

# WIPO ASSEMBLIES 2011

Synthesis of Decisions

## PREFACE

The Forty-Ninth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO was held at the International Conference Centre (CICG), Geneva from September 26 to October 5, 2011. The present document contains the synthesis of decisions of the Assemblies, list of agenda items and list of documents.

The General Report is published in document A/49/18, the Report of the General Assembly is published in document WO/GA/40/19, the Report of the WIPO Conference is published in document WO/CF/31/1, the Report of the Coordination Committee is published in document WO/CC/64/4. The reference of the other reports can be found in the list of documents.

## LIST OF AGENDA ITEMS

1. Opening of the Sessions
2. Election of the Officers
3. Adoption of the Agenda
4. Director General's Report
5. General Statements

### **Governing Bodies and Institutional Issues**

6. Admission of Observers
7. 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
8. Composition of the Program and Budget Committee

### **Program Performance and Financial Review**

9. Program Performance Report 2010
10. 2010 Annual Financial Statements
11. Status of the Utilization of Reserves

### **Administrative Policy Proposals**

12. Policy on Investments
13. Policy on Languages
14. Webcasting at WIPO

### **Planning And Budgeting**

15. Proposed Program and Budget for the 2012/13 Biennium

16. Capital Investment Proposal for Funding of Certain Information and Communication Technology (ICT) Activities

### **Progress Reports on Major Projects**

17. Progress Report on the Implementation of IT Modules to Establish Compliance with the New Financial Regulations and Rules (FRR) and International Public Sector Accounting Standards (IPSAS)
18. Progress Report on the Implementation of Enterprise Resource Planning (ERP) in WIPO
19. Progress Report on the New Construction Project
20. Progress Report on the New Conference Hall Project
21. Progress Report on the Project to Upgrade the Safety and Security Standards for the Existing WIPO Buildings
22. Strategic Realignment Program (SRP) Update

### **Audit and Oversight**

23. Revision of the Terms of Reference of the WIPO Independent Advisory Oversight Committee (IAOC)
24. Selection of External Auditor
25. Summary Annual Report of the Director of the Internal Audit and Oversight Division
26. External Auditor's Report

### **Least Developed Countries (LDCS)**

27. Istanbul Declaration and Programme of Action (IPoA) for the Least Developed Countries (LDCs) for the Decade 2011–2020

### **Wipo Committees**

28. Report of the Committee on Development and Intellectual Property (CDIP)
  - (i) Review of the Implementation of the Development Agenda Recommendations
29. Report on the Work of the Standing Committee on Copyright and Related Rights (SCCR)
30. Recommendation on Holding of a Diplomatic Conference on the Protection of Audiovisual Performances

31. Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
32. Committee on WIPO Standards (CWS)
33. Information Reports on other WIPO Committees
  - (i) Standing Committee on the Law of Patents (SCP);
  - (ii) Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT); and
  - (iii) Advisory Committee on Enforcement (ACE)

#### **Global Intellectual Property Services**

34. PCT System
35. Madrid System
36. Hague System
37. Lisbon System
38. WIPO Arbitration and Mediation Center, including Internet Domain Names

#### **Other Assemblies**

39. Cooperation under the Agreed Statements by the Diplomatic Conference Regarding the

#### **Patent Law Treaty**

40. Singapore Treaty (STLT) Assembly

#### **Staff Matters**

41. Adoption of the Report of the Sixty-Fourth (23<sup>rd</sup> Extraordinary) Session of the WIPO

#### **Coordination Committee**

42. Annual Report on Human Resources
43. Appointment of the Director of the Internal Audit and Oversight Division

#### **Closing of the Sessions**

44. Adoption of the General Report and of the Individual Reports of each Governing Body
45. Closing of the Sessions

## LIST OF DOCUMENTS

A/49/INF/1 Rev.	General Information
A/49/INF/2	List of Preparatory Documents
A/49/INF/3	List of Participants
A/49/INF/4	Officers
A/49/INF/5	Parties to Treaties Administered by WIPO and Constitutional Reform Matters Status on September 14, 2011
A/49/INF/6	List of Documents
A/49/1	Consolidated and Annotated Agenda
A/49/2	Admission of Observers
A/49/3	Composition of the WIPO Coordination Committee; Election of the Members of the Executive Committees of the Paris and Berne Unions and Designation of the <i>ad hoc</i> Members of the WIPO Coordination Committee
A/49/4	Program Performance Report for 2010
A/49/5	Proposed Program and Budget for the 2012/13 Biennium
A/49/6	Status of Utilization of Reserves
A/49/7	Capital Investment Proposal for Funding of Certain Information and Communication Technology (ICT) Activities
A/49/8	Webcasting at WIPO
A/49/9	Progress Report on the Implementation of IT Modules to Establish Compliance with the New Financial Regulations and Rules (FRR) and International Public Sector Accounting Standards (IPSAS)
A/49/10	Progress Report on the Implementation of a Comprehensive Integrated Enterprise Resource Planning (ERP) System
A/49/11	Progress Report on the New Construction Project
A/49/12	Progress Report and Proposal on the New Conference Hall Project
A/49/13	Progress Report on the Project to Upgrade the Safety and Security Standards for the Existing WIPO Buildings

A/49/14	Policy on Investments
A/49/15	Policy on Languages at WIPO
A/49/16	Summary of Recommendations made by the Program and Budget Committee at its Eighteenth Session (September 12 to 16, 2011)
A/49/17	Istanbul Declaration and Programme of Action (IPoA) for the Least Developed Countries (LDCs) for the Decade 2011–2020
A/49/18	General Report
<hr/>	
WO/GA/40/1	Composition of the Program and Budget Committee
WO/GA/40/2	Revision of the Terms of Reference of the WIPO Independent Advisory Oversight Committee (IAOC)
WO/GA/40/3	Report of the Selection Panel for the Appointment of the WIPO External Auditor
WO/GA/40/4 Rev.	Summary Annual Report of the Director of the Internal Audit and Oversight Division
WO/GA/40/5 Rev.	Report of the Committee on Development and Intellectual Property (CDIP)
WO/GA/40/6	Report on the Work of the Standing Committee on Copyright and Related Rights (SCCR)
WO/GA/40/7	Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
WO/GA/40/8	Information Reports on other WIPO Committees
WO/GA/40/9	WIPO Arbitration and Mediation Center, Including Internet Domain Names
WO/GA/40/10	Cooperation under the Agreed Statements by the Diplomatic Conference Regarding the Patent Law Treaty (PLT)
WO/GA/40/11	Recommendation on Holding of a Diplomatic Conference on the Protection of Audiovisual Performances
WO/GA/40/12	2010 Financial Statements
WO/GA/40/13	Status of the Payment of Contributions as of June 30, 2011
WO/GA/40/14	Report by the External Auditor: Audit of 2010 Financial Statements

WO/GA/40/15	Financial Supervision Audit of Human Resources
WO/GA/40/16	Status of the Payment of Contributions as of September 20, 2011
WO/GA/40/17	Matters Concerning the Committee on WIPO Standards (CWS)
WO/GA/40/18	Description of the Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations
WO/GA/40/19	Report
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WO/CF/31/1	Report
<hr/>	
WO/CC/65/1	Annual Report on Human Resources
WO/CC/65/2	Appointment of the Director, Internal Audit and Oversight Division
WO/CC/65/3 Rev.	Draft Report of the Sixty-Fourth (23rd Extraordinary) Session of the WIPO Coordination Committee
WO/CC/65/4	Report
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P/A/44/1	Report
<hr/>	
P/EC/50/1	Report
<hr/>	
B/A/38/1	Report
<hr/>	
B/EC/56/1	Report
<hr/>	
MM/A/44/1	Proposals for the Simplification of the Madrid System
MM/A/44/2	Review of the Application of Article 9 <i>sexies</i> (1)(b) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks



MM/A/44/3	Madrid Systems Goods and Services Database: Progress Report
MM/A/44/4	Information Technology Modernization Program (Madrid and Hague International Registration Systems): Progress Report
MM/A/44/5	Report
<hr/>	
H/A/30/1	Matters Concerning the Legal Development of the Hague System
H/A/30/2	Information Technology Modernization Program (Madrid and Hague International Registration Systems): Progress Report
H/A/30/3	Report
<hr/>	
N/A/30/1	Report
<hr/>	
LI/A/27/1	Proposed Amendments to the Regulations under the Lisbon Agreement
LI/A/27/2	Review of the Lisbon System
LI/A/27/3	Report
<hr/>	
LO/A/30/1	Report
<hr/>	
IPC/A/31/1	Report
<hr/>	
PCT/A/42/1	PCT Working Group: Report of the Fourth Session
PCT/A/42/2	Proposed Amendments of the PCT Regulations
PCT/A/42/3	Quality Management Systems for the PCT International Authorities
PCT/A/42/4	Report
BP/A/27/1	Report

VA/A/23/1 Report

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WCT/A/10/1 Report

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WPPT/A/10/1 Report

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PLT/A/9/1 Report

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STLT/A/3/1 Assistance for the Implementation of the Singapore Treaty on the Law of Trademarks

STLT/A/3/2 Amendment of Model International Form No. 1

STLT/A/3/3 Report

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## ITEM 1

### **OPENING OF THE SESSIONS**

The forty-ninth series of meetings of the Assemblies and other bodies of the Member States of WIPO was convened by the Director General of WIPO, Mr. Francis Gurry (hereinafter referred to as “the Director General”).

The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 20 Assemblies and other bodies concerned by Ambassador Alberto J. Dumont (Argentina), the outgoing Chair of the General Assembly, who made a statement. The text of this statement is reproduced in document A/49/18.

## ITEM 2

### **ELECTION OF THE OFFICERS**

Discussions were based on document A/49/INF/4.

The General Assembly elected Ambassador Uglješa Ugi Zvekić (Serbia) as its Chair and Ambassador Alfredo Suescum (Panama) and Mr. Makiese Kinkela Augusto (Angola) as its Vice-Chairs, on September 26, 2011.

The text of the opening address of the Chair of the General Assembly is reproduced in document A/49/18.

The Chair announced that as a result of informal consultations among Group Coordinators, a document (A/49/INF/4) which had been distributed to the Member States contained the names of the candidates for the posts of different Assemblies and Bodies of WIPO. As there were no comments or questions on the proposed slate of candidates, the Chair therefore declared the officers listed in document A/49/INF/4 elected.

The Chair informed the Assemblies of the Member States that he would continue informal consultations which had been started by his predecessor Ambassador Dumont, in order to come up with an orderly process for election of officers of the Assemblies and other bodies. He hoped that the consultations would finish in time for presentation to the next Assemblies.

## ITEM 3

### **ADOPTION OF THE AGENDA**

Discussions were based on document A/49/1.

After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/49/1 (hereinafter referred to in this document and in the documents listed in paragraph 2 above as “the Consolidated Agenda”).

## ITEM 4

### **DIRECTOR GENERAL'S REPORT AND SPEECH**

The Director General's report and speech are reproduced in document A/49/18.

## ITEM 5

### **GENERAL STATEMENTS**

The Delegations and Representatives of the following 103 States, one observer entity, four intergovernmental organizations and nine non-governmental organizations made statements concerning Agenda Item 5: Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Equatorial Guinea, Ethiopia, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mali, Mexico, Montenegro, Morocco, Mozambique, Namibia, Nepal, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Republic of Korea, Romania, Rwanda, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Republic of Moldova, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe, Palestine, African Union, *Organisation internationale de la Francophonie* (OIF), African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Organization (EAPO), World Blind Union (WBU), Third World Network (TWN), Knowledge Ecology International (KEI), International Video Federation (IVF), International Publishers Association (IPA), International Centre for Trade and Sustainable Development (ICTSD), International Federation of Reproduction Rights Organisations (IFRRO), International Federation of Actors (IFA), International Federation of Film Producers Associations (FIAPF). The texts of the general statements are reproduced in document A/49/18.

## ITEM 6

### **ADMISSION OF OBSERVERS**

Discussions were based on document A/49/2.

#### **Admission of International Non-Governmental Organizations as Observers**

The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following five international non-governmental organizations: *Association des praticiens du droit des marques et des modèles* (APRAM); European Composer and Songwriter Alliance (ECSA); European Network for Copyright in Support of Education and Science; International Council of Museums (ICOM); and Medicines Patent Pool.

#### **Admission of National Non-Governmental Organizations as Observers**

The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following five national non-governmental organizations: Association for the Promotion of

Scientific Innovation (APSI); *Asociación Mexicana para la Protección de la Propiedad Intelectual* (AMPPI); Institute for Intellectual Property and Social Justice (IIPSJ); Iranian Intellectual Property Law Association (IRIPLA); and Polish Chamber of Patent Attorneys.

## **ITEM 7**

### **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**

Discussions were based on document A/49/3.

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, Bangladesh, Botswana, Burkina Faso, Cameroon, Chile, Colombia, Congo, Croatia, Denmark, Ecuador, Egypt, Finland, Ghana, Guatemala, Hungary, Iran (Islamic Republic of), Ireland, Italy, Japan, Luxembourg, Nepal, New Zealand, Oman, Pakistan, Peru, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, South Africa, Sri Lanka, Sudan, Togo, Turkey, United Kingdom, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe (41);
- (ii) the Berne Union Assembly unanimously elected the following States as *ordinary* members of the *Berne Union Executive Committee*: Algeria, Australia, Austria, Barbados, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, Democratic People's Republic of Korea, Dominican Republic, El Salvador, Estonia, France, Georgia, Germany, Iceland, India, Indonesia, Malaysia, Mauritius, Mexico, Morocco, Netherlands, Nigeria, Norway, Paraguay, Portugal, Spain, Sweden, Thailand, Trinidad and Tobago, Ukraine, United States of America, Uruguay, Viet Nam (39);
- (iii) the WIPO Conference unanimously designated the following States as *ad hoc* members of the *WIPO Coordination Committee*: Ethiopia, Kuwait (2);
- (iv) the WIPO Conference and the Assemblies of the Paris and Berne Unions noted that Switzerland will 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 2011 to October 2013 is composed of the following States: Algeria, Angola, Australia, Austria, Bangladesh, Barbados, Belarus, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Democratic Peoples' Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia (*ad hoc*), Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kuwait (*ad hoc*), Luxembourg, Malaysia, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland (*ex officio*), Thailand, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe (83).

## ITEM 8

### **COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE**

Discussions were based on document WO/GA/40/1.

Following informal consultations among Group Coordinators, the following States were unanimously elected by the General Assembly as members of the PBC for the period October 2011 to October 2013: Algeria, Angola, Argentina, Bangladesh, Belarus, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Czech Republic, Ecuador, Egypt, El Salvador, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kyrgyzstan, Mexico, Morocco, Oman, Pakistan, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland (ex officio), Tajikistan, Thailand, Turkey, Ukraine, United Kingdom, United States of America, Zimbabwe (53).

## ITEM 9

### **PROGRAM PERFORMANCE REPORT 2010**

Discussions were based on documents A/49/4 and A/49/16.

The Chair indicated that the document accompanying this item was A/49/4 entitled Program Performance Report for 2010 and that the Program Performance Report for 2010 had been submitted to the 17th session of the Program and Budget Committee (PBC), which was held in June 2011. He further highlighted that the 17th session of the PBC had reviewed and taken note of the report and recommended that the inclusion, in the document, of explanations by program, as appropriate, of budget transfers in 2010. He added that the 18th session of the PBC had reviewed the Program Performance Report for 2010 and recommended its approval to the Assemblies of the Member States of WIPO, as reported in the summary of decisions and recommendations adopted by the PBC (document A/49/16). He quoted that “the Program and Budget Committee had recommended the approval of document WO/PBC/18/14 to the Assemblies of the Member States of WIPO”.

The Secretariat explained that the Program Performance Report for the year 2010 was the mid-biennium Performance Report, which assesses organization performance in terms of progress made towards achieving the expected results for the biennium as measured by the performance indicators and against the resources approved in the Program and Budget for 2010 and 2011. The Secretariat reiterated that the Program Performance Report was its principal accountability tool, whose main purpose was to report on organization performance to Member States and that it was an integral part of WIPO's Results Based Management Framework. It stressed that the report served as an important learning tool in ensuring that lessons from past performance were duly incorporated into the future planning and implementation of WIPO's activities.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made with respect of document WO/PBC/18/14 by the PBC, as recorded in document A/49/16.*

## ITEM 10

### **2010 ANNUAL FINANCIAL STATEMENTS**

Discussions were based on documents WO/GA/40/12, WO/GA/40/13, WO/GA/40/14, WO/GA/40/16 and A/49/16.

The Chair announced that, owing to the presence of the External Auditor, Agenda Items 10 and 26 would be discussed together. He indicated that there were four documents under this agenda item: 2010 Financial Statements (document WO/GA/40/12); Status of the Payment of Contributions as of June 30, 2011 (document WO/GA/40/13); Status of the Payment of Contributions as of September 2011 (document WO/GA/40/16); and Report by the External Auditor: Audit of 2010 Financial Statements (document WO/GA/40/14). The Chair proposed to consider the four documents together and announced that, following his summary of each of the documents, the Secretariat would make a short introduction, to be followed by the observations of the External Auditor. The Chair introduced the 2010 Financial Statements (document WO/GA/40/12) for the year ended December 31, 2010, and explained that they had been transmitted to the PBC in accordance with Regulation 8.11 of the Financial Regulations and Rules (FRR), which required that the PBC examine the financial statements and the audit reports thereon and forward them to the General Assembly with comments and recommendations, as appropriate. As recorded in the Summary of Decisions and Recommendations made by the 18<sup>th</sup> session of the PBC (document A/49/16), the PBC recommended to the General Assembly the approval of the 2010 Financial Statements as contained in document WO/PBC/18/3. The second document was the Status of the Payment of Contributions as of June 30, 2011 (document WO/GA/40/13), which contained information concerning the arrears in annual contributions and in payments towards the working capital funds as at June 30, 2011. As recorded in the Summary of Decisions and Recommendations made by the 18<sup>th</sup> session of the PBC (document A/49/16), the PBC had recommended to the General Assembly to take note of the contents of document WO/PBC/18/18. The third document was the Report by the External Auditor: Audit of 2010 Financial Statements (document WO/GA/40/14). The Chair indicated that this document contained: (i) the summary of External Auditor's recommendations made with regard to the Organization's 2010 Financial Statements and the management's responses thereto; and (ii) the full Report by the External Auditor on the World Intellectual Property Organization's (WIPO) 2010 Financial Statements (consisting of: "Audit of 2010 financial statements" and "Audit of 2010 opening balance sheet following reprocessing according to IPSAS"). As recorded in the Summary of Decisions and Recommendations made by the 18<sup>th</sup> session of the PBC (document A/49/16), the PBC had recommended to the General Assembly to take note of the contents of document WO/PBC/18/4. The fourth document, Status of the Payment of Contributions as of September 2011 (document WO/GA/40/16), contained an update to information given in part 2 of document WO/PBC/18/18 concerning the arrears in annual contributions and in payments towards the working capital funds.

The Secretariat explained that the Financial Statements for 2010 covered a one year period and were presented according to the International Public Sector Accounting Standards (IPSAS), adding that significant work had been done by the Secretariat within a year to make the transition from United Nations System Accounting Standards (UNSAS) to IPSAS accounting standards. The Secretariat pointed out that IPSAS adjustments had led to a reduction of the reserves, in line with what had been expected and announced to the Member States during the previous year. The decrease was mainly due to an IPSAS adjustment to the Patent Cooperation Treaty (PCT) income which created a deferral and the actuarial valuation of After Service Employee benefits. The Secretariat assured the Member States that the reserves remained at a comfortable level of 195 million Swiss francs at the end of 2010.

*The Chair invited the External Auditor, Mr. Kurt Grüter to present his report.*

The External Auditor's report is reproduced in document WO/GA/40/19.

The Chair recalled that the General Assembly was invited to take action on each of the four documents under this agenda item.

*The decisions taken by the General Assembly were as follows:*

*The WIPO General Assembly approved the 2010 Financial Statements contained in document WO/PBC/18/3.*

*The WIPO General Assembly took note of the Status of the Payment of Contributions as of June 30, 2011 (document WO/PBC/18/18).*

*The WIPO General Assembly took note of the status of the payment of contributions and of working capital funds on September 20, 2011 (document WO/GA/40/16).*

*The WIPO General Assembly took note of the External Auditor's Report: Audit of 2010 Financial Statements (document WO/PBC/18/4).*

## **ITEM 11**

### **STATUS OF THE UTILIZATION OF RESERVES**

Discussions were based on documents A/49/6 and A/49/16.

The Chair indicated that document A/49/6 provided: (i) an overview of the status of Reserves and Working Capital Funds following closure of 2010 (RWCF) annual accounts on both budgetary and the International Public Sector Accounting Standards (IPSAS) basis; and (ii) the status of RWCF appropriations approved by Member States to date, including the impact of the proposed appropriation for an Information and Communication Technology Capital Investment Proposal. The Chair added that the proposal for the utilization of the RWCF for a Capital Investment Proposal for Funding of Certain Information and Communication Technology (ICT) Activities (document A/49/7) would be presented on its own merit, for consideration by Member States. As recorded in the Summary of Decisions and Recommendations adopted by the 18th session of the PBC (document A/49/16), the PBC recommended that the Assemblies take note of the contents of document WO/PBC/18/7 (reproduced as Assemblies document A/49/6).

The Secretariat explained that since the Organization's accounts had been prepared, for the first time, and as mandated by Member States, in full compliance with IPSAS, the document presented the status of the reserves on both a budgetary as well as on an IPSAS basis. In order to provide clarity and transparency in the evolution of the figures from the budgetary basis to IPSAS basis, the document also provided a simple walkthrough of the adjustments made, which affected the reserves opening balances as well as the 2010 level of reserves on closure. The Secretariat added that, as it had become customary, the document also provided an overview of the status of RWCF appropriations approved by Member States to date, including the impact of the proposed appropriation for an Information and Communication Technology Capital Investment proposal that would be discussed under Agenda Item 16.



*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of document WO/PBC/18/7 (reproduced in document A/49/6).*

## ITEM 12

### **POLICY ON INVESTMENTS**

Discussions were based on documents A/49/14 and A/49/16.

The Chair recalled that the Policy on Investments had been submitted to the 18th session of the PBC which had recommended to the Assemblies of the Member States the approval of the proposal. As recorded in the Summary of Decisions and Recommendations made by the 18th session of the PBC (document A/49/16), the PBC had recommended that the Assemblies approve the Policy on Investments as contained in document WO/PBC/17/6, Annex I.

The Secretariat added that, by way of background, the Policy on Investments had first been considered the previous year at the 15th session of the PBC. Following comments made by Member States, the document had been revised and resubmitted to the 17th session of the PBC held from June 27 to July 1, 2011. At that time the PBC had taken note of the proposal presented in document WO/PBC/17/6 and had decided to postpone making any recommendation on the document until the 18th session of the PBC in September 2011. The 18th session of the PBC discussed the document and was now recommending its approval to the Assemblies.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the Policy on Investments as contained in Annex I of document WO/PBC/17/6.*

## ITEM 13

### **POLICY ON LANGUAGES**

Discussions were based on documents A/49/15 and A/49/16.

The Chair introduced the item, stating that document A/49/15 was a follow-up to the decisions of the 2010 Assemblies concerning the Policy on Languages at WIPO, and also to the sessions of the PBC in January, June and September 2011. The document contained the proposed language policy of WIPO and also the timelines for implementation. He read out the Summary of Recommendations, as adopted by the PBC, and recorded in document A/49/16, as follows:

*The Program and Budget Committee:*

- (i) took note of the information contained in document WO/PBC/18/15;
- (ii) recommended to the Assemblies of the Member States of WIPO the adoption of the proposals contained in paragraph 28 of document WO/PBC/18/15, amended as follows:

“28. Based on the analysis contained in this document, the Secretariat submits for the consideration of Member States the following proposals:

(a) *The language coverage for documentation for meetings of the WIPO Main Bodies, Committees and Working Groups, as well as for core and new publications, shall be extended to the six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish) in a phased manner that commenced in 2011 (as detailed in Section II above) and subject to approval of the resource requirements proposed in the draft 2012/2013 Program and Budget. The cost of language coverage for documentation for Working Groups will be assessed in the light of experience gained in 2012/2013 and in the context of the 2014/2015 Program and Budget.*

(b) *The translation requirements for the WIPO web site shall be examined in more depth in parallel with the restructuring of the said web site.”*

The Secretariat confirmed that the document reaffirmed WIPO's commitment in implementing a comprehensive language policy by 2015, and contained implementation timelines. As already agreed at the 2010 Assemblies, effective January 2011, six-language coverage had already been extended to the SCCR and the SCT meetings; effective January 2012, six language coverage would be extended to the SCP/CWS/ACE, and during 2012/13 to all WIPO Main Bodies. The cost of language coverage for Working Groups would be assessed in the light of the experience gained in 2012/13, in the context of the 2014/15 Program and Budget, as had already been decided and recommended by the PBC. The Secretariat added that a two-fold business model was proposed for the provision of translation services, namely maintaining a core team of expert revisers and translators, and increasing outsourcing percentages from 30 per cent in 2009 to around 45 per cent in 2012/13. As the quality of translation was a major concern of Member States, rigorous criteria had been established to uphold standards, while outsourcing translation work.

The Secretariat responded to the various delegations which had raised the issue of quality, stressing that quality would be of prime concern as the policy was implemented and outsourcing was increased. Regarding the extension of language coverage to Working Groups, the decision formulated by the PBC provided for the extension to Working Groups in the light of experience gained and in the context of the Program and Budget for 2014/15. The issue would be raised again at that time and the cost implications examined.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation of the PBC made in respect of document WO/PBC/18/15, as recorded in document A/49/16.*

## **ITEM 14**

### **WEBCASTING AT WIPO**

Discussions were based on documents A/49/8 and A/49/16.

The Secretariat introduced the document which had been prepared in response to the request made by the Member States in June 2011 at the informal session of the PBC. Webcasting services provided for the current Assemblies comprised live webcasting as well as recorded meetings as video-on-demand. Those services could be accessed from the WIPO web site. The Secretariat intended to provide coverage for the meetings of all WIPO committees and main bodies, which involved 18 events per year. To make this coverage possible, the Organization had already made capital investment during the current biennium and would consolidate the relevant audio and video services currently available within the Organization. Live webcasting would be streamed with the floor and English audio track and recorded video-on-demand content with only the floor audio track. The progressive deployment would start as from these Assemblies.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation of the PBC made in respect of document WO/PBC/18/19, as recorded in document A/49/16.*

## **ITEM 15**

### **PROPOSED PROGRAM AND BUDGET FOR THE 2012/13 BIENNIUM**

Discussions were based on documents A/49/5 and A/49/16.

The Chair introduced this agenda item by noting that the Proposed Program and Budget for the 2012/13 biennium (document A/49/5) was submitted to the Assemblies following consideration by the PBC, in accordance with the Financial Regulations and Rules (FRR), and pursuant to the Mechanism to further involve Member States in the preparation and follow up of the Program and Budget of the Organization. The first draft of the proposed Program and Budget (document WO/PBC/17/4) was presented to the PBC informal session in June 2011, for discussion, comments, recommendations and amendments. At that session, the PBC requested the Secretariat to issue a revised version of the proposed Program and Budget for the 2012/13 biennium based on the comments and amendments suggested. The amended document had been considered by the 18th session of the PBC in September of this year. The proposed Program and Budget for 2012/13 had been the subject of extensive consultations as well as detailed review by Member States in the course of the June and September 2011 sessions of the PBC. The present version of the proposed Program and Budget included various amendments resulting from and agreed at those two sessions. As recorded in the Summary of Decisions and Recommendations made by the 18th session of the PBC:

“1. The PBC recommended to the Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned, the approval of the proposed Program and Budget for the 2012/13 Biennium as contained in document WO/PBC/18/5, subject to the following:

- “(i) Efforts by the Secretariat to reduce expenditure through cost efficiency measures by 10.2 million Swiss francs, from 647.4 million Swiss francs to 637.2 million Swiss francs, through, *inter alia*, travel policies for staff and third parties, premises management, policies for payments of SSAs and honoraria for experts and lecturers, internship programs, receptions and rental of premises and equipment during conferences and a reduction of personnel costs through improved organizational design. These cost efficiency measures will not affect Program delivery, results and targets as set out in the Program and Budget proposal. The Secretariat will report back to Member States on the implementation of the efficiency measures in the annual Program Performance Reports; and
- “(ii) Reflection of the new program for SMEs and Innovation and the narrative changes agreed in the course of the PBC session to: Results Overview chapter, Results Framework chart, Programs 1, 3, 4, 6, 7, 8, 9, 11, 14, 17,18, 19, 21, 27 and 30 as well as addition of a footnote to paragraph 5 regarding the definition of development expenditure’.

“2. The PBC further recommended to the Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned, to utilize any surplus generated as a result of higher income than expenditure incurred for the biennium, to reinstate the provision for after service employee benefits, including ASHI, up to previous levels, in accordance with prudent financial management.

“3. The PBC further recommended that its June session in budget years be convened as a formal session for future Program and Budget cycles, starting with the discussions of the Program and Budget for 2014/15.

“4. The PBC also had recommended that the Secretariat report on the activities, both undertaken and planned, of the IP and Global Challenges Program to Member States during PBC sessions.”

The Secretariat addressed the concerns raised on the issue of efficiency. In answer to the concerns by a Delegation, the Secretariat recalled it would report back to the Member States on the implementation of the efficiency measures in the annual Program Performance Report as requested by Member States.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the proposed Program and Budget for the 2012/13 Biennium as contained in document WO/PBC/18/5, subject to the following:*

- (i) *Efforts by the Secretariat to reduce expenditure through cost efficiency measures by 10.2 million Swiss francs, from 647.4 million Swiss francs to 637.2 million Swiss francs, through, inter alia travel policies for staff and third parties, premises management, policies for payments of SSA's and honoraria for experts and lecturers, internship programs, receptions and rental of premises and equipment during conferences and a reduction of personnel costs through improved organizational design. These cost efficiency measures will not affect Program delivery, results and targets as set out in the Program and Budget proposal. The Secretariat will report back to Member States on the implementation of the efficiency measures in the annual Program Performance Reports; and*
- (ii) *Reflection of the new program for SMEs and Innovation and the narrative changes agreed in the course of the PBC session to: Results Overview chapter, Results Framework chart, Programs 1, 3, 4, 6, 7, 8, 9, 11, 14, 17, 18, 19, 21, 27 and 30 as well as addition of a footnote to paragraph 5 regarding the definition of 'development expenditure'.*

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, further decided to utilize any surplus generated as a result of higher income than expenditure incurred for the biennium, to reinstate the provision for after service employee benefits, including ASHI, up to previous levels, in accordance with prudent financial management.*

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation of the PBC that the PBC June session in budget years be convened as a formal session for future Program and Budget cycles, starting with the discussions of the Program and Budget for 2014/15.*

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, recommended that the Secretariat report on the activities, both undertaken and planned, of the IP and Global Challenges Program to Member States during PBC sessions.*

## **ITEM 16**

### **CAPITAL INVESTMENT PROPOSAL FOR FUNDING OF CERTAIN INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) ACTIVITIES**

Discussions were based on documents A/49/7 and A/49/16.

The Secretariat explained that whilst the proposed budget for 2012/13 had already covered ICT operational expenditures, one time capital expenditures would be needed in response to growing demands, to bring down the operational risks, and to contain cost. As delegations were aware, older or obsolete equipment was more expensive to support and maintain. The proposed capital investment presented covered:

(1) ICT related facilities for the new conference hall; (2) replacement of the obsolete PABX systems; and (3) replacement of the desktop computer systems and software. The proposal had been prepared in accordance with the principles and approval mechanism to be applied for the use of reserves that had been approved by the Member States last year at the Assemblies.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation of the Program and Budget Committee made in respect of document WO/PBC/18/13, as recorded in document A/49/16.*

## ITEM 17

### **PROGRESS REPORT ON THE IMPLEMENTATION OF IT MODULES TO ESTABLISH COMPLIANCE WITH THE NEW FINANCIAL REGULATIONS AND RULES (FRR) AND INTERNATIONAL PUBLIC SECTOR ACCOUNTING STANDARDS (IPSAS)**

Discussions were based on documents A/49/9 and A/49/16.

The Chair recalled that, at the Assemblies in 2007, the Member States had agreed in principle to the adoption by WIPO of IPSAS by 2010 (document A/43/5). At the 46th session of the Assemblies in December 2008 the Secretariat presented its “Proposal for the Implementation of IT Modules to Establish Compliance with the New Financial Regulations and Rules and IPSAS: Procurement, Asset Management and other System Requirements for IPSAS Compliance” in document A/46/6 (d). During the 47th and 48th sessions of the Assemblies in September 2009 and September 2010 respectively, the Secretariat presented progress reports providing information on the status of the project and on progress to date. The Assemblies had taken note of these reports. This latest progress report concluded the implementation of the IT Modules Establishing Compliance with the FRR and IPSAS. These modules had allowed WIPO to produce IPSAS financial statements and to improve procurement workflow as well as the fixed assets management system. The project known as the FRR-IPSAS project had been accomplished in one year, within budget and was now complete. It would be finally closed after the Assemblies. The 18th session of the PBC had discussed the document and was now recommending the Assemblies to take note of the document.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of document A/49/9.*

## ITEM 18

### **PROGRESS REPORT ON THE IMPLEMENTATION OF ENTERPRISE RESOURCE PLANNING (ERP) IN WIPO**

Discussions were based on documents A/49/10 and A/49/16.

The Chair stated that the documents accompanying these items concerned the Progress Report on the Implementation of Comprehensive Integrated Enterprise Resource Planning (ERP) System and the Summary of Recommendations by the PBC at its 18th session. The Chair highlighted that the main purpose of the Progress Report was to present a brief background on the objectives and scope of the ERP Project Portfolio and update on the key achievements to date, by presenting an outline of the budget utilization to date, as accorded to the summary of decisions on recommendations adopted by the PBC. He quoted that

“the Program and Budget Committee had recommended to the Assembly to take note of the content of document WO/PBC/18/12”).

The Secretariat opened its presentation by summarizing the objectives, scope and benefits of the ERP implementation which had been approved last year. It stated that these were three-fold, mainly (i) the modernization of WIPO’s core administrative management and customer service functions; (ii) to improve pro-activity; and (iii) to provide better information to Member States, stakeholders and management. The Secretariat emphasized that the primary scope of the ERP portfolio included human resources management and development, planning, budgeting and enterprise performance management and customer relationship management, with key accomplishments made so far were the establishment of the governance process which included the creation of the project Board for the ERP and Cross Functional Groups to address the cross functional needs of the ERP. The Secretariat reported that the ERP Project Management Office had been established and that the vision and planning phases had commenced in June of this year. It further announced that the Organization had also started the upgrade of the PeopleSoft software, which had been used for this purpose as early as June 2011. The Secretariat pointed out that the strategy of the ICT direction for the ERP Portfolio had been confirmed on the way forward. Moreover, the Oracle software components had been acquired at 70 per cent discount. It underlined that the actual expenditure to date up to the end of June 2011 was approximately 3.3 million Swiss francs and the forecast to the end of this year was anticipated to be around about 5.4 million Swiss francs. In order to give a planning overview for 2012, the Secretariat said that the International Bureau was planning to initiate the human resources management and the enterprise performance management projects and complete the PeopleSoft upgrade during the year 2012.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the recommendation made in respect of document WO/PBC/18/12 by the Program and Budget Committee, as recorded in document A/49/16.*

## ITEM 19

### **PROGRESS REPORT ON THE NEW CONSTRUCTION PROJECT**

Discussions were based on documents A/49/11 (and its Annex, document WO/PBC/18/9) and A/49/16.

The Secretariat highlighted the main points reflected in document WO/PBC/18/9. The occupancy permit for the new building had been issued by the local authorities in the Spring of 2011 and 500 staff members had been moved into the new building from the rented premises. The reserved parking for delegates opened in June 2011. Despite delays encountered by the General Contractor in the completion of the New Construction Project, the planned moves of staff from the largest rented office building, the P&G Building, and the vacating of that building could be completed on time at the end of August 2011, due to the phased delivery of floors of the new building. Nevertheless, a few areas had not been delivered yet (certain parts of the underground including the liaison tunnel between the new building and the AB Building, certain elements on the roof, as well as some exterior areas on the forecourt), none of which affected the functioning and the occupancy of the new building. The General Contractor had agreed to pay to WIPO financial compensations for the delays in completing the Project (500,000 Swiss francs for the period from beginning October to end November 2010, and 1,725,000 Swiss francs for the additional period since then). The Secretariat recalled that, in respect of the budget and provisions which had been approved by Member States in December 2008, the basic budget envelope (for an amount of approximately 145 million Swiss francs) had been almost fully used or committed. The Provision for Project Modifications (in the amount of approximately 8.2 million Swiss francs) had been fully used or committed to cover a number of major

modifications, in particular the implementation of UN H-MOSS security measures and various installations in other areas in the basement of the new building. Finally, the Secretariat indicated that the Provision for Miscellaneous and Unforeseen (in the amount of approximately 7.8 million Swiss francs) had not been fully used, and that an amount of slightly over 2 million Swiss francs had not been and would not be used or committed, and was therefore available. As to the bank loan, drawdowns were made while interest rates were lower than anticipated initially. The Secretariat gave an update of the situation on the rental of office spaces. The largest rented office building, the P&G Building (which had approximately 400 workplaces), had been fully vacated at the end of August 2011. The lease for the smaller building, the CAM Building, was not terminated to ensure an adequate overall balance across all buildings between occupied workplaces and unoccupied workplaces over the coming years. Despite the implementation of a stricter office space allocation policy, three main reasons have led the Secretariat to decide not to vacate the CAM Building, as detailed in document WO/PBC/18/9. Firstly, new local safety regulations requiring that corridors be free of any equipment (such as network printers, cupboards, etc.) have necessitated that office spaces be converted into designated functional rooms on all floors. Secondly, the need for small meeting rooms throughout the buildings to cater for internal working meetings has necessitated that office spaces be converted into designated meeting rooms on all floors. Thirdly, a number of major projects, mainly the ERP project, required a particular setting combining office spaces, training rooms for workshops and other meetings for the five-year duration of that project. In conclusion, due to these new constraints or demands, which could not have been foreseen when the new building was designed, the Secretariat decided to keep the CAM Building to ensure the flexibility required for managing the workplaces and related facilities in its premises to facilitate the delivery of programs and projects activities. The Secretariat pointed out that the effect on the regular budget was minimum (an amount of 1.4 million Swiss francs per biennium), due to historically good rental conditions for the CAM Building, when compared to market prices in the vicinity.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the contents of document A/49/11, taking into consideration the recommendation of the Program and Budget Committee made in respect of document WO/PBC/18/9, as recorded in document A/49/16.*

## **ITEM 20**

### **PROGRESS REPORT AND PROPOSAL ON THE NEW CONFERENCE HALL PROJECT**

Discussions were based on documents A/49/12 (and its Annex, document WO/PBC/18/10) and A/49/16.

The Secretariat highlighted the main points reflected in document WO/PBC/18/10. The pre-construction phase of the New Conference Hall Project had been fully completed with the selection of the General Contractor by the Selection Board composed of representatives of Member States in February 2011, followed by the signature of the contract in May 2011. Work had started mid-August. As a consequence, the budget approved by Member States in September 2009 had only been marginally used so far. In terms of framework and control, the set-up was similar to that which had been put in place for the New Construction Project, but with improvements on the basis of lessons learned from that previous Project. The Secretariat referred to the detailed explanations included in document WO/PBC/18/10 in respect of the updated estimated cost of the New Conference Hall Project, after signature of the contract with the General Contractor. Having taken into account that contract as well as the recalculated honoraria and other fees required to carry out the Project, the updated estimated cost of the Project was approximately 4,400,000 Swiss francs higher than the original estimate approved by Member States in September 2009. However, it was important to point out that the contract negotiated with the General Contractor contained options that

the Secretariat was in the process of reviewing, and a number of items in respect of which the General Contractor had the obligation to launch new tenders as market prices were expected to decrease during the construction phase. The Secretariat therefore remarked that the final additional cost may in fact be lower than the current estimated additional cost. It proposed to absorb the estimated additional cost of about 4,400,000 Swiss francs by the amount remaining available from the New Construction Project in the order of approximately 4,500,000 Swiss francs (see document A/49/11, Annex, document WO/PBC/18/9).

The Secretariat recalled that the PBC had positively recommended the authorization of the use for the New Conference Hall Project, if and when necessary, of an amount of up to 4,500,000 Swiss francs remaining available from the budget and provisions approved by the Member States in December 2008 for the financing of the New Construction Project, as indicated in paragraph 10 of document WO/PBC/18/10.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, taking into consideration the recommendation of the PBC made in respect of document WO/PBC/18/10, as recorded in document A/49/16,*

- (i) took note of the contents of document A/49/12; and*
- (ii) authorized the use for the New Conference Hall Project, if and when necessary, of an amount of up to 4,500,000 Swiss francs remaining available from the budget and provisions they had approved in December 2008 for the financing of the New Construction Project, as indicated in paragraph 10 of document WO/PBC/18/10.*

## **ITEM 21**

### **PROGRESS REPORT ON THE PROJECT TO UPGRADE THE SAFETY AND SECURITY STANDARDS FOR THE EXISTING WIPO BUILDINGS**

Discussions were based on documents A/49/13 and A/49/16.

The Chair explained that item 21 (Progress Report on the Project to Upgrade the Safety and Security Standards for the Existing WIPO Buildings) was accompanied by two documents: A/49/13 (Progress Report on the Project to Upgrade the Safety and Security Standards for the Existing WIPO Buildings) and A/49/16 (Summary of Recommendations Made by the PBC at its Eighteenth Session (September 12 to 16, 2011)). The Progress Report addressed the issues of the modification of the concept of security perimeter, the coordination with the Host Country and the progress report for the use of the approved budget. As reported in the summary of the PBC's decisions and recommendations, the PBC took note of the contents of document WO/PBC/18/6.

The Secretariat explained, as a way of background for the Member States, the modification of the concept and the coordination with the Host Country and a progress report of the use of the approved budget. On the issue of the modification of the concept of the security perimeter, this had been at the request of the States Services and the Canton Services, basically to maintain a right of way in the Chemin des Colombettes, which is situated behind the WIPO buildings within the context of the normal processing of the application for the building permit. Discussions between the Secretariat and the various competent services of the Host Country were held in order to find an alternative and an alternative was reached which was acceptable to all parties. The result of the modification of the perimeter project included the following characteristics; (i) complete anti-vehicle protection around all Organization's buildings, consisting of a



combination of fixed and retractable obstacles; (ii) maintenance of a pedestrian right of way in the Chemin des Colombettes; (iii) maintenance of pedestrian access to the WIPO park, that is the front of the main building; (iv) pedestrian guard rails along the length of Chemin des Colombettes in the direction of the Route de Ferney, the future Access Center and the future Conference Hall; and (v) a significant reduction in the height of the barrier, which would not be around all of the perimeter but wherever it would be present, which is closer to the New Conference Hall. The Secretariat added that it was also pleased to say that coordination with the Host Country had resulted in a Memorandum of Understanding (MoU) that had been signed on June 21, 2011, by the Secretariat and the Fondation des immeubles pour les organisations internationales (FIPOI) in its role as a representative of the Host Country in order to guarantee the effective and coordinated management of external security measures. It also noted and reminded Member States that the Host Country was contributing around 5 million Swiss francs towards the financing of external security measures for which the Organization was very thankful. Concerning the progress report, the Secretariat explained that work continues to be ongoing regarding the specifications for the issuing of requests for proposals. The execution phase of the work was expected to begin as of November 2011, subject to the granting of a building permit for the security perimeter. The Secretariat believed this was now well underway. On August 15, 2011, the competent services of the Host Country granted the Secretariat authorization to begin construction of the Control Center which is an integral part of the internal security measures. Concerning the approved budget, it was recalled that the approved budget at the time of the December 2008 Assemblies, was 7.6 million Swiss francs. The final cost of the project would depend on the request for proposals which would be issued soon. At the time of writing the report, about 1.5 million Swiss francs had been committed of which 844 000 Swiss francs had been paid. The remaining available balance stands at approximately 6 million Swiss francs. All the project recommendations were to be implemented, taking into account various factors, such as technical constraints, technological advances, construction projects and the state of expenditure. Work on the essential elements would be undertaken as a matter of priority, with the remaining elements being added in the light of developments concerning safety and security standards.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, noted the content of document WO/PBC/18/6 and any recommendations of the PBC, as contained in document A/49/16.*

## ITEM 22

### **STRATEGIC REALIGNMENT PROGRAM (SRP) UPDATE**

Discussions were based on an oral presentation by the Secretariat and document A/49/16.

The Secretariat expressed its gratitude for the opportunity that it had been given to address the Member States on the progress of WIPO's organizational improvement initiative, namely the WIPO Strategic Realignment Program (SRP). It said that the SRP had been launched shortly after the current Director General had taken office, and was in response to recommendations from the Audit Committee as approved by the General Assembly in September 2007. It reported that during the first two years since its launch, a robust and comprehensive MTSP had been developed and that the Organization was restructured and aligned to the nine Strategic Goals. The Secretariat reported that Phase II of the SRP had begun in 2010. This entailed the detailed planning of 19 interdependent initiatives which strengthened some of the fundamental ways WIPO operated. It said these initiatives had been grouped under four "core values", namely, service orientation; working as one; accountability for results; environmental, social and governance responsibility; emphasizing the principles which WIPO works under. Results from phase II were immediately evident starting with the MTSP presented to the General Assembly last year. Recognizing the

importance of the Staff's view, it reported that external consultants had been asked to undertake a Staff survey that yielded some interesting observations. The Secretariat underlined that the first value, service orientation, focused on the secretariat treating all its stakeholders – whether internal or external – as customers. From the survey, it was realized that staff believed that the Organization had offered better service to its external customers than to those offered within the Organization. Secondly, the Secretariat reported that the “working as one” value focused on WIPO operating as an integrated, responsive and efficient entity. Again, the survey pointed to potential measures that could improve the way the Secretariat interacted across its sectors and based on this, adjustments had been initiated accordingly. The Secretariat stated that the third value “accountability for results”, required WIPO to take ownership for its performance and to aim to achieve agreed results both as individuals and as an Organization. It was found that the majority of staff believed that “we in WIPO are accountable for results”. A series of initiatives had commenced to strengthen individual and organizational performances further. Finally, with regard to the fourth value “focusing on environmental, social and governance responsibility emphasizing the importance of performing in an ethical manner, and caring about our staff, community and environment”, it had shown that two out of three staff believed that WIPO was “committed to ethical principles” and also two out of three staff agreed that “WIPO's environmental responsibility had improved in the previous year”. Owing to the detailed nature and complexity of the SRP, some concrete examples of the program's success were elaborated. For a comprehensive review of all the initiatives, Member States were invited to obtain a copy of the 2011 SRP roadmap brochure, available in all UN official languages at the documentation desk.

The Secretariat further stated that in order to strengthen service orientation, the Organization had ensured that external queries had been dealt with efficiently by a centralized customer service team. Moreover, there had been an increased availability of core publications in required UN languages from just over 62 per cent in December 2010 to over 65 per cent today, reaching the target for this year four months ahead of schedule. The Secretariat reported that the International Bureau had a better understanding of its opportunities to increase the use and market share of its registration services after engaging a company to analyse the market position of the Organization's services. It was noted that the Organization had work to do in order to strengthen its working as one culture, and one of the ways would be to bring its sectors together through organizational wide initiatives. For example, it quoted that the Organization did not see the implementation of the Enterprise Resource Planning (ERP) system as a technology project, but rather as a collaborative effort to improve business processes across the house. End-to-end process ownership would be the cornerstone of the ERP planning and implementation exercise, and in the past year the Organization had made good progress towards defining better work processes using technology as the enabler. To strengthen accountability for results, the Secretariat underlined that delegates would have noticed that the proposed Program and Budget for 2012/13 contained an improved results framework with well defined baselines and biennial targets. Furthermore, with the guidance of the IAOC, a strengthened risk management framework had been planned at WIPO. The IAOC had taken a risk-focused approach to reviewing SRP's progress and this fitted well with its SRP initiative to strengthen internal controls in the wider context of an integrated risk management framework. Finally, in terms of strengthening environmental, social and governance responsibility, the Secretariat reported that it had been equally active. The newly established ethics office has developed a whistle-blowing protection policy and a code of ethics. The Secretariat reported that a plethora of activities had been undertaken to decrease its carbon footprint, for example, by installing piped water fountains in the new building to reduce the Organization's dependency on bottled water. And, the implementation of a system of opt-in for printed materials for the Assemblies thus reducing paper consumption. While this had been a high level overview of the wide-reaching and important work being undertaken across the Organization as part of the SRP, the Secretariat hoped that it had provided delegations with a useful progress overview. In conclusion, the Secretariat stated that it was committed as an Organization to making the SRP program a success, not just until its scheduled completion in December 2012, but also that the program of change takes root in the Organization to make it

a more responsive, efficient organization, equipped to achieve its Strategic Goals and to provide global leadership on IP issues.

The Chair informed Member States that they were not invited to take any particular action on Agenda Item 22 except to obtain a copy of the brochure available. However, in his capacity as Chair, he expressed his view that all should uphold the efforts of the SRP and of the strategic orientation. In his view, the development of WIPO's strategy was one of the most important paths that lay ahead of Member States and the Secretariat. It had to be undertaken as a joint effort in order to arrive at a common ground which shared the values, objectives and future goals that WIPO needed to achieve in order to fulfill its mission.

## **ITEM 23**

### **REVISION OF THE TERMS OF REFERENCE OF THE WIPO INDEPENDENT ADVISORY OVERSIGHT COMMITTEE (IAOC)**

Discussions were based on document WO/GA/40/2.

The Chair invited Mr. Douglas Griffiths, Chair of the Program and Budget Committee (PBC), to introduce the document.

The PBC Chair recalled that the Independent Advisory Oversight Committee (IAOC) had revised its Terms of Reference (ToR) to reflect the changes (including the rotation mechanism and the selection of IAOC members) that had previously been approved by the General Assembly in 2010, through the approval of the Report of the Working Group on Audit Committee Related Matters (document WO/GA/39/13). The revisions to the ToR of the IAOC had been considered at the 16<sup>th</sup> session of the PBC in January 2011. In accordance with the Financial Regulations and Rules of WIPO (FRR), the General Assembly approved the WIPO Audit Committee's ToR upon recommendation by the PBC. At its 16<sup>th</sup> session, the PBC had recommended to the General Assembly the approval of the revisions of the ToR of the WIPO IAOC as contained in the Annex of document WO/PBC/16/3 Rev. This had now been reproduced in document WO/GA/40/2.

*The WIPO General Assembly:*

- (i) *approved the revised ToR of the WIPO IAOC, as contained in the Annex to document WO/GA/40/2; and*
- (ii) *took note that the relevant sections of the FFR would be amended accordingly.*

## **ITEM 24**

### **SELECTION OF EXTERNAL AUDITOR**

Discussions were based on document WO/GA/40/3.

The Chair explained that the document contained the report of the Selection Panel which provided an overview of the selection process conducted by the Panel and the Recommendation of the Selection Panel for the appointment of the WIPO External Auditor.

The President of the Selection Panel for the Appointment of the WIPO External Auditor,

Mr. José Ramón López de León Ibarra, from Mexico, recalled that, during the 43rd Assemblies held in September 2007, it had been decided to put a process in place to select and replace the External Auditor at the end of the current External Auditor's mandate. In accordance with that decision, the Secretariat had issued a Call for Proposals on March 31, 2010, requesting the submission of technical and financial proposals for the appointment of the External Auditor. A Selection Panel had been appointed, comprised of the coordinators of each of the seven groups of WIPO Member States at that time, namely Representatives of Angola, Bangladesh, China, Kyrgyzstan, Slovenia, Switzerland and Mexico. The Selection Panel had first met in July 2010, and then as necessary until January 2011 and had agreed on its own Rules of Procedure. The standard selection criteria proposed by the Secretariat to the Panel had been mentioned in the Call for Proposals. The Panel approved the evaluation matrix (which included the selection criteria and relevant weightings) to be used for the technical evaluation of the proposals, following which the proposals which had been received by the closing date (June 30, 2010) had been opened according to standard procurement procedure in the presence of the Panel Members who opened the bids. Seven proposals from candidate offices of the auditors general (or their equivalent) of India, Latvia, Malaysia, Norway, Spain, the United Kingdom and Zambia had been received by the Panel. Applying the evaluation matrix which had been previously agreed by the Panel, representatives of Finance Services and IAOD had carried out the preliminary technical evaluation and the evaluation of the financial proposals which were then reviewed by the WIPO Audit Committee. The results had been communicated to the Selection Panel. The new Chief Ethics Officer of WIPO had been appointed by the Director General to act as Secretary of the Panel. Panel members had had access to the original Proposals for their own review in addition. Following a review of the results of the technical and financial evaluations, a review of the written presentations of the seven candidates, consideration of the comments of the Audit Committee (the predecessor of the IAOC) and consultations of the Panel, the Selection Panel had decided on October 27, 2010, to make a shortlist of candidates to make oral presentations. These were: (a) the Office of the Comptroller and Auditor General of India; (b) the Office of the Auditor General of Norway; and (c) the National Audit Office of the United Kingdom. The three short-listed candidates had been invited to come to WIPO headquarters in January 2011 to make oral presentations to the Selection Panel which had been followed by questions from the Panel and answers from the short-listed candidates. In addition, the candidates had been presented with a number of standard questions in advance which had been prepared by the Selection Panel. Information from the oral presentations had been used as part of the evaluation process. On January 28, 2011, the Panel, acting in accordance with Article 9 of the Selection Panel Rules, had taken its decision by voting, by secret ballot. As a result of this vote, it had been decided to recommend the highest evaluated candidate, namely the Comptroller and Auditor General of India to the General Assembly for appointment as WIPO's External Auditor, in accordance with the FFR of WIPO for a period of six years, to begin in January 2012. This would be following negotiation of an acceptable contract by the Secretariat with the candidate which, in accordance with the prevailing practice for this type of engagement, would take the form of a Letter of Understanding. The report and recommendations of the Panel were now being presented to the Assemblies for decision. The President of the Selection Panel thanked the Secretariat for its assistance to the Selection Panel and also his fellow Panel members who had demonstrated such professionalism and ability to compromise during the selection process.

*The WIPO General Assembly approved the recommendations of the Selection Panel for the appointment of the WIPO External Auditor, as recorded in paragraphs 13 and 14 of the Selection Panel's Report (document WO/GA/40/3).*

## ITEM 25

### **SUMMARY ANNUAL REPORT OF THE DIRECTOR OF THE INTERNAL AUDIT AND OVERSIGHT DIVISION**

Discussions were based on document WO/GA/40/4 Rev.

At the invitation of the Chair, the Director of the Internal Audit and Oversight Division (IAOD) presented the IAOD Summary Annual Report for the period July 1, 2010 to June 30, 2011 (document WO/GA/40/4 Rev.). He noted that the annual report is required by paragraph 25 of the Internal Audit Charter.

The report of the Director of the Internal Audit and Oversight Division (IAOD) is reproduced in document WO/GA/40/19.

*The WIPO General Assembly took note of the Summary Annual Report of the Director of IAOD.*

## ITEM 26

### **EXTERNAL AUDITOR'S REPORT**

Discussions were based on documents WO/GA/40/15 and A/49/16.

The External Auditor recalled his role in carrying out traditional financial statement and financial supervision audits. The purpose of these audits was to provide Member States with an evaluation of the manner in which WIPO used the funds entrusted to it. The audits carried out by the External Auditor are based on the standards of the International Organization of Supreme Audit Institutions (INTOSAI). These standards cover not only financial aspects but also extend to matters related to savings, affordability and efficiency. Reference was made to the relationship between human resources and WIPO's Strategic Realignment Program (SRP). The introduction and implementation of the Performance Management and Staff Development System (PMSDS) was also mentioned. The External Auditor drew attention to the eight recommendations contained in the report. The first two recommendations were general in nature and concerned the importance of risk analysis and internal controls. The remaining six recommendations concerned human resource matters, such as, the policy on telecommunications devices and the management of annual leave entitlements and overtime. The External Auditor underscored the importance of transferring knowledge from departing employees and suggested that this could be facilitated by properly documenting work processes.

The Secretariat took note of the suggestion made by the Delegation of the United States of America on target dates for implementation and said that it would endeavor to include this information in future reports. The Secretariat made reference to ERM and internal controls and stated that the risk management framework or approach was one that was being adopted by the WIPO Independent Advisory Oversight Committee (IAOC). It also added that WIPO is striving toward an ERM system but underscored that the approach would initially be modest and conservative in scope. The Secretariat concluded by stating that the strengthening of risk management and internal controls was an integral part of the SRP.

The Director General confirmed that the Secretariat would prepare an annual statement on internal control and stated that this would be done as of next year.

The Director General thanked the External Auditor for the long-standing and excellent cooperation that existed between the Federal Control of Finances and the International Bureau. He recalled that the relationship between the Federal Government of Switzerland and the Organization was a very close one that had begun with the origins of the Organization in the Nineteenth Century. For over a century, the Swiss Federal Government had audited the accounts of the Organization. He also thanked the External Auditor for its particular assistance with the transition to IPSAS norms. The Director General singled out for personal thanks for their work over the past two years, Messrs. Kurt Grüter, Didier Monnot and Ariel Decrauzat.

*The WIPO General Assembly approved the recommendations of the PBC made in respect of document WO/PBC/18/17 as recorded in document A/49/16.*

## **ITEM 27**

### **ISTANBUL DECLARATION AND PROGRAMME OF ACTION (IPOA) FOR THE LEAST DEVELOPED COUNTRIES (LDCS) FOR THE DECADE 2011–2020**

Discussions were based on document A/49/17.

The Chair informed the meeting that the document under consideration referred to paragraph 153 of the Istanbul Programme of Action (IPoA) where the United Nations Programs, Organs, Organizations, Specialized Agencies, the Bretton Woods Institutions and International Financial Institutions were invited to contribute to the implementation of the program of action. In that context, he invited the Director General to mainstream the relevant parts of the IPoA into the various programs of the Organization. The Chair invited the Secretariat to take the floor to introduce the document.

The Secretariat explained that the document under consideration was about the IPoA for the LDCs. The Secretariat informed the meeting that WIPO organized during the Conference in Istanbul a Ministerial Forum for Ministers from the LDCs and a program of action in respect of IP was adopted during that Forum which essentially covered areas such as IP and Innovation, IP Policies and Strategies, enhancing technical skills, access to knowledge, strengthened knowledge infrastructure, branding and also digitalization of TCEs. The Secretariat informed that the Forum was the culmination of a number of Regional Meetings that had been organized by the Organization in cooperation with LDCs in Africa and Asia following which a road map had been agreed, identified and put in place by the High representatives of LDCs. The Secretariat explained that the present document, essentially, was a request that the Organization mainstream the implementation of that LDCs program. The Secretariat further explained that while a much broader program covered the whole UN System, the organization's engagement was with respect to IP. The Secretariat informed that the meeting was to take note of the document and endorse the mainstreaming of the relevant parts of the program of action within the Organization.

*The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the information contained in document A/49/17.*

## ITEM 28

### **REPORT OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)**

#### ITEM 28(i)

### **REVIEW OF THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS**

Discussions were based on documents WO/GA/40/5 Rev. and WO/GA/40/18.

The Secretariat introduced the Report of the Committee on Development and Intellectual Property (CDIP), contained in document WO/GA/40/5 Rev., and noted that the sixth and seventh sessions of the CDIP had taken place since the last session of the General Assembly, in November 2010 and May 2011, respectively. The Chairman of those two sessions was Ambassador Md. Abdul Hannan of Bangladesh. It was noted that the Committee had agreed at its sixth session that the Summary of the Chair would constitute the Committee's report to the General Assembly and that, as the seventh session was suspended, the Chair's summary was not concluded for that session. The Member States were invited to take note of document WO/GA/40/5 Rev. and its Annex.

The Chair of the CDIP, thanked the Member States for reposing their trust in him as Chair of a very important committee of WIPO. He informed the General Assembly that significant progress had been made since the last session of the Assembly. At its sixth session, the CDIP had received progress reports on some 14 Development Agenda (DA) projects. The Committee had also reviewed progress on the implementation of the 19 recommendations for immediate implementation. The Member States had approved the Project on Intellectual Property and Transfer of Technology: Common Challenges - Building Solutions, with respect to which discussions had continued since the third session of the CDIP. The Committee had also approved another important project on Open Collaborative Projects and Intellectual Property-based models. The Committee had further discussed and agreed upon the content for a proposed project on Intellectual Property and Brain Drain. With regard to the Future Work Program on Flexibilities in the Intellectual Property System, the Committee had discussed a document prepared on the subject and requested the Secretariat to proceed with the implementation of certain activities and to present a revised document taking into account the comments of delegations at its next session. While the seventh session of the CDIP had been suspended at the request of the majority of the Members, the achievements of the seventh session were significant in spite of the suspension. At that session the Members considered the Director General's report for the implementation of the DA which was the second report presented to the Committee by the Director General in keeping with his promise to personally report to the Committee. The Director General's report was an exhaustive report that described different actions taken by the Director General and the Secretariat to implement the DA recommendations. The Committee also approved the project proposal entitled "Intellectual Property and Brain Drain" and requested the Secretariat to post online the agreed project proposal taking into account the comments of delegations. The Chair understood that the Secretariat would post the revised project proposal online shortly. The Committee had agreed upon the approach and content for the Project on Intellectual Property and the Informal Economy and requested that a project proposal be submitted for consideration at the next session. The Member States also considered a document on Patent-Related Flexibilities in the Multilateral Legal Framework and their Legislative Implementation at the National and Regional Levels, Part II of a Study on Patent-Related Flexibilities prepared by the Secretariat at the Committee's request. Consideration of that document would continue in the eighth session of the CDIP. The Committee continued discussions on the document on a Future Work

Program on Flexibilities in the Intellectual Property System and requested that a revised document be submitted for its consideration taking into account further comments of delegations. The Committee further considered a proposal by the Development Agenda Group (DAG) for a new standing agenda item on intellectual property (IP) and development, and agreed to continue the discussions at its next session. After discussions, the Member States had agreed that the organization of an International Conference on Intellectual Property and Development should be postponed to 2012, and that the funds necessary to organize the conference should be allocated accordingly in the Program and Budget for 2012-2013. The preparations for the international conference would be further discussed at the eighth session of the Committee. In view of the fact that the seventh session of the Committee had been suspended for lack of agreement on the Project Proposal on Enhancing Cooperation on Intellectual Property and Development Among Developing Countries and Least Developed Countries (LDCs), the report of the CDIP to the General Assembly was comprised of the Chair's summary of the sixth session of the Committee. The Chair had held informal consultations principally with the Group Coordinators and had received some encouraging responses and useful cooperation. However, the process of informal consultation was ongoing. The Chair expressed confidence that the Member States would be constructively engaged so that the seventh session of the CDIP would be resumed and successfully complete the remaining work. The Chair looked forward to working with the Member States on a rewarding eighth session of the Committee.

*The WIPO General Assembly took note of the content of document WO/GA/40/5 Rev.*

The Chair of the WIPO General Assembly then invited Member States to consider Agenda Item 28(i), Review of the Implementation of the DA recommendations (document WO/GA/40/18). That document contained a description of the contribution of the relevant WIPO bodies to the implementation of the respective DA recommendations. In accordance with the coordination mechanisms and monitoring, assessing and reporting modalities adopted by the General Assembly of WIPO, the relevant bodies of WIPO were instructed to include in their annual report to the Assemblies a description of their contribution to the implementation of the respective DA recommendations. Accordingly, document WO/GA/40/18 provided reference to the paragraphs concerned with the implementation of the DA in their respective reports to the General Assembly. The Chair invited the Secretariat to present the document.

The Secretariat noted that a number of delegations in their interventions under the previous agenda item had anticipated and addressed Agenda Item 28(i). The Secretariat noted that document WO/GA/40/18 provided a review of the implementation of the DA recommendations. It was recalled that the WIPO General Assembly at its thirty-ninth session, held from September 20 to 29, 2010, had approved the coordination mechanisms and monitoring, assessing and reporting modalities, which, *inter alia*, instructed the relevant WIPO bodies to include in their annual reports to the Assemblies a description of their contribution to the implementation of the respective DA recommendations. Consequently, document WO/GA/40/18 contained references to the implementation of the DA in the reports to the General Assemblies of the SCCR, the IGC, the SCP, the SCT, the ACE and the PCT Working Group. Those reports to the Assemblies indicated what the respective committees had done to implement the recommendations of the DA in respect to their particular areas. The General Assembly was invited to take note of the relevant paragraphs in those reports and, in accordance with the above-mentioned coordination mechanism, to forward the reports to the CDIP. As had been recognized by some Member States, this was the first occasion that the agreed coordination mechanism had been given effect.

*The WIPO General Assembly took note of the contents of document WO/GA/40/18, and forwarded the relevant paragraphs from the reports of the various WIPO bodies to the CDIP.*



## ITEM 29

### **REPORT ON THE WORK OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)**

Discussions were based on document WO/GA/40/6.

The Chair of the WIPO General Assembly introduced Agenda Item 29 which dealt with the Report on the Work of the Standing Committee on Copyright and Related Rights (SCCR), and gave the floor to the Secretariat.

The Secretariat informed the Member States that document WO/GA/40/6 referred to the work of the SCCR, namely SCCR/21 and SCCR/22, and highlighted the progress made towards creating an enabling environment for improved access to copyright-protected works for reading impaired persons. Following the discussion on a proposal documented by a group of Member States, the Committee had requested to the Chair of the SCCR, Mr. Manuel Guerra Zamarro, to prepare a text for an international instrument on limitations and exceptions for persons with print disabilities to be used as a basis for further text-based work in SCCR/23. The Secretariat reported that the work on exceptions and limitations for persons with other disabilities, for education and research institutions, and for libraries and archives, continued. It highlighted that the work on the protection of broadcasting organizations had made evident progress, particularly with regard to the work plan aimed at advancing negotiations on an international instrument. It stressed that efforts to update the rights of broadcasting organizations had been increased in light of the growing signal piracy problems around the world. Agenda Item 30 would deal separately with the discussions on and recommendation concerning the protection of audiovisual performances. The Secretariat drew the Assembly's attention to the Committee's contribution to the implementation of the DA recommendations in Section D of the report, and indicated that the next session of the SCCR was scheduled from November 21 to December 2, 2011.

*The WIPO General Assembly:*

- (i) *took note of the information contained in the document WO/GA/40/6; and*
- (ii) *encouraged the SCCR to continue its work regarding the issues reported on in this document.*

## ITEM 30

### **RECOMMENDATION ON HOLDING OF A DIPLOMATIC CONFERENCE ON THE PROTECTION OF AUDIOVISUAL PERFORMANCES**

Discussions were based on document WO/GA/40/11.

The Chair introduced Agenda Item 30 which dealt with document WO/GA/40/11 on the Recommendation on Holding of a Diplomatic Conference on the Protection of Audiovisual Performances, and gave the floor to the Secretariat.

The Secretariat observed that several delegations had supported the recommendation when giving their statements regarding previous Agenda Item 29. It stressed that Annex I of document WO/GA/40/11 contained the necessary steps to move to a diplomatic conference, and that it was a procedure similar to

the ones followed by the Secretariat to organize other diplomatic conferences. The Preparatory Committee of the Diplomatic Conference on the Protection of Audiovisual Performances had been tentatively scheduled for November 30, 2011, and, if necessary, also December 1, 2011. The meeting would be held back-to-back at the next session of the SCCR.

*The WIPO General Assembly decided to hold a Diplomatic Conference on the Protection of Audiovisual Performances in accordance with the recommendations contained in Annex I of document WO/GA/40/11.*

## **ITEM 31**

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

Discussions were based on document WO/GA/40/7.

The Chair of the WIPO General Assembly introduced the document and drew attention in particular to the proposed new mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) for the 2012-2013 biennium, as set out in paragraph 16 of the document.

The Secretariat provided additional information on the work conducted by the IGC during the 2010-2011 biennium, notably, four sessions of the IGC and three sessions of the IGC's Intersessional Working Groups (IWGs). The Secretariat thanked His Excellency Ambassador Philip Owade (Kenya), who was the Chair of the IGC for the 2010-2011 biennium, as well as the IGC's Vice-chairs, Mr. José Ramon Lopez de León (Mexico) and Mr. Vladimir Yossifov (Bulgaria), and the various chairs, rapporteurs and facilitators of the IWGs. The Secretariat also thanked the Delegation of Australia for its generous contribution to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities.

*The WIPO General Assembly took note of the information contained in document WO/GA/40/7, and decided to renew the mandate of the IGC for the 2012-2013 biennium on the terms set out in paragraph 16 of the said document.*

## **ITEM 32**

### **COMMITTEE ON WIPO STANDARDS (CWS)**

Discussions were based on document WO/GA/40/17 and a non paper containing a draft text which had been circulated prior to the discussion and reflected the outcome of consultations held by certain delegations.

*The WIPO General Assembly reaffirmed and clarified its decision regarding the creation and mandate of the CWS at its 38th session in 2009, as contained in paragraph 229 of document WO/GA/38/20. The WIPO General Assembly also confirmed and clarified that the core mandate is that which is contained in paragraphs 11 to 16 of document WO/GA/38/10, and further agreed that, upon request from Member States, the Secretariat will endeavor to provide technical advice and assistance for capacity building to IP Offices by undertaking projects regarding dissemination of IP standards information. The Secretariat will provide regular written reports to the CWS on the details of such activities, as well as any other technical*

*assistance and capacity-building activities that it undertakes in connection with the mandate, and provide the same to the General Assembly. The WIPO General Assembly decided that in order to encourage and facilitate the participation of technical experts from developing countries and LDCs in CWS meetings, the Secretariat will extend funding assistance for the participation of LDCs and developing countries, within existing budgetary resources.*

### ITEM 33

## **INFORMATION REPORTS ON OTHER WIPO COMMITTEES**

### ITEM 33(i)

## **STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)**

Discussions were based on document WO/GA/40/8, in particular on item 33(i).

*The WIPO General Assembly took note of the information contained in document WO/GA/40/8.*

### ITEM 33(ii)

## **STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)**

Discussions were based on document WO/GA/40/8, in particular on item 33(ii).

*The WIPO General Assembly took note of the information contained in document WO/GA/40/8.*

### ITEM 33(iii)

## **ADVISORY COMMITTEE ON ENFORCEMENT (ACE)**

Discussions were based on document WO/GA/40/8, in particular on item 33(iii).

The Secretariat explained that the information report in document WO/GA/40/8 summarized the work of the ACE at its sixth session, held on December 1 and 2, 2010, and chaired by Mr. Makiese Augusto. The session had addressed the agreed work program that had focused on four areas: (i) a literature review of methodologies and gaps in existing studies that seek to measure the socio-economic impact of counterfeiting and piracy; (ii) the identification of different types of infractions and motivations for IPRs infringements, taking into account social, economic and technological variables and different levels of development; (iii) targeted studies with an aim to developing analytical methodologies that measure the social, economic and commercial impact of counterfeiting and piracy on societies taking into account the diversity of economic and social realities, as well as different stages of development; and (iv) an analysis of various efforts, alternate models and other possible options from a socio-economic welfare perspective to address the counterfeiting and piracy challenges. Discussions on the work program had been supported by research papers and expert presentations. For its seventh session, the Committee had agreed on a continuation of the work program, with the exception of the first item which had been completed. The

Secretariat referred to views by Member States on the contribution of the Committee to the implementation of the DA recommendations that had been expressed at its sixth session, and that were reproduced in paragraphs 25 and 26 of document WO/GA/40/8.

*The WIPO General Assembly took note of the information contained in document WO/GA/40/8.*

## **ITEM 34**

### **PCT SYSTEM**

#### **PCT Working Group: Report on the Fourth Session**

Discussions were based on document PCT/A/42/1.

In introducing the document, the Secretariat pointed out that, since the publication of document PCT/A/42/1, which contained in its Annex I the draft report of the fourth session of the PCT Working Group, the final version of that report had been adopted by Member States by way of correspondence and had been made available on WIPO's website as document PCT/WG/4/17, containing only minor changes compared to the draft version.

*The Assembly:*

- (i) *noted the Summary by the Chair of the fourth session contained in document PCT/WG/4/16 and reproduced in Annex I of document PCT/A/42/1, and the draft report of the fourth session of the PCT Working Group contained in document PCT/WG/4/17 Prov. and reproduced in Annex II of document PCT/A/42/1;*
- (ii) *noted the report by the International Bureau on the financial and operational situation of the supplementary international search system contained in document PCT/WG/4/11 and reproduced in Annex III of document PCT/A/42/1;*
- (iii) *approved the recommendation concerning the further work of the PCT Working Group set out in paragraph 6 of document PCT/A/42/1.*

#### **Proposed Amendments of the PCT Regulations**

Discussions were based on document PCT/A/42/2.

In introducing the document, the Secretariat stated that it wished to draw particular attention to the proposal to amend PCT Rule 34, made at the request of the Government of the People's Republic of China, to add patent documents of China to the PCT minimum documentation to be consulted by the PCT International Authorities in carrying out international searches. This constituted an important change, given that Chinese patent documents now formed a substantial component of the global prior art. The Secretariat further wished to draw attention to the proposal to amend Rule 82 and to add new Rule 82*quater* so as to add a general provision to the PCT Regulations which would offer protection to applicants by excusing delays in meeting PCT time limits when that delay resulted from force majeure circumstances, prompted by the recent series of disasters in Japan.

The Assembly:

- (i) *adopted the proposed amendments of the Regulations under the PCT set out in the Annex to the report of the Fourth Session;*
- (ii) *decided that the amendments of Rule 17.1(b-bis) set out in the Annex shall enter into force on July 1, 2012, and shall apply to any international application, irrespective of its international filing date, in respect of which the time limit under amended Rule 17.1(b-bis) expires on or after July 1, 2012;*
- (iii) *decided that the amendments of Rule 20.7(b) set out in the Annex shall enter into force on July 1, 2012, and shall apply to any international application whose international filing date is on or after July 1, 2012;*
- (iv) *decided that the amendments of Rule 34 set out in the Annex shall enter into force on July 1, 2012, and shall apply to any international application, irrespective of its international filing date, in respect of which an international search is carried out on or after July 1, 2012;*
- (v) *decided that Rule 82.2 shall be deleted with effect from July 1, 2012, provided that Rule 82.2 shall continue to apply to any international application whose international filing date is before July 1, 2012, and in respect of which the six months time limit for the submission of evidence referred to in Rule 82.1(c) as applicable by virtue of Rule 82.2(b) expires on or after July 1, 2012;*
- (vi) *decided that new Rule 82quater set out in the Annex shall enter into force on July 1, 2012, and shall apply to any international application, irrespective of its international filing date, in respect of which the six months time limit for the submission of evidence referred to in new Rule 82quater.1(a) expires on or after July 1, 2012.*

### **Quality Management Systems for the PCT International Authorities**

Discussions were based on document PCT/A/42/3.

*The Assembly noted the contents of document PCT/A/42/3.*

## **ITEM 35**

### **MADRID SYSTEM**

#### **Proposals for the Simplification of the Madrid System**

Discussions were based on documents MM/A/44/1, MM/A/44/2, MM/A/44/3 and MM/A/44/4.

In the absence of the Chair of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”), the Chair of the Madrid Union Assembly informed the Assembly of the recommendations, as contained in document MM/A/44/1. The Chair stated that three proposals were made in the framework of simplifying the Madrid system, as recommended by the Working Group in July 2011. Two of those proposals related to the translation of certain documents, with the aim of allowing for a more rational allocation of the existing resources within the International Bureau, while, at the same time, respecting the trilingual regime. The third proposal

updated an outdated provision regarding the efficient publication of the *WIPO Gazette of International Marks* (hereinafter referred to as “the Gazette”).

The Chair further stated that it was necessary to emphasize that the proposals do not change the trilingual regime of the Madrid system. The Chair also said that the proposals were not an attempt to reduce the number of working languages of the Madrid system. The principle underlying the proposals would affect all three working languages equally. The Chair said that the purpose of the trilingual regime was to ensure the availability of relevant information in three working languages. The practices endorsed by the Working Group at its ninth session were consistent with this, as all information would be available in three working languages. However, certain translations would have to be requested, but if a request for translation were submitted to the International Bureau, then the International Bureau would effect such a translation. The Chair recalled that, according to the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement (hereinafter referred to as “the Common Regulations”), the recording in the International Register and the publication in the Gazette of international registrations or any other information recorded and published according to the Common Regulations, should be performed in the three working languages of the Madrid system, namely, English, French and Spanish. For its recording and publication, the International Bureau translates this information. Referring to the first proposal in document MM/A/44/1, relating to the translation of statements of grant of protection following a provisional refusal made under Rule 18ter(2)(ii) of the Common Regulations, the Chair stated that for the reasons described in the document and as explained in detail during the course of the Working Group, the International Bureau had decided, some years ago, to introduce the practice of translation, upon request, of the notifications of such final decisions for the purpose of cost-effectiveness and as a result of the financial constraints. The Chair noted that the backlog was steadily increasing, with an increase in cost for translations and the time it would take to complete such translations. With few requests for translation received, the practice in place provided for a more cost-effective system. The Chair described how the practice provided for the recording and publishing of statements in the received language, with an automatic translation into the language of the international application, if that were different. This preserved the linguistic unity of all the recordings in the international registration concerned, as the holder would have all documents related to his rights in his preferred language. All other translations regarding that final decision would be made upon request. The Working Group did not endorse an amendment to the Common Regulations but it had agreed to recommend to the Madrid Union Assembly to take note of the current practice of the International Bureau concerning translation upon request of statements of grant of protection following a provisional refusal made under Rule 18ter(2)(ii) of the Common Regulations.

Referring to the second proposal in document MM/A/44/1, concerning the translation of the list of goods and services affected by a limitation in an international application, subsequent designation or request for limitation, the Chair noted that such a limitation may occur in an international application, in a subsequent designation, or by the use of a special form requesting such limitation. The Chair stated that the International Bureau had seen that in a significant number of cases, the request for the recording of a limitation was presented to the International Bureau in the same language as the language of communication notified by the Office concerned by the limitation. Referring to the statistics set out in the document, the Chair said that the introduction of the proposed change in practice would result in a reduction of the backlog and a saving in costs. In particular, the International Bureau was proposing to introduce in the Common Regulations a more efficient approach to the translation of the indications of goods and services affected by a limitation. Where the language used in the request for the recording of a limitation was the same as the language of communication chosen by the Office concerned with the said limitation, the proposal would provide for the recording and publication of the indications affected by the limitation in this language. The Chair said that in order to preserve the linguistic unity of all the recordings in an international registration concerned with a limitation, the International Bureau would automatically translate the limitation into the language of the international application, ensuring that the holder

would have all documents concerning his right in his preferred language. The Chair recalled that, as with the practice regarding the translation of statements of grant of protection following the notification of a provisional refusal, the Working Group had not endorsed the proposed amendment to the Common Regulations. The Working Group had recommended that the International Bureau implement a practice concerning the translation of the list of goods and services affected by a limitation in an international application, subsequent designation or request for limitation, with the inclusion of the option of translation upon request, and had agreed to recommend that the Assembly take note accordingly.

Referring to the third proposal in document MM/A/44/1, concerning the efficient publication of the Gazette, the Chair stated that the introduction of the publication of the Gazette in electronic format had made Rule 32(3) outdated. The International Bureau was proposing that that provision be amended, to indicate that the publication of the Gazette be effected on the WIPO web site. This proposal would align the mode of the publication of the Gazette with the standing practice of the International Bureau concerning other treaties administered by WIPO. The Chair stated that the Working Group had agreed to recommend to the Assembly the adoption of the amendment to Rule 32(3) on the efficient publication of the Gazette, as proposed in the document. The proposed date of entry into force of the amendment to the Common Regulations, if adopted, would be January 1, 2012.

The Chair suggested that the Assembly, for the time being, take note of the current and proposed practices of the International Bureau concerning translation, as referred to in paragraph 3 of the document under discussion. The Chair further suggested that the issue of translation be further reviewed at the next session of the Working Group.

*The Assembly:*

- (i) *adopted the proposed amendment to Rule 32(3) of the Common Regulations with a date of entry into force on January 1, 2012, as set out in the Annex attached to the document; and*
- (ii) *took note of the two proposals concerning translation practice, as contained in document MM/A/44/1, and, as reflected in paragraph 29 of this document.*

#### **Review of the Application of Article 9sexies(1)(b) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks**

In introducing document MM/A/44/2, the Chair stated that the document aimed at assisting the Assembly of the Madrid Union to review the application of Article 9sexies(1)(b) of the Madrid Protocol and to either repeal it or restrict its scope.

*The Assembly:*

- (i) *took note of the contents of the document; and*
- (ii) *adopted the recommendation made by the Working Group, as set forth in paragraph 7 of document MM/A/44/2.*

#### **Madrid System Goods and Services Database: Progress Report**

The Chair presented document MM/A/44/3: Madrid System Goods and Services Database: Progress Report.

At the invitation of the Chair, the Secretariat said that document MM/A/44/3 was a comprehensive progress report on the status of the project. The Secretariat also said that, as planned, the Madrid System Goods and Services Database (hereinafter referred to as the “G&S Database”) would contain over 40,000 terms in the three Madrid filing languages, and that the Madrid Goods and Service Manager (hereinafter referred to as the “G&S Manager”) would be available in 11 languages by the end of 2011.

*The Assembly:*

- (i) *took note of the progress made in the implementation of the project of the G&S Database, as described in document MM/A/44/3;*
- (ii) *approved the use of the remaining project funds beyond project close-out to finalize the implementation of cooperation agreements established with interested members of the Madrid Union for the purposes of making the G&S Database available in the languages included in the pilot project concerning the feasibility of introducing additional languages; and*
- (iii) *took note of the proposal by the Secretariat to report to the Assembly in 2012 on the operational status of the implementation of the G&S Database.*

#### **Information Technology (IT) Modernization Program (Madrid and Hague International Registration Systems): Progress Report**

The Secretariat presented document MM/A/44/4: Information Technology (IT) Modernization Program (Madrid and Hague International Registration Systems): Progress Report. The document outlines progress on the IT Modernization Program since the last Madrid Union Assembly. The document also serves to update Madrid Union members on any change to the overall approach to the completion of the Program, as well as to notify any change to the Program schedule. In presenting the document, the Secretariat indicated that substantial progress has been achieved in Phase I sub-projects, mainly on the Service Oriented Architecture (SOA) Office Pilot, the Madrid Portfolio Manager (MPM), the Madrid Electronic Alerts (MEA), the Madrid Real-time Status (MRS) and Pre-translation. With regard to Phase II, an international procurement procedure has been completed with the identification of a suitable implementation partner. The case will be presented to the Contract Review Committee for approval in the following days. It is expected that the implementation partner will start work on project activities in early January 2012. As result of this, Phase II of the IT Modernization Program is now scheduled for completion by end of June 2013.

*The Assembly:*

- (i) *took note of the status of implementation of Phase I of the Program; and*
- (ii) *took note of the revised schedule for the implementation of Phase II of the Program, with an expected completion date of mid 2013.*

### **ITEM 36**

#### **HAGUE SYSTEM**

Discussions were based on documents H/A/30/1 and H/A/30/2.

The Chair opened the meeting and welcomed all the delegations of the Hague Union.



At the invitation of the Chair, the Secretariat gave an update on the latest development of the Hague system, including the new accessions by Finland, Monaco and Rwanda. The Secretariat further informed the Assembly that Liechtenstein, the Netherlands with regard to Aruba, Curaçao, Saint Maarten and the Caribbean part of the Netherlands, Monaco and Tunisia had communicated their consent to the termination of the London (1934) Act of the Hague Agreement since the last session of the Assembly of the Hague Union held in September 2010. The other Contracting States to the London (1934) Act, which had not yet communicated their consent to the termination, were urged to do so.

### **Matters Concerning the Legal Development of the Hague System**

In introducing document H/A/30/1, the Secretariat recalled that the document summarized the main conclusions and recommendations of the *ad hoc* Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs, convened from May 30 to June 1, 2011. In particular, the document submitted to the Assembly, for adoption, the recommendation of the *ad hoc* Working Group that the Assembly establish a Working Group to address the legal development of the Hague system. The document further submitted, for adoption, a proposal to insert a new Rule 21*bis* to the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement, which introduced the possibility for a Contracting Party to make a declaration that a change in ownership had no effect in its territory. Furthermore, the document submitted, for comments by the Assembly, a proposed new Section 407 to the Administrative Instructions for the Application of the Hague Agreement to address the specific features in some jurisdictions concerning the relation with a principal design. The other proposed amendments to the Common Regulations and the Administrative Instructions related to the publication of information on the WIPO web site. In that regard, the Secretariat recalled that the submission of any amendment to the Administrative Instructions, for comments by the Assembly, was deemed to constitute the consultation envisaged under Rule 34(1) of the Common Regulations for the establishment of Administrative Instructions by the Director General of WIPO. Finally, the Secretariat recalled that the *ad hoc* Working Group favorably considered a tighter publication cycle of the *International Designs Bulletin*. The industrial property offices of the members of the Hague Union were invited, by Note C. H 85, dated July 25, 2011, to comment by September 15, 2011, on the target date of January 1, 2012, for the implementation of a weekly publication of the *International Designs Bulletin*. All the replies received by the International Bureau had expressed support for that proposal, and the International Bureau would proceed to a weekly publication of the Bulletin, as of January 1, 2012.

*The Assembly:*

- (i) *adopted the amendments to the Common Regulations with respect to the titles of Chapter 6 and Rule 26, and with respect to Rules 26(2) and (3), 28(2)(c) and (d), and 34(3)(a) and (b), as set out in Annex III to document H/A/30/1, with a date of entry into force of January 1, 2012;*
- (ii) *took note of the proposal to amend Sections 204(a)(i) and (d), 402(b) and 601 of the Administrative Instructions, as set out in Annex V to document H/A/30/1;*
- (iii) *adopted proposed new Rule 21bis, as set out in Annex III to document H/A/30/1, with a date of entry into force of January 1, 2012;*
- (iv) *agreed to establish a Working Group to address the legal development of the Hague system; and*
- (v) *took note of the proposal to add Section 407 in the Administrative Instructions and the consequential*

*amendment of the title of Part Four thereof, as set out in Annex V to document H/A/30/1.*

### **Information Technology Modernization Program (Madrid and Hague International Registration Systems): Progress Report**

Document H/A/30/2 outlined progress on the IT Modernization Program since the last Hague Union Assembly. The document also served to update Hague Union members on any change to the overall approach to the completion of the Program, as well as to notify any change to the Program schedule.

In presenting the document, the Secretariat indicated that substantial progress had been achieved in Phase I sub-projects, mainly in the launch of an electronic interface for renewals, which complemented the electronic filing facility for international applications; in 2011, so far, around 57 per cent of the total number of renewals had been received through the electronic interface. With regard to Phase II, an international procurement procedure had been completed with the identification of a suitable implementation partner. The case would be presented to the Contract Review Committee (CRC) for approval in the following days. It was expected that the implementation partner would start work on project activities in early January 2012. As result of this, Phase II of the IT Modernization Program was now scheduled for completion by end of June 2013.

*The Assembly:*

- (i) took note of the status of implementation of Phase I of the Program; and*
- (ii) took note of the revised schedule for the implementation of Phase II of the Program, with an expected completion date of mid 2013.*

### **ITEM 37**

### **LISBON SYSTEM**

Discussions were based on documents LI/A/27/1 and LI/A/27/2.

In opening the session, the Chair read out a report on the activities of the Working Group on the Development of the Lisbon System (hereinafter referred to as “the Working Group”), received from the Chair of the Working Group, Mr. Mihály Ficsor (Hungary), who was not able to attend the present session of the Lisbon Union Assembly.

The Chair said that, at its twenty-fifth (18<sup>th</sup> Ordinary) session held in Geneva, from September 22 to October 1, 2009, the Assembly of the Lisbon Union had noted that the Working Group had embarked upon a review of the Lisbon system with the aim of introducing improvements that would make the Lisbon system more attractive for States and users, while preserving the principles and objectives of the Lisbon Agreement. Since then, the Working Group had met twice. At its second session, held in Geneva, from August 30 to September 3, 2010, it had discussed in depth the results of a survey on the Lisbon-system which had generated a wide variety of suggestions for changes to the Lisbon system from member States and non-member States alike. As a result, the Working Group had drawn a number of relatively detailed conclusions enabling the International Bureau to submit draft provisions to the third session of the Working Group. In addition, the second session of the Working Group had also considered a study conducted by the International Bureau on the relationship between regional systems for the protection of geographical

indications and the Lisbon system, and the conditions for accession to the Lisbon Agreement by intergovernmental organizations. The third session of the Working Group, held from May 23 to 26, 2011, had dealt with basically two major issues. Firstly, the Working Group had considered a couple of draft amendments to the current Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (Lisbon Regulations). Secondly, it had looked into a set of so-called draft provisions prepared by the International Bureau in accordance with the request of the Working Group. As a result of in-depth discussions, based on a proposal drawn up by the International Bureau, the Working Group had managed to agree on a couple of proposed amendments to the Regulations under the Lisbon Agreement and also agreed that the International Bureau should submit them to the Assembly of the Lisbon Union for adoption at the present session. These amendments, as contained in document LI/A/27/1, related to the optional contents of international applications and to notifications of invalidation. As regards Rule 5(3) of the Lisbon Regulations—specifying particulars that international applications may contain or indicate, in addition to the mandatory contents of international applications provided for in Rule 5(2)—the Working Group had agreed that further optional elements should be allowed. In particular, the application form should allow the country of origin the option to indicate factual information that had permitted the grant of protection in respect of the appellation of origin in question, notably particulars that had helped in ascertaining that definition requirements were met and that the link between the product in question and a precise geographical area had been established. Such factual information would be helpful for competent Authorities of other member States to better understand the merits or legitimacy of the protection granted. Moreover, it would allow the public and possibly affected traders and trademark holders to be informed properly of the particulars on which protection of the appellation of origin in question was based. As regards Rule 16(1) of the Lisbon Regulations – listing the mandatory requirements for the contents of notifications of invalidation – the Working Group had agreed that an additional requirement should be added. As a result of the requirement in Rule 16(1) that a copy of the decision to invalidate the effects of an international registration be contained in the notification of invalidation, the ground on which such a decision was based would only be available in the language of the notifying country. It would serve transparency if the notifying country were required to indicate the ground in the notification, so that the ground would be recorded in the International Register in the three working languages of the Lisbon system. These new procedural rules would serve the interests of users, enhance transparency within the Lisbon system, and thus render it more attractive. In addition to the proposed amendments to the Lisbon Regulations, the third session of the Working Group had also discussed a set of draft provisions, which concerned the following issues: (i) basis for protection and definitions; (ii) filing of international applications; (iii) accession criteria for intergovernmental organizations; (iv) international registration; (v) scope of protection; (vi) prior use; and (vii) procedures in Contracting Parties prior to the issuance of possible refusals and for challenging the refusals issued. With regard to these draft provisions, which left open the question as to the legal instrument by which they might be formalized, the Working Group had been invited to indicate its recommendations both in respect of content and the possible initiation of a process that might result in a revision of the Lisbon Agreement and/or the conclusion of a protocol or a new treaty supplementing the Agreement. Following a discussion about these draft provisions, the Working Group had agreed that the Assembly of the Lisbon Union be requested to take note, at the present session, of the following:

- (i) that the Working Group had made considerable progress on the development of the Lisbon system and that work would continue with a view to further preparing a process that might result in a revision of the Lisbon Agreement and/or the conclusion of a protocol or a new treaty supplementing the Lisbon Agreement;
- (ii) that the Working Group had requested the Secretariat to prepare a draft new instrument containing the draft provisions submitted to its third session, as revised on the basis of comments made in that session, as well as any further draft provisions the inclusion of which would be necessary for making

the draft new instrument as complete as possible;

- (iii) that further meetings of the Working Group would be convened and would be held more frequently, preferably twice a year.

In conclusion, the Chair of the Working Group wholeheartedly recommended the Assembly to adopt both the proposed amendments to the Lisbon Regulations and the mandate for the Working Group to continue its work.

*The Assembly:*

- (i) *adopted the amendments to Rules 5(3) and 16(1), as set out in the Annex to document LI/A/27/1, with effect from January 2012; and*
- (ii) *took note of the considerable progress made, and the planned work ahead, as referred to in paragraph 3 of document LI/A/27/2, in the review of the Lisbon system.*

## **ITEM 38**

### **WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING INTERNET DOMAIN NAMES**

Discussions were based on document WO/GA/40/9.

The Chair introduced Agenda Item 38 on the WIPO Arbitration and Mediation Center (Center), including Internet domain names. The Chair noted that document WO/GA/40/9 provides an update on the activities of the Center as an international resource for time and cost efficient alternatives to court litigation of IP disputes, with the Center acting both as a provider of legal and organizational expertise and as an administrator of cases. The Chair noted that document WO/GA/40/9 includes an update on domain name-related activities as previously reported in document WO/GA/39/10, covering the Center's administration of domain name cases as well as selected policy developments, in particular concerning rights protection mechanisms for the introduction of new generic top level domains (gTLDs), the emergence of internationalized domain names, the contentious issue of possible revision by the Internet Corporation for Assigned Names and Numbers (ICANN) of the Uniform Domain Name Dispute Resolution Policy (UDRP), as well as the status of recommendations made by the Member States in the context of the Second WIPO Internet Domain Name Process. The Chair called upon the Secretariat to present document WO/GA/40/9.

The Secretariat noted that document WO/GA/40/9 provides an outline of the activities of the Center aimed at enhancing its alternative dispute resolution services, particularly for cases administered under the WIPO Arbitration and Mediation Rules. Document WO/GA/40/9 also provides an update on engagements by the Center with various stakeholders aimed at the establishment of specialized alternative dispute resolution procedures adapted to the particular needs of the stakeholders and sectors concerned. The Secretariat noted that document WO/GA/40/9 also provides an update on the Center's domain name-related activities, including case administration under various UDRP-based procedures. This includes updated statistics showing the demand for the Center's case administration services, which in 2010 represented a 28 percent increase from 2009, covering nearly 2,700 disputes under UDRP-based procedures. The Secretariat further noted that document WO/GA/40/9 provides an update on the Secretariat's collaboration with country code top level domain (ccTLD) administrators, in particular noting the Center's assistance to such administrators wishing to adopt registration and dispute resolution procedures in accordance with international standards. The Secretariat noted that the Center now collaborates with 66 ccTLD administrators, and that the relative

importance of ccTLDs continues to grow, as illustrated by the fact that the number of WIPO domain name cases involving ccTLDs has risen from one percent in the year 2000 to 15 percent in 2010. The Secretariat noted that a significant portion of document WO/GA/40/9 is devoted to policy developments in the domain name system (DNS), in particular ICANN's plans for a possibly exponential expansion of the DNS through the introduction of further new gTLDs. The Secretariat noted that it has been monitoring this ICANN process over the past years, as explained in more detail in document WO/GA/40/9. This document explains how ICANN's ultimate determinations as to the mechanics of new gTLD rights protection mechanisms continue to present issues. The Secretariat noted in closing that the agenda of the SCT includes an item on the introduction of new gTLDs which will allow for further briefing to and discussion among Member States on the subject.

*The WIPO General Assembly took note of the contents of document WO/GA/40/9.*

### ITEM 39

#### **COOPERATION UNDER THE AGREED STATEMENTS BY THE DIPLOMATIC CONFERENCE REGARDING THE PATENT LAW TREATY (PLT)**

Discussions were based on document WO/GA/40/10.

The Secretariat introduced the document which described the activities of WIPO that facilitated the filing of communications in electronic form in developing and LDCs and countries in transition, reflecting item 4 of the Agreed Statements by the Diplomatic Conference for the Adoption of the Patent Law Treaty (PLT).

*The WIPO General Assembly took note of the contents of document WO/GA/40/10.*

### ITEM 40

#### **SINGAPORE TREATY (STLT) ASSEMBLY**

Discussions were based on documents STLT/A/3/1 and STLT/A/3/2.

The Chair introduced the documents and recalled that since the last session of the Assembly, three new members had joined the Singapore Treaty on the Law of Trademarks (STLT), namely Croatia, Mongolia and Sweden.

*The Singapore Treaty Assembly:*

- (i) *took note of the contents of document STLT/A/3/1;*
- (ii) *adopted the proposal contained in document STLT/A/3/2 to initiate a review of Model International Form No. 1 and approve the convening of one session of a Working Group to meet back-to-back with the twenty-seventh session of the SCT.*

### ITEM 41

## **ADOPTION OF THE REPORT OF THE SIXTY-FOURTH (23RD EXTRAORDINARY) SESSION OF THE WIPO COORDINATION COMMITTEE**

Discussions were based on document WO/CC/65/3 Rev.

The Chairman introduced the report of the Sixty-Fourth (23rd Extraordinary) Session of the WIPO Coordination Committee.

*The Coordination Committee adopted the report.*

The Director General welcomed the delegations and expressed his appreciation for having the opportunity to address the WIPO Coordination Committee. The Director General made reference to questions and concerns which had been raised since September 2010, regarding staff management relations in the Organization. He acknowledged that clear action was required to improve them. In this respect, reference was made to the series of productive meetings with the Staff Council which had been held over the past few months and which were to continue in the months ahead. The Director General underscored his commitment to further enhancing relations with staff based on continuous dialogue, consultation, and constructive engagement. Reference was made to the importance of the human resource initiatives of the Strategic Realignment Program (SRP) and to the proposals which were being presented for consideration by the WIPO Coordination Committee. These proposals were aimed at producing a modernized framework reflecting WIPO principles of a mutually respectful workplace, conditions for equal work. The Director General concluded his remarks by reiterating his thanks to WIPO staff for their continued dedication, hard work, and professionalism.

The Chair read the following statement on behalf of the Staff Council, which had been transmitted to him through the Secretariat:

“The Staff Council takes note of the positive address made by the Director General and would like to inform the Member States that a constructive dialogue is in progress at WIPO. Further, we note with satisfaction the recent positive decisions taken on staff matters. We remain confident that the Member States will fully support all the ongoing efforts to strengthen the approach of dialogue between the Administration and the staff of WIPO.”

*The WIPO Coordination Committee took note of the statement.*

### **ITEM 42**

## **ANNUAL REPORT ON HUMAN RESOURCES**

Discussions were based on document WO/CC/65/1.

The Secretariat provided an overview of document WO/CC/65/1 “Annual Report on Human Resources”. It was stated that the WIPO Annual Report was the first of its kind for the Organization and consolidated various activities and initiatives which were separately reported on in past sessions. The presentation and substance of the report was expected to evolve in the future. The Secretariat stated that it was striving towards a report that would provide a single point of reference on human resource issues both in terms of activities and statistics. Comments and suggestions on the format and content of the Annual Report were

welcome, including on how the report could be further improved. The objectives of the SRP, introduced by the Director General in 2008, were recalled. The purpose of the SRP was to reorient the Organization in order to make it more efficient and responsive, to equip it to meet its strategic goals, and to provide global leadership on intellectual property issues. The SRP was underpinned by four core values or pillars, namely, “Working as One”, “Accountability for Results”, “Environmental, Social and Governance Responsibility”, and “Service Orientation”. Reference was made to the human resource initiatives of the “Accountability for Results”, in particular, the importance of these initiatives as the building blocks which were needed to modernize the management of human resources while at the same time, provide staff with opportunities for career growth and development, and clarity on their contractual status. The Annual Report itself was organized according to eight main headings:

- I. Revision of the WIPO Staff Regulations and Staff Rules
- II. Status Report on the Voluntary Separation Program (VSP)
- III. Long-Serving Temporary Employees (LSTEs)
- IV. Recruitment
- V. Performance Management and Staff Development System (PMSDS)
- VI. Geographical Representation and Gender Balance of WIPO Staff
- VII. Follow-up to the July 2011 Meeting of the WIPO Coordination Committee
- VIII. Other Staff Matters

A key priority for the Human Resources Management Department (HRMD), the short and medium term was to implement the human resource initiatives of the SRP. The human resource-related initiatives were defined to improve productivity and efficiency, and to ensure due process. The critical importance of providing HR services to the Organization was underscored. The trust and confidence of WIPO staff could only be gained if reform measures were conducted in an open, fair and transparent manner, which at the same time, ensured equity across all sectors and organizational units. In this vein, the Administration was proposing for the consideration of the Coordination Committee a number of measures to improve the management of human resources, staff conditions, and provide the necessary foundation for a successful implementation of the human resource components of the ERP system. Appreciation was expressed to the staff of the Organization, in particular, those who had participated in Boards and Committees, for their flexibility, readiness to learn, high motivation and openness to justified critics.

The Director General responded to the intervention made by the Delegation of the United States of America, which had been supported by the Delegation of Switzerland. The Director General expressed his willingness to change the reclassification procedure. He explained the current reclassification procedure in the Organization, which had been in place for the past three decades, and underscored that reclassifications only took place when the functions of a post had changed. In such instances, a request for reclassification was submitted to the Classification Committee on which an external third party was represented. If the Classification Committee decided on the reclassification of a post, a promotion was given to the incumbent of the post, provided that the incumbent had the required qualifications and was performing his or her duties in a satisfactory manner. The Director General stated that he understood the Delegation of the United States of America to be requesting that, where a post was reclassified to a higher grade by the Classification Committee, a competition should be held to fill that more highly graded post. This proposal would require changes in the Staff Regulations and Staff Rules. The Director General said this question would be studied, best practices at the national and international level would be identified and a proposal would be submitted for the consideration of the next session of the Coordination Committee.

*The WIPO Coordination Committee took note of the information provided in the Annual Report on Human*

*Resources as per:*

*paragraph 26, on VSP “The WIPO Coordination Committee is invited to take note of the Voluntary Separation Program status report.”*

*paragraph 36, on LSTEs “The WIPO Coordination Committee is invited to take note of the information provided on long-serving temporary employees.”*

*paragraph 46, on Recruitments “The WIPO Coordination Committee is invited to take note of the status of recruitments.”*

*paragraph 53, on PMSDS “The WIPO Coordination Committee is invited to take note of the information provided on the Performance Management Staff Development System.”*

*paragraph 60, on Geographical distribution and gender balance of WIPO staff “The WIPO Coordination Committee is invited to take note of the information contained in Annex III on the geographical distribution and gender balance of WIPO staff, and of the gender equality and mainstreaming efforts undertaken by the Organization.”*

*paragraph 74, on the Termination of employment contracts “The WIPO Coordination Committee is invited to note the information provided on the termination of employment contracts.”*

*paragraph 76, on the ICSC report “The WIPO Coordination Committee is invited to note the information contained in the preceding paragraph.”*

*paragraph 78, on the UNJSPF report “The WIPO Coordination Committee is invited to note the information contained in the preceding paragraph.”*

*The WIPO Coordination Committee approved:*

- (i) paragraphs 18 and 20 regarding amendments to the WIPO Staff Regulations, which would come-into-force on January 1, 2012;*
- (ii) paragraph 70 containing housekeeping amendments to the WIPO Staff Regulations; and*
- (iii) paragraph 85 regarding the nomination of Mr. Jan Hjelle as the alternate member of the WIPO Staff Pension Committee.*

## **ITEM 43**

### **APPOINTMENT OF THE DIRECTOR OF THE INTERNAL AUDIT AND OVERSIGHT DIVISION**

Discussions were based on document WO/CC/65/2.

The Chair introduced document WO/CC/65/2 concerning the appointment of the new Director of the Internal Audit and Oversight Division (IAOD). It was recalled that the mandate of the current Director, Mr. Nicholas Treen, expired on January 14, 2012. Reference was made to the unanimous recommendation of the Appointment and Promotion Board which had proposed the appointment of Mr. Thierry Rajaobelina



as the new Director of IAOD.

The Director General highlighted the skills, attributes and experience of Mr. Thierry Rajaobelina and stated that he would be a valued addition to the Organization.

*The WIPO Coordination Committee took note of the information in paragraphs 1 to 8 of document WO/CC/65/2 and provided its favorable advice on the appointment of Mr. Thierry Rajaobelina for a non renewable term of five years.*

#### ITEM 44

### **ADOPTION OF THE GENERAL REPORT AND OF THE INDIVIDUAL REPORTS OF EACH GOVERNING BODY**

Comments by several delegations were noted by the Secretariat for inclusion in the final versions of the reports.

*The General Report was unanimously adopted by the Assemblies of the Member States of WIPO and other governing bodies, each as far as it was concerned, on October 5, 2011.*

*Each of the 20 Assemblies and other governing bodies of the Member States of WIPO, each as far as it was concerned, unanimously adopted the separate report concerning its session, on October 5, 2011.*

#### ITEM 45

### **CLOSING OF THE SESSIONS**

The Director General stated that the Assemblies had been extremely successful for the Organization and that success was due, in the first place and predominantly, to the extremely constructive engagement of all the Member States. He mentioned, as an example of the extent of engagement of Member States, the remarkable participation of delegations at the report adoption session. He observed that, in addition to the presence of many Heads of Offices, a number of Ambassadors were present, and believed that their engagement, in particular in the course of the last 12 months, had helped the Organization move forward constructively. He reiterated the important decisions approved at these Assemblies, notably the ambitious Program and Budget, as noted by the Delegation of Egypt. Recalling the words of the Delegation of South Africa, speaking on behalf of the African Group, the Director General stated that it will require the continuation of enhanced dialogue that had been perceived in the Organization in the course of the last 12 months. He stated that the results achieved in WIPO global IP system would be carefully monitored in the course of the next two years, in order to check whether they were on course, and Member States would be updated accordingly. He applauded the excellent decision taken to convene a diplomatic conference on audiovisual performances, and thanked the Delegations of China, Mexico and Morocco who had offered to host the diplomatic conference. Noting that the IGC had had its mandate renewed on very clear terms, he stressed that a very busy year awaited the IGC, which would also need to report to the Assemblies next year. Considering the other activities that were in store for the Organization in the coming three months, the Director General pointed out that the SCCR will revisit the question of exceptions for visually impaired persons and persons with print disabilities, the question of exceptions and limitations for libraries and the question of broadcasting, the SCT would revisit the work that had been done on the possibility of a design

law treaty, the CDIP will meet in November, the SCP will meet in December, as well as the CWS, thanks to the very positive decision taken in its respect at these Assemblies. The Director General indicated that the next three months and the year to come will be very busy, and he looked forward to the enhanced dialogue continuing amongst the Member States and the Secretariat. Finally, the Director General extended his thanks to the Chair for the extraordinary job he had done over the last 10 days, for the very expeditious and efficient way he had conducted these Assemblies, which had accomplished positive decisions. The Director General also extended his thanks to all WIPO colleagues of the International Bureau involved in the preparation of the Assemblies, as well as to the interpreters for their excellent work for the last 10 days.

The Chair delivered his closing remarks stating that it had been a great honor and pleasure for him, as well as for his Vice Chairs to preside over the 49th sessions of the Assemblies. The Chair noted that Member States had gone through an enormous amount of issues and taken many decisions that will guide the work of WIPO for the coming months and for the year to come. The Program and Budget of the Organization had been approved, a very important decision to launch a new diplomatic conference was taken, the work of one of the committees was unblocked, the mandate of another committee was renewed, ongoing discussions and negotiations on patents, trademarks and copyright were reviewed and overall policy guidelines discussed, including one on the implementation of the DA. In all of these, there was a common thread which was the innovation in a common vehicle progress and the well being for the mankind. The Chair indicated that many housekeeping small issues that featured less prominently, but were the organizational backbone that kept WIPO running and functioning well, were also addressed. He was pleased to note that the Member States had been able to manage all these issues diligently and most importantly within a good atmosphere and spirit of cooperation. He stressed that he was not the only one that had remarked that the important decisions taken within the process, had been exceptionally fluid and most fruitful. The Chair thanked all delegations, and in particular the regional coordinators, for the good spirit and sense of cooperation deployed over the past months, and especially over the past few days. He highlighted that this had made the job of presiding the General Assembly much easier, and expressed profound gratitude to his Vice Chairs and other officers of the Assemblies. Finally, the Chair thanked the Director General for his work over the years as Head of WIPO, and for the 2011 General Assemblies, as well as all the staff of the Secretariat for the excellent preparations both in substance, logistics and organization of the Assemblies. Their efforts and cooperation was the key of the success of the Assemblies. He also extended his gratitude to the Senior Management Team, the Secretary of the Assemblies and the Director of the Assemblies Affairs and Documentation Division, the staff in charge of conference services as well as the interpreters. The Chair indicated that, as Chair of the WIPO General Assembly, his work did not finish here but had just begun. He informed delegations that his doors and those of his Vice Chairs would be always open, that he will continue consultations on all open issues and, if need be, open consultations on all new challenges that might emerge in the future. The Chair concluded by thanking all the delegations for their participation in the Assemblies.

*The Forty-Ninth Series of Meetings of the Assemblies and other Bodies of the Member States of WIPO was closed by the Chair of the WIPO General Assembly.*

