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AGAINST DELIVERY****GA 51 – Draft group B opening statement – Version 21.09.13**

Mr Chair,

1. On behalf of Group B, we would like to congratulate you on your election to the chair of the General Assembly. In a similar vein, we want to welcome the two new vice-chairs and thank the outgoing chair - former Ambassador Ugljesa Zvekic of Serbia - and the vice-chair for all their hard work over the past year. Mr Chair, group B is confident that under your leadership, we will be able to reach a positive outcome during this session, as we did in the last session. The documents before us are comprehensive, are well prepared and will enable us to reach positive outcomes during this 51th meeting of the WIPO General Assemblies.

2. We would also like to take this opportunity to thank the Director General, WIPO staff and all WIPO Member States for their work and cooperative efforts over the last year in maintaining the organization's place as the global IP authority. Thanks to the commitment of all, we now have the Marrakech Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. We look forward to a continued strengthening of the global IP system and want to recognize the achievements obtained as a result of the successfully concluded Strategic Realignment Program (SRP) – resulting in important organizational reform. We also fully appreciate the regular reporting Member States receive with regard to this topic.

3. WIPO is quite different than most other UN organs and specialized agencies – in both form and function. With approximately ninety-three percent of WIPO's income derived from fees paid by businesses, including SMEs, seeking to protect their intellectual property, Group B believes that these businesses should be involved even more in what the Organization does. ~~Equally, we should listen better and more more assiduously to the views expressed by the whole business community.~~ In this regard, group B welcomes the meeting that is planned during this General Assembly with game-changing innovators. Irrespective of our regional affiliation, we all benefit from innovation and innovative business models. This meeting should therefore be seen as a first step towards a more comprehensive approach to industry within the WIPO framework.

4. Group B welcomes the comprehensive Human Resources Report and Strategy. The issue of Human Resources is of paramount importance for an organization such as WIPO – not only in terms of cost but also as a vector for further improvement enabling WIPO to exercise its rightful role as a global provider of IP – on the normative and technical field. On this topic, we are also interested to hear the views from the staff in the days to come.

5. While Group B has been disappointed with the lack of consultation on WIPO's proposal for new external offices, we are ready to engage with other Members on this issue. We support a working group to consider this issue and a decision by Members based on clear **guiding principles** and a sound **rationale and business case**. We welcome the Director General's confirmation ~~that consideration that~~ external offices ~~should be~~ clearly separated from the issue of redundancy capacity.

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6. At the same time, we are pleased with the programs of the Program and Budget for 2014/2015 that have been approved during the last two sessions of the PBC. In this regard, we look forward to further measures for cost efficiency. We also take note with some concern of the significant increase in the draft budget. ~~If we take into account the efficiencies made in this biennium and the proposed use of reserves, expenditure increases more than 6% vis-à-vis the previous biennium.~~

7. Group B would like to underline the importance it attaches to the activities of the various bodies for WIPO oversight while also acknowledging the good cooperation these bodies receive on behalf of the secretariat.

8. In the normative context, we look forward to an early convening of a Diplomatic Conference for the adoption of Design Law Treaty.

9. Finally, group B welcomes progress made over the last year within the context of the Intergovernmental Committee and remains willing to engage constructively towards an appropriately balanced and flexible outcome, while recognizing the wide divergences of views in this context ~~and the need for further work~~.

In conclusion, let us assure you that you can count on the constructive spirit and support of the delegations of Group B during these assemblies.

Thank you Mr Chair,

**GA 51 – Draft group B speaking points on admission of observers – Version  
20.09.13**

Mr Chair,

1. We have taken note of the contents of document *A/51/2 Rev.* regarding the admission of observers – including the request on behalf of Pirate Parties International (PPI) to be admitted as an observer.

> We also encourage the Sec. to make available the balance of the budget as soon as possible.

2. In this regard, we have the following observations and remarks:

- First of all, we would like to know whether there is any precedent – either at WIPO or in the context of any other UN organisation – allowing for the registration of a political party or umbrella-organisation thereof as an observer.
- Second, group B would welcome further clarification on the activities and objectives by Pirate Parties International. We note the document rather vaguely states that “*PPI exists to establish, support, promote and maintain communication and co-operation between pirate parties around the world*”. We therefore welcome any further information pertaining to the activities and objectives by Pirate Parties International – especially also with regard to their linkage with the activities and objectives that are pursued by WIPO.

Thank you Mr Chair,

**GA 51 – Draft group B statement with regard to the election of the DG – Version 20.09.13**

Mr Chair,

We take note of document A/5/13, entitled “*Appointment of the Director General in 2014*”, approve the convening of the WIPO General Assembly on May 8 and 9 2014, in advance of the time foreseen in the Procedures, and approve the timetable of procedural steps set out in paragraph 8.

Thank you Mr Chair,

**GA 51 – Draft group B statement with regard to PBC and governance related matters – Version 20.09.13**

**External Offices**

Mr Chair,

[Rework statement in view of further developments – follow up of MX mission + opening statement]

## Governance

Mr Chair,

1. Group B is pleased with the successful finalization of the Strategic Realignment Program (SRP) and its ongoing continuous improvement. This program and the ongoing and recurring governance-discussions during the PBC demonstrate that the governance debate is at the hart of the activities of WIPO.

2. As we stated during the 21th session of the PBC, we continuously look forward to further refinement of this ongoing debate.

3. In this regard, it is however important *first* to have a full list of options and possibilities available *than* to decide upon the further direction of the debate.

- The recent paper by the African group/DAG is therefore a first and possibly interesting step.

- A second step will be the coming JIU report – to be made available next year - which may contain some further recommendations in the context of governance.

- A third step is the ongoing internal reflection within group B on this topic. This reflection will allow us to complement the regional proposals that are already on the table.

4. Group B therefore looks forward to an interesting debate on this topic at a later stage. In view of the importance of this topic, we furthermore propose to give the topic the space it deserves. That is not during another intersessional meeting but during the next session of the PBC if time is available.

Thank you Mr Chair,

Mr Chair,

## Development Expenditure

Mr Chair,

1. Development is already at the heart of what WIPO does. As outlined during the last session of the PBC, development expenditure in WIPO remains substantial – it concerns 21% of the total budget, a considerable increase of 3.5% vis-à-vis the 2012/2013 budget.

2. In terms of budgeting, group B therefore prefers the status quo rather than to reopen yet another debate on this topic.

3. In case another debate on this topic is requested, we want to reiterate that PCT fee reductions should also be considered as development expenditure.

4. [In the spirit of compromise, we stand ready to engage in informal consultations on this topic in order to agree on a balanced, consensual and pragmatic work plan].

Thank you Mr Chair,

[Suggestion: use new definition of dev expenditure to interpret actual one (?)]

#### Program 18

Mr Chair,

1. Group B is satisfied with the current functioning of the global challenges division.

2. Member States of WIPO are able to provide the division with their input and direction. The functioning and activities of the division were not only based on a broad debate during the General Assembly establishing the division but also on input received during several meetings organised by the division and on concerns and suggestions that have been subject to intensive debate during past sessions of the Program and Budget Committee.

3. We therefore do not see the need to change the mandate of the division nor do we see the need to request an alteration in the way the division receives input from the WIPO Member States.

Thanks you Mr Chair,

**GA 51 – Draft group B statement with regard to the outcome of the Marrakesh  
Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published  
Works by Visually Impaired Persons and Persons with Print Disabilities – Version  
16.09.13**

Mr Chair,

1. Group B would like to congratulate the DG and the Secretariat for their hard work throughout five years of preparations leading to the Marrakech Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. In a similar vein, we would like to congratulate the respective and succeeding Chairs, Vice-Chairs, Committee Chairs, officials and experts for their active, constructive and intensive negotiations resulting in a Treaty that is historic. Words of gratitude go also to the Kingdom of Morocco for their warm hospitality, great organisational skills and excellent chairing of the Diplomatic Conference.
2. We now have a historic treaty. Moreover, the Marrakesh Treaty is not only historic – it is also exceptional and balanced.
3. We are convinced that this Treaty - together with various other voluntary and publisher-led projects such as the Tiger project - will help to alleviate the book famine while also protecting innovation and creativity within the framework of international copyright law.
4. Fifty-one WIPO MS have signed the Marrakech Treaty after its adoption. Group B will remain actively engaged with the further follow up of this Treaty – both at the international level and with regard to the national context – that confirms IP as a vital expression of creativity, entrepreneurship and resourcefulness.

Thank you Mr Chair

<b>GA 51 – Draft group B statement with regard to the Committee on Development and Intellectual Property (CDIP) – Version 20.09.13</b>
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Mr Chair,

1. Group B continues to be fully committed to further progress in the field of development. The 45 recommendations of the Development Agenda should therefore be gradually implemented in an appropriate, balanced and consensus-driven way.
2. At the outset, we would like to thank the WIPO Secretariat for its valuable contribution to the activities of this Committee. We welcome further improvements in the timely availability of documents in all WIPO languages.
3. Over the last year, we saw progress in and positive evaluation of the further implementation of several CDIP projects.
4. We welcome further follow-up with regard to the report on the Feasibility of Integration of Millennium Development Goals. In this regard, we acknowledge WIPO's well-working Results-Based-Management (RBM) framework and WIPO's indirect but ongoing contribution to the achievement of the Millennium Development Goals (MDG's).
5. We also – again – had an extensive debate on WIPO's technical assistance. In this regard, we note that *most* if not *all* of the recommendations of the Deere-Roca report have been implemented or are in the process of implementation. Therefore, we do not see the need for further discussion of WIPO's technical assistance in the context of the Deere-Roca recommendations. On the other hand, we should always strive for a maximum of efficiency and sustainability of each and every of WIPO's technical projects. In this regard, we think that further efforts should be made to improve, among other things, internal and external coordination. We are still convinced that the best-practices and lessons-learnt of WIPO's technical assistance could and should usefully be complemented with examples of national best-practices and lessons-learnt. Both focus on the further technical development of IP and are to the benefit of all.
6. We take note of the guidance and follow-up activities in the framework of the South-South cooperation and Conference. In this regard, we want to reiterate that the Committee on Development and Intellectual Property – itself - should take a balanced, consensual and final decision on any further activities in this regard.
7. We are ready to resume discussions on the Conference on Intellectual Property

and Development. Noting that we were prepared to endorse the list of speakers as agreed by the CDIP, we were disappointed that some delegations were not in a similar position.

8. Finally, Group B maintains our commitment to cooperate further in the remaining important work to implement the Development Agenda recommendations. We are confident that this work will continue to be carried out in a positive and constructive manner.

Thank you Mr Chair,

**GA 51 – Draft group B speaking points with regard to the Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations – Version 10.09.13**

Mr Chair,

1. Group B wants to thank the secretariat for document WO/GA/43/411 entitled *“Description of the contribution of the relevant WIPO bodies to the implementation of the respective development agenda recommendations”*.

2. Different interpretations exist with regard to the term “relevant bodies” as mentioned in the decision by the General Assembly of 2010, establishing the Coordination Mechanism and Monitoring.

3. We are still of the opinion that the WIPO bodies themselves should determine whether they are relevant bodies for the purpose of the Coordination Mechanism. Furthermore, neither the Committee on WIPO Standards nor the Program and Budget Committee have determined that they are relevant bodies for the purpose of the Coordination Mechanism. The Committee on WIPO Standards deals with the development of non-binding technical norms whereas the Program and Budget Committee deals with the financial underpinnings of WIPO. Neither of these activities has, *in se*, an intrinsic relation with development.

4. As such, group B fails to understand the purpose of a further debate during this General Assembly.

Thank you Mr Chair

**GA 51 – Draft group B statement with regard to Matters Concerning the Convening of a Diplomatic conference for the Adoption of a Design Law Treaty – Version**



Mr Chair,

1. Group B wants to recommend the convening in 2014 of a diplomatic conference for the adoption of a Design Law Treaty. This recommendation is based upon the following elements.
2. Sufficient progress was made during the 28<sup>th</sup> and the 29<sup>th</sup> session of the Standing Committee on Trademarks (SCT). As the Chair of the SCT had concluded at the end of the 29<sup>th</sup> session, “the SCT had made good progress on the draft Articles and draft Rules included in documents SCT/29/2 and 3 and the work on technical assistance and capacity building had advanced”. This has resulted in a political maturity of the draft Articles and Rules which clearly exceed the maturity of other draft treaty texts that were successfully sent towards a Diplomatic Conference.
3. Regarding the issue of technical assistance and capacity building, we acknowledge that further progress is needed to reach a concrete outcome. In this context, members of group B have made several constructive proposals. We are convinced that these – and possibly others to come – could form the basis for a successful Diplomatic Conference to conclude a Design Law Treaty.
4. Furthermore, earlier studies with regard to the impact of a potential Design Law Treaty have been successfully undertaken in the context of the SCT. These studies clearly demonstrate that a Design Law Treaty will benefit all Member States and users – irrespective of their respective stages of development – and their users.
5. Finally, group B takes note of the fact that the Russian Federation has already announced its intention to host the diplomatic conference.

Thank you Mr Chair,

Mr Chair,

1. At the outset, group B would like to congratulate the DG and the WIPO secretariat for all their intensive and hard work over the last year with regard to issues in the purview of the Standing Committee on Copyright and Related Rights.

2. We welcome all the hard work that has been undertaken by the Chair and the Secretariat during the latest inter-sessional meeting of the Standing Committee on Copyright and Related Rights and during the 25<sup>th</sup> session of the Standing Committee on Copyright and Related Rights to update the rights of broadcasting organizations. We welcome the progress achieved and look forward to an increased focus on the text-based discussions to continue work on a signal based approach, consistent with the 2007 General Assembly mandate, towards developing an international treaty to update the protection of broadcasting and cable casting organizations in the traditional sense. In this regard, a further common understanding is required as to what our objectives are in terms of problems to be addressed and in terms of protection to be granted.

3. Concerning exceptions and limitations in favour of libraries, archives and educational and research institutions, we want to reiterate that the existing copyright framework already enables these institutions to fulfil their roles both in the analogue and in the digital world. We therefore stand ready to debate and work further with all WIPO Member States so that these exceptions and limitations function in the best possible way within the existing framework of the international treaties and conventions.

5. Finally, while taking note of the previous high-intensity of formal and informal sessions and meetings of the Standing Committee on Copyright and Related Rights, group B is of the opinion that further work within the context of this Committee should take a more measured approach. Moreover, further work of the Committee should be based on a balanced approach. In the 2014/15 biennium, Group B believes that that the SCCR can accomplish that goal by updating protection for broadcasting organizations and by developing a deeper understanding of [the operation of] of exceptions and limitations in the international copyright system.

Thank you Mr Chair

<p><b>GA 51 – Draft group B statement on Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) – Version 20.09.13</b></p>
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Mr Chair,

1. Group B recognizes the importance of the work carried out by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

2. We welcome the steps made by this Committee along the path to completing the mandate adopted by the General Assembly in 2011. In this regard, we would like to extend our words of gratitude and recognition to the Chair and the facilitators through whose efforts the number of options and objectives has been substantially reduced. We have made good progress on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions.

3. However, we also note that various outstanding issues remain. During the last 3 days of IGC stocktaking, no recommendation was made. We therefore need to take a pragmatic approach involving elaborate discussions on pending issues and practical examples before a final decision on the exact nature of the instrument or instruments could be taken.

4. At this stage, we remain convinced that any international instrument or instruments to be created should be balanced and should provide clarity, legal certainty and flexibility for all stakeholders in this multifaceted field while also protecting the public domain. At the same time, any international instrument or instruments should not result in adverse effects on innovation and creation.

5. Over the years, group B has actively and constructively participated in the IGC debate. We have now come to agree on a new mandate for the IGC. Ours should be a mandate that is balanced, pragmatic and reasonable. Due account should also be taken of the budgetary implications of any further IGC meetings.

Thank you Mr Chair,

**Standing Committee on Patents**

Mr Chair,

1. Group B would like to thank the SCP-chair for his efficient chairing of the 19th of the Standing Committee on Patents (SCP). In a similar vein, we would like to thank the WIPO Secretariat for its hard work over the past year and in preparing the documents currently in front of us.

2. During SCP 19, we engaged actively and constructively on the topics established within the balanced work program. These include (1) quality of patents, including opposition systems, (2) the confidentiality of communications between clients and their patent advisors, (3) exceptions and limitations to patent rights, (4) patents and health and (5) transfer of technology.

3. We look forward to further activities and substantial progress of the SCP. In particular, our group remains interested in further information on work-sharing programs among patent offices and in the use of external information for search and examination. Similarly, we welcome further information on experiences relating to, the issue of confidentiality of communications between clients and their patent advisors.

4. Our group also would like to reiterate that we should always aim for a balanced work program of the SCP. Any duplication of work with other WIPO Committees and other international organizations should hence be avoided.

5. Finally, group B remains committed to the SCP as a forum to discuss issues, facilitate coordination and provide guidance concerning the progressive, international development of patent law – including patent law harmonization.

Thank you Mr Chair,

## **Committee on WIPO Standards**

Mr Chair,

1. At the outset, group B would like to refer to its earlier statement on document WO/GA/43/411 entitled “*Description of the contribution of the relevant WIPO bodies to the implementation of the respective development agenda recommendations*”.

2. Here, we would simply like to re-iterate (a) that WIPO bodies themselves should themselves determine whether they are relevant bodies for the purpose of the Coordination Mechanism and (b) that the Committee on WIPO Standards has never determined that it is a relevant body for the purpose of the Coordination Mechanism.

3. According to its mandate - as clarified by the GA 2011 - it has been decided that the CWS should continue its work in developing standards, and that all the other aspects should be dealt with by the Secretariat, including the providing of technical advice and assistance for capacity building to IP offices based on dissemination of IP standards information. Furthermore the CWS itself does not deal in any way with technical assistance and development issues, nor does it deal with any IP-related substantive matters. Its role is to develop standards on technical and procedural/logistical aspects of international IP systems, with the view to optimize their functioning and insure a harmonized use of these systems. Therefore, the implementation of the Development Agenda Recommendations falls outside the scope of its mandate and capacity.

4. As such, the General Assembly should instruct the Committee on WIPO Standards to continue its normal activities.

5. [We also, want to refer to paragraph 25 of document WO/GA/43/16 where Brazil, as coordinator of the DAG, has stated that the CWS *could* hold further discussions on these matters at the next session of the CWS if the General Assembly does not settle the matter. The GA is therefore clearly not the appropriate forum to settle this matter.]

Thank you Mr Chair

## **Advisory Committee on Enforcement**

Mr Chair,

1. Group B would like to thank the ACE-chair for his efficient chairing of the eight session of the Advisory Committee on Enforcement (ACE). In a similar vein, we would like to thank the WIPO Secretariat for its hard work over the past year.

2. Creation and innovation are of crucial importance to the global economy. In this regard, intellectual property rights are key business assets, helping to ensure that innovators and creators are incentivised to invest and create. As such, the further development – *and effective enforcement* - of measures that protect these rights is needed.

3. Our group therefore would like to reiterate the importance it attaches to this Committee and to the effective enforcement of intellectual property rights more in general. *The ACE is a valuable forum for exchanging views and advice on measures at the national and international levels to ensure full respect for, and compliance with, the relevant IP treaties.* Enforcement is of utmost importance for rights holders, consumers and the economy – irrespective of its stage of development. It remains crucial for the well-functioning of the global IP-system.

4. Group B looks forward to further work during the ninth session of this committee. *As was agreed at the previous session* it will enable us to gain a better understanding of the practices and operations of alternative dispute resolution systems in the IP context and will also focus on preventive actions that complement ongoing enforcement measures with a view to reducing the size of the market for counterfeited or pirated goods.

Thank you Mr Chair

**GA 51 – Draft group B statements for the WIPO Coordination Committee –**

**Version 20.09.13**

**Approval of agreements (WO/CC/67/1)**

Mr Chair,

1. Group B would like to thank the Secretariat for document *WO/CC/67/1, Approval of Agreements*.
2. We want to reiterate our concerns with regard to the legality of the Memorandum of Understanding signed between WIPO and the People's Republic of China and with regard to the legality of the Memorandum of Understanding signed between WIPO and the government of the Russian Federation.
3. Both Memoranda did not respect the procedure as outlined by Article 12.4 of the WIPO Convention.
4. We trust the secretariat to make the necessary amendment to bring both MoU's in conformity with the WIPO Convention.

Thank you Mr Chair

**Annual report on Human Resources (WO/CC/67/2)**

Mr Chair,

1. Group B would like to thank the Secretariat for document *WO/CC/67/2, the annual report on human resources* and for the multiple informal briefings on the subject. The report contains a HR strategy for 2013 and 2015, provides an overview of progress in the HR area and looks forward in 2014.
2. We welcome the information provided in the report and share the importance of a new HR strategy. At the same time, we (still) have some concerns about the substantial increase in staff costs and recommend the secretariat to closely monitor staff costs and its medium and long term implications.

3. It also contains some staff matters for the attention of the WIPO Coordination Committee. In this regard, group B (a) takes note of the termination of employment contracts over the past year, (b) notes the information contained in paragraphs 51 to 55 of the document to elect Mr Vladimir Yossifov as a member of the WIPO staff pension committee for the period until the ordinary session in 2017 of the WIPO coordination committee, (c) approves, adopts and notes the staff matters contained in paragraphs 60 and 61 of the document and (d) notes the information contained in paragraph 62 to 65 of the document.]

[4. Finally, group B want to thank the staff for its briefing with regard to HR matters and takes account of its concerns.]

Thank you Mr Chair,

<b>GA 51 – Draft group B statement in the PCT context – Version 18.09.13</b>
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Mr Chair,

1. Group B would like to thank the PCT-chair for his efficient chairing of the sixth session of the Patent Cooperation Treaty (PCT) working group. In a similar vein, we would like to thank the WIPO Secretariat for its hard work over the past year and in preparing the documents currently in front of us.

2. Group B welcomes the progress that was made towards improving the operation of the PCT system during the sixth session of the PCT working group. Group B believes that a more efficient PCT system can bring benefits to both offices and users.

3. Group B believes that further work and discussion on fee-reductions is urgently needed in order to develop a system of fee reductions that takes into account, providing regular review, for changes that have occurred in the economy worldwide. We therefore look forward to further study-work linking the topic of fee-reductions with notions such as (a) the variety of definitions of small and medium-sized enterprises used for fee reductions in national and regional patent legislation, (b) a description of mechanisms that are already in place in some countries in this area and (c) the elasticity of fee reductions covering not-for profit research institutes and universities. We also would like to reiterate that fee reductions should be financially sustainable and income-neutral.

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