006. The Delegation looked forward to discussion on the remaining recommendations made by the JIU. It also hoped that the proposed decrease in the resources allocated to (former) Program 6 would not affect the implementation of the 2003 Agreement between WIPO and the Caribbean ministers responsible for intellectual property in the region. Finally, the Delegation supported the engagement of independent auditors to examine the financial practices of WIPO, the establishment of a WIPO Audit Committee and the adoption of an Internal Audit Charter for WIPO as a means to bring further transparency to the management of WIPO.

186. The Delegation of Trinidad and Tobago associated itself with the statement made by the Delegation of Antigua and Barbuda on behalf of the Caribbean states present at the Assemblies. It noted with appreciation that there would be no increase in fees in 2006-2007, that a number of recommendations of the Joint Inspection Unit had been incorporated into the Program and Budget, and that the new construction project would be resumed. It welcomed the proposal to establish a WIPO Audit Committee and new arrangements for human resource management at WIPO. WIPO was an exceptionally useful Organization in today's world, in particular for countries like Trinidad and Tobago that were striving to build a knowledge-based economy to give themselves a fighting chance to evolve in today's global village. The Delegation appreciated the support that WIPO had given to Trinidad and Tobago in developing its intellectual property system, and wished to see WIPO continue its exceptional work. Sound governance principles involving sound financial practices, and proper human resource principles grounded in transparency were essential in that regard. The Delegation wished to commend the Secretariat for reflecting the above-mentioned principles in its proposals, and expressed its full support for the Proposed Program and Budget for 2006-2007.

187. The Delegation of Sudan commended the transparent mechanism with regard to the budget, and especially welcomed allocations for programs dealing with developing and least-developed countries. The Delegation indicated that these programs have indeed contributed to furthering the development of the work in Sudan in this area, and expressed its hope for more assistance programs to support the development of an intellectual property culture in the country. The Delegation noted that intellectual property has undoubtedly become a tool for economic development and that its country has started to reap the fruits of the assistance programs. The Delegation expressed its support for the statement of the African Group concerning the Proposed Program and Budget. It looked forward to more support from the Secretariat, especially in relation to the mechanisms that would allow Sudan to further develop in the field of intellectual property as well as patents. The Government of Sudan would also strive to support the work of WIPO in finding a legal framework for the protection of folklore, genetic resources and traditional knowledge and also work that related to the protection of broadcasting organizations. Sudan was moving forward with bringing its national legislation into conformity with international intellectual property instruments administered by the Organization. It had, for instance, revised its national legislation to incorporate a new chapter concerning the collective management of copyright. Lastly, the Delegation indicated that the number of companies dealing with intellectual property had increased and that legal tribunals had become specialized in intellectual property and had rendered certain judgments that had set precedents.

188. The Delegation of Kyrgyzstan expressed its support for the Proposed Program and Budget for 2006-2007 and noted its balanced nature. It welcomed the setting up of a WIPO Audit Committee, which would guarantee transparency of control and lead to increased efficiency. It also welcomed the Internal Audit Charter and the project for the new construction as proposed in the relevant documents.

189. The Delegation of Algeria endorsed the statement made by the Delegation of Morocco on behalf of the African Group and in that context supported the draft Program and Budget for the 2006-2007 biennium. The Delegation also expressed its satisfaction that a balanced budget had been achieved and noted that the fact that the fees would not be increased would encourage nationals of the countries concerned to use the international registration systems and, furthermore, would not have a negative effect on the technical assistance program in the developing countries. The Delegation expressed its support for the creation of an Audit Committee and remarked that the Internal Audit Charter would provide greater transparency in management.

190. The Delegation of Jamaica associated itself with the statement made by the Delegation of Antigua and Barbuda on behalf of the Caribbean States represented in the General Assemblies meetings. At the eighth session of the Program and Budget Committee in April 2005, the Delegation had expressed its strong support for the Proposed Program and Budget for 2006-2007. The Delegation commended the Secretariat on the steps taken to put the Organization on a sound financial footing and expressed its commitment to continued cooperation with WIPO in incorporating intellectual property into the development objectives of Jamaica.

191. The Chairman concluded discussions on Agenda item 6 by noting that there was clear support for the Proposed Program and Budget for 2006-2007. The Chairman then recapitulated the issues to be decided upon, as follows: (i) the approval of the Proposed Program and Budget for 2006-2007; (ii) the approval of the proposal to establish a WIPO Audit Committee; (iii) the adoption of the Internal Audit Charter; (iv) the approval of the

commercial loan for the new construction project; and (v) the endorsement of the language on the budget flexibility as suggested by the Delegation of Brazil on behalf of some other delegations, on the basis of the language which appeared already in the report of the Program and Budget Committee regarding the need to take into account the activities that may arise on various issues.

192. The Delegation of Brazil commented that it had also proposed, in its earlier statement on behalf of Argentina, Bolivia, Brazil, Cuba, Ecuador, the Islamic Republic of Iran, Peru, Sierra Leone, South Africa, Tanzania and Venezuela that the Assemblies should: (i) adopt language which would reflect the recommendation contained in paragraph 174, subparagraph 5 of the report of the eighth session of the Program and Budget Committee on the creation of a new mechanism that would involve the Member States in the discussion and follow-up of the program and budget beginning with the Program and Budget for 2008-2009; and (ii) recommend that such a mechanism is set up for adoption by the next session of the General Assembly.

193. The Delegation of the Islamic Republic of Iran, speaking on behalf of the Asian Group, said that it also wished to see the recommendation contained in paragraph 174, subparagraph 5, of the report of the Program and Budget Committee of April 2005 taken into account.

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

(i) approved the Proposed Program and Budget for 2006-2007, as per document A/41/4;

(ii) approved the establishment of a WIPO Audit Committee, as per document A/41/10;

(iii) approved the adoption of a WIPO Internal Audit Charter as an Annex of the WIPO Financial Regulations, as per document A/41/11;

(iv) approved the financing of the new construction project by means of a commercial loan;

(v) decided that adjustments to the Program and Budget for 2006-2007 shall be carried out in order to take into account any programmatic and budgetary implications resulting from on-going discussions on the WIPO Development Agenda and other issues;

(vi) endorsed the recommendation contained in paragraph 174, subparagraph 5 of the report of the eighth session of the Program and Budget Committee (document WO/PBC/8/5 annexed to document A/41/5) whereby the Program and Budget Committee will include in the agenda of its next regular session an item on a new mechanism that would involve Member States in the discussion and follow up of the Program and Budget, beginning with the Program and Budget for 2008-2009, and decided that such a mechanism should be presented to the General Assemblies 2006 session for approval.

(vii) noted the information contained in document A/41/16 on the external management of the new construction project.

ITEM 7 OF THE CONSOLIDATED AGENDA:

COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

195. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 8 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE ADVISORY COMMITTEE
ON ENFORCEMENT (ACE)

196. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 9 OF THE CONSOLIDATED AGENDA:

THE PROTECTION OF AUDIOVISUAL PERFORMANCES

197. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 10 OF THE CONSOLIDATED AGENDA:

PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS

198. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 11 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE DIPLOMATIC CONFERENCE FOR
THE ADOPTION OF A REVISED TRADEMARK LAW TREATY (TLT)

199. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 12 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PERMANENT COMMITTEE ON
COOPERATION FOR DEVELOPMENT RELATED TO
INTELLECTUAL PROPERTY (PCIPD)

200. See the report of the session of the WIPO Conference (document WO/CF/23/2).

ITEM 13 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING A DEVELOPMENT AGENDA FOR WIPO

201. See the report of the session of the WIPO General Assembly
(document WO/GA/32/13).

ITEM 14 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE ESTABLISHMENT OF A NEW
WORK PLAN FOR THE STANDING COMMITTEE ON THE
LAW OF PATENTS IN RESPECT OF THE DRAFT
SUBSTANTIVE PATENT LAW TREATY (SPLT)

202. See the report of the session of the WIPO General Assembly
(document WO/GA/32/13).

ITEM 15 OF THE CONSOLIDATED AGENDA:

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

203. See the report of the session of the WIPO General Assembly
(document WO/GA/32/13).

ITEM 16 OF THE CONSOLIDATED AGENDA:

INVITATION TO WIPO FROM THE CONFERENCE OF PARTIES OF THE
CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

204. See the report of the session of the WIPO General Assembly
(document WO/GA/32/13).

ITEM 17 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PATENT LAW TREATY (PLT)

205. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 18 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PATENT LAW TREATY ASSEMBLY

206. See the report of the session of the Patent Law Treaty Assembly (document PLT/A/1/4).

ITEM 19 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE MADRID UNION

207. See the report of the session of the Madrid Union Assembly (document MM/A/36/3).

ITEM 20 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE IPC UNION

208. See the report of the session of the IPC Union Assembly (document IPC/A/23/3).

ITEM 21 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

209. See the report of the session of the PCT Union Assembly (document PCT/A/34/6).

ITEM 22 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING INTERNET DOMAIN NAMES

210. See the report of the session of the WIPO General Assembly (document WO/GA/32/13).

ITEM 23 OF THE CONSOLIDATED AGENDA:

REPORT OF THE JOINT INSPECTION UNIT (JIU)

211. Discussions were based on document A/41/12.

212. In opening the meeting for consideration of Agenda Item 23 the Chairman stated that this was a joint session of the General Assembly, the Coordination Committee and the PCT Assembly.

213. The Secretariat stated that in February 2005 the United Nations Joint Inspection Unit had produced a report entitled "Review of Management and Administration in WIPO: Budget, Oversight and Related Issues". That report had been submitted to Member States at the informal session of the Program and Budget Committee in February 2005. The Joint Inspection Unit had presented it at the formal session of the Program and Budget Committee in April 2005. Following discussion of the report, the Program and Budget Committee had adopted the following decision: "The Program and Budget Committee welcomes the work of the Joint Inspection Unit and recommends that the Secretariat: (a) report to the General Assembly in September 2005, on the implementation, in consultation with Member States, of the recommendations of the Joint Inspection Unit addressed to the Director General (Recommendations 1, 3, 6, 9, 10 and 12; and (b) transmit the other recommendations of the Joint Inspection Unit, which need to be addressed to the competent bodies of WIPO (Recommendations 2, 4, 5, 7, 8 and 11), also at the 2005 session of the Assemblies of Member States, for those bodies to act upon them." He then introduced document A/41/12 reporting on implementation by the Secretariat of the recommendations of the Joint Inspection Unit addressed to the Director General, proposing decisions concerning the recommendations made to the competent bodies of the Organization (paragraphs 26 to 29 of document A/41/12). He then stated that the Director General of WIPO had taken note of Recommendation 7 of the Joint Inspection Unit inviting the Assembly to institutionalize his decision "*not to accept extra remuneration for his duties in relation to UPOV*" and that, in line with the practice of the Organization, he wished to make the following comment on that recommendation on behalf of the Director General. "Following the Agreement between WIPO and UPOV, which was signed in 1982, the Council of UPOV appoints the Director General of WIPO as Secretary General of UPOV. The indemnity of the Secretary General of UPOV, payable by UPOV, is determined by the Council of UPOV. Nevertheless, the Director General of WIPO would like to confirm that he has never accepted any extra remuneration for his duties as Secretary General of UPOV, as provided for in the WIPO/UPOV Agreement. Since his appointment in 1997, the UPOV budget has reflected this new practice. The UPOV budgets for 2000-2001, 2002-2003, 2004-2005 and 2006-2007 state, and I quote: "The post of the Secretary General is included within the count, but at no cost, as the current Director General of WIPO has declined any salary or allowance from his functions as Secretary General of UPOV. As stated in the document of the Secretariat on this question, before asking the revision – on a unilateral basis – of the said Agreement, the Director General intends to refer this Joint Inspection Unit recommendation to the UPOV Administrative Council for consideration in respect of future Secretaries General of UPOV. Furthermore, the Director General suggests that UPOV continue to allocate the indemnity that he should receive under the WIPO/UPOV Agreement to the financing of activities for developing countries, as decided by the Director General since taking up his functions as Director General of WIPO and Secretary General of UPOV in 1997. In conclusion, for the

present Director General, the recommendation is irrelevant since he personally relinquished this entitlement on a voluntary basis.”

214. The Secretariat also commented on three interrelated recommendations of the JIU Report: Recommendation 2 (paragraph 15 of document A/41/12); Recommendation 4 (paragraphs 16 and 17 of the same document); and Recommendation 9.a. (paragraph 8 of the same document). These three recommendations dealt with the level of the budget, the budgetary flexibility and the level of the staff in the Organization. With particular regard to Recommendation 4, the Secretariat explained that Financial Regulation 4.1 had been in use for a number of years and when, in 1998-1999, the program and budget in WIPO had become program-based, there had been a correspondence between the Secretariat and the External Auditor to confirm that the reference to “heading” of the budget in Financial Regulation 4.1 was to be understood as implicitly extended to the concept of “program”. In the view of the Secretariat, before deciding, as the JIU Report recommended, that this flexibility be limited to five per cent of biennial appropriations between two programs, Member States should be aware of the possible advantages and disadvantages of such a change. In the view of the Secretariat, this issue should therefore be discussed first by the Program and Budget Committee (PBC). The limited flexibility advocated by the JIU might in fact affect the efficient management, in particular, of the registration systems. WIPO was different from other United Nations agencies in that it provided services to the private sector. These services required a certain level of efficiency and had deadlines to be respected. By reducing budget flexibility, the efficiency of registration unions might suffer. The Secretariat also pointed out that although the JIU had recommended a total freeze on recruitment pending the conclusion of the desk-to-desk assessment, in its view limited exceptions should be allowed in cases where it was not possible to find within the staff of the Secretariat certain technical skills, such as those required in the PCT and Madrid sectors, with respect to, for instance, the Spanish language (which had recently been introduced in the Madrid sector) and the Japanese, Korean and Chinese languages, which were being used more and more in the PCT system. There was also a perceived inconsistency between the recommendation, by the JIU, to meet staff needs only through internal redeployment, and the recommendation, also by the JIU, to limit budgetary transfers from one program to another. In the view of the Secretariat, there might be cases in which, in order to redeploy a certain number of individuals from one program to another, the five per cent limit might have to be exceeded. The Secretariat therefore found it difficult to reconcile these two recommendations. Finally, it pointed out that in case amounts originally allocated to a given program were not fully utilized in the biennium, the reduced flexibility advocated by the JIU might result in the actual blocking of funds which could otherwise be usefully reallocated to other activities of the Organization.

215. In respect of JIU recommendations 1 and 9, the Secretariat welcomed the desk-to-desk assessment exercise and saw it as an opportunity to improve the strategic planning of the Organization in relation to its short- and long-term objectives. The desk-to-desk assessment would be an important policy tool for developing a new human resources strategy for the Organization. It had to be a comprehensive assessment. In relation to recruitment, the Secretariat reiterated that in case of urgent operational needs, mainly in the registration systems, it should be able to maintain a certain flexibility. In relation to Recommendation 9.b, the Secretariat was of the view that the transfers of positions should be limited within the same operational sector but only once the desk-to-desk assessment had been completed. In relation to reclassification and promotions, the Secretariat believed that these should be contained within the approved budgetary ceiling for personnel expenditure. As to personal promotions, the Secretariat was proposing that these should not be applied to

promotions from P-5 to D-1. However, in other instances personal promotions were an important management tool to motivate the staff.

216. The JIU presented its comments on document A/41/12. It noted that for convenience and ease of reference, it had prepared a matrix (as contained in Annex I to this Report) which detailed its response to each of the Secretariat's proposals as contained in document A/41/12. It announced that copies of the matrix were available for delegates who wished to review it. The JIU said that a number of the recommendations in its report had been addressed to the Director General since he had the ability to implement them on his own and did not need approval of the various legislative bodies. The JIU commented that the language contained in the Director General's response to its recommendations was, in several cases, unclear and vague. In the interest of time and given the matrix, it wished to highlight only a few of the major items, as follows.

217. The desk-to-desk needs assessment of the Organization had originally been linked to the preparation of the 2006-2007 budget. Because it was no longer linked, the JIU felt that the exercise should start by having the Audit Committee approve the terms of reference and supervise the process of choosing the contractor that would do the work. In its view, experience had shown that when the Secretariat of an Organization, be it WIPO or any other, chose a contractor with no input from Member States, there could be serious questions of independence, as contractors took their instructions from and tended to be beholden to the hiring authority. If Member States and the Secretariat were both involved in determining who would undertake the review, the problem would be resolved as checks and balances would be put into place. The JIU went on to say that once completed, the financial consequences of the results of the needs assessment (up or down) should be reflected in the execution of the 2006-2007 budget. The JIU further noted that it had recommended that recruitment of all contractual forms be frozen at current levels until the results of the needs assessment were known. The Secretariat, in its response (paragraph 8 of document A/41/12), had clearly stated that all contractual forms of recruitment had been frozen as of January 2005. However, the JIU noted that the Secretariat's response went on to say that there had been limited exceptions for stringent operational needs. The JIU stated that in its opinion all meant *all*, and it had clearly indicated urgent needs could and should be covered by internal redeployment and not by additional hiring.

218. With respect to the reclassification of posts, the language in the Director General's response was unclear to the JIU. The response of the Secretariat suggested to the JIU almost a play on words. In the view of the JIU, it was not the budgetary ceiling that one should be concerned with, but the practice of reclassifying posts and then notifying Member States after the fact. The JIU's view was clear: first, reclassifications should only be done to include real additional tasks assigned to a post, not a person; second, reclassifications must be reviewed and approved by a proper reclassification panel and in WIPO there had been a very unclear history on this, and the Chair of WIPO's reclassification panel had resigned in view of the fact that the panel had not met in 2004; third, General Assembly approval to reclassify posts should be sought via the budget document; and fourth, reclassified posts should be advertised and the incumbent should not be given an unfair advantage. The JIU therefore believed that the General Assembly should instruct the Director General to adopt this practice now.

219. The JIU further said that the practice of personal promotions should be discontinued for the reasons cited in its report and that it had been very clear on this. When it had brought this issue up to the Secretariat in the preparation of its report, it had been told it was strictly limited and yet it had found what it considered to be a major misuse of this procedure. This

practice was being discontinued in the few organizations where it was still current. Given that this practice had been used even in respect of staff dealing at the highest level with oversight in WIPO, the JIU believed that the General Assembly should not agree to any exceptions, however limited. The JIU strongly recommended that the Assembly should direct the Director General to immediately discontinue the practice and modify its Staff Rules accordingly.

220. Furthermore, in the JIU's view the Director General should not have the ability to transfer up to five per cent of the entire budget from one section of the budget to another. The JIU noted that even the Secretary-General of the United Nations did not have this authority; in fact, he could not transfer any funds from one section of the budget to another without prior approval. This was because such transfers are tantamount to changing political priorities among major programs of the Organization, which should remain the sole prerogative of Member States. Therefore, it encouraged this General Assembly to make it clear now that it shared its view; otherwise, if the recommendation of the Secretariat was approved, there would be a delay of at least one year allowing the current practice to continue for the 2006-2007 budget.

221. Concerning external audit, the JIU believed that this General Assembly should request the External Auditor to review and submit terms of reference for its audits, to bring them in line with best practices of other United Nations organizations. The JIU said that it had no problem with this request being referred to the Program and Budget Committee for review but, so as not to lose another full year before any final decisions were made, it recommended that the PBC be authorized, by this General Assembly, to approve any change in the External Auditor's terms of reference.

222. In conclusion, the JIU requested, as it was the rule in most other international organizations, not that Member States take note of the JIU report, as indicated in the Director General's response, but instead that Member States accept, reject or modify its recommendations and take appropriate action as and where the JIU had suggested in its intervention and in the matrix. Citizens of WIPO Member States who were the recipients of WIPO's technical cooperation as well as its services, and paid the taxes and fees that financed the Organization, deserved an Organization that was efficient, cost-effective and transparent. They had entrusted Member States with overseeing the budget, oversight and management of WIPO. This was an awesome responsibility and the JIU saw its role, as an independent external oversight body, as helping Member States by making recommendations for improvement where warranted in accordance with the best practices and standards established within the United Nations system.

223. The External Auditor referred to Recommendation 11a of the Joint Inspection Unit (JIU) and stated that the External Auditor was of the opinion that the terms of reference for the audit function at WIPO were identical to the current best practices of other United Nations organizations. Consequently, he was not able to adopt the position of the Joint Inspection Unit calling for immediate adaptation of new financial regulations which would preferably have to be discussed in coordination with the discussions taking place in the United Nations. A working group of the Panel of External Auditors of the United Nations, made up of France, the United Kingdom and Switzerland, had been dealing with the issue since 2004 with a view to adapting the terms of reference to the auditing standards of the Panel and the recommendations of INTOSAI. A proposal was to be discussed by the Panel at its forthcoming session in December 2005. The External Auditor therefore supported the proposal of the Secretariat to submit that matter to the following session of the Program and

Budget Committee. Should the Member States require audits going beyond the current duties of the External Auditor, namely financial and special audits as had been the case for information technology and buildings, that would certainly be possible. Moreover, the External Auditor did not charge for services to the Organization and thus worked at no cost. That was possible since his duties were clearly defined in the WIPO Financial Regulations and its Annex. An extension of the terms of reference of External Auditor would therefore raise the question of resources, even though the arrangement of not charging for services would leave the possibility, as had happened in the past, to employ external experts under the guidance of the External Auditor for special analyses. Given all those reasons, the External Auditor therefore requested that the Assembly defer discussions to the next session of the Program and Budget Committee, and expressed the wish that the External Auditor could also be invited to those discussions.

224. The Delegation of Switzerland, speaking on behalf of Group B, welcomed the report of the JIU on budget oversight and related issues and thanked the Inspectors for the good work that they had performed. Group B also thanked the International Bureau and the External Auditor for their comments on this issue.

225. Group B appreciated the cooperation established by the International Bureau with the JIU. It encouraged them both to continue constructively in this dialogue. Group B was pleased to see some of the JIU recommendations already incorporated in the documents, and the information received concerning the implementation of the other ones. Group B wished to highlight some of the JIU's recommendations, which were of particular interest to it. Group B fully agreed with JIU's finding that WIPO Member States should exercise their Board-of-Directors' functions more actively within the program and budget process. The next session of the Program and Budget Committee would give an opportunity to act accordingly and to sharpen the program and budget process in order to enhance the oversight capacity of Member States. Group B welcomed that the General Assembly had approved earlier in the week the creation of an Audit Committee, which should supervise the development of the terms of reference for the desk-to-desk review, the selection process of an external company performing this review, and overseeing of this project. Group B also requested the Director General to discontinue the practice of personal promotions and said that it supported, within the Coordination Committee, a change to Staff Rules and Regulations accordingly. Group B agreed with the interpretation of Financial Regulation 4.1 of the Financial Rules and Regulations which had been made by the JIU and suggested that this General Assembly should make it clear that transfers between programs should be limited to five per cent of the programs concerned, and not of the total budget. Finally, Group B said it would appreciate it if the proposed decision paragraphs could be adjusted accordingly.

226. The Delegation of Nigeria requested clarification on two issues. Firstly, it asked if the document referred to by the JIU as the 'matrix' document had been circulated as part of the official documents of the Assemblies. Its Delegation had just received a four-page document divided into three columns – the JIU recommendations, the Secretariat's proposals, and the JIU's position – and wished to know the status of the document. Finally, concerning the remuneration of the Secretary-General of UPOV, the Delegation did not understand why this question should be made an issue at all, because the Director General had, in his private capacity, decided to forego the receipt of benefits that he was normally entitled to for his role in the work of UPOV. The Delegation viewed his decision to forego remuneration from UPOV as a gallant gesture of sacrifice and selfless service to the Organization and that he should be commended for his spirit and sacrifice.

227. The Delegation of the Republic of Moldova, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European countries, supported the work of the JIU in its review of management and administration in WIPO and requested the Director General, the PCT Assembly and the Coordination Committee to take all necessary measures to ensure WIPO's compliance with the JIU recommendations. It expressed the view that the Assembly should ask the Program and Budget Committee (PBC) to look at the issue of limiting the authority of the Director General in respect of transfers between programs and should also request the External Auditor to carry out an analysis of whether the WIPO administration was working in line with best practice. The Group was of the opinion that the desk-to-desk assessment of human and financial resources within the Organization was a task of absolute importance which should be carried out as soon as possible. The result of that assessment needed to be considered by the PBC which would then, if it was deemed necessary, make proposals on the review of the budget. The Delegation believed that the Director General and the Coordination Committee should carry out a careful study of all recommendations dealing with improvement of staff policy and take whatever measures were necessary to ensure that those recommendations had been implemented. The Group believed that the JIU's work should continue, particularly with respect to the preparation of a general review of WIPO management.

228. The Delegation of Morocco associated itself with the statement by the Delegation of Nigeria and for the sake of transparency asked for clarifications concerning the documents about which that Delegation had spoken. With respect to the item relating to the salary of the Director General of WIPO as the Secretary General of UPOV, it referred to a comment published in the "*Africa Link*" magazine which stated that: "Dr. Kamil Idris has declined the second salary and has donated it entirely to the programs for developing countries. There is nothing to show that any of his predecessors had declined, as he has done, this double remuneration. *Africa Link* has also seen that Dr. Idris has been using the same official vehicle for eight years, has not asked to change his vehicle, and drives it himself to go to his place of work". The Delegation stated that such commendable, unprecedented initiative and practices deserved to be appreciated, encouraged and applauded.

229. The Delegation of the United Kingdom, speaking on behalf of the 25 Member States of the European Community (EU) and the Acceding States, Bulgaria and Romania, welcomed the JIU report and took note of the opening statements made by the Director General and the Secretariat and encouraged a positive and constructive attitude towards the review. The European Union strongly supported the JIU's recommendation that WIPO Member States should exercise their Board-of-Directors' function by taking an active and robust role in both the program and the budget processes. It looked forward to discussions in the next PBC on ways to address this. It believed Member States should be more involved in the preparation and follow-up of the program and budget. Closer scrutiny of budget processes would also bring greater transparency to Member States. The EU called on the Director General to demonstrate his commitment to improving the management of WIPO through a more rapid implementation of JIU recommendations. The EU asked therefore the Chair for an adjustment of the draft decisions contained in paragraphs 26 and 29 of document A/41/12. The EU had elaborated a draft decision which had been shared with Group Coordinators, and copies of which were available from the Delegation of the United Kingdom. It commented on the JIU recommendations as follows: on JIU Recommendations 1 and 2, the Audit Committee should establish the terms of reference for the desk-to-desk review and supervise the process of selecting a contractor to carry it out. The outcome of the desk-to-desk-review, including financial implications, should be presented to the General Assembly in 2006; on JIU Recommendation 4, in line with the UN best practice, transfers should be limited to five

per cent between programs – not to five per cent of the total budget; on JIU Recommendation 9, the Director General should implement the JIU's advice on the reclassification of posts with immediate effect and end the practice of personal promotions. Staff Regulations should also be amended accordingly; JIU Recommendation 11, the EU was proposing to request the JIU to present UN system best practice terms of reference for the external auditors to the next session of the Program and Budget Committee. It was also proposing that the General Assembly should authorize the Program and Budget Committee to adopt revised terms of reference for external auditors, so that they could be applied during the next regular external audit of WIPO. The EU looked forward to receiving the Director General's concrete proposals for staffing the Internal Audit and Oversight Division, creating a D-level post and determining the qualifications required for the Head of the Internal Audit and Oversight Division, in accordance with the Internal Audit Charter. Finally, it stated that the EU supported the statement made by Group B.

230. The Delegation of the Czech Republic, speaking on behalf of the Group of Central European and Baltic States, aligned itself with the statement made by the United Kingdom on behalf of European Community Member States and the Acceding States, Bulgaria and Romania.

231. The Delegation of Benin supported the statement by the Delegation of Morocco and noted that the fact that the Director General had refused the UPOV salary, and that he had made it available for cooperation with developing countries, was an exceptional initiative which was to be commended and for which he was to be congratulated in the present discussion of best practices.

232. The Delegation of the United States of America associated itself with the Group B statement. It welcomed WIPO's commitment to review and strengthen the management and administration of its programs. Positive action in response to the JIU's recommendations was essential, given outstanding concerns about the efficiency and effectiveness of WIPO's operations. The Delegation agreed with the main recommendations in the JIU report, particularly those calling for stronger management in the areas of budget and financial issues, personnel practices and oversight. Increased emphasis on oversight and stewardship of resources was essential and consistent with reform efforts underway throughout the UN system, to which world leaders had made a commitment at the recent High Level Event in New York. The Delegation agreed with the JIU recommendation that WIPO conduct a desk-to-desk review to be overseen by the Audit Committee. In that context it agreed that all hiring should be frozen at current levels until completion of this review. The Delegation supported the JIU recommendation regarding immediate discontinuation of personal promotions and development of a comprehensive human resources strategy, recalling the comments and amendments in Staff Regulations it had spoken of earlier. In this connection, it had submitted language to the Secretariat, and thanked the Director General for the early support he had expressed for those modifications. Further, the Delegation supported Group B's recommendation to amend the decision before the meeting, to clarify that transfers should be limited to five per cent of a program's budget only, and not of the total budget. Finally, it looked forward to the completion of the JIU's work and to receiving its report.

233. The Delegation of the Islamic Republic of Iran, speaking on behalf of the Asian Group, stated that as a specialized international agency and member of the UN family, WIPO should bring all its activities in line with UN practice. The JIU had, correctly, transmitted its report to WIPO on February 10, 2005. The Asian Group thanked the JIU for its recommendations and welcomed its constructive recommendations to render the work of Organization more

efficient; however, the process of implementing the JIU recommendations should be followed up on its own merit, taking into account the characteristic of each recommendation. After receiving the JIU's letter in February 2005, the Director General and the respective sectors in the Secretariat had responded positively and taken some positive measures. The Group's views on document A/41/12 were as follows: it welcomed the considerable positive steps by the Secretariat in respect of JIU recommendations 1, 3, 9 and 12 in a short period of time. Some of the positive outcomes of this process had already been approved during the current session of the General Assembly. Regarding the paying of fees for services in Swiss francs and the paying of PCT fees to the International Bureau at the time of filing PCT applications, these were technical issues that needed to be addressed carefully to prevent any negative financial implications for the Organization. Therefore the Group concurred with the Secretariat's views that national Receiving Offices should be consulted on this issue and that the matter should be studied and a report presented to the PCT Assembly, as suggested in paragraph 19 of document A/41/12. Regarding paragraph 28 of document A/41/12, the engagement of Member States through the Coordination Committee was in line with Member-driven principles: existing practice should therefore be continued and the role of the Coordination Committee in this regard should not be changed. JIU Recommendation 4 on the interpretation of WIPO's Financial Regulation 4, was also a technical issue that needed more study and discussion by the Program and Budget Committee (the competent body to address this subject), at its next session. Taking steps to strengthen the efficiency, effectiveness and independence of internal oversight in WIPO in order to bring the work of the Organization in line with other UN Organizations firstly required the assurance of the insufficiency of the existing External Auditor, as defined in the WIPO Financial Regulations. At its next session, the PBC could begin examining any proposed amendments to the Financial Regulations. Regarding the personal promotions, the Group held the view that, regardless of the cost-effective dimension, the hard work of personnel of the Organization should also be taken into account. Finally, the Group appreciated all the efforts of the Secretariat in taking positive steps to implement the JIU recommendations and fully supported the Director General in continuing this trend smoothly and without pressure. All these recommendations should be sent to the competent bodies of WIPO for more discussion by the Member States.

234. The Delegation of Canada fully associated itself with the statement made by Switzerland, speaking on behalf of Group B. Canada supported the recommendations of the JIU, particularly where it advocated sound governance of WIPO, and reiterated that now was the most appropriate time to act on the JIU recommendations. It welcomed the efforts that WIPO had made to date with regard to the JIU recommendations and encouraged continued cooperation. The Delegation firmly believed that a sound governance structure for WIPO would benefit all Member States.

235. The Delegation of Oman, speaking also on behalf of Bahrain, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, Saudi Arabia, Sudan and Syria, stated that it had taken note of the JIU's report and its recommendations, as well as of the documents prepared by the WIPO Secretariat. The Group thanked the Director General and the Secretariat for having taken into account all the recommendations as could be clearly seen in the Proposed Program and Budget as presented. It also thanked the Secretariat for its dissemination of these recommendations to all WIPO bodies so that they could do what was necessary for their implementation. The Group lauded the Director General's remarkable initiative – taken when he had been elected Director General of WIPO – to decline his salary as Secretary-General of UPOV and instead spend those funds on development cooperation activities, thus reaffirming one of his primary beliefs – the importance to contribute to the promotion of cooperation for

development in developing countries and, in particular, LDCs – and thanked him for this generous gesture.

236. The Delegation of Australia fully associated itself with the statement of Group B and underlined that the issue of organizational governance and management was a current topic worldwide, within the UN system and within many domestic governments: this was certainly true in Australia and within private corporations. The Delegation therefore welcomed and emphasized the JIU's recommendation that Member States should take a Board-of-Directors' role in relation to WIPO. It reiterated the importance of the establishment of the Audit Committee and the adoption of the Internal Audit Charter as it had been now decided. In its view, it was important that all Member States committed to working with the Director General and the International Bureau to ensure that WIPO's governance arrangements met best practice. While the External Auditor and the JIU found many areas for improvement, it stated that Member States should work together not only to correct the problems found but to improve the governance structure across all areas of the Organization. Only through this kind of commitment would Member States ensure – not that future audits and inspections would find issues to be corrected (that was, after all, their role) – but that WIPO would be seen to be as well-governed and as well-managed as the Member States, the International Bureau and the Director General could achieve.

237. The Delegation of the Russian Federation supported the statement made by the coordinator of its Regional Group. It noted with satisfaction that some of the recommendations of the JIU had already been implemented by the Secretariat and stated that the Delegation understood that some of the other JIU recommendations could only be implemented after a certain period of time. It expressed however the hope that the Director General, the PCT Assembly and the Coordination Committee would take all the required measures to implement all of the JIU recommendations. Its Delegation also believed it was appropriate that the JIU continue to work on the preparation of a wide ranging review of the administration of WIPO. It wished a continuation of work to improve staff policy and to assess the human and financial resources of the Organization. This was clearly a major piece of work which should be carried out as soon as possible. In order to ensure that the JIU recommendations were implemented, the Delegation agreed that the issue related to limiting the transfer of funds to five per cent between programs be dealt with by the Program and Budget Committee. It also supported the statement made by several delegations to increase Member States' Board-of-Directors' role in the preparation of the program and budget of the Organization as well as their oversight of program implementation. At the same time, in order to ensure effective management of the International Bureau by the Director General, the Delegation supported the proposal to provide the Director General with the right to recruit and promote against approved posts at the D level without seeking advice from the Coordination Committee.

238. The Delegation of Ethiopia expressed the view that the Director General's gesture of giving up income to which he was been entitled and committing it for technical cooperation with developing countries, should be recognized as a generous, personal gesture to be welcomed: his successors should be called upon to emulate him.

239. The Delegation of Germany supported the statements made by the Delegation of the United Kingdom, on behalf of the European Union, and of Switzerland, on behalf on Group B. It welcomed the work of the JIU and supported the recommendations as laid out in their report. It also welcomed the positive attitude of the Director General, which had been underscored in his opening statement, and commended and encouraged his positive and

constructive stands toward the recommendations of the JIU. A substantial number of Member States had already made it clear that transfers between programs should be limited to five per cent of the programs concerned and not of the total budget given the explanation made by the Secretariat. The Delegation was open to further discussion in the Program and Budget Committee, as to whether a departure from common UN practice should be considered. The Delegation of Germany welcomed the current practice of the Director General to stop direct recruitment and personal promotions; it also wanted to see this reflected in the Staff Rules. With regard to the desk-to-desk review, it believed that the newly created WIPO Audit Committee should be involved in the development of the terms of reference, the selection process and the oversight of this important project.

240. The Delegation of Mexico said that with respect to Recommendation No. 7 of the Joint Inspection Unit (JIU), which invited the WIPO Assemblies to institutionalize the decision of the current Director General not to accept extraordinary remuneration for the performance of functions within UPOV, it had analyzed the Agreement between the United Nations and the World Intellectual Property Organization, as well as Article 6 of the Convention Establishing the World Intellectual Property Organization and which referred to the functions of the General Assembly, and had not found any reference allowing it to make a recommendation or take a decision regarding the salary paid to a public official of another international organization. Furthermore, the Delegation said that in Article 26 of the International Convention for the Protection of New Varieties of Plants, it was established that the UPOV Council was obliged to establish administrative regulations and, in relation to that point, in document UPOV/INF/8 Article 4 established that the salaries paid to UPOV staff members were determined by that Council. Consequently, the Delegation requested clarification from the International Bureau regarding whether the WIPO General Assembly had the capacity to institutionalize a decision which, in the Delegation's opinion, would be within the remit of the UPOV Council and not the WIPO General Assembly.

241. The Delegation of South Africa supported the Asian Group's stand on sending the report of the JIU or part of it to the Coordination Committee for further scrutiny and then further to look at limiting the transfer of funds from one program to another. South Africa proposed that this should be a matter of discussion as it might have a negative impact on certain programs and that an impact assessment should be made before taking any decision. The Delegation said that it had found that the report of the JIU was worded in such a way as to suggest that something had been done wrongly, while, in fact, since the current Director General's good benevolence of not accepting the salary which was due to him, had never been institutionalized, he should rather be returned the salary to which he was entitled. It also stated that some of these recommendations should be referred to the appropriate body, such as the Program and Budget Committee.

242. Referring to the question raised by the Delegation of Nigeria and several other delegations, the JIU explained that the document which Nigeria had mentioned was the matrix that the JIU had referred to in its initial statement. It was a three-column table indicating in the left-hand column what the JIU recommendations were, in the middle column what the Secretariat's response was to those recommendations, and in the right-hand column the JIU position on those responses. As it had indicated in its statement, it had copies available. With respect to the question of the UPOV salary, the JIU recalled that in its original report, it had stated clearly that it commended the Director General for his decision not to accept a salary for his duties with UPOV, and that this personal decision had ensured that the salary of the Director General was commensurate with that of his peers in the United Nations system. The

JIU remained convinced, however, that this General Assembly could indeed stipulate that such decision should be institutionalized for the future Directors General.

243. With regard to the question by the Delegation of Mexico, on the remuneration of the Secretary General of UPOV, the Secretariat of WIPO confirmed that the remuneration of the Secretary General of UPOV, payable by UPOV, was indeed determined by the Council of UPOV. This was why the Director General had expressed his intention to submit this recommendation of the JIU to the UPOV Council for consideration, with regard to future Secretaries General. This in fact would pertain to his successors, since the Director General had personally re-affirmed in the statement read on his behalf at the opening of the discussions, his intention not to accept salary from UPOV. As concerned the matrix document referred to by the JIU, the Legal Counsel of WIPO explained that the normal practice at WIPO was to have documents translated into the six different languages and circulated so that delegates would be able to comment on them. Having said that, delegates were free to make any oral statements or oral amendments to documents that were available. In this case, the Secretariat believed that some Members had been given copies of the matrix but it believed that there were several other delegations who had not seen the document. It also stressed that the Secretariat had not been officially given the document for translation or for distribution.

244. The Secretariat also said that it wished to comment on two points regarding the recommendations made by the JIU in respect of the PCT. These points were small, but given that they concerned a sector that was responsible for 80 per cent of the revenue of the Organization, care should be exercised. As regards Recommendation 3 of the JIU, the Secretariat observed that it had only just had the opportunity to see the matrix, in which the JIU stated that the Assembly should recommend that the exercise to establish the unit cost of a PCT application should be finished on an urgent basis (underlined). The Secretariat recalled that several delegations may have been present when it had endeavored to present on Tuesday a status report on the PCT (copies of the status report were available). From that, delegates would be aware that the Secretariat was working on this subject, amongst others, in relation, in particular, to the financial structure of PCT fees. The Secretariat recalled that it was in the process of deploying, within the Office of the PCT, the full electronic dossier. It had deployed it to three of 13 processing teams and the deployment of the electronic dossier to the other 10 of the 13 processing teams would take place over the course of the next 12 months. This, in its experience to date, first of all required a great deal of training and formation on the part of the staff, which could distort measures of productivity. Secondly, in so far as the Secretariat was able to have preliminary indications on productivity, these were extremely positive and delegates would have seen that from the presentation that was made. As one example, in the past 12 months, productivity within the Office of the PCT had improved by 18 per cent using the measure of the number of international applications processed per employee, which had gone up from 213 per employee, to 253. The Secretariat said that this was intended to help explain why it would not finish that study immediately, but that it was of course pleased to share with Member States, at any stage, its results in the establishment of the unit cost of a PCT application.

245. Concerning Recommendation 9 (relating to recruitment), the Secretariat noted the comments made by the JIU in the matrix were that "all meant all" in respect of a total freeze, whereas the Secretariat's position had been that there should be a freeze, with limited exceptions, only for urgent, stringent operational needs. The Secretariat wished to emphasize again the example that it had previously mentioned. Since 2000, within the PCT, applications from Japan, the Republic of Korea and China had risen in each case by well over

100 per cent. Applications from those three countries now amounted to 21 per cent of the total number of applications under the PCT. The intensity of this growth was only increasing. The year 2004 had seen an increase of 16 per cent from Japan, of 20 per cent from the Republic of Korea and of 31.9 per cent from China. The year 2005 was showing exactly the same trend, if not slightly intensified. The Secretariat stressed that it was not possible to re-deploy someone who spoke a European language to process a Chinese language or a Korean language or a Japanese language PCT application. Limited exceptions meant limited exceptions in certain limited cases, and this was one such operational need that the Secretariat wished Member States to be aware of, because it concerned a very important part of the business of the Organization.

246. The Delegation of Nigeria expressed its appreciation to the JIU and to the Secretariat for the elaboration they had made regarding its query. It had originally noted, very comfortably, the JIU's observation regarding the commendable stand taken by the Director General on the UPOV remuneration in their report and therefore, it had thought that the matter should rest at that. However, now this matrix had been reloaded with a number of militant punctuations and observations, which had perplexed the Delegation. A second observation about this matrix was that Nigeria had come to this discussion with a position regarding the JIU recommendations and the Secretariat's response, but now Nigeria had been wrong footed by the appearance of the JIU position, which Nigeria did not have previously. Also, it noted that one of the statements delivered on the floor of the Assembly, actually seemed uncannily to bear resemblance, or to indicate that there had been a pre-position of, this matrix document, which had guided the formation of that statement. Nigeria had not been availed or privileged to have that and this was the viewpoint or position it wished to put across to the Chairperson.

247. The Delegation of South Africa associated itself with the Delegation of Nigeria. It underlined, as a matter of principle, that the information contained in the matrix had also not been availed to it and that it may not have reached the same judgement if that information had been availed to it. It reiterated its position that this matter be referred to another forum where all the information should be distributed equally to all Member States, so that a proper judgement and decision could be made.

248. The Delegation of Mexico considered that the question it had raised had not been answered since, irrespective of the decision taken by the Director General regarding his fees paid by UPOV, what it had questioned was the mandate and duties of the WIPO Assembly to decide on the remuneration by UPOV to the Secretary General who, in turn, was the WIPO Director General. The Delegation considered it inappropriate therefore that the WIPO Assembly was discussing the subject and even more so that it was endeavoring to take a decision above and beyond the current and future UPOV Council. It feared that in taking that decision, the WIPO Assembly would also be affecting the future personal interests of other WIPO Directors General with regard to the salaries which they might be paid by UPOV. The JIU had commented that its intention was for the WIPO Director General to equate his salary to that of his peers in other organizations: however, the Delegation wondered whether the JIU could equate the WIPO Director General to his peers, when the WIPO Director General was also the UPOV Secretary General and was therefore in a different situation to his peers, since they were in charge of one international organization only and not two.

249. Referring to the first question of the Delegation of Mexico, the Secretariat confirmed that UPOV was indeed a separate intergovernmental organization and that consequently the Secretary General of UPOV, who coincided with the Director General of WIPO, reported to the UPOV Council, and not the WIPO General Assembly. This meant in effect, that the

WIPO General Assembly did not have the competence to determine or to dictate the terms on which the UPOV Secretary General could be hired and that was why, the Deputy Director General had indicated the Director General's intention to refer the JIU recommendation to the UPOV Council.

250. Referring again to the question of the matrix, the JIU said that it had send it out to all delegations by e-mail, and that this matrix was part of its statement, to which it should be appended. Furthermore, it stated that copies were available from the JIU for those who had not received it by e-mail.

251. The Delegation of Colombia requested the JIU to provide a copy of the matrix in Spanish, which had not yet been received by the Delegation, so as to be able to interpret the information contained therein correctly.

252. The Chairman invited delegations to consider the decision paragraphs (26 to 29) of document A/41/12.

253. Regarding paragraph 27, the Delegation of South Africa asked if this paragraph took into consideration the points made by the Secretariat.

254. The Secretariat responded that its comments were related to Recommendation 3. Regarding Recommendation 3, it had indicated that it was undertaking this study of the unit cost of PCT application and it had wanted to add a comment on the context within which it was being undertaken. Paragraph 27 referred to Recommendation 5, where the Secretariat had proposed to do the study on the recommendation of the JIU and to report back to the Assembly.

255. The Delegation of the United Kingdom, on behalf of the European Community and its Member States, and the Acceding States, Bulgaria and Romania, said the EU opposed decision paragraph 26 as currently presented in document A/41/12. The EU reminded the meeting that it had proposed a revised decision paragraph, copies of which had been circulated through regional coordinators earlier that day. The EU regretted that the Secretariat had not permitted the circulation of its proposal to the meeting - which would have allowed delegations time to consider the proposed new wording - but in its statement on this Item, the EU had invited delegations to approach the UK seat for additional copies.

256. The Delegation of the Islamic Republic of Iran, speaking on behalf of the Asian Group, said that in its statement, it had clearly endorsed the position of the Secretariat. Paragraph 26 and 29 should therefore remain unchanged. Any official suggestion on the issue should be supplied in writing to enable further consultations in the Group.

257. The Delegation of South Africa stated that it could not express a view on a document circulated on such short notice.

258. The meeting was temporarily suspended so that the delegations could receive and review the EU proposal.

259. The meeting resumed and following consultations, the Delegation of the United Kingdom, on behalf of the European Community and its Member States, and the Acceding States Bulgaria and Romania suggested that decision paragraph 26 of A/41/12 be deleted and replaced with the following language: "The General Assembly welcomes the report of the

Joint Inspection Unit and calls upon the Director General, as well as the relevant bodies of WIPO, to take action on JIU recommendations. Furthermore, the General Assembly requests an update on progress of implementation of the JIU recommendations from the International Bureau and from the JIU at the 2006 General Assemblies. We call for urgent action on the following: recommendations 1 and 2: that the Audit Committee establish the terms of reference for the desk-to-desk review and supervise the process of selection of a contractor to carry out the desk-to-desk review. The outcomes of the desk-to-desk review, including any financial implications, should be presented to the General Assembly in 2006. Also on recommendation 9, that the Director General implement the advice of the JIU on reclassification of posts with immediate effect and end immediately the practice of personal promotions. The Staff Regulations should be amended accordingly.”

260. The Delegation of the Russian Federation supported the new proposal made by the Delegation of the United Kingdom, which reflected the position of its regional group and of the Russian Federation. The new wording proposed by the Delegation of the United Kingdom would enhance the effectiveness of the Organization.

261. The Delegation of Bahrain, speaking also on behalf of Egypt, Jordan, Lebanon, Oman, Saudi Arabia, Sudan and Syria, stated that these countries would like to receive the proposed text in order to enable them to take a decision.

262. The Delegation of Benin stated that since the working language of Benin was French, and that the document which the Delegation had just received was in English, it suggested that the proposals made by the Secretariat should be followed.

263. The Delegation of Australia supported the new proposed amendments to paragraph 26 put forward by the Delegation of the United Kingdom. As to the process, Australia was sympathetic with all the delegations in the room of mother tongue other than English. The alternative was however, that no text was put out. It was therefore necessary to rely upon the interpretation. The Delegation of the United Kingdom had read twice the proposed amended text. The Delegation of Australia assumed that it had been translated into the other languages and, in its view, from a process point of view, that was as good as could be achieved.

264. The Delegation of the Czech Republic, speaking on behalf of the Regional Group of Central European and Baltic States, supported the proposal made by the Delegation of the United Kingdom on behalf of European Community Members States and Acceding States.

265. The Delegation of Morocco thanked the Secretariat, the Joint Inspection Unit and also the United Kingdom for the documents provided on that subject and requested that, given the importance of those documents, the little time available, and the non-availability of their translation in several languages which prevented in-depth analysis, any decision on that subject should be postponed to the next General Assembly. Referring specifically to the matrix mentioned by the Delegation of Nigeria and which, according to the Joint Inspection Unit had been sent to all delegations by electronic means, it stated that no member of the African Group had received that document by electronic means and wondered if that was simply pure coincidence.

266. The Delegation of Mexico again requested that the matrix to which various delegations had referred be provided in accordance with the practice commonly employed within the United Nations, i.e. that documents should be available six weeks in advance in the United Nations official languages. The manner in which the document in question had been

distributed had limited the Delegation's capacity for analysis and decision making. Mexico also said that the far-reaching implications of the matter required that the documents in question be submitted to its national capital for due consideration.

267. The Delegation of Nigeria associated itself with the statement made by the delegations of Benin, Mexico, Morocco, Oman and South Africa.

268. The Delegation of Pakistan said that it supported oversight functions and the need for transparency and efficiency in the functioning of the Organization. However, it was necessary to ensure that this exercise should not lead into micro management of the Organization. In line with the statement of the Asian Group and statements by other delegations, it believed that it was important to accord due consideration to this particular issue in line with the requirements of good governance which had been mentioned in the European Union statement. Good governance at least required that all the issues or the decisions should be taken in a manner which is democratic and inclusive in terms of procedures. It was therefore clear that more time was needed to discuss the matrix prepared by the JIU. It was, therefore, the position of the Delegation of Pakistan that more time needed to be taken on the part of Member States to thoroughly examine the recommendations of the JIU before being in a position to take a decision on whether or how to implement them.

269. The Delegation of the United States of America stated that it had listened with great care to the information presented by the JIU and by WIPO. It supported the proposal of the Delegation of the United Kingdom. Also it believed that the text of paragraph 26 as included in the document by the Secretariat was inadequate for such an important document and such important recommendations. Member States had discussed accepting their responsibility to exercise oversight and to ask for action and a report to the General Assembly 2006. It welcomed the support of other Member States upon appropriate reflection in making the efficiency and effectiveness of WIPO a reality, and requesting appropriate attention and action to be taken on these recommendations.

270. The Delegation of Kenya stated that it had just received the draft decision proposed by the European Union and needed more time to examine it. Also, it had not received what was referred to as the matrix. Therefore, it preferred to remain with the original text of paragraph 26 to 29.

271. The Delegation of the United Kingdom clarified that what the United Kingdom had proposed on behalf of the European Union, was to adopt its proposal replacing paragraph 26 of the document prepared by the Secretariat, the substantive text that had now been read out and translated. The EU was therefore requesting the Assemblies to decide on the replacement of paragraph 26 with that text.

272. The Delegation of South Africa stated that as a matter of principle it maintained its previous position.

273. The Delegation of the Islamic Republic of Iran requested more time to coordinate with its group.

274. The Delegation of Morocco was also of the opinion that a Group consultation was necessary.

275. The Delegation of Bahrain also requested time to consult with its group.

276. The Chairman requested the various regional coordinators to consult with their groups on this new proposal.

277. The Secretariat clarified that the new proposal was to revise paragraph 26, did not concern the text of paragraphs 27, 28 and 29.

278. The Chairman proceeded to adopt paragraphs 27, 28 and 29, on the understanding that paragraph 26 was left in abeyance.

279. The Delegation of the United Kingdom said that in its view, paragraph 29 was linked with paragraph 26.

280. The Chairman said that he understood that the United Kingdom did not have a problem with the substance of paragraph 29, but that since it would be affected by paragraph 26, it could not be adopted because paragraph 26 was held in abeyance.

281. The meeting was again suspended.

282. Upon conclusion of informal consultations by the Chairman:

283. The General Assembly called upon the Director General and relevant bodies of WIPO to consider, in consultation with Member States, appropriate actions that could be taken on JIU recommendations and to report to the General Assemblies in 2006.

284. The PCT Assembly agreed that the International Bureau carry out a study of the issues raised by JIU Recommendation 5 ((a) to have users of WIPO's PCT services pay fees for services rendered in Swiss francs; and (b) to have PCT fees paid directly to the International Bureau at the time of filing of the application with the Receiving Office and not at the time of its transmittal to the International Bureau by the national Receiving Office), and present a report to the PCT Assembly at its ordinary 2006 session.

285. The Coordination Committee decided: (i) to amend Staff Regulation 4.8(a) in order to reflect that in future the advice of the Coordination Committee shall be required only for appointment to the Higher category (Assistant Directors General and Deputy Directors General); and that (ii) appointments and/or promotions to D1-level shall not require the advice of the Coordination Committee, but shall be subject to availability of posts in the Special category in the approved budget.

286. Following the adoption of the decision, two more statements were made.

287. The Delegation of the United Kingdom, speaking on behalf of the European Community and its 25 Member States, and the Acceding States of Bulgaria and Romania, stated that it had been willing, in a spirit of compromise, to accept the proposed draft decision put forward by the Delegation of the Islamic Republic of Iran on behalf of the Asian Group. The EU welcomed, and noted the importance of, a follow-up mechanism on all of the JIU recommendations. As had already been agreed in earlier discussions of this General Assembly, the Audit Committee would, as part of its terms of reference, oversee the desk-to-desk review. The EU now looked forward to the Audit Committee beginning its

work, including, as a priority, setting the terms of reference for the desk-to-desk review, and monitoring the selection of the contractor to carry out the review. The EU also looked forward to continuing the discussions on all JIU recommendations at the next meeting of the Program and Budget Committee, in particular the interpretation of Financial Regulation 4 on limiting of the transfer of funds. A deviation from UN system practice needed special justification and an in-depth discussion was therefore needed.

288. The Delegation of the United States of America stated that it welcomed the approval of the item related to the JIU report as a clear expression of WIPO's commitment to good stewardship and oversight of resources consistent with reform efforts underway throughout the UN system and to which world leaders had committed at the recent High Level Event in New York. The Delegation looked forward to the active involvement of the Audit Committee in the appropriate actions as recommended, and also to receiving the report, at the 2006 General Assemblies, on the concrete actions undertaken by WIPO to continue implementation of the JIU recommendations.

ITEM 24 OF THE CONSOLIDATED AGENDA:

COMPOSITION OF THE WIPO COORDINATION COMMITTEE; ELECTION OF THE MEMBERS OF THE EXECUTIVE COMMITTEES OF THE PARIS AND BERNE UNIONS AND DESIGNATION OF THE *AD HOC* MEMBERS OF THE WIPO COORDINATION COMMITTEE

289. Discussions were based on document A/41/9 Rev.

290. Following informal consultations among the Group Coordinators,

(i) the Paris Union Assembly unanimously elected the following States as *ordinary* members of the *Paris Union Executive Committee*: Australia, Austria, Belgium, Brazil, China, Costa Rica, Côte d'Ivoire, Democratic People's Republic of Korea, Egypt, El Salvador, France, Germany, Ghana, Greece, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Japan, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Paraguay, Philippines, Portugal, Republic of Korea, Singapore, Slovenia, Spain, Sweden, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Uruguay, Uzbekistan (40);

(ii) the Berne Union Assembly unanimously elected the following States as *ordinary* members of the *Berne Union Executive Committee*: Algeria, Argentina, Armenia, Bangladesh, Benin, Cameroon, Canada, Chile, Colombia, Croatia, Cuba, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Finland, Ireland, Italy, Jamaica, Kenya, Luxembourg, Madagascar, Netherlands, Nigeria, Norway, Pakistan, Peru, Romania, Russian Federation, Senegal, Serbia and Montenegro, South Africa, Sri Lanka, Thailand, Tunisia, Turkey, United Kingdom, Zambia (38);

(iii) the WIPO Conference unanimously designated the following States as *ad hoc* members of the *WIPO Coordination Committee*: Angola, Ethiopia, Kuwait (3);

(iv) the WIPO Conference and the Assemblies of the Paris and Berne Unions noted that Switzerland would continue to be an *ex officio* ordinary member of the *Paris Union Executive Committee* and of the *Berne Union Executive Committee*.

As a consequence, the WIPO Coordination Committee for the period September 2005 to September 2007 is composed of the following States: Algeria, Angola (*ad hoc*), Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Benin, Brazil, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic Peoples' Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia (*ad hoc*), Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait (*ad hoc*), Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia and Montenegro, Singapore, Slovenia, South Africa, Sri Lanka, Spain, Sweden, Switzerland (*ex officio*), Thailand, Tunisia, Trinidad and Tobago, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Zambia (82).

ITEM 25 OF THE CONSOLIDATED AGENDA:

APPROVAL OF AGREEMENTS

291. See the report of the session of the WIPO Coordination Committee (document WO/CC/53/3).

ITEM 26 OF THE CONSOLIDATED AGENDA:

ADMISSION OF OBSERVERS

292. Discussions were based on document A/41/8.

Admission of Palestine as Observer

293. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to Palestine.

Admission of Intergovernmental Organization as Observer

294. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following intergovernmental organization: The Hague Conference on Private International Law.

Admission of International Non-Governmental Organizations as Observers

295. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following twenty-two international

non-governmental organizations: African Intellectual Property Association (AIPA); Alfa Redi; Business Software Alliance (BSA); Computer & Communication Industry Association (CCIA); Computer Professionals for Social Responsibility (CPSR); Consumers International (CI); Creative Commons International (CCI); Electronic Information for Libraries (eIFL.net); European Consumers' Organization (BEUC); European Digital Media Association (EDIMA); European Digital Rights (EDRI); European Law Students' Association (ELSA International); Hipatia; International Center for Trade and Sustainable Development (ICTSD); International Environmental Law Research Center (IELRC); International Organization of Performing Artists (GIART); International Policy Network (IPN); IP Justice; Public Interest Intellectual Property Advisors (PIIPA); The Royal Society for Encouragement of Arts, Manufacturers and Commerce (RSA); Third World Network Berhad (TWN); Union for the Public Domain (UPD).

Admission of National Non-Governmental Organizations as Observers

296. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following eighteen national non-governmental organizations: Brazilian Center for International Relations (CEBRI); Center for Information Society and Intellectual Property (CISIP/CIOS); Center for Performers' Rights Administration (CPRA) of GEIDANKYO; Chamber of Patent Attorneys (PAK); Fundação Getulio Vargas (FGV); Generic Pharmaceutical Association (GPhA); German Association for Industrial Property and Copyright Law (GRUR); Healthcheck; Innovation Business Club (Intelcom); Institute for Policy Innovation (IPI); Intellectual Property Left (IPLeft); International Trade Law Institute (IDCID); Korean Progressive Network (JINBONET); Library Copyright Alliance (LCA); Mexican National Association of Pharmaceutical Manufacturers (ANAFAM); Open Knowledge Foundation (OKF); Public Knowledge, Inc.; United States Telecom Association (USTA).

ITEM 27 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

297. See the report of the session of the WIPO Coordination Committee (document WO/CC/53/3).

ITEM 28 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE GENERAL REPORT AND OF THE INDIVIDUAL REPORTS OF EACH ASSEMBLY OR OTHER BODY

298. The Delegation of the Russian Federation expressed its sincere thanks and respect to the Chair for his skillful guidance of the work of the Assemblies. Due to the flexible position taken by all delegations, the successful conclusion of the session was in large part due to his skills. The Delegation also thanked the Director General, his Deputy Directors General and

the whole Secretariat for their hard work and noted that the Member States had been given all the necessary tools to work effectively. The Delegation thanked the Secretariat for its readiness to meet the requests of countries and thanked them for their comments and explanations, which were of a very high standard.

299. The Delegation of Morocco, on behalf of the African Group, expressed its thanks and congratulations on the remarkable way in which the Chair had conducted the discussions, and noted that his patience, diplomatic, human and professional skills had contributed greatly to the successful conclusion of the meeting. The Delegation also thanked the Director General, Dr. Kamil Idris, and the whole of the Secretariat most sincerely for their excellent work throughout the Assembly. On behalf of the African Group, they also congratulated the Chair for the atmosphere of understanding and flexibility that had highlighted the Assemblies.

300. The Delegation of Nigeria added its voice to those of the distinguished Delegations of the Russian Federation and Morocco, and noted that the delegations had spent two weeks of highly often-difficult negotiations, tackled thorny issues, as well as easier ones, and all had been resolved with a measure of success which gave satisfaction to everyone. The Delegation believed that their success was due to two remarkable factors, one, the adept handling of the proceedings by the Chair, and, two, the maturity and sense of purpose exhibited by all delegations to the Assemblies. Congratulations and commendation should therefore go out to everybody, particularly the Chair. The Delegation noted that the Chair had exhibited a high sense of purpose, without any undue demonstration of urgency or haste, and displayed high-level diplomatic and negotiating skills. All viewpoints, which were at times conflicting, had received serious consideration during the Assemblies. The Delegation had noticed the admirable role played by the Secretariat in contributing to the Chair's success and the overall conduct of the Assemblies, and stated that the members of the Secretariat had always been courteous, kind and highly professional. The documentation provided had been exemplary, and the sense of commitment admirable and the Delegation thanked the Director General, Dr. Kamil Idris, and all members of staff of WIPO for their diligence and cooperation. The Delegation felt that it was also important to underscore the progress made on the development agenda and, in that regard, thanked all delegations for their flexibility and for giving the idea a chance to work and to survive.

301. The Delegation of China expressed its satisfaction concerning the progress made in the WIPO Assemblies as they appreciated the importance of the Assemblies and the complicated agenda items being discussed. Fortunately, under the direct leadership of the Chair and with his diplomatic skills, wisdom and coordination ability, agreement had been achieved. The Delegation said that in the Chinese way of speaking we had a win-win win situation, and gave thanks to the Director General, the Secretariat and all the staff of WIPO for their preparation and contributions to the General Assemblies. They expressed thanks to the other delegations for their spirit of effective compromise and cooperation enabling a successful conclusion to the Assemblies.

302. The Delegation of Mexico congratulated the Chair on the way in which he had conducted the work of the Assemblies; noting that his negotiating experience; skills and diplomatic ability had led to a successful conclusion. The Delegation also congratulated the Director General and the Secretariat for the services and facilities made available to everyone, which had undoubtedly contributed to the success of the meeting.

303. The Delegation of Switzerland, speaking on behalf of Group B, wished to thank the Chair for all his efforts and patience and the professional way in which he had led the debates

during the Assembly. The Delegation recognized that he had done an enormous amount of work, and that the success of this Assembly was, to a large extent, his success. They also highlighted the pleasure 'Group B' had experienced in collaborating with all the delegations of WIPO in a spirit of cooperation, mutual respect and constructiveness. Special thanks were also due to the Director General, the Secretariat and its dedicated and competent staff for all their efforts. Last but not least they thanked the hard working interpreters and conference service staff, recognizing that no meeting would be possible without their dedicated work. Finally they added that 'Group B' was very much looking forward to seeing the Chair, and all the other delegations in 2006.

304. The Delegation of the Islamic Republic of Iran stated, on behalf of the Asian Group, that the work of last week could be put in three categories, firstly the Member States who had conducted very hard discussions, good cooperation amongst all participants, good facilities and the Asian Group hoped that the trend would continue in the future. The second category was the Chairmanship. The Delegation supported the statements by the other groups and added that the Chair had been very fair and had guided them through many critical situations and discussions. The Delegation hoped to see him in the Chair in the future and promised their full support. The third category they wished to thank were the personnel of the Secretariat, the Director General and they expressed the hope that the present trend would continue.

305. The Delegation of the Czech Republic, on behalf of the Regional Group of Central European and Baltic States, expressed its sincere appreciation and thanks to the Chair for his guidance and congratulated him on his diplomatic skills which had helped to achieve important results. The Delegation also thanked the Secretariat and the Director General for their support during the meetings and other delegations for their flexibility and cooperation. The Delegation was confident that a good base had been established for the future work of the organization, and was looking forward to taking an active part in it.

306. The Delegation of Argentina said that following all the speeches it had heard concerning the work of the Chair, they could not add much but wished to thank him personally on behalf of the Ambassador and on behalf of the delegations represented. They wished to thank him most sincerely for his professionalism, and calm which had obviously helped avoid tense situations during the Assembly, and praised the transparency with which negotiations had been carried out, and the level of dialogue and consultation with all Member States, giving each and every one the same importance and putting everyone on the same footing.

307. The Delegation of Brazil wished to congratulate the Chair on his exceptional work and everything that had been done to make the Assembly a success. He particularly wished to thank him for his calm attitude, perseverance, professional qualities and the balanced nature of his decisions, his precision and your independence, which were qualities, which had helped all Member States to reach a successful conclusion on the trickiest issues on the agenda.

308. The Delegation of Chile thanked the Chair and congratulated him on his very skillful guidance of the Assembly and said he had shown balanced leadership and a capacity to unite everyone. The Delegation had every confidence in him and thanked him for the success achieved in the meeting. They also wished to thank the Secretariat for its work, documentation and legal advice.

309. The Delegation of India thanked the Chair and associated itself with the sentiments expressed by previous speakers, in particular they wished to congratulate the Chair for skillfully guiding the deliberations of this General Assembly. The Delegation also appreciated the flexibility displayed by Member States. In the end the spirit of consensus had triumphed. They also wished to thank the Director General and the WIPO Secretariat for all the assistance they had provided for the smooth conduct of the General Assembly.

310. The Delegation of the Sudan stated that it supported the declaration made by the Moroccan Delegation on behalf of the African Group, and the comments from previous delegations that had lauded the Chair's diplomatic and professional qualities, which had enabled them to achieve the desired results. They also wished to express thanks to the Director General and all his Assistants for having been so patient and contributing so much to the success of this Assembly and also for having prepared such excellent documentation. The Delegation also thanked all participants for the patience and flexibility displayed, which had manifested itself in the agreements that had been reached.

311. The Delegation of Colombia stated that it wished to associate themselves with all those delegations which had expressed their sincere thanks to the Chair, for his efforts, dedication, leadership and negotiating skills, and hoped to see him once again in the Chair next year. They also thanked the Director General and his whole team, who with their work and their commitment had helped the Assembly reach a successful conclusion.

312. The Delegation of Trinidad and Tobago, on its own behalf and on behalf of the other Caribbean countries present, wished to add its voice to the very wonderful comments made by the delegations who had previously spoken and commended the Chair for his leadership and guidance, which, combined with the balance of wisdom and genuine caring, enabled everyone to reach consensus. The Chair had pressed them into service at some very strange hours, and on some days when they would have been otherwise engaged in, perhaps not as productive, but at least enjoyable activities - for that they were not always grateful, but were happy with the outcome reached. The Delegation also wishes to thank and commend the Director General, Dr. Kamil Idris, and the WIPO Secretariat for the very splendid service provided for this meeting, the documentation and other support, and added their voice of praise and thanks to all delegations for the camaraderie shown and the will to ensure that consensus was reached after some very difficult debates.

313. The Delegation of the United States of America wished to add its thanks and admiration for the Chair's skilled leadership and said that the English word that came to mind was 'his unflappability' which had helped all Member States to keep on course. They also appreciated the earnest engagement of the other Member States, and delegations and appreciated, as always, the dedicated support of the Director General and the WIPO Secretariat.

314. The Delegation of Mexico, on behalf the members of GRULAC, wished to recognize the Chair's professionalism and diplomatic skills in leading the debates and negotiations in this Assemblies. They thanked him for his balance and the transparency of his work and saluted his leadership. The Delegation had welcomed the flexibility of all delegations and, at the same time, congratulated Dr. Kamil Idris and the Secretariat for their professionalism, support, the quality of the documentation and the professional nature of the translations and interpretation.

315. The Delegation of the United Kingdom, on behalf of the European Community and its 25 Member States and its Acceding States of Bulgaria and Romania, wished to add their

names to the appreciation already expressed to the Chair and commended him for his leadership, guidance, patience and cooperation, and for helping everyone to reach such a positive outcome.

316. The Delegation of Ecuador said that even though everything had been said, if the words were sincere they could be repeated. After hearing the speeches he wished again to mention the Chair's leadership qualities and diplomatic skills, and noted that the press had said that intellectual property was suffering from sclerosis, but he disagreed. The Delegation pointed out that the multilateral forum was working, and that for Ecuador, the issue of the development agenda was a very important one and fairly complex. In spite of that, consensus had been reached and was of deep satisfaction to Ecuador. On behalf of Ecuador, they congratulated the Chair, and the whole of distinguished colleagues who had taken part in the Assemblies.

317. The Delegation of the Republic of Moldova wished to join the voices of the Regional Group of Countries of Central Asia, Caucasus and Eastern Europe to the congratulations and appreciation for the results of the work of the Assemblies on the personal abilities of the Chair. The Group was very satisfied with the results and the consensus reached and wished to also thank the Director General, the Secretariat, and all the Member States.

318. The Chair in response to the expressions of confidence and support said "I am deeply touched by your words and wish to thank you, once again, for the confidence that you bestowed on me when I was elected, and I merely tried to implement what I had said in my statement, to try and facilitate our discussions to reach consensus. I must say that whatever success we have had in this meeting has been due to all of you, all the Delegations because of the spirit of compromise and flexibility. So I think we should direct it to ourselves, all of us here for having achieved our success, but we have a lot of work to do after this, but I will say that tomorrow. I am sure also that I could speak on behalf of the Director General and the members of the Secretariat here on the podium their thanks too for your kind words."

ITEM 29 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

319. The Delegation of the Russian Federation said that it had made a fair contribution to the consensus achieved on the report, but also wished to make a statement. That statement referred not only to its contributions to the items on the agenda, but it also wished its statement to be recorded in the final report. The Delegation said that the Russian Federation had been doing a great deal of work in the area of innovation which was being coordinated by ROSPATENT, the Federal Intellectual Property and Patent and Trademark service. The Delegation advised that the system, now computerized, made it possible to distribute the appropriate information among inventors, innovators and users. The system was shown and demonstrated on the website of ROSPATENT and it was the Delegation's view that its development for distribution and circulation in the area of innovation, was something of major importance for all countries. It pointed out that Russia had certain advantages and was happy to share the experience accumulated in those areas with other Member States of WIPO. ROSPATENT was willing to exchange information on the work being done in those areas with other countries. The Delegation added that the other Member States were aware that WIPO attached great importance to expanding innovation and information on that particular

subject could be found on the appropriate part of the WIPO website. It considered that the time was right to establish a single center for the collation and distribution of information on innovation. Taking into account the experience ROSPATENT already had, the Russian Federation suggested that an international center on innovative activity based within ROSPATENT be established, and suggested that that should be done under the aegis of WIPO. That idea had already been agreed on a preliminary basis with the Director General, who had also spoken to the Director General of ROSPATENT, Mr. Simonov.

320. The Delegation of Kenya thanked the Chair for giving him the floor and congratulated him for the successful guidance and conclusion to this year's Assemblies. The Delegation also expressed its gratitude and appreciation to the Director General, and the International Bureau, in general, for the exemplary work in preparing the reports just adopted. Lastly, the Kenya Delegation extended its felicitation to all delegations that had participated in the Assemblies, both individually and collectively. The contributions were worth the experience and they were happy to note that consensus had been achieved on several issues that appeared to be contentious.

321. The Delegation of Germany said that it wished to apologize to the interpreters who were normally used to it speaking in English, when it worked in WIPO, but explained that occasionally it enjoyed speaking in French and said that it had developed a habit of speaking in French in the occasional meeting, whether it be an Assembly or a Committee. On behalf of the Delegation it wished to endorse everything that had been said the day before concerning the wisdom, calm and intelligence with which the Chair, had been steering the discussions of the Assemblies and handling the negotiations. It also congratulated the various other Chairs and Vice-Chairs, and the International Bureau, on their very effective and efficient work and their contributions. Speaking personally, and with no particular diplomatic training to speak of, it wished to say that over the last ten days it had learnt a great deal from the Chair and his handling of different situations and thanked him for the very useful lessons.

322. The Delegation of Benin said that in its country it was never too late to do a good deed and thanked the Chair for his patience and skill which had made it possible for good results to be achieved. On behalf of the least-developed countries (LDCs), it expressed their thanks to the Director General for everything he had done and would continue to do to help LDCs.

323. The Delegation of Algeria said that it had not previously had the pleasure of congratulating the Chair on his wisdom and flexibility in the discharge of his duties. He said it was after all in the very first row, and perhaps it, more than other delegations, was aware of how close an eye the Chair had kept on what had been going on in the room. It wished to thank him because the success of its work was due to a large extent to the wisdom and ability of the Chair. The Delegation also conveyed its thanks to the Secretariat for all that it had done to ensure that the outcome of the agenda items was successful.

324. The Delegation of Egypt said that it had congratulated him at the outset of this session on his appointment as Chair, but now at the conclusion of this session it would like to congratulate itself for having chosen him to preside over this session. Despite the fact that there had been desperate attitudes and divergence of opinion amongst the various delegates, he had managed, thanks to impartiality, wisdom and objectivity, to achieve consensus, whilst at the same time considering the opinions of all the Member States. The Delegation also expressed its thanks to the Director General and the Secretariat for the tremendous efforts that had been made and which had contributed to the success of the Assemblies, and which it

considered a further step on the path of the organization towards the enrichment of IP at the multilateral level.

325. The Delegation of South Africa wished to endorse the sentiments expressed by the other Member States by congratulating the Chair, the Secretariat, the Director General and all Member States. The Delegation also wished to place on record that the General Assembly was a huge success and that it hoped that the decisions would be implemented with ease.

326. The Delegation of Singapore noted that the Chairman of ASEAN was not present in the Assembly Hall at that point but all the same it was sure that all ASEAN colleagues would join him in extending its congratulations to the Chair for the way in which he had steered the Assembly, with patience and wisdom, which had ultimately led to good results. ASEAN was certainly very proud of him and wished him all the best as he continued with the important leadership position for some time to come. It also took the opportunity to congratulate the excellent team in the Secretariat and the Director General himself, on what had turned out to be a very productive session. It also took the opportunity to record Singapore's appreciation to all staff members of WIPO, and finally the interpreters.

327. The Delegation of France said that it wished to increase the volume of congratulations addressed to the Chair on the excellent way in which it had chaired this Assembly, with the stalwart support and contribution of the staff of the Secretariat. It wished to thank all delegations for their involvement and participation and also for the very constructive spirit that had prevailed in the course of their work. The Delegation also wished to thank the staff, as a whole, and the interpreters.

328. The Chair said that at the outset he wished to sincerely thank the General Assembly for electing him to the post of Chair and for the kind words extended to him, both yesterday and this afternoon. But as he had said yesterday, and even earlier during this meeting, the positive results of this meeting could only be attributed to the unrelenting efforts of Member States, including over the weekend, to achieving consensus on the issues on the Agenda. He noted that perhaps the most significant achievement of this year's Assembly had been the Member States' resolve to preserve WIPO's tradition of decision-making by consensus and thanked all the delegates for their hard work, flexibility and spirit of cooperation. The Chair said that the constructive efforts displayed by all delegations, had enabled everyone to maintain a good and positive atmosphere throughout the session, even amidst difficult and protracted negotiations. He added that it was not surprising that this year's Assembly had produced a rich harvest, and he considered the following decisions as the most significant achievements of this session. Firstly, they had successfully passed this Organization's proposed budget, which assured WIPO that it would be able to proceed with its work program in the coming biennium. Secondly they had approved an extended mandate of the IGC to the next budgetary biennium, thus enabling it to continue its work on traditional knowledge, traditional cultural expressions and genetic resources. Thirdly, they had decided to accelerate discussions of the Standing Committee on Copyright and Related Rights, and the Chair was counting on the SCCR to provide the next Assemblies with a report that would enable them to decide on the appropriate date to convene a diplomatic conference of the Protection of Rights of Broadcasting Organizations. Fourthly, they had decided to continue focused discussions on the new work program of the Standing Committee on Patents and he looked forward to the 2006 Assemblies receiving recommendations for future work on this issue; fifthly, they had agreed to take the IIM process forward, constituting a provisional committee which would aim to accelerate and complete discussions on the proposals relating to the development agenda, as well as arrive at recommendations for consideration by the Assembly at its session in 2006. He added that it

would be remiss of him if he were not to convey his sincere appreciation to the Director General of WIPO, Dr. Kamil Idris, for ensuring that the delegates to the General Assembly were accorded the best possible conference facilities. He also joined all delegations in thanking the highly professional men and women that comprised the International Bureau, for ensuring that the meeting received nothing but excellent conference services and assistance. The high quality of official documents served as the best proof of the Secretariat's splendid work. Special thanks were due also to the interpreters who had made sure that communications between the delegations were clear, even through the most grueling negotiations and night meetings. In addition, he thanked all the regional coordinators for their hard work and cooperation. He said that they had effectively served as bridges of understanding between the Chair and their constituent regions. In conclusion, he reminded everyone that their work had actually only just begun. The decisions taken in this year's General Assembly would certainly require even greater dedication and hard work from all Member States in order to fulfill the tasks mandated in these decisions. He urged all Member States to harness the same spirit of cooperation that had propelled the Assemblies to a successful conclusion when they came to undertake the follow-up action during the coming months. With everyone's help and collaboration, he was confident that the efforts would be rewarded with success.

329. The Chair then declared the 41st series of Meetings of the Assemblies of the Member States of WIPO closed.

[Annexes follow]