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ASSEMBLIES OF THE MEMBER STATES OF WIPO

Forty-Third Series of Meetings
Geneva, September 24 to October 3, 2007

GENERAL REPORT

adopted by the Assemblies

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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-fourth (18th ordinary) session
- (2) WIPO Conference, twenty-fifth (18th ordinary) session
- (3) WIPO Coordination Committee, fifty-sixth (38th ordinary) session
- (4) Paris Union Assembly, thirty-eighth (18th ordinary) session
- (5) Paris Union Executive Committee, forty-fourth (43rd ordinary) session
- (6) Berne Union Assembly, thirty-second (18th ordinary) session
- (7) Berne Union Executive Committee, fiftieth (38th ordinary) session
- (8) Madrid Union Assembly, thirty-eighth (17th ordinary) session
- (9) Hague Union Assembly, twenty-fourth (16th ordinary) session
- (10) Nice Union Assembly, twenty-fourth (18th ordinary) session
- (11) Lisbon Union Assembly, twenty-first (17th ordinary) session
- (12) Locarno Union Assembly, twenty-fourth (17th ordinary) session
- (13) IPC [International Patent Classification] Union Assembly, twenty-fifth (16th ordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, thirty-sixth (16th ordinary) session
- (15) Budapest Union Assembly, twenty-first (14th ordinary) session
- (16) Vienna Union Assembly, seventeenth (14th ordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, fourth (3rd ordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, fourth (3rd ordinary) session
- (19) PLT [Patent Law Treaty] Assembly, third (2nd ordinary) session

meeting in Geneva from September 24 to October 3, 2007, 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/34/16), WIPO Conference (WO/CF/25/1), WIPO Coordination Committee (WO/CC/56/2), Paris Union Assembly (P/A/38/1), Paris Union Executive Committee (P/EC/44/1), Berne Union Assembly (B/A/32/1), Berne Union Executive Committee (B/EC/50/1), Madrid Union Assembly (MM/A/38/6), Hague Union Assembly (H/A/24/4), Nice Union Assembly (N/A/24/1), Lisbon Union Assembly (LI/A/21/1), Locarno Union Assembly (LO/A/24/1), IPC Union Assembly (IPC/A/25/1), PCT Union Assembly (PCT/A/36/13), Budapest Union Assembly (BP/A/21/1), Vienna Union Assembly (VA/A/17/1), WIPO Copyright Treaty Assembly (WCT/A/4/1), WIPO Performances and Phonograms Treaty Assembly (WPPT/A/4/1) and the Patent Law Treaty Assembly (PLT/A/3/3).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 21, 2007, is set forth in document A/43/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/43/1) were presided over by the following Chairs:

Items 1 and 2	Mr. Enrique Manalo (Philippines), outgoing Chair of the General Assembly
Items 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 26, 28, 29, 31 and 32	Mr. Martin Ihoeghian Uhomobhi (Nigeria), newly-elected Chair of the General Assembly
Item 8	Mrs. Ásta Valdimarsdóttir (Iceland), Chair of the PCT Union Assembly
Item 20	Mr. James Otieno-Odek (Kenya), Chair of the Paris Union Assembly
Item 22	Mr. Li-Feng Schrock (Germany), Chair of the Madrid Union Assembly
Item 23	Mrs. Maria Ludovica Agrò (Italy), Chair of the Hague Union Assembly
Item 25	Mrs. Anne Rejnhold Jørgensen (Denmark), Chair of the Patent Law Treaty Assembly
Item 27	Mr. Rigoberto Gauto Vielman (Paraguay), Chair of the WIPO Conference
Item 30	Mrs. Hilde J. Skorpen (Norway), Chair of the WIPO Coordination Committee

5. An index of interventions by Delegations of States and Representatives of intergovernmental and non-governmental organizations mentioned in this report is reproduced at Annex to this report. The Agenda, as adopted, and the list of participants appear in documents A/43/1 and A/43/INF/3, respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

6. The forty-third 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. Enrique Manalo (Philippines), who made the following statement:

“I welcome all delegates to this morning’s meeting. Before relinquishing my duties, please permit me to deliver a few final farewell remarks. Director General Idris, your Excellencies, Honorable Delegates, Ladies and Gentlemen, at the outset, let me say that I feel honored to have been given the opportunity to have served as the President of the WIPO General Assembly for the last two years. I am also heartened to know that I am ending my duties at a time when the Organization is enjoying unprecedented growth. I understand that a combination of strict fiscal discipline, combined with a high demand for services, have led to an increase in WIPO’s reserve funds. This is indeed a welcome development and augers well for the future of the Organization. I attribute this to the new mechanisms of strengthening Member States’ role in the preparation of the Program and Budget, and the Secretariat’s continuing resolve to tighten its budgetary control and managerial processes, including through the comprehensive review of human resources strategies, procurement procedures and internal oversight. I hope that Member States draw inspiration from this, and further harness intellectual property as a tool for development and wealth creation. Given also that the 2007 General Assembly is a budget year, and in view of the Organization’s budget surplus, I urge the Assembly to provide more funding and support for proposed projects that will have a development impact for WIPO’s Member States, particularly the developing countries. Ladies and Gentlemen, I am deeply gratified that discussions related to the Development Agenda have progressed rapidly. I salute Member States for their determination to have a successful outcome for the WIPO Development Agenda. What began as an initiative of a group of countries is now an initiative under the collective ownership of WIPO’s 184 Member States. In this regard, I thank the Member States for their support of my efforts in contributing to the process of a Development Agenda. I knew that I had to carefully tread, I would say, on sensitive ground when I assumed the task of preparing the initial working documents for the PCDA. However, the cooperation shown by Member States, as well as the leadership of the PCDA Chairman has led to significant results. I strongly urge Member States to continue on this path of cooperation in order to realize effective implementation of the proposals contained in the WIPO Development Agenda. I am thankful for the cooperation and active participation of Member States during the series of consultations I conducted in relation to the work program of the Standing Committee on the Law of Patents. I also wish to acknowledge the contribution of Member States that provided proposals on a way forward on the issue. I am keenly aware that Member States remain divided on important and substantive issues but I am heartened by their serious willingness to overcome these differences through their active involvement in the discussions which first began with the Open Forum on SPLT in March 2006, and most recently culminated in the series of consultations which I initiated in the first half of this year. Do note that the recommendation which I have crafted for a way forward in respect of the work program of the SCP builds on this willingness among Member States to revive the SCP work program. I am also pleased to note that the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, has decided to recommend the renewal of its mandate to the General Assembly. I am keenly aware of the need to underline the importance of accelerating the Committee’s work and generate tangible results. In a related matter, it is gratifying to witness to the full implementation of the Voluntary Fund, which was established during the 2005

General Assembly. As you are all aware, I have been committed throughout my Chairmanship to involve stakeholders. I encourage all Member States to continue their support of the Voluntary Fund to enable the full and meaningful participation of indigenous and local communities in the IGC process. I also wish to mention that the WIPO Selection Board on the Construction of the New WIPO Building, which I am presently heading, is now in its final stages. While the Secretariat will give a more comprehensive report on the matter in the coming days, I just wish to assure the Member States that all the timelines have been met by the Selection Board, and that the construction date of February 2008 remains on course. Ladies and Gentlemen, before stepping down as Chairman, I wish to express my appreciation to those who have made my Chairmanship a worthwhile and very memorable experience. Let me say that I would not have accomplished the mandate entrusted to me by WIPO Member States were it not for the full support and advice of the Director General and the rest of his Senior Management Team, who are all seated on the podium. I also thank the outstanding men and women comprising the International Bureau for their unequalled diligence and dedicated service to the Organization. They are indeed among the most valuable assets of the Organization. I take this opportunity to express again my sincerest gratitude to the 184 Member States of WIPO for their support and cooperation throughout my Chairmanship. I wish to especially to acknowledge the Asian Group and China, for endorsing my candidature in 2005, thus bestowing upon me the honor of being the first Chair of the WIPO Assemblies from the Asian region. I shall remember this as one of the highlights of my diplomatic career. I would also like to pay tribute to my own delegation, the Philippines, for their constant support and encouragement throughout my Chairmanship. Ladies and gentlemen, it was indeed a great honor to have taken the helm of the General Assemblies, and be given the chance to make a positive contribution to this Organization. My Chairmanship of the WIPO Assemblies has strengthened my sincere belief that multilateralism remains a powerful instrument for forging international cooperation and initiatives on intellectual property issues that, in turn, could lead to tremendous benefits for mankind. I am deeply aware that challenges await Member States at these General Assemblies. History teaches us that we should all remain hopeful that we can resolve these challenges by harnessing the same spirit of cooperation and mutual respect that has characterized past meetings of the Assemblies. At this point, it is fitting to remind Member States that the Assemblies have always decided on even the most difficult questions by consensus. Consensus itself has been a hallmark of this Organization, and it is my hope that we can continue this tradition. I thank you.”

8. At the invitation of the outgoing Chair of the General Assembly, Ambassador Enrique Manalo, the Director General made the following statement:

“Mr. Chairman, just to thank you personally and for the excellent manner in which you have led the General Assembly of this Organization over the past two years with full dedication and commitment. On behalf of the International Bureau, Sir, I can extend to you our best wishes for the future. I also wish to extend a warm welcome to all of you distinguished delegates and look forward to fruitful discussions throughout the sessions of the Assemblies of the Member States. May I also draw your attention, distinguished delegates, to a document which is being circulated, describing the achievements of this Organization, and entitled “WIPO over the Past Decade, and Beyond.” Thank you very much, Sir.”

ITEM 2 OF THE CONSOLIDATED AGENDA:

ELECTION OF THE OFFICERS

9. Discussions were based on document A/43/INF/1 Rev.
10. Following informal consultations among the Group Coordinators, the WIPO General Assembly elected Ambassador Martin Ihoeghian Uhomobhi (Nigeria) as its Chair, on September 25, 2007.
11. Informal consultations among the Group Coordinators resulted in a proposal for the election of the officers of the of PCT Union Assembly that was presented by the Secretariat, on September 25, 2007, and proposals in respect of the election of the officers of the remaining WIPO Assemblies and other bodies, that was presented by the Secretariat, on September 27, 2007.
12. The list of the officers elected for the Assemblies and other bodies appears in document A/43/INF/4.
13. The newly elected Chair of the General Assembly, Ambassador Martin Ihoeghian Uhomobhi (Nigeria) made the following statement:

“Our Dear Director General, Dr. Kamil Idris, Excellencies and Heads of Delegations, Distinguished Ladies and Gentlemen. It is a great pleasure and honor for me to address this forty-third series of the Assemblies of the Member States of WIPO, including the Patent Cooperation Treaty Assembly.

“Traditionally, these Assemblies provide us with the opportunity to assess the challenges encountered and progress made in achieving our stated goals and objectives. These Assemblies are at a crossroad and are at the heart of WIPO’s implementation strategy for the sustenance and actualization of its programs and activities.

“But before going any further, it is fit and proper that I pay tribute to key officials who have steered the affairs of this Organization since the last Assemblies. In this connection, my thanks go to our outgoing President, His Excellency Ambassador Enrique Manalo, and his two distinguished Vice Chairs, Mr. Usman Sarki of Nigeria, and Mr. Aumeisters of Latvia, for their tireless efforts in promoting dialogue and consensus on several processes in this Organization in the past two years, including the search for an acceptable work program for the Substantive Patent Law Treaty (the SPLT).

“Indeed, we owe immense gratitude to Ambassador Manalo for the tremendous work that he did on the rationalization and classifications of the proposals that became the basic document for the Provisional Committee for the Development Agenda (PCDA) sessions.

“Special thanks are also fitting to His Excellency, Mr. Trevor Clark of Barbados. As Chair of the PCDA, he brought his wealth of experience and diplomatic skills to bear on the WIPO processes that ensured the adoption of the proposal on the Development Agenda.

“I must express grateful thanks, also, to the Director General of WIPO, Dr. Kamil Idris, for his skilled leadership and excellent management of the human and material resources of our Organization in the WIPO Secretariat, which efforts, among other things, have resulted in unprecedented registration of surplus funds in coffers of WIPO. We thank him and the entire staff of the Secretariat for their dedication to the work of this Organization, and their contributions in support of Member States efforts towards the development of a balanced and accessible intellectual property system, which rewards creativity, stimulates innovation and contributes to the economic development of all nations. The seven pillar strategy that has just been developed has indeed won our support as a veritable instrument for meeting the needs of the WIPO membership for development and growth, which has transformed the Organization’s scope of activity and relevance in our world of today.

“I wish to thank the entire Member States of this august Assembly for the confidence and trust just reposed in me by your unanimous decision on my election as Chair of these proceedings. I salute the positive contributions of the civil society groups, non-governmental organizations, industry groups, members of academia and other stakeholders in different parts of the world, who have continued to ensure unflinching interest and support for the work of WIPO.

“Let me take this opportunity to affirm my commitment to fairness, diligence and due process in carrying out my duties as President of this Organization. But, as you well know, I will not be able to do this alone, on my own steam as it were, without your valued support and cooperation. Hence, I will call on you to give me your fullest support and cooperation in our common quest to ensure the progress of WIPO and the achievement of its laudable programs to our collective good.

“Excellencies, in our globalizing world, new elements and new dynamics are at play. As always, however, the human spirit is at the epicenter of this challenge. Our organization of WIPO, has a role to play in meeting today’s challenges, supreme among which is the challenge of development. Given that our Organization is dedicated to promoting the use and protection of the works of the human spirit, in this case, exemplified in intellectual property, which expands the bounds of science, technology and arts in incredibly important ways, it is incumbent on us to sustain together, expand and deepen the role of our Organization, to improve the quality and enjoyment of life for all peoples, including through the creation of real and sustainable wealth for all nations.

“Dear Colleagues, against this background, I wish in the course of the next two years, as your Chair, with your support and cooperation, to make the following my main areas of priority, interest and concern, based on the strategic goals defined and encapsulated in the 2006-2007 Budget.

- first, to set in motion, as soon as practicable, the work of the Committee on Development and Intellectual Property in the first half of 2008;
- to intensify consultation on the establishment of a work program for the SPLT, the Intergovernmental Committee (IGC) and the Standing Committee on Copyright (SCCR), as requested by Member States. This would be undertaken on an objective, transparent and all-inclusive basis.

- to improve the modalities for technical assistance delivery, as requested by Member States to meet the individual needs and satisfy the requirements of using IP for social and economic development of all nations;
- to further improve and expand the involvement of civil society organizations in the activities of WIPO, especially during meetings;
- to support capacity building at both national and regional levels for the exploitation of IP as a tool for economic development;
- to enhance WIPO's role in providing capacity to Member States for implementing enforcement measures at national and regional levels, through better judicial training and law enforcement mechanisms, to foster a conducive environment for technology transfer, and increased investment;
- to improve WIPO's global reach through expansion of the programs of the WIPO Worldwide Academy to other regions, and thereby facilitate cooperation with research institutions and universities;
- to explore ways of opening up new regional offices of WIPO and expand its outreach to all regions as befits a status as a UN specialized agency with responsibilities for technical assistance, capacity building and training, as well as IP infrastructure development;
- to strengthen Member States' involvement in WIPO's Program and Budget preparations;
- to streamline the layers of control and checks and balances in the organization to ensure greater efficiency, minimize duplication of functions and improve service delivery and accountability;
- finally, to improve the welfare and incentives for motivation of staff in this Secretariat in order to achieve optimum productivity, performance and output for the Organization. This would be done in close collaboration with the Coordination Committee and other relevant councils of WIPO.

“Excellencies, Distinguished Delegates, in the months ahead, we must look for ways to address specific challenges especially on policy and organizational matters affecting our Organization. Regrettably, it is becoming rather apparent that processes in WIPO, especially in negotiations and other norm-setting activities, tend to be unduly inflamed by regional divides. This need not, and should not, continue to be the case.

“We should encourage a cooperative approach to finding solutions to the challenges that confront us, however complex and touchy the issues involved might be. Let us aim always to be guided by our common interests and to adopt the attitude of flexibility and open-mindedness in our dealings. The commonality of our interests should take precedence over whatever differences might appear to separate us.

“In WIPO, let us remain ambitious and live up to the ideas of the Charter of the United Nations. Let us never tire of striving to work hard, and rally behind the attainment of the

greater global good to build a world of shared vision and shared values that enhance the quality and respect for human life, including its dignity, its prosperity and its well-being. I thank you for your attention.”

ITEM 3 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE AGENDA

14. Discussions were based on document A/43/1 Prov.3.

15. The Chair stated that the Agenda for this Assemblies was heavy, and that he sought the support and cooperation of Member States for efficient proceedings and a successful outcome. To ensure satisfactory discussions on all Agenda Items, he would try to avoid long breaks throughout the course of the Assembly. He would be holding informal consultations with group coordinators on certain issues and, where necessary, with other interested delegations. The outcome of such consultations would be announced in the plenary. On general statements under Agenda Item 4, the Chair noted that Member States had already been encouraged to submit their statements in writing, which would be fully reflected in the records of the proceedings. For those delegations wishing to make oral statements, the Chair requested that delegations limit themselves to five minutes, and recalled a WIPO practice of giving priority to Group Coordinators, followed by Ministers and Ambassadors present. The Chair, having outlined the timetable for discussion on institutional issues appearing on the agenda, stated that any delegation wishing to speak could inscribe its name on a list of speakers drawn up by the Secretariat. The Chair suggested that any agenda items simply providing information and not requiring a decision be dealt with as briefly as possible, with delegations refraining from comments and discussions unless there was an urgent need to do so. Time saved could be used for agenda items requiring more extensive deliberations and decisions. When the Assemblies considered items where no discussion was called for, the Chair said he would remind delegations simply to take note, unless delegations had a pressing need to go on record. The Chair informed the Assemblies that, for certain agenda items, informal consultations had already been undertaken, or were still being undertaken, and for others, there was unanimous agreement. The Chair once again thanked the WIPO Member States for electing him as Chair of the General Assembly and looked forward to fruitful discussions. He trusted that all decisions would be taken in the interests of the Organization and further looked forward to a successful conclusion of the meeting.

16. The Delegation of Algeria, speaking on behalf of the African Group, warmly congratulated the Chair and the two Vice-Chairs whom it hoped to see elected soon. On behalf of Africa, the Delegation expressed its complete gratitude to the Director General. The African Group was convinced that the Chair would lead the work of the Assemblies to a successful conclusion. Referring to additional draft agenda item 8, Matters Concerning the PCT Union including Proposal of the United States of America and Japan, the Delegation expressed satisfaction at the initiative by both countries, taken under Rule 5(4) of the Rules of Procedure on the matter and wished to amend the additional draft agenda item to read as follows: “Matters Concerning the PCT Union including (a) proposal of the United States of America and Japan, (b) proposal of Brazil and (c) any other proposal”. Referring also to additional draft agenda item 12, WIPO Internal Audit Report and Appropriate Follow-Up Thereto, the Delegation said that the African Group wished to take a legalistic approach to the matter and attached importance to the application of regulations and respect for the practice in

force at WIPO. Given that this was an administrative and procedural matter, the Group adhered to the reasoned opinion expressed on the subject by the WIPO Legal Counsel. The constant practice of African States was to be guided by legal advice, be it in the United Nations itself or the specialized agencies. WIPO was no exception. For that reason, without prejudging the substance of the matter the African Group opposed the inclusion of additional item 12 in the draft agenda of the Assemblies of the Member States of WIPO. On those two agenda items, the position of the African Group was dictated by its attachment to the achievement of WIPO's mission in its activities, with increasing sensitivity being shown for the continent's concerns, in itself a cause for satisfaction. That said, the Delegation reaffirmed the resolute commitment of the African Group to work towards achieving a consensus on all the items for discussion at the Assemblies, and looked forward to a successful outcome.

17. The Delegation of the Islamic Republic of Iran congratulated the Chair on his election, and supported the statement made by the Delegation of Algeria to amend Item 8 and delete Item 12. On Item 12, the Delegation stated that, due to its late inclusion in the draft Agenda, and lack of instruction from its capital, the Delegation was not in a position to consider and discuss that Item.

18. The Delegation of South Africa congratulated the Chair on his election, and stated that it fully supported the statement made by the Delegation of Algeria, who had spoken on behalf of 53 countries.

19. The Delegation of Zambia congratulated the Chair on his election and stated that it supported the statement made by the Delegation of Algeria on behalf of African Group.

20. The Delegation of Egypt congratulated the Chair on his election and expressed its support for the statement made by the Delegation of Algeria on behalf of African Group.

21. The Delegation of Ghana congratulated the Chair on his election and aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group.

22. The Delegation of Sudan congratulated the Chair on his election and positioned itself with the Delegation of Algeria.

23. The Delegation of Kenya congratulated the Chair on his election and aligned itself with the statement made on behalf of the African Group.

24. The Delegation of Djibouti congratulated the Chair on his election and strongly supported and endorsed the statement made by the Delegation of Algeria on behalf of the African Group.

25. The Delegation of Gabon congratulated the Chair on his election and expressed its confidence that his guidance and dynamic leadership would result in a successful outcome of this session of the Assemblies. The Delegation stated it supported the statement made by the by the Delegation of Algeria on behalf of the African Group

26. The Delegation of the United States of America congratulated the Chair on his election. The Delegation also joined those who had welcomed the Chair's initial statement to seek to conduct the meeting in a fair, balanced and proper way, and looked forward to continuing in that vein. In response to the two proposals put forward, as the Delegation understood, on

behalf the African Group, the Delegation stated that, on the first proposal, it would be inclined to accept the amendment, subject to further review of the proposal, but that generally speaking, it might be able to align itself with the proposal. As to the second proposal, the Delegation expressed strong reservations because, as the Delegation understood it, an internal audit report of WIPO had concluded that there were serious questions with regard to potential violations of WIPO staff rules and ethical standards. The Delegation believed that it was incumbent on all members of the General Assembly to take this matter seriously, and that this Assembly needed to fully discuss these allegations and decide what follow-up may be appropriate. Furthermore, it was the view of the Delegation that the Legal Counsel's letter did not say that it would not be appropriate to disclose or discuss those items in this General Assembly. Instead, the Delegation believed that the word was "inadvisable". This did not preclude that possibility. Moreover, the Delegation thought that it was incumbent upon Member States to respect the fact that, as proper rules of procedure had been followed in getting these items onto the Agenda, they be discussed with a serious weight with which they had been put forward.

27. The Chair noted that it seemed that there was no agreement to adopt the draft Agenda as proposed. Although there appeared to be a consensus to adopt the Agenda with a slight amendment to Item 8, delegations from the African Group and the Delegations of the Islamic Republic of Iran had proposed an amendment to Item 8, and a deletion of Item 12, but the Delegation of the United States of America had a different perspective. The Chair stated that he would not want the General Assembly to find itself in a situation where it could not make progress, and recalled that the General Assembly had always treasured and valued the principle of consensus in its proceedings. He stated that, as Chair, he was unflinchingly committed to the pursuit of consensus in the tradition of the Organization. He recalled that, in his earlier statement, he had said that WIPO was at a crossroads. There were challenges to be faced, but there were also opportunities for cooperation and addressing the interest and collective good of humankind. He believed that this was the challenge and the mission of the forty-third session of the Assemblies of the Member States of WIPO. He therefore hoped that Member States could proceed on the basis of consensus. He stated that Item 8 would remain, as slightly amended, and to which the United States was agreeable, and that further consultations would be conducted between the various coordinators who would, perhaps, meet with the Chair to try to see how the two perspectives could be married and a consensus achieved. He stated that, in the absence of further delegations wishing to take the floor, the meeting would adjourn very briefly to enable the Chair to meet with Group Coordinators to see how a consensus could be achieved.

28. The Chair, informed Member States that his consultations with Group Coordinators, were cordial and frank. It showed that all parties were interested in finding a very amicable solution. The Chair further stated that the Group Coordinators had decided to reconvene on their own again to strike a deal, which would be presented to Member States, and that he was happy to inform Member States of a fall-back position, whereby the Chair could exercise some flexibility in having a stand-by group of Friends of the Chair, in the event that the first option did not yield the consensus that was desired by all. The Chair stated that he was very optimistic and very positive about the work that was being done by this small group, and expressed his confidence that, continuing in that same spirit, he would be able to report back to Member States on the outcome of deliberations.

29. The Chair reconvened the General Assembly. He informed Member States that discussions with the Group Coordinators had not gone quite as easily as had been thought. He was, however, happy to inform Member States that he had a written paper, containing

three paragraphs, which represented some progress, albeit small progress, and that there was just one issue that needed to be tidied up. For this reason, therefore, it had been decided that the current plenary session should be adjourned and reconvened the following morning, with informal consultations between the group coordinators beginning earlier. The Chair expressed optimism that there would be some agreement, or indeed an agreement on the texts currently being reflected upon by the group coordinators.

30. The Chair, following informal consultations, reconvened the General Assembly, and stated that he was happy to be able to report that very useful progress had been made. The Chair further wanted to place on record his immense appreciation of colleagues and group coordinators who spent tireless efforts to find a compromise solution. Particular thanks were due to the coordinator of the African Group, the distinguished Ambassador for Algeria, as well as the distinguished Ambassadors of the United States and Italy who had worked on behalf of Group B. The Chair stated that they had demonstrated great flexibility which was indeed the hallmark of the negotiations. He announced that a compromise solution had been found to the problem that had bogged the General Assembly yesterday, and invited the Secretariat to read out Agenda Item 8, as amended.

31. The Secretariat, referring to the amendment proposed by the Delegation of Algeria on behalf of the African Group, read the amended Item as follows: "Item 8: Matters Concerning the PCT Union including: (a) Proposal of the United States of America and Japan; (b) Proposal of Brazil; and (c) any other Proposal."

32. The Chair thanked the Secretariat and stated that he would read out the text that had been produced as a consensus rendition of Agenda Item 12. He stated that the existing text would be deleted and replaced by "Agenda Item 12: Internal Audit Report of WIPO issued since the last General Assembly (to be referred to the Friends of the Chair)".

33. The Delegation of the United States of America thanked the Chair and applauded his efforts over the past two days to seek a consensus. The Delegation wished to amplify one point, namely that the Friends of the President Group would have to report back to this General Assembly before the adjournment of the Assembly on October 3, 2007.

34. The Chair stated that this was indeed the intention: the report of the Friends of the Chair would come back to this session as indicated, and the Chair would report to Member States.

35. The Delegation of Switzerland thanked the Chair and spokesmen of the Groups for the efforts they had made in an attempt to reach a compromise. The Delegation stated that the compromise that the Chair had suggested might lead to a solution to the problem which had been of concern to the delegations at the beginning of the Assemblies. The Delegation reiterated the importance of the fact that the Chair would submit the report of the Group of Friends of the Chair before the end of the Assemblies. It noted that the date of October 3 had been mentioned, and the Delegation wished to stress how important it was for the General Assembly to consider agenda item 12 on the basis of the report made by the Chair. The Delegation questioned whether October 3 was early enough to take cognizance of the report, since it knew that many Heads of Delegations would return to their national capitals on the previous Friday. In the view of the Delegation, it was very important for the General Assembly to consider this agenda item before the end of the week, and by Friday if possible. Otherwise, delegations might not be able to express their views on the report relating to

agenda item 12. While welcoming the compromise that had been found, the Delegation said that it would be useful for the Chair to report on the Item before the end of the current week.

36. The Delegation of the United Kingdom joined other Delegations in congratulating the Chair on his overseeing of consultations that were clearly among the more difficult that had been seen for some time at WIPO. The Delegation stated that it essentially wished to make the same point as the Delegation of Switzerland, namely that to have the possibility of receiving and concurrently responding to the Report of the Chair, some time would be needed. The Delegation sought assurance that an adequate amount of time be given to address properly the issues contained in the Report of the Chair and that, in suggesting this, perhaps the Delegation should simply support the suggestion made by the Delegation of Switzerland, namely that the Report should come back to the General Assembly before the end of the week.

37. The Delegation of Algeria thanked the Chair and joined others in congratulating the Chair for the excellent job that had been done under his good auspices. The Delegation stated that, because the text as read out by the Chair, was that which had been agreed upon word for word, including the addition made by the Delegation of the United States of America, and to which the Delegation of Algeria agreed, it did not think that the text should be tampered with in any manner or form, otherwise the Delegation could also start doing this, and the process would unravel. The Delegation stated that it was in the hands of the Assembly to decide what it wanted to do with the proposal, but the Delegation suggested that the proposal either be accepted or rejected, as it is, with the addition mentioned by the Delegation of the United States of America.

38. The Delegation of Pakistan, on behalf of the Members of the Organization of the Islamic Conference (OIC), wished to express deep appreciation for the efforts made by all sides to reach a compromise. The Delegation strongly believed that a continued show of flexibility would greatly help in the smooth functioning of the proceedings of the Assembly, as well as WIPO as an organization. It fully supported the proposal made by the Chair and hoped that the Friends of the Chair would engage in a constructive dialogue to find a solution that would take into account the concerns of all sides. The Delegation wished the Friends of the Chair every success in their efforts.

39. The Delegation of Brazil stated that, like others, it also wanted to thank the Chair very much for his efforts, and also to express thanks for the spirit of compromise of the parties involved. The Delegation strongly supported the statement by the Delegation of Algeria and thought that it was in the interest of all that the meeting could start properly. The Delegation understood that the agreement met the concerns of all and was sure that enough time would be provided for the Report to be delivered. The Delegation was also sure that since all wanted the Report to be as fair and substantive as possible, it should be presented only when it is ready, and was certain that delegations with a special interest in the matter would remain to wait for the Report. It stated that, if Delegations were not prepared to wait until the end of the General Assembly, then they could not be so very interested in the results of the Report. The Delegation reiterated its strong support for the Delegation of Algeria and appealed to other delegations not to re-open the issue.

40. The Delegation of Zimbabwe stated that it joined others in welcoming the great work and great compromise that the distinguished Ambassadors of the United States of America, Algeria and Italy had arrived at. It also strongly supported the strong positions expressed by

the delegations of Algeria and Brazil that the issue not be re-opened, and that the Friends of the Chair worked as assiduously as they could and report back before October 3.

41. The Delegation of Nigeria thanked the Chair and stated that, in the realm of negotiations, you enter and agree on things informally, and you first come out and say exactly what has been agreed informally and present it for completion and acceptance. The understanding of the Delegation was that the informal discussions and agreements presented by the Chair had been understood and agreed informally, and apparently the Delegation of Algeria, representing the African Group, was in agreement. It further understood that the statement made by the United States of America was an endorsement of what the Chair has said. The Delegation opined that, any introduction that impinges on an informal group is usually a distraction, and suggested that no distractions of timeliness and time targets be made. It further suggested clear acceptance on what had been agreed informally, and to move forward and that, to do otherwise, would simply restart negotiations making it difficult for Member States to come to an easy understanding.

42. The Delegation of Zambia thanked the Chair and joined previous speakers in commending the Chair for making it possible to arrive at what the Delegation considered to be something acceptable. In the view of the Delegation, it appeared that some delegations were asking the Chair to suspend the work according to the Agenda Items and take up more time dealing with an issue that appeared to be settled. The Delegation suggested that, in the interest of the Assemblies, everything be left in the hands of the Friends of the Chair. The Delegation appealed to all delegations to avoid opening the debate on an issue that had been sorted out already, in the interest of the work of the Assembly. The Delegation was sure that those interested would consider staying on for the Report of the Friends of the Chair.

43. The Delegation of the People's Republic of China congratulated the Chair on his election and expressed gratitude to the Chair for his great efforts in seeking a resolution on Item 12. It expressed its wish that the Chair find a solution and supported the position of the Chair. It also supported the Friends of the Chair continuing to work with a view to finding an acceptable solution for all.

44. The Delegation of Honduras joined others in congratulating the Chair on his leadership and dynamic approach to chairing the meeting, and thanked also the Delegations of Algeria and Brazil, and others who had expressed their views on the matter under discussion. In the view of the Delegation, one issue was very clear, namely that the Delegation of the United States of America had said that a consensus had been reached through mediation with the African Group, Group B, and the Chair. The Delegation thought that the management process approved by the Group of Friends of the Chair should be implemented and stated that although delegations had to leave Geneva, Ambassadors remained who were fully empowered by their governments to deal with the issues and adopt any substantive agreements required. The Delegation concluded by saying that a proverb existed in Honduras: it was not getting up early in the morning that got you further in the evening.

45. The Delegation of the United States of America stated that the two requests were not incompatible, which was something obvious to all. It continued that the agreement that had been reached was that the Friends of the Chair would report back to the General Assembly, but did not say by next week, or this week. If a suggestion had been made to Member States that they would like it to be this week, this would not be incompatible with the agreement that had been reached. It would not be an opening up of the agreement. In the view of the Delegation, the best thing to do would be, in the imminent fairness of the Chair, to leave to it

to the judgment of the Chair as when this would be done, so long as the timing was appropriate and sufficient time was allotted for Member States to respond, taking into account the valid concerns by two Member States. The Delegation reiterated that the request was not incompatible with the original agreement.

46. The Delegation of Benin associated itself with those delegations that had already congratulated the Chair on everything that he had done to reach a compromise. Following the statement by the Delegation of the United States of America, the Delegation stated that it did not have much more to add but simply wanted to congratulate the Delegation of the United States of America on reaching the compromise and stated that, with regard to its last proposal, it considered that the General Assembly was moving closer towards a realistic objective. It called on delegations to ensure that the Assembly could work towards a consensus as it was used to doing, and not to a climate of confrontation which every effort had been made to avoid.

47. The Delegation of India wished to take the opportunity to place on record the appreciation of the untiring efforts of the Chair and all concerned in arriving at a fair compromise on this issue, and stated that it hoped that the spirit of consensus and flexibility would allow the General Assembly to arrive at a consensual resolution of issues and proceed further on the Agenda.

48. The Delegation of Algeria stated that as the Delegation of the United States of America had said, the proposals put forward by two other Member States were not incompatible with what was included in this text. It further stated that there were many other things that the Delegation of Algeria had accepted not to mention, and which were also not incompatible with the contents of this text. The Delegation did not want to re-open the discussion at this late stage, which it thought would be unwise. It also thought that most of the speakers who had taken the floor, if not all the speakers who had taken the floor, had suggested that Member States keep to the text, word for word as it was adopted, and that if anything else was to be added, there was much else that was compatible with the text that the African Group would like to add as well.

49. The Delegation of Bangladesh congratulated the Chair on his great efforts in seeking a compromise, and aligned itself with the statement made by Pakistan on behalf of Organization of the Islamic Conference (OIC). It welcomed the compromise that had been arrived at and did not favor any further discussion on the issue, thereby losing more time. It therefore looked forward to the adoption of the Agenda and the beginning of substantive discussions, and had full confidence that the Friends of the Chair would do the job as expeditiously as they can.

50. The Chair thanked all delegations that had aired their views on this very important and touchy subject, and since he did not see any dissent or objection, moved to adopt the Agenda, as amended.

51. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/43/1 with the changes as indicated in paragraphs 31 and 32 above.

ITEM 4 OF THE CONSOLIDATED AGENDA:

PROGRAM PERFORMANCE REPORT FOR 2006

52. Discussions were based on document A/43/2.

53. The Delegations and Representatives of the following 99 States, one Entity, four intergovernmental organizations and one non-governmental organization made statements concerning Agenda Item 4: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Benin, Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, Georgia, Germany, Ghana, Guinea, Guinea Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Kenya, Kyrgyzstan, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mexico, Montenegro, Morocco, Mozambique, Namibia, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Senegal, Serbia, Seychelles, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Zambia, Zimbabwe, Palestine, African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), African Union (AU), *Organisation internationale de la francophonie (OIF)* and the Free Software Foundation Europe (FSF Europe).

54. As part of their statements, Delegations paid tribute to the outgoing Chair, praising his dedication and skill in conducting the debates during the Assemblies for the previous two years. They also welcomed the in-coming Chair, expressing their confidence in his commitment, clear thinking and diplomatic skills to guide them in their discussions.

55. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Director General for his dedication to the development of intellectual property (IP) throughout the world and in particular in developing countries, assuring him of the Group's active support and reaffirming its willingness to contribute positively and constructively to the work of the current session of the General Assembly. As a United Nations (UN) specialized agency, WIPO should take appropriate measures to promote creative intellectual activity and facilitate the transfer of technologies to developing countries, in order to accelerate their economic, social and cultural development. Noting that the "development" dimension was gradually being incorporated into the letter and spirit of WIPO's mission and therefore in all its activities, the African Group welcomed the adoption of a set of genuinely innovative proposals during the most recent sessions of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), with the Development Agenda process having, therefore, reached a crucial stage, thanks to the spirit of cooperation and responsibility which had prevailed through the entire process. The Group considered that the implementation of the recommendations adopted was as important as the negotiating process which had led to their adoption, and that their implementation should serve to enhance institutional capacities and strengthen scientific and technical infrastructures in developing countries (establishment of standards, technology transfer and use of development-oriented flexibilities contained in the different international instruments). The Group supported the recommendation made by the PCDA to the General Assembly to adopt recommendations and create a Committee on

Development and IP responsible for monitoring, evaluating and guiding the implementation of the recommendations adopted. The African Group also supported the five strategic goals formulated by the Director General for the 2008-2009 biennium of the Program and Budget and commended the quality of documentation prepared by the Secretariat and the transparency of the budgetary data contained therein. The Group continued to attach the greatest priority to activities carried out under Programs 3 (“Strategic Use of IP for Development”), 6 (“Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, LDCs”) and 11 (“The WIPO Worldwide Academy”). The Delegation considered that the reduction in PCT fees, as proposed by the Delegations of the United States of American and Japan, was likely to have a negative financial impact on all WIPO’s activities and programs, which were commended by the Delegation. According to the Secretariat’s estimates, the proposed reduction would represent only one per cent of the total cost of obtaining patents and would not have a recognized impact on costs from the user’s point of view or, therefore, an effect on the number of PCT filings. The proposal by the Delegation of Brazil, which would not threaten WIPO’s financial position, would in contrast offer considerable relief to developing or emerging countries and therefore seemed particularly worthy of interest. Furthermore, the Group considered that the interest in protecting traditional knowledge (TK), expressions of folklore and genetic resources lay not only in their link to traditional cultural and scientific heritage, but also in their benefits as a source of well-being and economic development (for example, traditional plants and methods tested and studied for new products or varieties with specific properties). The Delegation said that some national laws had already adopted *sui generis* measures to protect TK and associated genetic resources and that, at the regional level, African countries had adopted a model law for protection of biological diversity and the interests of local communities. Furthermore, during a diplomatic conference, OAPI had just adopted a legal instrument for protection of TK and expressions of folklore, and the same instrument was in the process of being adopted by ARIPO. However, the misuse and misappropriation of such knowledge and expressions were global problems which required protection at the international level intended to support national efforts, which would permit countries and communities blessed with such traditional wealth, most often developing countries, to be in a position to take advantage of it and participate more actively in the global economy. The interests of those communities in that area could be protected properly only if they were covered by a legally binding international instrument. The Delegation indicated that the African Group supported the recommendation made by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to the General Assembly to renew its current mandate for two years. The IGC, whose new activities would be focused in particular on examining the international dimension of those issues, would be urged to accelerate its work in order to submit a progress report to the General Assembly in September 2008. In addition, the Group welcomed the decision by the Standing Committee on Copyright and Related Rights (SCCR) to keep the issue of broadcasting and cablecasting organizations on the agenda for its sessions. It would be necessary to endeavor to reach an agreement on the objectives, specific scope and object of protection before envisaging holding a Diplomatic Conference. It was, however, inconceivable that Internet broadcasting enjoyed legal protection while developing countries were already suffering head on the harmful economic and social effects of the digital divide. The Group considered that the SCCR should also include on its agenda, issues relating to the implementation of the recommendations by the PCDA, such as the use of limitations and exceptions with regard to copyright protection for educational and other purposes. Finally, the Group considered that there was a need for fresh impetus in the activities of the Standing Committee on the Law of Patents (SCP), which could be provided based on the recommendation of the outgoing Chair of the General Assembly to have the WIPO Secretariat draw up a report on international issues related to patents, in particular on

the main difficulty that would be faced by developing countries in the discussions on the harmonization of patent laws, i.e. the taking into account of concerns linked to the “development” dimension of patent law so that they constituted a central part of the work of the SCP.

56. The Delegation of Brazil Speaking on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC), commended Ambassador Enrique Manalo of the Philippines on his excellent work in conducting the General Assembly, the representatives of the Member States and the Director General, the members of the Secretariat and observers, and expressed the Group’s commitment to contributing to the smooth running of the General Assembly in order to achieve successful results. The Delegation highlighted the fact that the General Assembly was to take a historic decision, the adoption of the WIPO Development Agenda, as stated by the Ambassador of Algeria on behalf of the African Group, and said that after more than three years of negotiation, the Member States had reached an agreement on a package of 45 recommendations which were to be endorsed by the Assembly. The Delegation reiterated the Group’s commitment to implementing the Agenda and expressed once again the firm interest in working on the new Committee on Development and IP. It particularly welcomed the work of Ambassador Trevor Clark of Barbados, which it considered fundamental to the result obtained, and said that the Group was endeavoring to continue working actively on other WIPO committees, mainly the SCCR, the work of which should be advanced through the adoption of a new and important series of subjects. The Group considered that the renewal of the mandate of the IGC, for an additional two years would be vital for the countries of Latin America and the Caribbean, and made clear the interest in working towards the conclusion of an effective international protection instrument within the Committee sphere. On the Advisory Enforcement Commission (ACE), the Delegation stated that GRULAC recognized the importance of the subject and believed that the Commission should continue undertaking its important work as a forum for dialogue, with the focus on the exchange of national experiences. It thanked Ambassador Enrique Manalo for the excellent work he had done in selecting subjects for a study of international patent-related matters, and highlighted the balance in the selection, since it included subjects of interest for developing countries and developed countries. Such a compilation was a good basis for the program of work of the SCP. It said that the Group would have specific comments on the corresponding agenda item in relation to that matter. The Delegation further reiterated the importance attached by the Group to the implementation of the Development Agenda, and also to the WIPO activities in the area of technical assistance, and said that it considered it vital for the Organization’s budget for the forthcoming biennium to devote sufficient resources to the programs, in particular Program 3 entitled “Strategic Use of Intellectual Property for Development” and also Program 6 relating to technical assistance and capacity building. For the same reason, it supported the proposal by the Secretariat to reserve five million Swiss francs to guarantee the implementation of the Development Agenda on a multi-annual basis. In conclusion, the Delegation expressed the Group’s support for the principles contained in, and the basic aims of, the proposal put forward by Brazil for a reduction in PCT fees for developing countries, and also for the proposal by Colombia to obtain a discount in fees or special treatment for applicants from developing countries when entering the national phase, especially in the offices of developed countries and regional offices. The Delegation informed the Chair that GRULAC was prepared to work under his leadership to obtain positive results at the Assembly, and said that for that purpose agreement on the Development Agenda had been fundamental and it subscribed fully thereto. It also congratulated the Chair on his work in that area and welcomed the constructive spirit of the parties leading to the prevailing consensus.

57. The Delegation of the Republic of Korea, speaking on behalf of the Asian Group, expressed its sincere appreciation, to Ambassador Enrique Manalo for his dedicated efforts during his two-year chairmanship of the General Assembly and especially for the drafting of the initial working documents which had served as the basis for the successful negotiations during the two sessions of the PCDA in 2007. It also expressed the Group's sincere appreciation both to Member States for having shown great flexibility and for having injected valuable input into the negotiation process, so as to reach an agreement on the 45 proposals, and also to India and Singapore for having hosted the informal meetings which had preceded the third and fourth sessions of the PCDA, respectively. These meetings had been instrumental in building understanding among Member States in an informal context. The Delegation acknowledged the skillful chairmanship of Ambassador Trevor Clarke of Barbados and noted that all these factors had contributed to the successful conclusion of the PCDA negotiations. The Delegation said that the Group believed that, despite the aforementioned achievements, many challenges remained, including the implementation of the Development Agenda, the continuation of progress on the renewed mandate of the IGC, the new work plan for the SCP, the program and budget, and the desk-to-desk review. It called upon Member States to show flexibility, compromise and accommodation to enable WIPO to address these challenges and function in a professional, transparent, efficient and effective manner in order to meet the ever increasing expectations of Member States. The Delegation felt that the concerns of all Member States could and should be addressed in a friendly and constructive manner, which would enhance the effectiveness of the Organization.

58. The Delegation of Poland speaking on behalf of the Group of Central European and Baltic States, noted that the successful outcome of the PCDA was quite encouraging, as it showed that the regional groups, working together, were able to reach the consensus necessary to solve the issues that needed to be solved. That positive outcome, as enshrined in the list of 45 proposals to be accepted by the Assemblies, had been possible under the able Chair of the PCDA and with the professional guidance of the Secretariat. The Delegation stated that the Group was proud to have actively participated in the consensus-building process. It noted a list of 19 proposals that could be implemented immediately and looked forward to participating in the new Committee on Development and IP to monitor the implementation of all the proposals. With regard to the issue of the strategic use of IP for development, the Delegation expressed its gratitude to the governments of Brazil and the Philippines for having organized, with the Secretariat, successful seminars in which members of its Group had been proud to participate, and it welcomed the intention of the governments of South Africa and Slovenia to organize similar seminars before the end of 2007. The Delegation also thanked the governments of India and Singapore for initiatives that had helped to push forward the issues of the PCDA. The spirit of consensus-building and friendly cooperation between countries and groups of countries had been present throughout the year within all WIPO fora, and, while not every issue had proved to be ripe for consensus, the Delegation expressed its confidence that the necessary work would continue until a final agreement was reached. The Delegation accepted the outcome of the consultations undertaken in regard to the SCP by the previous Chair of the Assemblies, including the recommendation to perform a state-of-play analysis of the patents sector before continuing the work of the SCP, and looked forward to engaging in the future work of that important Committee. While the SCCR had been unable to reach the agreement necessary to organize a Diplomatic Conference related to broadcasters' rights that year, the Delegation was satisfied that no effort had been spared to try to reach a positive outcome, and expressed its appreciation for the hard and engaged work of the Committee Chair. The Group looked forward to continuing the work in that forum, including the important matter of broadcasters' rights as well as in the area of protection of audiovisual performances. The Delegation noted

the great value the Group attached to the continued work of the IGC, whose mandate was to be renewed during that session. It believed its work to be of undiminished relevance to current trends in IP protection, even if differences persisted regarding some of the topics. The Delegation also acknowledged the great relevance of the ACE in the field of combating counterfeiting and piracy, and expressed appreciation of the contribution of the Third Global Congress on Combating Counterfeiting and Piracy, which had been hosted by WIPO in January 2007, as part of a wider initiative regrouping governments, intergovernmental organizations and the private sector. The Delegation noted the work which had been carried out in preparing the comprehensive report of the desk-to-desk review, which had cast light on some of the underlying human resources issues in the Organization, and believed that the findings of the report should be given adequate follow-up with a view to increasing the efficiency of the Organization in that key area. As to the important biennial challenge of adopting the Program and Budget, the Delegation noted the Group's readiness, following the previous two sessions of the Program and Budget Committee (PBC), to engage in discussions during the current sessions of the Assemblies to achieve a sustainable and acceptable solution, which would require resolving related questions; among them, the PCT fee levels and the follow-up to the recommendations of the desk-to-desk report. The Delegation referred to budgetary issues related to the WIPO Division for Certain Countries in Europe and Asia, noting that it was understaffed and under funded. At a recent meeting of the Group with the Secretariat, together with the Group of Central Asian, Caucasus and Eastern European States, an ambitious picture had been sketched of future activities regarding these countries. The Group was unclear as to how any important challenges might be met, despite the hard and efficient work of the personnel concerned, if additional staff were not provided, but, in this regard, it appreciated the assurances and goodwill of the senior management of WIPO, with whom there had been continuously excellent cooperation, and looked forward to urgent and concrete action to solve the situation. In conclusion, the Delegation underscored the constructive and flexible approach of its Group to the questions that lay ahead in the current series of meetings, believing that the customary spirit of consensus and flexibility would lead to a meaningful result.

59. The Delegation of China thanked the Director General and the Secretariat for their hard work in preparing the large quantity of informative documents, and expressed its satisfaction that, since the last sessions of the Assemblies, programs had been carried out in an orderly manner in accordance with the 2006-2007 Program and Budget. It considered the objectives and expectations of Member States to be the cornerstone of WIPO's initiatives and activities, observing that WIPO, as a specialized agency of the UN, continued to play an important role in promoting the use of the IP system for the benefit of all countries and in assisting them to take full advantage of IP for development, in line with the UN Millennium Development Goals. The Delegation took stock of developments in the IP field in China, noting that, since the implementation of the Patent Law on April 1, 1985, SIPO had received an increasing number of applications, especially in the last five years, witnessing an average growth rate of over 20 per cent, with a total of 1,905,254 patents granted as of July 2007, of which 328,534 were for inventions. In particular, the Delegation noted that since China had acceded to the PCT in 1994, applications filed by its nationals had increased annually and had reached a total of 3,910 last year, making it the eighth largest user of the PCT. Similarly, its trademark applications had also rapidly increased in recent years, with 996,000 applications filed in 2006 for various marks, among which 766,000 had been for trademarks. It reported that, over the last five years, a total of 2,774,000 registrations had been carried out in China by the end of 2006, of which 490,000 were held by nationals of foreign countries. It added that this year saw China's accession to the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). The Delegation believed that with the increasing

globalization of the world's economy and interwoven national interests, the development of all countries, especially developing ones, had a bearing on global development and prosperity. It suggested that developed countries should shoulder greater responsibility in striving to achieve universal, harmonized and balanced development worldwide, and that WIPO should utilize and allocate its resources in a rational way to practically assist developing countries in using the IP system. This would allow developing countries to bring into full play their respective advantages in enhancing their capacity to create, manage, protect and exploit IP. The Delegation stressed the need to balance IP protection and public interests by adapting standards to the specific situations of developing countries and the development level of their productive forces, thus meeting long-term development requirements, advancing the overall progress of society and aiming to create a harmonious world enjoying lasting peace and common prosperity. The Delegation expressed its satisfaction with the results of the ongoing discussions on the Development Agenda, which, it believed, would have a far-reaching influence on the future of developing countries, as well as be of benefit to developed countries whose interests were interwoven with developing ones. It observed that several meetings had been held in the framework of the IIM and PCDA, and the spirit of cooperation, inclusiveness and constructiveness had yielded remarkable achievements, cumulating in the proposal to create a WIPO Committee on Development and IP. The Delegation expressed its hope that the process on a Development Agenda, driven by Member States, would be further deepened, and that a common understanding might be reached and implemented, thus enabling all Member States, in particular developing countries, to enjoy the benefits of IP protection, effectively promoting the broad-based objectives of development. The Delegation reaffirmed its support for the work of the IGC. It stressed the importance of the comprehensive and rational protection of genetic resources, TK and folklore for developing countries, and looked forward to quick breakthroughs in this regard in order to reach a preliminary consensus on a binding international instrument. Commenting on IP norm-setting, the Delegation observed that for historical and practical reasons, developing countries and Least Developed Countries (LDCs) faced social and economic difficulties, and that enhanced IP protection standards might make it more difficult for them to comply with excessive protection standards. According to the Delegation, the key to successful norm-setting would be to strike a reasonable balance between the protection of right-holders and public interests, taking into consideration the realities and development levels of all countries and ensuring that the cost of IP protection would not exceed the expenditures incurred. The Delegation offered its support, as a responsible and commitment-keeping big developing country, to the work of the Assemblies and other WIPO committees, by taking an active part in the discussions on all important issues, further expanding its cooperation with WIPO in the areas of IP teaching, awareness-building, protection and enforcement, and continuously strengthening its exchange and cooperation with all Member States. It concluded by saying that China would further improve its IP protection system and enhance its judicial work and enforcement of IP protection. Regarding the Hong Kong Special Administrative Region (Hong Kong SAR), the Delegation noted that it had had a busy year in terms of IP legislation. It had enacted an amendment to its copyright ordinance which refined the acts permitted within the framework of the Berne Convention. Some of the amendments focused especially on the needs of educational establishments to deliver knowledge in new ways. The amendment also provided moral rights and protection for performers, thus opening the way for the central Government of China to consider extending the application of the WIPO Internet Treaties to the Hong Kong SAR. The Delegation recognized the need to balance the long-term objective of protecting patents for pharmaceuticals, with the possible short-term needs of developing country members of WTO who might have insufficient manufacturing capacities in this sector. Legislation had been introduced which would permit the Hong Kong SAR to implement the TRIPS Protocol of 2005, and it was hoped that this legislation could be passed

into law in 2008. In 2006-2007, the Hong Kong SAR had held a consultation on improving its copyright law, taking into account developments in the digital environment such as ISP liability, notice and take-down provisions, and facilitating civil actions against copyright infringement on the Internet. In the past year, the Court of Final Appeal had affirmed that the copyright ordinance allowed it to take criminal action against an individual who had distributed illegal copies of movies using digital technology. In its ongoing public education programs, a recent strategy making creative intangible asset management one of its key values, had as its goal to provide enterprises with practical tools for developing innovative products and services, keeping in mind the need for IP protection from the earliest stages of planning. The Delegation thanked the Secretariat for its hard work and cooperation over the past year.

60. The Delegation of Italy, speaking on behalf of Group B, thanked the Secretariat for its hard work in the preparation of the meetings of the Assemblies, noting that its professionalism was essential in ensuring that the Organization was able to reach its important goals. Group B fully acknowledged the paramount importance of IP as an essential tool for achieving the main goals of UN institutions in order to ensure economic and social development. For that reason, the Group attached great interest to the smooth and efficient functioning of WIPO's core programs, particularly activities under the PCT, the Hague Union, the Madrid Union, and the Mediation and Arbitration Center. It also attached great importance to the rewarding results achieved during the previous year in the negotiations in the PCDA. In the previous few weeks, Member States, the Chairman of the PCDA and the Secretariat, had elaborated a list of proposals for immediate implementation. Group B had taken note of that list and looked forward to collaborating in implementing all the other proposals. During the 2007 PCDA sessions, all delegations had acknowledged that a key element for the successful conclusion of the negotiation had been the constructive spirit shown by all groups. The Delegation noted that the Group hoped that that spirit of cooperation would continue to guide all work throughout the entire Organization. Concerning the SCP, the Group was convinced that the time had come to imbue it with the same constructive spirit which guided the successful PCDA experience. It looked forward to discussing the important issues related to the fee reduction in the PCT Union, raised by some Member States, and believed that an inclusive debate would lead to a solution that would ensure the functioning of the Organization and of the services it delivered to users. The Delegation expressed the Group's satisfaction with the quality of the advice provided by PricewaterhouseCoopers in the useful report of the desk-to-desk assessment, and was of the opinion that the General Assembly, in its decision, should take into account the results of that report and the Audit Committee's response to it, which allowed Member States a clearer view of how the Organization could be improved. Concerning budgetary issues, the Group was ready, following the intense sessions of the PBC, to work in a constructive manner to finalize the proposed Program and Budget for the 2008-2009 biennium, also in the light of any decision that could be taken by the PCT Union Assembly in relation to the schedule of the PCT fees, and of the previously-mentioned report of the desk-to-desk assessment. Concerning the revision of the WIPO Financial Regulations and Rules, the Delegation considered favorably the fruitful discussions on that subject in the last meeting of the PBC, and emphasized the need to find, in the following year, a suitable solution for draft Regulation 5.6 concerning flexibility adjustments. With regard to the utilization of the WIPO reserves, in the medium term, the Group was of the opinion first, that no fictitious reserve should be spent, i.e., that the 2007 reserve level should be used as the basis for decision making; and second, that the reserves should only be spent on agreed capital investment and not on the financing of WIPO programs. The Delegation noted that the Group welcomed the presence in those Assemblies of the members of the Audit Committee, as requested in the

2006 session of the Assemblies. It thanked the auditors for their hard work and for the advice they provided, which would enable Member States and the Organization itself to improve WIPO's functioning. The Delegation reiterated the Group's commitment to strengthening Member States' oversight function to ensure greater transparency, accountability and good governance of WIPO. It also welcomed the new terms of reference for the Audit Committee as discussed during the last working group of the PBC, taking account of the suggestions of the auditors. The Group was ready to consider the designation of a new external auditor. It acknowledged the importance of the role played by the ACE. In spite of the efforts at national and regional levels to improve the level of protection of IPRs, the fight against counterfeiting and international piracy had become one of the most relevant challenges for WIPO. Regarding the SCCR, and its work on protecting the rights of broadcasting organizations, the Group took note of the cancellation of the proposed diplomatic conference and would welcome further discussions on those issues in the upcoming sessions of the Committee, to narrow the differences and allow its work to proceed. The Delegation expressed deep appreciation for the hard work carried out by the Chairman of the IGC and welcomed the important and useful exchange of views and experience on substantial matters during the last session of the IGC, which, it believed, was dealing with issues of particular interest for the future development of IPRs. Genetic resources, TK and folklore were challenges the Group would be engaged in meeting in the future work of that Committee, whose mandate was to be extended for the following two years. It was the opinion of the Group that a deeper analysis of the legal protection tools offered by best practices within the international IP system was important with respect to the protection related to genetic resources, TK and folklore. The Delegation observed that much work lay ahead during the current Assemblies meetings, and underscored that Group B was prepared to offer its cooperation, flexibility and full engagement for the achievement of WIPO's goals.

61. The Delegation of the Russian Federation, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European States, commended the activities of WIPO during the past year, and offered its support for the approval of the draft Program and Budget for 2008-2009. At the same time, it believed that it was essential, in the future, to increase the funding of its regional program as the requirements of its region were far higher than those which were reflected in the relevant WIPO documents. The Delegation noted the results of the meeting held on May 18 and 19, 2007, concerning the strategic planning for the countries of the Group and the region of Eastern Europe, Central Asia and the Caucasus. The Delegation drew attention to the fact that a considerable decrease in international fees in WIPO's registration activities could have an effect on the Organization's financial situation as well as on the implementation of program activities, in particular in circumstances concerning the WIPO Development Agenda, for which it hoped for consensus among Member States. The Delegation noted that a great deal had been done within the framework of the SCP concerning an agreement regulating the material, standards and norms of patent law. There had been a constructive and useful exchange of views, and the Delegation expressed the hope that the dialogue would continue.

62. The Delegation of Portugal, speaking on behalf of the European Community and its 27 Member States (EC), thanked the WIPO Secretariat for its work in producing the many documents for that meeting of the Assemblies, as well as for its efforts throughout the year. The Delegation supported the statement made by Poland on behalf of the Group of Central European and Baltic States, and the statement made by Italy on behalf of Group B, and looked forward to an efficient, constructive and fruitful Assemblies meeting. The Delegation offered its assurance that the EC was committed to making progress on the important issues being addressed in the Assemblies; reiterated its support for the development of a balanced and

effective international IP system, which promoted the economic, social and cultural development of all; and encouraged all other Member States to have a positive attitude towards the work of the Assemblies in order to promote development on the important issues which were on the agenda. The EC was very pleased with the positive results obtained in the PCDA. In that regard, the Delegation acknowledged the positive approach shown by all regional groups during the four sessions of the PCDA, and hoped that the creation of a Committee on Development and IP would effectively contribute to monitor, assess, discuss and report on the implementation of the different recommendations to be adopted in these Assemblies. The EC considered that it was of utmost importance to advance the work of the SCP, since that was an area of WIPO's core business, and therefore, the Delegation underscored the importance of the resumption of the SCP and the establishment of a working program. It welcomed the work undertaken by the ACE and in that respect, it called attention to the fact that counterfeiting and piracy were long-standing problems which appeared to be growing in scope and magnitude. The Delegation believed that the negative impact of counterfeiting and piracy should not be underestimated, not just in terms of economic losses, loss of confidence in the market, threats to innovation and creativity, loss of tax revenues and legitimate jobs, but also the threat it posed to health and security. It also emphasized the issue of public awareness and education, including training, as an important element in the fight against counterfeiting and piracy. The Delegation expressed appreciation for the progress made by the IGC over the past six years, as well as the view that the deeper analysis of the possibility of protection offered by the IP system in the light of national legislation constituted a useful step towards ensuring an adequate legal framework. It believed that the debate in the IGC, thus far, had revealed the specific nature and the possibility of different outcomes for each of the themes that were being dealt with by the Committee. Therefore, the EC was of the opinion that the work of the IGC was not finished, and encouraged the Assemblies to renew its mandate for another biennium. The Delegation thanked WIPO for having organized two special sessions of the SCCR in January and June 2007, and thanked the Chairman of the SCCR for the consistent and untiring work carried out in the framework of the discussions on a draft treaty for the protection of broadcasting organizations. Although disappointed at the inconclusive results of the discussion after so many years, and the lack of commitment regarding a diplomatic conference at the current stage, the EC believed that the discussions were useful and some further consensus-building was possible. As it had concluded at the second special session in June 2007, the EC encouraged the Assemblies to mandate the SCCR to continue to devote time and effort to that important topic, because in that way, further light could be shed on those issues that had prevented forward progress on that matter in June 2007. The Delegation noted that the European Union Council of Ministers, on December 18, 2006, had taken a positive decision regarding the accession of the European Community to the Geneva Act of the Hague Agreement concerning the international registration of industrial designs. In that context, the Delegation was pleased to inform the Assemblies that on Monday, September 24, 2007, the European Community had deposited its instrument of accession to the Geneva Act of the Hague Agreement, and believed that this significant contribution to the establishment of a link between the European Community design system and the international registration system would effectively provide benefits for the applicants and holders of design registrations in term of simple procedures and cost savings. The Delegation looked forward, as always, to achieving positive and balanced results concerning all issues during the Assemblies, and called on all WIPO Member States to approach the meeting with a similarly positive attitude. It was confident that with some flexibility on all sides and the will to obtain mutually beneficial results, the outcome of the Assemblies would provide the necessary direction for WIPO.

63. The Delegation of Singapore speaking on behalf of the Association of Southeast Asian Nations (ASEAN) underscored the expanding collaborative relationship between ASEAN and WIPO, underpinned by a shared belief in the importance of IP for economic, social and cultural development. It noted the growing interest among universities, research institutes and small and medium-sized enterprises (SMEs) within ASEAN in creating value from IPRs through the management of IP assets. ASEAN believed that the protection of IPRs was not an end in itself, but a means to promote public interest, innovation and technological progress, and that WIPO's work should be responsive to emerging needs and take into account different levels of national development so as to ensure that the underlying objectives that IP sought to promote were ultimately met. The Delegation noted ASEAN's satisfaction with the successful conclusion of the PCDA negotiations for a WIPO Development Agenda and welcomed its early implementation. The outcome had only been possible through the political will and constructive spirit of Member States, which had facilitated the remarkable progress achieved in that present year at the two sessions of the PCDA, under its able Chairman, Ambassador Trevor Clarke of Barbados and the two informal meetings hosted by India and Singapore. ASEAN also wished to acknowledge the contribution made by the former Chair of the General Assembly, Ambassador Enrique Manalo of the Philippines to the PCDA process, namely the initial working document that he had drafted which served as the negotiating text for the PCDA. ASEAN believed that the full and proper implementation of the 45 agreed proposals would bring about, *inter alia*, more transparent, effective and efficient technical assistance, the facilitation of norm-setting processes in WIPO, taking into account development goals, greater cooperation in initiatives for technology transfer and a more comprehensive understanding among Member States, in particular developing countries and LDCs, of the use and impact of IP for development and economic growth. The Delegation stated that ASEAN's cooperation with WIPO had continued to sustain its momentum and had evolved to better suit ASEAN's need. It noted that in the previous year, WIPO had organized over 30 advisory missions, workshops, study visits and other activities and projects in the ASEAN region over a range of issues, both at the national and regional levels. The Delegation highlighted the decision on a new ASEAN-WIPO project entitled "How to enhance IP competitiveness in select industries in ASEAN," aimed at gauging the impact of IP on different sectors in the ASEAN Member States and the manner in which companies in these sectors had been making use of the different elements of IP to improve competitiveness and promote trade. The Delegation mentioned the recently completed study on the economic contribution of copyright-based industries to the national economy in the Philippines and the preparations for similar studies in Malaysia, Brunei Darussalam and Thailand. Earlier studies, had been completed in Indonesia and Singapore. These studies created a pool of practical and valuable regional experience from which to draw best practices. The Delegation noted the national workshop organized by WIPO in Viet Nam, on the use of IP as a tool for innovation in universities and research institutes, given the incipient interest in the topic in that country, and reported on the Organization's assistance to Myanmar and Cambodia in the area of collective management. The Delegation underscored the fact that institutional linkages, such as the consultations between WIPO and the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC) and the annual consultation between the Director General and ASEAN Ambassadors in Geneva, strengthened the partnership between the Organization and ASEAN. The Delegation also highlighted the visit by the ASEAN Secretary-General, Mr. Ong Keng Yong, to WIPO to meet with the Director General to review cooperation activities and discuss the best ways through which ASEAN Member States could capitalize on the IP system to promote development and economic growth. The Delegation further noted that the annual consultations between the Director General and the ASEAN Ambassadors also served as an important forum to review and map new directions in ASEAN-WIPO cooperation. The WIPO Singapore Office, which facilitated the

implementation of WIPO programs in the region, also benefited ASEAN. The Delegation reported that, at the last WIPO-AWGIPC meeting, ASEAN had identified five specific areas where WIPO could provide assistance in using IP for economic, social and cultural development. These five areas relate to: (a) IP administration, for example, harmonization, automation and electronic filing; (b) international aspects of IP, for example relating to creative industries and genetic resources, TK and folklore, and flexibilities in FTAs, in particular of relevance to public interest; (c) enforcement of IPRs and alternative dispute settlement; (d) IP awareness and education; and (e) assistance in the form of research, studies and surveys relating to the economic benefits of IP, collective management and utilization of flexibilities under TRIPS. The Delegation stated ASEAN's willingness to cooperate with WIPO in addressing these areas. In conclusion, the Delegation expressed ASEAN's appreciation of the commitment and support of the Director General and his staff in extending assistance to ASEAN, noting that the Association looked forward to continued assistance and support from WIPO to help bridge the gap in levels of IP awareness and capacity among the ASEAN Group. The Delegation said that ASEAN would continue to work closely with WIPO in shaping the international IP framework, taking into account the specific needs and circumstances of WIPO's diverse membership.

64. The Delegation of Benin, speaking on behalf of the Least Developed Countries (LDCs), commended the Director General on his forward-looking vision which consisted in modernizing the Organization by guiding it towards development, and expressed particular appreciation for the initiative he had taken on the fees linked to the Hague Agreement for the benefit of different groups (documents H/A/24/1 and WO/PBC/11/3 (paragraphs 53 and 54 on specific technical assistance to be granted to LDCs)). In the past few years LDCs had made significant progress, albeit limited in relation to the social and economic aims of development. The huge divide between that group of countries and the other developing countries should be bridged in order to allow them also to participate in global competition. The LDCs were aware of the role that IP could play as a development tool and welcomed the support with which WIPO provided them for the purposes of establishing IP institutions, formulating policies and strategies, and in relation to human resources training with a view to promoting economic growth and development. The Delegation expressed satisfaction with the content of the Program and Budget for the 2008-2009 biennium in that it placed emphasis on the promotion of innovation and creativity as a factor for development of LDCs which needed planned resources stemming from WIPO and its Member States. For that reason, the LDCs wondered whether a reduction in PCT fees could guarantee them the sufficient and planned resources necessary for their development, precisely owing to their structural weaknesses. The LDCs were grateful to the Organization for the assistance and capacity building from which they had benefited in the IP sphere and welcomed the agreement obtained to implement the Development Agenda. The Delegation called for the understanding of all parties in relation to the immediate establishment of the trust fund for LDCs and pointed out that, in that regard, the Member States were merely fulfilling their international cooperation obligations. Furthermore, the Delegation appreciated the true value of the efforts made by the Secretariat to put in place the human and financial resources required to make IP a development tool, and noted the final report on the desk-to-desk review and the recommendations for a better approach towards the Organization's human and financial resources. The LDCs noted, however, that some of the recommendations did not comply with the operating methods of the UN agencies, since reform of the Organization should necessarily take account of the following three concerns: preserving the bodies responsible for technical assistance and capacity building in terms of human and financial resources to be allocated; strengthening significantly the commitment of Member States to promote technical assistance and capacity building activities; avoiding the introduction of fundamental changes to WIPO's character as

the only agency in the UN multilateral system which combined perfectly, in its practice and working methods, the interaction between the Member States and the private sector. The LDCs had become aware of the scope of the reforms to be undertaken to create a national political and structural framework for the purposes of implementing an effective IP system, for which reason they called for the support of the Organization and the Member States. The Delegation also called for the creation of a fund devoted to the specific activities connecting different LDCs, which could be known as the Intellectual Property Fund for the Least Developed Countries, and the aim of which would be to facilitate the devising and preparation of intercountry and/or regional projects in the short and long term, and to finance technical assistance activities.

65. The Delegation of Honduras speaking on behalf of the Group of 77 and China associated itself with the statement made by Brazil, on behalf of GRULAC, and noted that the Development Agenda was a vital element for many countries. For that reason, it requested substantive and continued support for that project in order to make progress in qualitative and quantitative terms. As Chair of the Group of 77 and China, Geneva Chapter, the Delegation highlighted the constant and renewed support of the Director General in tasks connected with that Group of countries, together with different UN organizations, and said that WIPO had become a real pillar. The Delegation said that the developing countries in the Group of 77 and China needed unconditional support from WIPO, and they hoped that there would not be any upheavals in the handling of the Organization's institutional affairs, indeed efforts should be made to preserve those affairs so as not to interrupt the Development Agenda process. . The Delegation considered that the work of the Director General of WIPO had been effective in relation to developing countries and had contributed enormously to many activities of great benefit to the group of countries. It therefore requested ongoing, firm and effective action in support of developing countries, given that there could not continue to be a gap between more developed countries and less developed countries.

66. The Delegation of the United States of America associated itself with the statement made by Italy on behalf of Group B. It thanked the Secretariat for its hard work in preparing for the Assemblies and stated that the United States of America was convinced of the vital importance of WIPO in helping countries to improve their IP systems and to use IP protection as a tool for economic development, noting that the Organization should continue to focus on improving its registration services which provided the bulk of the funding for its budget. The Delegation underlined that the United States of America and Japan, supported by other Members States, together representing the vast majority of users of the PCT were seeking a PCT fee reduction to encourage increased use of the PCT and to maintain the confidence of the users of the system. The Delegation recognized the many opportunities for WIPO in working constructively with Member States to help accelerate the spread of wealth creation and development, benefiting both IP creators and consumers alike. The Delegation acknowledged the many challenges in the upcoming biennium particularly regarding the ongoing initiatives aimed at improving transparency, accountability and good governance. To that end, it reiterated its strong support of the Chair's fair and principled leadership and the adoption of the Agenda, including item 12, which called for a look at, and discussion, of WIPO internal audit reports, including IAOD/INV/2006/2. The Delegation expected the group involved therein to report back to the Chair and to the General Assembly on their faithful conclusions and recommendations, further granting the right to States to respond to that report and to the serious questions and conclusions contained in it, before the General Assembly adjourned the following Wednesday. The Delegation expressed its belief that that action, ratified by the General Assembly, was a positive step in the right direction in improving transparency, accountability and good governance at WIPO. Furthermore, the

Delegation underlined that it believed a follow-up to the desk-to-desk assessment carried out in response to the UN JIU recommendation that all had agreed to implement, was important. The Delegation also underscored the importance of implementing the development-related proposals agreed upon after three years of discussion on proposals relating to IP and development and improving WIPO development assistance. The Delegation noted the importance of moving forward with WIPO's substantive work in the field of patent law harmonization and other areas, and of managing the growth in WIPO staff and services, while maintaining WIPO's reputation as the specialized UN agency uniquely qualified to deal with the complex and vital field of IP. The Delegation assured the Chair that the United States of America would continue to constructively engage in discussions with the aim of finding solutions that were acceptable to all WIPO Member States.

67. The Delegation of Brazil thanked the Director General and the Secretariat for the excellent work carried out throughout the year, particularly with regards to the improvement of the Organization's working methods in such a fast-changing period. It underscored its determination to ensure that successful results were reached during the Assemblies. After three years of negotiation, and as a result of a successful debate, the General Assembly would adopt the Development Agenda, which consisted of 45 recommendations agreed upon by WIPO Member States and which represented a new stage for WIPO. The cross-cutting nature of the Development Agenda would have a positive impact on the other WIPO committees and in all the other fields of the international IP system. Therefore the future Committee on Development and IP, which would be responsible for the implementation of the Agenda, should have a wide-ranging working program and maintain a dynamic interaction with the other WIPO bodies. In that connection, the Delegation stressed the important roles played by Ambassador Trevor Clarke and Ambassador Enrique Manalo, and the support received by the Secretariat, and commended the Member States' capacity and willingness to reach an understanding, which were crucial for the success of the negotiations on the Agenda and for the work to be developed by this General Assembly and by WIPO. In the field of copyright, and taking into consideration the concerns and objectives reflected in the Development Agenda, the SCCR should focus on the promotion of debate, identification of legal landmarks, and coordination of actions aimed at the development of the creative industries, especially in developing countries. The Delegation regretted the unsuccessful results of the negotiations concerning the broadcasting treaty, to which Brazil had contributed in a constructive manner, and suggested that the SCCR adopt a new working program, taking into consideration emerging issues such as exceptions and limitations to rights, preservation and enhancement of flexibilities, preservation of the public domain, access to knowledge, and alternative methods of licensing. The Delegation suggested the development and consensus on a new thematic platform of topics of such nature through consultations within the next year. It noted that the new working program of the SCP should be in harmony with the Development Agenda and the Doha Declaration on the TRIPS Agreement and public health, and involve the multiple interests and objectives regarding the role of the international patent system in the 21st century, such as: the search of a harmonic relationship between public policies and private interests for protected technologies; the legitimate rights for traditional communities to have their intellectual assets protected against misappropriation; and the sovereign rights granted to countries in the CBD over their genetic resources and associated TK. The Delegation noted the importance of the IGC for Brazil and other developing countries, and the importance of the development of multilateral agreements ensuring the protection of the interests of indigenous and traditional communities, and expressed its support for the renewal of the Committee's mandate for two years. It also supported the budget proposal for the next biennium, with a special emphasis on Programs 3 and 6, and the proposal to reserve part of WIPO's budget for the Development Agenda. The concluded by

calling upon support from Member States for the proposals presented by the Government of Brazil for: the nomination of its National Institute of Industrial Property (INPI) as a PCT ISA and IPEA, which is consistent with the Institute's credibility and commitment to excellence and would strengthen the recognition of the Treaty as an international tool for patent protection; and for the increase in the reduction of PCT fees for developing countries and some countries in economic transition, which would encourage the increase of the use of that system among these countries without resulting in an extremely negative impact on WIPO's future budgets and programs.

68. The Delegation of the Republic of Korea noted that 2007 had seen many favorable achievements in the international IP environment. WIPO was endeavoring to manage its organization in a more transparent and efficient way, through proper and innovative measures, such as the desk-to-desk assessment, while Member States, through concessions and cooperation, had reached an agreement on the debate in the PCDA. However, the international IP community still faced challenges to ensure a higher standard of transparency and efficiency in the management of international IP fora, and to address the ever-increasing needs of developing countries and LDCs; while, domestically, many patent offices were struggling with a growing backlog of patent applications. The Delegation suggested that, to meet these challenges, the international IP community should adopt policies that focused on customer satisfaction and acceptance of diversity. The Korean Intellectual Property Office (KIPO) had been endeavoring to meet customer needs in its implementation of various IP policies. To satisfy the desire of domestic customers for the fast acquisition of patents, the Office had expanded its pool of patent examiners and improved its electronic filing and handling system, and, as a result, by the end of 2006, it had achieved the world's fastest average examination period (on a first-action basis) of 9.8 months. To meet the needs of customers from other Member States, KIPO had shared its experience by means of the Korean Funds-in-Trust at WIPO. These activities, which focused on fostering the IP infrastructure of developing countries and LDCs, were demand-driven and could be requested by those in need, an example being the joint development by KIPO and WIPO of the e-learning tool, *IP Panorama*, to facilitate the use of which, KIPO was willing to support Member States in translating the learning modules into other languages. The Delegation also indicated that the International Intellectual Property Training Institute (IIPTI), a subsidiary of KIPO, would continue to provide high-quality IP education for participants from developing countries and LDCs, as the first official partner training institute of WIPO. The Delegation noted that KIPO had submitted a proposal for the inclusion of the Korean language as one of the official languages of publication in the PCT system. As was widely known, the PCT system had consistently expanded its scope in order to embrace more users. The Republic of Korea had been the fifth largest country of origin of PCT filings in 2006, and expected to be the fourth largest in 2007, according to WIPO projections; however, Korean was the only language used by one of the top five PCT countries that was not an official language of publication in the PCT system, and Korean applicants still used the PCT less when they file international patents. The Delegation believed that the adoption of its proposal would lead to an upsurge in PCT applications from the Republic of Korea and, as a result, significantly boost the revenue from PCT fees in the country, an increase in revenue which would be enough to offset any additional costs for WIPO, while any surplus could be used to fund cooperation activities for developing countries and LDCs. However, lest there be any financial concerns about the proposal, the Delegation wished to give a clear assurance that if WIPO were to suffer a deficit between the cost of implementing the proposal and the extra revenue generated from Korean PCT applications, KIPO would provide it with adequate compensation for the deficit. The Delegation also wished to allay the concerns of some Member States regarding the readability of documents published in Korean: every language had readability problems for users of

other languages, but, in the case of Korean, the problem could be minimized if the PCT system adopted KIPO's Korean-English machine translation system, which was already being used in several other patent offices. The Delegation concluded by noting the success of the international community in developing and harmonizing international IP systems within the WIPO regime, and expressed confidence that, if States continued to work together and to strive towards customer satisfaction and acceptance of diversity, the international IP community would successfully advance the value-added creation, effective use and appropriate management of IPRs

69. The Delegation of Japan expressed appreciation to the Secretariat for its diligent and high quality work in preparation for the Assemblies. The Delegation noted that it wished to highlight the efforts Japan had been making in the field of IP and address some major topics such as: innovation and IP policy, development and IP and its expectations for WIPO. The Delegation went on to stress the importance of IP policy for the advancement of innovation. Based on its national IP Policy, Japan established, in 2003, the Intellectual Property Policy Headquarters led by the Prime Minister. Every year, Japan revised its Intellectual Property Strategic Program. In recent years, there had been growing debate in various parts of the world about what constituted desirable IP policy globally. Under the leadership of its IP headquarters, Japan was taking a new approach formulating separate IP strategies for fields of important technologies, such as life science, information technology, the environment, and nanotechnology and materials. Furthermore, the Delegation underlined the importance of work-sharing by the exploitation of search/examination results among national IP offices. As an IP Office dealing with about 400,000 applications a year, the largest number of applications in the world, the JPO was working to promote work-sharing among the major IP offices as a means of keeping pace with the increase in application filings worldwide. To successfully carry out work-sharing, for example, the Delegation noted that the JPO had already launched the Patent Prosecution Highway (PPH) Pilot Program with the USPTO and the UKIPO, as well as a fully-implemented PPH with KIPO. The PPH reduced the patent examination workload and improved the quality of patent examination. To alleviate the procedural burden on an applicant involved in filing an application and to reduce the examination workload in an IP Office, it was essential that WIPO and its Member States moved forward with the discussion about the international harmonization of IP systems. Concerning development and IP, the Delegation said that Japan believed that IP played a key role in the development of a self-reliant economy. The most important objective of discussions in WIPO was to explore the best ways to establish a more adequate IP system and extend more effective IP protection. As a country that had achieved economic development utilizing the IP system, Japan could make contributions to various fields of activity in WIPO. It was remarkable that after long years of effort by WIPO and its Member States the 45 recommendations to the General Assembly had materialized. Japan would continue to actively take part in the discussion about the Development Agenda to transform these 45 recommendations into concrete action in an appropriate manner. Every year Japan provided a voluntary contribution of about 2.5 million Swiss francs, and extended various forms of assistance, to developing countries in their efforts to establish IP systems. For example, Japan had received more than 2,500 trainees, primarily from the Asia-Pacific region, and had also dispatched experts, mainly to the same region. The JPO had also assisted other offices with office modernization using IT and had held workshops to disseminate and promote IP system provided training for IP administrators; and held training programs for examiners focusing on specific technical fields. That year, more trainees would have been received than ever before. By fostering experts, not only in the Asia-Pacific countries but also in other regions, Japan was enhancing efforts to help countries build appropriate IP systems. The Delegation referred to the 35th item in the list of 45 recommendations related to a WIPO

Development Agenda, noting that the relationship between IP and development is informed by academic studies and that there is a need for “new studies to assess the economic, social and cultural impact of the use of IP systems in these States”. To specifically address this issue, the WIPO Japan Office had been established in September 2006, in order to be a center of excellence for basic and academic study on the relationship between IP and development. Through this Office, experts from Japan and other Asian countries had been conducting research on the influence of the IP system on economic development. Japan, as host country, was pleased to have learned that the intensive research activities of the first year had been crystallized into a final report. Japan hoped that the WIPO Japan Office would invite experts from various parts of the world to invigorate the research activities and that the research results would contribute not only to the establishment of IP policies in developing countries but also to ongoing international discussion about IP. In concluding, the Delegation addressed its expectations for WIPO. To properly respond to the growing high expectations of Member States for WIPO, the Delegation expressed the wish that WIPO improve the transparency of its organization, as well as the efficiency of its work. To do so, an appropriate management system was indispensable. WIPO had been taking various positive steps to improve its operational efficiency and to ensure a higher level of organizational transparency. This included the formulation of the WIPO Internal Audit Charter and the establishment of the External Audit Committee. Japan appreciated these steps being taken by WIPO. The final report of the WIPO desk-to-desk review, which examined management and administration in WIPO had been published on the WIPO website. Japan hoped that WIPO would look closely into and effectively utilize that report to improve the quality of its activities. As was well known, WIPO largely depended on fees paid for PCT and other services for its income. With the growth in PCT application filings, WIPO’s income was also expected to increase. Against this backdrop, the Delegation said that Japan was of the opinion that WIPO should utilize any surplus for the benefit of users, to the greatest extent possible, including the reduction in PCT fees. Japan hoped that WIPO would carry out activities to satisfy users’ expectations and establish an appropriate management system for this purpose. There was also a need to address possible improvements to the Madrid System, making it more user friendly. The Delegation recognized the benefits of the Madrid System, that it benefits users, in particular, by enabling them to seek trademark protection in more than one country by filing a single application. There had been requests from Japanese users for improvements to the system, specifically a strong preference was expressed for receiving notification from a designated country that a trademark will be granted protection. Japanese users also hoped for a change in the current system, whereby an applicant is not allowed to file an international application for a mark identical to one for which an application had already been filed or which had already been registered in the country of the applicant. The Delegation expressed the hope that the Working Group on the Modification of the Common Regulations Under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Agreement would continue to discuss the revision of the Madrid Protocol with a view to creating a better future environment for users of the Madrid System. WIPO also had to discuss various other important issues, including the formulation of treaties dealing with the protection of broadcasting organizations and audiovisual performances. The Delegation noted that many countries had yet to join the WCT and WPPT and recommended that those countries consider joining these treaties in order to provide copyright protection for their nationals. Since 1998, the SCCR had been discussing a treaty for the protection of broadcasting organizations. Japan hoped that an agreement would be reached at an early date so that a diplomatic conference could be convened. It also felt that continuous efforts should be made to reach agreement on an audiovisual treaty at an early date. There was a need for the early adoption of these treaties, considering how they would complement the WCT and WPPT. The Delegation said that Japan would constructively

contribute to the discussion about these treaties in WIPO. The Delegation referred to the discussions in WIPO on genetic resources, TK and folklore, as well as the importance of discussions on the relationship between IP and development. As the UN organization specialized in IP, the Delegation expected WIPO to continue to address the proposals relating to a Development Agenda, relying on its own expertise, as well as in cooperation with other international organizations. In conclusion, the Delegation noted that IP was a very important tool for economic development and that it should be globally utilized to improve the global economy. Japan would continue to participate constructively in WIPO activities by providing assistance to developing countries and contributing to discussions about the IP system.

70. The Delegation of South Africa supported the statement by the Delegation of Algeria on behalf of the African Group and the Delegation of Argentina on behalf of the Group of Friends of Development. The Delegation noted that that year's Assemblies took place against significant developments in the field of IP. Current discussions in WIPO, the World Trade Organization (WTO), the Convention on Biological Diversity (CBD) and other multilateral fora, along with discussions in the context of the Organisation for Economic Co-operation and Development (OECD), the G8 and the African Union largely reflected global concerns regarding IP protection and the trajectory of the evolution of the system as a whole. The challenges of future innovation, business and national competitiveness and overall development models implied that the IPR system as it currently stood was not able to adequately respond to the needs of various stakeholders and, as a consequence, increasing demands for reform of the system manifested themselves in various forms. The Delegation saw those debates for reform as centered on a number of conceptual issues. Firstly, the broader question regarding the proportion of IPR protection and enforcement, to the promotion of innovation relative to other factors. Secondly, questions regarding the balance between IPR protection and broader public policy concerns. Thirdly, questions regarding the adequacy of existing domestic and international frameworks in providing effective protection and enforcement. Fourthly, questions relating to the definitional scope of "intellectual property" beyond its existing parameters. Finally, the broader concerns, principally of developing countries, regarding their capacities to implement, enforce and derive tangible benefits from increasingly onerous obligations that arise from rigid IPR protection regimes. These issues played themselves out constantly in the various negotiating fora and raised important challenges for WIPO as the organization with the principal mandate to articulate instruments for the protection of IP. The multiplicity and proliferation of initiatives at multilateral, bilateral and regional levels also imposed serious challenges regarding the capacity of developing countries to adequately represent their interests and concerns. The Delegation noted that agreement to include the Development Agenda in the work of WIPO represented an important step in placing WIPO in its rightful place among international development agencies. South Africa's key concern was to ensure that the evolution of the IPR system reflected the concerns of various stakeholders, particularly those of developing countries. It welcomed the agreement on the 45 recommendations related to the WIPO Development Agenda, particularly, the agreement on the package for immediate implementation. Its understanding was that recommendations for immediate implementation did not imply that these recommendations were prioritized over others but that such recommendations were made on the basis that they would require no additional human and/or financial resources and that, rather, there would be an internal reorientation of existing programs to ensure conformity to the agreed recommendations. The Delegation said that South Africa re-affirmed its support for the spirit of cooperation and compromise that characterized the sessions of the PCDA in 2007, through the hosting, with WIPO, of an International Seminar on the Strategic Use of Intellectual Property for Economic and Social Development, to be held in Cape Town, South Africa, from October 22 to 26, 2007. South

Africa looked forward to creating an enabling environment for fruitful deliberations among Member States aimed at achieving positive common objectives. The Delegation noted that, while negotiations had been successfully concluded on the WIPO Development Agenda, it was concerned that work in other areas continued to lag behind. In particular, despite efforts in the last few years to establish a binding international instrument for the protection of TK, genetic resources and folklore, not much headway had been made due to the magnitude of issues yet to be clarified. The Delegation believed that progress in that area hinged on the ability to move beyond a mere discussion of objectives and principles, to effectively address the substantive provisions of the envisaged instrument. It accepted that more time was needed to clarify such issues and that the General Assembly should accept the recommendations of the IGC to extend its mandate. South Africa remained positive that the WIPO Program and Budget for the new biennium equally reflected WIPO's support for the long-term implementation of development objectives, particularly those that required more than just internal re-ordering. In looking back at the past biennium, the work of the Secretariat had been comprehensive and intense, allowing for the adoption of decisions that were critical to maintaining quality output by the various WIPO committees. South Africa welcomed the various decisions of those committees and hoped that they would allow the Organization to further advance in meeting the needs of all its Member States.

71. The Delegation of Pakistan expressed its appreciation to the Director General for the many important initiatives taken under his leadership. These initiatives had significantly contributed to the achievement of WIPO's core objectives, particularly that of empowering countries to utilize the IP system for attaining development goals. The Delegation noted that, recently, Pakistan had maintained high levels of economic growth, with a real GDP growth rate averaging 7 per cent over the past five years. In order to sustain this level of economic growth, Pakistan was putting into place a regulatory and institutional framework necessary for a modern, competitive economy. The establishment of the Intellectual Property Organization of Pakistan (IPO-Pakistan) – an umbrella organization for the integrated management of IP in Pakistan – constituted an important step in this direction. IPO-Pakistan was actively engaged in modernizing Pakistan's existing IP infrastructure and improving its service delivery. A national IP strategy had been formulated, IP registries were being automated and enforcement mechanisms were being strengthened. In this regard, WIPO had offered invaluable assistance, particularly in cooperation with the European Union as well as the IP Offices of Singapore and Australia. The Delegation noted that over the previous few years, a number of important initiatives had been taken by WIPO. In its view, WIPO today was more transparent, efficient, development-oriented and responsive to the needs of developing countries than ever before. These initiatives would have a deep and long-term impact on the capacity of developing countries to use IP to further their socio-economic objectives. In recent years, WIPO had made consistent efforts to focus on development in all its activities, as well as to provide technical assistance and capacity-building expertise to developing countries. The Delegation expressed its satisfaction that the Development Agenda was poised to move from the discussion to the implementation phase. It commented that 2007 had seen a breakthrough in the debate on the Development Agenda and expressed its appreciation for the relentless efforts made by the Chair of the PCDA in moving this process forward. The real challenge, however, would be the implementation of the recommendations of the Development Agenda, requiring the overcoming of the tensions inherent between developing and developed countries; and a move from polemics to substance, from the periphery to the core and from divergence to common ground. In this regard, the Delegation expressed its appreciation for the readiness of all Member States to explore common ground. The Development Agenda had generated expectations and neither weak implementation nor lack of adequate resources should be allowed to prevent these expectations from becoming a

reality. The Delegation requested the Director General to actively pursue and monitor the implementation of the recommendations of the Development Agenda and to ensure that adequate finances be committed for that implementation. The Delegation further noted that, over the past five years, the issue of the protection of genetic resources, TK and folklore had been discussed during 11 sessions of the IGC. There was now a need to move rapidly beyond the phase of “exchanging views and developing understanding of the issues involved” towards its logical conclusion, namely, an effective international instrument for the protection of TK and folklore. The Delegation said that this issue was of strategic significance for developing countries. Meaningful progress in this area would have a very positive impact on other discussions to strengthen the IP system. In the SCCR, there was still no consensus on convening a diplomatic conference on a possible broadcasting treaty. In the view of the Delegation, this issue would clearly benefit from serious reflection. In the near term, the Delegation said that it would urge Member States to focus on a new workplan and agenda for the SCCR, which should include discussions on developing countries’ priorities on copyright and related rights. Some of these priorities had been identified in the deliberations on the Development Agenda, in particular the importance of addressing issues such as how the copyright regime could facilitate rather than hinder access to educational and scientific material, such as textbooks, academic journals and educational software. Regarding the proposal to reduce PCT fees by 15 per cent, the Delegation remained unconvinced of its merits. The costs were considerable while the benefits were somewhat questionable. At present WIPO was not only about to undertake a new construction project but also to embark on the implementation of the recommendations of the Development Agenda. A 15 per cent reduction in PCT fees would mean that WIPO would be in deficit by 2011. In contrast, in the Delegation’s view, the Brazilian proposal on a PCT fee reduction would help to avoid unnecessary haggling and offered more practical alternatives. Moreover, as the PCT fee reduction issue was directly related to the next biennium’s Budget and the level of the Organization’s reserves, the Delegation said that it felt Member States should approve the next Budget at the earliest so that the programs proposed for the next biennium might be undertaken without delay. The Delegation said it was important to note that WIPO increasingly supported developing countries in capacity-building and in enhancing understanding of the international legal framework for IP protection. Recently, WIPO had organized a most productive and useful seminar for the members of the Organization of the Islamic Conference (OIC) based in Geneva. The seminar was attended by ambassadors and experts from more than 50 OIC countries, and the OIC looked forward to further cooperation in future. Similarly, last week a meeting had been held between WIPO and the South Asian Association for Regional Cooperation (SAARC) and the Delegation looked forward to strengthening such regional linkages. During that meeting, Pakistan had made several proposals, of which three were of importance and interest to all Member States. Firstly, the need to build a pool of IP experts who were fully conversant with IP issues in the countries and the region as whole. Secondly, the regular organization of regional seminars to exchange national experience on critical IP issues that were considered to be important at the international level or were of immediate concern. And thirdly, the need to energize the secretariats of regional organizations on IP issues. The Delegation believed developing countries needed to formulate a strategy at national, regional and global levels to successfully integrate the global IP regime. They should not only focus on industrial, agricultural and services sector development, but should also become an integral part of the global decision-making and operability of the international IP regime. In this regard, the Delegation strongly suggested that more WIPO resources be devoted to promoting a better understanding and use of the legal IP framework. In conclusion, the Delegation expressed its appreciation for the pro-development initiatives undertaken by WIPO over the previous few years. These initiatives had given the Organization a new look and new perception, but had also created

new hopes and expectations that needed to be translated into reality in order for a fair and balanced international IP regime to meaningfully address the concerns of all.

72. The Delegation of Jamaica associated itself with the statement made by Honduras on behalf of the G77 and China and Brazil on behalf of GRULAC. The Delegation noted that Jamaica considered there was a “new geography” in its relations with WIPO, whose support remained critical, now more than ever, as the value of IP increased and as Jamaica sought to reap the economic dividends of its IP assets. During the formative years of the Jamaican IP Office, Jamaica’s cooperation with WIPO was mainly in the area of legislative assistance for the modernization of its legal framework and technical assistance for automation. Now that it had a more mature IP system, it was seeking to use IP as a development tool and to integrate into its national development policies and programs. The Delegation said that it considered the cooperation for development project signed between WIPO and Caribbean countries – addressing the long-term goals of the region in integrating IP into national development strategies – to be the blueprint for WIPO’s cooperation activities in the Caribbean region, including in Jamaica. It thanked WIPO for supporting the project and for organizing, in Barbados in November 2006, the sixth Ministerial Level Meeting on IP for Caribbean Countries, in which Caribbean ministers built on the cooperation project and gave specific mandates on how WIPO could further assist the region. The Delegation trusted that these had been incorporated into the Organization’s program and budget for the next biennium and took note of the financial health of the Organization. The Delegation announced that Jamaica had embarked on a National Development Plan which would put it in a position to achieve developed-country status by 2030. It noted that IP was an important component of that Plan, which envisaged the strengthening of entertainment and cultural industries; the bolstering of institutions involved in the IP regime; the creation of a copyright registration system, and the strengthening of copyright enforcement to counter high levels of piracy due to fragmented distribution and protection. The Plan also recognized the important contribution of science, technology and innovation to Jamaica’s long-term development. In light of Jamaica’s new course, the Delegation stressed the importance it attached to Strategic Goal Two of WIPO’s Program, which is to integrate IP into national development policies and programs. The Delegation reported, that under this Program, Jamaica had benefited from a feasibility study on the national branding strategy for the country, which resulted both in the creation of an executive team, comprising both public and private sector partners, to implement the brand strategy, and in steps being taken to address the gaps identified. The Delegation highlighted WIPO’s continued substantial support to the creative industries in Jamaica and the Caribbean region, which had existing talent and was judged to enjoy a comparative advantage. The value of trade in the creative industries was significant and growing, representing exports estimated to total approximately 20 billion pounds in 2006 and representing a growing percentage of all goods and services exported. The Delegation reported that the recently concluded study commissioned by WIPO on the “Contribution of copyright and related rights industries to the economy of Jamaica” would quantify the contribution that copyright and related rights made to Jamaica’s GDP, employment and foreign exchange earnings; the project envisaged that the Statistical Institute of Jamaica would play an important role in gathering and recording data on the creative industries in the country. The Delegation stated that collective management in the area of copyright and related rights remained central to the IP system of the Caribbean and Jamaica and acknowledged WIPO’s continued support in this area, which had enabled the Caribbean Copyright Link to assist national societies in the processing of copyright royalties. The Delegation noted that Jamaica had experienced a significant increase in membership of such societies, with substantial returns to song writers and a general increase in efficiency. The Delegation further announced that Jamaica, along with other Caribbean territories, had produced, with WIPO’s support, a video film on

creativity in the Caribbean region, which would be a boost to the public education campaign and promote further IP in the region. The Delegation took note that WIPO was strengthening its cooperation with other intergovernmental organizations and that joint activities with UNESCO, UNCTAD, the UNDP, the ILO, the ITC, and the OECD had been initiated to study the creative industries and their importance for developing countries. The Delegation announced Jamaica's intention to accede to the PCT and the Madrid System. It concluded by assuring the Director General and his team of Jamaica's continued support.

73. The Delegation of Iran (Islamic Republic of) associated itself with the statement made by the Republic of Korea on behalf of the Asian Group and the statement made by Argentina on behalf of the Group of Friends of Development, and expressed its gratitude to Ambassador Manalo and Ambassador Clarke for their excellent work and contributions to the PCDA. The Islamic Republic of Iran had, over the previous year, continued its efforts to promote the understanding and knowledge of the importance of IP at the national level, through organizing national and international seminars. Several important steps had been taken to strengthen the institutional and legislative frameworks for enforcing IP laws and regulations, including: approval by Parliament of the Bill on Trademarks, Industrial Designs and Geographical Indications, and of the accession by the Islamic Republic of Iran to the PCT; the establishment of the National Supreme Council for Policy Decision on IP, presided over by the Minister of Justice; the expansion of post-graduate programs with an IP focus in the law faculties of Iranian Universities; workshops and seminars on IP at the provincial level; the celebration of World IP Day to increase public awareness on the issue; and the promotion of the administrative rank of the National Industrial Patent Office to directorate general. The Delegation observed that the science-based economy in developing countries required an efficient IP system to meet the technical and scientific skill requirements, and was of the view that the implementation of the PCDA goals was imperative to meet any such immediate development requirements. It therefore, wished to suggest that a committee be set up to monitor and review the implementation of PCDA goals at the global level to ensure its efficiency. The Delegation maintained that due fulfillment of PCDA goals, and the institutionalization of pending issues concerning genetic resources, TK and folklore, along with the application of other pertinent international instruments, would serve the purpose and interests of both stakeholders and users. It was concerned that the existing instruments might not safeguard the interest of stakeholders globally in those areas and the current infringement of stakeholders' interests would become very likely. Capacity-building for global accession to the goals of PCDA would also be necessary to maintain stakeholders' interests. The Delegation believed that, through the formulation of a well balanced, impartial, proportionate, participatory, and binding international instrument, WIPO could play a significant role in facilitating the required techno-economic capacity-building in Member States, particularly those in developing countries and LDCs. It recalled that the IGC had carried out substantive work on genetic resources, TK and folklore which was of vital importance to many developing countries, but considered that concrete steps had to be taken by WIPO to preserve that momentum, and accordingly proposed the renewal of the IGC mandate for the next biennium to cope with the existing challenges. The Delegation shared the view that called for the continuation of SCCR sessions on traditional broadcasting, while safeguarding the rights and interests of the stakeholders and the public, and was of the conviction that such meetings would be necessary until consensus was reached on the formulation of texts that would serve as the basis for a diplomatic conference. The Delegation stressed the importance of a constant vertical and horizontal management review in WIPO so as to ensure its efficiency, and underlined the importance of expansion of cooperation with other international and regional organizations such as the OIC, which might ease the global implementation of WIPO's mandate.

74. The Delegation of Argentina speaking on behalf of the Group of Friends of Development (Argentina, Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, South Africa, Sierra Leone, Tanzania, Uruguay and Venezuela) emphasized the Group's commitment to engage in a constructive dialogue that would result in enhancing common understanding and reducing differences in key issues in the current meeting of the Assemblies. It recalled that the Friends of Development had introduced the Development Agenda for consideration within WIPO three years ago and were now very pleased that 45 recommendations, covering all five areas of the Development Agenda had been approved in the PCDA, starting a new phase in the process. It paid tribute to Ambassadors Enrique Manalo and Trevor Clarke for their tireless efforts in achieving such positive results and to the small group of Ambassadors of developed and developing countries, whose informal work created an environment of mutual understanding and confidence building. The whole process had been a difficult but a valuable one. The Delegation expressed the Group's firm belief that this positive momentum should be maintained till the full implementation of the 45 recommendations was accomplished. It expressed the Group's conviction that all Member States should support the allocation of the appropriate funds in order to achieve this goal. The integration of the development dimension within WIPO would contribute towards ensuring that IP norms were fully supportive of public policy objectives such as the protection of public health, dissemination of information and access to knowledge. It would also ensure that the concerns and interests of the developing countries, consumers and civil societies were fully taken into account. The Delegation said that the Group was of the view that the shared common objective of the stakeholders of WIPO should be to enhance WIPO's contribution, as a specialized agency of the UN system, to international development goals.. Implementing the recommendations would help to achieve this purpose. In that context, the Group agreed that the Development Agenda should be mainstreamed into all of WIPO activities. The Delegation concluded by confirming the Group's commitment to engaging constructively in shaping the international IP framework, taking into account the specific needs of developing countries. There was a clear need to approach IP from a comprehensive developmental manner. It expressed the hope that by the end of the meetings of the Assemblies, all Member States would have been able to achieve consensus on the main substantive issues of the WIPO program.

75. The Delegation of Thailand associated itself with the statements made by the Republic of Korea on behalf of the Asian Group, and by Singapore on behalf of ASEAN. The Delegation viewed the progress made in the PCDA in reaching a consensus on 45 proposals as a positive step forward, and believed that the ultimate goal of the Development Agenda should be to find a delicate balance between preserving public policy objectives such as public health on the one hand, and the promotion of innovation and creativity on the other hand. Both sides of the coin were important and should be given due consideration. The cross-cutting nature of IP made it crucial to strengthen coordination among the different fora for the benefit of policy coherence, and Thailand looked forward to working closely with WIPO to implement the agreed proposals in due course and also to participating actively in the future deliberations of the Committee on Development and IP. While fully supporting the renewal of the mandate of the IGC, the Delegation hoped that there would be more progress in moving towards an international instrument for the protection of genetic resources, TK and folklore. While Thailand was not yet a member of the PCT Union, it was in the process of acceding to the Paris Convention and the PCT, and it shared the sentiment of many countries that the proposal on the 15 per cent fee reduction could possibly create an adverse impact on WIPO activities. The Delegation believed that any change to the fee schedule should have a minimal impact on the financial stability of the Organization and the implementation of the

Development Agenda as a whole. It welcomed the step back from efforts to harmonize the substantive aspects of patent law and from the draft Substantive Patent Law Treaty (SPLT) and focus more on building consensus on issues related to the international patent system. It considered that this approach could form the basis of the new work program for the SCP. Finally, the Delegation underscored Thailand's pride that His Majesty the King of Thailand, King Bhumibol Adulyadej would become the first-ever recipient of the WIPO Global Leaders Award, in recognition of his remarkable contributions to IP, both as an inventor and as an active proponent of IP as a tool for development.

76. The Delegation of Ethiopia stated its deep appreciation for the continued technical and capacity-building assistance it had been receiving from WIPO, and was encouraged to note that most of the items before the Assemblies incorporated perspectives on ways and means of further enhancing the capacity of WIPO to deliver, within the remit of its mandate, technical assistance services, particularly to LDCs. The Delegation noted with great satisfaction the initiative taken by the Secretariat on the fee structure under the Hague Agreement in favor of LDCs, and noted that the performance report also detailed the concrete technical assistance programs that had been provided regarding those countries. Ethiopia attached great importance to WIPO's Development Agenda and the activities of the PCDA. The Delegation was of the view that the numerous recommendations embedded in the "six clusters" were of particular significance for countries such as Ethiopia which would like to see IP regimes playing a more enhanced role in national development policies and in informing the international platform regarding assistance and cooperation. It expressed its appreciation for the extraordinary efforts deployed to bring all stakeholders into consensus around the detailed recommendations, which it hoped would be adopted by Member States, including the proposal for the establishment of a Committee on Development and IP. The Delegation called upon its development partners to commit themselves to the implementation of the PCDA recommendations by mobilizing the necessary funding support, and, in that context, attached special importance to the establishment of the special trust fund for the benefit of LDCs. The Delegation recalled that, in one of the principal recommendations on norm-setting, the PCDA had called upon the IGC to accelerate the process regarding the protection of genetic resources, TK and folklore, a recommendation reiterated in the report and recommendations of the IGC, whose mandate was expected to be renewed during the current Assemblies. As a country possessing varied genetic resources, TK and folklore, Ethiopia had actively participated in the work of the IGC but the Delegation noted it had often been frustrated by the slow progress in the Committee's work, and wished to see the IGC's recommendations adopted, and the mandate of the Committee renewed, so as to usher in a new era in which the Committee would be mandated to show quantifiable and clear progress towards a concrete outcome. The Delegation commended the direction and strategic approach proposed in the Program and Budget for the 2008-2009 biennium, but stressed the importance of allocating sufficient resources for technical assistance activities for LDCs. One of the underlying premises of the budget's structure should be to unravel the developmental dividend of IP, and this could only be achieved by allocating funds for the provision of resources to help LDCs develop laws, policies and systems designed to enhance the role of IP for enhanced economic growth and development. The Delegation had carefully considered the final report of the desk-to-desk assessment of the human and financial resources of WIPO, prepared by PricewaterhouseCoopers, and, while encouraged to note that the Organization was continuously searching for ways and means to enhance its effectiveness and efficiency, was of the view that the report had not factored in and modeled the significant demand the Organization was said to face in relation to the implementation of the Development Agenda, and that any recommendation on the reorganization of the Organization should seek to strengthen its development focus, and that Member States be adequately involved regarding

input. The Delegation noted that Ethiopia had benefited immensely from the various programs WIPO had been running with much success on the use of IP for economic growth and development. In 2006, the House of People's Representatives had adopted two pieces of legislation for the protection of the rights of farmers, and to ensure protection and access to TK and genetic resources: Proclamation No. 841/2006 dealing with the protection of breeders' rights; and Proclamation No. 842/2006 seeking to protect TK and community rights. Those pieces of domestic legislation were informed by comparative best practices and positions Ethiopia had advanced at the IGC. The Delegation underscored that Ethiopia was also striving to take stock of existing IP regimes for the protection of its genetic resources and to ensure that its citizens were benefiting from such protection. The Government was actively pursuing all available routes for the protection of the country's specialty coffee through the trademarking of coffee names which would help to capture and build the goodwill and reputation of the coffee, and would allow control of the use of the marks to ensure long-term benefit through licensing arrangements.

77. The Delegation of Egypt associated itself with the statements made by Algeria for the African Group and Argentina for the Group of Friends of Development. It also expressed its sincere appreciation for the outstanding efforts of the Director General in steering the various and broad activities of WIPO and the Secretariat for its tangible efforts in enhancing the capacities of developing and least developed countries in all fields of IP. In that context, it expressed its gratitude to the Arab Bureau for its hard work in providing technical support to all IP-related institutions in Egypt. The Delegation went on to note that rapid global developments, economically, socially and culturally, were reflecting the increasingly important role of IP in development and innovation, due to its direct impact on human creativity and technological advancement. Egypt believed that the challenges currently facing the international IP system were a normal consequence of growing awareness of the need to approach IP from a comprehensive development manner. In that light, the Delegation welcomed the results achieved by the various WIPO committees since the previous session of the Assemblies. It hoped that their recommendations would be activated in order to continue the positive steps undertaken by Member States that year, the most important of which had been the breakthrough achieved at the PCDA, which had resulted in the production of a comprehensive package of proposals to be approved by the General Assembly, some of which were to be submitted for immediate action. The Delegation considered such success as an essential development towards creating a clear and sustainable balance between IP protection and the public interest at large, and maintaining the credibility of the international IP system. The Delegation stressed that Egypt deeply believed that the challenges being faced, which might be the most important since the creation of WIPO, should not be solely addressed in the mechanism responsible for the Development Agenda discussions, but in all committees and bodies of WIPO, which should harmonize their objectives and consolidate their efforts to ensure the full and faithful implementation of the Development Agenda. The Delegation noted that the protection of genetic resources, TK and folklore remained among the priorities of Egypt, and of most developing countries in WIPO. In that context, it reiterated the need to reach an internationally binding instrument for such protection, so that IP could truly become a valid and effective tool of economic and social development, not only in the hands of the developed countries but the developing world as well. That would not be realized if efforts were solely devoted towards renewing the mandate of the IGC, without a genuine activation of its work and strong support for its developmental objectives. The Delegation expressed its satisfaction with the strong and healthy financial position of the Organization, reflected in the proposed budget for 2008-2009, which would enable the Secretariat to effectively and efficiently implement its various obligations. It hoped that the financial performance of WIPO would continue on that track, while avoiding any decisions that could weaken its

ability to fully perform its growing and varying activities, which were a reflection of the increasing importance of IP on all levels national, regional and international.

78. The Delegation of Morocco expressed its support for the Director General, stressing particularly that it appreciated the efforts he continued to make in promoting the strategic use of IP, and the action taken on implementing diverse facets of IP for the social, economic and cultural development of the countries. The Delegation also complimented the Secretariat on the quality of the documentation submitted to the General Assembly. It associated itself with the statement made by the Delegation of Algeria on behalf of the African Group. The painstaking negotiations in the PCDA had had a positive outcome with the adoption of a series of recommendations to be put before the General Assembly – a conclusion very much awaited by developing countries in particular – and they demonstrated the collective desire of delegations to bring a new orientation to the work of WIPO in order to maintain equilibrium between the interests of the rights holders and the public interest in general, thus responding both to the needs and interests of industrialized countries as well as to those of developing countries. The Delegation was convinced that this new orientation should enhance the credibility of the IP system and further its recognition as an important means of promoting innovation, creativity and technology transfer. The Delegation, which had participated actively in those negotiations, wished to stress the importance of implementing the recommendations and called upon the various delegations to maintain the same spirit of constructive dialogue within the future committee. The Delegation commended the sound financial health of WIPO and paid tribute to the Director General and the Secretariat for the effective budgetary restraints introduced, and stressed the need to maintain those restraints for implementing WIPO programs, and in particular for the implementation of the Development Agenda and obtaining the necessary benefit from budgetary resources. In that respect, the Delegation called for the adoption of the revised budget for the 2006-2007 biennium (as recommended by the PBC) and the proposed Program and Budget for the 2008-2009 biennium. While stressing the importance of the five strategic goals formulated by the Director General, the Delegation wished to highlight in particular the importance of Programs 3, 6 and 11, thanking the persons responsible in those sectors for their action favoring development, and the Technical Assistance and Capacity Building Bureau for Arab Countries for its drive and commitment. Given the importance of TK and traditional cultural expressions, which were related factors in social, economic and cultural development, the Delegation expressed its wish to see the mandate of the IGC renewed with a view to the introduction of an international instrument to provide effective protection against the abusive use and illicit appropriation of TK and folklore. The Delegation noted that it would like the negotiations on genetic resources within the Committee to continue without prejudice to the work of other bodies, the aim being to make the disclosure of the source of genetic resources and related TK compulsory in patent applications. The Delegation expressed satisfaction at the creation of a Voluntary Fund to finance participation of representatives of local and indigenous communities in the work of the Committee. It also welcomed the action of the Consultative Committee which Morocco had the honor to chair through the Director General of the Moroccan Copyright Office, Mr. Abdallah Ouadrhiri, and expressed its appreciation for the generous contributions of the donors. Referring to the modest outcome of negotiations on updating the rights of broadcasting organizations, the Delegation considered that a new legal instrument was necessary in that field. Within the framework of creating a favorable environment for stimulating protection of copyright and related rights in Morocco, a certain number of activities had been identified by the Moroccan authorities for modernizing the protection system in that area with the help of WIPO. With respect to legislation, and in line with the international commitments made by Morocco in copyright and related rights, amendments had been made to the current national law to strengthen the role and action of the

Moroccan Copyright Office, to improve the protection of rights holders and consumers, to improve legal protection against the circumventing of technological measures, and to control the use and exploitation of protected works in digital networks. With respect to the fight against counterfeiting and piracy, an action plan had been adopted and a permanent inter-ministerial commission established for the control of sound and audiovisual recordings. With respect to industrial property, the Delegation indicated that 7,345 applications for the registration of trademarks, 910 patent applications and 800 applications for industrial designs had been filed in 2006, and that, under the trademark opposition system, 694 oppositions had been filed as at the end of August 2007, with a decision having been given in 173 cases. A domain name charter had been adopted providing for an arbitration procedure to resolve conflicts between domain names and trademarks, in conformity with the WIPO procedure. Moreover, in order to strengthen its international cooperation activities, the Moroccan Industrial Property Office continued its partnership activities with its counterparts abroad. In July 2007, Morocco welcomed, in that context, the second Conference on Technical Cooperation between the Intellectual Property Institutions of the Member States of the Organization of the Islamic Conference (OIC). Stating that it would not spare any effort in that area, the Delegation concluded by expressing the wish that a spirit of compromise, similar to that which had dominated the work on the Development Agenda would continue to reign despite the divergences of appreciation, and that the goals of WIPO would prevail first and foremost over any other consideration.

79. The Delegation of Kyrgyzstan thanked the Secretariat and the Director General for their unflinching support in developing its IP system. The Delegation was sure that WIPO's contribution to Kyrgyzstan's social and economic development, together with that of all Member States, would continue to grow steadily in the future. Kyrgyzstan participated in an active and fruitful manner in the Organization's activities in virtually all areas. In that connection, the Delegation emphasized that 2006 had been one of the richest years in terms of cooperation between Kyrgyzstan and WIPO. In June 2006, a successful regional seminar had been held jointly with WIPO on industrial property protection. Furthermore, during the celebration of both the World and National IP Days, WIPO gold medals had been awarded to the three winners of a national competition for the best work done in terms of creative and inventive activities. With WIPO's assistance, in April 2006, a training course had been held relating to the installation of the AFRICOS database software and the collective management of the proprietary rights of authors and rights owners, for representatives of patent offices and authors' societies in the region. The Delegation noted that representatives of the State Patent Service had taken part in a WIPO seminar in Geneva and a practical training course in London on the subject of copyright and related rights. In conclusion, the Delegation wished once again to emphasize its strong devotion to the continuation of active, rich and multifaceted work with WIPO.

80. The Delegation of India looked forward to meaningful deliberations and a successful outcome of the Assemblies and expressed its best wishes to all Member States. It hoped to participate in the deliberations in a constructive and fruitful manner and work towards a consensus. The Delegation held the view that the real challenge lay in developing an IP regime that rewarded innovation and creativity, but also fully ensured public interest concerns in a fair and equitable manner. Consequently, India had advocated careful calibration and fine-tuning of the needs of each Member State in matters of IP protection. It promoted the view of IPRs as a means for betterment in a world combating poverty and disease. The Delegation congratulated Member States for having adopted a constructive approach in the deliberations on the Development Agenda, and noted with satisfaction that consensus had been achieved on a subject of crucial importance to developing countries. It had been

privileged to be involved in that process and had played an integral and constructive part in the evolution of that Agenda. The Delegation believed that the New Delhi meeting was viewed by many as an important milestone in reaching consensus on a Development Agenda. It looked forward to an effective and timely implementation of the various proposals. Areas such as transfer of technology, technical assistance and capacity-building activities were of tremendous relevance and should be accorded utmost priority. The Delegation had closely followed the discussions on a substantive patent law treaty (SPLT). It noted the need for harmonization of patent laws at the global level, while also addressing the concerns of all Member States, there being no one-size-fits-all scenario at present. In this context, the Delegation expressed its concern about the continued misappropriation of genetic resources and related TK. In the past, there had been several instances where India's TK had been misappropriated, most recently, with regard to yoga, a well-known part of the TK of India. The Delegation reiterated its resolve to take up such matters with the relevant authorities. In this context, it was of the view that the mandate of the IGC must be extended, with the aim of striving for an internationally binding legal instrument for the protection of TK. The Delegation had played a key role in the deliberations related to the draft consolidated text for a broadcasting treaty. It supported a consensus-based approach to this issue. However, it was disappointed to note that major differences still remained on basic issues, preventing forward movement. The Delegation urged Member States to continue to engage in that matter in a constructive manner, working towards an early consensus. The Delegation expressed its deepest appreciation to WIPO for having provided excellent support in the modernization of India's IP administration. A major modernization program had recently been completed and the next phase was soon to be launched. The aim had been to create a vibrant, transparent and user-friendly IPR regime, including the recent introduction of an e-filing system for patent and trademark applications. India had filed an application before the Assemblies for recognition as an International Searching Authority and an International Preliminary Examining Authority under the PCT and hoped that Member States would support that request. The Delegation also lent its support to the proposal of Brazil in this regard. In concluding, the Delegation expressed great appreciation for the work carried out by the Secretariat in preparing the documents for the meeting and for the excellent arrangements made.

81. The Delegation of Chile expressed its support for the statement made by the Brazil, on behalf of GRULAC, and, in the interests of time, referred to only three themes: the Development Agenda, progress made at the national level and coordination between the different international organizations. In that regard, it pointed out that after almost three years of intense discussion, a consensus had been reached with regard to the need to incorporate a Development Agenda into WIPO's work, which had strengthened the nature of the Organization as a UN specialized agency. It noted that there were two sides to IP: in other words, IP as a tool to promote innovation, creativity, development and technology transfer, without becoming an obstacle to necessary and legitimate access to knowledge. The Delegation also emphasized the consensus reached with regard to all the proposals submitted, urging praise for the effort made and giving special recognition to Ambassadors Rigoberto Gauto from Paraguay and Trevor Clarke from Barbados, under whose leadership it had been possible to agree upon the 45 current proposals. It also thanked the countries that had originally proposed the Development Agenda: Argentina and Brazil. It recalled that, at the present time, those agreements had to materialize in the work of the WIPO committees and working groups in an integrated manner. In other words the Development Committee was not a "watertight compartment" with an exclusive monopoly on development themes, but rather proposals were discussed in other WIPO bodies, with Member also having to implement commitments made at the national level. The Delegation stressed the importance it attached

to the proposal on exceptions and limitations for disabled persons, libraries and archives, and therefore thanked the Secretariat for launching a study on that theme, which it considered should feature prominently on the future agenda of SCCR. It reiterated that it had pointed out on several occasions that the Treaty on the Protection of Broadcasting Organizations could not continue to monopolize the discussions in that Committee, which should start to discuss themes of relevance to all Members. With regard to patents, it expressed its satisfaction with the decision for the Secretariat to conduct a comprehensive study of all the issues of interest to Members, knowing that such a study would be useful in developing the future agenda of the SCP. The Delegation wished to share some of the progress made by Chile during the previous year, which reflected its balanced IP policy, considering the legitimate benefit of both rights owners and consumers and users in general. In that regard, it mentioned the entry into force in February 2007 of an amendment to the Industrial Property Law which recognized collective and sound marks as distinctive signs, and also established a procedure for extending the period of protection for patents in the event of unjustified delays in their processing. With regard to copyright and related rights, the Delegation reported that in April 2007, a draft law had been submitted to Congress intended to adapt the Chilean system to the new requirements of technological developments. It pointed out that the draft regulated the responsibility of Internet service providers, granted more tools and legal remedies so that those who felt their rights had been affected could obtain expeditious and effective solutions from the courts, and incorporated new limitations and exceptions with respect to copyright and related rights that had been adapted to the possibilities offered by digital technologies. It also reported that in April 2007 the new Web portal of the Intellectual Rights Department (www.propiedadintelectual.cl) had been launched, which would facilitate registration of works by their owners and would permit, in the medium term, online consultation of the relevant data concerning works. In addition, in August, the Directorate of Archives, Libraries and Museums of Chile had launched the first service that would enable visually impaired persons to access some of the works in its collection electronically, and noted that the gathering and digitization of those works had been the result of a public and private effort. It pointed out that those initiatives were in addition to the process of digitizing information relating to patents which the Industrial Property Directorate of Chile was carrying out, which would permit online access to patent application documents filed from 2000 onwards. Finally, the Delegation requested strengthening of effective coordination between the different UN agencies and bodies, and between those agencies and bodies and other international organizations, as well as between Member States, in order to minimize the risk of contradictions and incompatibilities arising between IP rights and other rights.

82. The Delegation of Zambia associated itself with the statements made by Algeria, on behalf of the African Group, Benin, on behalf of the Group of LDCs and Honduras on behalf of the Group of 77 and China. It commended the Director General and the Secretariat for the documentation provided on the various agenda items and expressed its satisfaction with the ongoing work and its confidence in the future. The Delegation highlighted areas of immediate interest to Zambia, which included the recommendations regarding the Development Agenda agreed upon during the last PCDA meeting which it considered a landmark development. It stressed that the establishment of the Committee on Development and IP was essential as a follow-up mechanism to the Development Agenda. The Delegation stressed the need for the Assemblies to adopt the budget to enable WIPO to implement the programs it had been mandated to carry out and emphasized the Delegation's full supports for the Program and Budget proposals.

83. The Delegation of Romania associated itself with the statements made by Portugal on behalf of the European Community and its 27 Member States (which, since January 1, 2007,

included Romania), and, Poland on behalf of the Group of Central European and Baltic States. The Delegation noted that 2007 had brought significant progress in making WIPO more performance-oriented, transparent and accountable and in amplifying its role in raising awareness of the dangers and problems associated with violations of IPRs, namely counterfeiting and piracy. The Delegation expressed its satisfaction with the efforts undertaken by PricewaterhouseCoopers in producing its report on the desk-to-desk assessment of WIPO and stated that an early implementation of recommendations would be in the best interest of the Organization and, in the longer term, for the staff of WIPO. The Delegation believed in the common responsibility, both of Member States, which should take a stand on the document, and of the Secretariat, which would need to draw up a work plan for its implementation. The Delegation encouraged both parties to live up to their responsibilities. The Delegation had appreciated both the way in which the new mechanism involving Member States in the preparation of the Program and Budget for 2008-2009 had worked during that year and the PBC's achievements related to the agreement on the revised terms of reference for the Audit Committee and on the revised Internal Audit Charter. The Delegation thought that these two instruments contributed to ensuring good governance in WIPO and thanked the Secretariat for its cooperation on these projects. The Delegation congratulated the Secretariat for organizing, with Interpol and the World Customs Organization (WCO), the Third Global Congress on Combating Counterfeiting and Piracy, at which Romania had been represented by a senior political advisor to the President of Romania and an important delegation. In that context, the Delegation welcomed the discussions, aimed at addressing the challenges that counterfeiting and piracy represented for society in general, that had taken place in the framework of the ACE, on coordination and cooperation at the international, regional and national level. The Delegation welcomed the emergence of some 45 recommendations related to the WIPO Development Agenda and looked forward to achieving concrete results based on discussions that would take place in the new Committee on Development and IP. The Delegation supported the renewal of the mandate of the IGC, where fruitful discussions would continue, but regretted the divergences of views concerning the adoption of a treaty for the protection of broadcasting organizations. However, the Delegation encouraged WIPO to continue paving the way for the harmonization of laws aimed at benefiting all users of the IP system and expressed the hope that a fresh start could be made by agreeing on a work program for the SCP, and supporting the resumption of meetings in 2008. The Delegation expressed its appreciation to the Secretariat for its commitment to strengthening and diversifying its cooperation with the Romanian authorities, through a number of joint activities, which included capacity-building projects, focused on specialist training for Romanian enforcement officers – judges, prosecutors and police officers – in the field of IP, as well as a study on the contribution of copyright based-industries to national economic growth, which would be published in the Romanian language before the end of 2007. The Delegation recalled that Romania was one of the signatories of the Singapore Treaty on the Law of Trademarks and was looking forward to notifying the Secretariat of the ratification of the treaty, as soon as the last phase of the internal procedure was completed.

84. The Delegation of Oman thanked the Secretariat for the quality of the documentation covering the various agenda items, but regretted the unavailability of many documents in Arabic. It, therefore, requested the Secretariat to provide those documents in Arabic and to ensure that, in future, documents are made available in Arabic early, to allow for consultation with the respective capitals. The Delegation assured the Director General of its full support and congratulated him for the Program Performance Report for 2006. It also commended him on the various initiatives that had been undertaken under his leadership and that contributed to the realization of WIPO's core objectives. In that regard, reference was made in particular to

the use of the IP system for development. In the context of encouraging regional dialogue, the Delegation noted that Oman had the honor of hosting the WIPO International Seminar on the Strategic Use of Intellectual Property for Economic and Social Development. The Delegation highlighted the major progress made concerning proposals on the Development Agenda, and associated itself with the statement made by the Republic of Korea on behalf of the Asian Group. It paid special tribute to the Chair of the PCDA and the former Chair of the General Assembly for their great efforts in achieving the current results, and expressed gratitude to the Governments of India and Singapore for organizing two important meetings which contributed to major advances in the work of the PCDA. The Delegation looked forward to the adoption of the recommendations made by the Committee, and referred in particular to the immediate establishment of a Committee on Development and IP. It was also keen to see the necessary resources earmarked by WIPO for the implementation of agreed recommendations. The Delegation highlighted the importance attached by Oman to the protection of creativity and innovation, as it stimulated scientific research. In the context of increased global interest in IP as a result of the role played by WIPO in this field under the leadership of its Director General, the Delegation had the honor to announce the accession of Oman, in 2007, to the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, the International Convention for the Protection of New Varieties of Plants, the Trademark Law Treaty and the Patent Law Treaty. Recently, cooperation between WIPO and Oman had focused more on technical and legal consultation, while furthering capacity-building activities through the organization of seminars and training courses in the country. In that regard, the Delegation wished to thank the staff of the Technical Assistance and Capacity Building Bureau for Arab Countries for their efficient and excellent work in the various national and regional activities, stressing the importance that Oman attributes to its participation in such events in order to build and enhance its national capacity. The Delegation stressed the importance of furthering technical cooperation for the implementation of the Trademark Automation System, and recalled that Oman was among the countries where the System was first deployed. Equally important was the continued technical and legal assistance in the re-drafting of IP legislation to bring it into conformity with recent developments at the national level, in particular following the accessions to the above-mentioned treaties. The Delegation elaborated on its interest in the protection of TK and traditional cultural expressions, and their impact on society in Oman. In that context, cooperation between Oman and WIPO was underway for the establishment of national legislation for the protection of the country's TK, traditional cultural expressions and folklore. Reference was made in that regard to the significant conclusions of the Consultation on Genetic Resources, Traditional Knowledge and Cultural Expressions of Folklore for Arab States, organized on June 26, 2007 by WIPO in cooperation with the Government of Tunisia. The Delegation referred in particular to the agreement on the compilation and documentation of genetic resources, TK and cultural expressions of folklore for their protection under existing IP legislation. It also praised the substantive progress made by the IGC. The Delegation supported and welcomed the renewal of the IGC's mandate and looked forward to an agreed international treaty in that field.

85. The Delegation of Poland associated itself with the statements made by Portugal on behalf of the European Community and its 27 Member States, and by its own Delegation on behalf of the Group of Central European and Baltic States. It congratulated the Director General and the Secretariat for the reports presented, which reflected the progress made and the results achieved by the Organization and expressed its appreciation of the transparency

and efficiency with which the documents had been drafted and, WIPO's ongoing efforts to promote the use and protection of IP globally as well as the steps taken to improve accountability. The Delegation noted with satisfaction, the development of the PCT, Madrid and Hague systems and welcomed the completion of the PCT reform, which had resulted in the adoption of many substantive changes to the PCT system of benefit to both users and industrial property offices. It also appreciated the progress made on the important issues aimed at simplifying the Madrid system, which would make it more effective and user-friendly. The Delegation supported the activities of the IGC and the recommendations for the Assemblies to renew its mandate for another biennium. The Delegation noted with satisfaction the discussion on the WIPO Development Agenda which, it believed, would lead to concrete results. Regarding the work of the SCP, the Delegation expressed concern that no breakthrough had been achieved, despite the flexibility shown by delegations; nevertheless, it reiterated Poland's support for the continuation of the patent law harmonization process within WIPO and supported the proposals intended to enhance the process of establishing a new work plan for the SCP. The Delegation remained confident that it would be possible to enhance the protection of the rights of performing artists in the audiovisual field and that this issue would remain on the agenda of the Assemblies in 2008. The Delegation reported that Poland's cooperation with WIPO was in line with the government's strategic programs aimed at developing an environment encouraging the knowledge, innovation and business-driven economy to be more competitive. The Polish Patent Office had been actively involved in the implementation of these programs and had made tremendous efforts to bring itself up to date and become more user-friendly and engaged in popularizing and disseminating knowledge of industrial property protection. Within the framework of these activities, the Office organized the celebration of World IP Day, in cooperation with WIPO and the European Commission, during which a seminar on "Industrial design as a national brand" had been held. In collaboration with the European Patent Office (EPO), WIPO, the Jagiellonian University and the Technical University of Krakow, the Patent Office had co-organized a panel session with the participation of presidents of national industrial property offices of EPO Member States. During the meeting, the significance of national offices in the process of creating a culture of industrial property had been stressed. A symposium on IP in an innovative economy – technology transfer from universities to industry – had been recently organized in Krakow, the topics discussed included the role of NPOs in technology transfer. The symposium had been attended by representatives of the EPO, WIPO, the industrial property offices of a number of EU Member States and Japan, as well as representatives of European and US industry. The Delegation reported that among the educational activities that had been undertaken by the Office was the fourth edition of the competition for the best poster and for the best post-doctoral, doctoral, master's and student theses in the field of industrial property protection. In 2006, 21 theses and 802 posters had been submitted to the competition from among which 21 theses and 21 posters had received awards. Within the framework of the program for the worldwide promotion of Polish artistic works, two exhibitions would be organized on WIPO premises, in November 2007 on the periphery of the IGC session: "Designed in Poland" displaying products designed by Polish designers and "Design PL" where works of the School of Polish Designers would be presented on banners. All delegations were invited to visit both exhibitions in November. The Delegated noted that the Patent Office had elaborated a commentary to the Paris Convention with respect to the current status of international and Polish IP law, which would be published in the coming weeks. The Delegation thanked the Division for Certain Countries in Europe and Asia for the cooperation and assistance offered to the Office in the organization of all the aforementioned events. It attached great importance to cooperation with WIPO and noted its appreciation of the work, and excellent results, of the Division who, regardless of being largely understaffed, had, unendingly monitored and responded to the Office's needs in a highly cooperative manner,

provided excellent coordination of activities with all concerned sectors of WIPO and come up with innovative proposals which met the actual requirements of IPRs in Poland. Finally, the Delegation informed the Assemblies that Poland had started the procedure for the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs and the Singapore Treaty on the Law of Trademarks.

86. The Delegation of Côte d'Ivoire thanked the Director General for his continuing efforts to achieve a balanced promotion of IP in the different Member States. It said that it appreciated the true value of the work done, and emphasized that, under the leadership of the Director General, the Organization continued to flourish and support Member States in their social and economic development process. The Delegation also mentioned the remarkable work undertaken by the Secretariat and experts, which had contributed to the smooth running of the Organization and the progress made in the work of the different technical committees. Like other WIPO Member States, Côte d'Ivoire firmly believed in the emergence of a knowledge-based economy driven by IP. That was why, despite the political and military crisis that had shaken the country for five years, the Government of the Côte d'Ivoire had never spared any effort to support action to promote IP. From 2002 to the end of the war in 2007, the country had been present on all fronts, at the national, community and international levels. National experts had always benefited from State coverage of expenses for their participation in the work of WIPO's different technical committees and OAPI meetings. The same applied to participation in actions carried out by those organizations. In that context, the Ministry for Industry and the Promotion of the Private Sector and the Ministry of Culture and Francophone Affairs jointly organized the annual festivities to celebrate World IP Day. That day was always an opportunity to pay tribute to the country's inventors, creators, innovators and innovative firms, which used IP to develop their business activities. Firms were selected and visited by the Ministers responsible for industry and culture on that occasion. For the 2007 event, an industrial firm, an agronomic research institute and a training institute had been visited. The official ceremony, which had been held at the Palais de la Culture, in Treichville, on April 26, 2007, had been attended by more than 400 people. During that ceremony, the list of inventors who would represent the country at the African Invention and Technological Innovation Fair (SAIIT), which would take place in Bissau, Guinea-Bissau, from October 24 to 28, 2007, had been published. Six inventors would have their expenses covered by the Government for the Fifth SAIIT. In the same vein, Côte d'Ivoire had celebrated Eleventh World Anti-Counterfeiting Day, on June 23, 2007. The official ceremony, which had taken place in Abidjan, attracted around 200 participants. It had been sponsored by the Prime Minister and co-chaired by the Minister for Industry and the Promotion of the Private Sector and the Minister of Economy and Finance. As a prelude to that day, a workshop on ratification of the preliminary draft law on protection of IP rights at borders had been held on Tuesday, June 19, 2007. As part of its activities, the Ivorian Office of Intellectual Property (OIPI) had conducted awareness-raising campaigns in several regions during 2007. The subject of the campaigns had been industrial property in general, and new plant varieties, in particular. At the institutional level, the organization responsible for intellectual property matters – OIPI – which had been a directorate of the central administration attached to the Cabinet of the Minister for Industry, had been transformed into a public administrative organization, in order to equip it with consistent resources to carry out the duties assigned to it. Moreover, the creation of a division to combat fraud and piracy of cultural works had been effective in reducing that scourge and promoting intellectual creative activity in Côte d'Ivoire. With regard to the protection of IP titles, the national legal landscape would soon be enriched with a law on protection of IP rights at borders. Such a text, which had just been submitted to the government, would allow the Customs Service to combat counterfeiting and piracy effectively. In the same vein, a national anti-counterfeiting

committee was in the process of being set up, to support all the efforts made by the government and private sector to combat that scourge. Concerning literary and artistic protection, the adoption of a law on the promotion of books, and the applicability in practice of the law on protection of creative works, should provide an effective and appropriate solution to the ills suffered by creators and other inventors. That would have the advantage of ensuring a balance between the interests of owners of IP rights and those of consumers of creative works. IP was at the heart of the concerns of the Côte d'Ivoire authorities, which were sparing no effort to support every action to promote such a valuable development tool. However, in order to be more effective, those actions needed to be supported and guided by WIPO, through its presence on the ground, in particular, through the choice of Côte d'Ivoire to host certain workshops and seminars taking place in the sub-region, as in the past. Côte d'Ivoire was firmly on the road to peace and stability and, more than ever, it needed the support of all its development partners in order to achieve that goal. The resumption of cooperation between WIPO and Côte d'Ivoire would be perceived by the inhabitants of Côte d'Ivoire as a strong sign of solidarity.

87. The Delegation of Belarus congratulated the Director General and the WIPO Secretariat on the results achieved during the reporting period in the implementation of the numerous initiatives contained in the existing Program and Budget. The Delegation hoped that in the future WIPO would base its work on the need to achieve a balance between the interests of all Member States. The use of the potential offered by IP for the purposes of national scientific, technical, trade, economic, social and cultural development, and for enhancing the competitiveness of the national economy, was and remained one of Belarus's priority tasks. In order to achieve effective solutions the National Center for Intellectual Property of Belarus took advantage of the possibility for cooperation, in order to strengthen its potential, with the national offices of foreign countries, the Eurasian Patent Office (EAPO), the EPO and WIPO. It valued highly the multifaceted assistance which WIPO provided for Belarus as part of joint projects designed to increase, in terms of the development of human resources, the effectiveness of the use of the IP system, for social and economic development. Proof of the fruitful cooperation with WIPO was the visit, at the beginning of 2007, by the Director General to Belarus. That visit would facilitate the development of education projects in the IP sphere and would increase the flow of information regarding its significance. At the same time, in order to ensure further cooperation which satisfied the interests of Member States, WIPO's work should be enhanced. In that connection, the Delegation welcomed and supported the recommendations adopted during the conference on strategic planning, which had been held on the initiative of the management of the National Patent Office of the Russian Federation in Moscow in July 2007. The Delegation was sure that the practical implementation of such recommendations, including an increase in funding for Program 7, "Certain Countries in Europe and Asia", would allow WIPO to react more effectively to the IP priorities and needs of the countries whose economies were in transition. The recommendations devised by participants in the meeting should be taken into account in the formulation of WIPO programs and events. In that regard, the Delegation supported the proposal made by the Russian Federation on behalf of the Group, of Central Asian, Caucasus and Eastern European States to increase funding for Program 7. At the same time, it considered that any proposals relating to a significant reduction in the international fees for PCT filings would have a negative impact on the Organization's financial position and its ability to implement program-related measures fully. The Delegation expressed the hope that the Assemblies would work constructively, thereby facilitating both the achievement of WIPO's aims and also ensuring a balance of interests among the Member States, authors and users.

88. The Delegation of Indonesia associated itself with the statements of the Republic of Korea on behalf of the Asian Group, and Singapore on behalf of ASEAN. It thanked the WIPO Secretariat for the preparation of the documents submitted for consideration at the Assemblies and noted Indonesia's continuing high hopes for WIPO as a forum for all Member States to discuss important matters relating to IP. It thanked all delegations for their gestures of cooperation, flexibility and compromise and stressed that Indonesia would always act likewise and be supportive of all processes at WIPO. It expressed the hope that differences would be handled in a harmonious manner. The Delegation noted that since the previous General Assembly in 2006, a number of achievements had been reached and much progress made in WIPO, notably the WIPO Development Agenda. Indonesia hoped that that year's General Assembly would adopt the PCDA recommendations as well as smooth the process of their implementation. Additionally, the Delegation was honored to thank all WIPO Member States and the WIPO Secretariat for their tireless support during Indonesia's chairmanship of the last four sessions of the IGC. It was its strong hope that the next IGC session would deliver more tangible results, acceptable to all. The Delegation also wished to re-emphasize the point that WIPO's technical assistance program should continue to be provided on a demand-driven basis, while balancing the respective interests of all stakeholders. In its view, technical assistance should always be aimed at developing and improving the institutional capacity of Member States, with a view to enabling them to meet the requirements of the IP system with their respective development aspirations.

89. The Delegation of Bangladesh associated itself with the statement made by the Republic of Korea on behalf of the Asian Group. The Delegation noted that WIPO was poised at a critical juncture where, to move forward, it would have to carry its membership with it and demonstrate the benefits the Organization could bring to all Members, especially the developing countries. The implementation of the 45 recommendations of the WIPO Development Agenda would be a key test, and the Delegation had been encouraged by the way those had been negotiated; the positive spirit demonstrated by all delegations, the able guidance by Ambassador Clarke and the excellent support from the Secretariat had resulted in a comprehensive set of agreed proposals. The Delegation now looked forward to the same level of commitment for their implementation after adoption, and expressed the hope that WIPO would move quickly to begin that implementation as soon as the recommendations were adopted. Bangladesh placed a lot of importance on the IGC and supported an extension of its mandate, noting the critical need to build on progress made in past meetings. Given the importance of these issues to the holders of genetic resources, TK and folklore in developing countries, and the potential benefit they could have on poverty alleviation, employment generation, promotion of SMEs and economic development, all delegations were urged to intensify work in this area in order to achieve a tangible and internationally binding legal instrument. Among WIPO members, the LDCs required more attention through targeted assistance for the development of their IP-related policy formulation, IP administration and institution building. In terms of capacity-building and human resource development assistance, the Delegation suggested that individuals from LDCs should have additional opportunity to participate in WIPO programs, over and above the ones they received through the regional bureaus. It noted that the IP advisory services and information centers were a good initiative to assist LDCs, and suggested that one be established in Bangladesh. The Delegation believed that many of the recommendations made in the desk-to-desk review would enhance transparency, accountability and efficiency in the Organization, and noted that the Secretariat was taking some steps that the review had recommended, while other recommendations needed to be pursued and there were some that needed further examination and clarifications. A Member-driven mechanism could be considered to examine these recommendations further and provide guidance to WIPO on ways the Organization could

benefit from their implementation. The Delegation was not opposed to discussing the PCT fee reduction proposals but could not support any decision that would adversely affect the immediate, medium or long-term financial stability of WIPO or reduce funds available for implementing important projects, in particular, funding for the Development Agenda.

90. The Delegation of Bahrain highlighted the major advances achieved by its country in the development of IP through full compliance with the various treaties to which it had acceded. Bahrain had developed its legal infrastructure in conformity with such treaties in a world characterized by globalization, the fight against piracy and counterfeiting and rapid developments in information technology. In the field of copyright and related rights, Bahrain was endowed with one of the most modern and comprehensive laws in the region. The Delegation underscored that such a legislative development posed the challenge of achieving the human resource development that was necessary for its implementation and further adjustment to global developments. It noted that the conclusion of a Free Trade Agreement between Bahrain and the United States of America had been a major achievement; it contained various IP provisions that require significant effort for implementation and the utilization of their advantages. The Delegation regarded the role played by all stakeholders as an important one. Referring to the agreed conclusion of the ACE and to the framework of cooperation at the international, regional and national levels with key partners (namely, public and private institutions, civil society groups, international associations, regional and international organizations, rights holders and other interested parties) in the processes of cooperation and development, the Delegation praised the collective, dynamic and coordinated work in the field of IPR enforcement, the fight against piracy and counterfeiting, and the exchange of information, as well as training and increasing awareness among members of the public of the importance of IP protection and its impact on the economic progress of the country and on consumer health and safety. Such cooperation had resulted in the forthcoming conclusion of a number of Memoranda of Understanding with various partners, in addition to the organization of events such as workshops, seminars and conferences in the professional sector for judges, general prosecutors and lawyers; and in the academic sector for university and school students as well as for members of the public. The Delegation noted that the most significant result of cooperation and coordination with partners in the fight against piracy and counterfeiting, including with law enforcement officers, had been the successful tracking and capture of many dealers in counterfeit and pirated goods, for example, programs used for decoding satellite television broadcasts; who would now be prosecuted. In that regard, it called on countries of the region, in particular, and the rest of the world to increase their efforts and further the coordination and exchange of information and expertise in that field. The Delegation commended the role of WIPO in supporting the implementation of national programs and providing technical, legal and training assistance. It also expressed its appreciation for the Organization's outstanding and efficient efforts in leading Member States to increased convergence of views with regard to various issues, in particular certain amendments to WIPO-administered treaties; and in promoting more coordination and exchange of expertise and information among Member States. It praised the role of the Secretariat for its efforts in providing quality services for Member States and placing the Organization on a sound and strong financial footing. It noted that further technical, administrative and financial support was needed for the Technical Assistance and Capacity Building Bureau for Arab Countries in order to meet the needs of Arab countries for the implementation of their programs and plans for addressing increasing piracy and counterfeiting. In conclusion, the Delegation wished to thank the Bureau, its Director and staff for their continuous cooperation. It called on all Delegations for more cooperation and patience in the discussions and noted that concessions were also necessary to reach agreement on certain outstanding issues, such as the protection of audio-visual performances, the

protection of broadcasting organizations, the work of the PCDA, the work-plan of the SCP, the report on digital access service to priority documents and matters concerning the IGC, as well as other agenda items for these Assemblies.

91. The Delegation of Barbados associated itself with the statement made by Brazil on behalf of GRULAC. The Delegation noted the opportunity that Member States now had to adopt the 45 recommendations of the PCDA and the benefit that would result from their implementation. Since the last Assemblies, Barbados had hosted a Regional Meeting of Heads of IP Offices in the Caribbean, which had been followed by a Sixth Ministerial Level Meeting on IP for Caribbean countries. Both meetings had been organized by WIPO in cooperation with the Government of Barbados. At their meeting, ministers had resolved to work closely with WIPO and the CARICOM and the OECS Secretariats on a number of programs, including development of an appropriate framework for the protection of TK, folklore and cultural expressions. The Delegation looked forward to further discussions on this important subject at the national, regional, and international levels in order to clarify concepts integral to the establishment of such a framework. The Delegation expressed appreciation for the ongoing technical assistance from WIPO which was integral to the further development of the IP Office and of a balanced IP system. It looked forward to adopting the recommendations of the Program and Budget Committee, particularly with regard to Program 3, under which the WIPO Development Agenda process would be coordinated, and to Program 6, which would enable the Secretariat to assist Barbados to further develop its IP regime. The Delegation noted that Barbados had no commercial quantities of natural resources, and that production in the country suffered from diseconomies of scale, but that, nevertheless, persons in that country who wished to use the PCT system were required to pay the full PCT fee. It hoped that WIPO Member States would agree to a mechanism that would result in the reduction in PCT fees for natural persons from small countries like Barbados, thereby making the system more attractive to potential users. The Delegation indicated its continued commitment to working in a cooperative manner in furthering the use of IP as a tool for fiscal growth and development, and reaffirmed its commitment to working with WIPO as the prime vehicle for the attainment of those goals.

92. The Delegation of Antigua and Barbuda on its own behalf and that of its Caribbean colleagues associated itself with the statements made by Brazil on behalf of GRULAC and by Honduras on behalf of the Group of 77 and China. The Delegation commended the Director General and the Secretariat for the continued assistance and encouragement to Antigua and Barbuda and other Caribbean nations that were at the embryonic stage of developing their respective IP offices. WIPO's continued support was necessary to facilitate the more robust IP system envisaged for the country. The IP Office in Antigua and Barbuda had embarked on an aggressive outreach program to form the basis on which all IP education would be maintained and protected. It had continuously produced articles and programs in various media, in addition to making use of the user-friendly outreach publications provided by WIPO, such as comic books, which were currently being printed for distribution in schools and other learning institutions, as well as a mini-documentary and other multi-media tools on copyright which had been put to good use. The awareness-raising programs had already borne fruit, with respect for IPRs having been evident during the 2007 ICC cricket world cup held in the Caribbean, and with recent incidents of counterfeit merchandise having been dealt with through the enforcement arm of the Government. In that respect, the Delegation noted the great importance attached by Antigua and Barbuda to the work of the ACE. The IP Office had also seen a steady increase in requests for advice on IP information matters and on use of registration systems, from representatives of the business community and others within Antigua and Barbuda and the region. Use of the IP system had extended to government use

of the geographical indications system to register the Antiguan black pineapple, which grows exclusively in the unique soil structure of the southern part of the country. In another area, the Ministry of Tourism and Culture was processing registration of its tourism slogan “the beach is just the beginning” as a service mark. Strides had been made for further success in outreach in the form of trademark training sessions for all agents and practitioners who were assisting in bringing the Trademark Act into full operation. There is now a draft patent regulation to be vetted to ensure full functioning of all patent possibilities, inclusive of those of the PCT. The Delegation noted that the 6th WIPO Meeting for Caribbean Ministers Responsible for IP, held in Barbados in November 2006, had been productive, with several resolutions being adopted, in particular: the role of IP in the regional integration process under the CARICOM single market and economy; innovations on technology transfers for developing countries and LDCs; the establishment of a regional framework for the protection of TK, folklore and cultural expressions; and the support of WIPO in the area of collective management in the region. The Delegation applauded the efforts of the IGC and supported the extension of its mandate. It looked forward to the adoption of a legal binding instrument to protect TK in this area, which was of utmost importance to Antigua and Barbuda and the rest of the Caribbean. The Delegation concluded by recognizing the important work of the PCDA under the able leadership of its Chair.

93. The Delegation of Cameroon expressed its gratitude and support for the Secretariat and the Director General in relation to all the action undertaken for the development of IP, in particular in developing countries. The Delegation associated itself with the statement made by Algeria on behalf of the African Group.. It expressed satisfaction at the relative success of the work of the PCDA in February and June 2007, and wished that the proposals selected be ratified at the current session so that the Committee on Development and IP could be set up at the beginning of 2008. Aware of the role that IP must play as a development tool, Cameroon had made efforts at the regional level, together with the other Member States, to provide OAPI with legal texts relating to TK and folklore, thus conveying the importance and attention given to the exploitation of the local natural and cultural wealth and justifying the interest shown in the work of the IGC. In the view of the Delegation, the Committee could draw inspiration from the regional instruments adopted by the Member States of OAPI in order to consolidate both the framework and the content of an international instrument. Wishing to contribute to the setting-up of an international system of trademarks that was more flexible and adapted to current realities, while playing a participatory role, Cameroon had signed in February 2007 the Singapore Treaty on the Law of Trademarks. Furthermore, since the development of economic activity had revealed the interest shown by researchers in the protection of their work, Cameroon was waiting patiently for the results of the work of the SCP, including streamlining of procedures, enhancement of the quality of patents, reduction in costs for users, harmonization of formalities with offices and establishment of a more consistent examination procedure. Moreover, a law providing guidance, designed to enhance the results of scientific research, would shortly enter into force. As for craftsmen and SMEs, new momentum had been generated by Cameroon to encourage such enterprises to take into account the advantages they could gain from the protection and strategic use of their IP assets. In that regard, Cameroon remained attentive to the consolidation of the Hague system for the international deposit of industrial designs. In relation to agriculture, the quality of national production had created, on the part of agricultural research institutions, keen interest in the benefits that could be generated by greater involvement of IP in guidance policies concerning the exploitation of the local riches and varieties in the different regions of the country, in particular by advocating the use of the system of protection for plant varieties and that for geographical indications in the context of the Revised Bangui Agreement. Cameroon intended to benefit fully from WIPO’s assistance in that area. As to copyright, Cameroon was

making great efforts to take advantage of the new momentum generated by the Law of December 19, 2000 on Copyright and Related Rights, *inter alia* in terms of expanded dissemination among users, effective support for creators through the fund set up by the Government and also through increased assistance for the four collective management societies created in 2003 (which received technical assistance from the State, but also and above all WIPO expertise). Cameroon had also made efforts to enforce IP rights, by providing creators and inventors with a framework to support the use of their rights, and had shown particular vigilance when confronted with any form of infringement of those rights. However, the growing scourge of counterfeiting and piracy, so harmful for local economies, could not be eradicated in such a short space of time. The Delegation emphasized the interest it had in the work of the SCCR concerning the adoption of a treaty for the protection of broadcasting organizations, and insisted on the fact that the work done to hold a diplomatic conference could not be successful if the draft treaty to be debated did not incorporate the needs of populations in the context of access to information and knowledge. Cameroon therefore relied on the constructive spirit of Member States to provide that work with the positive impact anticipated. Finally, the Delegation mentioned that each year Cameroon organized several large-scale events, such as the celebration of World IP Day on April 26, the celebration of African IP Day on September 13, and the celebration of national technology days, from September 11 to 13. While noting the progress made in pursuing the program of cooperation with WIPO, the Delegation concluded by calling for intensified efforts towards such cooperation in order to be more closely guided in the application and implementation of national and international commitments, since Cameroon based real hopes on the outcome of the current session.

94. The Delegation of Costa Rica associated itself with the statement made by the Brazil on behalf of GRULAC and began by referring in general terms to some of the important agenda items. Regarding the budget, the Delegation noted the Program Performance Report for 2006 and highlighted that the said document referred to the creation of a new collective management organization in Costa Rica, which had been founded within the framework of the Fourth Training Course for Artists and Performers Organizations in Latin America. In that regard, the Delegation recognized and welcomed the efforts made by WIPO, the International Confederation of Societies of Authors and Composers (CISAC) and the General Society of Authors and Publishers (SGAE). The Delegation noted that during the current year of Costa Rica had supported and encouraged various activities designed to promote the use of the IP system as a tool for economic growth. In that context, the Delegation thanked WIPO and the cooperating authorities for holding various national, sub-regional and international seminars and fora. It thanked WIPO in particular for the trust placed in Costa Rica as host of the Fourth International Forum on Creativity and Innovation, that would be held from November 7 to 9, 2006, and invited all the delegates present to participate in that important event which would be held for the first time in Latin America. In relation to the activities linked to the enhancement of the management capacity of IP offices, the Delegation thanked WIPO for the work currently being done to implement a new Java version of the IP administration IT system, the success of which was due partly to WIPO and partly to Costa Rica. It expressed the view that the system would undoubtedly be of great benefit in enhancing the quality of the national Office's management and could be implemented in the short term in other regional offices, as desired. The Delegation referred to the agreements signed with friendly agencies such as the Mexican Institute of Intellectual Property and said that an agreement would very shortly be concluded with the Spanish Patent and Trademark Office. It also referred to the efforts being made to produce a digital version of the Intellectual Property Register. It noted that Costa Rica had approved the Regulations on Geographical Indications and Appellations of Origin, which would encourage

competitiveness in different sectors, especially agriculture. As for the 2004-2005 Financial Management Report, the 2006 Interim Financial Statement and the arrears in contributions, the Delegation approved the six recommendations made by the External Auditor and supported the view that those proposals should be approved by the General Assembly. It noted the content of the final report on the desk-to-desk review by PricewaterhouseCoopers and welcomed the observations on the measures recommended in Annex I of the final report for evaluation on a case-by-case basis. The Delegation also supported the proposal made by the PBC to adopt the International Public Sector Accounting Standards from 2010 onwards, as part of the adoption of those standards throughout the UN system, and noted the estimated costs included in Annex IV for their completion and application by the scheduled date. With respect to the report of the PCDA, the Delegation supported the proposal of the Committee adopted at the June 2007 session. It observed that not only had a series of recommendations been approved, designed to incorporate development issues in WIPO's activities, but also a number of guidelines to assist application, supervision and evaluation. Nevertheless, it emphasized, in the drawing-up of the work program, the need to have appropriate financial resources available to promote and guarantee the participation of developing countries and LDCs in the discussions.

95. The Delegation of Angola associated itself with the statement made by Algeria on behalf of the African Group and by Benin on behalf of the Group of LDCs. The Delegation noted that Angola was in the process of development and, IP being relevant to the programs being implemented, it relied very much on the assistance of WIPO. It added that, with the support of the Director General and the Portuguese-speaking countries, a Portuguese-speaking portal had been created in 2006 and an agreement would be signed, with the support of WIPO, for setting up of a forum of cooperation amongst the eight Portuguese-speaking countries. The Delegation expressed its appreciation to the Director General, and thanked WIPO for the assistance it had provided to developing countries and LDCs. The Delegation noted that Angola was working on a project, to encourage universities and companies to use IP, that would require financing from WIPO and other institutions for its implementation. Other priorities included the fight against counterfeiting and piracy. With respect to the Development Agenda, the Delegation stated that it reflected the interests of developing countries and LDCs and was a priority for Angola. It called upon all Member States to reach a consensus so that the Agenda might move forward and the necessary technical assistance be made available to implement research and development projects to help meet the new challenges of globalization. The Delegation expressed its support for extending the mandate of the IGC for another two years and concluded by commending the work carried out by the Secretariat and the quality of the documents that had been prepared.

96. The Delegation of The former Yugoslav Republic of Macedonia informed the Assemblies that the years 2006 to 2007 were of great significance for the development of the IP system in the country. On May 1, 2007 a Memorandum of Understanding (MOU) had been signed by the Minister of Foreign Affairs and the Director General of WIPO which would facilitate and promote the development and the implementation of the country's IP system. The signing of this MOU had encouraged policy-makers to invest more in the promotion, creation and the use of the IP system, given that IP was a key element in accelerating economic development. The Delegation called for more to be done in the area of national branding by using the IP system to create comparative advantages and thus improving the economic competitiveness of the country. It stated further that, within the framework of the MOU, a series of activities in the field of copyright and related rights shall be realized as part of the intensified cooperation between the Ministry of Culture and WIPO. These activities would focus on expert assistance on certain substantive issues as well as on

regulating collective management organizations, enforcement and the organization of events to facilitate learning from the best practices of others in the area of enforcement and protection of copyright and related rights. In addition, the Delegation stated that there had been a number of important initiatives to enhance the IP system of the country that would be of interest to the Assemblies. Of particular interest was the establishment by the government of a coordinating body for IP, and the launching by the State Office of Industrial Property in 2006 of a project approved by the European Commission for the creation of a more coherent and efficient IP system, the system for infrastructural framework of industrial property (IRIS). At the regional level, the most significant event of interest to the Assemblies was the decision unanimously adopted by the Administrative Council of the EPO inviting the country to accede to the European Patent Convention. This invitation represented an unconditional approval of the work of the country in the field of patent protection. The Delegation was looking forward to the outcome of the Program and Budget for the 2008-2009 biennium. Through the realization of WIPO's programs, the country benefited in the development and strengthening of its IP system. The Delegation noted its appreciation of the work carried out by the Division of Certain Countries in Europe and Asia and expressed its satisfaction at the new challenges and the new cooperation activities. Taking into consideration that important projects under the current Program and Budget were ongoing under the umbrella of that Division and that would increase in the next biennium, the Delegation was of the opinion that the Division should be strengthened with additional staff and additional allocation of funds in order to respond efficiently to its obligations. It stressed that the countries of the region needed WIPO's support to leverage the level of the IP systems in their countries and to improve mutual cooperation in this field. The Delegation concluded by assuring the Chair of its commitment to the development of new international standards of protection of IP and by expressing its hope for a fruitful conclusion to the meeting of the Assemblies

97. The Delegation of Nigeria commended the Director General for his untiring and selfless leadership and for his prudent management of human and financial resources resulting in an unprecedented surplus of funds in the Organization. In addition, the Director General had dedicated himself to developing a balanced and accessible international IP system that rewarded creativity, stimulated innovation and contributed to the economic development of all nations. The Delegation expressed its support for the agenda set out for the Organization for the following two years and stated that the issues to come before the Committee on Development and IP should be addressed urgently. It also underscored the importance of capacity-building and technical assistance for developing countries, particularly those in Africa and fully supported the need to improve WIPO's global reach through expansion of the WIPO Worldwide Academy (WWA) to other regions in cooperation with national IP institutions. The Delegation went on to say that the agreement on the Development Agenda and its implementation would have a strong impact on the economies of developing countries, including LDCs, and would assist them in including IP in national and regional development policies, strategies and action plans, and in optimizing IP infrastructures for sustainable development. It noted that the IP regime in Nigeria was undergoing change in terms of law reform, policy formulation and operational mechanisms; enforcement of IPRs was also a focus, particularly the problems of counterfeiting and piracy. The Delegation went on to express its support for the continued expansion of the scope of WIPO's activities, given that sustained outreach and communication would better promote understanding of WIPO and IP issues worldwide and enhance support for WIPO's mandate. The Delegation, expressing its firm belief in the principles of fairness and due process, recalled the number of investigations carried out in WIPO and the layers of oversight mechanisms that had been established to ensure best practices, transparency and accountability, which reflected the global aspirations to establish organizations and institutions that were above board in their operations. The

challenge was to ensure that these processes would not be used to target individuals but would remain as a reflection of Member States' regard for accountability. The Delegation was of the view that it was time to leave these issues behind and move forward concentrating on the future of the Organization. The Delegation stressed that in considering reducing the fees for using the services of the PCT, the capacity of the Organization to execute its strategic agenda, including development issues, promoting SMEs and developing a treaty on folklore should be considered. With that in mind, the Delegation expressed concern as to how a fee reduction could be made without affecting these important programs and it stated that it could not, therefore, support the proposal for PCT fee reduction. The Delegation concluded by expressing its commitment to, and support of, the work done by WIPO and stating that it would continue to rally behind the Organization in building bridges to link ever greater parts of humanity to the potential of IP, in order to further enhance their economic and social well-being.

98. The Delegation of Cuba associated itself with the statements made by Brazil on behalf of GRULAC and Argentina on behalf of the Friends of Development. It said that the biggest challenge currently facing WIPO was the complete incorporation of the development dimension in all its activities, an essential stage of which was for the General Assembly to adopt the recommendations of the PCDA, in the form of the 45 agreed proposals, and the immediate implementation of the list submitted by the Chairman of the PCDA. In order to implement the proposals immediately, the Delegation requested that the Program and Budget for the biennium reflect the implementation of the WIPO Program for Development and not be subject to the availability of a budgetary surplus. In line with the interests of developing countries, Cuba supported the renewal of the mandate of the IGC, taking into account the fact that the renewed mandate would guarantee the continuation of the protection of TK and cultural expressions until the planned results were achieved. It also expressed support for the proposal by Brazil to reduce the PCT fees for developing countries, and gave a favorable evaluation of the work done by the Technical Assistance and Capacity Building Bureau for Latin America and the Caribbean within the framework of cooperation and technical assistance.

99. The Delegation of Kenya associated itself with the statement made by Algeria on behalf of the African Group. It thanked the Director General for his visionary and exemplary leadership in promoting a culture of IP as a tool for development, which had led to an unprecedented increase in the scope and level of protection of IPRs; it also expressed its appreciation to the Secretariat for the detailed and comprehensive documents that had been prepared. The Delegation noted that Kenya had significantly benefited from various programs conducted by WIPO including technical assistance and expert advice in harmonizing its national IP legislation with various international treaties and modernizing its industrial property infrastructure as well as reorganizing its copyright management organizations. It thanked WIPO for working with the government in hosting the Sub-Regional Workshop on International Classifications in the Fields of Trademarks and Industrial Designs, which took place in Nairobi, from March 26 to 30, 2007. It also expressed appreciation for WIPO's agreement to facilitate a study on the economic contribution of the creative industries in Kenya, following a round-table discussion in Nairobi on July 3 and 4, 2007, and for the technical cooperation and capacity-building provided by WIPO in automating the Kenya Industrial Property Institute. As a member of ARIPO, the Delegation also wished to express its appreciation for the support WIPO continued to extend to that organization. The Delegation acknowledged the work of the SCP and supported the negotiations that had been on-going to draft a substantive patent law treaty, which would advance the process of harmonizing patent law to a much higher level. These negotiations,

should, however, be carried out in a balanced and inclusive manner. In that respect, the Delegation emphasized the need to have important issues relating to the CBD incorporated into the treaty, especially matters relating to genetic resources and TK, such as prior informed consent, access and benefit sharing and disclosure of origin. The Delegation also recognized the crucial role of the IGC and recommended the renewal of its mandate to allow its discussions to continue. It was optimistic that the enhanced participation of representatives of indigenous and local communities which had been made possible through initiatives like the WIPO Voluntary Fund would greatly improve the Committee's work. The Delegation underscored that TK played an important role in the global economy as it was widely disseminated and commercially exploited. However, the benefits did not flow back to the providers and that raised the question of IPRs ownership. In that respect, the Delegation supported the continuation of WIPO's work on the IPR aspects of documenting public domain TK with the aim of ensuring that patent examiners did not grant patents whose claims extended to TK. It also supported the joint activities carried out by WIPO and UNESCO relating to the international legal protection of expressions of folklore against illicit exploitation and other prejudicial actions. The Delegation noted that Kenya was drafting a geographical indications bill which would benefit producers of products like Kenyan tea, coffee, Kiondo, Kikoi, Kisii softstone, Acamba carvings, Masaai attire and beads, among others. The Delegation affirmed Kenya's endorsement of the work of the *ad hoc* Working Group on the Legal Development of the Madrid System for the International Protection of Marks, which aimed to simplify and modernize the operation and processes of the Madrid System for the benefit of its users, and included, among other things, the review of the safeguard clause and the modernization of the information technology systems supporting the operation of the Madrid System. It expressed its appreciation for the work already accomplished by the ACE and stressed the need to address issues relating to capacity-building; promotion of better legislation; health and safety risks resulting from counterfeiting and piracy; as well as awareness-raising and education on enforcement of IPRs. In this connection, it urged improved cooperation, coordination and information sharing for effective IPR enforcement, taking cognizance of the benefits to right holders, consumers and governments. Kenya was currently in the process of setting up various enforcement mechanisms, such as the recently-established Enforcement Unit within the Kenya Copyright Board. That, together with other enforcement initiatives would go a long way in the fight against piracy and counterfeiting. The Delegation acknowledged the work of the SCCR and commended the Committee for the exemplary work done over the last nine years. It looked forward to the continued negotiations and deliberations on the broadcasting treaty. In conclusion, it applauded the positive outcome from the PCDA process and paid tribute to the flexibility and the constructive spirit displayed by all parties which had led to its success. It believed the results of that breakthrough would promote a balanced IP system that would be responsive to the needs and aspirations of all countries. It expressed the hope that Member States would demonstrate the same commitment in many areas of the Organization's work, in order to find realistic and workable solutions in the interest of all stakeholders. The Delegation concluded by wishing all Member States fruitful deliberations. .

100. The Delegation of Ghana associated itself with the statement made by Algeria on behalf of the African Group and thanked the Director General and the Secretariat for their excellent work and for WIPO's ongoing efforts to promote the use and protection of IP globally as a tool for development and wealth creation. The Delegation expressed its satisfaction with the steps taken to improve transparency and accountability and with the enhanced participation of Member States in the preparation of the program and budget of the Organization. The Delegation welcomed and endorsed the recommendation to renew the mandate of the IGC for the next budgetary biennium. It hoped that the work of the IGC would focus on, and

accelerate the development of, an international, legally binding instrument. The Delegation noted that the decision reached by the PCDA, including the establishment of a new Committee on Development and IP, was encouraging and hoped for further consensus and flexibility to ensure a successful outcome of the process. Ghana supported WIPO's initiatives to facilitate access to knowledge and technology and considered these initiatives to be vital for the economic development of developing countries and LDCs. Without technology transfer and acquisition, many countries would find it difficult to leapfrog in their quest for technological advancement. The Delegation hoped that the ongoing negotiations in the SCP would continue to be carried out in an inclusive manner. It was important that the improvement of the patent system be pursued for the benefit and interest of all national offices and users of the system. Consequently, the Delegation noted that it was essential that the process take into account issues bordering on prior informed consent and disclosure of origin, especially in matters related to genetic resources and TK. That would create a balance between private protection and public interest, as well as strengthening developing countries' capacity to put in place effective and efficient IP systems that allow for greater synergies and the mutual benefit of all players. Ghana had benefited from various WIPO activities and technical assistance which included: a colloquium for the judiciary; a workshop on the strategic use of IP for research institutions and academia; and an expert mission for the needs assessment of the implementation of the copyright act. The installation of IPAS for the automation of the trademark registry and the training of staff on the use of the system had impacted positively on the service delivery of the registry. The Delegation was encouraged by the impact of WIPO's capacity building activities and looked forward to further cooperation with the Organization. The Delegation took that opportunity to express its sincere appreciation to those Member States that had extended cooperation activities in the field of IP to Ghana, and looked forward to closer collaboration in future.

101. The Delegation of Malaysia associated itself with the statement made by Singapore on behalf of ASEAN and thanked the Director General and the Secretariat for their efforts and diligence in preparing the comprehensive documents for the Assemblies. It congratulated WIPO on the fact that the available reserve funds of the Organization had exceeded the target level established by Member States, due to the increase in PCT filings in 2006, as well as other factors. It also expressed its appreciation for the wide-ranging and in-depth discussion on the WIPO Development Agenda proposals that had taken place during the fourth session of the PCDA and, which had achieved tangible results, adopting a list of 45 proposals, narrowed down from the earlier list of 111 proposals. Malaysia was of the view that the recommendations contained in the agreed proposals should be implemented as soon as possible for the benefit of Member States, in particular developing countries and LDCs. The Delegation noted that Malaysia supported the establishment of a Committee on Development and IP with a specific mandate to develop a work program for the implementation of the adopted recommendations. It believed that the implementation of the agreed proposals would contribute significantly to all of WIPO's activities in the future. The Delegation acknowledged the current status of the work in the SCCR on the protection of broadcasting organizations and cable casting organizations and recognized the good faith efforts of all participants and stakeholder organizations throughout the two special sessions of the SCCR in 2007, which had aimed to agree on and finalize a signal-base approach to protection. It welcomed the recommendation of the special sessions of the SCCR to retain the subject of broadcasting organizations and cable-casting organizations on the agenda of the SCCR for its regular sessions and to consider convening a diplomatic conference only after agreement on the objective specific scope of protection had been achieved. It hoped that the parties would continue to strive for agreement in the near future. The Delegation expressed its support for the work of the IGC and towards enhancing the participation of indigenous and local

communities and other custodians of traditional cultural expressions and TK in the search to find a global solution and effective measures to protect TK, genetic resources and folklore against misappropriation and misuse. Malaysia welcomed the successful launch of the WIPO Voluntary Fund to encourage effective participation of representatives of local and indigenous communities in the work of the IGC. It believed that the work of the IGC would make possible the establishment of an international instrument in this field, taking into account that international protection was necessary to support national efforts to protect TK and genetic resources against misappropriation and misuse. The Delegation expressed its support for the continuation of the work of the IGC and hoped that the Assemblies would renew its mandate. It looked forward to the setting up of an international norm on TK, genetic resources and traditional cultural expressions. The Delegation acknowledged the work of the SCP to overcome all differences in order to achieve harmonization of substantive patent law. It supported the recommendation of the Chair to establish a report on issues relating to the international patent system which would constitute the working document for the SCP in the first half of 2008. The report should reflect the different needs and interests of all members with regard to the international patent system. The Delegation said it was a major concern for Malaysia that the development dimension of patent law be taken into consideration and made an essential part of the future work plan for the SCP. With regard to IP development and enforcement in Malaysia, the Delegation noted that Malaysia had established an Intellectual Property Court on June 6, 2007, which had been launched on July 17, 2007. There were now 15 session courts with criminal jurisdiction and six high courts, with both civil and appellate jurisdiction. The purpose of establishing the dedicated Intellectual Property Court had been to expedite the hearing of IP cases. The Delegation stated that Malaysia believed that greater emphasis on efforts to enhance the IPR system would contribute to increasing local and foreign trade as well as investment for the growth of the economy. Strategic efforts were vital to ensure that the IPR system was continuously reviewed to meet the challenges of more sophisticated technological developments. In that regard, the Delegation was pleased to note that a Malaysian national IP policy had been launched on April 27, 2007, to focus on maximizing the contribution of IP to Malaysian social, economic and technological development. The policy was designed to enhance economic, social and cultural prosperity, to increase national competitiveness, to develop Malaysia into a leading IP hub and to establish an IP culture among the business and industrial community as well as the public. With regard to the international treaties administered by WIPO, the Delegation was pleased to announce that Malaysia had acceded to the Nice Agreement on June 28, 2007 and that it would enter into force for Malaysia on September 28, 2007. The treaty would significantly enhance the registration system in the country. Malaysia appreciated the opportunity to participate fully in the activities of WIPO, especially in the capacity building of human resources and was pleased to have had the opportunity to join in the organizing of workshops and seminars with WIPO, cooperating with various target groups. The Delegation expressed its gratitude to WIPO for co-organizing seminars and workshops with the Office, especially the various enforcement programs and the successful technology licensing workshop, held in Kuala Lumpur. It again expressed its gratitude to WIPO, and, especially, the Technical Assistance and Capacity Building Bureau for Asia and the Pacific and those activities supported by the Japanese Funds-in-Trust. In conclusion it reaffirmed Malaysia's commitment to supporting WIPO's policies and programs so that IP would be an effective tool to enable nations to make progress.

102. The Delegation of Trinidad and Tobago associated itself with the statements made by Brazil on behalf of GRULAC and by the Delegation of Antigua and Barbuda. It expressed its gratitude to the Director General for the assistance that WIPO continued to provide to the development of its national IP Office. As a result the Office had gained a tremendous amount

of experience and technical knowledge that allowed it to serve as a source of expertise and engage in advising and educating fellow State agencies and institutions. The Office also could now also assist other Member States in the region with regard to structuring their own operations through study visits on legislation and staff restructuring. The Delegation noted that, in 2006, the Office sought to position itself to as a key enabler of Trinidad and Tobago's process of ensuring that it was transformed into a developed nation by the year 2020. This Vision 2020 saw Trinidad and Tobago as a knowledge-based society operating within a knowledge-based economy. The Delegation noted that, recognizing the importance of a unified patent system, it continued to follow the progress of deliberations in the SCP. The proposed SPLT would facilitate patent protection in multiple foreign markets and, while Trinidad and Tobago believed that harmonization of patent processes was important, it should not be to the detriment of the flexibilities that Member States currently enjoy. The Delegation remained optimistic that an equitable resolution for all parties could be achieved. It acknowledged the strides that had been made in PCT reform, noting that the PCT continued to be a significant area for Trinidad and Tobago; in 2006, 97 per cent of patent applications had been made via the PCT. It hoped that the country's continued industrial development would encourage more national researchers, inventors and industrialists to make strategic use of the PCT, resulting in increasing numbers of applications from local applicants. The Delegation noted that the invaluable output of the WIPO Patent Information Services for Developing Countries bolstered the utility of the Office for local industries, entrepreneurs, inventors and researchers, assisting it in fielding more than 600 requests for patent information every year. In conjunction with a proposed increase in its human resource capacity, the Office sought to ensure that its automated systems were capable of meeting, and surpassing user expectations. The Delegation extended its gratitude to WIPO for the assistance provided in that area. The Office continued to provide an efficient and reliable service by electronically capturing all applications and documents. Each officer was now equipped with an individual workstation to ensure immediate entry and modification, maintaining the continuing workflow of the Office. The Delegation noted that the Office had decided to develop its own Web Application Module to provide for trademark and patent searches, due to issues with the existing web module, delays in the development of WIPO's Java-based IPAS application and increasing demand from its clientele for web access to the database that had been promised for a number of years. A similar web access module was developed within the Ministry of Legal Affairs to meet the requirements of the IP system. The module would be compatible with all the other offices in the region, since the same IPAS Oracle-based system existed in all the Caribbean offices. The Office had two additional projects in operation. The tendering for a Document Management System, to provide a paperless system, had been completed and would provide the foundation for electronic filing of applications and the provision of a digital library in keeping with the SCIT recommendations. A Point of Sale system was also currently being developed for the Office. The system would receive all payments made to the Office both internally and those for web searches through subscription accounts and would provide statistical reports. That system would also replace the Reception module of the IPAS system, in order to prevent duplication of file numbers, which sometimes occurred with the current office procedure for receiving applications. The Office would continue to improve its standards and services and set the trend for other IP offices in the region. The Delegation underscored that, legislatively, the Office continued to respond to the inputs of both owners and creators of IP and the users of the IPRs of others. Much work had been accomplished on the Copyright Amendment Bill 2007, which sought to facilitate more effective enforcement and permit accession to the WPPT and WCT. The Office and trademark agents continued to explore a new Trade Marks Bill, which would deal with the protection of non-traditional marks in keeping with international trends. Other important issues to be addressed in the Bill included the use of trademarks on the Internet, the consolidation of Parts A and B of the Trade

Marks Register; the exhaustion of trademark rights and the abolition of requirements for associations and disclaimers. The intention was to repeal the existing Trade Marks Act and its various amendments and replace them with a single comprehensive piece of legislation. The Delegation noted that music of multiple genres was intrinsically linked to the identity of the people of Trinidad and Tobago and, as such, the economic value that could be derived from the proper use of IP systems was recognized. The country had retained a legal firm in the United States of America to challenge certain US patents for steel-pan-related processes that had been in the public domain for years. The attorneys representing Trinidad and Tobago had filed an *ex parte* request for re-examination of the “Production of a Caribbean Steel Pan” patent at the USPTO. Citing the cultural diversity of Trinidad and Tobago, the Delegation emphasized that it was keen on the progress taking place in the IGC and noted that Trinidad and Tobago was seeking to enact legislation for the safeguarding of traditional knowledge, folklore, intangible cultural heritage and cultural art forms and to develop initiatives that would strengthen its cultural institutions. The country was rich in cultural heritage and the success of the IGC would serve to protect its ethnic traditions from commercial exploitation and misappropriation. In recognition of the fact that copyright infringement continues to be one of the biggest challenges, the Delegation said that Trinidad and Tobago continued to be in the vanguard for the collective administration of copyright and continued to join forces with its Caribbean counterparts to strength regional consultations. In the area of reprography, regional consultations were ongoing for the establishment of regional reprographic rights organization assistance. In 2006, a new collecting society, namely the Related Rights Agency (ReRAP), had been formally launched in the country to act as a collecting agency/licensing body authorized to collect license fees for public performance and broadcast of sound recordings and performances. The Delegation commended WIPO on the fact that it had seen the need to make access to information as easy as possible and on its unwavering support for the working group on the Digital Access Services for Priority Documents. Easy access to information and priority documents would greatly facilitate the work of the Office. Turning to the PCDA, the Delegation noted that the Committee had worked tirelessly to develop and refine proposals that seek to achieve the greatest consensus. While that particular area was the most controversial, the Delegation was always optimistic that a solution would be achieved and commended the Committee on its successful deliberations. The Delegation also applauded WIPO for the work it had done in addressing issues on enforcement and, in particular, commended the ACE on the work done so far. Music and video piracy continued to be one of the most glaring forms of piracy in Trinidad and Tobago and the Office had launched a media campaign to address the issue, with the assistance of two prominent soca artistes, utilizing the slogan “don’t get caught in the web”. As awareness of IP in the country increased in 2006 and the value of enterprises leaned more and more toward intangible assets such as IP, an increase in trademark and patent applications had been experienced as record numbers of applications were filed. Such growth had been most pronounced in knowledge-based industries such as the service, energy and pharmaceutical sectors. The Office had also made the most of opportunities and invitations presented by organizers of events to raise public awareness of intellectual property and its value and strategic use in the activities of participants. During 2006, work had been completed on a number of very important Cabinet-appointed committees that dealt with specific IP areas of national importance. They included the Committee for the Establishment of a Legal Structure for the Protection of the Steel Pan and the Committee to Draft a National Intellectual Property Policy for Trinidad and Tobago. To promote greater use of the country’s IP legislation, the Office continued to develop public awareness campaigns and, with regard to the ongoing battle against piracy, had an ongoing program called the Ambassador’s Song and Verse Contest, in collaboration with the Embassy of the United States of America and the Ministry of Education. In it, young people were challenged to create original material which spoke to the

necessity of purchasing original material. The Delegation acknowledged that young people had to develop a social consciousness surrounding a respect for the rights of the author and it was, therefore, encouraging to see the quality of material that had been developed with anti-piracy messages. The Delegation thanked the WWA for responding to requests from the Office and facilitating the training of several of its staff members in 2006. Staff members from junior to senior positions had benefited immensely from training courses offered at WIPO's headquarters in Geneva and practical training courses held at various IP offices throughout the world. WIPO's distance learning program, which offered specialized training on-line in various aspects of IP law, had been extremely useful for staff not only at the Office, but also in other divisions of the Ministry of Legal Affairs and for members of the public. To enhance the Office's ability to deliver timely, efficient and quality services to the general public, it continued to develop of a revised staff structure to allow it to proactively deal with an increase in IP applications and the changing global environment. The process continued to be facilitated by assistance from WIPO. The Delegation noted that the Office had been established on December 1, 1997 and December 1, 2007, would mark its 10th anniversary. Appropriate activities were being planned to celebrate and the Delegation took the opportunity to express its gratitude to WIPO and several other Member States who had contributed to the development of the Office and continued to collaborate with and assist the continued advancement of intellectual property in Trinidad and Tobago. WIPO would be apprised of the celebrations planned. The Delegation concluded by stressing that, while Trinidad and Tobago promoted the use of IP laws, care had to be taken to ensure that the legislative regimes that were created were not inimical to the interests of developing countries. It was confident WIPO could continue to evolve transparently and create systems that provide equitable benefits for all. The Delegation therefore looked forward to the discussions and their successful conclusion, as Member States strove to ensure that the elements of creative genius were available for future generations to enjoy.

103. The Delegation of Sri Lanka associated itself with the statement made by the Republic of Korea on behalf of the Asian Group and expressed its sincere gratitude to the Director General and the Secretariat for the excellent preparations made for the meetings of the Assemblies, the successful implementation of the program of activities and for the achievements made during the period under review. WIPO continued to maintain its reputation of achieving its core objectives and the Delegation was impressed with the continued role of the Organization in providing technical assistance that was demand-driven, needs-based, multi-faceted and truly result-oriented and that was producing far-reaching results in developing countries. Sri Lanka appreciated the importance and the role of IP in economic and social development and the Delegation emphasized the need for the effective use of the IP system in development efforts and poverty alleviation programs. WIPO had a major and continued role to play in that process in particular, in assisting Member States in realizing their expectations regarding the IP system. It was vital that all concerned worked together to achieve the desired objectives. The Delegation noted that Sri Lanka was making all possible efforts to develop an IP system that was proactive, development-oriented and beneficial to the owners of IP and the public in general, with coordinated and collective efforts, and with better planning given constant attention in that process. To achieve that vision, Sri Lanka was implementing certain activities: including capacity building in the IP Office and other related institutions, such as Sri Lanka Customs; human resources development, including training of public and private sector officials; promotion of public awareness of IP; encouraging enterprises to use the IP system for their competitive advantage; enhancing the effective enforcement of IPRs; and other development oriented activities, such as inventor support, enterprise guidance, extending public-private sector cooperation, dispute resolution and consumer protection. It was also in the process of

developing an IP policy for universities and research and development institutions and a three-year enforcement plan. The country's interest in constructively addressing the issues relating to the protection of genetic resources, TK and folklore remained strong and unchanged. The Delegation noted that Sri Lanka had been the beneficiary of many WIPO development cooperation activities and had had the opportunity to become a partner in some of WIPO's activities, such as the conducting of regional programs for South Asia and the Asia and Pacific region, in Colombo, in cooperation with WIPO. The Delegation took that opportunity to express its gratitude and appreciation to those Member States that had extended cooperation to Sri Lanka in IP-related technical cooperation activities, namely the European Union, Japan, the Republic of Korea and the United States of America. It reaffirmed Sri Lanka's commitment to the promotion and protection of IPRs in its economic development and to its international obligations.

104. The Delegation of Sudan associated itself with the statement made by Algeria on behalf of the African Group. It commended the Director General's wise leadership and creative efforts to promote an IP culture as a tool for development, and strategic use of IP as an asset for economic development, particularly in developing countries and LDCs. The Delegation valued processes and efforts recently undertaken throughout the Secretariat to improve efficiency and transparency by introducing management and oversight best practices and enabling Member States to control program and budget related matters, as reflected in the documentation submitted for consideration at the present meetings, and evidenced by the positive results achieved in the present biennium. In view of the significant growth and enlargement of the topics and activities addressed by WIPO, with a corresponding increase in awareness by Member States of the role of IP in economic and social development, WIPO should provide further efforts to respond to new and growing demands. The Delegation commended the Secretariat for the cooperation activities with Sudan during the period under review, particularly in the light of the positive development process resumed after long years of internal conflicts. Such mutual cooperation activities included, in particular, capacity building and infrastructure support for the modernization of the national IP Office, awareness-building, training and other educational activities tailored to the national needs and priorities of ensuring protection and promotion for IP rights, strengthening the legal infrastructure, human resource development and IP institutional expertise and making use of legal and technical advice to integrate IP into all economic, social and cultural national policies. The Delegation noted that, in addition to several seminars, workshops and other training activities jointly organized with WIPO for the public and private sectors, the main achievements of the past year included the creation of the Academy for Intellectual Property Studies of the University of Khartoum. In that context, a cooperation agreement between the University and WIPO on IP-related education and scientific research, had been signed on December 10, 2006. The creation of the Academy had allowed for the dissemination of IP studies throughout faculties, as part of the Academy's plans to play a leading role in the dissemination of IP culture, through teaching, training and scientific research at the national level and throughout the African continent. The Delegation concluded with the hope that the present session would reach positive concrete and balanced conclusions, reflecting the concerns of all Member States and responding to their collective aspirations, thus strengthening the position of WIPO in striving to achieve its goals, which are those of the Member States.

105. The Delegation of Senegal expressed its gratitude to the Director General and the Organization for sharing the view that the use of IP was one of the bases for development and not only one of its consequences. Concerning the issues being examined by the current Assemblies, it expressed its full support for the statements made by Algeria and Benin on

behalf of the African Group and LDCs respectively, in particular, on the proposed Program and Budget for the 2008-2009 biennium, strengthening of the Organization's management capacities, implementation of the recommendations of the PCDA, and the extension of the mandate of the IGC. However, it pointed out that the increasing needs of LDCs would be incompatible with any decrease in resources linked to the reduction in PCT fees, which was a source of concern for those countries. Such a reduction could prove to be incompatible with support relating to technical assistance and strengthening of the capacities of LDCs. The Delegation concluded by stressing that those issues deserved thorough consideration and that, when the time came, it would submit relevant proposals.

106. The Delegation of El Salvador associated itself with the statement made by Brazil on behalf of GRULAC. It noted that from September 2006 to date, WIPO had expanded and strengthened programs of benefit to all its Member States and, in turn, supported national plans designed to strengthen its country's IP system. The Delegation stated that El Salvador had made significant efforts with regard to industrial policy, introducing a national system of innovation for development and new technologies. The Delegation emphasized that El Salvador, over a number of years, had adopted a constant policy of strengthening its national IP system and systematically establishing the measures necessary for guaranteeing the protection, management and enforcement of IP rights. It had continued working permanently to involve all the institutions responsible for and committed to the enforcement of such rights, including a specialized IP office in the National Registration Center (CNR), whereby the national Office offered services for which the registration procedures were certified by the international standard ISO 9001/2000 which guaranteed flexibility and efficiency for users and the provision of services. In line with the quality parameter, the IP Office had formed ideal strategic alliances with offices such as the Spanish Patent and Trademark Office (OEPM), the EPO, and also with the Mexican Institute of Industrial Property (IMPI), the National Copyright Institute (INDAUTOR), the Secretariat of Public Education of Mexico, the National Copyright Directorate of Colombia and the National Industrial Property Office of the Dominican Republic (ONAPI), all through mutual cooperation and technical assistance agreements. The Delegation highlighted that within the framework of disclosure, activities had taken place in El Salvador such as National Inventiveness Week, the Crafts Fair, "Creativity Moves the World and the CNR Protects all Works", a celebration of World IP Day and the Inventiveness Prize, through which public distinction had been bestowed on the outstanding creativity shown and the well-known path taken by performers and persons active within the different artistic branches and communication media in El Salvador. The Delegation said that the National Public Prosecutor's Office had managed to coordinate efforts to analyze the enforcement of IP rights, involving the owners of those rights and other governmental institutions. Similarly, the General Council of the Judiciary had finalized the first edition of the Training Program for Judges on Enforcement of Intellectual Property Rights, which the Delegation had announced to the Assemblies in 2006 and for which the program, that had operated for almost a year, was completed in August 2007. That project was the result of the inter-institutional cooperation which El Salvador had encouraged in order to provide 26 judicial officials and employees of the CMR of El Salvador with training on industrial property and copyright. Within the framework of the Central American Customs Union, the Delegation said that a permanent forum of work existed, originating as part of the supervisory tasks undertaken in the Customs Union, in order to share experience with other central American countries in dealing with subjects of common interest, and determining in the case of El Salvador the need to establish an Intellectual Property Council which would be responsible for preparing and maintaining an up-to-date database of beneficiaries or usufructuaries of distribution licenses and trademark rights. The Council in question would be set up within the Ministry of Economy to support

consultations on the customs verification and monitoring operations governing entry to the national territory. As to the current Assemblies, the Delegation highlighted the following points: in relation to copyright and related rights, the Delegation supported the retention of the agenda item on a diplomatic conference on the protection of audiovisual performances of 2000, since it considered that with the adoption of such a Treaty that category of owners would be granted rights which, at the time, under the Rome Convention, were not envisaged. With respect to the protection of the rights of broadcasting organizations, the Delegation emphasized the progress made on the way to reaching an agreement under the mandate of the 2006 Assemblies, with regard to holding a diplomatic conference for the protection of the rights of broadcasting organizations, after reaching an agreement on the aims, specific scope and purpose of protection. Likewise it supported the idea that in future meetings of the SCCR the subject of broadcasting and cablecasting organizations should be kept on the agenda of ordinary sessions, together with other subjects of interest, in particular for developing country Members. With regard to the proposals related to the WIPO Development Agenda within the PCDA, the Delegation expressed pleasure at the recommendations for measures concerning the approved proposals in relation to which, at the special working sessions devoted to that subject, all the Member States had demonstrated flexibility, recognizing that the subject of development was a component that must be present in the strategic plans of any international organization. The Delegation expressed the view that such a program should attend to the needs of human development and cover the aspirations of all the Organization's Member States. It emphasized that El Salvador was firmly committed to a Development Agenda that envisaged as its ultimate goal the achievement of the Millennium Development Goals, as envisaged in the plan devised by the Government of El Salvador, directing efforts and resources mainly through national impact programs in which the IP component was a means and not an end in itself. With respect to the new program of work for the SCP, the Delegation expressed pleasure that an agreement had been reached regarding future work under the program and said that flexibility had been demonstrated in relation to the SCP's future program of work. In conclusion, it thanked the WIPO Secretariat and the corresponding divisions, in particular the Technical Assistance and Capacity Building Bureau for Latin America and the Caribbean, for the dedication shown to the projects promoted by the Government of El Salvador.

107. The Delegation of Switzerland emphasized that the current Assembly session was a key moment in WIPO's lifetime, since various crucial matters had been submitted for consideration by the Member States. It expressed satisfaction that, thanks to the constructive spirit of dialogue and compromise which prevailed in the Organization, important work had begun. The various items on the agenda that had been adopted, including the new item 12, offered the possibility to take stock and draw lessons, with a view to determining where the Member States wanted the Organization to go, that being the main question that should be settled as quickly as possible for the future of the Organization. In that regard, it could not be denied that healthy and honest management of the Organization, both transparent and with respect for the rules, was an essential condition. That acted in tandem with the guarantee and strengthening of the operational role of registration systems in order to meet the growing needs of users as well as possible. Those systems – which were the real backbone of the Organization and an essential source of funding for its activities – made WIPO a somewhat unusual organization within the UN system. WIPO should also be considered an international firm and it was essential to guarantee that in the future its management had the requisite managerial skills and technical expertise. Those were essential elements to enable it to regain and retain in the future the prestigious position which it deserved to have. The emphasis placed by the Delegation on the operational aspects of the registration unions should not be understood as a lack of interest on Switzerland's part in matters linked to IP and development.

To the contrary, those two aspects were closely linked and the active contribution which the Delegation had made – and would continue to make – throughout the process for a WIPO Development Agenda or in the work of the IGC, were proof of the Delegation's commitment for all the work undertaken to lead quickly to decisions submitted to the Assemblies, and indeed it relied on the adoption of such decisions. The Delegation was convinced that IP and WIPO, in its capacity as a UN specialized agency for IP matters, could play a fundamental role in assisting the development of all countries. However, in order for the development-related work to lead to really useful and sustainable results for all members of the Organization, complete respect for healthy and rigorous management rules, observing the principles of transparency and integrity, should also be ensured. It was easy to allocate funds to such and such a program, but it was very difficult to spend those resources such that they produced really useful and sustainable results. Recent audits on the management of WIPO and, more recently, the results of the desk-to-desk review, the overall conclusions of which had satisfied the Delegation, made it clear that there were great possibilities for improved efficiency. The Delegation expected a process to be established whereby the recommendations contained in the report were implemented as quickly as possible and the main principles incorporated in the revised version of the forthcoming Program and Budget. The Delegation pointed out that in the past few years progress had been made in relation to strengthening the audit and supervisory functions within the Organization. It was satisfied with the proposals submitted to the current session for the purposes of adopting the revised version of the Internal Audit Charter, the revised version of the Audit Committee Charter and the adoption of financial regulations. It thanked the Audit Committee, whose members were individuals of great worth devoted to their tasks, for its work and the opinions and recommendations which it had submitted to the PBC. The Delegation concluded by emphasizing that its active contribution and its support would be unrelenting in working, as it had always done and intended more than ever to continue doing, towards the search for results which were in the interest of the Organization and all its Member States, a concern which was particularly important to it not only as a WIPO Member State, but also as the host country.

108. The Delegation of the Congo thanked the Director General for his full report on the activities of the Organization and for the efforts he continued to make in favor of the development of IP at both national and international levels. It also thanked the Secretariat for the quality and the wealth of documents made available. It endorsed the statement made by Algeria on behalf of the African Group. It also thanked WIPO for the multiple activities undertaken with the Congo in fields as varied as the training of executives and the promotion of IP. Regarding the issues of IP in social, economic and cultural development, the Delegation had good cause to confirm its appreciation for the efforts made in recent years by the Secretariat to make WIPO an effective, living institution and to ensure that the programs in hand consolidated the achievements made. It was convinced that the WIPO Development Agenda was a guarantee of the Organization's openness to globalization in that it responded to the development needs of the less-advantaged Member States while maintaining the legitimate concerns of the other countries. The Delegation welcomed the positive outcome of the previous two sessions of the PCDA, in the course of which concrete, innovative proposals were adopted. It considered that those proposals should be implemented relatively swiftly, and also that the Committee on Development and IP, which would be responsible for monitoring implementation of those proposals, should be set up quickly. On July 26, 2007, the Congo signed, with the other member countries of OAPI, the instruments for the protection of TK and folklore which had been adopted at the Diplomatic Conference of Member States of OAPI in Niamey, Niger. The Delegation supported the recommendation of the IGC to the General Assembly to extend the current mandate of the Committee for two

years to enable it to carry out its work successfully, which should result in the prompt adoption of a legally binding international instrument.

109. The Delegation of the Dominican Republic associated itself with the statements made by Brazil on behalf of GRULAC and Argentina on behalf of the Group of Friends of Development. It noted that, through the National Industrial Property Office and the National Copyright Office, it had attached the utmost importance to the subject of IP rights in recent years, as evidenced by its accession to various international conventions, including the PCT, on May 28, 2007, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, on July 3, 2007, the International Convention for the Protection of New Varieties of Plants, on May 16, 2007, and the signing of the Revised Trademark Law Treaty. The Delegation reported that, since its recent ratification of the Free Trade Agreements and its accession to conventions, the infrastructure of the offices within the Industrial Property Office had been improved and modernized to offer improved services to users. With regard to inter-institutional cooperation, the Delegation said that cooperation agreements had been established between the Industrial Property Office and other State institutions in order to strengthen ties, exchange human resources training and improve the capacity of technical staff. It said that various activities had been carried out to obtain maximum benefit from all those conventions, including implementation of the examiner's manual, training on patents, and a technical information day on patents. Concerning international cooperation and technical assistance, the Delegation expressed its thanks for, and highlighted the major collaboration and help offered by, WIPO during the past year, as well as that provided by other regional institutions, such as the Spanish Patent and Trademark Office, the EPO and the Mexican Institute of Industrial Property. The Delegation highlighted the major importance for it of various issues on the agenda of the 2007 Assemblies: the Development Agenda, the work program for the SCP, the Program and Budget for the 2008-2009 biennium and issues relating to the SCCR. The Delegation considered the adoption of the Development Agenda to be a milestone in the Organization, and said that through the 45 proposals agreed on by Members in PCDA, implementation of the proposals, and creation of the new Committee on Development and IP, among other recommendations, the Development Agenda would incorporate development in all activities. In that regard, it reiterated its interest in, and commitment to, continuing to work with the Development Agenda during the latest stage. It also welcomed the outline produced by Ambassador Enrique Manalo to establish the SCP's new work program, which, in a balanced way, included various international issues for study relating to patents. With regard to the Program and Budget for the 2008-2009 biennium, the Delegation expressed its support for sufficient funds to be set aside in the budget for Programs 3 and 6, which were of utmost importance to developing countries and LDCs. It expressed its wish for a new package of issues of interest to developing countries to feature in the work and agenda of the SCCR, such as exceptions and limitations, issues concerning public domain and other matters, in order to balance its work.

110. The Delegation of Papua New Guinea associated itself with the statement delivered by the Republic of Korea, on behalf of the Asian Group. The Delegation attached great importance to IPRs, which had prompted a continuing engagement in policy discussion to assist in synthesizing issues of regional importance, taking into account all the national needs and circumstances in determining future directions, programs and activities geared to achieving development goals. IP continued to be used as a policy instrument, in many countries, to leverage the IP system as a tool for economic, social, and cultural development. It was an issue that attracted global attention because of the relevance to development in key policy issues related to TK, genetic resources and folklore. WIPO, with its mission of

encouraging creative ability and promoting the protection of IP, should continue to play a leading role in supporting the efforts of its Member States, in particular those of the developing countries and LDCs, to foster the conditions necessary to encourage creative and innovative activity. The Delegation noted that there were many challenges facing its region, especially in the area of IP enforcement, and considered that the Secretariat should be allowed to play a central role, with an emphasis on public education and awareness, and capacity building to strengthen the ability of enforcement agencies to combat effectively the illicit trade of counterfeited and pirated goods in the region. The Delegation recognized the cross-cutting nature of issues in connection with the PCDA; these had been raised to ensure that WIPO's activities were enhanced with respect to good governance, norm-setting, technical assistance and transfer of technology for the benefit of all the Member States, while being balanced and responsive to the needs of development goals. The PCDA had reached a critical stage for implementation for the benefit of Member States, especially that of developing countries and LDCs, and the Delegation recommended that a clear and workable process be provided by the Assemblies. The Delegation supported the valued work of the IGC and a continuation of its mandate for the next biennium. It also expressed its appreciation for the support and technical assistance it had received from WIPO, and looked forward to further cooperation in promoting its overall development objectives. The Delegation concluded by reaffirming its support for WIPO's policies and programs to maximize the use of IP as an effective tool in achieving its development goals.

111. The Delegation of Uruguay said that the decisions to be taken by the Assemblies should be the result of a broad, non-exclusive debate which covered the interests of all parties and improved access for the developing countries and LDCs to the benefits of the IP system with a balanced and flexible focus. The Delegation added that IP protection should provide benefits for a larger number of countries and not be restrictive at the time public policies were defined, as they should necessarily achieve a fair balance between the interest of rights owners and users of knowledge. The Delegation emphasized that it was working actively to incorporate the development dimension in all the Organization's activities, achieve greater access to knowledge, protect and promote the public domain, and effective dissemination and transfer of technology for the benefit of developing countries and LDCs. The Delegation expressed confidence that the results achieved to date would fulfill the aspirations of a large number of countries and that the General Assembly would approve the 45 recommendations relating to the Development Agenda and begin working immediately on their implementation. In its strategic plan, Uruguay had fostered the promotion of innovation, the value added of exports through the promotion of instruments provided by industrial property and the development of cultural industries, which had been given specific form as a technical cooperation agreement with WIPO. Similarly, in order to create synergies between the different users of the system, Uruguay was working to strengthen the policies of coordination between public and private institutions, and to promote cooperation and networking so as to save scarce resources and increase the impact of such activities.

112. The Delegation of Afghanistan associated itself with the statement made by the Republic of Korea on behalf of the Asian Group. The Delegation stated that the breakthrough decision on the 45 proposals in the WIPO Development Agenda was a milestone for the Organization and the result of collective political will, compromise and flexibility that were proof that Member States and WIPO were serious in their efforts to build an international IP system which was balanced and responsive to the different needs of stakeholders. The Delegation expressed appreciation to Ambassadors Manalo and Clarke for their tireless efforts and stewardship in achieving that result and also acknowledged the constructive role of India and Singapore in the process. The Delegation noted it was for all Member States now to

continue that spirit of cooperation and compromise in order to ensure the successful implementation of the proposals and it expressed full support for the establishment of the new Committee on Development and IP. The Delegation acknowledged the progress made in the substantive work of the IGC and supported the renewal of its mandate. The Delegation concluded by noting the progress being made towards the establishment of an IP Office in Afghanistan and expressed appreciation to the Secretariat for its support. It looked forward to further close collaboration in the years to come.

113. The Delegation of Australia highlighted the successful conclusion of the PCDA process, which it hoped would encourage positive outcomes in all other areas of work in WIPO. Australia urged Member States to work together to ensure that implementation of the Development Agenda was addressed in the same cooperative way, leading to sustainable outcomes that take into consideration the impacts on all Member States and on the future of WIPO. Australia considered that real outcomes could be achieved in the short and long term within WIPO's current level of Program and Budget funding. The Delegation expressed disappointment at the lack of progress on a draft substantive patent law treaty, but supported the proposed work plan of the SCP as a way forward. Australia commended the substantive reforms of the PCT completed during the year, and welcomed the introduction of elements of the PLT that improved the usability of the PCT system for applicants. Regarding the IGC, Australia supported WIPO's cooperation with other fora on issues of concern with respect to TK, cultural expressions and genetic resources, and stressed the importance of coordinating international efforts and of outcomes that meet the needs of all stakeholders. Australia considered it important that a useful and relevant work program be established in the IGC regarding genetic resources. The Delegation noted that Australia chaired the SCT, where it recognized the importance of continuing dialogue to increase members' understanding of their respective differences and to explore opportunities to improve the consistency of outcomes for owners across jurisdictions. Australia welcomed WIPO's efforts to promote expansion of the international registration system, but the Delegation stressed that, in addition to extending its geographical coverage, it was essential to ensure that the Madrid system would meet the needs of trademark owners in an internationalized economy. It, therefore, urged other contracting parties to support an ongoing mandate for the *ad hoc* Working Group on the Legal Development of the Madrid System for the International Registration of Marks. Australia also urged that closer links be developed between the Working Group and the SCT, as both consider how the trademark system provides for the demands of an increasingly complex international marketplace. In discussions within the SCCR on a proposed treaty to protect broadcasters in the new communications environment, Australia had supported protection for broadcasters against retransmission over the Internet, and was ready to contribute to the deliberations on the future of the treaty, as well as on the options for other future work in the SCCR. The Delegation highlighted Australia's accession to the WCT and the WPPT, which came into force for Australia on July 26, 2007. The obligations of the treaties had been implemented in amendments to the Australian Copyright Act made in 2000, 2004 and 2006. The Delegation also noted that Australia had signed the Singapore Treaty on the Law of Trade Marks on March 26, 2007, and was undertaking the domestic processes required to ratify this treaty, as well as similar processes to accede to the PLT. Given the importance of these treaties in streamlining administrative requirements, Australia encouraged all countries to consider the benefits for their own domestic situation. The Delegation recalled that, at the 2005 Assemblies meeting, Australia had stated how encouraged it was by the proposed introduction of internal audit measures, which it believed would not only provide greater transparency for WIPO's internal procedures, but also assist WIPO in focusing its programs more effectively. Australia now welcomed the publication of the desk-to-desk assessment, and looked forward to working productively with other Member States to examine the

recommendations and to deliver further improvements in governance, accountability and management within WIPO. A major achievement for IP Australia in 2007 was delivery of the *Trading Ideas* IP Symposium, as part of Australia's host year of the Asia-Pacific Economic Cooperation (APEC) forum. *Trading Ideas* brought together IP offices in the APEC region and Europe, as well as eminent policy thinkers from WIPO, the IP professions and industry, to discuss IP issues affecting the region and beyond. Views on harmonization, work sharing, and enforcement were exchanged, highlighting some key challenges facing all IP offices. This event, which was the first of its kind in Australia, attracted over 500 delegates from 33 countries, and helped raise awareness of IP protection, enforcement and commercialization in Australia and the wider Asia-Pacific region. IP Australia also became one of the first IP offices in the world to attain ISO 9001:2000 Quality Certification for all its key customer transactions. IP Australia's Quality Management System is central to its strategic vision of becoming an IP "Office of Choice", as well as to providing an internationally recognized best practices framework for the delivery of services, including ISA/IPEA services, to customers. The Delegation added that Australia had achieved a number of milestones relating to IP protection in the past year. The *Patents Act* had been amended to strengthen enforcement provisions, and to include a new competition-based test for compulsory licenses and broader pharmaceutical spring-boarding provisions. An amendment had also been made allowing for exemplary damages to be awarded as a remedy for patent infringement. Amendments made to the *Trade Marks Act* commenced during the year, which increased the certainty of trademark rights issued, the predictability of the trademark system and clarity of the Act; reduced the regulatory and administrative burden on applicants and owners; improved transparency; and aligned the Act with other IP legislation. The reforms reflected an evolving IP landscape and the growing need for governments to ensure laws kept pace with the needs of creators, IP users and the community. Major amendments to the Copyright Act were enacted at the end of 2006 including extensive measures to improve and facilitate enforcement against copyright piracy, including sanctions against circumvention of technological protection of copyright. Other important amendments established exceptions allowing reasonable use of legitimate copyright copies for private use, educational use, use by persons with disabilities and by libraries and archives, in many cases to align the law with the new means of using copyright in the digital environment. IP Australia's continued work with developing economies in the Asia-Pacific region in the past year included a workshop on advanced industrial designs examination training; an expert advisory mission on human resource and financial planning; and, in collaboration with the Intellectual Property Department of Hong Kong (SAR) and the Intellectual Property Office of Singapore, assisting APEC member economies to develop capacity in public education and awareness. IP Australia also continued to assist the Pacific Island countries develop a regional system for processing trademark applications. IP Australia encouraged greater communication and collaboration between WIPO and other IP offices to increase transparency in the planning and delivery of its capacity-building programs. As a possible practical step, it suggested contributing information on its Asia and the Pacific program to an informal development cooperation matrix of activities compiled by IP Australia and other donor countries and organizations, in order to improve the coordination and delivery of programs in the Asia-Pacific region. The Delegation noted that in 2008, Sydney would be the location for two significant trademark events: the International Trademark Association (INTA) Conference, *Trade Mark Regatta – Asia Pacific*, on March 11 and 12; and the *Senior Trade Marks Officials' Forum*, hosted by IP Australia, on March 13 and 14, which would provide a unique opportunity for senior trademark officials and other government stakeholders to share ideas, and jointly consider options for dealing with present and future challenges facing trademark offices. Australia welcomed the attendance of WIPO Member States at both events. The

Delegation looked forward to continuing productive work with WIPO and Member States to further refine and enhance the IP system for the benefit of all.

114. The Delegation of Austria associated itself with the statement made on behalf of Group B and the statement delivered by Portugal on behalf of the European Union and its Member States. It congratulated the Secretariat on the measures which had been implemented to face the budgetary restraints at the beginning of the 2004-2005 biennium and which had led to a healthy financial result as documented in the Financial Management Report for that biennium, and noted that continued efforts had also been made in the current biennium to strengthen general and financial management – enabling this special Organization to continue contributing fully to the strategic goals endorsed by the Assemblies and to maintain and expand its extensive and impressive list of activities. The Delegation encouraged the Secretariat to keep to a course of constantly improving efficiency, effectiveness and transparency especially by evaluating and implementing the input and results achieved for a new budget preparation mechanism and the desk-to-desk review. Referring to the recent WIPO-Austria Seminars on Industrial Property in Vienna, which in 2006 and 2007 had been attended by representatives from 21 mostly Asian and African countries, and the long-standing participation of the Austrian Patent Office in WIPO's ICSEI Program, the Delegation reiterated Austria's willingness to continue to provide assistance and support to the activities of the Organization in regard to development cooperation to which it attaches special importance. It noted with appreciation that – *inter alia* as a result of WIPO's activities – the demand for services of the Organization, especially under the PCT and the Madrid System, had reached unforecasted heights in the current biennium, thus creating higher income but also workload. The Delegation stated it was generally in favor of the revised budget as proposed for the 2006-2007 biennium. It also felt that the proposals on revised flexibility clause mechanisms for the PCT and the Madrid System were helpful for avoiding the creation of backlogs and, therefore, should merit approval. The Delegation expressed its thanks and appreciation to the Secretariat for preparing the documentation for the proposed Program and Budget for the 2008-2009 biennium in accordance with the new mechanism adopted at the 2006 Assemblies, and especially appreciated the clear structure of the document, including comparative figures for the previous biennium. Highlighting the potential of IP as a key tool for economic and social development, it reiterated its support for the strategic goals first outlined in the current Program and Budget and defining the long-term strategy of the Organization. It especially welcomed that, in the next biennium, special attention would continue to be paid to the needs of SMES, in particular to raising their level of awareness and increasing their use of IP systems. The Delegation of Austria also expressed its opinion that, with the PCT and the Madrid System as the main generators of income for the Organization to implement its strategic goals, especially those goals concerning development, the main priority should be attached to IT investments in those systems, with respect to options for the utilization of reserve funds in excess of the current target. The Delegation looked forward to discussing that important topic based upon the recommendations of the PBC. It noted with satisfaction the progress achieved in the work of the PCDA, which included the list of proposals recommended for action; supported the proposal to establish the new Committee on Development and Intellectual Property; and underscored its readiness to elaborate on how best to implement those proposals so as to further enhance the development dimension of WIPO. It welcomed the notable developments in the work of the IGC and was prepared to approve the recommendation to renew that Committee's mandate. Convinced that a viable and harmonized patent system would be beneficial for all stakeholders, especially Member States and users, the Delegation welcomed the positive spirit and the flexibility shown during the consultations concerning the establishment of a work program for the SCP, but also noted the fact that no consensus on the

substantive content of the work program had been achieved. It supported the recommendation of the Chair of the General Assembly and expressed its hope that the envisaged report on the patent system would provide a basis on which to reach conclusions in the next session of the SCP in spring 2008. With regard to the global IP protection systems administered by WIPO, the Delegation commended the Secretariat on the results achieved in progressively developing the respective treaties, thus making those systems even more attractive to the users and offices involved. It highlighted the progress made in the deliberations on the legal development of the Madrid System and supported the respective recommendations of the Working Group with regard to amendments to Article 9*sexies* of the Madrid Protocol and the Common Regulations, which in its view, would lead to a simplification and even greater acceptance of the whole Madrid System; it also endorsed the proposal to extend the mandate of the Working Group. The Delegation observed that Austria – representing an international searching authority and an international preliminary examining authority under the PCT – had taken an active part in the deliberations on the reform of the PCT. to make that system more transparent and user-friendly; it therefore gave full support to the proposed amendments to the Regulations under the PCT as contained in document PCT/A/36/2. It was of the view that an optional system on supplementary international search, as proposed in document PCT/A/36/7, was in the interest of users, and expressed its hope that the existing reservations could be withdrawn at the meeting of the PCT Assembly. In conclusion, the Delegation expressed its appreciation of the results achieved and the overall performance of the Organization during the period under review, and offered its assurance to the Organization and the Assemblies, that Austria was strongly committed to continuing to contribute to the pursuit of WIPO's global goals in the current and forthcoming biennia.

115. The Delegation of Canada expressed its gratitude for the work done by all WIPO committees and its keen interest in the development agenda discussions and program and budget issues, including the adoption of International Public Sector Accounting Standards (IPSAS), the new Audit Committee Charter and the adoption of the biennium budget, as well as the PCT Union issues related to PCT fees. The Delegation indicated that it continued to play a constructive role in finding new ways in which it could work together in pursuit of common goals which would further advance the awareness and efficiency of the IP system. The Delegation commended WIPO for its many initiatives during the previous year and noted that the Secretariat's work was vital and essential to the future of IP globally. The Delegation encouraged WIPO's Intellectual Property and New Technologies Division to continue its collaboration with Member States in helping them develop national IP strategies that met their national needs and increased their economic growth. In this regard, the Delegation noted WIPO's Training Module in Intellectual Property Strategy (based on lectures followed by role-playing scenarios) that had been held in several countries and had given participants opportunities to enhance their respective nations' IP practices. The Delegation appreciated the Secretariat's continued work with Member States to help develop international standards for IP laws and practices, and its efforts to promote broader understanding and use of IP, which included several education and public outreach activities. During the period under review, WIPO had hosted, organized and participated in a wide range of conferences, meetings, symposia and workshops, such as the Patent Colloquium on flexibilities organized by the Secretariat, in Geneva, in February, 2007 and attended by officials from the Canadian Intellectual Property Office (CIPO). The Delegation congratulated the Secretariat for promoting the link between IP and creativity under the theme "Encouraging Creativity" for the 2007 World IP Day campaign, CIPO continued to support this event through activities organized across Canada. The Delegation noted that the Canadian Government had successfully undertaken many initiatives related to IP during the previous year, both

internationally and at home. Canada had played an active role by representing its interests in many WIPO committees, during bilateral meetings and in other international fora. Canada had actively participated in the SCT, the PCDA, the SCIT, the PCT, the PBC, the IGC and the SCCR, among others. The PCDA had successfully reached common ground on a list of 45 proposals recommended for action, and the final agreement, representing a breakthrough after nearly three years of discussion, would set the tone for the future activities of WIPO, in terms of how it would incorporate the development dimension into its ongoing activities. The Delegation expressed satisfaction with these results and looked forward to the next phase of the discussions, which would focus on implementation. The Delegation reported that Canada remained involved in a wide range of policy-related work, including technical assistance. CIPO and WIPO had co-hosted an Executive Workshop on the Application of Management Techniques in the Delivery of Intellectual Property Services. Ten senior officials, from as many intellectual property offices of developing countries attended this annual event in Canada. CIPO had also met with officials from many IP offices to discuss and exchange information on IP and trade and IP promotion and awareness. These exchanges had helped CIPO contribute to the improvement of the worldwide IP system and benefited the people of Canada by sharing and acquiring best practices in relation to the international IP administrative policies and practices. CIPO had also participated in discussions at the APEC Intellectual Property Rights Experts Group (IPEG) meetings. The active promotion of awareness of IP domestically had continued in various events, including that organized by CIPO, in collaboration with the Canada Business Network, on World IP Day, to highlight the importance of creativity and innovation in daily life. The Delegation underscored that Canada's commitment to facilitating access to medicines in the developing world was supported by the Canada Access to Medicines Regime. It noted that, in July 2007, Rwanda (the first country to use the procedure) had notified the WTO of its intention to import a generic anti-retroviral medicine under a procedure that had been agreed upon by the WTO nearly four years before as a way for LDCs and developing countries to import generic versions of patented medicines. Apotex, Inc., a Canadian generic drug manufacturer, had sought authorization from the Commissioner of Patents under Canada's Access to Medicines Regime to use nine patents owned by four different patentees to manufacture the needed medicine for export to Rwanda. Authorization had been granted on September 19, 2007. The Delegation reported that Canada had made accountability one of its essential priorities. To that end, Canada had recently enacted the Federal Accountability Act which provided specific measures to help strengthen both political and management accountability. Moreover, the legislation had prompted the Government to develop a governance plan for increased transparency, effectiveness and oversight in its operations. Canada's commitment to accountability, however, was not limited to the domestic stage. Canada sought to uphold similar standards for international bodies to uphold the integrity of our global institutions. In September 2007, in his address to the 61st Opening Session of the United Nations General Assembly, Canada's Prime Minister stated: "Canada's New Government was given a mandate to make our national government more accountable, to ensure taxpayers get full value for their money, and to pursue a clear, focused agenda that produces tangible results. The United Nations should accept nothing less. This organization must become more accountable and more effective. Management reform must continue, and at an accelerated pace. The taxpayers of member nations, Canadians among them, make significant financial contributions to this organization. They have the right to expect stronger, more independent oversight mechanisms, more robust accountability for how funds are spent, and human resources practices that are based on merit." This statement reflected Canada's clear commitment to accountability and to its importance. The Delegation looked forward to continuing to work with the Secretariat and Member States to address governance in WIPO, as in other international organizations. The Government of Canada would continue to

contribute wholeheartedly to the pursuit of shared global IP goals, in order to promote the socio-economic prosperity of all Member States.

116. The Delegation of the Central African Republic reiterated its full support for the Director General and noted that he was sparing no effort in leading the Organization towards major reforms. It also expressed encouragement for the successful outcome of the WIPO Development Agenda.

117. The Delegation of Chad congratulated the Director General and Secretariat on the quality of documents produced and thanked them for the constant support and attention which they had always given to Chad, and more particularly to its Industrial Property Service, concerning promotion, information, training and awareness-raising activities. The Delegation said that that was the product of the excellent relations based on cooperation, which the Organization had fostered for a very long time with Chad, and which it wished to see strengthened further. The Delegation also associated itself with the statement made by Algeria on behalf of the African Group. It had examined the Program Performance Report for 2006 and noted with satisfaction the progress made during that period. It emphasized that it fully supported the various actions that the senior management wished to carry out with a view to the flourishing of IP throughout the world, and, in particular, in LDCs, of which Chad was one, and urged the senior management to strive towards that goal, since many obstacles remained to be overcome. It reported that a major event that had marked the development of IP in Chad was the adoption of Law No. 005/PR/2003, of May 2, 2003, on the Protection of Copyright, Neighboring Rights and Expressions of Folklore, which was in the process of being implemented. The Delegation concluded by reiterating Chad's willingness to consolidate its relations with WIPO.

118. The Delegation of the Czech Republic associated itself with the statements made by Portugal on behalf of the European Community and by Poland on behalf of the Group of Central European and Baltic States. The Delegation took the opportunity to express its thanks to the Secretariat for the work it had carried out during the last biennium. It noted its continued support of the development of the international IP system in the global economy and the key role of WIPO as the specialized UN agency in that process. The Delegation believed that effective international cooperation was very necessary in order to improve the IP system worldwide and the Czech Republic continued to participate constructively in the further development of international cooperation in the area of IP protection. The Delegation stated that it supported and appreciated the work done by the PBC and by the Audit Committee on the Program and Budget for 2008-2009. It noted with satisfaction the concrete results of the new mechanisms enabling the involvement of Member States in the preparation of and follow up to the program and budget. It also welcomed the desk-to-desk review and strongly believed that all relevant recommendations would be duly reflected in future WIPO activities. The Delegation noted the special importance it attached to improvement of the quality of services in respect of the PCT, Madrid, Hague and Lisbon systems, in line with modern technology and for the benefit of users, especially SMEs, which played a significant role in economic and technological development worldwide. It also paid great attention to the implementation of the International Patent Classification (IPC) and welcomed the current work of the SCT. It noted that it would like to see further improvement of the Locarno Classification and the Lisbon system and that it appreciated the progress made by the working group on digital access service for priority documents and fully supported its activities. The Delegation also expressed its belief that the SCP would start substantive discussions on patent law harmonization issues soon. It noted the work already done within the IGC and supported its future activities in accordance with its mandate, believing that further deep discussion on

all issues was necessary. The Delegation expressed its appreciation for the efforts made by the Secretariat and the Chairman of the SCCR to bring discussions on a draft treaty for the protection of broadcasting organizations to a successful conclusion. Despite the lack of commitment for a diplomatic conference at the end of that year it believed that further development in that field was possible and, for that reason, supported the proposal to mandate the SCCR to continue its work on that topic. The Delegation also encouraged the Assemblies to take a decision to introduce the issue of the protection of audiovisual performances on the agenda of the next session of the SCCR. Such protection was still a very important issue and should be discussed in the near future. Concerning development cooperation activities, it noted the conclusion of work of the PCDA and appreciated efforts made to reach compromise results, which should be implemented. Finally, the Czech Republic welcomed the meetings of the ACE; increasing public awareness, exchanging information and cooperation between State administration bodies in that context was of great importance. In conclusion, the Delegation noted its support for the activities of the WWA and signaled that the Czech Republic was preparing to ratify the PLT along with a new patent law.

119. The Delegation of the Democratic People's Republic of Korea expressed its gratitude to the Director General and the Secretariat for the preparations made for the Assemblies. It spoke in favor of strengthening the IP system in order to promote innovation, creativity and development in all Member States. WIPO had undertaken activities promoting an IP culture and IP protection, and had enhanced the efficiency of the Secretariat. Those efforts had produced tangible results in terms of strengthening the IP system and service provision. The Delegation noted that PCT and Madrid system applications had increased during the current biennium, generating an estimated surplus of 33 million Swiss francs. It expressed satisfaction with WIPO's healthy financial situation. The Delegation held that this demonstrated global interest in IP as well as increased demand for WIPO's services and showed that responsive efforts of the Organization and its Member States were being strengthened. It expressed its appreciation that WIPO had carried out its activities as envisaged in the Program and Budget of the current biennium, and believed it was important to ensure that IP policies and systems were formulated and structured so as to promote innovation and creativity in all countries, in particular developing countries. The Delegation hoped WIPO's resources would be allocated for cooperation with developing countries, emphasizing such activities as capacity-building, modernization of national IP institutions, access to technology and human resources development. It expressed its appreciation of the 6.3 per cent increase in allocations for cooperation with developing countries, as proposed in the revised budget for the 2006-2007 biennium and expected the Program and Budget for the 2008-2009 biennium to be formulated keeping in mind the need to provide assistance to developing countries. The Delegation stated that under the leadership of Comrade Kim Jong Il, social concern for IP had grown and creativity was seen in the light of the IT era, thus serving as a driving force for prosperity and empowerment. It referred to its government's policy of giving priority to science and technology activities in order to actively encourage creativity and wealth creation. Each year the National Exhibition of Innovation and New Technology and the Pyongyang International Exhibition of Goods took place. A National Workshop on Trademarks, Industrial Designs and Appellations of Origin had been held in Pyongyang in June, co-sponsored with WIPO. The Delegation believed that such activities greatly contributed to raising awareness of the significance and importance of IP and to generating interest in creativity and IP protection. Its country had formulated new IP-related laws and had modified or revised existing laws in line with the requirements of a changing reality. The Regulation on Advertising of DPRK had been adopted and had entered into effect and the Law on Trademarks of DPRK and the Law on Industrial Designs of DPRK

had been revised. In concluding, the Delegation expressed its hope that WIPO would make further progress in pursuit of its strategic goals.

120. The Delegation of Denmark thanked the WIPO Secretariat for its excellent work in preparing for the Assemblies meetings, and for its consistently service-minded and positive attitude. The Delegation noted that it shared the WIPO vision, that IP was an important element in the economic, social and cultural development of all countries, and that one of its main missions was to promote the effective use and protection of IP worldwide. It expressed its belief that international organizations had a special responsibility when it came to budget issues, and should therefore lead the way by example, in good governance. Accordingly, it congratulated WIPO on its healthy financial situation, and noted that governance issues were being faced and dealt with in a well-regulated and proper manner. WIPO had, furthermore, through the desk-to-desk report, made a thorough review of the entire Organization, which had resulted in a number of recommendations that should be further considered. The Delegation offered its strong support in addressing those important issues, and in cooperating with WIPO and with other Member States in that respect. The Delegation observed that at the Assemblies the previous year, it had sought approval for status as an International Searching Authority and International Preliminary Authority under the PCT, along with Norway and Iceland. Following that approval, the establishment of the Nordic Patent Institute, was well under way and it was foreseen that it would be up and running from January 1, 2008, with the goal of adding further competent resources to relieving the increasing workload within the PCT system. The Delegation also noted that at the Assemblies the previous year, Denmark and a number of other Member States had raised a concern about the fee structure in the Hague system; it had been hoped that a proposal for a new fee structure would have been put on the Agenda for the Assemblies for 2007. To its great satisfaction, following negotiations on the topic that year, a proposal for a new fee structure under the Geneva Act was on the Agenda for the current Assemblies. The Delegation thanked the Secretariat for being open-minded regarding the concerns and needs of Member States, and expressed the hope that the proposal would be approved, and that Denmark, along with other Member States, would thus be able to ratify the Geneva Act. The Delegation noted that Denmark's involvement in international development projects was becoming one of its key areas. In the last couple of years, Denmark has been involved in major projects in Europe, including Bulgaria, Croatia, Malta, Poland, the Russian Federation, Romania and Turkey. Denmark had now turned its focus to Asia as well, where it has been involved in projects in China, India and the Republic of Korea. The Delegation believed that, in cooperation with the authorities in those countries, Denmark had achieved significant results in areas such as awareness raising, training of staff and overall capacity building in the sector. Those projects had been fruitful for building up relations and for learning internally in the Danish Patent and Trademark Office. Another area that had become a focus for Denmark, and one that had serious implications both for international trade in general and for IP rights as such, was the need for an overall strategy to combat piracy and counterfeiting. A working group involving relevant ministries had, therefore, been commissioned to map out the area with its specific problems and make proposals for an overall future strategy; a plan for that overall strategy was expected by the end of 2007. A central element in combating piracy and counterfeiting was the question of enforcement of IPRs. Denmark had actively participated in the work of the ACE, and the Delegation believed that it was of great importance that WIPO was addressing that issue and that the enforcement work was given priority. The Delegation noted that Denmark was a small export-oriented country, and was very dependent on trade with other nations. It believed that harmonization in the area of patents could help foster innovation and even more importantly, trade and licensing of knowledge in the global economy; harmonization efforts should, preferably, take place in the WIPO framework, as the Organization held the necessary

capacity and knowledge to function as the norm-setting role model in that area. The Delegation therefore underscored the need to get the SPLT process back on track. With respect to the work plan for the SCP, the Delegation expressed its full support for the efforts to draft a report examining the nature of the different international patent systems, and hoped that such a report could help to raise understanding of the different systems and get back on the right track towards more harmonization in the patent area. The Delegation observed that the Danish Patent and Trademark Office, both at director level and expert level, often welcomed guests to its facilities, and gave high priority to those visits, as a well-functioning cooperation between offices, as well as authorities, was highly beneficial to all parties and vital to future development. The Delegation was pleased to note that guests from Asian countries were becoming more numerous.

121. The Delegation of Finland associated itself with the statements made by Portugal on behalf of the EC and its 27 Member States and Italy on behalf of Group B. It noted that it was vital to actively take forward the pending projects aimed at harmonization of legislation. The Delegation highlighted two projects to promote IP realized in cooperation between Finland and WIPO. As part of the celebrations of World IP Day, the first annual *Innoparliament* had been organized in Finland by the Finnish National Board of Patents and Registration and other interested parties. It gathered nearly 200 central representatives from the fields of business, research and administration, who had played a vital role in innovation policy and the protection of IP. Their discussions had resulted in a comprehensive action program for promotion of innovation and development of the protection of IP. The second project was the fourth biennial "International Forum on Creativity and Innovations", which would be held in Costa Rica from November 7 to 9, 2007, with the role of universities in promotion of innovation as one of its special topics. The first such forum had been held in Finland in 2000, the second in China in 2002 and the third in South Africa in 2005, and these fora had succeeded in gathering authoritative expert groups to discuss vital IP issues. The Delegation noted that, with regard to the development of national legislation, Finland had, in August 2007, adopted the list of trademarks with reputation. The protection of IP continued to be the object of an ongoing development process, and the new government had given innovation and the protection of IP a central role in its program. The Delegation observed that the next meeting of the PCT Union would bring forward a proposal for an extension of the appointment of International Searching and Preliminary Examining Authorities for a period of 10 years, which it hoped would receive the support of all PCT Union Member States. The Finnish National Board of Patents and Registration had received this status in 2003 and started its operation in 2005: the work had begun well, with a higher than expected number of searches being carried out, and with satisfied applicants.

122. The Delegation of Georgia noted the significance of IP in the emerging knowledge-based economy of the last decade, and the responsibility imposed upon WIPO by the challenges relating to the sustainable and efficient functioning of the IP system with respect to modern scientific and technological developments, especially in the field of biological and information technologies. The Delegation stressed the importance attached by Georgia, a country of ancient traditions and culture, to the protection of TK. Georgia supported WIPO's position and considered that global mechanisms to prevent unfair use of TK should be put in place, which would allow nations to benefit from the knowledge and experience created and preserved by them, including genetic resources. Georgia shared the concern of other countries with respect to the monopoly situation in such fields as health and the food industry, and considered that the international community should use IP mechanisms, as well as general economic and financial tools, in addressing the problem. The Delegation noted that current challenges should not shatter the approved basis of IP protection and urged

that the issue should not be politicized and that balanced solutions should be found taking into account the interests of various countries. It welcomed the constructive decisions in the Development Agenda discussions, which, it hoped, would enable the convergence of different views and interests. It expected that WIPO would, in the near future, decide to adopt effective global agreements concerning the rights of broadcasting organizations and performers' rights. The Delegation welcomed WIPO's activities to reform the PCT, Madrid and Hague Systems, and considered that steps should be taken to modernize and liberalize the Lisbon System to make it more attractive to potential members. It expressed the view that, to this end, closer cooperation between WIPO and the WTO would be reasonable. The Delegation gave an update on work to develop the IP legislative base in Georgia, including amendments to the Law of Georgia on Border Measures Relating to Intellectual Property, which came into force in 2006. Under the Law, a special register had been established at the Customs Department to enable any interested party to register his trademark, subject-matter of copyright and related rights, database or geographical indication, and to submit the information necessary for the identification of goods. Work to amend the Patent Law and the Law on Appellations of Origin and Geographical Indications was also ongoing. Regarding the distribution of IP information products, the delegation noted that Georgian language translations had been completed this year of the *International Patent Classification – Volume 10*; of *Intellectual Property: A Power Tool for Economic Growth* by Dr. Kamil Idris; and of the WIPO publication, *Exchanging Value*. The National Intellectual Property Center, Sakpatenti, had also made available on its website this year the data contained in its Register, and had completed work on an English version of the national database for inventions, utility models and industrial designs from 2000 to the present. The national collection had been reclassified from 2006 to 2000 in accordance with the 8th edition of the International Patent Classification. The National Center was also now supplying bibliographic data and data on the legal status of patents and utility models to the different international databases. It had begun work on scanning and archiving all applications filed with the Office. The Delegation stressed the attention accorded by Sakpatenti to training young people in the field of IP. Staff members delivered lectures at three of Georgia's leading universities, and a new conference hall had been constructed at Sakpatenti for lectures and other public events. The Office had also constructed a nearby gallery space to host exhibitions, free of charge, both by the creative elite and by young artists. Eight successful exhibitions had been held to date, including on World IP Day. The Delegation proposed that during the 2008 Assemblies, WIPO should organize an exhibition of Georgian craftsmanship and folklore. The Delegation noted that collaboration with scientific research and business circles was a priority for the National Center, and that a help desk had been created in the Library, which provided information on the use of the IP system and performed searches free of charge. Sakpatenti had also concluded an agreement with the Georgia Research and Development Fund for preliminary patent searches in order to determine the quality of the projects submitted by grant applicants. In light of the importance to Georgia of the protection of geographical indications, 10 appellations of Georgian wines were registered under the Lisbon Agreement in 2006, in addition to the 10 previously registered appellations. Issues relating to the protection and enforcement of Georgia's geographical indications in the framework of the Lisbon Agreement had been discussed at the meeting in Spring 2007, between high-level representatives of the Georgian government and the Secretariat. Georgia had also concluded a bilateral agreement with Ukraine on the mutual recognition and protection of geographical indications for wines, spirits and mineral waters, while negotiations with the other CIS countries were ongoing. The Delegation highlighted furthermore the official negotiations which had begun with the European Union relating to a bilateral agreement on the Trade of Wine and other Agricultural Products, which would provide for reciprocal protection of geographical indications. Finally, the Delegation expressed gratitude for WIPO's contribution to the organization of a major

seminar on the Role of Invention and Innovation in Economic Development, held in connection with the celebration of the 15th anniversary of the National Center.

123. The Delegation of Germany noted that it continued to attach great importance to the promotion and protection of innovation, since the effective protection and enforcement of IPRs was a decisive factor in promoting sustainable economic growth and development in a globalized world. The continued ability of WIPO to meet upcoming challenges was of particular interest for Germany, which had one of the largest groups of users of the international IP system, and the Organization's role as a hub for IP policy-making, international norm-setting, global registration services and development cooperation was of utmost importance to both industrialized and developing countries. Since the last series of meetings, intensive work had been carried out and in some fields it had been possible to achieve sustainable results. The Delegation extended its thanks to the Secretariat for its efforts during the last year in respect of the implementation of the agreed strategic goals of the Organization, and noted the challenges to which it now had to respond. On budgetary issues, the Delegation indicated that it would follow the principles of results-oriented management and budgeting, and of budgetary discipline, and expressed pleasure that the final report on the desk-to-desk assessment of the human and financial resources of WIPO was now available for analysis, which, it trusted, would assist Member States and the Secretariat to further improve the organizational structure, the allocation of human and other resources and the operational workflow of the Secretariat. The Delegation indicated Germany's endorsement of the recommendations approved by the PBC and encouraged other delegations to subscribe to them: being in respect of a revised program and budget for the past biennium; a new program and budget for the next biennium; revised Terms of Reference for the Audit Committee; a revised Internal Audit Charter; and amendments to the Financial Regulations and Rules of WIPO. The Delegation supported all efforts to modernize the functioning of those sectors involved in WIPO's global protection systems and services, in particular those under the PCT, the registration of trademarks according to the Madrid System and the registration of industrial designs under the Geneva Act of the Hague Agreement. These services were not only used by registrants from around the world but were also of paramount importance from a budgetary point of view, as they generated most of the revenue for the promotion of a global IP culture. Statistical data revealed a constantly growing workload in those areas, but the Delegation noted that it had been possible to contain expenditure through the use of IT. The Delegation welcomed the intended modernization of the first generation of the IT platforms on which the operations were run, considering that the investment would pay off as more synergies were created. The Delegation recalled that, as had repeatedly been stated by Member States of all geographical regions, the mandate of WIPO to encourage creative activity and to promote the protection of IP throughout the world went far beyond the registration of IPRs; the further development of the international legal framework, as well as cooperation for development were strategic goals of equal importance. The Delegation noted with regret the slowing pace of progress in the endeavours to harmonize legal concepts and provisions in Member States, particularly in respect of the law on patents and copyright. In spite of intensive negotiations, it had not been possible to agree on provisions sufficiently mature to serve as a basic proposal for a diplomatic conference on the protection of the rights of broadcasting organizations, which would not take place as scheduled. The Delegation, however, supported a continuation of the work with a view to making more progress at a later stage. Noting that there had also been no consensus on a new work program for the SCP, the Delegation stated its continuing belief that achieving progress on the further harmonization of substantive patent law would not only benefit offices, which might profit from an increased exchange and use of examination results, but also applicants and the public at large, by providing a single, simple and effective international legal framework. Since the project did

not aim at enlarging the scope of patentable subject matter, it was unlikely to disadvantage developing countries, but, rather, would benefit all by making the international patent system more efficient and effective. In this light, the Delegation strongly urged all parties to make progress on that issue. The Delegation noted with satisfaction that the PCDA had agreed on 45 recommendations that would strengthen the capacity of developing countries and LDCs to take full advantage of the IP system. Development cooperation activities were an increasingly important component of WIPO's mandate as enshrined in the WIPO Convention. WIPO had engaged in such activities already in the past, but the said Development Agenda as submitted to the General Assembly for approval brought about a new dimension to it. The Delegation considered favourably the results of the Committee's work and was positively impressed by the constructive spirit and mutual understanding that had made this success possible. It expressed the hope that the same spirit of compromise could advance the work in other WIPO fora. The German Patent and Trade Mark Office (DPMA) in Munich had continued its world-wide cooperation with other Offices and IP-related organizations. The close cooperation with Asian patent authorities had been further developed on the occasion of a mission of the DPMA President to Asia, where he had met with Chinese, Japanese and South Korean officials. A symposium had been held in Munich in September 2006 to celebrate 25 years of outstanding cooperation in the field of IP between the State IP Office of the People's Republic of China (SIPO) and the DPMA, while a further agreement on future cooperation between the two Offices had been signed in Berlin by the heads of those Offices in the presence of the German Chancellor and the Federal Minister of Justice and the Chinese Premier Minister. An international exchange program of patent examiners had continued with the Japan Patent Office (JPO) and the UK IP Office, while, as in previous years, many seminars and training courses had been run for foreign experts from *inter alia* Armenia, China, Croatia, Lithuania, Montenegro, the Republic of Korea, Serbia and Singapore. Within the scope of the cooperation project of the DPMA and INPI Brazil, two patent examiners and a trade mark examiner from the DPMA had stayed for some time at INPI in Rio de Janeiro. The Delegation provided some statistical information from the DPMA for 2006: 57,577 patent applications had been directly filed with the Office, a similar figure to the previous year; 145,458 PCT applications in the international phase had been received in 2006, an increase of about 38,000 applications over the previous year; some 3,000 international applications had entered the national phase; and in the national trademark area, the Office had received 72,321 applications in 2006, as against 70,926 in 2005 – a 2 per cent increase.

124. The Delegation of Guinea associated itself with the statement made by Algeria on behalf of the African Group. It congratulated the Director General for his foresight and strategic vision which had turned IP into a reality that had become more visible, tangible and accessible to developing countries and LDCs. IP had become an incontrovertible element in the development process and, in that respect, the Delegation thanked the Organization and its Secretariat for the multi-faceted assistance given to its country. Through that assistance, major activities had been undertaken at the national level in combating counterfeiting, particularly in respect of industrial designs (expression of traditional textiles and others) which in the previous few years had been massively and abusively reproduced thereby killing employment at the base and generating precarity and disorganization in the various sectors concerned in the country. At the international level, the Delegation announced that measures had been taken with the assistance of WIPO for Guinea to adhere to the Hague Agreement for the International Registration of Industrial Designs. Regarding the promotion and protection of geographical indications, an essential sector in the national economy, the Delegation explained that an ambitious project had been undertaken with assistance from WIPO and France, and that its implementation was giving encouraging results. The Delegation expressed its satisfaction with respect to the continued support provided by WIPO for

developing human resources, particularly through the organization of industrial property awareness-building seminars for economic players, inventors, research workers, students and NGOs in the country. A major step in that approach would in the future be the dedicated awareness-building for decision makers. The Delegation stated that one of the major aspects of the support provided by the Organization to OAPI Member States was the drafting of a text on the protection of traditional knowledge and folklore, the procedure having led to the organization of a Diplomatic Conference. It welcomed the efforts made and the remarkably successful outcomes on certain major issues during the discussions, particularly the adoption of WIPO action plans, renewal of the mandate of the IGC, and the considerable progress made in other areas of IP (enforcement, PLT, PCT reform, the Madrid Agreement, etc.). In conclusion, the Delegation expressed the wish to see the allocation of adequate financial resources to enable WIPO to implement its IP development program for the benefit of its Member States, particularly the developing countries and LDCs.

125. The Delegation of Guinea-Bissau associated itself with the statements made by Algeria on behalf of the African Group and Benin on behalf of LDCs. It congratulated the Director General and Secretariat on the excellent work they had done during the previous year and, in particular, on preparing the 2007 Assemblies. It expressed its satisfaction with the Program Performance Report for 2006 and thanked the Organization sincerely for its fruitful cooperation with OAPI in the context of preparing two African legal instruments on the protection of TK and traditional cultural expressions respectively, produced at the Diplomatic Conference organized by OAPI, in Niamey, Niger, on July 26, 2007, and signed by the Member States of OAPI. It supported the efforts made by WIPO in its programs in the context of creating an IP culture, since it considered that the creation of such a culture was essential to promote economic, social and cultural development in those States. For that reason, the promotion and protection of IP was a priority for Guinea-Bissau. Furthermore, the Delegation emphasized the excellent cooperation between Guinea-Bissau and OAPI, which had taken specific form, in particular, in the construction of an IP documentation centre in Bissau, which had entered the construction phase on July 19, 2007. In addition, from October 24 to 28, 2007, the country would host the Fifth African Invention and Technological Innovation Fair (SAIIT), under the patronage of the President of Guinea-Bissau. That event would allow new prospects to emerge, such as the possibilities of developing cooperation between African countries and other countries in relation to industrial property. Finally, the Delegation said that in 2007 it had noticed a considerable improvement in the area of industrial property, with the growth rate already 70 per cent higher than the previous year. In conclusion, it said that all those factors were very important, as they contributed to the promotion and enhancement of IP in Guinea-Bissau.

126. The Delegation of Haiti was pleased to announce that important steps had been taken since September 2006 putting Haiti within the Group of nations which aimed to promote and use IP rights as an essential tool in achieving prosperity for the people and sustainable development through the creation of wealth linked to creativity and imagination, innovation and the development of entrepreneurship. The Delegation wished to be sure that Haiti could continue to benefit as promised from cooperation with all WIPO Member States, in particular the countries of CARICOM and GRULAC. Five major resolutions had been adopted in September 2006 aimed at favoring the creation of an environment in which IP was recognized, utilized, respected and popularized throughout the territory of Haiti. Firstly, relations with WIPO were absolutely fine even though, for internal reasons, the instruments of adhesion of Haiti to certain treaties, agreements or conventions had not yet shown results, and also a WIPO mission planned for August 2007 had had to be postponed (its purpose was to assist the Haitian Copyright Office (BHDA) to introduce comprehensive computer and

management systems). Secondly, with respect to the BHDA, which moved into its own offices in January 2007, a Director General was appointed in December 2006, and the staff, although currently small in number but recruited with care, received basic training in IP (particularly in copyright). It was opened to the public on April 23, 2007, on World Copyright Day. All those persons involved in creative activities now await positive results from the BHDA enabling them to benefit from their creations; the level of poverty would see a corresponding reduction thanks to income from the exploitation of rights, in the knowledge that the BHDA would receive taxes, *inter alia*, on adhesion and authorization fees, various rights, and on the repatriation of the rights of Haitian authors held by societies of authors abroad and on products derived from foreign works distributed in Haiti. The role of the BHDA, which would subsequently extend to the area of folklore, was to develop by making the works of artists, authors and other creators available to the public on a large scale, backed up by support from the State, participation by the creators, support of the public and international assistance, from WIPO in particular (the works in question comprised musical and audio recordings, printing and publishing, cinema and television, visual arts and photography, dramatic works and theater). Thirdly, the Directorate of Legal Affairs of the Ministry for Trade and Industry, which dealt with industrial property, was to be strengthened, although that was not yet visible since it also dealt with everything relating to the major legal issues involving the Ministry. Fourthly, merging of the institutions involved in IP into a single entity was being studied, following the recommendations of WIPO and in accordance with the model which existed in several countries. Finally, the fifth point concerned the inclusion of IP in the higher and secondary education curriculum in Haiti. Even though decisions had not yet been taken at government level, the BHDA had taken steps to offer from October 2007 a first general course on IP and its benefits for Haiti. The BHDA action plan for the 2006-2007 financial period had been devoted to establishing a basic structure, to be followed in 2008 by the creation of a new framework of activity with three priority objectives: promotion of the IP concept (particularly copyright); preparation of a general national directory of creators and producers of cultural goods and services (authors, Haitian artists and foreign artists living in Haiti) which would in due course be incorporated in the World Directory of Creators and Works within the framework of the general system set up by WIPO; strengthening of existing structures by finding and effectively managing the human, material and financial resources needed for the steady, harmonious development of the BHDA. The Delegation confirmed the desire of Haiti to pursue the defined objectives, and reiterated its firm commitment to finding solutions and means of action to be employed to make intellectual property a definitive feature in the daily life of the country at all levels.

127. The Delegation of Hungary associated itself with the statement made by Poland on behalf of the group of Central European and Baltic States, as well as with the statement made by Portugal on behalf of the European Community and its member states, and thanked the Director General and the Secretariat for the preparatory work for the Assemblies. The Delegation reported on recent developments in Hungary in the field of IP protection and on various activities conducted in cooperation with WIPO, including internal legislative processes which, it was confident, would allow the ratification of the PLT and its entry into force for Hungary before the next Assemblies meetings. The Delegation further reported that among the issues on Hungary's domestic agenda, an important place was given to the issue of enforcement and that, based on Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights, all the necessary legal tools were now in place in Hungary to strengthen enforcement activities. It noted that Hungary was planning the creation of a national body against counterfeiting, which would play an important role in the fight against activities infringing IP rights. The Delegation announced plans to further strengthen cooperation between WIPO and Hungary, in particular with the

Hungarian Patent Office in the field of education and awareness-raising, through a cooperation agreement with WIPO.

128. The Delegation of Israel thanked the Secretariat for the excellent work it had carried out in preparation for the Assemblies, for its efforts and achievements in promoting the awareness, use and protection of IP throughout the world, and in transforming the Organization into a modern and information technology-driven international organization, which was ready to face the many new challenges that lay ahead. Confidence in the Organization was also illustrated by the growing number of adherences to the global protection systems administered by WIPO, especially concerning the PCT and the Madrid Agreement and Protocol, and the encouraging statistics regarding applications and registrations filed in the last biennium. The Delegation believed that IP had become an international issue, and international cooperation had direct practical implications. Concerning patents, it noted that Israel had acceded to the PCT in 1996; an accession that had brought great benefit to both Israeli and foreign applicants. Since its accession, Israel had been designated in over 50,000 PCT applications filed worldwide. With regard to trademarks, Israel would announce its accession to the Madrid Protocol by the end of 2007 and it hoped that that accession would bring the same success as had its accession to the PCT. The Delegation reported a 10 per cent per annum growth in the number of patent, trademark and design applications in Israel. In 2006, the total number had been about 20,000; of those, foreign applications accounted for about 80 per cent. In order to cope with the growing demand, the Israeli Patent Office, in cooperation with WIPO, had undertaken projects of modernization to introduce customer-oriented on-line services, such as electronic filing and a paperless environment for patent applications and industrial designs. With reference to the practical issues of cooperation between WIPO and Israel, the Delegation noted that Israel would endeavor to be more closely involved in the development of several pioneering projects in the field of automation of patent information systems; in particular the establishment of the Digital Access Service (DAS) for Priority Documents. The DAS project would benefit all parties, particularly applicants, by reducing the cost of handling paper certified copies of priority documents, and patent offices, by reducing their administrative costs. Israel had been invited by WIPO to participate in the pilot phase of the DAS project and would be delighted to contribute its knowledge and expertise in assisting with pilot-related activities. The Delegation referred to the PatentScope service, which had mainly been designed to provide electronic access to all the documents held in the files of the International Bureau, and strongly believed that the introduction of that service for the national phase of PCT applications had significantly improved their working capacity. The Office's internal patent system was directly connected to WIPO's global PatentScope system and was used on a daily basis. The Delegation expressed its thanks to the Secretariat for their ongoing efforts and initiatives in the area of patent information and dissemination of patent documents. A new cooperation activity had recently been launched using PatentScope to improve access to Israel's patent collection, while leaving the control and ownership of those collections with the Patent Office. The Delegation reported on the constant, strong and effective struggle against counterfeiting and piracy of IPRs in Israel. While there would always be room for improvement, the commitment of Israel to that issue had become institutionalized and had produced proven results. The Delegation envisaged a high growth in the interest shown by law faculties in Israel in having international, IP-related courses integrated into their curricula thus planting the seeds of future good IP lawyers. It noted that Israel received each year a group of trainees through the WWA; this program had proved to be a very productive experience and the Delegation looked forward to hosting further such events in Israel. In closing, the Delegation assured the Assemblies that Israel would continue to support the

invaluable work of the Secretariat in moving forward WIPO's agenda for the creation of a harmonized, streamlined, efficient and user-friendly international IP system.

129. The Delegation of Italy expressed its appreciation for the work of the Secretariat, which, it held, was an important asset for the success of the Assemblies. The Delegation aligned itself with the statement made by Portugal on behalf of the European Community. Italy had always attached great importance to WIPO's activities, quite apart from the fact that its users represented a large share of the total number of applications in the different registration systems. In its experience, IP was clearly important as a tool for encouraging creativity and innovation and for promoting social and economic development. The Delegation believed the many initiatives it had carried out in cooperation with WIPO attested thereto, for example, the successful Turin Master in Intellectual Property program. It was pleased to report that, on September 10, 2007, Italy and WIPO had signed a Memorandum of Understanding of critical importance, establishing an Italian Trust Fund in WIPO to finance joint projects in the field of IP protection and the fight against counterfeiting and international piracy, with a special focus on training. The Delegation noted that, in recent years, counterfeiting and piracy had reached worrying proportions and now represented a considerable share of the global economy. The Internet and other technologies had revolutionized the ability to misappropriate goods and illegally distribute them worldwide at little cost. The manufacture and sale of counterfeit goods across borders had increased dramatically, and organized crime groups had seized on this activity. Criminal enforcement measures had therefore to be effective in identifying and dismantling international and domestic criminal enterprises. That required the assistance of governments of Member States and their law enforcement agencies, active enforcement of domestic IP laws and formal international cooperation through treaties and agreements. The Delegation believed that promoting innovation was not possible without tools for protecting IPRs from infringement and misappropriation, and were convinced that such tools should operate within an international framework. In this regard, the Delegation urged the Assemblies to address the current mandate of the ACE, with the aim of increasing its efficiency in view of the increased magnitude of the problems faced by Member States. It looked forward to exchanging views on coordination and cooperation at the international, regional and national levels in the field of enforcement, and hoped the Committee's mandate would be broadened to include the development of best practices and guidelines. The Delegation hoped Member States would show the same flexibility in that area and in the harmonization of patent laws as that which had led to, for example, the consensus reached in the PCDA. With regard to the different proposals by the United States of America and Japan, and by Brazil and other countries, concerning the reduction of PCT fees, the Delegation thanked those delegations for proposing interesting solutions for the evolution of the PCT. Italy was, in principle, in favor of a fee reduction that could ensure economic benefit to the users of the system. However, the Delegation believed it was important to consider the timing, as the fee reduction might not be sustainable in the current phase in which the Organization was to make strategic investments for the future (i.e., the new building, the implementation of IPSAS, etc.). It believed an inclusive debate between Member States would lead to finding appropriate solutions in order to balance the functioning of the Organization and the costs of the services delivered to users. With regard to the SCCR, the Delegation noted it was currently impossible to envisage holding a diplomatic conference on the rights of broadcasting organizations. It hoped that further discussion during the November session of that Committee might help to bring together the different positions. The Delegation reiterated the importance of adequate protection for audiovisual performances and encouraged the SCCR to promote further consideration thereon. In concluding, the Delegation noted the interesting developments in recent sessions of the IGC. In spite of diverging views, it hoped Member States would work towards finding a common ground over

the next two years. An analysis of the different legal protection tools offered by the current international IP system was an important step in that direction. The Delegation, recognizing the importance of the decisions to be taken during the Assemblies, offered its full engagement and cooperation.

130. The Delegation of Lebanon thanked the Director General and the Secretariat for their efforts in preparing the current Assemblies meetings and also commended their efforts in disseminating IP culture worldwide. It wished to emphasize the great attention Lebanon paid to IP as an efficient tool in national development. In recent years, an appropriate IP legislative framework had been established in the country with expertise from WIPO and its Technical Assistance and Capacity Building Bureau for Arab Countries and the Delegation wished to express its gratitude in that regard. In its unceasing efforts to align its IP legislation with its international commitments, Lebanon wished to gain optimal benefits from the IP system and the Delegation looked forward to further cooperation with WIPO, particularly in the economic and strategic use of IP. In that context, it commended the role played by WIPO in the preparation of an empirical study on the contribution of creative industries to the Lebanese economy. The study showed the significant role of creativity in the economy of the country and the importance of protecting IP assets and their economic exploitation. Finally, the Delegation welcomed the positive progress made in the work of the PCDA and recalled that it had been among the sponsors and supporters of that Committee. It looked forward to the adoption by the General Assembly of the recommendations made by the PCDA and reiterated its gratitude to the Director General and the Secretariat for their efforts aimed at assisting in strengthening the country's IP system.

131. The Delegation of Lesotho associated itself with the statements made by Algeria on behalf of the African Group and Benin on behalf of the Group of LDCs. It paid tribute to the Director General and the Secretariat for the comprehensive documentation that facilitated the effective participation and interaction of Member States in various assemblies and bodies of WIPO. The Delegation appreciated the technical assistance it had received from the various WIPO programs especially in the area of information technology and assured the Secretariat of its commitment to having the IPAS program up and running. The Delegation expressed its gratitude for WIPO's assistance in the area of capacity building, through the specialized training of staff in the Office of the Registrar General that is seized with the mandate of the protection and promotion of IP. Lesotho continued to engage in IP outreach activities which were geared towards raising the level of IP awareness as well as creating an environment conducive for inventive and innovative activity that would lead to the optimum utilization of IP as a power tool for development. To that end, Lesotho annually commemorated World IP Day by organizing lectures, seminars, workshops and exhibitions of IP works. That year, the Registrar General's Office organized a massive IP rally for high school students in the northern area of the country. The ultimate goal was to have IP included in the high school curriculum. The fact that knowledge is power can never be over emphasized. The challenge for Lesotho was to ensure IP was appreciated by all, in order to reap the benefits of economic development through its utilization. The Delegation expressed its satisfaction regarding the consensus outcome of the PCDA and urged the Assembly to set up a Committee on Development and IP that would follow up on the implementation of the recommendations which could be accommodated and realized within the existing structures and funds of WIPO.

132. The Delegation of Madagascar associated itself with the statements made by Algeria, on behalf of the African Group, and Benin, on behalf of the Group of LDCs. Having noted the documents (in particular, documents A/43/2 and A/43/6) with great interest, it thanked the Director General and his staff for the clarity of the reports submitted, and noted that the

activities covered by the accounts for the 2004-2005 biennium and the Financial Management Report for that biennium met the Organization's objectives in full. The Delegation expressed its wish for WIPO to provide Madagascar with continued assistance which would permit it to incorporate IP in national development policies and strategies in practice. On the eve of Madagascar's accession to the Madrid Protocol concerning the International Registration of Marks, the Delegation emphasized that it was counting on assistance from WIPO (provision of equipment and training of staff of the national Office), so that, like other contracting parties, it could benefit from the advantages arising from accession to that major Treaty. The Delegation said that it continued to support the efforts to establish a WIPO Development Agenda and expressed its wish for the proposals selected to be implemented. Concerning the protection of IP and genetic resources, TK and folklore, the Delegation expressed its wish for the establishment of provisions that attracted consensus support to preserve the interests of each State. The Delegation concluded by confirming Madagascar's determination to continue cooperating closely with WIPO.

133. The Delegation of Malawi associated itself with the statement made by Algeria on behalf of the African Group, the statement made by Benin on behalf of the Group of LDCs and the statement made by Honduras on behalf of the G77 and China. It commended the Director General and the Secretariat for the tremendous progress achieved since the previous Assemblies and expressed appreciation for the technical support WIPO had provided, and continued to provide, to Malawi in the field of IP. It noted that the WWA had conducted several colloquia in collaboration with the IP Office, the most recent for the judiciary. Malawi had been liaising with the Enforcement Division of the Secretariat on holding a workshop in Malawi, in November 2007, on measures to curtail counterfeiting and piracy, particularly with respect to pharmaceutical products. This once more demonstrated WIPO's commitment to LDCs. The Delegation requested further assistance in the training of its key human resources to build its capacity in the field of IP, which would be in line with Malawi's goal of strengthening IP infrastructure, institutions and human resources. The country was in the process of formulating an IP policy and updating its IP laws and looked forward to working closely with WIPO to ensure that maximum benefit was received in the most efficient manner possible. The Delegation noted that discussions on the WIPO Development Agenda had continued through 2006 and 2007 in the PCDA and that 45 recommendations had been adopted; it shared the sentiments expressed by other delegations to see those recommendations implemented. The Delegation welcomed the programs under the strategic goals that were aimed at promoting an IP culture, providing Member States with services for IP policy formulation and development, and integrating IP into designing IP systems consistent with national development objectives. The Delegation believed that these programs, which had been designed to address emerging needs from the general public and civil society for IP information to facilitate the debate on IP issues, would further strengthen the efforts to promote the IP system for the benefit of the users and the public. The Delegation noted the future challenge to adequately respond to the increased demand for IP assistance from these stakeholders and the general public. Increasing numbers of users would be demanding fair and equitable access to the IP system and its registration services as they sought protection of their IP-based assets in the global market. For this reason, developing countries and LDCs, like Malawi, would need increased assistance to integrate IP into national development strategies and policies, to train human resources and to develop and modernize the necessary IP institutions and infrastructure. The Delegation assured the Organization of its country's support for the activities of WIPO and its continued participation in various programs.

134. The Delegation of Mexico expressed its deepest gratitude to WIPO for producing the study entitled “The Economic Contribution of Copyright-Based Industries in Mexico”, the fundamental aim of which was to assess the contribution made to the Mexican economy by copyright-protected industries. The Delegation explained that the study had shown that the added value of all the industries protected by copyright in Mexico represented 4.77 per cent of GDP in 2003, while employment in those industries represented 11.01 per cent of the total employment indicated by censuses covering the same year. The Delegation also thanked WIPO for holding the Forum on Copyright, Creative Industries and Public Policies, in Mexico City, from August 27 to 29, 2007, during which various issues relating to the creative industry had been dealt with, and which had emphasized the economic importance of that industry, as well as the need to devise public policies for the development of cultural industries in the countries of Latin America and the Caribbean. On behalf of the National Institute for Copyright, it expressed the importance of a review of the contribution made to the Mexican economy by copyright-protected industries, as well as their contribution to the country’s social and cultural development, and to that end, it pointed out that the Institute had planned to carry out a series of actions intended to strengthen the Mexican copyright system, with a view to creating a strong and effective system, capable of being self-financed and, above all, one that would make it possible to offer an improved and efficient service to authors. In that regard, and in view of the commitment made by WIPO to develop the IP system throughout the world, particularly in developing countries, the Mexican Delegation appealed for help from such an important organization to strengthen the development of the copyright system in Mexico.

135. The Delegation of Montenegro provided an update on developments in IPR protection in Montenegro. The Delegation noted that, under the Decision on the Declaration of Independence of the Republic of Montenegro of June 3, 2006 (RM OG No. 36/06), until the enactment of appropriate legislation, all State Union legal acts effective when that Decision entered into force would continue to apply as Montenegrin regulations, unless they contravened the legal system and interests of Montenegro. This provision provided for legal continuity in the implementation of IPR-related legislation and the protection of right holders. Based on this decision, the following substantive IPR laws applied in Montenegro: the Law on Copyright and Related Rights (S&M OG No. 61/04); the Patent Law (S&M OG No. 32/04, 35/04); Trademarks Law (S&M OG No. 61/04); the Law on the Legal Protection of Designs (S&M OG No. 61/04); the Law on Indications of Geographical Origin (S&M OG No. 20/06); and the Law on the Protection of Topographies of Integrated Circuits (S&M OG No. 61/04). In addition, on December 4, 2006, a Declaration of Continuity had been submitted to WIPO, confirming that all international agreements administered by WIPO that were binding on the former State Union, were recognized as binding on Montenegro. Montenegro continued, therefore, to exercise its rights and honor its commitments deriving from international conventions that were signed and ratified by the State Union or its predecessor States. The Delegation highlighted the adoption of an Amendment to the Decree on Public Administration Organization and Manner of Work, under which the new Intellectual Property Office had been established in Podgorica as an agency of the Montenegro State administration. This had been an important step towards completing a comprehensive and efficient system for the protection of IPRs in Montenegro. The Delegation underlined that Montenegro recognized the validity of all industrial property rights constituted in the former State Union, as well as of all applications submitted either directly to the Intellectual Property Office of the former State Union, or on the basis of international conventions administered by WIPO designating the former State Union. The same applied to European patents and patent applications valid in the former State Union. This would be confirmed in an Agreement on Cooperation and Extension with the European Patent

Organisation. Other steps towards successfully completing the IPR legislative framework during the past two years included the adoption in 2005 of a regulation on the actions of the customs authority with respect to goods suspected of IPR infringement. In April 2006, the Penal Code was also amended to include a separate chapter regulating criminal offences with respect to IPRs. The Code provides for *ex officio* prosecution of such offenses and for the confiscation and destruction of infringing items and materials. The Optical Discs Law was passed by parliament on December 26, 2006, to regulate the production and commercial duplication of optical discs and the licensing for production and duplication, as well as the import, export and circulation of raw materials, equipment and products. The Customs Law Decree was amended on December 2006, and on July 10, 2007, the parliament adopted the UPOV-compliant Law on Plant Varieties Protection. On July 12, 2007, the Government adopted the Law on Undisclosed Information. A Regulation on the implementation of rights with respect to IP has also been prepared. The Delegation concluded by expressing Montenegro's expectation that the cooperation established with WIPO would continue, regarding IPR protection and incentives for creativity and innovation, so as to enable Montenegro to keep pace with modern trends in this important area, including developing its newly-established IP Office to the appropriate level as rapidly as possible.

136. The Delegation of Mozambique associated itself with the statements made by Algeria on behalf of the African Group, and by Benin on behalf of the group of LDCs and expressed its appreciation of WIPO's support for the national promotion of IP, capacity building, institutional development and consolidation of laws. A national IP audit, concluded in 2007, had been the basis for the structuring of a national IP strategy, which had been approved by the government in August 2007. The approval of such a strategy demonstrated that the country had been reflecting upon IP matters and gave a clear insight into the importance attributed to the role of IP in the development of Mozambique. The Delegation noted that WIPO had contributed to IP promotion with the participation of specialists in various events co-organized with different local partners. It highlighted the seminar on capacity-building, education and research on IP, organized by WIPO jointly with the Eduardo Mondlane University, in Maputo, and a seminar on IP for SMEs, organized by WIPO in cooperation with the National Institute of Industrial Property. The Delegation expressed its appreciation for the activities undertaken by the WWA in Maputo, which had resulted in an increasing number of nationals manifesting their interest in participating in capacity-building programs. Mozambique supported the consolidation and extension of courses in Portuguese offered by the Academy as an excellent tool for the national promotion of IP. Turning to WIPO's international registration systems, the Delegation noted that Mozambique had received the first request from a national company for the registration of a trademark through the Madrid system, which demonstrated the increasing interest of national companies in the protection of their intangible assets abroad through the Madrid system. Regarding capacity-building, the Delegation stated that the IPAS system, already fully operational in the country, constituted a revolution in the management of IP rights and an important step towards the improvement of the services rendered to national and international users of the National Institute of Industrial Property. It also commended the progress made on the Development Agenda, with which Mozambique had associated itself from the start, and manifested its full support for initiatives and instruments aimed at its implementation, which would have an important impact on the strategic use of IP for economic, social and cultural development in Mozambique. The Delegation also expressed its support for the work related to TK and folklore. The Delegation concluded by expressing its support for the proposal to reduce PCT fees for applicants from developing countries, which would foster the use of the IP system and would not result in a negative impact on WIPO's income. It underscored that the acceptance of the proposal to adopt Portuguese as a language of publication for patent documents in the framework of the

PCT, and the approval of the request from Brazil to become an International Searching Authority and an International Preliminary Examining Authority, were considered important mechanisms for the fostering of the use of the IP system on a national basis.

137. The Delegation of Namibia associated itself with the statement made by Algeria on behalf of the African Group and it noted that the issues to be considered by the Assemblies were complex and sensitive, and the decisions would have a dramatic impact on the socio-economic development of Member States, especially developing countries. The Delegation expressed its thanks to the Director General and the Secretariat for the excellent and professional preparation of the working document and recognized the efforts made by the Director General to help developing countries and LDCs in understanding IP issues. Namibia had greatly benefited from the technical support WIPO had rendered to it and hopefully would continue to do. The country had made much progress in developing its IP regime, and hoped this would help to facilitate investment, industrial development and trade, as outlined in its National Development Plan (NDP 3). That Plan put great emphasis on a knowledge-based and technology-driven economy. That would entail the strategic use of IP for development, and Namibia called upon WIPO to provide technical assistance in order to ensure that it realized this particular objective of its National Development Plan. The Development Agenda was most critical and important to Namibia, and the Delegation applauded the Director General for his tireless efforts to adopt and implement it. The Delegation also believed that the IGC had carried out excellent work and had generated substantive literature that was sufficient to move to develop a legally-binding international instrument. Namibia had seen, and was convinced, that countries with adequate IP regimes in place had well-developed socio-economic infrastructure. However, it called upon those countries with advanced IP systems to assist it in its quest to develop its own systems that would help it to protect the little that was left after many years of misuse and theft of its natural resources and TK. Developing countries like Namibia would continue to rely on WIPO's technical and financial support in their efforts to enhance IP awareness and the capacity building of SMEs, to allow them to use the IP system as a powerful tool for economic and entrepreneurship development. Developed countries should not only impress upon developing countries their obligations with regard to IP, but should help in leveling the playing field for equal opportunities in trade and investment to reduce poverty and eliminate the diseases confronting the developing world. The Delegation noted that IP had become not only a trade issue but a human rights issue as well. Therefore, a balance had to be found in order for it to mutually benefit the poor and the rich, the creator, inventor, composer, user and consumer. In conclusion, the Delegation said that it renewed its trust in the leadership and professionalism of the Director General in providing guidance and direction in the activities and programs of WIPO and the management of the Organization.

138. The Delegation of Nepal associated itself with the statements made by the Republic of Korea on behalf of the Asian Group and Benin on behalf of the Group of LDCs. It noted the activities undertaken by WIPO in promoting and protecting IP over the years, and stated that the Organization could and should do more to ensure the protection of IP while maintaining strong development content and benefits for developing countries and LDCs. It welcomed the finalization of the proposals related to the WIPO Development Agenda and stressed the importance Nepal attached to them, especially those related to LDCs. It expressed the hope that they would be rendered operational as soon as possible after their adoption, in particular regarding the establishment of a trust fund to enhance capacity building for LDCs. It stressed that adequate resources should be allocated to that end. It noted the IP potential of LDCs in areas such as traditional knowledge, indigenous technology, geographical indications, genetic resources and cultural resources. It emphasized that capacity building for the purpose of

establishing IP institutions in those areas had become increasingly important as a contribution to economic growth and social and cultural development in LDCs. It was expected that enhanced activities for technical assistance and capacity building would include the strengthening of managerial and technical capabilities as well as programs for the development of the private sector. SMEs were important forces for LDCs as they generated economic activity and employment and contributed to export promotion. It was important that WIPO intensified its work in that area to enable SMEs to fully benefit from the IP system. The Delegation noted that WIPO and Nepal were cooperating in modernizing the IP system in the country and it looked forward to receiving more robust, comprehensive and enhanced levels of activities in the future.

139. The Delegation of Norway thanked the Secretariat for its excellent preparatory work. It noted that, with respect to the performance report as well as the desk-to-desk report, it concurred with the statement made by Italy on behalf of Group B and urged the Organization to address and initiate the appropriate steps with regard to the recommendations made in the latter report. The Delegation recalled that it had, on previous occasions, stressed the importance of improving the ability of Member States to monitor the financial management of WIPO and thus, welcomed the constructive work that had been done to that end, in particular, the possible adoption of the International Public Sector Accounting Standards (IPSAS). The Delegation stated that it fully supported the conclusions of the PCDA on a Development Agenda for WIPO and the list of proposals recommended by its Chair for approval by the General Assembly. The Delegation added that efforts towards the harmonization of substantive patent law should take place within the multilateral framework of WIPO and that the Member States should continue to do their utmost for that process to stay its course. The Delegation also expressed its support for the work plan for the SCP. Norway fully supported the efforts to draft a report examining the nature of the different international patent systems which, it hoped, would assist in raising the understanding of the different systems and facilitate the work of the Committee. The Delegation stated that it noted the exchange of views on a variety of matters during the last session of the IGC. It believed that this Committee was dealing with issues of particular interest for the future development of IPRs and that the relationship between IPR protection and genetic resources, TK and folklore were challenges that WIPO had to focus on and on which Norway would continue to engage constructively in the future work of the Committee, whose mandate was to be extended for the following two years. The Delegation noted that its Parliament had decided on June 11, 2007, that Norway would become a member of the EPO from January 1, 2008, and that it supported the establishment of the Nordic Patent Institute between Denmark, Iceland and Norway. During the General Assembly of 2006, the Nordic Patent Institute had been approved as an International Searching Authority and an International Preliminary Examining Authority under the PCT. The Nordic Patent Institute would commence work on January 1, 2008, and hoped to contribute towards alleviating the increasing workload within the PCT system. It added further that amendments to the Act on Customs that had entered into force on September 1, 2007, had opened the possibility for *ex officio* actions by the Customs with regard to pirated goods, which would strengthen the position of right holders in enforcing their rights and monitoring the flow of counterfeited and pirated goods. The Delegation further informed the Assembly that it had taken steps to notify its government's acceptance of the necessary amendments with respect to WIPO's constitutional matters and it encouraged other Member States to do the same. It added that it would accede to the Geneva Act of the Hague Agreement within the current year or the next and that it was pleased that a proposal for a new fee structure under the Geneva Act was on the agenda for that General Assembly. The Delegation thanked WIPO for its open-mindedness towards the concerns and needs of Member States and expressed the hope that the proposal would be approved. The Delegation

noted that it had hosted a group of 17 trainees in collaboration with the WWA and that it had, as on previous occasions, celebrated World IP Day at the Norwegian Patent Office by hosting a seminar, attended by 80 participants. In conclusion, the Delegation noted the increase in national trademark and patent applications over the previous year and reiterated its commitment to contribute to the success of the General Assembly in a positive and constructive way.

140. The Delegation of the Philippines recalled that, in the 2006 Assemblies, it had expressed the intention of the Philippines to increase international cooperation with WIPO in all its activities and future undertakings. It highlighted its gratitude to the Director General for his support for those planned endeavors in the field of IP, noting his leadership in regard to the move of Member States towards IP generation and utilization, and expressing appreciation for the support of the Secretariat in achieving the goal of putting IP at the forefront of the Philippines' national development. The country's first Intellectual Property Research and Training Institute (IPRTI) had been established on June 6, 2007, to respond to the growing need to educate and train the public, including in particular, IP professionals, scientists, researchers, innovators, lawyers and educators, on the relevance of IP management and protection. A National IP Policy and Strategy was to be launched in October 2007, for which the IP Audit Tool provided by WIPO had served as a guide in the initial steps towards the crafting of policies and strategies. Such initiatives and cooperation between WIPO and its Member States served to stimulate IP growth for the benefit of the general public and the creators of IP. The Delegation stressed the vital role that continued cooperation among Member States played in ensuring that the IP system was able to meet the emerging trends and challenges of IP creation, protection and enforcement, and its belief that, with WIPO providing a middle ground where differing views converge and consensus on various issues could be reached, every nation, regardless of its level of development, could remain steadfast in fulfilling commitments to promote, facilitate and ensure the protection and utilization of IP for national development. In this context, the Philippines reaffirmed its commitment to work with WIPO in its endeavors towards a Development Agenda that would endow every nation with the capacity to mine and exploit IP assets for national progress and benefit. It offered its appreciation to the former Chair of the General Assembly, Ambassador Enrique Manalo; Member States; and the Secretariat, for the remarkable achievement in reaching a consensus on various development agenda items that had been discussed that year in the PCDA. In line with the strategic goals of WIPO, the Philippines had consistently worked towards contributing to the major strategic areas which were the focus of WIPO activities, particularly the creation of an IP culture, and the protection of IP and development of the IP system. As a member of ASEAN, the Philippines was pleased to note the changing shape of the IP map, citing the example of Northeast Asia which was now reported to top the list in the number of patent filings, the growth in that region having fuelled the 4.7 per cent average annual increase in patent filings worldwide in the past decade. Through WIPO, as well as its bilateral and regional agreements on IP, the Philippines looked forward to strengthened and more fruitful cooperation mechanisms that would assist in shifting the IP map in a positive direction towards ASEAN. The Delegation commended the accomplishments of the present body over the past year, but acknowledged that there remained IP issues to be discussed, ground to be covered and needs to be addressed. IP was now negatively correlated with public health; misappropriation of TK and genetic resources persisted despite preventive efforts by various government bodies; and the transfer of technology continued to be constrained by IP. In this regard, the Philippines joined its friends in the developing and least developed world in adhering to the fundamental role of IP in promoting research, creativity and innovation; and in strengthening this role to achieve national aspirations for a progressive socio-economic and cultural environment. More broadly, the Delegation supported WIPO's

move towards ensuring that IP resulted in national development, and underlined the importance of strengthening IP, encouraging creativity and stimulating technology and knowledge transfer from the developed to developing and LDCs, which were some of the requisites to the end that each WIPO Member State sought. The Philippines would strive to further its efforts and cooperation, and to reach beyond its shores to promote an IP system that catered to the needs of all.

141. The Delegation of Qatar expressed gratitude for the efforts provided by WIPO in servicing Member States and upgrading IP standards, through continuous assistance in developing legislation, and by organizing training courses and informatory meetings with a view to improving performance. In particular, the Delegation thanked the Director General for his tireless efforts to promote WIPO, and expressed appreciation for the continuous efforts made by the Technical Assistance and Capacity Building Bureau for Arab Countries in support of Arab IP offices. The Delegation noted a significant increase in trademark registrations with the national trademark office, up to a total of 4,500 applications filed in 2006, representing 1,000 additional applications as compared to 3,500 applications filed in 2005; an increase that reflected the recent positive economic growth of the country, facilitated by measures encouraging regional and international investments by enterprises assured of having their trademarks protected through the trademark office. The Delegation noted that the automation process of trademark registrations had been operational since March 2004 thanks to the program installed by WIPO and, after having overcome several obstacles, applications were now processed on time. Regarding Internet services provided by the industrial property department, the first phase of the project had been completed, to allow for online consultation services on trademarks to be operational in the near future. The second phase would be to ensure online filing of trademark applications once the technical arrangements were completed. The Delegation noted that Qatar had been striving to continuously improve its IP legislation and ensure enforcement by the competent authorities; efforts had been made to control piracy and infringements of IPRs, particularly trademarks. Infringement claims were filed with the office which then took the necessary enforcement measures.

142. The Delegation of Saint Kitts and Nevis thanked the Director General for his leadership of the Assemblies and for all that he had done and continued to do to promote IP. This was the second time Saint Kitts and Nevis had been represented at the Assemblies following the presentation of its instruments of accession to the PCT just over two years ago. The Delegation expressed appreciation for the continued support from WIPO in a number of very beneficial ventures, including seminars in the areas of trademarks, patents, geographical indications and plant varieties; training for judges to prepare them for possible cases of infringements of IP rights in relation to World Cup Cricket 2007; a study visit to the Belize IP Office; certification of some IP Office staff in the IP general course of the WWA; receipt of some technical equipment; and two WIPO missions in Saint Kitts and Nevis to assess IP needs and capabilities, and assist in planning the automation requirements of the IP Office. The Cooperation Agreement signed in Antigua in June 2003 between WIPO and the governments of the Caribbean region had proved beneficial thus far, and the Delegation looked forward to continued implementation and compliance with that Agreement. Saint Kitts and Nevis recognized its obligations under the TRIPS Agreement and had enacted several pieces of legislation to bring it substantially into compliance with that Agreement. Further steps had recently been taken towards full compliance: in March 2007, the act with respect to geographical indications was passed into law; and the process was underway for legislation pertaining to industrial designs, layout-designs for integrated circuits, and plant varieties. Saint Kitts and Nevis was cognizant of the need to prepare regulations for the

Trademarks and Patent Acts to enable those Acts to be properly administered and to allow the installation of the WIPO software related to registration of trademarks and patents. It was envisaged that those issues would be addressed fully in the very near future. With a view to raising public awareness of IP rights, workshops had been held over the past year with the general public to sensitize them about IP, and consultations had taken place with government ministers to give them an insight into the importance of IP; efforts would continue in this area. Saint Kitts and Nevis looked forward to participating in all upcoming meetings of heads/officers of IP offices, and especially the WIPO Training Course on Trademarks for Officials of Caribbean IP Offices. The training course and meetings came at a time when Saint Kitts and Nevis had a new Registrar, Deputy Registrar and a relatively new Minister responsible for IP, whom the Delegation believed would continue to be enthusiastic about the protection and development of IP. The Delegation expressed its continued support for the efforts of WIPO to protect IP rights and to ensure that IP became a tool for economic and social development.

143. The Delegation of Serbia highlighted the enhancement of the country's institutional capacities, achieved within the framework of the national CARDS Project, which was financed by EU funds and implemented by the EPO. A new IT infrastructure had been installed in the national IP Office; and the national trademark database, plus the 8th Edition of the International Patent Classification in Serbian and English, had been made available over the Internet. Serbia was in the process of completing an electronic national patent database for the period 1976 to 2007, similar to the national database of industrial designs, to be accessible on the Internet by the end of 2007. The Delegation underlined the positive cooperation between WIPO and EPO experts during the CARDS project with regard to the pilot project of introducing WIPO IPAS software for administering the patent database created by the EPO. In the field of fighting piracy and counterfeiting, a Special Unit for Hi-Tech Crime had been formed in the Belgrade District Court, and a Special Prosecutor appointed. Some 40 cases were currently under investigation. The national Customs Administration had made 500 temporary seizures of goods from October 2006 to May 2007, mainly cases of infringing trademarks. In December 2006, for the first time in Serbia, the Customs Administration organized the destruction of 15,240 pairs of infringing sports shoes - while respecting environmental protection legislation. With regard to awareness-raising, WIPO provided assistance in publishing four brochures in Serbian for SMEs, which were promoted on World IP Day and were extremely well received by the public. The Delegation noted that the Serbian Office intended to continue translating and printing WIPO publications on account of their exceptional quality and informative and educational value. Two WIPO training courses on "Successful Technology Licensing" held in 2006 and 2007 had also enjoyed an excellent reception, with participants including businessmen from several countries in the region, as well as companies and patent agents from Serbia. Conscious of the strategic role of IP as a tool for economic development, the Delegation noted that Serbia wished to use WIPO technical assistance in developing a national IP strategy, in order to activate all the relevant stake-holders in optimizing their IP infrastructure for the country's economic, social and cultural sustainable development.

144. The Delegation of Seychelles thanked the Director General and the Secretariat for the continued cooperation and assistance provided.

145. The Delegation of Singapore thanked the Director-General and the Secretariat for the excellent documentation and noted that the past year for Singapore had been a year of active involvement in WIPO activities and fruitful cooperation with the WIPO Singapore Office and with other IP offices worldwide. It highlighted certain developments and events of the past

year, which demonstrated Singapore's close relations with WIPO and its commitment to promoting and nurturing IP in the country. Singapore was committed to the strategic use of the IP system for business and technological development and wealth creation. As a demonstration of that commitment, Singapore became the first country to ratify the Singapore Treaty on the Law of Trademarks on March 27, 2007, a year after the Singapore Treaty and its related regulations were adopted by the Diplomatic Conference. The Delegation noted that Singapore was committed to giving effect to the IP treaties to which it was a party. The legislative amendments required to give effect to the Singapore Treaty had come into force in Singapore in July 2007 and the country had also made legislative amendments to align its patent system with two significant changes to the Regulations under the PCT, relating to restoration of the right of priority and incorporation by reference to an earlier relevant application. In line with WIPO's objective for World IP Day - to "raise awareness of the role of intellectual property in our daily lives, and to celebrate the contribution made by innovators and artists to the development of societies across the globe" the national IP Office had organized a series of events in April 2007. These included the launch of Singapore's first software self-audit initiative for businesses; the launch of materials on the dangers of illegal peer-to-peer file sharing; and the launch of a new advertising campaign focusing on illegal peer-to-peer file sharing, online piracy, counterfeiting and identity theft, with the tagline "Its not file SHARING, its STEALING". An online perception survey had also been carried out and completed in 2007, to investigate the awareness and attitudes of young Singaporeans towards IP. The results of the survey had been instructive and would be very helpful to Singapore in shaping awareness and educational programs for that important target group. The Delegation recalled that in May 2007, Singapore had played host to an informal meeting relating to the WIPO Development Agenda. It expressed its thanks to WIPO and the WIPO Singapore Office for their cooperation and assistance in the organization and planning of the meeting; to Ambassador Clarke, Chair of the PCDA; as well as to the 57 participants from 40 countries, who traveled to Singapore and actively participated in the event. Singapore was honored to have contributed towards furthering the Development Agenda process. The Delegation noted that the WIPO Singapore Office had been a focal point for activities organized by WIPO in the Asian region, and that in the past year, Singapore had collaborated with the WIPO Office and other partners to promote greater IP learning opportunities for organizations, businesses and individuals in the Asian region. Two notable collaborations had been a regional patent drafting workshop with the WIPO Singapore Office and the Japan Patent Office, which involved 37 participants from 15 nationalities; and an Asian Seminar on the Legitimate Distribution of Copyright Works Online with the WIPO Singapore Office, which involved 60 Singapore participants. Singapore had also had the opportunity to assist other developing countries in the development of their IP systems. In 2007, on behalf of WIPO, Singapore undertook advisory projects in Jordan and in the United Arab Emirates. The Delegation also noted that Singapore had benefited from its participation in seminars and workshops organized by WIPO, and had fielded speakers for a number of events, including the WIPO Interregional Workshop on Intellectual Property and Public Awareness in Indonesia; the WIPO International Symposium on Industrial Designs in Argentina; the WIPO Seminar on Automation in Vietnam; and the WIPO Workshop on IP Strategy for Universities and Research and Development Institutes. The Delegation underscored that Singapore's commitment to IP went beyond the shores of the country. Singapore had been an active collaborator on various IP initiatives organized under the auspices of APEC, ASEAN, and as well as other international fora. Specific initiatives had also been undertaken with partner IP organizations, including the State Intellectual Property Office, People's Republic of China and the Intellectual Property Department, Hong Kong (SAR), IP Australia and the European Patent Office. In conclusion, the Delegation noted that the successful collaboration that existed between Singapore and WIPO was underpinned by a shared recognition of the role of

IP for development. The past year for Singapore had been a year of active involvement in IP activities and successful collaboration with WIPO and with other IP offices worldwide. Singapore looked forward to expanding its international cooperation in the future, and would continue to foster a strong but balanced IP regime at home.

146. The Delegation of Slovakia expressed its special appreciation to the Director General and to the Secretariat for their commitment, dedication and professionalism, as well as appreciation for the numerous activities undertaken by WIPO during the previous period with the aim of demystifying the role of IP through awareness-raising. Noting that the Program Performance Report proved positive achievement of defined objectives, the Delegation commended the transparent synopsis provided by the Report of the activities implemented by WIPO. It welcomed the desk-to-desk assessment prepared by PricewaterhouseCoopers, which contained much helpful advice to guide future decisions on the related governance and administrative issues. The Delegation also expressed appreciation for the work of the ACE over the previous five years, and highlighted the importance of effective measures to strengthen the fight against counterfeiting and piracy. In that respect, Slovakia had significantly strengthened the national system of IPR enforcement through implementation of the EU Directive on IPR Enforcement in its national legislation, in March 2007. Slovakia welcomed the positive outcomes of the PCDA and hoped that the proposed Committee on Development and IP would contribute effectively to further progress and to the effective implementation of the recommendations. It also supported the constructive results of the informal consultations this year to establish a new work program for the SCP; and appreciated the progress achieved in the IGC. The Delegation underlined the importance of further discussion in these areas. It noted that Slovakia considered the implementation of effective tools of protection for IPRs to be especially important in the digital environment, in respect of which it commended the strong position and remarkable results achieved by WIPO, and welcomed the growing involvement of the WIPO Arbitration and Mediation Center in the field of domain names. Regarding recent developments in the Slovakia, the Delegation emphasized the continuous efforts focused on building public awareness about the real importance of IP and its strategic role in business and economic growth. The IP Office had opened 13 Contact and Information Points and Patent Information Centers. It was now focusing on transforming university-based information centers into Technology Transfer Units, and on building interfaces between the Office's SR information system (field pre-diagnosis works), the academic research community and startup firms. The project was now aiming at direct consultations with SMEs. The Delegation noted that in cooperation with Zvolen Technical University, a furniture design exhibition had recently opened in the premises of the IP Office. Regarding recent legislative activities, a new draft act on utility models had been prepared and submitted for approval to parliament. An amendment to the Act on designations of origin and geographical indications had entered into force on July 1, 2007. Stressing the key role played by WIPO, the Delegation expressed thanks for the support and assistance provided by WIPO to the Slovak IP Office during the previous period. The successful International Seminar on Current Challenges in Intellectual Property Rights and Biotechnology, organized in Slovakia in cooperation with WIPO earlier this year, had received positive feedback. Slovakia appreciated the cooperation activities and effective communication with WIPO's Division for Cooperation with Certain Countries in Europe and Asia, despite considerable understaffing in the Division. The new programming initiative by the Division corresponded entirely to the capacity-building requirements in the field for more extensive use of IPRs to promote social, cultural and economic development in the Slovakia and in the region. In conclusion, the Delegation expressed its country's commitment to continuing to contribute to the pursuit of WIPO's global goals and to engaging constructively in future deliberations.

147. The Delegation of Spain said that intellectual property had its place in international debates, and that the relevant rights should be respected and be among the major concerns of Member States, both in the context of enforcement of intellectual property rights and economic and social development, the problem of access to knowledge and the dissemination of technological progress, for which reason the cooperation efforts between those involved, in particular States, should be redoubled at the national, regional and international levels. As regards cooperation, the Delegation emphasized that WIPO should continue to be the fundamental reference point as an organization with a universal vocation integrated into the United Nations system. It said that the year 2006 had provided the opportunity for the competent Spanish intellectual and industrial property and copyright authorities to give continuity to their strategic projects and to face new challenges. In relation to industrial property, it explained that the Spanish Patent and Trademark Office (OEPM) had recently moved to a new headquarters and had subsequently implemented some of its strategic projects as well as acquiring the means to make them more dynamic and set them in motion (gradual incorporation of new technologies, process of producing a digital archive, with a view to facilitating electronic access to all the documentation included in patent records). The Delegation recognized that those improvements, including the saving of space and the guarantee of conservation of such documentation, had also implied that the scientific community, inventors and citizens in general could have simple and immediate access to extremely valuable information, thereby strengthening the role played by OEPM as an agent of technological progress. In addition, the Delegation stated that great success had been achieved with electronic trademarks applications, which already represented 54 per cent of the total. For that purpose, it expressed the possibility that in the coming months patent applications could also be filed by the same means. It also said that the telematic submission of materials in response to Office decisions and trade name applications had already been active for a number of months. It mentioned that the Office was working on a draft reform to the regulations governing the Laws on Trademarks, Patents and Industrial Designs, through which it was endeavoring to provide applicants or interested parties that had their domicile outside Spanish territory with electronic notifications; such regulatory reform also extended to other procedural aspects which affected the three forms of industrial property and aimed also at reducing the administrative burdens on citizens and firms, in line with the regulatory reform sponsored by the OECD. As part of the improvements, the Delegation said that OEPM had obtained ISO 9001 certification in PCT procedures in September 2006. As for the protection of rights, already granted in the face of activities of counterfeiting or imitation, the Delegation stated that the Spanish Government had made a financial contribution to the OECD for a study on the economic impact of piracy and counterfeiting. In the legislative sphere, it noted the approval in 2006 of Law 19/2006 of June 5, which broadened the means of supervising intellectual and industrial property rights and established procedural standards to facilitate the application of various community regulations, and also the setting-up, under the Presidency of the Ministry of Industry, Tourism and Commerce, of an intersectoral commission to act against activities infringing industrial property rights. In the international context, the Delegation mentioned the signing, between OEPM and WIPO in June 2004 of a Memorandum of Understanding, as a result of which a trust fund had been created to finance joint cooperation projects in Ibero-America, and noted that said activities had given great momentum to development policies in Latin America, as regards training of human resources, strengthening of institutions, automation of procedures in industrial property offices, and promotion of information technology. For the rest, it referred to other strategic OEPM projects, including LATIPAT, the translation into Spanish of the International Patent Classification, not to mention the Ibero-American Training Program for Technological Information Searches (CIBIT), the development of the CIBIT Program, and training in

information technology searches, where online information was provided by OEPM in conjunction with the Spanish Distance Learning Center for Economic and Technological Development (CEDDET), as a real training initiative. The Delegation emphasized the importance of intellectual property for the Ministry of Culture, particularly in relation to copyright protection, that Ministry having conducted significant activities in that area on three fundamental issues: development of standards, intellectual property rights prevention and awareness-raising policies, and international cooperation. The Delegation said that the Government of Spain was very sensitive to and aware of the need to adopt intellectual property rights prevention and awareness-raising policies, and for that reason, with the agreement of the Council of Ministers, in April 2007 the Comprehensive Government Plan for the Reduction and Elimination of Activities Infringing Intellectual Property had been created, structured in five groups of measures (cooperation and collaboration, prevention, raising awareness in society, standards and training). With reference to international cooperation, the Delegation said that the Ministry of Culture had strengthened the cooperation links with the World Intellectual Property Organization (WIPO), already generated as a result of the signing of the Memorandum of Understanding in 2003, and thereby strengthening collaboration between both institutions and helping to create a social culture which would involve raising awareness of the importance of protecting intellectual property rights. That had been manifested in the welcoming of the representatives of the Supreme Court of the People's Republic of China in Madrid, in February 2007, and the future visit of His Excellency Mr. Yan Xiaohong, Vice Minister of the National Copyright Administration of China (NCAC). It had also been expressed in the form of attendance at the Third Global Congress on Combating Counterfeiting and Piracy, held at WIPO headquarters in Geneva in January 2007. As regards cooperation with Ibero-America, the Delegation also mentioned the organization, by the Ministry of Culture, of two training plans, one on each side of the Atlantic: the first designed for Ibero-American judges since 2003, and the second a scholarship visit to Spain for unregulated training of Ibero-American cultural sector professionals in the intellectual property sphere. It emphasized that through such activities, an effort had been made to promote intellectual property protection and development at the national and international levels.

148. The Delegation of Swaziland associated itself with the statement made by Algeria on behalf of the African Group. The Delegation, noting that Swaziland had always thrived on TK and folklore, welcomed the setting up of the Voluntary Contribution Fund to facilitate the participation of indigenous and local communities in the work of the IGC and encouraged others to join as donors. It also noted its support for the work of the ACE, and the convening of the Committee at appropriate intervals. The Delegation underscored its satisfaction with the support and assistance it had received from WIPO and was looking forward to the Forum on Intellectual Property that would be held in Swaziland from November 21 to 23, 2007 and would cover all the current developments in intellectual property.

149. The Delegation of Sweden associated itself with the statements made by Italy on behalf of Group B and by Portugal on behalf of the EC and its Member States. The Delegation emphasized its support for the development of an international IP system, which promoted the economic, social and cultural development of all, and underscored Sweden's commitment to multilateralism, in general, and to WIPO, in particular. The Delegation expressed its commitment to the implementation of the Development Agenda through the Committee on Development and IP to be established by the General Assembly. The successful outcome of the PCDA should have laid a solid foundation for the deepening of development-related aspects in all WIPO activities. It had also demonstrated the ability of Member States to work constructively together, even on contentious matters. As regards the IGC, the Delegation

welcomed the successful implementation of the Voluntary Contribution Fund, and encouraged others to join Sweden as donors; it looked forward to continuing work in the Committee towards further convergence of views. The Delegation expressed Sweden's commitment to agreeing on a new work plan for the SCP and welcomed the efforts made in this respect since the previous Assemblies. It supported the Secretariat's proposal to establish a report and saw that as a fruitful way forward at that stage. Concerning a treaty on the protection of the rights of broadcasting organizations, the Delegation expressed regret that agreement could not be reached at the two special sessions of the SCCR for a diplomatic conference to be convened; however, it remained committed to the continuing process and supported the recommendations from the Committee to retain the subject on the agenda of the SCCR. The Delegation supported the important work of the ACE and the convening of that Committee at appropriate intervals during the next biennium. The Delegation acknowledged the progress made in the *ad hoc* Working Group on the Legal Development of the Madrid System for the International Registration of Marks and hoped for its successful conclusion. It reiterated its appreciation for the cooperation with the Secretariat in the organization of the three yearly Swedish International Development Agency-financed programs relating to various aspects of IP in the global economy. The Delegation reported that the Swedish Parliament had approved, in June, the Revised European Patent Convention as well as the Patent Law Treaty and that the instruments of ratification would soon be deposited. The Delegation looked forward to continuing successful cooperation with WIPO on the development of the international IP system for the benefit of economic, social and cultural development of all.

150. The Delegation of the Syrian Arab Republic thanked WIPO and the Director General for their continuous efforts to promote IP use, particularly as far as enforcement of IP rights and development issues were concerned. Throughout the current year, special efforts had been made to improve IP-related activities in Syria; following accession to the Paris Convention, PCT, Madrid Agreement, Nice Agreement, Berne Convention, Rome Convention and WIPO Convention, preparations were made to complete the accession process by the country to further IP treaties. A draft decree on accession to the Hague Agreement had been completed and Act Number 8 of March 12, 2007, on the Protection of Trademarks, Industrial Designs, Geographical Indications and Unfair Competition, had been promulgated. A draft patent law had been submitted to the Cabinet Presidency for approval. The Delegation noted that special activities had been organized for the celebration of the World Intellectual Property Day on April 26, 2007, including publication and distribution of greeting cards prepared by WIPO. On the same occasion, a message from the Ministry of Economy and Trade had been prepared, emphasizing the importance of IP and its role in economic and social development. The message identified the objectives and implications of the IP culture dissemination agenda addressed to various sectors of society. Further, similar messages had been distributed to authorities concerned with the implementation of the said agenda, including universities. A special Internet room had been opened to the public to freely access technical information contained in worldwide patent documentation and other state-of-the art information. A patent library had been opened, with WIPO publications and other CD-ROM products and publications prepared by the Directorate of the Protection of Commercial and Industrial Property. A new Syrian patent website had been launched at that occasion. Fruitful cooperation with WIPO continued and efforts were being pursued by the Technical Assistance and Capacity Building Bureau for Arab Countries to improve working methods of the Directorate. In that respect, four study visits had been organized to the Academy for Scientific Research of Egypt for staff of the Directorate, and four staff members benefited from a study tour in the Moroccan Industrial Property Office. The Directorate had also participated in various meetings financed by WIPO. Two WIPO experts had visited

Syria to customize the automation program and provide training for staff members on the use of the certificate delivery system, and make the necessary adaptation to enable Internet connection for both Aleppo and Homs. A regional seminar on the economic significance of industrial property had been organized by WIPO from May 15 to 17, 2007; participants came from Egypt, Iran (Islamic Republic of), Jordan, Lebanon and Turkey, and lectures were delivered by eminent WIPO experts. A specialized workshop on patent documentation research in worldwide databases had been organized for university students in Aleppo. Finally, the Delegation reiterated its thanks to the Bureau for its continuous support, and hoped that the Assemblies would reach positive conclusions, including the adoption of the Development Agenda, a process that had recently made significant progress.

151. The Delegation of Tajikistan noted that, as each year passed, the development of IP issues was becoming evermore current in all States and its significance for economic development continued to increase. In that vein, the Government of the Republic of Tajikistan attached ever greater importance to the development of IP matters. The Patent Office of Tajikistan had, during the last year alone, prepared and adopted three industrial property laws and had recently finalized the law on relations between the three forms of intellectual property, which in the final analysis would help to attract serious investors to the country. The serious policy of the Government of Tajikistan had expanded the national Patent Office's sphere of activity, in particular the inter-institutional faculty of the national Patent Office increased annually the number of hours devoted to teaching on the protection of industrial property subject matter in higher education and other training institutions in the national capital. Similarly, a center, attached to the Patent Office, had begun to operate and taught the latest knowledge on information technologies, which was also a part of the country's IP strategy and its economy. Many positive achievements and indicators had been realized by the Patent Office through consultations with specialists and responsible staff members of WIPO, for which the Delegation expressed thanks in relation to the joint work done. The Delegation also thanked all the delegations of WIPO Member States and the Secretariat for their cooperation with its national Government and wished everyone further success.

152. The Delegation of Togo thanked the Director General and the WIPO Secretariat for the quality of documents prepared for the Assemblies, as well as for the dynamic and efficient way in which the Organization's activities had been managed since the last series of meetings of the Assemblies to date. Noting that, in the 21st century, the international community had become aware of the importance of IP as a tool for wealth creation and development, it welcomed the efforts made by the Director General and the Secretariat to widen the scope of the Organization and to ensure that it played its role in the promotion and development of an equitable IP system fully. The Delegation expressed its approval of the inclusive approach adopted by the Director General, which encouraged open and in-depth dialogue, as well as consideration of the needs and suggestions of all Member States, which had permitted changes in the Organization's activities and operating procedures – the development of a strategic results-based Program and Budget, strengthening of checks, contracts and procurement review, internal audit and oversight – which should enable it to identify current and future challenges more effectively. The Delegation also welcomed the new consultation mechanism which had been submitted to the Assemblies during their previous series of meetings, as well as the strengthening of the governance structure through the work of four Standing Committees (on the Law of Patents, on the Law of Trademarks, Industrial Designs and Geographical Indications, on Copyright and Related Rights and on Information Technologies) designed to coordinate the Organization's activities and provide Member States with an effective means of exchanging information. The Delegation also welcomed the

recent initiatives taken to facilitate access for developing countries to information technologies and to use digital technology to make the IP system more economical, more effective and more user-friendly. It praised the work carried out by the IGC and expressed its strong wish that international collaboration based on a spirit of consensus would lead to the adoption of a position permitting all Member States and holders of that wealth to benefit from it. The Delegation said that it had followed with particular interest the discussions held on the WIPO Development Agenda and invited the Secretariat and Member States to make an effort towards achieving international understanding and solidarity so that the Development Agenda would make IP accessible to all and transform it into a development factor to support and strengthen the economic aspirations and research capacities of all developing countries and all least developed countries. It said that the gap between industrialized countries and developing countries called for the humanization of IP, and that international filing and registration should be made affordable, taking into account the different levels of development of societies. With respect to the fundamental rights of peoples in health matters, in particular, access to anti-retrovirals and other essential pharmaceuticals at affordable prices, the Delegation also welcomed the efforts made by WIPO and the WTO to implement the Agreement on Trade-Related Aspects of Intellectual Property Rights TRIPS. In its opinion, improved application of that Agreement, implementation of appropriate national provisions and, above all, adaptation to the actual situation in developing countries would demonstrate the willingness of the international community to make IP contribute to the promotion of new ideas and innovations while attending to the needs of the most impoverished. The Delegation concluded by expressing its gratitude to WIPO for the technical and financial assistance which it had never failed to provide to Togo.

153. The Delegation of Tunisia welcomed the new drive which the Director General had instilled within the Organization and his unfailing efforts in favor of development. It also thanked the Secretariat for the quality of the working tools made available, and the Technical Assistance and Capacity Building Bureau for Arab Countries for its constant assistance to Tunisia. The Delegation associated itself with the statement by Algeria on behalf of the African Group, since it showed openness and optimism, called for an equilibrium and equality of opportunity within WIPO, and highlighted the new development dimension that the Member States would solemnly ask the Organization to implement. The Delegation welcomed the results obtained by the PCDA which would not have been possible without the spirit of cooperation and flexibility which prevailed during the final sessions. It expressed the wish that the Organization should have appropriate, regular human and financial resources to complete this new mission successfully. To reduce financing, at a time when the Organization had a pressing need for funds to implement the recommendations it had been called upon to make, was contrary to the goals and deserved further consideration and thought. The protection and preservation of cultural heritage and folklore in all their forms were another priority for the Organization. In that context, the Delegation, supporting the recommendation of the IGC to extend the mandate of the Committee for two years, considered that the adoption of a legally binding instrument would in itself serve to thwart the daily abuses of TK, traditional cultural expressions and genetic resources throughout the world. The Delegation welcomed the initiative whereby the Secretariat was asked to prepare a report on matters relating to patents, and it wished for that action to give a new impetus in the SCP. The Delegation was convinced that the Secretariat would prepare an objective working document of a high standard, taking into account the interests of all Member States. It thanked WIPO and the League of Arab States for the successful organization of the Arab Regional Coordination Meeting for Heads of Industrial Property and Copyright Offices, held in Tunis in June. It praised the Director General who, in Tunis in July, took action to consolidate the cooperation links between Tunisia and WIPO. Remaining open to any

constructive suggestion, and desirous of contributing fully to the success of the work of the current session of the Assemblies, the Delegation concluded by stressing that that work would be particularly crucial in the light of the importance of the topics appearing on the agenda and the responsibility of the Member States in enabling the Organization to achieve its objectives both serenely and in the usual spirit of mutual respect and understanding.

154. The Delegation of Turkey associated itself with the statement made by Italy on behalf Group B. It thanked the Director General, the Secretariat and Member States on the progress made and the results achieved by the Organization since the previous Assemblies. The Delegation recognized that IP was increasingly recognized as an integral tool for economic and social development and a key underlying condition for the achievement of the UN Millennium Development Goals. The Delegation believed that, as a global body encouraging creativity and innovation as well as market-oriented provider of services, WIPO's function had always been indispensable and wide ranging. It expressed its appreciation to the PBC, the WIPO Controller and the Secretariat for their hard work during the previous year in increasing transparency and in further involving Member States in the program and budget-making process. It also welcomed steps taken such as the revision of the WIPO Audit Committee's terms of reference and the WIPO Internal Audit Charter as well as the decision on the implementation of the International Public System Accounting Standards (IPSAS). The Delegation believed that the composition of the PBC should be reviewed in line with the growing interest of countries in WIPO's activities. The Delegation also welcomed the establishment of the Digital Access Service for Priority Documents Working Group which had undertaken a considerable amount of work during the year and appreciated the work carried out by the Working Group on the Reform of the PCT. The Delegation welcomed WIPO's initiatives designed to address the specific concerns of Member States, such as the documentation provided by WIPO for SMEs with the aim of increasing IP awareness, the interactive learning module on IP and its commercialization and the five-day, regional technology transfer workshop, which had been jointly organized by WIPO and the Scientific and Technological Research Council of Turkey (TUBITAK) in Istanbul. Following the success of the workshop, a second module was being planned for the first half of 2008. The Delegation expressed its appreciation to the Secretariat for organizing the workshop. Thanks were also due to the Secretariat for its role in the implementation of the recommendations adopted by the PCDA and for having taken them into consideration, to the extent possible, in the proposed Program and Budget for 2008-2009; and the Delegation proposed that recommendations not requiring further discussion be implemented immediately. It noted that the Turkish Patent Institute (TPI) had initiated a project in collaboration with the OIC in 2006 and the first workshop had been held in Ankara in December of that year, with the participation of 16 OIC Member States and representatives from WIPO, the EPO, the WTO and the GCC. The objective of the project was the harmonization of the legislation of Member States with international norms and the enhancing of the effectiveness and functioning of national IP systems. The second workshop of the project had been held in Casablanca, Morocco in July 2007, with the participation of 17 OIC Member States. The Delegation thanked the Secretariat for the support provided for this project. Referring to Ankara net, an on-line platform for national offices to share and exchange their experiences and best practices, the Delegation noted that it had more than 20 members and could be reached through the website of the TPI. The Delegation then reported on the major industrial property developments in Turkey, whilst also emphasizing the importance the country attached to international cooperation. Turkey had participated, and remained actively involved, in many international fora, including the IGC, for which it supported a renewed mandate. Regarding the protection of broadcasting organizations, the Delegation was disappointed that no agreement had been possible on holding a diplomatic conference but was

hopeful that the subject matter could be addressed again in the future, and an agreement reached. As a member of the EPO, Turkey had actively participated in EPO projects and had undertaken responsibilities under some of its bodies. A national workshop jointly organized by the TPI and the WTO on the structure of the WTO, the TRIPS Agreement and developments and the flexibilities under that Agreement regarding public health, had been held at the TPI in Ankara in January 2007. The Delegation noted the number of specialized IP courts in Turkey had risen from 8 to 21 in the last few years and Turkish judges had participated in training courses organized by the WWA and the EPO Academy. It also noted that the number of information bureaus, which were designed to spread IP knowledge in different cities throughout Turkey, had increased to 36. The Delegation reported on the recent implementation of an on-line application system to cope with increased demand. In 2006, 66,855 trademark and 30,000 design applications had been received. In 2006, the number of patent applications had increased 50 per cent compared to 2005 and 348 per cent compared to 2003. The rate of increase in national patent applications in the first eight months of 2007 had been 84 per cent. The Delegation concluded by stating its belief that the cumulative effect of the efforts of all Member States, when combined with the Secretariat's support, would ensure effective enforcement and dissemination of industrial property rights for the development of countries and the welfare of their people. In that regard, the Delegation wished Director General and his team every success and looked forward to cooperating with WIPO continuously to promote the development of the IP system throughout the world.

155. The Delegation of Uganda associated itself with the statement made by Algeria on behalf of the African Group. It expressed its appreciation to the Director General and assured him of its support for his efforts to achieve WIPO's strategic goals amidst enormous challenges. The Delegation reported that the benefits of Uganda's WIPO membership were being progressively realized, and that cooperation within WIPO's strategic goals and on the demand driven principle was working satisfactorily. The Organization had facilitated an IP Audit, carried out with the support of consultants, to evaluate the status, policy and legal framework, assets, and role of IP in the national economy. The IP Audit report was now guiding stakeholder consultations in the formulation of a national IP policy and strategy. Two national IP strategy workshops had also been held with WIPO's support. Those workshops had produced agreement on a work plan to advance the process of mainstreaming IP into national policies and the economy. Cooperation with WIPO had also focused on capacity building in the areas of human resource development/training, office equipment, and automation of registration systems. Training had been provided to public and private sector professionals in the areas of patent drafting, international registration of trademarks, collective management of copyright, and protection of traditional knowledge, cultural expressions and genetic resources. The Delegation also noted that WIPO had responded with constructive advice and comments, to Uganda's requests regarding legal reforms to modernize its IP legislation, including the Copyright and Neighboring Rights Act, the Trademarks and Service Marks Bill and the Industrial Property Bill. Major results from this cooperation included registration of Uganda's first Collective Management Organization, now operational following the enactment of the new Copyright and Neighboring Rights Act. Further draft IP Bills were due to be presented to parliament that year. Against that background, the Delegation recommended that the WIPO Development Agenda be prioritized in future programs; and that the issue of best practices in corporate governance be addressed to improve performance and accountability. The Delegation expressed the belief that these issues were key to strengthening WIPO's ability to sustain the achievements to date and to address future challenges.

156. The Delegation of Ukraine noted that, over the past few years, substantive changes had been made to Ukrainian legislation on IPR protection, thereby positively influencing the processes of acquiring, using and protecting such rights. The development of new, and the enhancement of existing, IP legislation in accordance with international standards, primarily the legal provisions in force in the WTO and EU, constituted major trends in the work of the Ukrainian Government. In the past five years, seven IP laws, five laws on Ukraine's accession to relevant international agreements and more than 50 corresponding legislative acts had been adopted. The significant law-making and organizational work carried out in the IP sphere by Ukrainian experts in the past few years had brought the country closer to the international community as a fully-fledged partner, as recognized and highly appreciated by influential international organizations. An important event in the spring of 2007 had been the holding of parliamentary hearings on the subject of "intellectual property rights protection in Ukraine: problems of legislation and law enforcement". As part of the preparation for the parliamentary hearings, ten representative seminars, round tables and public discussions devoted to the subject had been held. One of the important results of the parliamentary hearings was the initiation, at State level, of a process of preparation for accession to such international agreements as the Singapore Treaty on the Law of Trademarks, the Locarno Agreement Establishing an International Classification for Industrial Designs and the Strasbourg Agreement Concerning the International Patent Classification. The Delegation noted that, during the past five years, the trend of annual growth in the number of applications for the grant of documents providing protection for virtually all forms of industrial property and the number of State copyright registrations had been maintained. The State Department of Intellectual Property received an average of 35,000 applications for various forms of IP subject matter (including 15 per cent from international applicants) and 25,000 documents providing protection were granted. In 2006, the national Office had received approximately 46,000 applications for industrial property subject matter, constituting an 18 per cent increase on the previous year. The training of qualified IP examiners was currently one of the most important tasks of the State Department of Intellectual Property. In Ukraine, 16 educational institutions provided training for IP specialists. Sectoral standards had been devised for higher education in this area. A specialized higher education institution, within the State system of IP protection, the Institute of Intellectual Property and Law, acted as the coordinator for higher education activities relating to the training of IP specialists and functioned within the ambit of the Intellectual Property Academy. The Delegation noted that Ukraine was currently devising a system of training and retraining in the IP sphere for State employees, local government officials, and the heads of State firms, institutions and organizations. Specialized study courses were provided for judges, representatives of the law-enforcement, customs and fiscal authorities of Ukraine, and also for other specialists whose work was linked to IPR protection. The Delegation welcomed WIPO's significant success in developing a balanced and accessible international IP system, strengthening the global system of IP protection and promoting the effective use of IP throughout the world by providing a stable and harmonious form of cooperation between different countries and regions; as well as the organizational and legal reform of WIPO; the development and codification of international IP law; the activities of the WIPO Arbitration and Mediation Center; and the introduction of new projects to disseminate knowledge of IP among SMEs. Ukraine valued highly WIPO's work in enhancing the effectiveness of the Secretariat, including the reduction of general operating expenses, the strengthening of internal oversight functions and the creation of the WIPO Audit Committee. The Delegation expressed its concern regarding the insufficient representation, in the WIPO Secretariat, of the Group of Central Asian, Caucasus and Eastern European States, of which Ukraine was part. It was sure that by recruiting new employees, representing the Member States of that Group, WIPO would acquire not only true professionals, but would also raise to a new level the results of cooperation in the IP sphere

between WIPO and the countries of Eastern Europe, Central Asia and the Caucasus. The Delegation was also pleased to note the Organization's healthy financial position and support was expressed for the further introduction of a new mechanism for involving Member States in the preparation and subsequent implementation of the Organization's Program and Budget, which would undoubtedly be an important step on the way to the joint settlement of WIPO budgetary issues. Ukraine welcomed the new features of the proposed mechanism, including the provision of the External Auditor's report to the WIPO Assemblies, the strengthening of the consultation role with the Member States in preparing the Program and Budget and a more painstaking analysis of revised budgets and program performance reports. Noting the increase in WIPO budgetary appropriations as a result of fees paid by users of the international registration and application filing systems, the Delegation considered that those appropriations should be used to the maximum extent possible for the direct benefit of users. Attention should be paid to improving legislation and increasing the effectiveness of the systems and services in question, which assumed the rational use of fees. Such activities would provide significant assistance in satisfying users' requirements and would promote the stabilization of WIPO's income. The further development and reform of the PCT and Madrid systems would have a significant influence on increasing the volume of services provided by those systems and would broaden their use. The computerization of the PCT application processing systems would help not only to increase effectiveness but would have a significant influence on saving the administrative resources used to process applications. The Delegation noted that Ukraine wholeheartedly supported the work of the ACE aimed at coordinating the efforts to combat counterfeiting and piracy, and also the strengthening of cooperation in the provision of national and regional study programs for authorities whose activities focused on reducing intellectual property infringements. The Delegation welcomed the positive discussions within the PCDA, since cooperation for development was one of the most strategically important parts of WIPO's work. Ukraine considered it expedient to focus future activity on adopting and implementing the proposals for WIPO's development strategy agreed at previous Committee sessions. The Delegation also supported the proposal concerning the creation of the Digital Access Service for Priority Documents, in accordance with the provisions of the PCT and the PLT. It thanked WIPO for its contribution to the development of the national IP system, in particular for conducting an expert analysis of Ukrainian IP legislation as part of the participation of WIPO representatives in the parliamentary hearings already referred to, and its traditional assistance in holding annual international conferences on current problems of IP protection in order to retrain Ukrainian IP specialists. It also welcomed the introduction of, and assistance given in implementing, a project concerning economic research into the contribution of copyright and related rights-based industries to the Ukrainian economy, the organization of a series of conferences and seminars on the introduction in Ukraine of the Eighth Edition of the International Patent Classification, the holding of consultations on the introduction of the AFRICOS software for distributing copyright remuneration, and also the possibility given to Ukrainian IP specialists to hold a training course at WIPO. The Delegation expressed the hope that, in the future, WIPO would actively support the development of national IP institutes in developing countries and the countries whose economies were in transition as part of Program 7, "Certain Countries in Europe and Asia", in order to establish the foundation of equal partnership between all countries which, in the final analysis, would generate a high level of prosperity for the whole of humanity. The Delegation concluded by expressing Ukraine's intention to continue its fruitful cooperation with WIPO in order to enhance the IP protection system at both the national and global levels.

157. The Delegation of the United Republic of Tanzania expressed support for the statement made by Algeria on behalf of the African Group and by Benin on behalf of LDCs. It thanked

the Director General and the Secretariat for their unwavering conviction that IP is a powerful and sustainable tool to foster social and economic development, in particular for encouraging and providing hands-on support to developing countries and LDCs for the mainstreaming of IP into social and economic development policies. The Delegation expressed its gratitude for WIPO's technical assistance in establishing the Intellectual Property Advisory Services and Information Centre, which was launched on March 27, 2007. The Centre was believed to be the only one of its kind in Sub-Saharan Africa, with the exception of South Africa. The objective of the Centre was, *inter alia*, to promote the national IP system and to educate the public concerning the use and usefulness of the system in stimulating technological development in the country. The Centre would promote the use of IP information, especially patent information to R&D institutions and the business community, in order to enhance the country's competitiveness in national and global markets. The Centre provided training courses for, among others, inventors and IP practitioners in specialized areas such as IP registration, patent drafting and licensing of technology, thereby expanding the base of skilled human resources in the country. The Centre would provide a one-stop advisory facility during the implementation of the national IP system, especially in the areas of patents, trade and service marks, industrial designs, IP research, licensing and commercialization of new technologies and copyright. A High-Level National Meeting on the Use of Intellectual Property for Technological Development and Economic Growth was held, in Dar es Salaam, on March 26, 2007, the eve of the inauguration of the Centre. The meeting had aimed to familiarize senior officials from various government sectors and other institutions regarding the strategic use of IP for technological development and economic growth. Around 50 participants representing various government sectors, the private sector, universities and R&D institutions, directors general of various organizations, faculty deans, professors, as well as other senior officials, participated in this meeting. To facilitate the commercialization of new technologies, WIPO had assisted in the organization of a national workshop on formulating a training manual for technology licensing, in Dar es Salaam, in February 2007. The manual was still being finalized. On May 14 and 15, 2007, WIPO, in cooperation with IFFRO, had organized a Workshop on Copyright and the Book Publishing Industry, in Dar es Salaam. On May 17 and 18, 2007, WIPO had provided technical support to the copyright Society of Zanzibar through a workshop sensitizing users and owners of rights. A WIPO-sponsored study on the evaluation of the economic contribution of creative industries was currently in progress. On September 13, 2007, exhibitions of inventive and creative works had taken place to mark the 8th African Union Intellectual Property and Technology Day, including an exhibition of young inventors from primary, secondary and tertiary institutions, organized by the Tanzania Association of Engineers. That event coincided with a WIPO mission on the use of the PCT system, which took place from September 10 to 13, 2007. An increased interest in use of the PCT system was evident in the eagerness of users to learn more about that system. Missions of a similar nature had been requested for the future. The Delegation hoped that WIPO would continue to assist its country by providing such assistance in PCT as well as other relevant IP areas, and it intended to make specific requests in this regard. The Delegation expressed its satisfaction with the achievements made in negotiations for a WIPO Development Agenda, and it was proud to have been involved in that process from the beginning. It looked forward to the immediate implementation of the 45 proposals following their adoption by the Assemblies.

158. The Delegation of Viet Nam thanked the Director General and the Secretariat for the excellent preparations for the Assemblies. It commented that, as stated in the document outlining the Vision and Strategic Direction of WIPO, the 21st Century was a century of many challenges – including bridging the widening knowledge divide, the reduction of poverty and

the attainment of prosperity for all. The success of a country in meeting these challenges depended upon its ability to develop, utilize and protect its national creativity and innovation. An effective IP system allied to proactive policy-making and focused strategic planning, would help such a nation promote and protect its intellectual assets, driving economic growth and wealth creation. The Delegation stressed that IP was an important factor in fostering creativity and invention, the driving forces in a knowledge-based economy. It said that every country should be encouraged to develop an IP culture appropriate to its needs, including a focused national IP strategy, the most suitable national IP system, and the fostering of a nation-wide perception of IP as a powerful tool for economic, social and cultural development. The IP system, including its legal and institutional infrastructure and human resources capacity, should meet national policy objectives. Recognizing the importance of IP and desiring to join the WTO soon and to improve Viet Nam's chances of attracting foreign investment, in 1996 the government developed an Action Plan with the objective of making the Vietnamese IP system compatible with the TRIPS Agreement. The plan provided for a wide range of legislative, institutional, awareness-raising and capacity-building measures. Major steps forward were the adoption by the National Assembly of the new Civil Code on June 14, 2005, the new Intellectual Property Law on November 29, 2005 (which came into force on July 1, 2006), and a number of implementing regulations under this new IP law in September 2006. These reforms – which had taken 10 years of work from 1996 to 2006 – had, for the first time, provided the legal basis for an appropriate legal IP system in Viet Nam and for its compliance with the requirements of the WTO. As a result of its great efforts during the past decade, Viet Nam had finally succeeded in satisfying most demands of other countries, had found itself in a position to comply with the requirements of the TRIPS Agreement and had become a new member of the WTO on January 11, 2007, thus making this year so important for the country. The Delegation said that full membership of the WTO, with the new system of IP protection in conformity with the standards of the TRIPS Agreement, offered both opportunities and challenges to the Vietnamese business community, including manufacturers, exports and importers of goods and services. From an overall economic perspective, WTO membership was considered by the international community of traders and investors as a guarantee for a more stable and transparent business environment. Viet Nam's entry into the WTO would likely increase incentives for foreign investors. Along with the opportunities, the major challenge of joining the WTO IP system for all stakeholders in Viet Nam, including the government, relevant authorities and courts, but also the business community, was the obligation to implement the requirements of the WTO. To cope with these challenges and ensure the implementation of its obligations under the WTO, the government had developed the so called "Post-WTO Action Plan" covering all fields including the obligations under the TRIPS Agreement and the related international agreements for the protection of IPRs. In addition, to promote IP protection in the country, a "Nationwide Program for supporting the creation, exploitation, protection, and development of IP assets among enterprises", had been approved by the Prime Minister and implemented since 2005 and another "Program on enhancing the coordination among IPR enforcement agencies for the purpose of strengthening IPR enforcement" had been approved by the government and implemented since 2006. As a step forward to fulfilling international obligations under international treaties in the field of IP, Viet Nam had, since 2006, joined a number of international agreements, namely, the Madrid Protocol for the International Registration of Marks (July 11, 2006), the International Convention on Protection of New Plant Varieties (UPOV) (December 24, 2006); the Rome Convention for the Protection of Performers, Producers of Phonogram and Broadcasting Organizations (March 1, 2007). With a view to enhancing computer software, on February 22, 2007, the Prime Minister of Viet Nam issued an Instruction on the strengthening of computer program protection, which obliges government agencies to use only legitimate computer software. Raising public

awareness of IP was also an important area to which Viet Nam pays much attention. The Delegation noted that that year, Viet Nam had conducted numerous activities to celebrate World IP Day, April 26, through mass media, including TV, radio, newspapers, workshops, seminars, etc. To promote the use of the trademark system, a special program on trademarks was being broadcast twice a week on a central channel of national TV. Various measures were also being taken to promote innovative and inventive activities. Scientific and technological contests were organized on an annual basis and winners received WIPO awards and medals, which were essential incentives, stimulating creativity and innovation. All the achievements and progress made by Viet Nam in the IP field during the previous years were due not only to its own efforts but also to technical assistance provided by foreign countries and international organizations. The Delegation expressed its gratitude to WIPO for its precious support and assistance to the country. Viet Nam appreciated WIPO's role as the leading international organization, and the UN specialized agency, responsible for initiatives in respect of effective international cooperation for the promotion of the effective protection and use of IP throughout the world, through cooperation with and among Member States and all other stakeholders. That was to be achieved by creating an environment and infrastructure conducive to an enhanced understanding of the contribution of IP to human life, through economic, social and cultural development, and, in particular, by assisting developing countries in their capacity building for greater access to, and use of, the IP system. With the support and assistance of WIPO, a number of training activities, workshops, and seminars had been organized; numerous WIPO publications had been translated into Vietnamese; many Vietnamese officials had had opportunities to attend various courses, seminars and workshops organized abroad by WIPO; and a number of Vietnamese innovators had been granted WIPO awards for their creative activities. All these types of support by WIPO had been essential for the development of Viet Nam's IP system over the past years. The Delegation said that it wished to take that opportunity to express its profound gratitude to WIPO and its competent divisions for the efficient cooperation and precious assistance extended to Viet Nam and looked forward to further cooperation and assistance from WIPO. Regarding the WIPO Development Agenda, the Delegation welcomed the outcomes of the PCDA's meetings and expected the General Assembly to decide appropriate ways to best use IP for development that ensured the balance between IP rights and obligation, while fully protecting the interests of the public. The Delegation also underscored the importance it attached to the work of the IGC and to adequate and effective protection of genetic resources, TK and folklore and urged Member States to find appropriate approaches to achieve the best results. The Delegation supported the work being done within the Madrid System, the PCT system, the PLT Assembly and related bodies with a view to enhancing the ability of the IP system to support economic growth and sustainable development and making the system more demand-driven, user-friendly and development-oriented.

159. The Delegation of Zimbabwe thanked the Director General and the Secretariat for the assistance rendered to developing countries and LDCs in the field of IP which it considered was a power tool for economic development and wealth creation. In order to foster empowerment and socio-economic development, Zimbabwe had adopted a National Science Technology Policy in recognition of the role played by science and technology. It had also established an Innovation and Commercialization Fund (ICF) whose objective was to promote and finance scientific research, inventions and innovations of national importance, including their commercialization. In realizing the magnitude of the tasks to be undertaken in pursuance of the ultimate goals of enhancing growth and meeting the UN Millennium Development Goals through systematic application of science and technology in all sectors, the Government of Zimbabwe created, in April 2005, a fully-fledged Ministry of Science and Technology Development which was working closely with tertiary institutions and the

Zimbabwe Associations of Inventors (ZAI). The Delegation noted the technical assistance that had been rendered to Zimbabwe over the past years by WIPO, which was an important contribution in fostering the social and economic development of the country. During the period under review the automation of the Zimbabwe Intellectual Property Office (ZIPO) had been initiated by WIPO with the installation of the Industrial Property Automation System (AIPAS). However, the data capture of all trademark files and the scanning of all logos and devices had yet to be completed and the Delegation expected that the remaining work would be completed before the end of 2007. The Delegation expressed its thanks for all the training assistance provided to various government officials and stakeholders in different aspects of IP through the various courses organized by the WWA. The Delegation underlined the importance of the Academy's continuing to provide training, which was a tool for human resource development, awareness creation and demystification of IP. The Delegation congratulated the PCDA for all the work it had undertaken in producing specific proposals with a realistic and pragmatic approach to a WIPO Development Agenda.

160. The Representative of Palestine associated itself with the statements made on behalf of developing countries and expressed its appreciation of the professionalism of the Secretariat, including the Arab Bureau, as well as the dynamism of the Director General. It stressed the need to use the resources of WIPO for purposes of development and urged that they be further enhanced. The Representative noted that Palestine's progress in filing for patents and registering copyrights, trademarks or industrial designs did not match its aspirations, particularly because of the continued foreign occupation hampering economic activity and innovation. Despite that, Palestine was working hard to develop its economy, whose backbone was the private sector, comprised primarily of SMEs. It would like to be able to target weaknesses at the macro, mezo and micro levels and at the same time build its institutional capacity in a way that promotes IPR protection. The Representative noted that Palestine would like to be able to harness its resources, build on them and upgrade them to higher levels of economic activity. It needed to have an enabling environment, free of foreign occupation, which encouraged and strengthened endogenous growth, local ownership and a smooth, gradual transition to a higher level beyond the production possibility frontier (PPF) towards a knowledge-based economy. The Representative noted that Palestine benefited from the assistance rendered by WIPO and looked forward to receiving a WIPO delegation to increase awareness of IP and to formulate a program of assistance, particularly in technical capacity-building for the benefit of Palestine that would enable it to adapt to, and integrate into, the international framework of IP protection.

161. The Representative of the African Union (AU) thanked the Director General for his accurate vision and the personal efforts he continuously made for an IP culture to become a universal reality. The Representative congratulated the Secretariat on the excellent work done, the good quality of documentation provided and the logistics set in motion for the needs of the working sessions. While commenting that the Assemblies' agenda items related to questions of strategic interest for the African continent, the Representative endorsed the statements made by the delegations of African countries and the Delegation of Algeria which had spoken on behalf of the African Group. Very concerned with the development of IP and the fundamental role which it could play for the African continent, the Representative emphasized that at their Eighth Summit, held in Addis Ababa in January 2007, the Heads of State and Government of the countries of the African Union had decided to create a pan-African intellectual property organization. The Representative thanked those who, from near or far, had contributed to the success of the project, the completion of which would provide fresh impetus for IP in Africa. The Representative urged WIPO Member States to approve the recommendations adopted within the PCDA, their immediate implementation and the

creation of the Committee on Development and IP. The Representative also urged the Member States to give very favorable consideration to the possibility of using part of the WIPO reserves to finance the activities relating to the implementation of the PCDA. As to the SCP, a holistic approach to the matters raised was now required so that a balance could be achieved. The issues relating to the work of IGC were vital for Africa and the Representative requested everyone to work towards a consensus so that African traditional resources and biodiversity were no longer misused and that the continent, together with the peoples it sheltered, could take its fair share of the distribution of the resulting benefits. The Representative wished to draw the attention of Member States to the fact that the reduction of PCT fees could have negative effects on the WIPO budget and she called on them to show wisdom in taking decisions which would allow WIPO to perform the tasks entrusted to it by the Convention establishing it, i.e. to devise a balanced and accessible international IP system which rewarded creativity, stimulated innovation and contributed to economic development while preserving the general interest. In conclusion, the Representative emphasized the interest which the Commission of the African Union had in the discussions taking place and assured the Assemblies of its full collaboration while wishing that the work undertaken were successful.

162. The Representative of the African Intellectual Property Organization (OAPI) congratulated the Director General and the whole of the Secretariat on the work done in the past 12 months, in particular in relation to technical assistance for development. It endorsed the statements made on behalf of the African Group. Comprising 16 Member States, OAPI was particularly interested in two specific points: the WIPO Development Agenda and the low rate of use of international registration systems administered by WIPO. By way of introduction, the Representative emphasized OAPI's concerns regarding the management of industrial property in developing countries in general and OAPI in particular. 80 to 90 per cent of the titles issued were granted on the basis of foreign filings. OAPI, which protected such titles as far as it could, was of the opinion that sound protection for intellectual property was able to reassure creators and attract private foreign investment, but emphasized that protection must not be an end in itself. Foreign applicants who benefited from national treatment showed little concern for the local use of the titles granted to them. Local applicants were also unconcerned with regard to the titles granted to them, for many reasons. Furthermore, IP promotion had not reached the spheres which most required it, i.e. those of research and business, and the result was the grant of titles not used on OAPI territory. If things remained as they were, IP would not contribute to development. OAPI said that it could be stated that a good system of industrial property registration would lead to a flow of investments from the countries of the north to those of the south. Although the OAPI Member States had acquired one of the most up-to-date bodies of IP law, investment had not arrived as promised. It could also be stated that a good judicial system which paid heed to the rights of creators would be a source of substantial growth in private foreign investment. The Member States of OAPI had taken many and varied initiatives to make their judicial administration more effective in the fight against counterfeiting and piracy, although few investments had been forthcoming and those which had arrived related to activities with no relation to IP. In that context, the Representative wondered what other form of incentive could be imagined to oblige foreign investors to inject capital into the industrial and cultural development sector of OAPI States, how to oblige national firms (essentially SMEs) to use inventions and technological innovations, how to oblige African researchers to enhance the value of the results of their research work, and how to gain true benefit from the genetic resources which were real inputs for industry, by preserving them from misuse. OAPI and its Member States were ever more aware of the challenges of IP and its impact on their development had led to the following initiatives: creation of the Fund to Assist the Promotion

of Invention and Innovation (FAPI); the Libreville Initiative for the Protection and Enhancement of Drug-Related Inventions; preparation, in consultation with the African Regional Intellectual Property Organization (ARIPO), of two legal instruments, one on the protection of traditional knowledge, the other on the protection of folklore, both of which had been signed by the Member States of OAPI at a Diplomatic Conference held for that purpose in Niamey, Niger, in July 2007. Subject to their approval by the Administrative Council in December 2007, other initiatives would follow beginning in 2008. The scope of the reforms which OAPI wished to implement necessitated support from its partners. For that reason, OAPI and its Member States based their hopes on the WIPO Development Agenda. As to the low rate of use of the international registration systems administered by WIPO, OAPI was of the opinion that its Member States would develop not only through the one-way use of such systems but rather from active participation of the nationals of States in the PCT, Madrid and Hague systems. One of the reasons for the low rate of use of the international systems by the nationals of developing countries and LDCs was the level of fees. Although in the past fee reductions for applicants from developing and the least developed countries had been obtained, that effort should continue in order to give greater consideration to the imbalance which existed between the countries of the north and those of the south. If the imbalance was recognized and treated as such, the SMEs in those countries could not gain access to international markets. In conclusion, the Representative emphasized that OAPI was firmly convinced that, greatly enlightened by the guidance that would be given at the current session, WIPO would spare no effort in achieving its noble aims with a view to retaining the select position which it occupied among the ranks of global organizations.

163. The Representative of the African Regional Intellectual Property Organization (ARIPO) thanked the Director General and the Secretariat for the elaborate and highly comprehensive working documents prepared for the Assemblies and endorsed the statements made by Algeria on behalf of the African Group and by Argentina on behalf of the Group of Friends of Development. Created in 1976, through a Treaty referred to as the Lusaka Agreement, the mission of ARIPO was to promote, develop and harmonize IP systems at a sub-regional level in Africa. Its mandate was enhanced by supplementary Treaties to the Lusaka Agreement known as the Harare Protocol on patents and industrial designs and the Banjul Protocol on marks, referred to as the ARIPO Protocols for the grant and registration of industrial property rights. ARIPO's mission was expanding through extended mandates given by its Council of Ministers of the Organization on the protection of copyright and related rights, as well as the protection of TK, genetic resources and folklore. The Delegation reported that there had been an ever-increasing collaboration between ARIPO and WIPO in various IP spheres since the previous meetings of the Assemblies, which included modernization and automation assistance from WIPO for member, and potential member, States of ARIPO, in the form of computer equipment, training, streamlined and automated IP processing procedures, creating national industrial property databases through the IPAS project and equipment for the newly-established ARIPO Regional Training Center (ARTC). That equipment would enable ARIPO to develop the skills of IP professionals in Africa through hands-on training and on-line connectivity. The Delegation stated that consultations had started which, it was hoped, would ensure that the next phase of IPAS in the ARIPO region would focus on connectivity between the Member States and the Secretariat, thus enabling the establishment of a comprehensive regional database of IP titles, improving the quality of search and examination and allowing data exchange in digital format. The success of WIPO's IPAS project was largely thanks to the availability of a WIPO consultant, based at ARIPO headquarters, who assisted Member States where the system had been deployed and who, during implementation, had been assisted by ARIPO's systems administrator. In the area of copyright and related rights, ARIPO had concluded, with WIPO's support, a cooperation

agreement with IFRRO, under which ARIPO Member States would receive assistance in the development of reprography. ARIPO had also participated in an anti-piracy training of trainers program, convened meetings of heads of copyright offices and had established programs to facilitate the compatibility of the copyright management systems of its Member States in conformity with international standards, as well as access to international databases and data distribution networks. ARIPO had therefore proposed deploying an additional consultant to manage AFRICOS. Given that successful connectivity with Member States and beyond relied on a good and reliable Internet link, ARIPO had installed a broadband Internet connection through the UNDP satellite link. This connection had already paid dividends in the improved quality of patent search and examination, on-line publication of ARIPO documents and wider access to international IP databases. The Delegation expressed its satisfaction with its collaboration with WIPO on PCT matters and, in particular, with respect to the increased number of patent applications which had led ARIPO to be self-sustaining, and the participation of ARIPO in PCT reform meetings and training programs. It also expressed gratitude for WIPO's support in providing free-of-charge search services for developing countries. This had greatly contributed to the technological needs of ARIPO's Member States and had resulted in the introduction of policies englobing universities, R&D institutions, SMEs, etc. The Delegation commended WIPO on its involvement in ARIPO's initiatives to improve the performance of the Banjul Protocol, with a view to making it user-friendly and cost-effective. ARIPO and OAPI had been, with the support of WIPO, involved in a series of consultative meetings on the protection of TK, genetic resources and folklore. These consultations had led to the harmonization of an ARIPO/OAPI instrument in this area. The Administrative Councils of both Organizations had already adopted the harmonized text. Following a diplomatic conference, OAPI had annexed this instrument to the Bangui Agreement. It was envisaged that a similar step would be undertaken by ARIPO during the course of 2007. ARIPO had developed a prototype database on TK which, with the collaboration of its partners, would be developed into a fully-fledged TK digital library for prior art search and examination purposes, as well as guard against the disappearance of these resources. The Delegation reported that, with respect to capacity-building, ARIPO had inaugurated its Training Center and organized a considerable number of training programs in cooperation with WIPO, including a WIPO-ARIPO Seminar on Intellectual Property for the Competitiveness of SMEs, an International Patent Classification Training Seminar and a Patent Drafting Workshop. In addition, ARIPO, in cooperation with the WIPO Worldwide Academy and the Africa University in Zimbabwe, were in the process of finalizing the Training of Trainers Programme leading to a Master's degree (LLM) in IP, which was expected to start in early 2008. The Delegation thanked WIPO for having invited ARIPO to participate in the Assemblies in an observer capacity and looked forward to fruitful deliberations and a closer collaboration in the future.

164. The Representative of the *Organisation internationale de la francophonie (OIF)*, speaking on behalf of its Secretary General, emphasized the exemplary collaboration which had ensued since the ratification of the Cooperation Framework Agreement between OIF and WIPO in 2000, and which had subsequently been strengthened and developed. The Representative noted that the technical meetings that had taken place, during the 2006-2007 biennium, had clarified the terms of cooperation for the benefit of 68 States or Governments, in particular developing countries and those in transition, while being based on the IP expertise of WIPO. The Representative highlighted WIPO's participation in various training programs linked to the cultural industries, to support for the guarantee and protection of the rights linked to the literary and artistic production of countries of the south, economic cooperation, and legal and judicial cooperation; all those were priority areas for cooperation within the strategic ten-year framework adopted by the Heads of State and Government at the

Summit held in 2004 in Ouagadougou, Burkina Faso. The Representative also mentioned the essential participation of WIPO in various regional training workshops for the economic and financial analysis of cultural projects intended for bank managers and cultural entrepreneurs, and held as part of the Guarantee Fund Program for Cultural Industries in the music, image and publishing sectors (Madagascar in 2006, Egypt in 2007 and shortly Dakar and Saint Lucia). The training was intended to raise awareness in about 30 African countries of the challenges presented by IP in relation to the funding of SMEs. WIPO had contributed its expertise to the implementation of the program to strengthen the role of French-speaking experts in the negotiation of commercial agreements, by participating in various workshops in Africa, the Indian Ocean region and Central and Eastern Europe, in partnership with UNCTAD, the WTO, WTC and the World Bank. The Representative, referred to the holding, in 2007, of a joint seminar for training and raising awareness of copyright and related rights, for judges and police officers, in some 10 countries in West Africa, in Dakar. All those activities reflected the convergence of the aims and concerns of OIF and WIPO in relation to the promotion and protection of intellectual works, enhancement of TK and cultural heritage, use of new information technologies, and support for social and economic development. In conclusion, the Representative assured those present that OIF, under the leadership of its Secretary General, would endeavor, during the 2008-2009 biennium, to intensify its relations with WIPO which worked at the regional and global level in areas of common interest, in relation to culture, economics and politics. It was certain that the strengthening of such beneficial relations would allow it to enhance and enrich its contribution to international cooperation and solidarity.

165. The Representative of the Free Software Foundation Europe (FSFE) wished to offer considerations regarding WIPO's procurement decisions. Regarding technical needs and systems, the Foundation believed WIPO should follow established principles of vendor independence, interoperability and open standards for all its procurement, such as those in the European Commission's IDABC European Interoperability Framework (EIF) or other similar instruments. Interoperability and open standards were central to the sustainable storage of and perpetual access to data and information. The Representative indicated that a cost-related lack of interoperability accounted for up to 40 per cent of IT budgets, and was a major cost driver for all IT users, including public bodies. That lack of interoperability was a common result of vendor-specific procurement decisions and a lack of open standards. The Foundation believed that depending on one particular company's product for data access and communication with Member States could result in a direct conflict with WIPO's mandate as a multi-stakeholder intergovernmental organization. The Representative suggested that the Assemblies establish clear WIPO guidelines for ensuring vendor independence, interoperability and open standards in all procurement decisions. The Representative congratulated the Member States on reaching agreement on a concrete set of issues for a WIPO Development Agenda. The Foundation had followed that process and would continue to offer its assistance in further discussions and implementation of the recommendations. The Representative believed the issues of interoperability, open standards and vendor independence should be included in Development Agenda discussions. The Representative emphasized the role of free software in establishing and maintaining an open, competitive and innovative technology industry. The Foundation believed free software was often the only competitor in markets that witnessed abuse by monopolies, and helped to re-establish competition. The Representative emphasized the importance of discussing the role of free software in technology transfer and capacity-building, as agreed upon during the World Summit on the Information Society (WSIS) (item 24), and cited Section C3, 10(e) of the WSIS Plan of Action. The Foundation urged that sufficient resources be dedicated to the upcoming Development Agenda discussions in order to bring about concrete results in a

timely manner. Regarding the future activities of the SCCR, the Foundation reaffirmed its support for the September 2006 Joint Statement of Certain Civil Society, Industry and Right Holders Representatives regarding the SCCR Draft Basic Proposal. Considering the large number of issues in this area – including, a potential treaty on access to knowledge; the issue of limitations and exceptions; and an alternative copyright-based system as an incentive for creativity, such as creative commons and free software – the Foundation believed the SCCR should prioritize them for the work of its future meetings. The Foundation believed the SCP should analyze the effects of patenting on IT standards, incorporating a perspective on potential antitrust issues, which, it held, was relevant to the full picture.

166. At the invitation of the Chair of the General Assembly, Ambassador Martin I. Uhomoibhi, the Director General made the following statement:

“Distinguished delegates,

“I have listened with great attention to the views expressed by all of you in your thoughtful interventions. Many important points have been made in your statements, which my colleagues and I have carefully noted.

“In these brief remarks, I shall endeavor to touch upon some of the issues raised. Before I do so, I would like to express my deep appreciation for the kind words of acknowledgment for the important work being done by this Organization to strengthen the intellectual property system and to ensure that it fully contributes to the socio-economic development of all nations. Your expressions of support for this Organization, for its hard-working and talented staff, and for myself personally are a source of strength, and shall inspire all of us to intensify efforts to meet your expectations.

“In recent years, WIPO has faced a world undergoing radical and rapid transformation – from the profound effects of the Internet on communications, commerce and culture to the changing topography of an increasingly knowledge-based global economy.

“The fundamental challenge faced by our Organization has been to ensure that the evolution of WIPO kept pace with that transformation. To meet this challenge we set ourselves a number of broad goals. These included: optimal accountability and transparency, especially in the budgeting, planning and implementation of policies; greater interaction and dialogue with the full constituency of WIPO; intensified action to bridge the gap between developed and developing countries; a more focused approach to developing national intellectual property infrastructure; and enhanced efforts to protect intellectual property assets.

“We have made significant progress on all these goals. This has been facilitated by the increasingly shared view that intellectual property is an essential tool for economic growth and wealth creation.

“To enhance accountability and transparency we have adopted a strategic, results-based program and budget. A process has been established for the comprehensive involvement of the Member States in the crafting of the program and budget, and oversight mechanisms are being significantly strengthened, others created.

“The governance of the Organization has been streamlined with the creation of four Standing Committees to channel Member States’ input. Other bodies have been established

to shape policy in key areas, including the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Advisory Committee on Enforcement and, most recently, the Provisional Committee on Proposals Related to a WIPO Development Agenda.

“This has resulted in significant advances. There has been a major breakthrough in the discussion on a Development Agenda for this Organization. We have a landmark agreement on 45 proposals which we shall now seek to implement. Here, I must thank Ambassadors Rigoberto Gauto and Trevor Clarke, Chairs of the PCDA, whose skillful guidance of the PCDA process significantly contributed to its success.

“The Advisory Committee on Enforcement has also contributed in a significant manner to a clarification and deeper understanding of enforcement issues. Further, by providing a forum for the sharing of national experiences and best practices, the Advisory Committee has facilitated the strengthening of intellectual property mechanisms in Member States. I fully agree that the useful work of the Advisory Committee needs to be continued and reinforced.

“The efforts of the Organization have also led to an increased awareness of the benefits offered by the intellectual property system. We have focused on empowering policy-makers to effectively guide the evolution and growth of the intellectual property systems in Member States. Support is being offered in a wide range of areas, including for the development of national intellectual property strategies, the use of flexibilities offered under the intellectual property system and for fostering creative industries. This has been coupled with extensive programs to strengthen national intellectual property infrastructure, including through focused country action plans.

“A key goal has been to enhance the activities carried out under the WIPO global protection treaties. There has been notable progress in these areas. We have made major efficiency gains in the operations of these treaties. As a result, PCT international filing fees have decreased by a third since 1998 for a typical application, while international fees for applicants from least developed countries have been reduced by 75 per cent. The efficiency gains have not only resulted in decreased costs, but also contributed to an unprecedented increase in the use of the PCT and the Madrid system.

“There have been advances in the area of norm-setting as well. This was evident in the establishment of a new Act of the Hague Agreement, the adoption of the Patent Law Treaty, the entry into force of the WIPO “Internet” Treaties, and the adoption of the Singapore Treaty on the Law of Trademarks. Overall, the Organization’s treaty structure has steadily expanded in a process of adaptation to the new technical realities of the time. This has been accompanied by a steady and significant increase in the membership of various WIPO treaties.

“We need to build on these achievements, distinguished delegates. In the coming years, as pointed out by many of you, we must enhance the relevance and effectiveness of development-related activities; intensify efforts to forge consensus, and make further progress in the area of norm-setting; enhance the efficiency and accessibility of the global protection services; and further strengthen the administrative systems of the Organization.

“We shall have an invaluable opportunity to move forward on all these areas during these sessions of the General Assembly.

“Mr. Chair, a determined effort should be made to progress in areas that have the potential to enrich intellectual property systems for the benefit of all stakeholders. I would specifically urge Member States to give clear direction to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, to intensify progress towards an effective protection of traditional knowledge and traditional cultural expressions. I would also urge Member States to impart fresh vigor to the discussion on substantive patent law. A decision should be taken to establish a robust work program for the Standing Committee on the Law of Patents. Renewed determination is needed with regard to the work of the Standing Committee on Copyright and Related Rights.

“The extensive measures being taken by the Secretariat to strengthen the quality and accessibility of the international registration systems shall need your support. This is also true for the broad range of initiatives that have been proposed to strengthen the organizational and administrative processes of WIPO. Approval of the comprehensive new policies, rules and regulations, especially the extensively revised Financial Regulations and Rules, would be a first step.

“The effective implementation of many of the proposals that you have made – whether for agreed upon proposals of the development agenda, further use of information technology to enhance efficiency of the international registration systems, the implementation of outcomes related to the desk-to-desk review, automation of major administrative processes – will require, Mr. Chair, distinguished delegates, necessary financing. I would, therefore, urge that decisions regarding the overall budget and the reserve funds, should be made keeping in mind the impact of various proposals on the long-term viability and effectiveness of the programs and operations this Organization.

“Thank you for your attention.”

167. The Assemblies of the Member States of WIPO, each as far as it is concerned, noted the information contained in document A/43/2.

ITEM 5 OF THE CONSOLIDATED AGENDA:

CONSTITUTIONAL MATTERS

168. Discussions were based on document A/43/4.

169. The Secretariat informed the delegates that this item was an update in respect of constitutional reform in WIPO. The first set of amendments in respect of constitutional reform dealt with three items (i) the abolition of the Conference; (ii) the formalization of the unitary contribution system; and (iii) changes in the periodicity of the ordinary sessions of the General Assembly and the other Assemblies of WIPO. The Secretariat recalled that the purpose of this document was to provide an update on acceptances received since the last Assemblies. It stated that paragraph 4 of the document provided that there were, to date, eight acceptances in respect of this first set of amendments and that since the document had been issued, the Secretariat had received two additional acceptances from Slovenia and Mexico, respectively, which implied that the figure eight in paragraph 4 of the document should now read ten. The second set of amendments related to an amendment to Article 9(3) of the WIPO

Convention concerning the term limits of Directors General of WIPO. The Secretariat said that, as indicated in paragraph 10 of the document, the Secretariat had received to date some forty-seven acceptances in respect of that amendment item. The Secretariat stated that this document simply requested that Member States note its contents and did not call for any discussion, but mentioned that comments and questions were, of course, welcome. The Secretariat drew the attention of the delegates to paragraph 12 of the document which invited Member States to take note of the contents of the said document.

170. The Assemblies of the Member States of WIPO and the Unions administered by WIPO, each as far as it is concerned, took note of the contents of the document.

ITEM 6 OF THE CONSOLIDATED AGENDA:

FINANCIAL MANAGEMENT REPORT FOR THE 2004-2005 BIENNIUM, INTERIM FINANCIAL STATEMENT FOR 2006; ARREARS IN CONTRIBUTIONS

171. Discussions were based on documents A/43/6 and 11.

172. During its introduction, the Secretariat stated that the Financial Management Report had been audited by the Swiss Federal Audit Office which was the Auditor of the WIPO accounts. The Secretariat specified that the Financial Management Report and the Audit Report had been sent in July 2006 to all the Member States.

173. The Secretariat drew the attention of Member States to the five recommendations made by the External Auditor.

174. The Secretariat specified that document A/43/11 contained an update of the table showing changes in the arrears in contributions and participation in the working capital funds over the past 10 years. It added that the accounts for the 2004-2005 biennium, the Audit Report for the same period and the interim financial statement for 2006 had been examined by the Program and Budget Committee at its eleventh session, from June 25 to 29, 2007, and that the Committee had recommended that the accounts for the 2004-2005 biennium be approved, as well as noting the interim financial statement for 2006.

175. Mr. Grüter, Director of the Swiss Federal Audit Office and External Auditor, confirmed the remarks made by the Secretariat and specified that he had submitted two other reports, one relating to a 2006 IT audit, and the other on the interim audit of the construction project for the new administrative building and additional storage area (follow-up to 2006 audit, contained in documents A/43/INF/5 and A/43/INF/6 respectively). The External Auditor expressed his thanks to the Director General and all colleagues in the Organization for their cooperation, and to the Chair and delegates for the attention given to his work. The External Auditor invited the Assembly to approve the accounts for the 2004-2005 biennium.

176. In response to a question from the Delegation of Brazil, the Secretariat specified that document A/43/11 was an update of document A/43/6, dated September 21, 2007.

177. The Assemblies of the Member States of WIPO approved the accounts for the 2004-2005 biennium, the Financial Management Report for the same period, and noted

the interim financial statement for 2006 and the statement of payment of contributions and working capital funds as at September 21, 2007.

ITEM 7 OF THE CONSOLIDATED AGENDA:

REPORT OF THE DESK-TO-DESK ASSESSMENT

178. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 8 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION INCLUDING: (A) PROPOSAL OF THE UNITED STATES OF AMERICA AND JAPAN; (B) PROPOSAL OF BRAZIL; AND (C) ANY OTHER PROPOSAL

179. See the report of the session of the PCT Union Assembly (document PCT/A/36/13).

ITEM 9 OF THE CONSOLIDATED AGENDA:

REVISED BUDGET FOR 2006-2007; PROGRAM AND BUDGET FOR 2008-2009

180. Discussions were based on documents A/43/3 and 12.

181. In introducing the documents, the Secretariat recalled the process of meetings of the Program and Budget Committee, which included readings of the proposed Program and Budget for the 2008-2009 biennium and the revised budget for the 2006-2007 biennium in two sessions, one in June and one in September 2007.

182. The Secretariat noted that the recommendations of the Committee were reproduced in the documents under discussion. In respect of the proposed revised budget for the 2006-2007 biennium, the Secretariat indicated that the proposed decision to the Assembly was reproduced in paragraph 5 of document A/43/3.

183. The Secretariat also drew Member States' attention to paragraph 7 of document A/43/12, where the recommendation of the Committee, made at its twelfth session in September, in respect of the proposed Program and Budget for the 2008-2009 biennium was reproduced.

184. The Delegation of Algeria, on behalf of the African Group, stated that the Group fully supported the proposal to adopt the budget for the next biennium, and requested the Secretariat to clarify what would happen to the Development Agenda if the proposed Program and Budget for 2008-2009 budget was not adopted, but instead there was to be a continuing resolution limiting the budget level to that of the 2006-2007 biennium. Clarification was sought as to whether this would have any adverse impact on the Development Agenda.

185. In its response, the Secretariat stated that if the proposed Program and Budget for 2008-2009 were not approved and the Organization had to follow the rule that the budget of the current biennium would be applied to the following biennium, there would be a difference of approximately 100 million Swiss francs. In clarifying this point, the Secretariat referred the delegations to Table II on page 140 of document A/43/12, which illustrated the difference between the initial approved budget for the 2006-2007 biennium and the proposed Program and Budget for the 2008-2009 biennium. The Secretariat highlighted that the program which was mainly concerned with the implementation of the Development Agenda – Program 3 entitled Strategic Use of IP for Development - had an initial 2006-2007 budget level of 12.3 million Swiss francs, while a budget of 20.6 million Swiss francs had been proposed for this program for 2008-2009. The Secretariat further noted that other programs were also directly concerned with the implementation of the Development Agenda, drawing particular attention to Program 6 - entitled Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, Least Developed Countries (LDCs), – for which the level of the initial approved budget was 37.6 million Swiss francs for 2006-2007, while for the 2008-2009 biennium a level of 40.7 million Swiss francs had been proposed. Other programs equally concerned with the Development Agenda were further highlighted as being Program 7 entitled Certain Countries in Europe and Asia, and Program 11 entitled The WIPO Worldwide Academy, the budgets of which would be considerably lower than the proposed levels for 2008-2009 proposal if the current biennium's budget level were to be authorized.

186. The Delegation of the United States of America noted that without wishing to pre-stage or pre-judge where the Chair may be headed with the current discussion, it wished to state that if this was headed towards an adoption of the Budget, the United States would block consensus for the following reasons: (i) there were substantive concerns expressed in the room about the adoption of Item 9 without having adopted Item 8, which the Delegation of the United States of America shared; and (ii) the Delegation had substantive concerns about the budget itself under Item 9. For these reasons it reiterated that it would block consensus if this was where the Chair was headed with the discussion.

187. The Delegation of Pakistan stated that in view of the explanation provided by the Secretariat, the members of the Organization of the Islamic Conference (OIC) supported the approval of the revised budget 2006-2007, as well as the proposed budget for the next biennium.

188. The Delegation of the Russian Federation indicated that it had listened to the explanations of the Secretariat as well as to other explanations. On that basis, the Russian Federation would approve the revised budget for 2006-2007 and the proposed budget for 2008-2009.

189. The Delegation of France requested the Secretariat to clarify whether, if – hypothetically - a reduction of 15% in PCT fees were to occur, the budget figures presented for approval would still be accurate and correct.

190. The Secretariat responded by indicating that if the question related to expenditure figures, the answer was that these figures would remain the same. If the question referred to income figures, then the answer was as follows: the income figures appearing in the proposed Program and Budget 2008-2009 were estimates based on the current level of PCT fees. In case of a 15% reduction in those fees as of January 1, 2008, all other parameters remaining

unchanged (in particular, the volume of PCT applications), then these income figures would have to be revised.

191. The Delegation of China stated that it supported the adoption of the budget.

192. The Delegation of Benin, on behalf of the Least Developed Countries, stated that, given the explanations which had been provided by the Secretariat, it supported approval of the revised Budget 2006-2007 as well as the proposed Budget 2008-2009.

193. The Delegation of Brazil noted that it wished first to express a position in his capacity as the Chair of the Program and Budget Committee, having chaired the session of the Committee which had unanimously adopted the decision, to recommend the 2008-2009 budget for adoption by the General Assembly. He highlighted that the recommendation, contained in paragraph three of document A/43/12, was the result of lengthy discussions and negotiations and, in his understanding, it had been carefully crafted to provide for the possibility of a revision to the 2008-2009 budget in the next regular session of the General Assembly in light of decisions that may be taken with regard to: (i) the agreed proposals on the Development Agenda during the current session of the Assemblies; (ii) the issue of the schedule of PCT fees during the course of the PCT Union Assembly as well as; (iii) decisions that may be adopted on the issue of the report of the Desk-to-Desk Assessment. He indicated that he considered that the recommendation submitted to this Assembly by agreement of all Members of the Committee, if carefully considered, clearly stated that there is in-built flexibility for subsequent adjustment of the Program and Budget for 2008-2009 next year in light of these decisions. He indicated that he understood that the proposed Program and Budget for 2008-2009 was therefore not *a priori* linked with these decisions, and that having presided over the session that approved the recommendation, and its referral to the General Assembly for adoption, he could not speak against it. He stated accordingly, that, both as Chair of the Committee and as the representative of Brazil, he supported the adoption of the recommendation to the General Assembly - both in respect of the revised Program and Budget for 2006-2007, and in respect of the Program and Budget for 2008-2009 for the following biennium. In closing, he stated that the general sentiment of the Group of Countries of Latin America and the Caribbean (GRULAC) members was that the Organization needed to adopt its Program and Budget - both the revised one for the current biennium and the one for the next biennium.

194. The Delegation of Kyrgyzstan stated that it wished to associate itself with the statement made by the distinguished Representative of Pakistan on behalf of the OIC.

195. The Delegation of Djibouti stated that it wished to associate itself with the statement made on behalf of the African group by the Ambassador of Algeria.

196. The Delegation of Egypt stated that it supported the adoption of the recommendations concerning the revised budget for 2006-2007 and the proposed Program and Budget for the 2008-2009 biennium.

197. The Delegation of Zimbabwe stated that it wished to fully associate itself with the acceptance of the budget as stated by the distinguished Ambassador of Algeria.

198. The Delegation of Honduras, speaking on behalf of its delegation as well as the G77 and China, stated its support for the budget as proposed. It further noted that the budget was essential to developing countries and therefore appealed to developed nations not to block its

approval. It stressed that in its view this would run counter to the interests of those countries who most needed the substantive support of the Organization. It further stated that these countries needed the assistance of the funds which would be approved in this budget in order to make progress and develop, and that this right could not be denied. It stated that the GRULAC and the Group of 77 had been patient, taking independent positions, because, in their view, issues of procedure had to be dealt with fairly and correctly. Their main concern was to defend the interests of developing countries. The Delegation noted that if the developed nations blocked the adoption of the budget, they alone would bear the responsibility for the consequences. In closing, he again urged against blocking the approval of the budget.

199. The Delegation of South Africa stated that in view of the need to progress with the implementation of the Development Agenda, and in line with the statement of Algeria, it fully supported the approval of the Program and Budget for 2008-2009.

200. The Delegation of Nigeria stated that it fully supported the statement of Algeria on behalf of the African Group. The distinguished Representative of the Delegation of Nigeria also wished to take the opportunity to commend the distinguished Representative of the Delegation of Brazil, for his skill in chairing and leading the discussions of the Program and Budget Committee on these items. He also thanked the Secretariat and expressed his appreciation for the efforts and clarifications provided by the Controller in the course of the same. He pointed out that the Delegation of Nigeria continued to see the need to increase the budget of Program 1 entitled 'Public Outreach and Communication', due to its importance for the developing countries. The budget for this program was proposed to be reduced by as much as 31%, and the Delegation wished to request the Secretariat to find ways to address this over time. In closing, he called for the approval of the revised budget for this biennium, as well as the proposed budget for the 2008-2009 biennium, in order to ensure that the Organization could function to their expectations and in support of the important issues concerning the Development Agenda.

201. The Delegation of the Islamic Republic of Iran as a member of the OIC, as well as in its national capacity, stated that it supported the adoption of the revised budget for 2006-2007 as well as the proposed Program and Budget for 2008-2009.

202. The Delegation of Zambia supported the adoption of the budget as stated by the Ambassador of Algeria on behalf of the African Group, and also by Benin on behalf of the LDCs. The distinguished Representative of the Delegation of Zambia also stated that, having participated in the deliberations of the Program and Budget Committee, he wished to confirm the statement made by the Chairman of the Committee.

203. The Delegation of Morocco stated that it would not confine itself to associating its position with those of the African Group and the OIC, but also wished to state that different regional groups and non-regional groups had expressed the hope that the revised budget for this biennium and the proposed budget for the next biennium would be adopted. This reflected, in its view, an emerging desire for the adoption of these two budgets, for 2006-2007 as well as for 2008-2009, without an objection. The Delegation noted that this would be a positive step, which might trigger some dynamic in order to have a positive outcome of the current session, as it was certain that everybody had the interests of WIPO at heart and urged all to give a token of this commitment and adopt the two budgets without objection.

204. The Delegation of Oman stated that it wished to associate itself with the statement made by Honduras on behalf of the G77 and China, and supported the adoption of the revised budget 2006-2007 and the Program and Budget for 2008-2009.

205. The Delegation of Namibia stated that, in line with the position put forward by the distinguished Ambassador of Algeria, Namibia supported the revised budget for 2006-2007 and approval of the Program and Budget for 2008-2009 biennium.

206. The Delegation of Sudan stated that it wished to associate itself with the statements made by the African Group, by the OIC, by the LDCs and the Group of 77.

207. The Delegation of Tunisia stated that, having heard the explanations given by the Secretariat and that of the distinguished Representative of Brazil, it supported the recommendation to adopt the revised budget for 2006-2007 and the Program and Budget for 2008-2009. It called upon any distinguished delegations who were opposing this to revise their position.

208. The Delegation of India expressed its support for the proposed the revised budget for 2006-2007, and the Program and Budget for 2008-2009.

209. The Delegation of the Democratic People's Republic of Korea stated that it supported the adoption of the proposed revised budget for the current biennium and the draft Program and Budget for the next biennium.

210. The Delegation of the United States of America wished to echo some of what had been heard in the last statements, most notably from the distinguished Representative of the Delegation of Morocco, who had said that he had no doubt that all those in the room had the ultimate best interests of WIPO at heart. Without doubt, the United States of America was one of those who felt this way also, but the question was how this could be achieved. For a number of reasons, however, including the sequencing of Items 8 and 9, as well as and due to the Delegation's own substantive concerns on Item 9, it wanted to make it explicitly clear to everyone that the United States of America would block consensus.

211. The Delegation of Kenya requested clarification as to whether, in view of the statements that had been made, including the latest, it would be possible for this Assembly to agree to adopt the budget and put on record the objection of the United States of America. In this manner the Assembly would adopt the budget but record that the United States of America did not join the consensus in doing so. The Delegation wished to put this forward as its proposal.

212. With respect to the proposal made by the Delegation of Kenya, the Chair of the Assembly noted the difference between not joining consensus and blocking consensus.

213. The Delegation of the United States of America took the floor to indicate that it wished to make it explicitly clear that its intention was to block consensus.

214. The Delegation of Algeria expressed the hope that there could be a gentle-people's agreement and respect for the overwhelming majority of the speakers in the room. While it understood that some delegations could not share this opinion, it considered that the life of the institution was at stake and therefore moved that the Assembly vote on the draft resolution. It noted that this request was made very reluctantly, as, like the distinguished Representative

from Brazil indicated earlier, this would really be a choice between the devil and the deep blue sea. The request for a vote was something that the Delegation considered repugnant in this Institution, but it considered that it would be a much heavier decision on the conscience of Member States to deprive this Institution of resources to deal with its business and in particular with its Development Agenda. The Delegation therefore suggested that the Assembly proceed to vote by a show of hands.

215. The Delegation of the United States of America requested that the voting procedure from earlier should be repeated, which was that the vote would be by roll call and also requested that eligibility for voting members be reiterated.

216. The Delegation of Spain recalled that in the previous meeting, at which the Chair of the Assembly himself was present, the Swiss Ambassador had mentioned the need for flexibility and the need to reach an agreement on several occasions. It noted that such a sense of openness and determination to reach a compromise on the budget or anything else was not felt at this time however. It stated that such feeling of flexibility and acceptance needed to be there when it was necessary, and in the earlier meeting the Swiss Ambassador had called attention to the need to have a sense of responsibility and realize what the stakes were and that the stakes were the future of the Organization. The Delegation noted that unfortunately, at the time, no-one really listened to those calls.

217. The Delegation of South Africa stated its full support for the vote by show of hands, as proposed by the distinguished Ambassador of Algeria on behalf of the African Group.

218. The Delegation of Zimbabwe expressed its support to vote as suggested by Algeria.

219. The Delegation of Switzerland stated that if there was to be a vote, which they regretted very much, then it would like to support the proposal of the Representative of the United States of America and requested that a vote by roll call be taken.

220. The Chair gave the floor to the Secretariat (Legal Counsel) to make the necessary announcements.

221. The Legal Counsel stated that, as requested, the vote would be by roll call, and that this would be done exactly the same way as it had been done the first time in the PCT Union Assembly. Accordingly, a box would be set out, containing the list of Member States eligible to vote. As this was now the Conference voting, it would contain the names of Member States of the Conference, minus those that are not eligible. The Chair would pick one name out of the box and the vote by roll call would start with that Member State, followed by all those eligible to vote in order of the French alphabet and the names of the countries in French.

222. The Delegation of the United Kingdom took the floor on a point of order to request clarification as to when it may explain its vote.

223. The Chair responded indicating that the explanation of the vote will come after the vote.

224. The Delegation of the United Kingdom thanked the Chair for his ruling.

225. The Chair proceeded to announce the beginning of the voting process. He picked the first Member State's name from the box and announced that the vote by roll call would begin with Liberia.

226. The Legal Counsel recalled that the vote was in respect of the two decision paragraphs in the two documents presented under the present Agenda Item. Accordingly, Member States were being asked to vote “yes” or “no” in respect of adopting the decision paragraphs related to the 2006-2007 Revised Budget and the 2008-2009 Program and Budget. He indicated that he would call the names of delegations, starting with Liberia and continuing in alphabetical order. Delegations which said “no” would be voting “no” to adopting the Budget. Delegations which voted “yes” would be voting “yes” to adopting the Budget.

227. The Delegations – in the order of the voting, which followed the French alphabet and the names of the countries in French - of Liberia, Madagascar, Malaysia, Morocco, Mexico, Mozambique, Namibia, Nicaragua, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Qatar, Lao People’s Democratic Republic, Democratic People’s Republic of Korea, Senegal, Singapore, Sudan, Sri Lanka, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Venezuela, Yemen, Zambia, Zimbabwe, South Africa, Algeria, Angola, Antigua and Barbuda, Saudi Arabia, Argentina, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Cameroon, Chile, China, Colombia, Costa Rica, Cuba, Egypt, El Salvador, United Arab Emirates, Ecuador, Russian Federation, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kyrgyzstan and Lesotho voted “yes” (64). The Delegations – in the order of the voting, which followed the French alphabet and the names of the countries in French - of Lithuania, Luxembourg, Moldova, Monaco, Norway, New Zealand, Netherlands, Poland, Portugal, Republic of Korea, Czech Republic, Romania, United Kingdom, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, Germany, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Croatia, Denmark, Spain, Estonia, United States of America, The former Yugoslav Republic of Macedonia, Finland, France, Greece, Hungary, Ireland, Iceland, Israel, Italy, Japan, and Latvia voted “no” (44). The Delegations of Turkmenistan and Turkey abstained from voting (2). The Delegations – in the order of the voting, which followed the French alphabet and the names of the countries in French - of Lichtenstein, Malawi, Maldives, Mali, Malta, Mauritius, Mongolia, Montenegro, Myanmar, Nepal, Uganda, Uzbekistan, Panama, Paraguay, Syrian Arab Republic, United Republic of Tanzania, Rwanda, Saint Lucia, Saint Kitts and Nevis, San Marino, the Holy See, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Tajikistan, Tonga, Viet Nam, Afghanistan, Albania, Armenia, Azerbaijan, Bahamas, Cambodia, Comoros, Dominica, Eritrea, Ethiopia, Fiji, Georgia, Grenada, Guatemala, Equatorial Guinea, Guyana, Kazakhstan, Kuwait, and Lebanon (47) were absent.

228. The Chair invited the Legal Counsel to give the verdict of the democratic process.

229. The Legal Counsel announced that there are 184 members of the Conference, 27 of which were not eligible to vote, therefore 157 were eligible to vote. Out of the votes cast there were two abstentions, there were 44 “no” and there were 64 “yes” votes. The total number of votes cast, excluding the abstentions, was 108. According to the rules of procedure, two thirds of those 108 votes were needed for a positive conclusion. In total 64 “yes” votes were received instead of the required 72, and so the Program and Budget was not adopted by the Member States.

230. The Chair opened the floor for observations and comments.

231. The Delegation of Portugal stated that the EU very much regretted the situation. It noted that many and serious concerns, which had been raised during the course of the week

had been left unanswered. This was the cause of great concern for the European Community. It stated that the discussions that took place during this Assembly did not allow for a constructive and transparent debate. In addition, it noted that Delegations were asked to vote on a budget without knowing the exact impact of the revenues on such a budget. Under such circumstances, it regretted that EU had no other option than to vote against this budget. In concluding, it stated that the EU continues to stand ready to work with all members of this Organization to overcome the present regrettable situation and to ensure that it could properly fulfill its mandate.

232. The Delegation of the United States of America wished first to compliment the Chair and the Legal Counsel for their unfailingly professional, wise, and judicious administration of this General Assembly. It noted that this was a very difficult situation, laying bare many of the things that divide many of the Delegations. It also wished to state to all those in the room, as well as all those who will read of this account, including all the Members States, all those who work at WIPO, and all those who are served by WIPO, that the United States of America was committed, passionately committed, and that there was no-one more committed, to a strong and vital WIPO Organization with a strong, honest, and credible leadership. It affirmed that it looked forward in the days and weeks ahead to working in good faith, with others of good faith, to addressing the open items, and once those had been addressed, to get on with the vital work ahead for WIPO, including the Development Agenda, which the Delegation recognized and remained committed to bringing about.

233. The Delegation of Japan expressed its sincere thanks to the Chair and all those who have worked tirelessly and sincerely through the days and nights. It regretted that it had to say “no”, and indicated that it would have been much better if such a situation could have been avoided. It emphasized its commitment to the Development Agenda and its sadness at the fact that the current situation might affect that as well. It expressed its hope that the situation could be normalized as soon as possible and its readiness to discuss the matter any time before the next General Assembly, in any other fora.

234. The Delegation of Spain stated that from the very beginning, it had been in favor of, and had done everything it could, to reach a negotiated solution. Unfortunately the results achieved were not those that were hoped for, not because of bad faith but due to the lack of flexibility of some who had taken this Organization hostage. It stated that Spain was one of the delegations which made the greatest effort and that it would continue to do so, and even step up its efforts if necessary. It indicated that there was a need to think about the direction in which the organization was going and the necessary catharsis required within the Organization.

235. The Delegation of Poland expressed its thanks to the Chair for his tireless efforts in guiding this Assembly. It noted that unfortunately, the course of these Assemblies failed to address important considerations of Member States, including the budgetary ones, where even the due process, including the necessary sequence of events, was not upheld. It stated that it did not consider this process to be over. It continued to be ready to engage in constructive work that would lead out of the impasse. The Delegation indicated that it had not consulted the Group of the Central European and Baltic States in respect of this statement as made, but that it hoped that all the countries could agree with it and support it.

236. The Delegation of Norway stated that it wished to associate itself with the views expressed by Portugal on behalf of the EC, and added its regret for not having been able to vote in favor of adopting the budget at this time, for those very reasons.

237. The Delegation of the United Kingdom congratulated the Chair on a job very well tried and almost well done. It expressed its strong regret that a vote had to be held on the budget and that it was not able to support it for the reasons already set out by the Ambassador of Portugal. Two further points were highlighted by the Delegation. Firstly, as noted earlier in the week, its main difficulty was that the issues raised in agenda item 12 could not be allowed to be simply swept under the carpet. Secondly, it stated that a figure had been given in response to a question posed earlier in the session this day, regarding the implementation of the Development Agenda in the draft budget. The Delegation expressed its gratitude to the Ambassador of Brazil, the Chairman of the Program and Budget Committee, for clarifying that the figure actually in the draft budget was only an indicative one, because it was a function of what would be agreed as a result of negotiations yet to be had on the PCT rates. The Delegation reiterated its firm and continued support for the Development Agenda.

238. The Delegation of Switzerland expressed its acknowledgements to the Chair for the way in which he had managed to rise above the crowd during these Assemblies. The Delegation further noted that it never doubted that the decisions that had to be made by the Chair were very sensitive, but all of them had been taken in the interests of the work of the Assemblies. The Delegation further noted that it considered the present situation to be a serious and new situation – the Organization did not have a budget. It wished to see this situation normalized as soon as possible, as the Japanese Delegate had also indicated. It indicated its active support for this process. It further requested clarification from the Legal Counsel on the requirements in the Rules of Procedure for convening a special session of the General Assembly, in light of the fact that there was no approved budget and some decisions may need to be taken on this issue.

239. The Delegation of Algeria requested the floor on a point of order to clarify that in his view Delegations were only providing explanation of votes rather than having a debate requiring the Secretariat to respond to questions.

240. The Delegation of Switzerland continued its statement, indicating that, given the new situation, at some point the Member States of the Organization would require a thorough explanation in respect of how a special session of the General Assembly could be organized and according to what methodology. The Delegation indicated that if this could not be clarified prior to the closure of the Assemblies, it would appreciate clarification from the Secretariat at some other point, as soon as possible, in the form of an information note or some other explanation for example.

241. The Delegation of Italy extended its thanks to the Chair and all the delegations that had been working with a lot of good will. It stated that the Development Agenda was very important to the Delegation, and the proper functioning of WIPO was very important. It expressed its regret at having been forced to vote in a situation where a key political item remained suspended. In closing, it stated that as the European Community Presidency, the Japanese delegation, and others had said, it too was ready and committed to do the best to go along and continue the discussion to achieve some concrete results.

242. The Delegation of Algeria, on behalf of the African Group, stated how proud they were to see the way in which the Chair had been chairing the debates. While it was disappointed at the outcome of so much work put into trying to achieve consensus, its pain was alleviated by having seen the talent with which the Chair had accomplished his mission. This, it felt was a point on which it could be said that there was unanimity between different groups, and not

just consensus on this assessment. The Delegation wished to reiterate that in this case again, the African Group were torn in their desire to promote consensus and their knowledge that there were people out there that were expecting the Development Agenda to materialize. The Group felt that it was their duty to try to oppose an operation which, for political reasons, was blocking consensus on the budget that was unanimously approved by the Program and Budget Committee - both the ongoing budget and the new budget. It affected the Group deeply that a minority of members were able to block this program, and it was paradoxical that all those Members had said that they are committed to the Development Agenda, but they have taken an action to prevent it from coming into effect. This action will adversely affect the achievement of the millennium development goals too, to which the African Group are particularly committed. The Delegation indicated that it considered that this may just have been a hiccup and looked forward to re-establishing the spirit of partnership, expressing the hope for the whole of the African continent that Member States would never in future have to resort to voting on activities in the General Assembly, as this would indicate that everybody had demonstrated at least the minimum degree of flexibility which makes consensus possible. The Delegation further noted, in due deference to the Chair, that it considered that neither the Chair nor anyone else swept item 12 under the carpet, as a distinguished member had said that evening. It stated that Delegations had worked on item 12 from the first day, and worked on it to try and achieve consensus until the very last minute of the evening, but somehow the consensus had eluded them. It did not consider it appropriate to accuse others of holding the Assembly hostage. It noted that it was necessary to persevere to achieve consensus, but consensus not to the detriment of justice. The dignity of the General Assembly was what the African Group was committed to, first and foremost, nothing else. In conclusion, the Delegation suggested that, since the budget had not been adopted, Article 11(4)(e) of the WIPO Convention would implicitly be applied, which says that in the case of the budget not being adopted before the new budget year, the budget shall be at the same level as the budget of the previous year, in accordance with the financial regulations. The Delegation suggested that the Chair might wish to refer to this in his conclusions. In concluding, the Delegation expressed its apologies if the way in which it pursued consensus may not have converged with the views of others. It wished to express its assurance that its actions had been in good faith and it had nothing but fond feelings for every single Delegate in the hall.

243. The Delegation of Romania stated that it considered it necessary for a budget to be built on clearly set out resources, especially when these were supposed to be used for such important projects like the beginning of the implementation of the Development Agenda and other projects similar in importance. It affirmed that the Delegation had the interests of the Organization at heart, and noted that the delegation's performance of this stood proof. It considered that there was a need to consolidate this Organization, and that this could not be done by building on quicksand and uncertainty. In its view, delegations were called to vote on matters important for all members in the room, not only for one part being it majority, minority or square-half of it. It further noted that the Delegation would not have preferred the option for a vote, and reiterated its hope that such a call for a vote would not turn into normal practice in this Organization. The Delegation indicated its full concurrence and support for what the distinguished Permanent Representative of Algeria had said about partnership coming back and prevailing in the room. It further recalled that strength of numbers was not always the strength of wisdom and that the responsibility for the results of the vote goes to those who called for it. It concluded by stating that it hoped to hear from the Chair indications of how and what would be done from here on.

244. The Delegation of the Russian Federation thanked the Chair for his efforts during this 43rd series of the WIPO Assemblies and that on many different issues. It regretted the fact

that the Member States had not been able to find a consensus on many of the very important items on the Agenda and in particular on the budget for 2008-2009. The Delegation of the Russian Federation indicated its readiness to cooperate in the future with other Member States of WIPO on all the issues put forward in the purview of this Organization.

245. The Legal Counsel took the floor to announce what would happen with the traditional report adoption session. Given the lateness of the hour, he proposed that in the next few days, each of the reports would be posted on the website of WIPO and that this should be ready in a day or two. The Secretariat would also mail out all the reports to each Member State, and in the letter accompanying the documents would refer to a deadline probably sometime in the next month or two, in which Member States would be given the opportunity to comment on any of their statements that are reflected in those reports. The Secretariat would then make the corrections and those reports would be deemed to have been adopted as of the deadline date that would be provided in the letter of communication to the Member States.

246. The Chair gave the floor to the distinguished Ambassador of Algeria on a point of order.

247. The Delegation of Algeria asked the Chair, whether the Legal Counsel could indicate how the General Assembly would dispose of the PCT Union or Assembly because it had been the wisdom of the house to vote down a proposal made by it to conclude item 8. The Delegation wished to know, that since the General Assembly was being concluded as he spoke, what the Chair intended to do with the PCT Union Assembly.

248. The Legal Counsel, on behalf of the Secretariat, stated that his understanding was that the PCT item was not concluded. It remained open and so he presumed that the report of the PCT Union Assembly would reflect the fact that either it was still open or there was no agreement and there would be a decision paragraph drafted accordingly in the report that went out to Member States, in which Member States would of course have the opportunity to make their comments and those comments would be reflected in the final report.

249. The Chair thanked the Legal Counsel for his explanation, for his clarification and hoped that it met the request of the distinguished Ambassador of Algeria. By way of conclusion, he took the moment to express his profound thanks to each and every one of the Delegates for their patience, for their understanding, for their generosity of their time and skills that had been made available to the Chair who had been elected on September 24th and to the Bureau. He also placed on record his special appreciation to the Secretariat for the very professional advice they had given to him as the Chair which had enabled him, working with the delegates, to pilot the affairs of this session of the General Assembly. He stated that he was particularly grateful to the Directors, the Deputy Directors General and the Legal Counsel who were noble people. He added that they were very professional people who had worked very well with the Chair and enabled him to profit from their own experience and their technical skills. He expressed hope that in the course of the next two years, their services would continue to be made available to him in the very professional manner that they had done so. He was very grateful. He was also constrained to say that the delegates at the General Assembly really should have no sense of guilt about what had transpired. The activities that had occurred were part of the rules that the delegates had adopted freely and they were part of the decision-making process of this distinguished Assembly. The Chair continued by stating that much as he regretted that they were not able to achieve consensus, he quite regarded as legal, fair and appropriate that they had done what should have been done and that they had no cause to feel guilty about it. The Chair raised the question of where they would go from here. The future

of course was in their hands, he hoped that he could continue to count on their support and understanding because as he had indicated in his statement earlier, the Organization was at a crossroads, and he wondered whether they were going to help it to suffocate or whether they were going to help it to live and discharge its responsibilities to humanity. This, in the Chair's opinion, was an important question that all delegates needed to engage themselves in and, as he had pleaded some days ago, the delegates must not just see themselves as representatives of national governments, which they certainly were, but as members of the international community who were committed to upholding the ideals of the Organization and ensuring that the Organization continue to discharge the responsibilities that had been assigned to it as a specialized UN body. He stated that what he had tried to do all this time was to ensure that everybody was able to have and enjoy their right to express their views on the matter and indeed on any matter that they had felt strongly about. He thanked the delegates for respecting his sensitivity on this matter even under very difficult circumstances and really appreciated it. He then stated that he looked forward to the very challenging times ahead and counted very strongly on their continued cooperation.

250. Last but not least, he stated that he could not fail to record his profound thanks and appreciation to the interpreters and the conference service staff. They had stood by the delegates in their irregular working hours, through their regional group meetings, and in all kinds of meetings that had taken place, they had always been there to help the delegates through even beyond their call of duty. He stated that the delegates were grateful to the interpreters and conference service staff, were thankful to them, and wished to say that they continued to count on their support in the months and years ahead. He concluded the session.

ITEM 10 OF THE CONSOLIDATED AGENDA:

REVISED FINANCIAL REGULATIONS AND RULES;
PROPOSED UTILIZATION OF AVAILABLE RESERVES IN THE MEDIUM TERM;
INTERNATIONAL PUBLIC SYSTEM ACCOUNTING STANDARDS (IPSAS)

251. Discussions were based on documents A/43/5 and 14.

International Public System Accounting Standards

252. In his introduction, the Secretariat reminded the Assembly that an informative document (WO/PBC/11/7 Rev.) had been presented to the Program and Budget Committee in June 2007 to provide Member States with an overview of the main implications of the possible adoption, by the World Intellectual Property Organization (WIPO), of International Public Sector Accounting Standards (IPSAS), by January 1, 2010.

253. The Secretariat recalled that the Program and Budget Committee recommended, to the General Assembly, in the course of its eleventh session, the principle of the adoption of IPSAS, and requested that further information be provided in terms of the cost of this implementation.

254. The Secretariat specified that document A/43/5 included a preliminary cost estimate for IPSAS implementation.

255. The Assemblies of the Member States of WIPO approved the principle of the adoption, by WIPO, of International Public Sector Accounting Standards (IPSAS) by 2010, and took note of the cost estimate provided in Annex IV of document A/43/5.

Revised Financial Regulations and Rules

256. In introducing the proposed “Revised Financial Regulations and Rules” (document A/43/14), the Secretariat recalled that a year ago, the Assembly of the Member States had requested it to embark on a comprehensive project to revise the Financial Regulation and Rules of the Organization, which had last been amended in 1992. The Secretariat had accordingly initiated this project last fall, with a view to submitting a first comprehensive draft text for the proposed new Financial Regulations and Rules of the Organization to the first formal session of the Program and Budget Committee in 2007.

257. The Secretariat further indicated that a first draft of the proposed new Financial Regulations and Rules was submitted to the 11th session of the Committee, following an in-depth analysis of the best practices in the United Nations system; a comparison of various examples in sister Organizations; informal consultations with the External Auditor and the Internal Auditor; and, in April 2007, a first round of consultations with the Audit Committee. Following this first review by the Committee at its June session, the Secretariat conducted further informal consultations with interested Member States on July 20, 2007, as requested by the Committee, under the guidance of the Chair of the Committee.

258. The Secretariat noted that the results of these consultations were reflected in a second draft of the proposed revised Financial Regulations and Rules, which was subsequently submitted to the 12th session of the Committee in mid-September. Further recommendations for improvements made by the Audit Committee and a number of delegations were also considered and discussed in this 12th session. The changes agreed were accordingly reflected in the report of the Committee’s 12th session, together with its annexes. Member States were therefore invited to consider the proposal of the Committee for the Assembly to approve the new Financial Regulations of WIPO to enter into force on January 1, 2008. The Secretariat further noted that the Committee gave its positive advice on the proposed Rules which the Director General would enact following approval of the Financial Regulations, as of January 1, 2008.

259. Finally, the Secretariat highlighted that the Financial Regulations would incorporate the Terms of Reference of the Audit Committee and the Internal Audit Charter, as approved by the Assembly earlier at its present session, and which would be appended to the new Financial Regulations.

260. The Chair expressed his appreciation for the introduction of this item and invited comments from delegations.

261. In the absence of comments, the Assemblies of WIPO Member States

(i) decided that the proposed new Financial Regulations of the Organization, as referred to in the recommendation of the twelfth session of the Program and Budget Committee (as reproduced in paragraph 6 document A/43/14), shall enter into force on January 1, 2008;

(ii) requested the Secretariat to submit to the first 2008 formal session of the Program and Budget Committee a revised draft text of Regulation 5.6 (Flexibility Adjustments), with a view to enabling the Program and Budget Committee to submit a final recommendation for adoption to the 2008 session of the Assemblies of WIPO Member States.

ITEM 11 OF THE CONSOLIDATED AGENDA:

REVISED TERMS OF REFERENCE OF THE WIPO AUDIT COMMITTEE;
CONSOLIDATED REPORT OF THE WIPO AUDIT COMMITTEE FOR THE 2006-2007
BIENNIUM; REVISED AUDIT CHARTER; SUMMARY ANNUAL REPORT OF THE
DIRECTOR OF THE INTERNAL AUDIT AND OVERSIGHT DIVISION

262. See the report of the session of the WIPO General Assembly
(document WO/GA/34/16).

ITEM 12 OF THE CONSOLIDATED AGENDA:

INTERNAL AUDIT REPORT OF WIPO ISSUED
SINCE THE LAST GENERAL ASSEMBLY
[to be referred to the Friends of the Chair]

263. See the report of the session of the WIPO General Assembly
(document WO/GA/34/16).

ITEM 13 OF THE CONSOLIDATED AGENDA:

COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

264. See the report of the session of the WIPO General Assembly
(document WO/GA/34/16).

ITEM 14 OF THE CONSOLIDATED AGENDA:

DESIGNATION OF THE EXTERNAL AUDITOR FOR 2008-2011

265. Discussions were based on document A/43/8

266. During its introduction, the Secretariat stated that the procedure for the appointment of the External Auditor was based on the provisions of the current Financial Regulations.

267. The Secretariat informed the Assembly that Switzerland was a candidate for the renewal of its mandate as Auditor of the accounts of WIPO, the unions administered by WIPO and the

technical assistance projects carried out by the Organization and financed, in particular, by the United Nations Development Programme (UNDP), up to 2011 inclusive.

268. The Secretariat added that, on the date on which this document was prepared, WIPO had not received any other application for the position of Auditor.

269. The Secretariat explained that the subject had been examined by the Program and Budget Committee at its Eleventh Session, from June 25 to 29, 2007, and that the document on Principles for Best Audit Arrangements for International Institutions, issued by the International Organization of Supreme Audit Institutions (INTOSAI), had been made available to delegates, following the request made by a number of Member States during the Eleventh Session.

270. The Delegation of the United Kingdom, supported by the Delegations of Canada, Norway and the United States, suggested that the Swiss Government be designated as External Auditor for a period of two years and that, at the same time, a mechanism be put in place to select and replace the Auditor at the end of that mandate.

271. Informal consultations took place between the delegations in favor of that proposal and those who, although they supported the principle of rotation of the External Auditor, considered that a mandate of four years was preferable, taking into account projects in progress, in particular, the introduction of the International Public Sector Accounting Standards (IPSAS) and the new construction.

272. Following those consultations, the WIPO General Assembly, WIPO Coordination Committee and the Assemblies of the Paris, Berne, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT and Vienna Unions approved the designation of Switzerland as External Auditor for the period from 2008 to 2011 inclusive.

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

273. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 16 OF THE CONSOLIDATED AGENDA:

THE PROTECTION OF AUDIOVISUAL PERFORMANCES

274. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 17 OF THE CONSOLIDATED AGENDA:

REPORT ON THE SPECIAL SESSIONS OF THE STANDING COMMITTEE ON
COPYRIGHT AND RELATED RIGHTS REGARDING THE PROPOSED DIPLOMATIC
CONFERENCE ON THE PROTECTION OF THE RIGHTS OF BROADCASTING
ORGANIZATIONS

275. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 18 OF THE CONSOLIDATED AGENDA:

REPORT OF THE PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO A
WIPO DEVELOPMENT AGENDA (PCDA)

276. Discussions were based on document A/43/13 Rev.

277. In introducing the document the Secretariat stated that the document contained a factual account of the two PCDA Sessions that were held in February and June of 2007, and that it included the recommendations agreed to by Member States during the PCDA process in 2007. The Secretariat mentioned that the Annex to the document contained the 45 proposals which had been agreed upon by the PCDA and submitted to the General Assembly for decision. The Secretariat then drew the attention of the Assembly to paragraphs 6 and 7 of the document, for decision.

278. The Delegation of Angola appreciated the valuable contribution made by Ambassador Enrique Manalo after the second session of the PCDA and added that it had had a tremendous impact on the process. The Delegation urged the General Assembly to adopt the recommendations made by the last meeting, held under the chairmanship of Ambassador Trevor Clarke. In particular, it supported the creation of a Committee on Development and Intellectual Property.

279. Ambassador Trevor Clarke of Barbados, Chair of the PCDA, expressed his deep gratitude to Member States for having entrusted him with the challenging task of presiding over the PCDA that year and for having guided him during those discussions. He also expressed his thanks to Ambassador Rigoberto Gauto Vielman of Paraguay, who had presided over the previous meetings of the Committee and whose work was central to the progress achieved over the past few months. He also thanked the former Ambassador of the Philippines, Ambassador Enrique Manalo, for preparing the initial working documents, which provided an excellent basis for discussion during the February and June Sessions of the PCDA. The Ambassador stressed that throughout his chairmanship over the PCDA, the Director General had demonstrated a great interest in the advancement of the Development Agenda process and was a source of encouragement. He thanked him as well as the Secretariat for contributing to the process which, according to him, was indispensable. He reminded the Assembly, that in accordance with the mandate of the 2006 General Assembly, there were two five-day sessions of the PCDA to allow for structured in-depth discussions of the 111 proposals which were on the table. The Ambassador recalled that during the February Session, 40 proposals were considered, while the remaining 71 proposals were considered in the June Session. He stated that during both sessions, Member States had engaged in

constructive negotiations and acknowledged the prevailing spirit of cooperation and compromise, which lay at the heart of the results that were achieved. He was happy that the Member States had made considerable efforts to understand each other's viewpoints, actively searching for solutions and, where necessary, amending their proposals or withdrawing them voluntarily to take into account the concerns of other parties, thereby ensuring the successful end of that phase of the process. He declared that the mandate of the Member States was also to report on a framework for continuing to address proposals on which no agreement was reached. However, he was pleased to report that no proposal remained without agreement. He stressed that the Fourth Session of the PCDA had recommended 45 agreed proposals for action, which were contained in Annex I of the Report of the Fourth Session (document PCDA/4/3). In order to accelerate the process of implementation of the agreed proposals, the Member States had asked him to hold informal consultations with Group Coordinators, the Secretariat and other interested Members, between June and September 2007, in order to identify a set of proposals by consensus which could be implemented immediately by WIPO after their approval by the 2007 General Assembly. He declared that this was appropriately reflected in paragraph 61 of the Report of the Fourth Session. Accordingly, he had held consultations with the Group Coordinators, the Secretariat and other interested Members to identify a set of such proposals. The broad guidelines that were followed in identifying these proposals were as follows:

- (i) WIPO is already implementing related activities which could be appropriately modified or strengthened to meet with the specific concerns;
- (ii) It is not considered necessary, at this stage, to develop a detailed work program before initiating implementation of the proposal;
- (iii) The proposal does not require the engagement of additional human resources at this stage and the activity can be implemented with the existing staff; and, finally,
- (iv) The proposal does not require the allocation of additional financial resources at this stage, and the activity can be implemented with the existing allocations.

280. It should be noted that during the consultations, the Member States had agreed to a set of 19 proposals and had stressed that such agreement did not, in any way, imply that those proposals had been accorded a higher priority than the others, or that their implementation, or aspects of it, would not be discussed in the Committee on Development and Intellectual Property in coordination with relevant WIPO bodies. In addition, he also said that they called upon all the Member States, the Secretariat and other relevant WIPO bodies to ensure immediate and effective implementation of these 19 proposals subject to their approval by this General Assembly. The Ambassador had made a list of the agreed proposals available to the Secretariat and requested that such list form part of the record. He hoped that the General Assembly would adopt all the recommendations of the PCDA and instruct all relevant WIPO bodies accordingly.

281. The Delegation of Benin, speaking on behalf of the Least-Developed Countries (LDCs) thanked Ambassadors Rigoberto Gauto Vielman of Paraguay, Enrique Manalo of the Philippines and Trevor Clarke of Barbados for the successful conclusion of the process. The Delegation stated that the LDCs approved the recommendations for immediate implementation of the proposals and the recommendations for the setting-up of a

Development and Intellectual Property Committee. The Delegation also welcomed, in particular, the recommendation to set up a Trust-in-Fund in WIPO to strengthen capacities and technical capabilities of LDCs.

282. The Delegation of Poland, speaking on behalf of the Group of Central European and Baltic States, thanked Ambassador Clarke for his efforts in achieving the satisfactory outcome. The Delegation added that, even though their group had not been an original “*demandeur*” of any proposal, they were proud to have taken an active part in the process. The Delegation supported the list of 19 proposals that were already ripe for implementation, and declared that if these proposals had any budgetary or staff implications, it could be resolved by a decision of the Member States. The Delegation was looking forward to engaging in the work of the Committee on Development and Intellectual Property and in supporting the Chair of the PCDA in his task of preparing the initial working documents for that Committee.

283. The Delegation of Algeria, speaking on behalf of the African Group, expressed its gratitude to Ambassador Clarke of Barbados for the efforts he had made in order to reach a consensus. The Delegation added that the experience, wisdom and diplomatic skills of the Ambassador had significantly led to the success of the process. The Delegation also extended its thanks to Ambassador Manalo of the Philippines for the efforts made as Chair of the General Assembly, as well as to the Director General, Dr. Kamil Idris, for his untiring commitment to the Development Agenda. The Delegation added that the work of the Secretariat throughout the process also deserved their appreciation. It underscored the fact that the African Group had submitted comprehensive proposals, as part of the PCDA process, and had contributed constructively to the drafting and adoption of the recommendations on the subject. The Delegation welcomed the positive results that had been achieved at the last PCDA Session. It believed that the success was the result of the spirit of construction and responsibility that had reigned throughout the process, and felt that the implementation stage of the recommendations was just as important as the negotiating process which had led to their adoption. The Delegation supported the recommendation addressed by the PCDA to the General Assembly 2007 to adopt the proposals which had been accepted and which were contained in the Annex. The Delegation also stated that they supported the setting up of a Committee on Development and Intellectual Property that would follow up on the implementation of those recommendations. It added that a decision had been taken in respect of the 19 proposals that had to be immediately implemented after their adoption by the Assembly. However, the Delegation stated that the African Group did not mean to accord a higher priority to these proposals, as all the recommendations adopted by consensus at the last PCDA had the same status, and it expected that the implementation would be done in a horizontal way.

284. The Delegation of Brazil recalled its statement on the Development Agenda, made on behalf of GRULAC, as well as its individual statement in the opening session of that Assembly. The Delegation believed that it was a historic decision for the Organization and that it was happy to have been able to contribute to it, by making the first original proposal, together with Argentina, during the 2004 General Assembly of WIPO. The Delegation thanked the Ambassador of Argentina, Ambassador Alberto Dumont, for his efforts in coordinating the “Group of Friends of Development”, which had been behind the initiative during the course of the last three years of discussions. The Delegation also thanked Ambassador Manalo, the Chair of the 2006 WIPO General Assembly, for his efforts in providing leadership and balanced consultations, that had allowed them to move forward. The Delegation thanked Ambassador Trevor Clarke, who was present, for his successful

efforts in facilitating agreement among the membership which had allowed them to arrive at the 45 recommendations before them, and the decision to create a Committee on Development and Intellectual Property. The Delegation added that with respect to Ambassador Clarke's statement, regarding the agreed recommendations for immediate implementation, it would propose that they became a part of the decision linked to the list of issues for immediate implementation, as well as a cover note to the list that was agreeable to the membership. The Delegation fully supported the decision that had been recommended to the Assembly by the PCDA. The Delegation added that, notwithstanding the list of recommendations for immediate implementation, it believed that all 45 were equal in nature and had the same status. It also believed that they should move forward towards a phase of implementation, which of course would also require further discussions on a multitude of issues, some of them quite complex and wide-ranging. The Delegation believed that the membership would make an effort to recognize the cross-cutting nature of the recommendations, during the implementation phase, as they reflected the views and positions of different stakeholders. It also believed that there should be a process by which consultations could continue to be held with those diverse stakeholders, and that their views should be mainstreamed into the process of implementation as well. The Delegation emphasized that one very important element was the need to have the necessary means for implementing the Development Agenda recommendations and for the adequate functioning of the Committee on Development and Intellectual Property. This included the adequate availability of human resources, not just in quantitative but also in qualitative terms, as well as that of financial resources. Further, it suggested the appropriate organization or reorganization, as the case may be, within the Secretariat to provide adequate support for the implementation of the Development Agenda. The Delegation concluded by making a reference to a few delegates that it believed had significantly contributed in moving forward the discussions of the Development Agenda since its launch in 2004, namely Mr. Ahmed Abdel Latif of Egypt, Mrs. Marta Gabrieloni of Argentina, and its colleague from Brazil, Mr. Leonardo Cleaver de Athayde, who was at that point in time posted in Brasilia. The Delegation added that the list was longer but that it wanted to make a special reference to them, and to see their names reflected in its statement, in view of the time and effort they had spent on the process to see it through and to become a reality.

285. The Delegation of Kenya supported the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation observed that intellectual property had a positive role to play in development. To that extent, the Delegation welcomed the immediate establishment of a Committee on Development and Intellectual Property. The Delegation stated that the open-ended nature of the Committee was testimony to the diversity of WIPO Member States. It noted with satisfaction that implementation of the proposals could be made within the existing financial and human resource capacities of WIPO. It added that the Delegation looked forward to participating in the work of the Committee. The Delegation concluded by supporting the adoption of the recommendations that had been put forward before that Assembly by the PCDA, as contained in paragraphs 5 (a) to (g) of document A/43/13.

286. The Delegation of Bangladesh conveyed its appreciation to Ambassador Clarke for his leadership during the PCDA negotiations throughout that year. The Delegation also put on record that this had been possible due to the skilled leadership and guidance of the Director General and the tireless efforts of Mr. Sherif Saadallah and his team, who had facilitated a successful conclusion of the Development Agenda. The Delegation believed that agreement on those 45 proposals reflected the development dimension in WIPO. The Delegation supported the immediate implementation of the 19 proposals, as well as the establishment of

the Committee on Development and Intellectual Property. The Delegation believed that there was no order of priority amongst the proposals, and that all proposals were equal, and could be immediately implemented. The Delegation hoped that the necessary financial and human resources allocation would be made for the successful implementation of the WIPO Development Agenda.

287. The Delegation of Kyrgyzstan noted that in the period since the last General Assembly, the Development Agenda process had been positive and had involved almost all Member States. The Delegation was firmly convinced of the importance of the process for all countries, independent of their level of social and economic development, and that the lively discussion on various aspects of the problem had been very useful and had led to mutually acceptable proposals. The Delegation was in favor of being consistent in the search for solutions relating both to the substance and form of the Development Agenda of WIPO. The Delegation added that it had taken an active part in the sessions of the Provisional Committee on defining the Development Agenda of WIPO. The Delegation praised the work that had been carried out by the PCDA and noted that success had been possible thanks to the efforts of all Member States and to the skillful leadership of the Chairman of the Committee. The Delegation thanked both Ambassadors Gauto and Clarke, and added that Ambassador Clarke had been able to make significant efforts in achieving agreement on the list of proposals for immediate implementation. It concluded by assuring the delegations present that it was prepared to constructively work, both with regional groups and with individual States, in the new body, the Committee on Development and Intellectual Property.

288. The Delegation of El Salvador welcomed the proposals, noted that all the Member States had contributed in a very positive way to the process, and stated that the next step was to approve the decision.

289. The Delegation of Chile agreed with the recommendations in paragraphs 6 and 7 of document A/43/13 Rev. The Delegation congratulated Ambassador Clarke on the wisdom with which he had conducted the process, as well as Ambassador Manalo for his contributions to the process. It also expressed its gratitude to the Delegations of Argentina and Brazil for having raised the matter in WIPO. The Delegation stated that after all those discussions, the Member States of the Organization had reached a consensus on the need and method of incorporating, in a permanent and explicit manner, a Development Agenda for WIPO. It added that it was one of the most important events that had happened in the Organization in recent years and believed that it was important to point out that those 45 recommendations should be implemented in the same way in the work of each of the committees and working groups of WIPO. The Delegation underscored the need to realize those commitments at the domestic level and to take measures to implement them rapidly. Regarding the future of the Development Committee that would be set up, the Delegation stated that it was important to understand that the fact of setting-up the Committee, did not mean that all those issues with a strong development component would be given automatically to that Committee. It believed that Member States should retain their right to decide which issue would be discussed in which WIPO committee. The Delegation was of the opinion that the Development Committee should not be seen as a water-tight compartment, with an exclusive monopoly over development issues. The Delegation stated that it was proud of the fact that it had been able to actively participate in the process, and work together with all Members in order to achieve a satisfactory result. The Delegation approved the recommendations which they saw as the fruit of the work of all Members of the Organization and agreed with the suggestion made by the Delegation of Brazil, namely that what Ambassador Clarke had read out, should form part of the decision.

290. The Delegation of Argentina reiterated the general statement which it had made on behalf of GRULAC. It welcomed the fact that 45 recommendations had been approved within the context of the Development Agenda. The Delegation stated that a new phase was beginning in the process, and that it was convinced that there was a need to maintain the positive momentum and to continue working, so as to achieve complete implementation of the 45 recommendations. The Delegation thanked Ambassadors Manalo and Trevor Clarke for the efforts they made to achieve positive results on the issue. The Delegation concluded by requesting the statement of Ambassador Clarke to form a part of the decision of the General Assembly.

291. The Delegation of Portugal, speaking on behalf of the European Community and its 27 Member States, stated that it continued to believe that development was one of the most important challenges facing the international community in present times. The Delegation reiterated that continuing efforts to develop a balanced and effective international intellectual property system was something that could bring important and meaningful benefits for all. It added that in that respect, WIPO had a specific mandate to promote development, as an integral part of the United Nations family. Further, it declared that WIPO had an obligation not only to provide technical assistance, but also to promote innovation and progress in developing and LDCs. The European Community and its Member States had taken note of the positive results that had been achieved within the scope of the PCDA. The Delegation was particularly satisfied with the agreement reached at the end of the Fourth session of the PCDA where the Chairman, through his efficient working methods, had largely contributed to the success. The Delegation pointed out the flexibility and the positive attitude demonstrated by all the Regional Groups in that process. In that regard, the Delegation acknowledged and hoped that the establishment of a Committee on Development and Intellectual Property would effectively contribute to monitor, assess, discuss and report on the implementation of the set of proposals that were to be adopted in the General Assembly. The Delegation concluded that the European Community and its 27 Member States looked forward to the discussions on the implementation of the Development Agenda, and that they would participate in the process with a spirit of cooperation and constructive engagement.

292. The Delegation of China thanked Ambassadors Trevor Clarke and Enrique Manalo, as well as the Secretariat, for their efforts which ensured the smooth flow of discussions. The Delegation stated that thanks to those efforts, a consensus had been reached and that indeed they would continue to make efforts to implement the recommendations. The Delegation noted that in the past few meetings of the PCDA, various Member States had been frank and had shown tolerance and a spirit of cooperation towards each other, which had enabled the Committee to reach a consensus during the PCDA process. The Delegation welcomed those efforts and thanked everyone involved. It stated that thanks to the efforts of the Member States, the Fourth session of the PCDA had achieved agreement on the creation of a Committee on Development and Intellectual Property, which was an indication of the extreme importance Member States attached to the issue of development. The Delegation further added that the problem of development concerned not only developing countries, though of course it was one of the important issues for them, but was also one of the key elements in the forefront of the international agenda dealt with by the United Nations as a priority. The Delegation stated that promoting development, creativity and innovation in societies were necessary preconditions to achieving harmonious development throughout the world and that, as a developing country, China attached vital importance to the matter. The Delegation elaborated that a number of pilot schemes had been carried out in that area, and had consequently achieved positive results for economic and social development in China. The

Delegation believed that there was a need to take into account the various levels of development of Member States, which would facilitate the achievement of balanced results. It added that those were necessary preconditions for ensuring that intellectual property rights (IPRs) were a power tool for growth. The Delegation stated that as a specialized agency of the United Nations responsible for intellectual property, WIPO had the responsibility to provide an efficient and necessary platform, so that Member States could achieve a model that was appropriate to their own situation and that would guarantee that developing countries could use IP in order to help their development and in so doing bring about a more harmonious balanced world. The Delegation further added that those were issues which WIPO and the future committee would have to think about very carefully. The Delegation expressed its wish that all delegations would continue to show a spirit of tolerance and a constructive approach in the future work of the committee. The Delegation supported the proposals by the Chair of the PCDA and expressed its desire that all delegations would show a spirit of cooperation and compromise, so that the agreements already reached could be implemented. That would enable all Member States, in particular LDCs and developing countries, to take advantage of the IP system, for the achievement of the Millennium Development Goals.

293. The Delegation of Brazil apologized for taking the floor a second time and added that that there were two issues that it wished to address. First, the Delegation thanked the International Bureau, the Director General, and in particular Mr. Sherif Saadallah, who had greatly contributed to the successful outcome of the PCDA meetings. Secondly, the Delegation wished to address the part of the PCDA recommendation which stated that the number and duration of meetings of the Committee on Development and IP were to be decided by the General Assembly. The Delegation wished to propose that the Assembly consider adopting the same type of language that was usually adopted for the committees of WIPO. It suggested that two meetings be held per year, and that representatives from developing countries, including LDCs, as well as from countries with economies in transition, be financed to attend the meetings of the Committee.

294. The Delegation of Algeria, speaking on behalf of the African Group, supported the proposal made by the Delegation of Brazil.

295. The Delegation of Singapore wished to express its satisfaction with the successful outcome of the PCDA process. The Delegation declared that it had been a long process, but that the efforts made by all the stakeholders, from Member States to non-governmental organization's (NGOs), had paid off. The Delegation supported the adoption by the General Assembly of the 45 recommendations and the creation of the proposed Committee on Development and Intellectual Property. The Delegation also supported the recommendations made by the Chair of the PCDA, Ambassador Trevor Clarke of Barbados, and stressed that his leadership and sagacity had been instrumental in achieving the positive outcome. The Delegation stated that they were about to embark on a new implementation phase, and hoped that the same spirit of goodwill, cooperation and transparency would continue to prevail. The Delegation further declared that for its part, Singapore would continue to contribute to the future work foreseen in the implementation process, as it had done so far.

296. The Delegation of Senegal supported the statement made by the Delegation of Algeria on behalf of the African Group, as well as the statement of the Delegation of Benin on behalf of the LDCs. The Delegation also thanked Ambassador Clarke from Barbados for having guided the process that had led to the consensus on the proposals and the agreement to set-up the Committee on Development and Intellectual Property. The Delegation hoped that the

consensus-based approach would continue. As an LDC, the Delegation supported the proposal for the setting-up of a funds-in-trust for LDCs. The Delegation hoped that sustained initiatives would be undertaken for developing countries to strengthen capacities, transfer technology, promote creative industries and breach the digital divide. Finally, the Delegation supported the proposal for setting up a permanent CDIP.

297. The Delegation of Nigeria declared that the Development Agenda had been the hallmark of multilateralism, ever since the establishment of the United Nations system. The Delegation stated that it was important that this very laudable agenda be rekindled by the activities of WIPO, which was responsible for the promotion and protection of creativity. The Delegation supported the statement made by the Delegation of Algeria, on behalf of the African Group, and thanked Ambassador Trevor Clarke of Barbados, the Chair of the PCDA, for his tireless efforts in bringing the process to a successful conclusion. The Delegation also thanked the Director General for creating the enabling environment and facilitating the adoption of an agenda for development. The Delegation stressed that it was important that IP became an instrument to help countries achieve development. The Delegation supported the recommendations that had been made and emphasized that they should be treated equally, without any prioritization. The Delegation also believed that a special effort should be made to ensure that enhanced technical assistance and capacity-building efforts were extended, particularly for developing countries and, even more so, for LDCs.

298. The Delegation of Ghana supported the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation noted that the decision reached by the PCDA, including the establishment of a new Committee on Development and Intellectual Property, was encouraging, and hoped for further consensus and flexibility to ensure a successful outcome of the process. The Delegation supported the initiatives from WIPO to facilitate access to knowledge and technology, and considered those initiatives to be vital for the economic development of developing countries and LDCs.

299. The Delegation of Norway stated that it had supported the Inter-Sessional Intergovernmental Meeting (IIM) and the PCDA processes that had led to the adoption of the list of 45 recommendations. It stressed that the positive outcome of that process was due to the spirit of consensus and flexibility among the members. The Delegation also supported the list of recommendations submitted by the Chair of the PCDA, which in accordance with paragraph 61 of the report of the fourth session of the PCDA, should be implemented immediately. The Delegation was of the opinion that those recommendations should be implemented without further discussion among the Member States, based on the consensus reached in the PCDA. The Delegation supported the proposal for immediate establishment of a Committee on Development and Intellectual Property and the proposal that the PCIPD would cease to exist. The Delegation was of the opinion that the implementation of the outcome of the PCDA process would provide for a better use of intellectual property systems for all members, based on informed choices.

300. The Delegation of Venezuela thanked Ambassador Rigoberto Gauto Vielman from Paraguay, Ambassador Trevor Clarke from Barbados and Ambassador Enrique Manalo of the Philippines, for their efforts in achieving the results with respect to the Development Agenda. The Delegation thanked Argentina and Brazil for their great work in coordinating the “Friends of Development”. The Delegation also thanked all the Member State representatives in that Group for their efforts. Finally, the Delegation wished to thank the Secretariat for its support, particularly Messrs. Sherif Saadallah and Pushpendra Rai, who had ensured the success of the Development Agenda. The Delegation added that the results obtained would be crucial for

promoting development in the lesser industrialized countries such as its own. The Delegation hoped that the proposals would be implemented very soon and that they would receive the necessary support, both political and financial, from the Organization. The Delegation supported the statements made by the Delegations of Argentina, Brazil and Chile who had spoken on the subject.

301. The Delegation of Ukraine thanked the Chairman of the PCDA and all those involved in achieving successful results in that Committee. The Delegation recognized the importance of the support of the Director General and Member States in achieving that stage. The Delegation welcomed the very successful outcome of the last session of the PCDA, which had produced the list of proposals. The Delegation stated that those proposals represented the interests of all Member States, independently of their level of development. It emphasized that after the final approval of the Development Agenda, they should be implemented immediately. The Delegation also added that it was in favor of setting up a Committee on Development and Intellectual Property to ensure that those proposals were implemented. Finally, the Delegation supported the statement made by the Delegation of Brazil regarding the work of the Committee.

302. The Delegation of India wished to congratulate all Member States for ensuring significant forward movement on that particular agenda item. The Delegation was particularly appreciative of the leadership provided by Ambassadors Enrique Manalo and Trevor Clarke and the role of the Secretariat. The Delegation stressed that the New Delhi and Singapore informal consultations on the Development Agenda had set the tone for consensus on the short listing of proposals. The Delegation believed that the 45 short listed proposals adequately reflected the aspirations of Member States. It believed that the key issue was now the need to implement those proposals in a time-bound and effective manner, for which it welcomed clearly defined outcomes and deliverables. The Delegation hoped that the proposed Committee on Development and Intellectual Property would evolve an appropriate action plan in the shortest possible time. The Delegation was convinced that WIPO would allocate the necessary resources for implementation of such an action plan, and offered its continued support and commitment to take the process forward.

303. The Delegation of the Dominican Republic expressed its gratitude to the Delegations of Brazil and Argentina for having embarked upon the Development Agenda process in WIPO and for the way they had led the "Group of Friends of Development" over the previous three years. The Delegation thanked Ambassador Clarke from Barbados who had been a key figure in helping to achieve the results obtained and for his leadership throughout the process. It also thanked Ambassador Enrique Manalo and Ambassador Rigoberto Gauto for their cooperation, and the WIPO Secretariat for the effort it had put into ensuring that the Development Agenda moved forward. It expressed its satisfaction in seeing that the General Assembly would adopt the 45 proposals on the WIPO Development Agenda and the establishment of the new Committee on Development and Intellectual Property. The Delegation called for the approval of the recommendations in paragraphs 6 and 7 of document A/43/13 Rev. and reiterated its commitment to continuing to work on that issue, so as to ensure that the agreed proposals would be implemented in a cross-cutting manner in the Organization. In that connection, it supported the allocation of sufficient budgetary funds within WIPO to ensure that the 45 proposals could be implemented. In conclusion, it urged for the records of the General Assembly to reflect what the Chairman of the PCDA had declared, and supported the proposal made by the Delegation of Brazil on paragraph 5 of the document in question.

304. The Delegation of Cuba noted that the greatest challenge facing the Organization was the immediate application of the development component in all its activities. Once the proposals on immediate implementation were approved, the development dimension should be included in norm-setting activities, in the Program and Budget of the Organization, in technical assistance, and in constitutional issues. It also considered it to be a condition *sine qua non* that the proposals relating to the Development Agenda be included in the activities of the WIPO standing committees. Lastly, the Delegation agreed with the recommendations emerging from the last session of the PCDA and the proposal made by the Delegation of Brazil to include the statement of the Ambassador of Barbados in the decisions of the General Assembly.

305. The Delegation of Indonesia reiterated its support for the mainstreaming of the Development Agenda in WIPO and for the adoption of the agreed proposals by the General Assembly. In that regard, the Delegation highly valued the Chairmanship of Ambassador Trevor Clarke and Ambassador Manalo in making the PCDA a great success. The Delegation further noted that, in order to be effective, the IP system should take into account different levels of development of Member States. A one-size-fits-all approach should be avoided, as it would not only prove ineffective, but could also prevent developing countries from obtaining the expected benefits from the IP system. The Delegation pointed out that two important ways of assisting developing countries and LDCs in the field of IP were through technical assistance and capacity-building programs. While taking into account the invaluable role of WIPO in assisting its Member States, the Delegation stated that there should be a system that allowed for the continuous evaluation and assessment of those activities. Such evaluation would provide WIPO with valuable information on the benefit and impact of its assistance to different countries which would in turn be useful in ensuring the effectiveness of the programs. The Delegation stated that discussions on the Development Agenda should not be strictly confined to issues of technical assistance. They should also take into account the importance of norm-setting, the relationship between intellectual property and the public interest, the use of technology, the increased participation of stakeholders in WIPO activities, and the relationship between the work undertaken by WIPO and progress that had been achieved at other fora. The Delegation stressed that all those issues had paramount importance in the implementation of the WIPO Development Agenda. The Delegation added that it welcomed the PCDA report and was ready to work closely with other delegations in the implementation of the recommendations.

306. The Delegation of Thailand expressed its appreciation to Ambassador Clarke of Barbados for chairing the PCDA to its successful conclusion and to Ambassador Manalo of the Philippines for preparing the initial working documents for the PCDA. It also thanked India and Singapore for hosting the informal sessions which had helped to facilitate the consensus-building process. The Delegation supported the approach taken to identify proposals that could be implemented immediately. It stated that the next step forward for the Committee should be to prepare a detailed work program, to fully implement the agreed proposals and to mainstream these activities into the different bodies of WIPO. While it supported all the agreed proposals, the Delegation wished to highlight a few specific proposals it considered of key interest, namely, the proposal relating to access to knowledge and technology and its dissemination to developing countries, and the acceleration of the process for the protection of genetic resources, traditional knowledge and folklore. The Delegation noted that intellectual property had become a cross-cutting issue that was being discussed in many different fora, including WIPO, the WTO, and WHO. It was, therefore, essential to pay close attention to the proposals that required further strengthening of the cooperation between WIPO and the other agencies, in order to enhance coherence and

synergy across the different fora. Lastly, the Delegation looked forward to working closely with WIPO to implement the agreed proposals and also to participate in the future deliberations of the Committee.

307. The Delegation of Iran (Islamic Republic of) appreciated the efforts of the PCDA and its recommendations which had been included in document A/43/13 Rev., and thanked Ambassador Clarke as well as Ambassador Manalo. The Delegation also supported the statement made by the Delegation of Brazil and its proposal, and indicated that the approval of the 45 proposals by the General Assembly would be a very important step in providing fundamental rights for developing countries. It added that the implementation of those recommendations would move the national and international intellectual property systems towards a moderate intellectual property framework, which would be adaptable to the development requirements of Member States. Implementation of the Committee recommendations would require establishing a permanent body, the duty of which would include prioritization of actions, formulation of the work program, monitoring of actions, assessment of the effects of intellectual property norms on developing countries, and analysis of the discussions in other committees. The Delegation further expressed its support for the establishment of the Committee on Development and Intellectual Property. As a first step, the Committee would provide its strategies in accordance with an action plan and in the manner in which the General Assembly recommendations were implemented. The Delegation also noted that planning and implementation of the recommendations should not become a barrier to carrying out comprehensive studies to identify evolving issues relating to development. The Committee would be able to use the experience of other committees' outcomes to assess and analyze the effects of the development norms. As a result, the Committee would be able to take additional measures as well as recommendations upon agreement by Member States.

308. The Delegation of Jamaica reminded Member States that when the Development Agenda had been launched, it had stressed that it would support any initiative that would serve to strengthen the already important WIPO contribution to development. The Delegation was pleased to note that significant progress had been made and that the work of the PCDA had been fruitful. The Delegation noted that a set of agreed proposals had been recommended for adoption together with the establishment of a permanent committee. The Delegation supported those recommendations and thanked the proponents for the initiative, as well as the other delegations that had tabled proposals on such an important subject. The Delegation thanked the Chairs, including Ambassador Clarke of Barbados, as well as the Secretariat for their efforts. In its opening statement to the Forty-Third Assembly, the Delegation had informed of steps that would be taken at the national level to integrate intellectual property in all national development strategies. The outcome of the PCDA was, therefore, considered both timely and opportune. The Delegation looked forward to actively participating in the Committee and to working with other delegations to implement the proposals. The Delegation also wished to support the proposal for funds to be allocated to facilitate the full and effective participation of developing countries in the Committee.

309. The Delegation of the Democratic People's Republic of Korea expressed its sincere appreciation to the Chair and the Member States of the PCDA for their hard work to present concrete recommendations to the General Assembly. The Delegation supported the establishment of a Committee on Development and Intellectual Property and the convening of its first meeting in the first half of 2008, as recommended by the PCDA. It believed that convening two annual meetings of the new Committee over a period of five days would be appropriate. The Delegation hoped that tangible actions would be taken for implementing the proposals contained in the six clusters.

310. The Delegation of Trinidad and Tobago noted that the PCDA had worked tirelessly to develop and refine proposals that sought to achieve the greatest consensus. In that regard, the Delegation recognized the excellent work of Ambassador Trevor Clarke and his predecessors Ambassadors Gauto and Manalo which had facilitated the achievement of such positive results. While the task seemed enormous at first, when proposals seemed to multiply without end, the Delegation was always optimistic that a solution would be achieved. The Delegation supported the 45 recommendations which had evolved from those deliberations and looked forward to an appropriate mechanism for implementation, including the allocation of appropriate financial resources and support from within WIPO, where needed. The Delegation stressed that the issues of the Development Agenda, as agreed, were those that impacted significantly and sensitively on the development of intellectual property within developing countries and in intellectual property Offices, particularly in small island developing states. This was the reason why the implementation of those recommendations should be dealt with in a proactive manner. In the opinion of the Delegation, the first 19 proposals required no additional financing and staff support. Therefore, it hoped to see those proposals implemented shortly thereafter.

311. The Delegation of Oman noted that it had been very much involved with the issue of development and that it therefore welcomed the results which had been achieved by the PCDA. It was also the reason why it supported the recommendations which had been included in the document under discussion. It was the opinion of the Delegation that Member States should work towards the implementation of those recommendations. In addition to supporting the proposals submitted by the Delegation of Brazil, it wished to reiterate its thanks and appreciation to all those who had put in so much effort and, in particular, to Ambassadors Manalo and Clarke. The Delegation also extended its thanks to the Secretariat, and particularly to Mr. Sherif Saadallah, for having been able to find the resources needed for the Committee to be able to achieve such positive results. The Delegation urged the Organization to provide the necessary technical assistance to help countries achieve their development objectives. Lastly, the Delegation hoped that the implementation of the other proposals would take place in a relatively short period of time.

312. The Delegation of Morocco supported the statement made by the Delegation of Algeria on behalf of the African Group and welcomed the positive outcome to the negotiating process in the Committee. Such a positive outcome was to a great extent attributable to the constructive dialogue in which the majority of delegations had participated. The Delegation thanked Ambassadors Manalo and Clarke who had greatly contributed to achieving those results. The Delegation attached particular importance to the immediate implementation of the recommendations of the note submitted by the Chair and supported the proposal to have a Committee on Development and Intellectual Property established. The Delegation also subscribed to previous statements which had urged that support be given to developing countries to help them fully participate in the work of such a Committee.

313. The Delegation of South Africa noted with appreciation the agreement on the 45 recommendations related to a WIPO Development Agenda, particularly the agreement on a package for immediate implementation. The Delegation stressed that adopting the recommendations for immediate implementation did not imply that such recommendations were being prioritized over others. It understood that it had been agreed to implement those recommendations immediately, since they did not require additional human and financial resources. It stressed however that the implementation of those recommendations would require some internal reorientation of existing programs. The Delegation also welcomed the

agreement on the establishment of the Committee on Development and Intellectual Property which would play a crucial role in monitoring and evaluating the implementation of recommendations of the WIPO Development Agenda, and which would report to the General Assembly on the progress made. The Delegation was of the opinion that the implementation of the WIPO Development Agenda was a cross-cutting process, with a view to mainstreaming the development dimension in all WIPO's programs and activities, and that such mainstreaming should apply to all WIPO committees. The Delegation sincerely hoped that the implementation of the agreed recommendation would contribute to the considerable efforts being made towards a balanced global intellectual property system. The Delegation, therefore, approved the proposals contained in paragraph 5 of document A/43/13 Rev.

314. The Delegation of Finland joined the statement made by the European Community, especially to that part where it had taken note of the positive results achieved. The Delegation therefore supported the continuation of such an important process. In that connection, the Delegation informed other delegations that a forum related to that item would be held in Costa Rica later that year. The title of the Forum was the "Fourth International Forum on Creativity and Inventions – A Better Future for Humanity in the 21st Century". This year it would deal particularly with the issue of universities' research results and IPRs and would take place in San José, from November 7 to 9, 2007, with 200 participants expected, mostly from the GRULAC area and North America. Mr. Sherif Saadallah and Mrs. Lalao Rakotomalala from the Secretariat, as well as the coordinator of the Forum, could provide further information. The idea of that Forum, which was established by the Secretariat of WIPO and the Director General, had been to reduce the gap between the LDCs, developing countries, countries in transition, and the industrialized countries, through open discussion, and in order to find solutions to different problems. No declarations or decisions were to be made there. The Delegation thought that was a very positive part of the constructive work of WIPO.

315. The Delegation of Canada acknowledged the support and leadership of the Chair of the PCDA, Ambassador Trevor Clarke of Barbados, and the important role that he and the earlier Chair had played in the process. The Delegation supported the adoption of the proposals recommended for action by the PCDA and continued to support the Development Agenda process. The Delegation considered that the agreed proposals provided a comprehensive basis for mainstreaming development into the work of WIPO. It also confirmed Canada's commitment to the new CDIP and its continued interest in the next phase, which would focus on implementation of the recommendations.

316. The Delegation of Uruguay thanked WIPO for the efforts made by Ambassador Manalo from the Philippines and Ambassador Clarke of Barbados for having arrived at a consensus on the 45 proposals relating to the Development Agenda. The Delegation also wished to support all the recommendations made by the Chair to the General Assembly during the session. The Development Agenda was of vital importance to the Delegation and it wanted to take an active part in the Committee on Development and Intellectual Property. In that context, it also supported the proposals from the Delegation of Brazil regarding the number of meetings and the financing of the Committee. Finally, the Delegation wished to thank Messrs. Saadallah and Rai for their support.

317. The Delegation of Japan welcomed the remarkable results achieved by the PCDA and added that it was important for WIPO that intellectual property be recognized and actually utilized as a tool for economic and cultural development by every Member State, especially developing countries and LDCs. Japan had been positively involved in development issues

including voluntary contributions and hosting the WIPO Japan Office in Tokyo, and wished to continue to be positively involved in the Development Agenda. The Delegation therefore supported the 45 proposals that would be implemented in the new Development and IP Committee. It hoped that the successful PCDA conclusion would help the Organization to get into a constructive track to respond to, and address, urgent and important issues for sustaining and promoting global IP protection.

318. The Delegation of Malaysia appreciated the successful completion of the PCDA and thanked the Committee led by Ambassador Trevor Clarke of Barbados. The Delegation supported the comprehensive proposals in all clusters with 45 agreed recommendations. It welcomed the setting up of the Committee on Development and Intellectual Property as a correct path for its implementation. It was of the opinion that a good proposal would not bear fruitful outcomes, without adequate funding and effective implementation. That raised a hope that there would be close monitoring to supervise the successful implementation of the proposals, with allocation of adequate funds.

319. The Delegation of the United States of America joined the previous delegations in thanking Ambassador Clarke of Barbados for his invaluable role in guiding the PCDA discussions to a successful conclusion. It was pleased that after three years of negotiations on a WIPO Development Agenda, they had reached agreement on a set of 45 distinct proposals. The Delegation also agreed to replace the Permanent Committee on Cooperation for Development related to Intellectual Property (PCIPD) with the Committee on Development and Intellectual Property. It looked forward to moving on with the implementation of the proposals that had been agreed upon. While the Delegation supported the substance of the decision, it indicated that at that point in time, it reserved its position with respect to any budgetary implications that would go beyond resources that had been authorized by the General Assembly. The Delegation reminded Member States that the issue of PCT fee levels and, consequently, the program and budget, which was predominantly funded by PCT fees, were still awaiting decisions by the relevant Assemblies. The Delegation had a question with regard to the proposal by the Delegation of Brazil to add the two sentences to the decision paragraph relating to the frequency of meetings and financing and participation. The second sentence regarding financing and participation was written in such broad language as to imply the financing of all developing countries and countries in transition. The Delegation called for the language to be clarified, to specify funding for two countries from each Regional Group within existing resources.

320. The Delegation of the United Republic of Tanzania wished to fully associate itself with the statements made by the Delegations of Algeria and Benin, speaking respectively on behalf of the African Group and the LDCs. The Delegation highly commended the work done by Ambassador Manalo and Ambassador Clarke in driving the process to the achievements seen that day. It also commended the WIPO Secretariat under the leadership of the Director General for having efficiently and effectively facilitated the work of the Committee. The Delegation added that it would be very pleased to see the immediate implementation of all the proposals tabled by the PCDA. It was convinced that the implementation of the proposals would assist the United Republic of Tanzania to take full advantage of the intellectual property potential for its social and economic development and growth. The Delegation was therefore looking forward to the establishment of a special fund to assist LDCs to build their capacity and also to the establishment of a Committee on Development and Intellectual Property, these being the immediate next steps to realize the implementation of these proposals. Finally the Delegation declared that the United Republic of Tanzania was very

proud to have been associated with this process from the very beginning, although in a limited way, and indicated its willingness to participate in any further engagements in this regard.

321. The Delegation of Congo supported the statement made by the Delegation of Algeria on behalf of the African Group, and also wished to thank Ambassador Clarke and Ambassador Manalo for having found the successful outcome to the mandate they had been entrusted with to negotiate the process of the WIPO action plan for development. The Delegation also expressed its wish that the General Assembly would arrive at a consensus, in order to approve the 45 recommendations that had been put forward. The Delegation reiterated its readiness to be part and parcel of the Development Committee for Intellectual Property and, in that way, make a contribution to that Committee, its operation, and activities. Lastly, the Delegation called for the proposal put forward by the Delegation of Brazil and the Provisional Committee regarding the financing of the Committee and the provision of funds to developing countries and LDCs to become effective.

322. The Delegation of the United Kingdom wished to take the opportunity to thank all of those involved in the process for the establishment of a Development Agenda for WIPO, which had begun some three years earlier, and had given Member States the opportunity to approve a positive and well-considered recommendation for a future process. It supported the decision as it stood in A/43/13 Rev. which allowed for the immediate implementation of the proposals which had been identified as achievable within the agreed working budget of the Organization. The Delegation noted that some of those proposals had been identified by the Secretariat as having potential resource implications in the future, and therefore it would not support the addition of those proposals to the decision text of the document, preferring the text as it stood. The Delegation added that if in future those proposals were to incur a resource implication beyond the capacity of the agreed working budget of the Organization, it would be necessary to refer them to the proposed Committee on Development and IP. Adding the proposals to the text of a decision paragraph on that item could create confusion at that time. To conclude, the Delegation supported the decision as it stood in document A/43/13 Rev. With regard to the number and duration of meetings of the proposed Committee, the Delegation also supported the proposal made by the Delegation of Brazil, as amended by the Delegation of the United States of America.

323. The Delegation of Mexico thanked the Ambassador of Barbados, Ambassador Clarke, for the way in which he had handled the Committee, and for the various breakthroughs that had been made during the Fourth Session of the PCDA. The Delegation also expressed its support for the setting up of the Committee on Development and Intellectual Property, so that it could swiftly implement the recommendations that had been approved by the Member States.

324. The Delegation of the Russian Federation wished to express its appreciation for the work done by the Chairman of the Committee, Ambassador Clarke. The Delegation also thanked and congratulated him on the wisdom and skill he had shown and efforts he had put in, because it was due to those efforts that positive results had been achieved. The Delegation welcomed the consensus which had been reached at the Fourth Session of the PCDA, and hoped that they would continue to do constructive work on that issue in the future.

325. The Delegation of Guinea wished to congratulate Ambassador Clarke and his predecessors for the strong commitment and the work that they had been able to accomplish, in order to enable the assembly to focus on the questions pertaining to the WIPO Development Agenda. The Delegation said that it was in favor of the setting up of the

Committee on Development and Intellectual Property, in order to implement the recommendations. With reference to technical assistance and capacity-building, the Delegation hoped that specific actions would focus on LDCs, in order to enable those countries to better benefit from the advantages of the intellectual property system as an engine for development. The Delegation also supported the statement made by the Delegation of Brazil concerning paragraph 5 of the document under consideration. In conclusion, the Delegation also expressed its support for the statements made by the Delegations of Algeria and Benin, made on behalf of the African Group and the LDCs, respectively.

326. The Delegation of Colombia wished to thank the Secretariat for having supported the negotiations, as well as Ambassador Clarke and his predecessors. Concerning the item under discussion, the Delegation considered initiatives and discussions on that issue very helpful for countries because intellectual property should be seen as an engine for development, providing the necessary public policy to spur innovation. The Delegation considered it very important to protect intellectual property and have proper policies in place, as failing to do so would lead to a weakening of the intellectual property system. The inclusion of a development dimension in the activities of WIPO would strengthen the credibility of the intellectual property system, which would come to be accepted on a very wide scale as a tool to spur development and creativity. The Delegation noted that it would keep a close watch on the various development processes that were being recommended. Notwithstanding what was said earlier, the Delegation noted that it had some major reservations with paragraph 3 of document A/43/13/Rev. with regards to the proposals pertaining to the public domain. During the Fourth Session of the PCDA, the Delegation had abstained from re-opening the discussion on the proposals that were made because it considered that the appropriate forum would be the current session of the General Assembly. Hence, the Delegation wished to express its concern and reservations regarding the proposals in the area of the public domain, and it hoped that it would go into the minutes. As it had pointed out in the PCDA, the Delegation believed that Member States should not be considering the protection of the public domain, since the public domain was based on knowledge that was no longer protected. It was not up to WIPO to disseminate the various types of knowledge in the public domain. There could be a subtraction of material that was not in the public domain. The Delegation wished to call upon the General Assembly to consider whether or not the recommendations made on the public domain that were listed in that document should be included because they did not take into account two proposals that it had made during the Fourth Session of the PCDA, which could replace those proposals. The first proposal made by the Delegation was to guarantee that countries did not consider as an infringement the action of circumventing a technological measure intended to protect the access to a work, performance or phonogram that was within the public domain. The second proposal was to contribute in an efficient way to spur innovation by mechanisms which facilitated access to databases on the information contained in foreign patents or patent applications. The Delegation was aware of the resources that would be earmarked for the implementation of the recommendations of the PCDA, as had been discussed in the meetings on the Program and Budget. In order to make good use of such resources, the proposals should give rise to actions that were commensurate with an organization such as WIPO. That was the reason why the Delegation wished to call upon the Member States to reconsider the proposals, so as to envisage concrete results in all of the actions relating to the implementation of the Development Agenda. Those were activities that would allow WIPO, within its field of endeavor, to make a very important contribution to the use of works and inventions that were in the public domain.

327. The Delegation of Nepal attached great importance to the Development Agenda and its early implementation, after the adoption of the recommendations by the General Assembly.

In that regard, the Delegation praised the tireless support of Ambassador Clarke of Barbados and Ambassador Manalo of the Philippines. The Delegation requested the allocation of adequate funding for the implementation of the Development Agenda, and supported the establishment of a Committee to facilitate its implementation. Given the importance that the Delegation attached to the Development Agenda, it wished to request for the early implementation of proposals relating to LDCs, in particular the proposal relating to the establishment of a Trust-in-Fund for technical assistance and capacity-building for LDCs.

328. The Delegation of Mauritania expressed its support for the statement made by the Delegation of Algeria on behalf of the African Group, as well as the statement made by the Delegation of Benin on behalf of the LDCs. The Delegation supported the setting up of the Committee on Development and Intellectual Property and stood ready to facilitate its success. It thanked Ambassadors Manalo and Clarke for the praiseworthy efforts they had made in that regard. Finally, it called for the immediate implementation of the recommendations once accepted.

329. As requested by the Chair, the Secretariat responded to the proposal concerning paragraph 5 (d) of the decision. The Secretariat noted that the Delegation of Brazil had proposed a wording in order to clarify the number and duration of meetings of the new Committee. The Delegation of the United States of America had indicated that the formulation seemed to be vague, so the Secretariat proposed, for the consideration of Member States, for the following words to be inserted at the start of the second sentence: “As done with the PCDA Sessions in 2006 and 2007, WIPO will...” and the remaining sentence would stay.

330. The Delegation of the United States of America stated that it would be useful to know what had been done with respect to the PCDA process in 2006 and 2007, with regard to the financing of representatives from developing countries and countries in transition.

331. With respect to the question put by the Delegation of the United States of America, the Secretariat indicated that it had financed five participants from the five regions and that was reflected in the General Assembly decision of 2006.

332. The Chair indicated that there seemed to be approval and consent from the Delegation of the United States of America.

333. The Chair drew the attention of the delegations to the decision paragraphs in document A/43/13 Rev. at page 3, paragraphs 6 and 7, as well as the changes that were being added on to those paragraphs. Since there were no comments, the paragraphs were adopted and the following decisions were taken by the General Assembly:

334. The General Assembly reviewed the discussions during the two sessions of the PCDA in February and June 2007, noted the spirit of engagement and cooperation demonstrated by Member States during the meetings of the PCDA, expressed satisfaction at the consensus reached on the proposals submitted by Member States on the establishment of a Development Agenda for WIPO, noted the recommendations made by the PCDA in paragraphs 6 and 7 (document A/43/13 Rev.) and by Ambassador C. Trevor Clarke, Chair PCDA, in his intervention during the discussions on this agenda item and decided as follows:

- To adopt the recommendations for action in the 45 agreed proposals, contained in Annex A.
- To immediately implement the recommendations, contained in the list of 19 proposals (Annex B). Member States stressed that it did not, in any way, imply that these proposals had been accorded a higher priority than the others or that their implementation, or aspects of it, would not be discussed in the Committee on Development and Intellectual Property, in coordination with relevant WIPO bodies. They also called upon all the Member States, the Secretariat and other relevant WIPO bodies to ensure the immediate and effective implementation of these proposals.
- To establish a Committee on Development and Intellectual Property to:
 - (a) develop a work-program for implementation of the adopted recommendations;
 - (b) monitor, assess, discuss and report on the implementation of all recommendations adopted, and for that purpose it shall coordinate with relevant WIPO bodies; and
 - (c) discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.
- The Committee will be composed of the Member States of WIPO and open to the participation of all accredited intergovernmental and non-governmental organizations (NGOs). It will consider and adopt rules of procedure based on the WIPO General Rules of Procedure at its first meeting. The Committee will have two five-day sessions annually, with the first one convened in the first half of 2008. As done during the sessions of the PCDA in 2006 and 2007, WIPO will provide financing for the participation of representatives from developing countries, including LDCs, as well as from countries with economies in transition, to attend the meetings of the Committee.
- For the first meeting of the Committee, the present Chair of the PCDA will prepare initial working documents, including a draft work program, in consultation with Member States and the Secretariat. The draft work program should address, *inter alia*, the financial and human resources requirements for inclusion in WIPO's budgetary planning process.
- The Committee will report and may make recommendations annually to the General Assembly.
- The PCIPD ceases to exist and the mandate of the PCDA is not renewed.

ANNEX A

List of 45 Agreed Proposals

CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING

1. WIPO technical assistance shall be, *inter alia*, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.
2. Provide additional assistance to WIPO through donor funding, and establish Trust-in-Funds or other voluntary funds within WIPO specifically for LDCs, while continuing to accord high priority to finance activities in Africa through budgetary and extra-budgetary resources, to promote, *inter alia*, the legal, commercial, cultural, and economic exploitation of intellectual property in these countries.
3. Increase human and financial allocation for technical assistance programs in WIPO for promoting a, *inter alia*, development-oriented intellectual property culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on intellectual property.
4. Place particular emphasis on the needs of small and medium-sized enterprises (SMEs) and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of intellectual property.
5. WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member State(s) and other recipients concerned, for which the activity was implemented.
6. WIPO's technical assistance staff and consultants shall continue to be neutral and accountable, by paying particular attention to the existing Code of Ethics, and by avoiding potential conflicts of interest. WIPO shall draw up and make widely known to the Member States a roster of consultants for technical assistance available with WIPO.
7. Promote measures that will help countries deal with intellectual property-related anti-competitive practices, by providing technical cooperation to developing countries, especially LDCs, at their request, in order to better understand the interface between IPRs and competition policies.
8. Request WIPO to develop agreements with research institutions and with private enterprises with a view to facilitating the national offices of developing countries, especially LDCs, as well as their regional and sub-regional intellectual property organizations to access specialized databases for the purposes of patent searches.

9. Request WIPO to create, in coordination with Member States, a database to match specific intellectual property -related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide.
10. To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.
11. To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.
12. To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate.
13. WIPO's legislative assistance shall be, *inter alia*, development-oriented and demand-driven, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion.
14. Within the framework of the agreement between WIPO and the WTO, WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement.

CLUSTER B: NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN

15. Norm-setting activities shall:
 - be inclusive and member-driven;
 - take into account different levels of development;
 - take into consideration a balance between costs and benefits;
 - be a participatory process, which takes into consideration the interests and priorities of all WIPO Member States and the viewpoints of other stakeholders, including accredited inter-governmental organizations (IGOs) and NGOs; and
 - be in line with the principle of neutrality of the WIPO Secretariat.
16. Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.
17. In its activities, including norm-setting, WIPO should take into account the flexibilities in international intellectual property agreements, especially those which are of interest to developing countries and LDCs.
18. To urge the IGC to accelerate the process on the protection of genetic resources, traditional knowledge and folklore, without prejudice to any outcome, including the possible development of an international instrument or instruments.

19. To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.
20. To promote norm-setting activities related to IP that support a robust public domain in WIPO's Member States, including the possibility of preparing guidelines which could assist interested Member States in identifying subject matters that have fallen into the public domain within their respective jurisdictions.
21. WIPO shall conduct informal, open and balanced consultations, as appropriate, prior to any new norm-setting activities, through a member-driven process, promoting the participation of experts from Member States, particularly developing countries and LDCs.
22. WIPO's norm-setting activities should be supportive of the development goals agreed within the United Nations system, including those contained in the Millennium Declaration.

The WIPO Secretariat, without prejudice to the outcome of Member States considerations, should address in its working documents for norm-setting activities, as appropriate and as directed by Member States, issues such as: (a) safeguarding national implementation of intellectual property rules (b) links between intellectual property and competition (c) intellectual property -related transfer of technology (d) potential flexibilities, exceptions and limitations for Member States and (e) the possibility of additional special provisions for developing countries and LDCs.

23. To consider how to better promote pro-competitive intellectual property licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs.

CLUSTER C: TECHNOLOGY TRANSFER, INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) AND ACCESS TO KNOWLEDGE

24. To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).
25. To explore intellectual property -related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions, pertaining to flexibilities provided for in international agreements, as appropriate.
26. To encourage Member States, especially developed countries, to urge their research and scientific institutions to enhance cooperation and exchange with research and development institutions in developing countries, especially LDCs.
27. Facilitating intellectual property -related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of intellectual property -related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical

intellectual property -related strategies to use ICT for economic, social and cultural development.

28. To explore supportive intellectual property -related policies and measures Member States, especially developed countries, could adopt for promoting transfer and dissemination of technology to developing countries.

29. To include discussions on intellectual property -related technology transfer issues within the mandate of an appropriate WIPO body.

30. WIPO should cooperate with other IGOs to provide to developing countries, including LDCs, upon request, advice on how to gain access to and make use of intellectual property-related information on technology, particularly in areas of special interest to the requesting parties.

31. To undertake initiatives agreed by Member States, which contribute to transfer of technology to developing countries, such as requesting WIPO to facilitate better access to publicly available patent information.

32. To have within WIPO opportunity for exchange of national and regional experiences and information on the links between IPRs and competition policies.

CLUSTER D: ASSESSMENT, EVALUATION AND IMPACT STUDIES

33. To request WIPO to develop an effective yearly review and evaluation mechanism for the assessment of all its development-oriented activities, including those related to technical assistance, establishing for that purpose specific indicators and benchmarks, where appropriate.

34. With a view to assisting Member States in creating substantial national programs, to request WIPO to conduct a study on constraints to intellectual property protection in the informal economy, including the tangible costs and benefits of intellectual property protection in particular in relation to generation of employment.

35. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

36. To exchange experiences on open collaborative projects such as the Human Genome Project as well as on intellectual property models.

37. Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development.

38. To strengthen WIPO's capacity to perform objective assessments of the impact of the organization's activities on development.

CLUSTER E: INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE

39. To request WIPO, within its core competence and mission, to assist developing countries, especially African countries, in cooperation with relevant international organizations, by conducting studies on brain drain and make recommendations accordingly.

40. To request WIPO to intensify its cooperation on IP related issues with United Nations agencies, according to Member States' orientation, in particular UNCTAD, UNEP, WHO, UNIDO, UNESCO and other relevant international organizations, especially the WTO in order to strengthen the coordination for maximum efficiency in undertaking development programs.

41. To conduct a review of current WIPO technical assistance activities in the area of cooperation and development.

42. To enhance measures that ensure wide participation of civil society at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review.

43. To consider how to improve WIPO's role in finding partners to fund and execute projects for intellectual property -related assistance in a transparent and member-driven process and without prejudice to ongoing WIPO activities.

44. In accordance with WIPO's member-driven nature as a United Nations Specialized Agency, formal and informal meetings or consultations relating to norm-setting activities in WIPO, organized by the Secretariat, upon request of the Member States, should be held primarily in Geneva, in a manner open and transparent to all Members. Where such meetings are to take place outside of Geneva, Member States shall be informed through official channels, well in advance, and consulted on the draft agenda and program.

CLUSTER F: OTHER ISSUES

45. To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view 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, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations", in accordance with Article 7 of the TRIPS Agreement.

ANNEX B

List of Proposals* for Immediate Implementation

CLUSTER A: TECHNICAL ASSISTANCE AND CAPACITY BUILDING

1. WIPO technical assistance shall be, *inter alia*, development-oriented, demand-driven and transparent, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion. In this regard, design, delivery mechanisms and evaluation processes of technical assistance programs should be country specific.
2. Increase human and financial allocation for technical assistance programs in WIPO for promoting a, *inter alia*, development-oriented intellectual property culture, with an emphasis on introducing intellectual property at different academic levels and on generating greater public awareness on intellectual property.
3. Place particular emphasis on the needs of SMEs and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting-up appropriate national strategies in the field of intellectual property.
4. WIPO's technical assistance staff and consultants shall continue to be neutral and accountable, by paying particular attention to the existing Code of Ethics, and by avoiding potential conflicts of interest. WIPO shall draw up and make widely known to the Member States a roster of consultants for technical assistance available with WIPO.
5. Promote measures that will help countries deal with intellectual property-related anti-competitive practices, by providing technical cooperation to developing countries, especially LDCs, at their request, in order to better understand the interface between intellectual property rights and competition policies.
6. To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.

* The broad guidelines followed in identifying these proposals are as follows:

- (i) WIPO is already implementing related activities, which could be appropriately modified/strengthened to meet with the specific concern;
- (ii) it is not considered necessary, at this stage, to develop a detailed work program, before initiating implementation of the proposal;
- (iii) the proposal does not require the engagement of additional human resources at this stage, and the activity can be implemented with the existing staff;
- (iv) the proposal does not require the allocation of additional financial resources at this stage, and the activity can be implemented within the existing allocations.

7. To further mainstream development considerations into WIPO's substantive and technical assistance activities and debates, in accordance with its mandate.
8. WIPO's legislative assistance shall be, *inter alia*, development-oriented and demand-driven, taking into account the priorities and the special needs of developing countries, especially LDCs, as well as the different levels of development of Member States and activities should include time frames for completion.
9. Within the framework of the agreement between WIPO and the WTO, WIPO shall make available advice to developing countries and LDCs, on the implementation and operation of the rights and obligations and the understanding and use of flexibilities contained in the TRIPS Agreement.

CLUSTER B: NORM-SETTING, FLEXIBILITIES, PUBLIC POLICY AND PUBLIC DOMAIN

10. Norm-setting activities shall:
 - be inclusive and member-driven;
 - take into account different levels of development;
 - take into consideration a balance between costs and benefits;
 - be a participatory process, which takes into consideration the interests and priorities of all WIPO Member States and the viewpoints of other stakeholders, including accredited IGOS and NGOs; and
 - be in line with the principle of neutrality of the WIPO Secretariat.
11. Consider the preservation of the public domain within WIPO's normative processes and deepen the analysis of the implications and benefits of a rich and accessible public domain.
12. In its activities, including norm-setting, WIPO should take into account the flexibilities in international intellectual property agreements, especially those which are of interest to developing countries and LDCs.
13. To urge the IGC to accelerate the process on the protection of genetic resources, traditional knowledge and folklore, without prejudice to any outcome, including the possible development of an international instrument or instruments.
14. To initiate discussions on how, within WIPO's mandate, to further facilitate access to knowledge and technology for developing countries and LDCs to foster creativity and innovation and to strengthen such existing activities within WIPO.
15. WIPO shall conduct informal, open and balanced consultations, as appropriate, prior to any new norm-setting activities, through a member-driven process, promoting the participation of experts from Member States, particularly developing countries and LDCs.

CLUSTER D: ASSESSMENT, EVALUATION AND IMPACT STUDIES

16. To request WIPO to undertake, upon request of Member States, new studies to assess the economic, social and cultural impact of the use of intellectual property systems in these States.

17. Upon request and as directed by Member States, WIPO may conduct studies on the protection of intellectual property, to identify the possible links and impacts between intellectual property and development.

CLUSTER E: INSTITUTIONAL MATTERS INCLUDING MANDATE AND GOVERNANCE

18. To enhance measures that ensure wide participation of civil society at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review.

19. In accordance with WIPO's member-driven nature as a United Nations Specialized Agency, formal and informal meetings or consultations relating to norm-setting activities in WIPO, organized by the International Bureau, upon request of the Member States, should be held primarily in Geneva, in a manner open and transparent to all Members. Where such meetings are to take place outside of Geneva, Member States shall be informed through official channels, well in advance, and consulted on the draft agenda and program.

ITEM 19 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE ESTABLISHMENT OF A WORK PROGRAM FOR THE STANDING COMMITTEE ON THE LAW OF PATENTS

335. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 20 OF THE CONSOLIDATED AGENDA:

REPORT OF THE *AD HOC* WORKING GROUP ON THE DIGITAL ACCESS SERVICE FOR PRIORITY DOCUMENTS

336. Discussions were based on document A/43/10, the Appendix to which contained the report of the 2nd session of the *ad hoc* Working Group on the Digital Access Service for Priority Documents.

337. The Secretariat recalled that the Assemblies had in 2006 approved the establishment by the International Bureau of the digital access service for priority documents. The objective of the service was to enable priority documents for patent applications to be available from a single access point, extending the system that already operated successfully for international applications under the PCT. In accordance with the Assemblies' decision, the Working Group had been convened (in February and July 2007) and had agreed on recommendations concerning the necessary system architecture, general principles and framework provisions. The International Bureau had commenced work on implementing the service in accordance with those recommendations. A first practical implementation was expected to be in place by mid-2008, following which the operation of the service would commence as Patent Offices notified the International Bureau that they would make use of it.

338. The Delegation of Portugal, on behalf of the European Community and its 27 Member States, stated that it had taken careful note of the results of the work of the Working Group and congratulated WIPO's Member States and Secretariat for the ongoing effort in establishing the necessary framework provisions and the guidelines of the flexible system architecture for the service. The right of priority, established by the Paris Convention for the Protection of Industrial Property, was a fundamental feature of the international patent system. The European Community and its Member States strongly believed that this initiative would reduce bureaucracy and administrative burdens, eliminating unnecessary paperwork, with clear benefits for patent applicants and Patent Offices. The European Community and its Member States considered that, once the service was available and its advantages had proven its efficiency, the possibility of applying the same technology in other areas could be envisaged for the benefit of applicants and Offices, providing streamlined, less costly and less burdensome processing.

339. The Paris Union Assembly, the PLT Assembly and the PCT Union Assembly noted the results of the work of the Working Group on the Digital Access Service for Priority Documents, and the report of the International Bureau on progress towards implementation of the service, as set out in document A/43/10.

ITEM 21 OF THE CONSOLIDATED AGENDA:

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

340. See the report of the session of the General Assembly (document WO/GA/34/16).

ITEM 22 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE MADRID UNION

341. See the report of the session of the Madrid Union Assembly (document MM/A/38/6).

ITEM 23 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE HAGUE UNION

342. See the report of the session of the Hague Union Assembly (document H/A/24/4).

ITEM 24 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING INTERNET DOMAIN NAMES

343. See the report of the session on the WIPO General Assembly (document WO/GA/34/16).

ITEM 25 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PATENT LAW TREATY ASSEMBLY

344. See the report of the session of the Patent Law Treaty Assembly (document PLT/A/3/3).

ITEM 26 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PATENT LAW TREATY (PLT)

345. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 27 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

346. Discussions were based on document A/43/7.

347. 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*: Angola, Argentina, Bangladesh, Barbados, Benin, Cameroon, Canada, Chile, Colombia, Cuba, Democratic Republic of the Congo, Denmark, Ecuador, Finland, Ghana, Hungary, Iran (Islamic Republic of), Ireland, Italy, Jordan, Kenya, Latvia, Luxembourg, Madagascar, Netherlands, New Zealand, Oman, Pakistan, Peru, Republic of Korea, Senegal, South Africa, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uzbekistan, Venezuela, Yemen, Zambia (41);

(ii) the Berne Union Assembly unanimously elected the following States as *ordinary* members of the *Berne Union Executive Committee*: Algeria, Australia, Austria, Belgium, Brazil, Bulgaria, China, Costa Rica, Côte d'Ivoire, Democratic People's Republic of Korea, Dominican Republic, Egypt, El Salvador, France, Germany, Iceland, India, Indonesia, Japan, Kyrgyzstan, Libyan Arab Jamahiriya,

Malaysia, Mexico, Morocco, Nigeria, Norway, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovenia, Spain, Sweden, Thailand, United States of America, Uruguay (39);

(iii) the WIPO Conference unanimously designated the following States as *ad hoc* members of the *WIPO Coordination Committee*: Afghanistan, Ethiopia (2)

(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 October 2007 to October 2009 is composed of the following States: Afghanistan (*ad hoc*), Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, 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, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, South Africa, Spain, Sweden, Switzerland (*ex officio*), Thailand, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen, Zambia (83).

ITEM 28 OF THE CONSOLIDATED AGENDA:

ADMISSION OF OBSERVERS

348. Discussions were based on document A/43/9.

Admission of International Non-Governmental Organizations as Observers

349. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following ten international non-governmental organizations: Chartered Society of Designers (CSD); *Femmes chefs d'entreprises mondiales* (FCEM); Indigenous ICT Task Force (IITF); *Institut de droit communautaire* (IDC); *Instituto de Derecho de Autor* (IA); International Intellectual Property Alliance (IIPA); International Intellectual Property Institute (IIPI); Knowledge Ecology International, Inc. (KEI); Picture Licensing Universal System (PLUS Coalition); and, The Scholarly Publishing and Academic Resources Coalition (SPARC).

Admission of National Non-Governmental Organizations as Observers

350. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following four national non-governmental organizations: Chamber of Commerce of the United States of America (CCUSA);

Chartered Institute of Patent Attorneys (CIPA); Federation of Indian Chamber of Commerce and Industry (FICCI); and Queen Mary Intellectual Property Research Institute (QMIPRI).

ITEM 29 OF THE CONSOLIDATED AGENDA:

PROGRESS REPORT ON THE NEW CONSTRUCTION PROJECT

351. See the report of the session of the WIPO General Assembly (document WO/GA/34/16).

ITEM 30 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

352. See the report of the session of the WIPO Coordination Committee (document WO/CC/56/2).

ITEM 31 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORTS

353. As had been announced at the final session of the meetings of the Assemblies of the Member States of WIPO, the draft reports of the 43rd Series of Meetings were circulated, both electronically and by regular mail, with a time limit for receipt of comments/amendments of November 12, 2007. They are now considered adopted by the Delegations of Member States, all comments having been taken into consideration.

ITEM 32 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

354. This session of the Assemblies of the Member States of WIPO was declared closed by the Chair of the General Assembly, Mr. Martin Ihoeghian Uhomobhi (Nigeria) on the night of October 3, 2007.

[Annex follows]