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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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ASSEMBLIES OF THE MEMBER STATES OF WIPO

Fortieth Series of Meetings
Geneva, September 27 to October 5, 2004

GENERAL REPORT

adopted by the Assemblies

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INTRODUCTION

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

- (1) WIPO General Assembly, thirty-first (15th extraordinary) session
- (2) WIPO Conference, twenty-second (6th extraordinary) session
- (3) WIPO Coordination Committee, fifty-second (35th ordinary) session
- (4) Paris Union Assembly, thirty-fifth (19th extraordinary) session
- (5) Paris Union Executive Committee, forty-first (40th ordinary) session
- (6) Berne Union Executive Committee, forty-seventh (35th ordinary) session
- (7) IPC [International Patent Classification] Union Assembly, twenty-second (8th extraordinary) session
- (8) PCT [Patent Cooperation Treaty] Union Assembly, thirty-third (19th extraordinary) session

meeting in Geneva from September 27 to October 5, 2004, where the deliberations took place, and decisions were made in joint meetings of two or more of the said Assemblies and other bodies convened (hereinafter referred to as “the joint meeting(s)” and “the Assemblies of the Member States,” respectively).

2. In addition to this General Report, separate Reports have been drawn up on the sessions of the General Assembly (WO/GA/31/15), WIPO Coordination Committee (WO/CC/52/3), Paris Union Executive Committee (P/EC/41/1), Berne Union Executive Committee (B/EC/47/1), International Patent Classification Union Assembly (IPC/A/22/3) and the PCT Union Assembly (PCT/A/33/7).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of September 24, 2004, is set forth in document A/40/INF/1 Rev.

4. The meetings dealing with the following items of the Agenda (document A/40/1) were presided over by the following Chairs:

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 18, 21 and 22	Ambassador Bernard Kessedjian (France) Chair of the General Assembly, and on October 4, Ms. Ivana Milovanović (Serbia and Montenegro), Acting Chair of the General Assembly
Item 13	Mr. Sanjay Venugopal (Canada) Vice-Chair of the IPC Union Assembly
Item 14	Mrs. Anne Rejnhold Jørgensen (Denmark) Chair of the Paris Union Assembly

Item 15	Dr. Ian Heath (Australia) Chair of the PCT Union Assembly, and on October 4, Ambassador Doru-Romulus Costea (Romania), Acting Chair of the PCT Assembly
Items 17, 19, 20	Mrs. Clemencia Forero Ucros (Colombia) Chair of the WIPO Coordination Committee
Item 21	The Chair (or, in his absence, a Vice-Chair, or, in the absence of the Chair and both Vice-Chairs, an <i>ad hoc</i> Chair) of one of the 8 Governing Bodies concerned, that is for the General Report and the Report of the WIPO General Assembly, Ms. Ivana Milovanović (Serbia and Montenegro), Acting Chair of the General Assembly; the Report of the Paris Union Executive Committee, Mr. Debabrata Saha (India); the Report of the Berne Union Executive Committee, Mr. José Sergio de Calheiros da Gama (Portugal); the Report of the Coordination Committee, Mr. Ahmed Abdel Latif (Egypt); the Report of the IPC Union Assembly, and the Report of the PCT Union Assembly, Ambassador Doru-Romulus Costea (Romania).

5. An index of interventions by Delegations of States and Representatives of intergovernmental organizations and non-governmental organizations mentioned in this report will be reproduced as an Annex to the final version of the present report. The Agenda, as adopted, and the list of participants will appear in documents A/40/1 and A/40/INF/3 respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

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

7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened at a joint meeting of all eight Assemblies and other bodies of the Member States of WIPO by the Chair of the General Assembly, Ambassador Bernard Kessedjian (France), who made the following statement:

“I open this 40th series of meetings of the Assemblies of the Member States of WIPO. I should like to start the present meeting with a few moments of silence in memory of Dr. Arpad Bogsch, who has passed away. Dr. Bogsch left an indelible mark on this Organization when he was Deputy Director General for 10 years, prior to being Director General from 1973 to 1997. We shall now observe a few moments of silence. Thank you.

“I am pleased to see you again alongside the Director General and his staff, for these meetings, which I believe are very important. It is an opportunity to take stock, to sketch out the future and to make decisions. We have to speed up our work, and I hope we can do that in the spirit that has always characterized our Organization, namely friendliness, a sense of responsibility and a search for the collective interest. Intellectual property is not the concern of a few people only, it concerns us all: it is a powerful engine of progress, an element that cannot be dissociated from sustainable development, and its benefits must be equitably shared.

“I should like to highlight a few of the main subjects submitted to us for discussion: first of all we shall have our general debate on Item 4, which is the time to take stock of what has happened. I want us to use that debate to have an in-depth, constructive exchange of views on the financial position of WIPO. We shall not have to take any decisions at this stage; that will be the concern of the PCT Assembly, because we are in the middle of a biennium, but we do need to measure the financial future in order to adopt the proper attitude needed to strengthen and ensure the survival of all WIPO activities without forgetting technical cooperation, which is essential for sharing the benefits of intellectual property. I should like to appeal to each one of you to ensure, during this general debate, that we avoid long statements on general considerations. I want you, as far as possible, to hand in your statements in writing, and they will then be included in our report. That said, if it were possible for each of us to concentrate on essentials, I think we could reduce our statements to something in the nature of three minutes. This is not an order, just a recommendation from the Chair. We have also to take decisions on the draft Patent Law Treaty, on the protection of the rights of broadcasting organizations and on the revised Trademark Law Treaty. I trust that the decisions taken on all those subjects will be the right ones. We are also asked to discuss issues arising for WIPO from the Convention on Biological Diversity as far as the protection of genetic resources is concerned. I trust that we have all measured the importance of this subject, and that the debate will provide the opportunity to give the Intergovernmental Committee new impetus with which to bring us rapidly, if possible before the next General Assembly, proposals for the protection of genetic resources, traditional knowledge and folklore.

“Finally, we are asked to discuss a very interesting proposal which Brazil and Argentina have submitted, although those two countries have the support of many other countries or intergovernmental organizations, for a WIPO development agenda. I should like us to have a thorough discussion on this occasion, in good faith and without any confrontation, because it is the future of WIPO that we are talking about, and I thank most warmly those delegations that have taken the initiative of proposing this debate in the interest of our Organization. On all these and on other subjects, I appeal to all of us to show inventiveness, openness and an awareness of the constraints of time. Time is precious and passing, and we have to reach a consensus on all the subjects before us using the manner of deliberation to which we are accustomed, and highlight the progress that the world expects of us in respect of intellectual property concerns.”

ITEM 2 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE AGENDA

8. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/40/1 Prov.4 (hereinafter referred to in this document and in the documents listed in paragraph 2 above as “ the Consolidated Agenda”).

ITEM 3 OF THE CONSOLIDATED AGENDA:

ELECTION OF THE OFFICERS

9. Discussions were based on document A/40/INF/1 Rev.

10. Following informal consultations among the Group Coordinators, the following officers of the WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee, were elected on September 29, 2004:

for the WIPO Coordination Committee
Chair: Clemencia Forero Ucros (Mrs.) (Colombia)
Vice-Chair: Ahmed Abdel Latif (Egypt)
Vice-Chair: Boris Petrovitch Simonov (Russian Federation)

for the Paris Union Executive Committee
Chair: Debabrata Saha (India)
Vice-Chair: Zigrīds Aumeisters (Latvia)
Vice-Chair: Ion Daniliuc (Republic of Moldova)

for the Berne Union Executive Committee
Chair: José Sergio de Calheiros da Gama (Portugal)
Vice-Chair: Mihály Ficsor (Hungary)
Vice-Chair: MacDonald Mafhanza Netshitenzhe (South Africa)

11. The Delegation of El Salvador, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), congratulated the newly elected officers and requested that in future, the Secretariat should circulate among the Member States, the draft document concerning the election of officers at least two weeks before the meetings of the Assemblies.

12. The list of the officers for the Assemblies and other bodies appears in document A/40/INF/4.

ITEM 4 OF THE CONSOLIDATED AGENDA:

PROGRAM PERFORMANCE REPORT FOR THE 2002-2003 BIENNIUM; PROGRAM
IMPLEMENTATION OVERVIEW: JANUARY 1 TO JUNE 30, 2004

13. Discussions were based on documents A/40/2, A/40/3 and A/40/3 Corr.1, respectively.

14. In taking up the Agenda Item, the Chair stated that he would first pass the floor to the Director General, the Deputy Director Generals and the Assistant Director Generals of the Organization. He further reminded Delegates that there was considerable work to be accomplished during the Assembly meetings, and therefore requested Delegations to limit their general remarks. The Chair also reminded those Delegations which did not wish to take the floor that written statements could be submitted, which would be recorded in the Assembly's report as if they had been given during the meetings.

15. The Director General thanked the Chairman for presiding over the General Assembly of the Organization. He observed that it was his seventh year in office as Director General, the first year in the second term, and reiterated his thanks to Member States for their continued support. The Director General then highlighted a few examples of what had been successfully initiated and achieved collectively, and the impact of this on the current Session of the General Assembly. Regarding administrative matters of the Organization, he noted that a management and oversight mechanism had been established to oversee all financial operations of the Organization. The area of Human Resources Development had significantly been improved and strengthened by the introduction of a Staff Development Unit, a Staff Welfare Section, in-house medical services and an ombudsman. The process of constitutional reform, which had been initiated by Member States, had led to the adoption of the process for abolishing the WIPO Conference and formalizing the changes in the unitary contribution system. The WIPO Policy Advisory Commission and the WIPO Industry Advisory Commission, which had been established as high-level think-tanks for WIPO, had been useful in providing new avenues for the Organization. The Director General further observed that WIPO had emerged as the leading global provider of uniform domain name dispute resolution policy services. As of last May, WIPO had received over 6,500 cases, covering parties from 100 countries in 11 languages. The WIPO Worldwide Academy had continued to make great strides in its program and activities since its inception in 1998, including its distance learning program, which, in 2003, covered almost 8,500 students from 170 countries, in six or seven languages; a 60% increase compared to the previous year. In 2003, the Organization had also successfully implemented 32 Nationally and six Regionally Focussed Action Plans, mainly in favor of developing countries, countries in transition and the least developed countries, and six cooperation agreements had been signed with developing countries. The group of the least developed countries continued to be a major beneficiary of the activities of the Organization. Demands for legal technical assistance had increased by 20% in 2003, and the trend was continuing in 2004. Equally, in 2003, WIPO had prepared 19 draft laws and elaborated 42 comments on legislation, and had provided legal advice of a different form in more than 3,000 cases. The Collection of Laws Project continued to be a very useful tool accessible to the public. This electronic database of IP legislation contained 2,400 legal documents, covering legislation from 70 Member States, regional and international organizations. The Director General further stated that, in his view, the adoption of the new Act of the Hague Agreement and the adoption of the Patent Law Treaty, were excellent examples of progressive development and codification of international intellectual property law, and WIPO should continue to encourage progressive development of IP law. He noted the proposal for a Diplomatic Conference regarding the revised Trademark Law Treaty, and was

confident that the Assemblies would give this agenda item its utmost priority. He also observed that the Madrid and Hague Systems were now operating as highly digitized offices with electronic publication facilities, and emphasized that the simplification of the Patent Cooperation Treaty (PCT) and a revised patent system accessible to all, was a prerequisite for promotion of innovation and inventiveness. Furthermore, the Director General reminded Member States that the PCT was the main source of income of the Organization, and noted that this was not a new development, that it had always been known and established that the PCT System was the main source of income, and not the contributions of Member States. From 1997 to 2003, PCT fees had been reduced by 40%, objectively and correctly, with a very precise vision in mind. The 40% reduction had meant close to 450 million Swiss francs. The readjustment of the PCT fees by 12%, in his view, was therefore not only moderate but more than realistic. In this regard, it was the International Bureau's intention to establish a long-term predictability system in order to monitor PCT income in the future, and this kind of analysis could eventually also be considered by a Working Group in the Organization. The Director General, personally, did not believe that harmonization and development were necessarily mutually exclusive, they were far from being conflicting concepts, because, in his view, norms and development must complement each other. In order to ease tension regarding this very critical field of activity, he noted that Member States might wish to look into further technical assistance programs for certain regions of developing countries, in order to establish consensus, at the grassroots level, complementing the process already established at WIPO. The Director General then informed member States that the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty now had 48 and 44 Contracting States respectively, and he stressed that WIPO would continue to promote these important treaties. The Director General also underlined the importance of the proposal regarding the protection of broadcasting organizations, and expressed his confidence that the Assemblies would look into this proposal with open eyes. He stressed, however, that the important project of audiovisual performances should not be forgotten, although it had been suspended until a consensus could be established at the level of the General Assembly and other related Committees. The Director General then highlighted the critically important area of copyright collective management societies, and observed that, in 2003, WIPO had assisted 42 such societies, and signed a joint agreement with 11 copyright offices and 11 collective management societies in Western Africa. Activities in favor of small and medium-sized enterprises (SMEs) also continued to grow and to be promoted, providing practical solutions for SMEs, and in this regard, a new website and high quality publications had been produced by WIPO. The Director General believed that as regards the critical area of traditional knowledge, genetic resources and protection of folklore, the initial phase had been completed in 2003, with a solid platform for legal development and international policy. He also mentioned that information technology had been one of the most successful areas of investment in the Organization, and that today WIPO websites were receiving 50 million page views yearly. As to the WIPONET Project, it had formally entered its operational phase as of January 1, 2004, with 250 focal points, throughout the world. The Director General furthermore assured Member States that WIPO would continue to be sensitive to other issues of global concern, including the balance between intellectual property rightholders and the public at large, and in this respect, WIPO was in touch and cooperating with several intergovernmental and non-governmental organizations. The Director General thanked Member States for supporting WIPO programs, and thanked the staff of the Organization for their hard work, dedication, loyalty and support. In concluding, the Director General looked forward to constructive discussions, greater cooperation and consolidations; avoidance of forum shopping, confrontation and financial starvation; and readiness to align domestic and global agendas. He also reiterated that intellectual property was foreign to no culture and native to all nations.

16. The Deputy Director General responsible for Copyright and Related Rights, and Industry Relations Sector, noted that it had been an extremely productive year and that it should be kept in mind that the work of the Organization was interconnected, whether it came to standard setting activities, registration services, economic development or outreach activities. Each area was supporting other areas in reaching the common goal of promoting a broader understanding, and use, of an up-to-date, accessible and equitable intellectual property system for the economic and cultural benefit of all nations. She underlined the importance of having a strong system of copyright and related rights, being critical, not only to creators, artists, authors and performers worldwide, but also to millions of consumers enjoying the fruits of their creativity. The Secretariat had worked hard to improve and enhance the copyright system and the use of the system. Such work had included the production of a Guide on the Licensing of Copyright and Related Rights, which had proven to be a valuable tool for users, as had the numerous studies conducted on the value of the copyright industries to the national economies. She also noted that during the Assemblies, the issue of updating the broadcasting treaty would be on the Agenda. Member States had already made significant progress on this discussion which would be continued at the next meeting of the Standing Committee in November 2004. Furthermore, the consultations on the protection of audiovisual performances had continued in a very positive and cooperative spirit, and the Secretariat believed that real progress had been made and would continue to be made in the near future. She noted that another important area of work was public outreach, where WIPO's efforts continued to reach an expanding audience including school children, consumers and policy makers, and invited Member States to sample some of the publications developed and highlighted the increasing cooperation with Member States in this area. She also stressed the importance of reaching out to SMEs, a key economic sector, with publications and newsletters to ensure increased awareness of the full advantages of IP among SMEs. The importance of the promotion of innovation was also underlined, including work with research institutions as part of WIPO's university initiative. Work in these two latter areas had meant significant progress towards the Director General's goal to ensure that all individuals and all nations have the knowledge and tools to transform their innovative and creative resources into economic assets. She also made reference to the Enforcement Advisory Committee, which met for the second time in June 2004, to explore ways to improve enforcement of IPRs. WIPO had also worked closely with Member States in this area, providing education and training for customs and judiciary officials. In closing, she invited Member States to experience true creativity in action, through the exhibition "Creativity by Children - A Chinese Experience", featuring the work of a hundred young people who were asked to express in their paintings what creativity meant to them.

17. The Deputy Director General in charge of External Relations and Cooperation with Certain Countries in Europe and Asia, reported on recent activities in that area. He mentioned first the continuation of cooperation under the agreement between WIPO and the World Trade Organization (WTO), which manifested itself in technical and legal assistance to developing countries in particular, and in that connection he recalled the recent holding of a seminar on Intellectual Property Rights and Technology Transfer. He then spoke of the collaboration of WIPO with a number of UN agencies, notably on the occasion of its participation, at the XIth United Nations Conference on Trade and Development (UNCTAD) in São Paulo, in the innovative work done on cultural industries and development. WIPO had also cooperated, at the request of the World Health Organization (WHO), with the Commission on Intellectual Property Rights, Innovation and Public Health, to promote the development of new drugs against diseases that affected mainly developing countries. The Organization had also taken an active part in the preparation of the second phase of the World Summit of the Information

Society, which was to be held in Tunis in 2005. Together with the United Nations Educational, Scientific and Cultural Organization (UNESCO), it had contributed to the production of the draft Convention on Cultural Diversity. Under the Agreement concluded in 2003 with the Secretariat of the Convention on Biological Diversity and in cooperation with UNCTAD, a study on technology transfer would also be embarked upon. He laid stress on the fact that in all those fields WIPO was contributing to the achievement of the objectives of the millennium, which were objectives shared by the whole United Nations system. He added that WIPO technical assistance to transition-economy countries had continued, notably with a view to helping them strengthen their legislation and administration in the intellectual property field. As Chairman of the Contract Review Committee and of the Building Committee, he mentioned that the latter's approval was necessary for any major contract. The Committee not only saw to the proper observance of the rules, especially those on calls for tenders, but also pronounced on the justification for expenditure and on possible savings. In that capacity he mentioned the reduction of expenditure as being one of the Organization's priorities. On this issue, he noted that WIPO was an exception among international organizations, because Member States' contributions represented a very limited part of WIPO's income. Such contributions amounted to 7% in the 2002-2003 biennium, with 93% of the budget brought in by the services provided by the Organization to users. The PCT alone accounted for 76% of the total income of the Organization. However, WIPO's income was dependent on the market, and subject to market fluctuations. The end of the 1990s saw a substantial period of growth in the PCT system enabling the Organization to introduce a series of PCT fee reductions from 1997 to 2003, totaling 40% reduction in PCT fees. However, that growth trend had recently reversed. After 2001, the rate of growth in PCT applications had slowed down and 2003 even saw a decline in PCT income, which consequently led to a decrease in income for the Organization. The number of PCT applications expected to be received during the biennium 2004-2005 was estimated to be lower by 30,000 than initially expected. Moreover, the pattern of use of the PCT system in 2004 was different than anticipated in the Program and Budget 2004-2005, resulting in a further reduction in income. These two elements resulted in an important PCT income shortfall in the current biennium, in the range of 70 million Swiss francs, which would be offset in the first place through a reduction of expenditures. Through containment of staff costs, scaling down of IT projects, diverse cost-effectiveness measures and rationalization of office accommodations, it would be possible to save up to 5% of the planned biennial budgeted expenditure, approximately 30 million Swiss francs. With the postponement of the new construction, a reduction of around 15% of the 2004-2005 budget could eventually be achieved. As recommended by Member States, WIPO was working to improve, as much as possible, the predictability of its income in the medium and long term, particularly PCT income. If PCT fees were not to be adjusted, based on a prudent forecast of 3% PCT growth *per annum* and a minimum level of expenditures in view of its core objective, WIPO would not be in a sustainable financial situation. In order to be able to maintain the reserve at the target level approved by the Member States, it would be advisable to adjust, moderately upwards, as of 2005, the PCT fees which had been so generously adjusted downwards when the times were more favorable. Failing that, and to avoid disruption of operations, the reserve would need to be depleted in the current biennium to an extent that would not be prudent financial management. After continuous PCT fee reductions over the years, a limited readjustment of 12% upwards was therefore proposed. This 12% readjustment was estimated to improve the Organization's income by 20 million Swiss francs in 2005. With a reduction of 30 million Swiss francs in operational expenditure and postponement of the new construction, this was expected to be enough to limit the deficit to 20 million Swiss francs, which would have to be drawn from the reserves. WIPO could then face the new conjuncture on a safer ground. He went on to give assurances that the new building project approved by the Member States was not the cause of

the Organization's financial difficulties, which were due rather to the slowdown in PCT applications. Nor was it for financial reasons that work on the project had stopped. He explained that the construction contract had been awarded by an independent panel (composed of representatives of Member States) to a consortium of two companies which had unfortunately proved incapable of working together and had failed to meet any of the obligations incumbent on them under the contract (such as the provision of a bank guarantee and the production of a performance bond). After a number of conciliation attempts the Organization had been obliged, with regret, to terminate the contract after the consortium had done no more than the preparatory work of clearing and excavating the land. At the same time the Organization had had to revise its financial projections to allow for the slowdown in the growth of applications under the PCT. The decision was therefore taken not to send out another call for tenders immediately and to suspend all building work until a clearer picture of the financing and possible savings emerged. With regard to financing, rather than rely solely on the Organization's financial reserves as originally envisaged, it was announced that financing by means of a long-term loan would be considered, that being the classical formula used by other international organizations in Geneva for their buildings, and indeed one that WIPO itself had used in the past, namely for the Arpad Bogsch building. The Deputy Director General added that the architect had been asked to revise the project with a view to lessening its cost without sacrificing its working-place capacity. He stated that, by postponing the construction of the conference room and adopting more economical standards than originally envisaged for the administrative building, very substantial savings could be achieved. He announced that studies were already being made, and that the full results would be submitted to the Member States in due course so that a new call for tenders could be sent out in the spring of 2005 to serve as the basis for restarting the work before the end of 2005. He went on to say that in view of the improved productivity achieved by the PCT, no overall increase in WIPO staff strength was planned for the next ten years. The new building would therefore allow all WIPO staff to be accommodated in buildings owned by the Organization, and would not only combine a great many advantages in terms of improved work efficiency but also, and above all, make considerable savings possible in terms of rent, building maintenance and security costs because, until very recently, staff were scattered among nine different locations, some of them quite remote. Since the installation of the PCT in the renovated former World Meteorological Organization (WMO) building, it had been possible to vacate a number of rented buildings; the prestigious but costly Chambésy building would itself soon be vacated. The ambitious plan to group all WIPO staff would thereby be realized in a reasonable fashion, in spite of the less-than-favorable conjuncture.

18. The Deputy Director General responsible for PCT and Patents, Arbitration and Mediation Center, and Global IP Issues, started by reporting briefly on the WIPO Arbitration and Mediation Center. The demand for the Center's services continued to be very strong. In the last four years, more than 6,500 disputes in the generic top-level domains had been dealt with, as well as over 22,000 disputes in domain names, with the average rate of case filing amounting to 4.2 cases per day. Another highlight was the provision of resolution services for 43 country code top level domains, with Switzerland and France being the latest additions to that list. The issue of progress within ICANN of the recommendations made by the WIPO Assemblies with respect to the protection of the names and acronyms of intergovernmental organizations and country names, was presented in a document before the Assemblies. He also noted that the Center was starting to receive conventional IP disputes. At present, the Center had 27 mediations ranging in value up to 600 million US dollars and 18 arbitrations ranging in value up to 135 million US dollars. The statistics in this regard were available on the Center's website. Regarding traditional knowledge and associated questions, he stated that following the decision of the Assemblies in 2003, the sixth session of the IGC had been

held in March, and the seventh session was due in November 2004. The majority of documents for that meeting was already available. The WIPO Assemblies were called upon to decide the modalities of response to the invitation from the Convention on Biological Diversity. Regarding patents and the PCT, he stated that international applications filed in the Receiving Offices around the world showed an increase of 4.1%. Those applications then would have to be transmitted to WIPO with certain inevitable delays, but WIPO expected an overall increase of around 5% in applications received at WIPO this year, for a total of approximately 116,000 to 118,000 international applications. Concerning the deployment of IT within the office of the PCT, he noted that a document before the Assemblies (PCT/A/33/3) dealt with progress made in this area. On the part of Member States, a vastly increased use of the facility for electronic communication of notifications and documents within the PCT system could be observed. Electronic filing was also under way within the PCT. There were now eight countries or Receiving Offices offering this facility, one of those being the WIPO Receiving Office, and, for example in Japan, over 50% of the PCT applications were received in electronic form. Also, an electronic dossier had successfully been deployed in all of the PCT processing teams, and although full functionality in that dossier was not yet available, it would be progressively added over the course of the next 12 months. He also highlighted that PCT applications were published in fully searchable form, and that at present, all applications published since 1996 were available in such form. By early next year, over one million search documents would be available as a very important source of technology in fully searchable form on the PCT website. Finally, he drew Delegates' attention to the new format of statistical reporting with a very comprehensive monthly report made available on the website, and also available free for subscription. This reporting was giving a much better insight into the operations of the PCT and the International Patent system, and the PCT hoped to add further functionality to that statistics report in the course of the coming year so as to give much better information about the International Patent system.

19. The Deputy Director General responsible for the Economic Development Sector, stated that in the past biennium some 440 events and activities had taken place, reaching out directly to an audience of 34,000 women and men, as part of WIPO's work for developing countries. These activities were part of the promotion of an IP culture throughout the different levels and sectors of society. He highlighted the basic principles and practices guiding the Organization's work in support of the aspirations and needs of developing countries. Firstly, WIPO had a dedicated team, the Economic Development Sector, working exclusively for developing countries, supported in its work across the Secretariat by many other WIPO sectors. Secondly, the work of WIPO was demand-driven, meaning that no activities were carried out without prior consultations and the full agreement of the country or group of countries concerned. Compliance with this very important principle ensured, thirdly, that the ownership of results belonged to developing countries themselves and that the work was relevant and of practical applicability on the ground. Because of the experience that developing countries had gained in putting into force their international treaty obligations, including the TRIPS agreement, their expectations and demands had also changed. Therefore, besides dealing with the authorities traditionally in charge of intellectual property administration in developing countries, WIPO was also working with a wide range of other actors and stakeholders within each government as well as with the creative, innovative and business communities. Fourthly, this wide scope of interested parties meant that WIPO also had to rely on the expertise of international bodies within and outside the UN system, as well as the non-governmental sector, in order that the full range of support could be effectively provided. Lately, there had been a tremendous upsurge of interest in making sure that, given the basic legislative and administrative infrastructure that now existed in developing

countries, the gains from the existence of such an infrastructure should become apparent and should have direct benefit for the economy. To this end, the Economic Development Sector had been developing, together with other sectors of the Secretariat, a range of practical tools to assist diverse sectors within developing countries to realize and use the intellectual property system. Fifthly, the emphasis for most developing countries today was on the economic development aspects, but did not exclude, however, other concerns. He also noted that WIPO was in very close contact with developing countries concerning their social and cultural development objectives. To this end, activities had to make sure that in promoting the use of the IP system for economic ends, the work should be integrated into national cultural policies and objectives, and the special concerns of the public were taken into account. More particularly, WIPO was facilitating and promoting an open dialogue in developing countries on such public policy issues, referred to as flexibilities available to developing countries under a number of international treaties. In this context, the Secretariat was very much looking forward to the next meeting in 2005, of the Permanent Committee on Cooperation for Development related to Intellectual Property, being the WIPO body wholly dedicated to examining and reviewing the work carried out for developing countries and providing advice to the WIPO Secretariat on how best to meet the objectives and expectations of Member States.

20. The Assistant Director General, Sector of Marks, Industrial Designs and Geographical Indications, reported on certain recent activities. On the subject of the Madrid System for the International Registration of Marks, he highlighted three events. First, the expansion of the geographical coverage of the Madrid Agreement, secondly the addition of a new working language, namely Spanish, and thirdly, an increase in registration activity following two years of relative stagnation. Since November of the previous year, when the accession of the United States of America, announced at the previous Assemblies, had become effective, six other States had acceded to the Madrid Protocol. In July 2004 the European Community had deposited its instrument of accession to the Protocol with effect from October 1. With the accession of the European Community, a link had been created between the international trademark system and the regional Community system. That link would enable the owners of marks from member States to take advantage of combined use of both systems. The two accessions brought the membership of the Madrid system to 77, including States which together represented more than half of the world's population. Spanish had become a working language of the Madrid Protocol on April 1, 2004. In the first eight months of the current year the number of trademark registrations and renewals entered in the International Register had grown by something more than 7%. Present forecasts indicated that by the end of the year the overall figure for registrations and renewals mentioned in the Program and Budget document approved by the Assemblies in 2003 would be reached. At the end of August 2004 the International Trademark Registry had more than 420,000 registrations in force, equivalent to some five million national registrations. Those international registrations were in the hands of more than 138,000 different owners, the majority small and medium-sized enterprises focused on export. Information technology played a fundamental role in the administration of the Madrid system; the internal procedures of the International Bureau were totally computerized and completely paperless. Recent efforts had been directed towards expanding electronic communications between the International Bureau and the offices of contracting parties. There were already 30 offices that regularly received WIPO notifications electronically, while four sent WIPO their international applications and other communications by that route. With regard to the Hague system for the international registration of industrial designs, he mentioned the entry into force of the 1999 Geneva Act. That new Act, with its flexibility and compatibility with various national and regional design protection systems, opened up interesting prospects for an expansion of the international

system. The Geneva Act had been in operation since April 1, 2004, and to date 15 States had acceded to it. The Hague system as a whole currently had a membership of 39 States. Since the beginning of 2004 WIPO had intensified its work of publicizing the international registration systems for trademarks and designs and the opportunities that they offered from the point of view of promoting trade development and increasing exports. In that respect a number of dissemination and training activities had been conducted in collaboration with interested governments, and the range of information products available to the public online had been enlarged. In the treaty-law field, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) had been working hard on the revision of the Trademark Law Treaty. In the light of the progress made at the session held in April 2004, the Standing Committee had decided to recommend to the WIPO General Assembly that it approve the convening of a Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty in the course of the first half of 2006. That recommendation would be put before the General Assembly for consideration when it dealt with Item 8 of the agenda of the present session.

21. The Delegations and Representatives of the following 102 States, eight intergovernmental organizations and five non-governmental organization made statements concerning Agenda Item 4: Algeria, Antigua and Barbuda, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Benin, Brazil, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liberia, Malawi, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Senegal, Serbia and Montenegro, Seychelles, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Zambia, African Intellectual Property Organization (OAPI), African Regional Industrial Property Organization (ARIPO), African Union (AU), Commission of the European Communities (CEC), Eurasian Patent Organization (EAPO), European Patent Organisation (EPO), Latin American Technological Information Network (RITLA), *Organisation internationale de la Francophonie (OIF)*, International Association for the Protection of Intellectual Property (AIPPI), European Broadcasting Union (EBU), International Federation of Reproduction Rights Organizations (IFRRO), *Médecins Sans Frontières (MSF)*, World Association for Small & Medium Enterprises (WASME).

22. The Delegation of Egypt, speaking on behalf of the African Group, thanked the Secretariat and the Director General for the excellent organization of the Assemblies meeting. The Delegation also expressed their condolences for the death of Dr. Arpad Bogsch, the former Director General of WIPO and noted that Dr. Bogsch was closely associated with the creation of WIPO, and was a very close friend of the African continent. Those condolences were extended to the entire WIPO family and to the family of Dr. Bogsch. The Delegation noted that since the last Assemblies meeting, many of WIPO's activities of particular priority to the African Group had been pursued in an energetic way. In that regard, WIPO had continued its valuable assistance to developing countries in respect to the modernization of their IP infrastructure. The WIPONET project had, during the current year, entered its

implementation phase, which would thus enable many IP Offices in developing countries to make better use of information technology in their respective areas of work. The WIPO Worldwide Academy (WWA) had continued to expand its activities, which contribute to capacity building and the training of human resources. The success of WWA's long distance learning program reflected the eagerness of people to learn more about intellectual property, particularly in developing countries. The activities of WIPO in the field of genetic resources, traditional knowledge and folklore had received a new incentive at the last meeting of the Intergovernmental Committee held in March 2004, as the Committee embarked on a more result-oriented phase that the Delegation hoped would move beyond technical discussion and the exchange of views, to norm setting. The Delegation emphasized the importance the African Group attached to WIPO having a solid, stable financial base which would allow the Organization to pursue its activities in accordance with the highest standards, particularly in the field of cooperation for development, as the needs of developing countries and LDCs, in terms of technical assistance and capacity building, were ever expanding. The Delegation pointed out that, when examining developments at WIPO during the past year, it was necessary to be attentive to developments outside the Organization which had a bearing on the Organization's work, such as for example, the World Summit on the Information Society whose first phase was held in Geneva during December 2003. The Declaration of Principles adopted at that Summit placed a particular emphasis on promoting access to information and on the dissemination of knowledge in the information society. Thus, the Delegation believed that intellectual property in the digital environment should be implemented in a manner to be fully supportive on that goal. The Delegation also referenced the UNCTAD XI Conference held in Brazil during June 2004. The Sao Paulo Consensus coined the important notion of "policy space" for developing countries in the current international economic environment. That Consensus stated that "it was particularly important for developing countries, bearing in mind development goals and objectives, that all countries take into account the need for appropriate balance between national policy space and international disciplines and commitments." The Delegation stressed that the increasing demands from the international community and civil society for an intellectual property system which was more responsive to public policy concerns and which was unequivocally supportive of important public policy objectives, such as the protection of public health, biodiversity and promoting access to knowledge, could not be ignored. That notion called for a clear repudiation of a "one size fits all approach" to intellectual property protection, and for the recognition of the need for balanced IP norms that were formulated and implemented on the basis of a clear understanding of the eventual benefits, but also of the possible costs, taking into consideration the level of development between countries and the specific socio-economic conditions of those countries. The Delegation underscored that technical assistance must be more than ever fully geared towards not only building the IP infrastructure of developing countries, but also towards assisting developing countries in making full use of the flexibilities available to them under intellectual property agreements in order to pursue public policy objectives and in particular, the flexibilities relating to public health as reaffirmed in the Doha Declaration on TRIPS and Public Health. The Organization should also be attentive to the increasing role of collaborative projects and open access models in the promotion of creativity and innovation. The Delegation pointed out that as of 2004, ten years had passed since the conclusion of the TRIPS Agreement, and that next year, the United Nations would review the implementation of the UN Millennium Development Goals; as such, it was currently a time for critical assessment and thinking in terms of examining the relationship between intellectual property and development, and to acknowledge that the further development of intellectual property was not suitable if it did not fully integrate the development dimension and address public policy concerns. The Delegation expressed its hope that further progress would be made towards that realization, which would, in its opinion, contribute to increasing public

confidence in the IP system and in its important role in economic, social and cultural development.

23. On behalf of the Group of Latin American and Caribbean Countries (GRULAC), the Delegation of El Salvador thanked the Secretariat for the reports received in reference documents A/40/2 and A/40/3 which had provided a complete overview of the activities conducted by the Organization during the 2002-2003 biennium and also in the period from January to June 2004. The Delegation stated that GRULAC attached particular importance to the incorporation of the development dimension in all WIPO's activities. Similarly, it expressed its concern at the budgetary situation which the Organization was facing. In that regard, it was essential to improve, in qualitative terms, cooperation for development in order to guarantee the resources agreed in the Program and Budget for the current biennium and to adopt measures necessary for those purposes, including the reallocation of funds between programs, where necessary. In addition, it emphasized that the role played by the Secretariat and, in particular, the extent to which Member States were represented, continued to be a source of considerable concern to GRULAC. The Group continued to be under-represented in terms of posts within the Organization and still was not achieving an appropriate level of representation and equitable geographical representation. It therefore reiterated its expectation concerning the conduct of specific measures to deal with the request to make the most of the proven human and professional capabilities of the representatives of the Latin American and Caribbean region, in terms of the appointment of high-level professionals working in the areas of substantive law. In its appraisal of the projects and tasks undertaken during the 2002-2003 biennium, as well as during the first half of 2004, the Group considered that the results achieved were of great value. It also considered that in the Organization's future work the main aim should be to guarantee an intellectual property system which functioned effectively as an instrument for the economic, social and cultural development of nations.

24. The Delegation of Canada, speaking on behalf of Group B, thanked the Director General and his colleagues in the WIPO Secretariat for their hard work and diligence in preparing for this year's Assemblies meeting; in its view, the professionalism of the WIPO Secretariat was too little mentioned, but it should never be forgotten. The Delegation also expressed Group B's sadness to learn of the recent passing away of Dr. Arpad Bogsch. Dr. Bogsch devoted his professional career to building this Organization to what it was today, and for that they would always remember him. The Delegation emphasized that Group B believed WIPO was an important international institution, and that Group B members took a strong interest in the health of WIPO's core programs, particularly registrations through the Patent Cooperation Treaty, the Hague Union, the Madrid Union, and mediation and arbitration services. However, Group B's interest in WIPO and intellectual property was much broader than that. As the Secretariat's Program Performance Report for the current year noted, there was a "growing recognition of the importance of intellectual property rights in an era in which economic growth was increasingly driven by knowledge and information." Clearly, intellectual property was influencing trends in technology and economics across the globe. Group B members believed that WIPO's work should help to support the multilateral development of intellectual property, not as an end in itself, but as a means to help achieve the economic, social and cultural well-being of individuals and societies across the planet. In that light, Group B members were pleased to see paragraph 6 of the Secretariat's Performance Report emphasize that "WIPO's strategic goals should also be viewed in the larger context of the UN Millennium Declaration adopted by the UN General Assembly in September 2000, placing the eight Millennium Development Goals at the heart of the global agenda." This was

consistent with the 1974 Agreement between WIPO and the United Nations, which notes in Article 1 that WIPO is responsible for “promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development.” The Delegation noted that expressing support for those important objectives was easy--deciding how to achieve them was more difficult. It thus asked: what can WIPO do to achieve our collective goals? In Group B's view, the overarching strategic goals already set out by WIPO were the right ones. WIPO should continue to exploit its core competencies to build a better understanding of intellectual property, to develop the IP system, and to enhance the efficiency of the Secretariat and the services it provided. These were all areas in which WIPO must be successful if the Organization was to play a strong supporting role in the United Nations system toward the internationally agreed development goals, including those contained in the UN Millennium Declaration. The Delegation observed that WIPO had much work to do to achieve the strategic goals Member States had set for it, but as indicated in the Program Performance report, the Program Implementation Overview for the first half of 2004, and the agenda for the current Assemblies meeting, those were areas in which the Organization was already active, influential and successful. Some particular examples included the following. Despite considerable uncertainty in the global economy, new patent applications under the PCT system were growing and the system continued to be a success. As mentioned earlier in the meeting, by early 2005, WIPO would have available online, in fully searchable form, the full file of over one million PCT applications. This would provide individuals around the world with unprecedented access to a wealth of technological information. WIPO Member States had an important opportunity during this Assemblies meeting, after too many years of delay, to help move WIPO's Patent Agenda forward. The common aims were to improve patent quality, to reduce duplication of work by patent offices, and to establish more consistent examination standards among WIPO Member States. An internationally recognized definition of prior art should also address some concerns regarding the protection of traditional knowledge. In that light, Group B strongly urged the General Assembly to set the patent discussions back on track by approving the proposal by the US and Japan to establish a more manageable yet sufficiently comprehensive new work plan for the Standing Committee on the Law of Patents. Beyond patent issues, the Delegation underscored that WIPO was making good progress in other areas of IP. For example, the Madrid system for the International Registration of Marks was increasingly relevant, as demonstrated by the recent accession of Japan, the United States and soon the European Communities. Group B delegations were also optimistic that the WIPO General Assemblies would be in a position to enable the convening of future diplomatic conferences on the protection of broadcasting organizations, and on the adoption of a revised Trademark Law Treaty. The Advisory Committee on Enforcement continued to make progress toward improved understanding of the value and benefits of IP rights enforcement. The Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore was making progress under its enhanced mandate, and the WIPO Secretariat would imminently circulate draft policy objectives and core principles on the protection of traditional cultural expressions and traditional knowledge. WIPO Committees and bodies were making greater efforts to involve and consult non-governmental organizations. For example, the Delegation noted that almost 100 NGOs were now accredited to the IGC. WIPO continued to offer developing countries advice and tools for optimizing the impact of IP on national economies--in particular, to integrate IP into development policies and practices, to exploit IP assets, to leverage comparative advantages regarding innovation and creativity, and to address broader public policy objectives. Finally, the Secretariat's 2004 Program Implementation Overview set out WIPO's considerable efforts to support the overarching goals of the UN system, by coordinating its work with other UN institutions, including UNESCO, UNCTAD, FAO, and

ITU and its work on the World Summit on the Information Society. Each of these agencies had an important role to play in supporting the internationally agreed development goals, including those contained in the UN Millennium Declaration, and WIPO and its Member States had made considerable efforts to ensure that the work done in the Organization did not duplicate or contradict the work in the other specialized UN agencies. Clearly, in these and many other respects, WIPO was a successful organization supporting the collective goals of all UN Members. Group B commended the Director General and the Secretariat for their leadership and achievements, and thanked the other Member States of WIPO for their cooperation in helping to achieve these mutual objectives. The Delegation noted that many difficulties lie ahead, currently and over the coming months and years. The work of WIPO was facing new and unprecedented challenges from its Member States, from patent offices, from IP rightholders, from civil society and from academia. Moving forward on WIPO's Patent Agenda and the Digital Agenda would not be easy. Striking a fair and appropriate balance, ensuring that IP supported economic and social development and guaranteeing that WIPO served the interests of all its Member States, would be a difficult and delicate job, particularly with the added pressures of financial restraint. The Delegation asserted that no Group B statement on WIPO's program performance and implementation would be complete without some comments on WIPO's general financial situation. Group B and its nationals took a particularly keen interest in the efficient and strategic management of WIPO's program and budget. There were serious concerns within Group B about WIPO's general financial situation, including with respect to the new construction project. Budgetary restraint was a challenge WIPO had not had to face in any serious way for some years now. But the efficient allocation of scarce resources was a major challenge for WIPO and its Member States, and there were some very difficult decisions to make about WIPO's future priorities. During this Assemblies meeting, Member States were being asked to decide on a proposal to increase the fees for PCT registrations. The Delegation stressed that within Group B, there remained strong reservations, as well as strong opposition, to that proposal due to insufficient information and justification to warrant its approval. On construction issues, Group B members looked forward to further information on possible cost saving measures regarding the construction of the new building, and to the Secretariat's close consultation with members on how to move forward with this project in a financially prudent manner. Finally, Group B looked forward to the deliberations next year on the program and budget for the next biennium. In Group B's view, the work which would begin in early 2005 would provide all WIPO's Member States with a strategic opportunity to review the spending priorities of the Organization, and to achieve further efficiencies and cost savings in WIPO's program delivery. If WIPO was to remain a healthy, viable and successful multilateral institution, it was absolutely imperative that Member States and the Secretariat work to ensure WIPO's budgetary house was in order, and that this Organization's goals and objectives continued to serve the interests of all.

25. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, expressed its sincere condolences on the passing away of Dr. Arpad Bogsch who guided the Organization in its initial formative years. The Delegation further stated that during the period under review, WIPO had successfully carried out many new initiatives including new approaches to planning and administering WIPO activities. While it was important to build on the achievements of past programs and activities, WIPO should continue to focus on: raising awareness of the relevance of IP and the need for its full integration into economic, social and cultural development policies of developing countries; ensuring that the institutional capacity to address IP issues was further strengthened, primarily through widening WIPO's partnerships in IP administrations and making optimal use of IT whenever possible; systematically empowering national groups concerned with IP issues, including the private

sector, particularly SMEs, the legal community, research institutions and academia, to acquire greater understanding of the issues involved; clearly demonstrating the positive links between IP and areas such as innovation, transfer of technology, competitiveness and investment promotion, and identifying the mechanisms which would strengthen such links; enhancing the ability of developing countries and LDCs to appreciate the IP aspects and emerging issues such as traditional knowledge and folklore, biotechnology, biodiversity and e-commerce; and, incorporating the development dimension into all areas of WIPO's work. The Delegation further noted that while IP protection was an important instrument to further the cause of economic and social development, it needed to be used carefully as IP protection involved substantial costs. In formulating its IP policy each country needed to have sufficient flexibility so as to ensure that the cost of IP protection did not outweigh the benefit. Therefore, WIPO's programs should ensure an equitable balance between the development dimension, societal interests and the interests of all stakeholders, and should continue to build on creating awareness as well as providing tangible deliverables to developing countries commensurate with their level of development and in harmony with their development goals. Also, each country's capacity building needs should be assessed individually, and programs should be tailor made so as to address national concerns effectively. WIPO should continue the development of balanced international IP laws which were responsive to emerging needs, effective in encouraging innovation and creation and sufficiently flexible to accommodate national policy objectives. WIPO should also continue to consult closely with developing countries, and the Delegation stressed the need for further strengthening WIPO's training programs and assistance in modernization of IP administration. Programs should be demand-driven with a view to advancing the economic well-being of developing countries. The Delegation also stressed the importance of protecting and preserving traditional knowledge, traditional cultural expressions and sharing the benefits of genetic resources through the effective use of appropriate systems, including the IP system. There was, therefore, an urgent need for further legal and technical assistance from WIPO for the establishment, strengthening and effective implementation of existing systems and measures for the legal protection in these areas at the international level. In this regard, the Delegation stated that the Asian Group considered the continuation of the work of the IGC to be of utmost importance and stressed the need for the IGC to achieve concrete results, including, in particular, the emergence of a legally binding international instrument on Traditional Knowledge, Genetic Resources and Folklore.

26. The Delegation of the Netherlands, speaking on behalf of the European Community and its 25 Member States, noted that WIPO had reached its current pre-eminence through careful development and nurturing of the world's IP system, and in this regard the EU and its Member States paid a warm tribute to the memory of Dr. Arpad Bogsch, who had provided firm guidance to the Organization over many years. The Delegation expressed its sincere condolences on his recent passing away. The Delegation continued by noting that the EU highly valued the mandate of WIPO, and was fully aware of its importance to the EU and economies world wide, and therefore had a keen interest in the adequate functioning and financial well-being of the Organization. The Delegation expressed a strong interest in the health of WIPO's core programs, particularly registration activities such as the PCT, the Hague Union, the Madrid Union and Mediation and Arbitration services. The Delegation hoped that the Assemblies would bring progress in these major areas as well as enabling the convening of a diplomatic conference on the adoption of a revised trademark law treaty in the first half of 2006. The Delegation also announced that the adherence of the European Community to the Madrid Union was on the point of becoming effective, and noted that this was an important moment for the international trademark system and for the EU, this being the first WIPO treaty to which the EU was adhering. The EU endorsed the proposal by the

USA and Japan in document WO/GA/31/10 to limit the work of the Standing Committee on The Law of Patents, with regard to the substantive patent law treaty, to an initial package of priority items. The Delegation also noted that the EU was committed to pursue work on the disclosure of source in patent applications and it therefore reaffirmed its commitment to present a specific proposal on this issue to the IGC. Such issues should be addressed together with those that concern developing countries in order to reach a complete, balanced and viable reform package. The Delegation further stressed, and made a second intervention in this respect, that the European Community and its 25 Member States had serious concern about WIPO's current financial situation and noted the proposal made by the Secretariat to increase the PCT fees. The Delegation also underlined the European Community's and its Member States' keen interest in the adequate functioning and financial well-being of WIPO, and it was therefore willing to engage constructively with other Member States and the IB to find effective solutions, because swift action was required. Nevertheless, the Delegation stated that it could only consider the submitted proposal if all relevant data and information, both in the short and longer term perspective, were available, as a basis for a reasonable, well founded and justified decision making. It also stressed that strong arguments were required to provide justification for an increase in PCT fees defensible to end-users. More specifically, the Delegation stressed the need for complete clarity and transparency on the financial situation as well as a better insight into the internal workings of the Organization and the cost-cutting measures that could be envisaged. A better insight was also needed regarding the potential impact of further reductions of the operational costs in 2004-2005 on staffing levels and WIPO activities. The Delegation believed that more savings might be feasible by reducing staff levels without adversely affecting WIPO activities, including its income generating capacity. As far as the longer term was concerned, the Delegation wished to explore possibilities to improve the accuracy of income projections from PCT and other fees, and noted that the financial management system of WIPO eventually needed to be reviewed, including whether WIPO had sufficient flexibility to adjust budgets and staffing levels to changes in income projections. The need for a new construction of office space should also be re-assessed in the light of the current financial situation. The Delegation reiterated that the submitted proposal was not yet ripe for action, and that the European Community and its Member States therefore could only participate in carrying the work forward on this important question on the basis of complete transparency and a set of alternative, comprehensive options, including further operational cost reductions in the short and longer term. A sound financial situation was also important for the implementation of WIPO's development related activities, the scope of which had continuously been extended. The EU supported the existing policy and mechanisms and believed that WIPO did contribute in a meaningful way to the achievement of the Millennium Development Goals. The Delegation noted the proposal submitted by Argentina and Brazil for the establishment of a development agenda. The EU wished to engage in a constructive discussion on this issue within the competent WIPO bodies.

27. The Delegation of China, highlighted achievements by China in the field of IP in the past 12 months. In 2003, China received a total of 308,000 applications for the three categories of patents namely inventions, utility models and industrial designs; more than a 22.1% increase over the previous year. More than 105,000 applications had been received for inventions, representing an increase of about 31.2% over the same period. A total of 182,000 patents for the three categories had been granted, representing a 37.6% increase, of which 37,000 were invention patents, representing a 73% increase over the previous year. The Delegation also noted that as of March 12, 2004, China had started to accept electronic filing of patent applications. In 2003, China had received a total of 452,000 trademarks and service marks applications; a 21.6% increase over the year 2002, and some 242,000 marks had been

approved and registered. Also, legislative processes of establishing supplementary regulations and rules China's copyright law, including regulations on collective management societies, would be promulgated before the end of 2004, while regulations on the protection of rights of communication through information networks was included in the legislative agenda for 2005. The Delegation noted the high priority attached to IP by the Chinese government, and stated that in 2003, some 1,517 patent infringement cases had been received, among which 1,237 had been settled. Also, some 1,873 cases of passing-off patents and 164 cases of counterfeited patents had been investigated and dealt with. In the field of trademarks, 37,489 cases had been investigated, resulting in 85,750,000 illegal marks being confiscated or eliminated. In the field of copyright, 23,013 cases had been received of which 22,429 had been settled. In order to further reinforce IP protection in China, a national steering group of IP protection had been established in May 2004. The Delegation further expressed its appreciation for WIPO's efforts in the field of IP in the past year, and noted that adequate attention should be given to development issues while adjusting and developing the international IP system. The level of IP protection should be aligned with Member States' level of productivity and specific development needs. A proper balance should be struck between enforcing the rights of right holders and safeguarding public interest, and the objective of encouraging the protection of technological innovations should be integrated with that of promoting the transfer of technology. Finally, the Delegation was confident that through WIPO and its Member States' joint efforts, an international IP system would be established which takes into account the interest of both right holders and the public, as well as the specific needs of countries being at different stages of development. Towards that end, China would continue to strengthen its cooperation with WIPO and other Member States. Regarding the Hong Kong Special Administrative Region (Hong Kong, SAR), the Delegation highlighted the organization of the WIPO Regional Symposium on Copyright in Libraries and Educational Institutions in the Digital Era, in Hong Kong, in March 2004. The Symposium was attended by 250 participants, including representatives from governments and educational institutions as well as copyright experts from the Asia Pacific region. The Symposium helped to promote understanding on copyright issues relevant to educational institutions and libraries in the digital era and the impact of the Internet on the protection of copyright, and provided a useful basis for policy makers to consider future developments in this area of law. Nevertheless, the Symposium also revealed a gap between copyright rights owners and academic users of copyright works in digital form. The Delegation believed that WIPO would be vital in resolving outstanding issues in this area in the future. Finally, the Delegation paid tribute to Dr. Arpad Bogsch and renewed its commitment to continue to work with WIPO and its Member States to ensure that all nations would be able to use the IP system for economic growth and cultural development.

28. The Delegation of Serbia and Montenegro, speaking on behalf of the Central European and Baltic States, noted that eight out of the 15 countries of the region had joined the EU and another three countries were considered as candidates. However, in spite of the new political structure, specific problems, needs and interests in the area of IPRs remained the basis for common action. The Delegation believed that WIPO, as the leading UN agency in the area of IP, had gained a new dynamism in promoting the key role of IP in economic growth, and commended WIPO's norm setting activities and the substantive discussions taking place in WIPO committees. However, the importance of these issues clearly asked for more actors to be involved and new partnerships to be promoted. The Delegation mentioned that in the Central European and Baltic States, new substantive cooperation between WIPO and other Organizations was gaining in significance, such as the cooperation between WIPO and the EU in the framework of TAIEX, PHARE and CARDS programs. Such programs were good examples of how financial and human resources could be rationalized, and different

experiences and views included in programs to reach common goals. The Delegation noted that WIPO should continue its activities in nurturing IP culture and, in that respect, the Delegation commended the courses organized by the WIPO Worldwide Academy and the seminars and workshops organized by other WIPO sectors, while noting that more specialized courses should be organized in the region. The Delegation believed that the enhanced role of IP in economic growth required new ways of thinking and a more proactive role for experts advising policy makers and specific groups, such as industry and SME representatives. The Delegation was looking forward to cooperating further with WIPO in this respect. Regarding the information contained in the Program Performance Report for the 2002-2003 biennium and the Program Implementation Overview, from January 1 to June 30, 2004, the Delegation noted that the structure of WIPO activities and the cooperation with certain countries in Europe and Asia had changed. The Delegation therefore asked the Secretariat to provide a break down of the budget for this program and more detailed information on activities in the two regions covered by the program. The Delegation also expressed its concern with WIPO's current financial situation, and noted that it attached great importance to increasing PCT fees and to discussing this issue in an open and inclusive manner. The Delegation further believed that a number of important points, including the introduction of further internal cost saving measures, would need to be addressed in order to reach a well-founded decision. In conclusion, the Delegation assured WIPO of the cooperation and support of members of the regional group of Central European and Baltic States.

29. The Delegation of Pakistan, speaking on behalf of the Member States of the South Asian Association for Regional Cooperation (SAARC), associated itself with the statement made by the Delegation of Sri Lanka on behalf of the Asian Group. SAARC Member States were giving increasing priority to IP issues with a view to using IP as a means to achieving national goals. The Delegation therefore underscored the need to integrate the development dimension into all areas of WIPO's work, and stated that WIPO's programs should be focused towards achieving the goal of economic development in order to ensure an equitable balance between the economic dimension and the interest of all IP stakeholders. Programs should also be commensurate with the level of development of developing countries and in harmony with their respective development goals. SAARC Member States, like other developing countries, had often expressed their concerns relating to IPRs and issues of public awareness and opinion, social interest, human resource issues, transfer of technology, traditional knowledge and public health, and the Delegation wished to see WIPO address these concerns. The Delegation further noted that SAARC countries had been cooperating closely with WIPO and had been undertaking a variety of activities, including Sub-regional Policy Fora on IP Cooperation among SAARC Member States, held in Sri Lanka, Nepal, Bangladesh and Bhutan. The objective of these fora had been to: highlight the importance of IP and its increasing impact on technological, cultural, social and economic progress; initiate, promote and foster closer cooperation and understanding in the field of IP among countries of the sub-region; and, provide an opportunity for consideration of IP issues in the framework of SAARC. Also, sub-regional meetings on specific issues of concern to Member States, such as IP, traditional knowledge and genetic resources, had been held in India recently, and the implementation of the SAARC CD ROM Project on IP and SMEs had commenced. At the country level, projects aimed at strengthening and modernizing national IP systems had also been undertaken, and activities in areas such as IP teaching, patent information services, and use of IP by SMEs had equally taken place with WIPO's assistance. The Delegation hoped that WIPO would enhance and intensify its development cooperation programs, in particular concerning traditional knowledge, the use of IP for promoting innovation and access to technology and the modernization of IP systems. In conclusion, the Delegation ensured WIPO of SAARC countries' full participation and support.

30. The Delegation of Benin, speaking on behalf of the Group of the Least Developed Countries (LDCs) offered its condolences to the family of Dr. Arpad Bogsch who had led WIPO in a dynamic manner. It welcomed the efforts made by the Director General and the Secretariat, and in particular thanked the Least Developed Countries Division. It explained that since the creation by the United Nations of the Group of LDCs in Resolution 2768 (XXVI), on November 18, 1971, and the recognition by the international community of the development difficulties of those countries, the number of States had increased from 24 to 50, representing a population of more than 700 million people. However, the problems which those countries faced were getting worse. Thus, the gross domestic product (GDP) of the LDCs was equivalent to one-sixth of that of all developing countries and one-hundredth of that of industrialized countries. The Delegation regretted that the exports of all LDCs represented only 0.44% of worldwide exports during the period 1999-2000, and that industrial production remained very weak with a rate of 11% of GDP in 1999. Furthermore, the Delegation cited a literacy rate of 50.7% and, for that reason, it hoped that the resources of the LDCs Division would be sufficient in order to allow it to deal more effectively with the problems encountered by the LDCs in their development. The Delegation referred to the various forms of progress made in the intellectual property system of the LDCs and mentioned that 42 LDCs had acceded to the WIPO Convention, 34 to the Paris Convention for the Protection of Industrial Property, 26 to the Berne Convention for the Protection of Literary and Artistic Works, 23 to the Patent Cooperation Treaty (PCT) and seven to the Madrid Agreement Concerning the International Registration of Marks. It regretted, however, that the international registrations of LDCs remained small in number, or even negligible, with only 13 registrations under the PCT since 2000. By way of comparison, that represented only 0.117% of the registrations made by residents of Switzerland, 0.063% of those from France or 0.0074% of those from the United States of America. The Delegation expressed its recognition to WIPO for the assistance provided, in particular in the connection of 44 intellectual property offices to the WIPONET project, human resources training courses, support for the creation and organization of collective management societies for copyright and related rights, and the protection of intellectual property rights in relation to genetic resources, traditional knowledge and folklore. The Delegation encouraged awareness-raising activities for politicians, authorities, journalists and the different organizations in civil society. It emphasized the need to make aid for LDCs a priority and recalled that the problems of LDCs differed from one country to another. It insisted that WIPO should intensify its efforts in the form of technical and financial support for national authorities, and suggested that the industrialized countries, which were Member States of WIPO and were in fact the main beneficiaries of the intellectual property system, should make available to the Organization funds intended to help LDCs so that the system was beneficial to all. Finally, it expressed its fear that, faced with the forthcoming deadline for its implementation, the LDCs would be unable to comply with the requirements of the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), owing to a lack of human and technical capacity.

31. The Delegation of Viet Nam, speaking on behalf of the Association of South East Asian Nations (ASEAN) countries, welcomed and supported Singapore's offer to host the WIPO Singapore Office in order to facilitate WIPO's cooperation activities in the region. It stated that the government of Singapore had presented WIPO with an offer that included long-term cost-free rental of office space as well as outfitting and maintenance costs. Thus, the Office entailed no extra financial implications for WIPO's budget. Moreover, it was envisaged that the Office, staffed by officials from WIPO headquarters in Geneva would act as a service center in helping countries in the region implement their national IP priorities. The Delegation said it was confident that the work of the Singapore Office would complement,

strengthen and further WIPO's cooperation with the ASEAN Member Countries, as well as serve the intellectual property needs of the wider Asia-Pacific region. The Delegation, on behalf of all ASEAN countries, wished to express its appreciation to the Director General and WIPO staff for their active support for capacity-building, technical and financial assistance in the field of IP, both at the regional and bilateral levels. It recognized that the continuation of cooperation and assistance required adequate financial resources for WIPO and, consequently, believed that WIPO should have adequate financial resources to be able to continue its technical and financial assistance program. The Delegation concluded by expressing its hope that the fruitful cooperation and assistance provided by WIPO to the ASEAN Member Countries would continue and would be further strengthened in future.

32. The Delegation of Trinidad and Tobago conveyed its condolences on the passing away of Dr. Arpad Bogisch. It reiterated the importance of the General Assembly for smaller states who had recently modernized or sought to modernize their national systems, a task which also required a great deal of cooperation and which had become increasingly challenging in terms of sourcing expertise, funding and coordinating infrastructure development. The delegation extended its sincere thanks to the Director General of WIPO for the assistance that his Organization had provided in that respect, in addition to that of larger Offices such as the USPTO and the Patent Office of the United Kingdom, all of which had enabled Trinidad and Tobago to maintain growth and development. The Delegation highlighted its endeavors to change attitudes towards intellectual property in Trinidad and Tobago and recognized that it was of key importance to protect those things which were traditionally theirs, to demand compensation for any infringements thereof, and, more importantly, to use things which were not theirs as a source of learning and development. This meant that society must be educated to appreciate the importance of disclosure, the value of prior art and the need for documenting information. The Delegation emphasized the value of protection, citing the case of the steel pan, which traditionally belonged to Trinidad and Tobago, but which had been the object of patents registered abroad, resulting in national indignation. In that connection, the delegation took the opportunity to commend the work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore established in October 2000 and stated that it had encouraged steelpan experts to begin documenting innovations and filing for industrial property protection while new national legislation was being explored in order to protect national treasures, recognizing masters of the arts, industrial excellence and a form of system recognizing both living and non-living national treasures. The Delegation also extended its gratitude to WIPO for the systems that it had provided in the area of automation and stated that the country's automation initiative had enabled it to assist some of its Caribbean neighbors since August 2002. The Delegation welcomed the signing of the WIPO Cooperation For Development Agreement in 2003 but regretted the very slow rate of implementation and requested an acceleration of this process. In closing, the Delegation congratulated the Director General for his vision and the strategic direction that he had taken. It commended the Organization on the leadership that it had shown in the development of intellectual property offices and international intellectual property systems, particularly among small and developing nations.

33. The Delegation of Barbados fully endorsed the statement made by El Salvador on behalf of GRULAC, and thanked the Director General and his team for the support that WIPO had provided to Barbados. As both a WIPO Member State and Member of the GRULAC sub-region, it noted with great interest the most recent developments in norm setting and treaty formulation within the Standing Committees of WIPO and announced that it looked forward to progress in areas such as that of genetic resources, traditional knowledge and folklore, protection of audio-visual performances and law enforcement. The Delegation

stressed that the most abundant resource of Barbados was its people, who depended on exploitation of their intellectual capital in order to maximize their diverse skills and creativity. It noted with some concern the increasing incidence of bio-piracy, particularly of plant life, and expressed equal concern with regard to the exploitation of the country's natural products without any concomitant benefit to its citizens. The country's music, dance and literary traditions were also subject to mass-scale piracy, and the Authorities' desire to comply with international standards of law enforcement was all too often thwarted by a lack of cooperation from stakeholders, both within and outside the region. As a result, the Delegation looked forward to sharing experiences and ideas with other members in order to arrive at practical and sensible solutions to those problems. The Delegation was pleased to report that over the past year, Barbados had made significant progress of its own in terms of legislative development, particularly in the areas of trademarks, copyright and patents, resulting in the establishment of a local Copyright Tribunal. At a regional level, Barbados had joined with other CARICOM Member States in signing a Technical Assistance Treaty with WIPO, which could be seen as a "coming of age" for intellectual property in the Caribbean, since it represented an acknowledgement of the critical role played by the innovative elements in creating an environment for sustainable cultural and economic development. The Delegation expressed its profound gratitude to WIPO for its efforts to promote the use of intellectual property as a tool for sustainable economic development and social welfare within CARICOM and noted the progress made to date on the development of an intellectual property audit tool for Barbados, stating that the Government of Barbados was fully committed to that process. The Delegation also commended WIPO for its activities aimed at empowering SMEs, particularly those in smaller States. It stated that while most developed countries possessed large transnational corporations, Barbados and other developing countries had to confront the economies of scale in the business arena and therefore had a keen interest in encouraging SMEs to leverage their intellectual resources in order to reap maximum benefits. The Delegation was grateful for the Secretariat's continuing interest and support in providing technical assistance and expert guidance to its entrepreneurs. The Delegation encouraged the Secretariat to continue its efforts to improve its external relations with other international organizations and agencies and stressed that its work in those areas should aim, *inter alia*, at integrating the development dimension of intellectual property into the international agenda. In that regard, WIPO's proposed cooperation agreement with the Economic Commission for Latin America and the Caribbean merited a special mention. The Delegation affirmed that it attached great importance to WIPO's efforts to coordinate and improve coherence with international organizations and agencies such as FAO, UNESCO and the recently established WHO Commission on Intellectual Property Rights, Innovation and Public Health. The Delegation also stated that it had taken careful note of the information provided on the income shortfall that the International Bureau was currently experiencing and expressed concern at the impact that such a shortfall had on cooperation for development activities, which it believed to be a priority. It encouraged Member States to approach the situation in a constructive manner, reflecting a balance between the interest of developed and developing States so that in a global market with mutually agreed norms and practices, all States, regardless of size or economic strength, could share in the benefits derived from membership in bodies such as WIPO, and indicated that any reduction of programs geared towards improvement of the international intellectual property regime would result in a lessening of competitive economic activity and innovative activity and must therefore be resisted by all States. The Delegation concluded by assuring the Secretariat and all WIPO Member States of its continued commitment to working in a cooperative manner to further the cause of intellectual property as a tool for development and as a means for enfranchising all creative and inventive persons.

34. The Delegation of Venezuela supported the statement made by El Salvador as regional spokesperson for the Group of Latin American and Caribbean Countries (GRULAC), and considered it appropriate to recall the undertaking of all to make intellectual property a global development instrument, based on innovation, technology transfer and greater flexibility in the application of national policies for public use, which transferred the benefits of intellectual property for the purposes of health, education, access to knowledge and opportunities for employment and creative occupation, thereby giving potential to an intellectual property culture based on differentiated endogenous development. The Delegation reiterated its view that WIPO should become an organization committed to the needs, potential and creative capacities of developing countries. Notwithstanding, it should be borne in mind that in order to make that potential effective, it was necessary to devise an effective intellectual property policy that was intended not only to demonstrate the benefits of its protection, but was also directed toward international technical cooperation and assistance, a step that would tackle the problem of the cost of that protection for developing countries, as users of the system. In addition, cooperation for development should aim to bring to fruition the tasks and policies of the United Nations system, particularly the millennium goals. For that purpose, the WIPO budget should be readjusted on the basis of those aims. The Delegation also said that cooperation in the sphere of genetic resources, traditional knowledge and folklore, small and medium-sized enterprises, the strengthening of national offices, technology transfer, human resources training, new information technologies and electronic commerce were priorities for the development of intellectual property. With reference to the subject of enforcement, it was hoped that the concerns of developing countries would be taken into account so that the intellectual property protection system was transformed into a true window of opportunity and not into new obligations. Another concern was that referring to the incorporation of the development dimension in the harmonization of the international patent system. A harmonized system in a sphere where a lack of balance and unfairness held sway would inevitably affect developing countries. In view of the current progress made in the relevant discussions, it would be welcome if clarification were provided as to whether the benefits that might be obtained from the agenda by developing countries were less than the costs to be incurred. In that regard, it was important to preserve in the patent agenda the space and recognized flexibility which, in agreements such as the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), had been left in the hands of States. The Delegation also considered that the process should take account of the freedom of developing countries to devise a system of patent law in accordance with their interests and particular conditions. It pointed out that in relation to traditional knowledge, indigenous peoples in Venezuela had been given the opportunity to participate directly in the various processes launched by WIPO, and that the Intergovernmental Committee should find appropriate formulae to avoid the misappropriation of genetic resources and traditional knowledge, be they related or otherwise. As to the request made to WIPO in relation to the Convention on Biological Diversity for the examination and taking of decisions on the requirements for disclosure and application of intellectual property rights, the Delegation drew attention to the multidisciplinary nature of the subject, which involved not only the different bodies within the International Bureau but also a broad range of international fora and, consequently, should be dealt with in accordance with the aims and technical experience of each of the parties involved. Finally, the Delegation expressed its support for the proposal put forward by Argentina and Brazil, and sponsored by other developing countries in Latin America, Asia and Africa. The spirit of that proposal was to add value to the great efforts that had been made within WIPO to include the development perspective as an integral part of its work. Since WIPO was the main multilateral provider of technical and legal assistance in the field of intellectual property, it should be ensured that such technical and legal assistance corresponded to the development level and needs of each country. The Delegation hoped that the Assembly would support the intention

to consolidate such a useful and necessary agenda which was common to all development themes.

35. The Delegation of Finland expressed its sadness concerning the recent passing away of Dr. Arpad Bogoch. It thanked the Director General and the Secretariat for the Program Performance Report for the 2002-2003 biennium and the Program Implementation Overview from January 1 to June 30, 2004, and noted its satisfaction with the development of the PCT system and the launch in February of the fully electronic filing of international patent applications. The Delegation was pleased that the General Assembly of the PCT Union, in 2003, appointed the National Board of Patents and Registration of Finland as a PCT Authority. Preparations in this regard were under way and Finland was planning to start operations around New Year 2005. The Delegation also noted that the First International Forum on Creativity and Invention was organized by WIPO in cooperation with Finland, in Helsinki, in October 2000, and the Second Forum, in China, in May 2002, the goal of which was to stimulate an open and constructive dialogue on ways of promoting creativity and inventiveness in a world that was moving towards an economy based on knowledge, information and creativity. The Delegation underlined the importance of such discussions between developing countries, countries in transition and industrialized countries. The third Forum, to be held in South Africa at the beginning of 2005, was currently under preparation. The Delegation further expressed its full support to worldwide cooperation within the framework of WIPO. At the national level, a proposal to amend the Patents Act had been submitted to the Parliament in order to extend the time limit for the international applications to enter into the national phase after the issuance of the international search report under the PCT. It had been proposed that the time limit would be 31 months from the priority date, irrespective of whether the applicant demands preliminary examination or not. Finland was also in the process of revising the Patents Act in order to implement the EPC 2000 and the Patent Law Treaty, and preparations were underway to accept the amendments to WIPO-administered treaties adopted by the WIPO Assemblies on October 1, 2003. Finland was also looking into the option of joining the Geneva Act of the Hague Agreement. The Delegation noted that the INNOFINLAND Prizes, granted by the President of the Republic of Finland, had been awarded for the tenth time, the purpose of which was to promote creativity, skill, entrepreneurial spirit and cooperation in a practical and creative way. It was also the fifth time that the Invention Contest for Conscripts, INNOINT, had been part of the project, and the third time that the INNOSCHOOL Innovation Event for schoolchildren had been arranged in cooperation with the National Board of Education. Finally, the Delegation of Finland expressed its support for WIPO's future work.

36. The Delegation of the Republic of Moldova commended the Director General and the Secretariat for the work done to promote IP protection world wide, as presented in the Program Performance Report for the 2002-2003 biennium, which also showed that WIPO was assisting Member States to realize the benefits of IP, to create an IP culture, and to broaden the spectrum of global protection services. The Delegation also appreciated WIPO efforts to demystify IP, and to increase the knowledge and use of the IP system by different sections of society, including SMEs. It fully supported WIPO's vision and strategy regarding the need to study the potential of the IP system as a means to promote economic development. The Delegation informed the Assemblies that specific steps had been taken in the Republic of Moldova to turn IP into a powerful instrument for economic growth, including the establishment of a modern IP protection system, consisting of a legislative and standard-setting base in conformity with international agreements and treaties, as well as an infrastructure allowing the system to operate effectively. In addition, the National Interdepartmental Council for Industrial Property Issues had been established, including

representatives of 15 national ministries and departments, whose work related directly, or indirectly, to industrial property protection and the enforcement of industrial property rights. The Council had formulated relevant policies, put forward for the Government's approval, as well as legislative and standard-setting documents. Following Council recommendations in 2003-2004, the Government had approved the Regulations on Industrial Property Subject Matter created as part of Professional Duties, the Regulations on Intellectual Property Evaluation and the Attestation of Intellectual Property Assets Appraisers. The Delegation noted that the recently approved Regulations on the Recognition of Well-Known Trademarks and the Registration of an Agreement for the Guarantee of Rights to Industrial Property Subject Matter were of great importance to right owners. It also highlighted the positive trend, which had recently been observed in the Republic of Moldova, in the filing of applications for the registration of industrial property subject matter, which bore witness to the stable development of scientific and innovation processes in the country, and both national and foreign applicants were provided with an effective and accessible system of protection. During the past 11 years, more than 54,000 such applications had been filed and more than 13,000 had been registered. To further develop the national IP system, the Strategy for Development of the National System for Protection and Use of Intellectual Property Subject Matter until 2010 had been approved by the Government in September 2003. Furthermore, in view of the role and importance of IP in the development of the national economy, a special chapter on research and innovation had been incorporated into the national Strategy for Economic Growth and Poverty Reduction. In order to develop and stimulate innovative activity the Code on Science and Innovation had been approved by Parliament on July 15, 2004, which envisaged a radical reform of the organization and management of science and innovation. In accordance with this new Code, and the decision of the Government on September 13, 2004, the State Intellectual Property Agency had been established to provide legal protection for IP, including industrial property, copyright and related rights. The new Agency was the legal successor to the Agency for Industrial Property Protection and the Agency for Copyright Protection. The Delegation stated that the Republic of Moldova, in cooperation with WIPO, had prepared a draft program of cooperation, which would shortly be submitted to the Secretariat for consideration. The Delegation was confident that the signing of such a cooperation program would allow the Republic of Moldova to integrate its national IP system into the global IP system. The Delegation concluded by expressing its gratitude to WIPO and the Director General for the support and assistance provided in establishing and developing the IP protection system in the Republic of Moldova, and it looked forward to fruitful cooperation in the future.

37. The Delegation of Senegal congratulated the Director General and Secretariat on the quality of the documents put before the Member States, especially documents A/40/2 and A/40/3, which provided an exhaustive evaluation of the activities undertaken by the Organization during the 2002-2003 biennium and the first six months of the current year. It also paid tribute to the activities carried on by the Organization with a view to the creation of an intellectual property culture. It was pleased to note the growing importance attached to the least developed countries (LDCs), of which there was evidence in the creation within WIPO, some years previously, of a Least-Developed Countries Division as a continuation of the Program of Action adopted at the Third United Nations Conference on LDCs in Brussels in May 2001. It called on the Organization to support its efforts in three directions in order to fulfill its mandate completely. First, by continuing to pay special attention to the debate in progress on the implications of intellectual property for general well-being: the Delegation was pleased with the preliminary WIPO comments submitted to the commission recently set up by the WHO to deal with the set of problems associated with innovation and public health, and strongly advised the Organization to take part in the process. Secondly, by handling in

the appropriate manner the public policy implications of patents: while recognizing the importance of an international harmonization of procedures, it warned that such harmonization would be achieved only by taking all parameters into account, including the implications for public policy of considerations of a patent-policy nature. Thirdly, it called for an internationalization of WIPO activities, notably in the education and training sectors: in that connection it welcomed the decision of the Advisory Committee on Enforcement, at its session in June 2004, to devote its next meeting to the theme of education and training, which the Delegation regarded as indispensable stages in the creation of an intellectual property culture. It was essential, in the Delegation's opinion, that the Organization's budgetary constraints should not hamper such projects. It endorsed the statement made by the Delegation of Egypt in the name of the Group of African Countries, mentioning that special attention should be devoted to the proper financial management of the Organization, whence the relevance of the principle of adaptation by means of increases in PCT fees.

38. The Delegation of Morocco praised the efforts of the Director General, and declared that a sort of reassuring partnership of trust and transparency existed which encouraged it to continue its cooperation with the Organization. It paid tribute to Dr. Arpad Bogsch, former Director General of WIPO, a great man who, the Delegation said, had marked the history of WIPO with his intelligence. It then spoke of the financial position of the Organization, which is described as precarious, not owing to any reduction in the contributions of Member States or bad financial management, but rather to an international situation beyond its control, caused by the almost 40% reduction in the PCT international application fee. It therefore approved the proposed 12% increase in the fee. However, it subscribed to the statement made by the Delegation of Egypt in the name of the group of African countries, seeking a greater increase in order that the Organization's needs might be fully met. That increase, which would be limited in time, could be readjusted as soon as the Organization's financial balance had been restored. In addition to the increase, it declared itself in favor of extending to legal entities the 75% reduction in fees currently accorded to natural persons, thereby facilitating the access of small and medium-sized enterprises (SMEs) to the PCT system. It hoped that the matter of the PCT fee would be discussed in a more serene, thorough and structured way if it were considered at the same time as the reform of the fee as a whole was examined, and not solely from the point of view of meeting the Organization's financial needs. In a quite different area, it commended the Director General for his rapid and responsible reaction to the problem of the new building. It supported his decision, and expressed the wish that the Organization's finances might be channeled towards cooperation projects. It then expressed praise for the WIPO Worldwide Academy, and admiration for the fact that more than 10,000 people from 170 countries had registered for the distance learning courses. It did however urge the Organization to devote more financial and human resources to it. It then reported on major intellectual property events that had taken place recently in Morocco. For instance, the Moroccan Industrial and Commercial Property Office (OMPIC) had exceeded the figure of 5,000 national trademarks with 5,244 registrations, including 80% of Moroccan origin, which represented an 11% increase; to that were added the 5,107 international designations under the Madrid system. The increase was borne out, in the first ten months of 2004, by an 8% rise compared with the same period in 2003. With regard to patents, OMPIC has reported 483 applications for patents, representing a drop of 8.5%, yet in the course of the first six months of 2004 patent applications had progressed by 24% compared with the same period in 2003. As for PCT applications, the number of applications that entered the national phase under the PCT increased by 16% during the first six months of 2004 compared with the same period in 2003, namely to 201 applications compared with 173. As far as industrial designs were concerned, the number of applications had reached 542 in 2003 as compared with 558 in 2002, representing a 3% drop. The Delegation also announced that OMPIC had embarked on

the launch of the multilingual (Arabic, English, French and Spanish) version of its [ompic.org.ma website](http://ompic.org.ma). The search database on the site had also been improved by the display of images of marks, industrial designs and patent documents. In the course of the first nine months of 2004 the site had registered an average of 6,000 visits every month. Since January 1, 2004, OMPIC has built up its electronic commerce activities, the eventual aim being the online filing of industrial property titles. With regard to the legal environment, the implementing decree of Law 17/97 on the Protection of Intellectual Property had been published in the Official Gazette, making it possible for Morocco to be brought into line with the Agreement of Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) on December 18, 2004. At the international level, Morocco and the United States of America had signed a Free Trade Agreement on June 15, 2004. That Agreement contained an important chapter on intellectual property, embodying the major principles governing the subject at the international level. The Delegation added that its cooperative such as relations with the European Patent Office (EPO) extended to more sophisticated action in fields such as electronic archiving and computerization of the management system. As for bilateral relations, the cooperative relations with the French National Institute of Industrial Property (INPI), the Spanish Patent and Trademark Office (USPTO) and the United States Patent and Trademark Office (USPTO) were predicated on exchanges of expertise in areas of mutual interest such as the enforcement of rights, electronic filing and the trademark opposition system. It concluded by reaffirming its unfailing commitment to active participation in the various types of action conducted by WIPO to bring about an innovation-based society and the creation of an intellectual property culture in the interest of the well-being of humankind.

39. The Delegation of Italy stated that last year the decision of the European Communities to join the Madrid Union for the International Registration of Trademarks was a long awaited step in the right direction, which its country was happy to have supported and facilitated, during its Presidency of the EU, as it recognized its importance both for the EC and for WIPO. The Delegation supported the general statements made by the Delegation of Canada on behalf of Group B and by the Delegation of the Netherlands on behalf of the European Communities. In addition, it stressed that IP was becoming a crucial issue and that its mission to promote the economic, cultural, social and technological growth both in developed and developing countries was increasingly recognized. WIPO's role in this respect was paramount and Italy's commitment to WIPO remained unaltered. For this reason, Italy awarded the Director General, in May 2004, with the first edition of the "*Premio Venezia per la Cultura della Proprietà Intellettuale*" (IP Culture Venice Prize), in recognition of his strong leadership and vision in promoting the role of IP culture all around the world. The Delegation recalled that Venice was the city that promulgated, 530 years ago, the first Law ever on the protection of patents. The promotion of IP culture was a philosophy that Italy shared with WIPO and wished to enhance it further, together with WIPO and its leadership. Furthermore, the promotion IP culture was not only an important task, but also a rather long process that required a long-term commitment on the part of national and international communities to enhance IP training, in order to protect creativity and innovation. To reach these goals, human and financial resources were needed and, with this in view, Italy continued to give the necessary support to training activities. In this context, the Delegation referred to the 2004-2005 Master in Intellectual Property, jointly organized with the WIPO Academy now at its fourth edition. This initiative allowed 40 professionals from all over the world, especially from developing countries and LDCs, to gather every year in the United Nations Staff College in Turin to attend a full year specialized course. The Delegation declared that Italy intended to further work in this direction and do much more to better achieve the objective of promoting IP culture, in particular in favor of small and medium-sized enterprises. It concluded by stating that, after the success of the Venice International Conference on

Industrial Design in May 2004, Italy reaffirmed its commitment to host the next WIPO Symposium on Geographical Indications, in 2005. As geographical indications were an increasingly important aspect of IP, Italy, with this symposium, wished to contribute to a better understanding of its benefits for all countries. Finally, the Delegation expressed Italy's strong and firm commitment to continue its cooperation with WIPO in the different fields of IP.

40. The Delegation of Zambia expressed its sincere condolences with the passing away of Dr. Arpad Bogsch. It thanked the Director General and WIPO staff for their efforts in assisting, in particular, developing countries, and assured WIPO of Zambia's continued support and cooperation. The Delegation also associated itself with the statement made by Egypt on behalf of the African Group, and thanked the International Bureau for providing Member States with insights which would form a good basis to provide further political guidance to the Organization. The Delegation noted that in the past, Member States had agreed that IP was occupying a fundamental role *vis-à-vis* national economic growth, technological development, international trade and investment, and that IP should be looked at in a wider and global context. Member States had acknowledged that WIPO had staff and technologies to assist Member States in creating and using IP assets for economic, educational, social and cultural developments at both national and international levels. Member States had also endorsed WIPO's vision with high expectations and had agreed to tackle new needs and challenges, such as SMEs, genetic resources, traditional knowledge, folklore, IP culture, more knowledge and capacity building in enforcement of IPRs, while at the same time consolidating the traditional IP issues. The Delegation further reminded Member States of the global issues highlighted in the UN Millennium Development Goals, the LDC program of action, WTO trade matters, and WHO and ILO matters, which would need to be discussed from the perspective of how the potential of IP would help countries in their efforts to enhance their creative and knowledge-based capability. The Delegation stressed that WIPO activities could and should be contributing towards poverty reduction and improving living standards of people especially in the developing countries, and asked whether, given that WIPO was the only UN agency and competent international organization in the field of IP, it was the right time to weaken its mission and resources and to suspend important activities contributing to social and economic development of developing countries, LDCs and countries in economic transition. The Delegation stressed that the answer to this question could only be "no" and urged Member States to allow WIPO to respond to the growing demands and expectations from leaders and users in the world who had recognized the importance of IP. The Delegation further reminded Member States that it had always been agreed that WIPO was well positioned to respond to these challenges. It noted the Organizations' financial constraints caused by the decrease in PCT application fees, meaning that many activities had to be delayed or even cancelled. Consequently, the broader strategy goals would also be adversely affected if the situation was allowed to continue unabated. Therefore, the Delegation supported the proposal put forward by the Secretariat to increase PCT fees in order to generate the required reserve funds. The Delegation stated that the Program Performance Report for the 2002-2003 biennium indicated a reasonably good performance record, however, the Report also indicated that a number of activities had not been carried out as planned and that some activities had been deferred. The Delegation concluded by urging Member States to further reconsider and approve the proposal by the Secretariat to increase PCT fees by a minimum 12% and stressed that an adjustment of price, either upwards or downwards, was a strategic option employed by all international businesses. In fact, the Delegation felt that the fee should be increased by more than 12% so as to ensure effective implementation of all WIPO activities.

41. The Delegation of Pakistan stated that WIPO had, in the period under consideration, initiated and implemented a wide range of activities in development cooperation, administration of treaties and norm setting. The efforts of the Secretariat to address the complex issues associated with the interface of development and intellectual property were praised, as was the setting up of units for economic analysis and intellectual asset management. The Organization had seized the key issue, namely how to harness intellectual property for the benefit of society while providing appropriate incentives and protection for rights holders. Given the pace of technological development and the often contentious regulatory political responses to it, this question had re-emerged with unprecedented intensity. Any consideration of WIPO's programs must review the effectiveness of its response, as well as the larger issue of how intellectual property had contributed to societal goals. The Delegation identified three principal areas of concern with regard to the impact of IP on developmental objectives. First, the potentially negative effect of IP regimes on the establishment of reasonably priced access to essential goods, particularly pharmaceuticals, educational material and software. In the case of pharmaceuticals, some measures were belatedly being taken by the international community. IP was not the only obstacle, however, and the regulation of anti-competitive practices and encouragement of appropriate marketing arrangements would also be desirable. Nonetheless, a package encompassing IP measures was required, to ensure that text books, educational software and essential drugs were made more affordable to countries in need. This remained a relatively neglected area in the work of WIPO. The second concern pertained to the misappropriation of traditional knowledge and biological resources in developing countries, compounded by a lack of benefit sharing. International laws that would protect rights holders beyond national jurisdictions were clearly necessary, and WIPO's work in this area was commendable. It was hoped that it would lead expeditiously to a binding international instrument incorporating the principles of prior informed consent, equity and benefit sharing, repression of unfair competition and effective and appropriate remedies. Third, the impact of intellectual property on the ability of countries to innovate and be competitive remained a concern. Technological progress and innovation were the key drivers for sustainable development, and in modern knowledge-based economies IP was a crucial factor, with both positive and negative aspects. An increasingly maximalist approach to IP was leading to the bestowal of property rights over ideas and facts, rather than on inventions and creations *per se*. In recent years there had been moves to privatize databases, to grant patents on discoveries such as the human genome, to broaden the scope of patents, to lengthen the duration of protection and to gloss over the requirements of full disclosure, making it difficult for inventions to be studied by others. Patent pools, skewed licensing conditionalities and impediments to reverse engineering were among the intellectual property mechanisms posing barriers to market entry, thus stifling healthy competition. These developments were affecting the ability of firms within developed as well as developing countries to innovate and compete. Therefore, imbalances in the IP system should be a universal concern, and the search for solutions a joint endeavor among all the member States of WIPO. The Delegation looked forward to sharing specific ideas on how to restore balance to the global intellectual property regime, especially in the discussions on the proposed substantive patent law treaty, the work of the IGC and the strengthening of the development dimension of WIPO, as well as to a constructive discussion on the financing of WIPO's programs. A need for transparency had been mentioned, but the Delegation felt that this would not be a problem. The issue was how to acquire the funds to undertake the agreed activities of WIPO. The Delegation also mentioned that Pakistan was taking a broad range of measures nationally in order to modernize its IP system. A Bill would be tabled in Parliament to establish a unified and autonomous intellectual property organization, thus providing a more integrated and effective management of IP in Pakistan. Pakistan had also acceded to the Paris Convention, opening the way for decisions on accession to other instruments,

particularly the PCT and the Madrid System. Further, Pakistan had embarked on a project to strengthen the intellectual property system which included formulation of a National IP Strategy as well as institutional strengthening and human resource development. The Delegation expressed its appreciation to the European Union and WIPO, which were assisting in this project.

42. The Delegation of Nigeria stated that it fully supported the statement made by Egypt on behalf of the African group. The Delegation noted that WIPO had continued its tradition of meaningful engagement with member States over the last year, and several developing countries including Nigeria had benefited from the technical assistance and capacity building activities undertaken by the Organization. The Delegation urged that consideration be given to making greater use of national focal points to improve the coordination of intellectual property matters in developing countries. It stated that it would be useful to examine further ways to demystify intellectual property and to increase the participation of stakeholders through advocacy and publicity at national levels. The challenge of development remained real for Africa, and the Delegation was naturally drawn to proposals that could improve the economic prospects of this continent, which contained the largest number of least-developed countries. The proposal to expand WIPO's work in promoting the development aspects of intellectual property had been noted with interest, and was seen to signal the increasing importance of WIPO and IP matters in the era of the knowledge economy. WIPO had done credible work on cooperation for development and had made a useful contribution to the development process; the Delegation encouraged it to do more. There was merit in the idea of balancing protection of intellectual property with the promotion of knowledge. While it was true that protection had a role to play in encouraging creativity and innovation, new ideas were only the top deck in the building blocks of existing knowledge. The Delegation believed, therefore, that intellectual property protection had to take account of developing country interests such as the inclusion of flexibilities in international instruments and the involvement of all stakeholders in the formulation of global IP rules. The relevant proposal was therefore seen as a basis for discussions on how to further integrate the development dimension into the agenda of WIPO. In the view of the Delegation, intellectual property issues relating to genetic resources, traditional knowledge and folklore were a good starting point in this discussion. The President of Nigeria had placed these matters on the agenda of the African Union, and the Delegation was convinced that they were of direct relevance to developing countries. The manner in which they were treated by the current forum would be a test of the flexibility and adaptability of the IP system. The Delegation welcomed the resumed work of the IGC, and stated that Nigeria supported the proposal that the IGC should establish the objectives, principles and elements of an international instrument on IP in relation to genetic resources and on the protection of traditional knowledge and folklore. Community rights in relation to individual rights on issues relating to traditional knowledge and folklore ought to be stressed. The request by the CBD that consultations should be extended to other relevant WIPO bodies and international agencies was viewed sympathetically. The Delegation had also noted the proposal for the General Assembly to establish a new work plan for the Standing Committee on the Law of Patents, with respect to negotiations for the Substantive Patent Law Treaty. While the desire to give impetus to this process was understandable, there was a need to proceed in a systematic manner, and all procedural and substantive issues relating to the proposal should be handled in an appropriate manner. Moreover, the interests of all groups, including developing countries, should be reflected in any outcome. Several other items on the agenda were of import to the Delegation, including matters relating to the protection of audiovisual performances and the protection of the rights of broadcasting organizations. There had been phenomenal growth in the home video industry in Nigeria with an attendant increase in income and employment opportunities,

and expeditious action to conclude an international instrument in this area was therefore encouraged. However, while it was recognized that broadcasting organizations had intellectual property interests, more consultations would be necessary before the convening of a Diplomatic Conference in this domain. Moreover, it would be essential to balance the interests of broadcasters with those of performers and the general public. The Delegation believed that it was very important for WIPO to have a sound financial base on which to carry out its work, and was concerned that PCT revenue had fallen. It would therefore be necessary for the Assembly to respond positively to the proposal by the Secretariat to readjust PCT fees. The Delegation expected that the outcome of the present deliberations would contribute meaningfully to WIPO's work in all the mentioned areas and bring about a better understanding of the positive role of intellectual property in the development process.

43. The Delegation of Iran (Islamic Republic of) associated itself with the statement made by Sri Lanka on behalf of the Asian Group. The Iranian Delegation expressed its thanks to the Director General for his support to developing countries, including his suggestion of a PCT fee increase. Much work had been done and many resources expended on IP development; the impact of this on the economic and social policy of developing countries needed to be carefully evaluated. With regard to the development of an IP culture, it could be seen that the work of WIPO had met with a positive response from developing countries, with 91% of accessions to treaties during the past biennium being of developing countries. Such commitments on the part of these countries needed to be matched with the provision of assistance and of opportunities to follow up on commitments with implementation. The Delegation felt that a broad approach to IP culture ought to be followed, with avoidance of a selective, one-dimensional approach. The establishment of two new WIPO coordination offices was a remarkable endeavor that had borne positive results and had helped the work of WIPO. In this regard, the necessity of recognizing the requirements of other geographical regions and the need for establishment of similar offices in other parts of the world needed to be addressed. As was indicated in the document under discussion, a large number of seminars, workshops and training courses had been held in the period. Given the importance of this work, efforts to increase its quality and consequent impact should generally be made. The speed of negotiation and the content of treaties under discussion was an issue of concern to developing countries. In this respect, the Delegation stated that flexibility should be encouraged, balancing the content of such treaties and the development concerns of developing countries. Finally, the Delegation saw a need for further work on development and intellectual property, and in this regard as a co-sponsor supported the proposal prepared by Brazil and Argentina.

44. The Delegation of Nepal associated itself with the statement made by the Delegation of Pakistan on behalf of SAARC, and the statement made by the Delegation of Sri Lanka on behalf of the Asian Group. The Delegation expressed its satisfaction that the World Intellectual Property Organization had been making consistent efforts towards promoting and protecting the intellectual property system over the years, and that the Organization had been oriented with a new strategy as demanded by the rapidly changing world economic landscape. It expressed confidence that under the dynamic leadership of the Director General, the Organization would continue to make new strides to meet the challenges in the days ahead. The Delegation had reviewed the Program Performance Report of the 2002-2003 biennium and the Program Implementation Review of the first half of the current year, and was pleased to see that a number of useful programs and activities had been launched within the strategic framework for the creation of an IP culture, the protection of IP, the development of the IP system, as well as enhancement of the efficiency of the Secretariat. The Delegation was concerned by the recent budget constraints faced by WIPO due to the reduction in the PCT

fees, which it hoped would not lead to the containment of the cooperation for development activities, nor the essential activities of WIPO. As such, it supported the recommendation made by the Secretariat in this regard to meet the budgetary requirements. It noted that the traditional mode of production and economic development had gone through a sea change in recent times. Technological progress was not only one of the main factors of production; it was the key determinant of, and driving force behind, sustainable economic growth. Many of the developing countries, and more specifically the LDCs, had missed the boat of the last industrial revolution—no one wanted to miss this one. Therefore, the Delegation underscored that WIPO should continue to reinforce its work in helping the developing countries to create wealth and maximize benefits from what they have, and also in helping them gain more by raising their capacity. In any norm setting activities of WIPO, the Delegation felt that the benefits and the capacity of the developing countries should be given due recognition which, in its opinion, would be the mainstreaming of the development dimension into WIPO's activities. The Delegation believed that it was common understanding that genetic resources, traditional knowledge and traditional cultural expressions (TCEs) constituted an important segment of the intellectual property system. However, the effective use of such knowledge and resources, and the ploughing back of its benefits into the repository of such knowledge, were yet to be conceptually elaborated and refined. An effective mechanism was therefore required to safeguard the interests of traditional knowledge holders as well as to make beneficial use of these resources. In that context, the Delegation looked forward to the forthcoming meeting of the seventh session of the IGC in November 2004. Similarly, the Delegation noted the importance of global policy issues such as e-commerce, SMEs and IP, consolidation of the IP system, and arbitration and mediation issues, as well as the need to devise appropriate strategies to deal with those issues in a comprehensive and equitable manner. The Delegation was pleased to note that WIPO activities would be attuned to the UN Millennium Development Goals. Given the global trend towards the knowledge-based economy, WIPO's role had become all the more crucial. The Delegation pointed out that Nepal was one of the participating countries in the WIPONET program, which had made some contributions in providing the digital exchange of IP information to the LDCs. Similarly, it noted with satisfaction that WIPO had launched an extensive number of IP promotion activities, including training and seminars at national, regional and international levels. Nepal had also benefited from useful WIPO programs including the technical assistance in the process of automation and modernization of its IP system. As an LDC, Nepal was pleased that an LDC Ministerial meeting was being organized in Seoul, Republic of Korea; the Delegation applauded such initiatives and looked forward to have similar, more focused activities in the future. Finally, the Delegation observed that intellectual property was at the heart of knowledge and information-driven development. Extensive global cooperation was required to promote IP culture that was fully responsive to the needs and concerns of all countries. Capacity building of developing countries, particularly LDCs, should be promoted in the context of international development cooperation. It stressed the need to achieve the right balance and equitable approach in protecting intellectual property and promoting public welfare around the world and finding a balance between benefits and obligations. In discussing all the IP issues, the impact on the needy and disadvantaged around the world should be kept in mind. The Delegation observed that, thanks to the efforts of WIPO over the years, the potential of the intellectual property system had been brought into clearer focus, such that the current challenge was how to transform the potential into reality, and deliver the benefits effectively and equitably so that it would positively contribute to uplift the status of all the people around the world.

45. The Delegation of Algeria offered its condolences to the family of Dr. Arpad Bogsch and said that it was touched by the death of this pioneer of the development of intellectual

property in the world. The Delegation referred to two major events that had marked intellectual property development in Algeria. The first event consisted of the adoption, at the end of 2003, of a new legislative mechanism to protect intellectual property as part of compliance with the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). In that regard, a crucial phase of implementation of the text was currently under way. Furthermore, preparations for accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks were currently at an advanced stage. The second event related to September 13, 2004, a day on which Algeria had celebrated the African Day of Technology and Intellectual Property, in the presence of the national President who had given a speech to an assembly of members of the Algerian Government, members of Parliament, African ambassadors accredited in Algiers, and also ambassadors from other countries with which Algeria had economic relations. The interest shown by the highest national authority in intellectual property as an instrument for development demonstrated the profound change which had taken place in Algeria as well as in other developing countries. For that reason, the Delegation called for the strengthening of intellectual property development activities.

46. The Delegation of Bangladesh associated itself with the statement made by the Delegation of Sri Lanka on behalf of the Asian Group, and with the statement made by the Delegation of Pakistan on behalf of SAARC. It also supported the statement to be made by the Delegation of Benin on behalf of the LDCs. The Delegation observed that in the past year, it had seen WIPO progressing further in fulfilling its mandated tasks, and that it deeply appreciated the contribution made by the Director General and his team. In that regard, it commended the Director General's opening statement. The Delegation noted that the application of intellectual property rights as a tool to achieve development goals was a fairly new concept. However, not so long ago, IP regimes had been formulated, used and enforced purely for commercial gains. In its view, WIPO was advocating the reorientation of IP regimes to further the development goals of developing countries, and as such, this was a new contribution of WIPO. Thus, for least-developed countries such as Bangladesh, the development dimension in WIPO programs was of paramount importance, and as a consequence, the Delegation was pleased to note that during the 2002-2003 period, many WIPO activities were geared particularly to address such concerns. The progress made by WIPO in the implementation of deliverables for LDCs was noteworthy. The Delegation emphasized that, in order to carry out WIPO's expanding programs, the LDCs unit of WIPO deserved to be strengthened, both financially as well as in terms of human resources. It expressed thanks to WIPO for its commitment to the issues of particular interest to the LDCs, and highlighted some areas for particular attention during the coming years. First, since the LDCs were structurally handicapped to fully realize the potentialities of IPRs in achieving economic growth, a detailed study could be undertaken to find out how, under such constraints, the IP system could be used to further national economic objectives of LDCs. Second, in any WIPO measure relative to capacity building for the LDCs, the transfer of appropriate technology at affordable prices should have high priority and WIPO should continue its work on this issue. Third, WIPO had taken considerable interest in the area of traditional knowledge, genetic resources and folklore. This was an area which was understood very little by LDCs. The work of the IGC was very important in that context, and as such, special attention should be devoted to the least-developed countries. More national programs should be organized. In addition, the Secretariat may consider commissioning a study in a group of LDCs to identify the economic and social implications to them of an international instrument on traditional knowledge, genetic resources and folklore. Fourth, small and medium-sized enterprises (SMEs) were the backbone of small economies such as

Bangladesh. They were prone to shocks, both external and internal. WIPO could have an important role to play in creating awareness of the constraints of the SMEs in LDCs, particularly in the context of IP. WIPO could also undertake initiatives in the developed countries to make potential investors more aware of the needs and constraints of the SMEs in LDCs. Such an approach would facilitate the creation of an IP environment in which SMEs would be able to prosper. The Delegation emphasized that a focused, step-by-step and flexible approach by WIPO in its programs and activities would ensure a desired outcome, particularly with respect to the LDCs, and encourage them to implement IP. The cost of introducing IPRs should in no way outweigh their benefit. Achieving balance was crucial. The Delegation was concerned at the decrease in the Organization's income resulting from a fall in receipts from PCT fees. This issue needed to be looked at in depth. WIPO should examine why the number of applications had fallen, despite the reduction in fees. If the fees had no impact on applications, it should be considered to raise the fees again. On no account should the technical cooperation programs of the Organization be adjusted prior to this examination. The Delegation concluded by noting that the past year had been a successful one for WIPO, that WIPO was in good hands, and that it was confident of the Organization's ability to attain even greater progress in the future.

47. The Delegation of Ethiopia noted its appreciation to the Director General for his introductory statement, which set the stage for the current deliberations, and to the Deputies Director General for briefing the meeting on the progress of work in their respective areas. The Delegation referred to documents A/40/2 and A/40/3, and observed that the implementation of the WIPO deliverables for the least-developed countries continued to be an important area of work in the Organization. Ethiopia had benefited from the progressive implementation of the WIPO deliverables for the LDCs. WIPONET services and facilities were useful for the newly established national intellectual property office of Ethiopia, for modernizing its services and providing access to information. The training of human resources was indispensable and central for the eradication of poverty and the promotion of development, and Ethiopia had benefited from WIPO's human resources development program, for which the Delegation expressed its gratitude. It noted that intellectual property had been and continued to be used in many countries as a policy instrument to create wealth as well as to enhance social and cultural development. IP was an area that had attracted global attention because of its relevance to development in key policy fields such as food security, health, labor, trade, traditional knowledge, culture and heritage, the environment and biological diversity, investment and scientific and technological advancement. In this context, the efforts in Ethiopia were focused on the integration of intellectual property into national development strategies and university-industry cooperation to promote invention and innovation and thus facilitate economic growth and development. Those efforts required specific and focussed assistance from WIPO, and from development partners, in the form of technical advice, studies and learning from the experience of other partners of the Organization. In the Delegation's opinion, a commitment to support the development of intellectual property in institution-building and policy formulation in LDCs would have been unheard of had it not been for WIPO's efforts. If not for WIPO, LDCs would have had to rely purely on domestic resources for the development of IP institutions and systems. While international policies are important for an open market and enhanced trade, that outcome also depended on individual governments and required a commitment to establishing and implementing national policies that took into account the growing importance of knowledge, innovation and creativity in increasing an effective intellectual property orientation. Essentially, this meant integrating intellectual property issues into development policies, and it required a top-policy level commitment to IP and the establishment of, and support for, an appropriate body, such as a national advisory committee, to lead national inter-organizational

coordination within the government. This was another area where WIPO should assist Ethiopia through studies and advisory services. The strategic use of IP as a tool for development, growth and prosperity required the continued support of WIPO for individual LDCs in the effective implementation of various proactive IP policies integrated into other relevant policies, such as economic policies, research and development and technology transfer promotion policy. At the same time, multilateral and bilateral assistance, needed to move back towards building production capabilities. The Delegation emphasized that it was very important to provide financial and technical support for promoting invention and innovation in the production of goods and services. The development of LDCs should not be seen as some impossible dream—rather, it could be achieved and accelerated provided that the right strategies and a friendly environment were adopted nationally and internationally. Such an economic development did not depend thoroughly on high technology: it could be derived from innovation activities using conventional technologies; based on traditional knowledge; or flow from the unique character of expressions of cultural heritage, because national culture was an inexhaustible, unique source of value-added products and services. Ethiopia required WIPO assistance in building its research capability in the area of traditional knowledge. The Delegation concluded by reaffirming that the development prospects of LDCs were realistic, and WIPO should continue to assist LDCs to achieve their objectives in any way possible, so as to enhance the efforts LDCs make with their limited means.

48. The Delegation of the Republic of Korea expressed its appreciation to the Director General and WIPO staff for the preparation of the Assemblies. The Delegation reflected its concern about WIPO's current financial situation, but insisted that the issues involving the increase in the PCT filing fee should be considered in a prudent manner, in appropriate fora, such as the Program and Budget Committee or the PCT Reform Working Group, and any decision should not affect the effectiveness of the current PCT filings. In the field of development cooperation, the Delegation supported WIPO in carrying out a wide range of activities for developing countries. In line with these activities, the Republic of Korea had established the Korea Funds-in-Trust, with about 800,000 US\$, to contribute to the development of the IP system of developing countries in 2005. As one of the activities under the Funds-in-Trust, the Korean Intellectual Property Office (KIPO), in cooperation with WIPO, was now developing a PCT-Receiving Office Administration System called PCT-ROAD. This system would help to facilitate electronic filing of PCT applications in developing countries. In this regard, the Delegation noted that the Republic of Korea, with 2,947 applications in 2003, an increase of 16% over the previous year, ranked 7th in terms of the number of filed PCT applications. In addition, the Delegation observed that the Republic of Korea, in cooperation with WIPO, was hosting the Ministerial Conference on Intellectual Property for the Least Developed Countries, which would be held in Seoul, in October 2004. At that conference, Ministers from 25 LDCs around the world would gather and discuss how to build their IP capacity for national development and would share in Korea's experience of utilizing IP as an effective tool for development. The Delegation emphasized the country's commitment to offer a very productive conference in Seoul. In 2003, the number of industrial property applications filed with KIPO exceeded 300,000, the fourth largest number of filings in the world. To cope with the rapid increase in filings, and to accelerate the examination procedure, KIPO had recently recruited an additional 254 examiners, and embarked on the development of an advanced automation system called KIPOnetII. The new system was designed to automate all IP administrative procedures, from filing applications to examinations and registrations. The Delegation noted that electronic filing currently accounted for 93% of all applications. The Delegation also informed the Assemblies that in 2003, the Republic of Korea had joined the Madrid Protocol and the Trademark Law Treaty, and, in 2004, the WIPO Copyright Treaty. The number of international trademark

applications in Korea, via the Madrid route, had totaled 4,433 in the period since the country had joined the Protocol. The Delegation further underlined the importance of the development of human resources in the field of IP. To this end, the International Intellectual Property Training Institute, established under KIPO, and the WIPO Worldwide Academy had launched a joint IP training program, which to date had been attended by more than 200 Koreans. The Delegation also referred to the 2004 Seoul International Invention Fair, which would be held in Seoul in December 2004. It hoped that many companies and inventors from the Member States of WIPO would actively participate in this event. Concerning the offer by the Singapore Government to host a WIPO Office for the Asia and Pacific region, the Delegation wished to seek clarification on the scope of activities and the area of coverage of this proposed office. It noted that if the Office was to serve the Asia and Pacific region, then all the Member States in the region should be duly consulted and have the opportunity to compete, on an equal basis, for the hosting of the office, as well as be able to participate in the decision-making process. Finally, the Delegation wished that WIPO would continue to play its important role in protecting IPRs and developing the international IP system.

49. The Delegation of Tunisia expressed its thanks to the Director General and the Secretariat for the quality of the documents submitted for consideration by the Member States. It endorsed the statement made by the Delegation of Egypt, on behalf of the Group of African Countries, and expressed gratitude to the Organization for the quality of the assistance provided for developing countries, in particular that aimed at modernizing intellectual property offices, despite the financial problems which the Organization was currently facing. The Delegation expressed satisfaction at the WIPO initiative relating to the production of a multidisciplinary software package for collective rights management, allowing the needs of collective management bodies to be met, and hoped that the project would be quickly completed. It also expressed satisfaction at the progress made in the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which was directed to an ever greater extent toward the production of a legal instrument to protect those areas. The Delegation stated that intellectual property played an ever more important role and that Tunisia considered the promotion of that activity to be a priority, as demonstrated by the implementation of specific treaties and the adoption of appropriate measures. By way of illustration, it cited the adoption of a social security scheme for performers, the aim of which was to provide them with an environment favoring creation and creativity. Furthermore, in order to facilitate the protection of inventions in all fields of technology, Tunisia had acceded to the Patent Cooperation Treaty (PCT) and to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. Tunisia was in the process of establishing a global strategy designed to make intellectual property an economic and social development tool. The strategy aimed in particular to develop and promote the activities of the different partners such as the scientific research sector, the handicrafts sector, the field of agriculture, and small and medium-sized enterprises (SMEs) operating in all the fields of activity. Within that framework, an ambitious draft program designed for such participants had been produced with WIPO's cooperation and assistance, following the visit by a delegation of eminent experts from the Organization in February 2003. The Delegation wished to incorporate the modernization project in the WIPO development programs, in the form of a framework agreement between Tunisia and WIPO. Finally, it paid tribute to the Director General and the Secretariat for their sustained efforts as part of the preparation for the second phase of the World Summit on the Information Society which would take place in Tunis on November 16, 17 and 18, 2005. The World Summit would allow the Member States

and the different parties directly involved to develop specific solutions to bring an end to the digital divide that existed between rich and poor countries, and to agree to an operational program to make information and communication technologies a real vector of development and dialogue between peoples. In that regard, intellectual property should contribute to the international effort to reduce the digital divide by promoting technical innovation, and transferring and sharing knowledge.

50. The Delegation of India associated itself with the statements made on behalf of the Asian Group and the SAARC countries. It noted that over the years WIPO had established its place in the area of IP, and that in the context of promoting a culture of IP protection worldwide, including in developing countries, WIPO had a challenging task. The Delegation stressed that the *raison d'être* for such protection, namely societal benefit, should be kept in mind, as private rights were only a by-product of the larger imperative under pending IP protection. The Delegation supported the initiatives enabling WIPO to consolidate as a forward looking organization which was responsive and effective in consensus building on all IP issues, but at the same time was able to take into account the differing needs of Member States. WIPO had a major role to play in facilitating and supporting the initiatives of its Member States, and in addressing their concerns, particularly those of developing countries. The Delegation further stated that although India was one of the fastest growing economies in the world, it had a very long way to go. India's achievements in the knowledge and skill-driven areas, such as software, biotechnology, drugs and pharmaceuticals were widely recognized, and India believed that adequate safeguards for IP were integral to development and progress. IP protection was an important instrument but needed to be used carefully. The Delegation stressed that IP protection involved substantial, real and immediate costs, and therefore, in formulating its IP policy, each country needed to have sufficient flexibility and national policy space to ensure that the cost of IP protection did not outweigh its benefits. The Delegation also believed that in view of the considerable work done in the past 20 years on harmonization of patent laws, through the TRIPS Agreement and the Patent Law Treaty, time had now come to take note of public interest concerns and other developmental measures in developing countries, and to provide for health security. While the developing world was fulfilling its obligations under TRIPS, the fulfilling of the obligations under article 7 of the Agreement, relating to the transfer and dissemination of technology from technologically advanced nations to developing countries, was progressing extremely slowly. As regards broadcasters' rights, the Delegation noted that the Indian Copyright Act was fully TRIPS compliant. The Delegation further recognized broadcasters' need for certain protection, while balancing the rights of all stakeholders concerned. This underlined the need for a broad consensus among WIPO Member States before convening a Diplomatic Conference. Regarding traditional knowledge, the Delegation noted that the immense source of bio-resources and traditional knowledge in developing countries was immeasurable, and that holders of such knowledge needed protection and avenues for development. The Delegation appreciated WIPO's efforts in extending support for documenting traditional knowledge resources, but noted that the concern of developing countries on the disclosure of origin in IP applications and benefit sharing needed to be adequately addressed, and that international legal protection needed to be provided against bio-piracy. The Delegation furthermore suggested that the invitation of the Convention on Bio-diversity be discussed in all relevant WIPO fora concerned with traditional knowledge as well. The Delegation stressed that India was willing to assist other patent offices in providing horizontal integration between patent examiners and India traditional knowledge experts, in searches related to traditional knowledge based patent applications. The Delegation was concerned that out of 90 journals identified for the PCT minimum documentation, in the third session of the IGC, only five had been included in the meeting of international authorities under the International Patent

Cooperation Union, in its tenth session. This, in the Delegation's view, was inadequate and the scope of the PCT minimum documentation clearly needed to be improved and expanded. The Delegation was keen to see effective norms for disclosure of origins of genetic resources be developed, and the issue required adequate discussion in all fora, including those within WIPO. The Delegation furthermore emphasized that WIPO's special attention was required with regards to: public education and awareness creation; a focus on not just the inventor or the investor, but society as a whole, to ensure food and health security; the current Assemblies; and, the SCP, the committee on reforms of PCT and the proposed agenda for an international patent system. As far as the latter was concerned, the Delegation stressed that the process must take into account the concerns of all countries, not just those of developed countries. The Delegation also mentioned that the development of a modernized and responsive IP administrative framework necessitated a national consensus on IP issues, obtained through a consultative process. The Indian IP administration had in the past benefited from WIPO's assistance through Nationally Focused Action Plans, specifically with regards to the modernization of patent, trademark and design offices and the geographical indications registry. The Delegation noted, however, that such assistance had greatly diminished over the past years. It continued by stating that in order to foster the development of an IP culture, India wished to focus on the development of systems for grass root innovators, innovative systems for the protection of bio-diversity and traditional knowledge, and capacity building for all IP stakeholders, including patent attorneys, scientists, businessmen, village communities, teachers and students. The Delegation furthermore emphasized the need for flexibility and open-mindedness when addressing the issues presented at the current Assemblies, while, at the same time, looking at each issue critically when working towards an agreement. The Delegation pledged its support in the process, and was confident that WIPO would provide the support needed by developing countries to bridge the digital, technological and economic divide, and build a sustainable consensus.

51. The Delegation of the Russian Federation expressed its condolences following the passing away of Dr. Arpad Bogsch. The Delegation commended the Director General and WIPO staff for the presented documents and emphasized the multi-faceted nature of WIPO's work, not only focusing on developing an international IP system and assistance to developing countries and countries in transition, but also on disseminating IP information and creating a global IP environment. The Delegation highlighted major results, in particular, in terms of enhancing the role of IP as a driving force for general economic development. In that connection, the Delegation noted the WIPO publication "Intellectual property: A power tool for economic growth", as well as the assistance to SMEs in increasing their knowledge and use of IP, which was fully in line with the interests of the Russian Federation. Regarding the development of the IP system, the Delegation supported the reform of the PCT, aimed at further improving and simplifying the filing of PCT applications, and the development of the Madrid and Hague systems. An important result of WIPO's work in this regard had been the entry into force of the Geneva Act of the Hague Agreement on December 23, 2003, and of the relevant Common Regulations as of April 1, 2004. The Russian Federation was currently seriously studying the question of to the final adoption of this Act. The Delegation welcomed WIPO efforts concerning the electronic distribution of PCT documents, which, together with the new system of ordering documents through the Internet, in operation since May 2004, improved the effectiveness of the work of both patent offices and the Secretariat, which in turn served applicants' interests. Work was currently being undertaken by Rospatent to connect to this new system of ordering documents, and to provide the possibility of filing international applications in electronic form. The Russian Federation attached great importance to WIPO's work in the field of copyright. On May 26, 2003, the Russian Federation had become party to the Rome Convention, and on July 26, 2004, the new Law on

Copyright and Related Rights had come into force. The Delegation wished to expand its cooperation with WIPO in the field of copyright and related rights, and counted on the Organization to provide the Russian Federation with advice and assistance. The Delegation also noted the successful cooperation between the WIPO Worldwide Academy and Rospatent, being the administrator of the Russian-language version of the distance learning course DL-101. In 2003 alone, 673 specialists from the Russian Federation and 189 specialists from countries in the CIS region had completed the distance learning course, and the Delegation noted that the interest was not diminishing in 2004 either, as about 2,000 persons had so far enrolled for the Russian-language course, according to the results of two sessions. The Delegation hoped for the continuation and further development of the cooperation with WIPO in this regard. The Delegation also noted WIPO's activities related to development cooperation with countries in the region, in particular WIPO's contribution to the strengthening of IP protection systems in CIS countries, the improvement of legislation, the conduct of seminars on current IPR issues, and the preparation of the relevant section in the model Civil Code for CIS States. The Delegation further noted that WIPO was currently undergoing a complex situation, and that the Organization had to take difficult decisions, which were to be carefully weighed as they were very important for the future of the Organization. In this regard, the Delegation noted that it considered the proposed PCT fee increase to be a reasonable financial management measure, in view of the fact that 90% of the Organization's income was dependent on market fluctuations, and it stressed that this matter should be discussed in detail, and that the Russian Federation was prepared to participate constructively in the consultations. The Delegation concluded by giving an overall positive assessment of the Organization's activities during the reporting period and to support its efforts to overcome existing difficulties, as well as furthering development in the interests of all WIPO Member States.

52. The Delegation of Papua New Guinea associated itself with the statement made by the Delegation of Sri Lanka on behalf of the Asian Group. The Delegation expressed deep satisfaction with the statement made by the Director General and emphasized the significant progress and achievements made by WIPO during the previous year, commending the Secretariat for the efforts made in promoting IP. Its country attached great importance to the issues of Intellectual Property and viewed IP as one of the key factors that would contribute to sustainable economic development of the country in years to come. As a result, various efforts had been made to promote and protect IP in Papua New Guinea under the Regionally Focussed Action Plan initiated by WIPO and the Government of Australia for the Forum Island Countries in the South Pacific region. Papua New Guinea was now moving into a key economy where innovation and creation of knowledge capital would be the new primary economic driver. In the light of that, Papua New Guinea was reviewing its national IP legislation in order to enhance long-term competitiveness in the economy. The goals and objectives with regard to the development of IP infrastructure were to develop a simple IP system that would maximize IP value, to develop IP-intensive ventures that used Papua New Guinea as a structured base, to build new IP capabilities across public and private sectors, and to set high standards in IP protection and enforcement. The Delegation reminded that Papua New Guinea was the only Forum Island Country amongst the Island States in the South Pacific that had acceded to the PCT, in June 2003. It stated that the Government of Papua New Guinea had undertaken a review of patent legislation in order to fully comply with the various provisions of the PCT, in keeping with international norms and practices, and was confident that membership of the PCT would be of great benefit and would provide better access to the national patent systems in various PCT Member States. In conclusion, the Delegation affirmed its commitment to promoting and protecting Intellectual Property and reiterated its commitment to working closely with WIPO.

53. The Delegation of Paraguay mentioned the accession of its country to the main international treaties in the intellectual property field, and also the efforts made to bring its domestic legislation into conformity with the provisions of those treaties in accordance with its obligations under the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement). Enactments of that type included the Trademark and Copyright and Related Rights Laws of 1998 and the Patent Law of 2000. As far as the enforcement of intellectual property rights was concerned, Paraguay was in the process of implementing a national plan for combating infringement and piracy. The plan provided for severe repression of infringements and other violations of rights, and the punishment of the offenders, as well as the promotion of greater social awareness, the training of judges and prosecutors, the study and development of draft amendments to the instruments governing the subject and cooperation with the private sector. The Delegation thanked WIPO and the Economic Development Bureau for Latin America and the Caribbean for the cooperation given with a view to the promotion and dissemination of intellectual property rights and also the high-level seminars on enforcement, collective management and use of the industrial property system as a support tool for industry. It encouraged WIPO to continue with such initiatives as the distance learning courses of the WIPO Worldwide Academy, and also the training of officials responsible for the administration of intellectual property rights. The Delegation endorsed the question asked by the Director General in the course of the fourth session of the Policy Advisory Commission: What makes a developing country develop? — pointing out that the question to be asked was really: How can one ensure that the intellectual property system helps developing countries acquire new technology, achieve economic and social development and reduce poverty? In the knowledge society, the ability to create, acquire and adapt new technology was an essential prerequisite of successful competition in the global market; where that did not happen, a technology gap opened up and did economic harm to many countries. When it was clear that access to technology determined the fate of countries, it became imperative to understand the conditions to which technology transfer was subject. The Delegation stated that a prerequisite for the sustainable development of any country was the creation of its own scientific and technological capacity, which in turn would allow indigenous technological innovation to be stimulated and technology created abroad to be absorbed. Paraguay needed to develop integral intellectual property policies in order to promote development, and the intellectual property system had to be established as their primary reference. If the country did not have the human resources with sufficient experience and training to lessen the cost and increase the benefits of the system, the Delegation felt that priority should be given to the creation of an autonomous National Institute of Intellectual Property, which would be responsible for administering both industrial property and copyright and would be capable of coordinating the work of the various fields that it incorporated and of defraying by itself the costs arising from its operation and constant modernization. Paraguay supported the move to establish a WIPO Development Agenda, and recognized the efficient work done by the Secretariat of the Organization, and also its support to development efforts in the region. The Delegation considered that WIPO should be given a balanced budget that was in keeping with the realities of the modern world, so that development might continue to be given pride of place. For that reason it supported the proposed increase in certain fees for registration services provided by WIPO, in such a way as to supply a budget that responded to the Organization's goals.

54. The Delegation of Honduras subscribed to the statement made by the GRULAC coordinator and expressed its gratitude for the cooperation and assistance provided by the Organization, extending its thanks to the other Member States that, in cooperation with WIPO and the Secretariat of the General Treaty on Central American Economic Integration

(SIECA), had helped to organize different training fora and the exchange of technological and commercial information. In addition, the Delegation expressed its interest in receiving the necessary support and assistance from WIPO to facilitate administrative procedures and the supply of useful information between all intellectual property offices. It referred to the different activities and legislative changes that had occurred to date. As to legislation, the necessary steps had been taken for the Executive Authority to send to the National Congress for approval a draft law incorporating the PCT into national legislation. Having concluded the negotiations on the Free Trade Agreement between Central America, the United States of America and the Dominican Republic, it had taken on with enthusiasm and dedication the challenge of making substantial changes, structural reforms and constructive transformations of the intellectual property protection systems, with the firm conviction that it would benefit from the advantages derived from such activities. It had, *inter alia*, announced a series of legislative updates, both in relation to industrial property and copyright and related rights, including the subject of enforcement of rights and border measures. For that reason, the Delegation emphasized that particular interest existed in the fact that the cooperation and assistance given to Honduras should be based fundamentally on three aspects: the draft revision or renewal project to computerize intellectual property offices, especially the registration systems for trademarks and patents, which included supplying the computerization package, staff training, technical support, establishment of databases, monitoring and evaluation of the implications of computerization; staff training on matters relating to protection of trademarks, patents, undisclosed information and copyrights (especially that relating to the application and implementation of the Internet treaties); and also training in rights enforcement (border measures and unfair competition), and with regard to operation and administrative supervision of collective copyright management bodies, as well as support in the renewal of computer equipment capacity, including the free updating of new versions of computer programs. Furthermore, the Delegation emphasized that the country had a very special interest in the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, in terms of the establishment of a conceptual framework for debates and the production of policies allowing effective protection for such rights. In conclusion, the Delegation joined all those countries who had paid tribute to the memory of Dr. Arpad Bogsch, a person who had been known for his human qualities, strength and perseverance, and had devoted the majority of his life to what now constituted intellectual property throughout the world.

55. The Delegation of the United States of America paid tribute to the late Dr. Arpad Bogsch and expressed its condolences and sympathy to his family and friends. The Delegation fully supported the statement made on behalf of Group B and noted its support for WIPO's work in promoting the protection of IP worldwide, including its strong development dimension. The Delegation was convinced that making available strong IP protection stimulated domestic creativity, local and foreign investment and the transfer of technology. It further noted that WIPO's assistance was indispensable to countries working to put robust IP systems in place. The Delegation stressed its intentions to continue working closely with WIPO in the efforts to assist developing and least developed countries to achieve their development goals and to stimulate their economic, social and cultural development. To this end, the Delegation noted that over the past year, the US government had conducted numerous training programs in conjunction with WIPO for developing and least developed countries, including the annual International Copyright Institute, held at the US Copyright Office, and training in patent and trademark examination and IP enforcement, conducted by the US Patent and Trademark Office. The Delegation further stressed its serious concern with an issue regarding the financial health of the Organization and it had been surprised by the International Bureau's proposal to raise fees under the PCT during the middle of the

biennium. The Delegation referred to the indications made by the Secretariat that PCT filings, as well as PCT income, were increasing, and that the new system, adopted at the beginning of the year, had had no impact on the usage of the system. The Delegation noted that while it was true that PCT fees had been reduced in recent years, this did not, in their view, justify increasing them now, particularly when overall income from the PCT and its contribution to overall WIPO income continued to rise. Currently, PCT fees funded 79% of WIPO's budget, although PCT operations utilized less than a quarter of this income. The Delegation pointed out that PCT fees had been reduced in recent years because they had been set at artificially high levels in the past, generating reserve funds of approximately 350 million Swiss francs, meant for automation and building projects. Furthermore, a review of WIPO's Program and Budget over the last decade indicated that during that period, overall spending had tripled and the spending on cooperation for development programs had increased by 1,000%. Also, during the same period, WIPO staff posts had more than doubled and the Delegation noted that it did not know exactly how many short term positions and consultants were employed by WIPO. The Delegation believed that WIPO Member States should have a full understanding of WIPO's financial health, income, spending, assets and obligations, its efficiencies, and financial controls, prior to consideration of a fee increase. It also believed that there was sufficient time and opportunity for the Program and Budget Committee to consider many of these issues in preparation for the next biennium and prior to consideration of an increase in PCT fees. The Delegation concluded by stressing that it looked forward to engaging on these important issues in a cooperative and productive spirit.

56. The Delegation of South Africa associated itself with the statement made on behalf of the African Group. It expressed its thanks, full support and recognition for the work of the Director General and WIPO staff, and in particular highlighted the work related to the Policy Advisory Committee, while it noted that the work of that Committee needed to be entrenched and institutionalized in WIPO's delivery mechanisms. The Delegation also supported and co-sponsored the proposal on establishing a development agenda for WIPO, and underlined that development issues should constitute an essential element of all WIPO's future work. The promotion, protection and enforcement of IPRs were important but should be accompanied by tangible benefits. It was important for WIPO to calibrate the contribution of the IP system to the GDP of Member States, because developing countries had difficulties in quantifying tangible developments and economic benefits from the IP system. WIPO, as a specialized agency of the United Nations, had the responsibility to implement a development framework in all its functions which would allow the Organization to fully address and achieve the Millennium Development Goals. For WIPO to effectively promote such a development framework, all international instruments relating to WIPO, including its mandate, needed to be amended. A reconfiguration of the WIPO Standing Committees would follow naturally when a cohesive development agenda was implemented. In addition, existing and purported instruments of WIPO should be informed by such a development agenda. The Delegation also stressed the importance of the work of the IGC for developing countries. It noted that WIPO Standing Committees should work in a concerted and coordinated manner, and where their work interfaced, no one Committee should have a final say. The work of the IGC, the PCT and the SCP should therefore be coordinated and they should jointly advise the Secretariat to respond to requests such as those from the Conference of the Parties on the Interface of Patents and the Convention of Biological Diversity. Without pre-empting WIPO's response to such requests, South Africa was of the view that patent applicants should disclose in patent specifications the origin of genetic resources and traditional knowledge leading to their inventions. Prior informed consent should be sought, and fair and equitable benefit sharing arrangements should be in place. Such a disclosure should be made compulsory, and failure to do so should result in the refusal to process such

applications or the invalidation of existing patents. The Delegation was also of the view that the content of the Audiovisual Performances Treaty, still to be adopted, should not be approved if the work of the IGC was not fully taken into consideration. The Delegation supported WIPO's work in the area of Internet domain names, and noted the work of the Advisory Committee on Enforcement. Regarding IP developments in South Africa, the Delegation highlighted that Cabinet and the Portfolio Committee on Trade and Industry had approved the accession to the Madrid Protocol, the Hague Agreement and the Geneva Act. The accession process and the necessary amendments to relevant legislation would soon be completed. A Policy on Indigenous Knowledge Systems would be considered by Cabinet soon. In addition, Cabinet had approved the Patents Amendment Bill on the protection and commercialization of genetic resources and traditional knowledge, and legislation on the protection of sponsors of sports or major events was also in place. The Delegation also noted that advice was offered to negotiators of free trade agreements, and it hoped that other nations were not attracting TRIPS-plus obligations, or were not negating policy options provided for in the TRIPS Agreement. It stressed that bilateral agreements should be approached with circumspection in the area of IP, since there was, as yet, no entrenched development dimension, and therefore this difficult issue could better be concluded within the international fora. The Delegation concluded by noting that it was important for all Member States to recognize that the IP system must develop and benefit all.

57. The Delegation of Costa Rica expressed its satisfaction regarding the reports submitted in documents A/40/2 and A/40/3 containing the program performance report for the 2002-2003 biennium and the program implementation overview for January 1 to June 30, 2004. During that period significant progress had been achieved in implementing programs and policies that allowed greater promotion and use of intellectual property. Similarly, the Delegation recognized the important role played by WIPO in the development of nations by means of the momentum created by intellectual property as a driving force for economic growth, and in the reduction of the divide based on unfairness, injustice and lack of knowledge. As to the subject of the Organization's human resources, the Delegation pointed out that few changes continued to be noticed in the make-up of staff, in particular in relation to the representation of developing countries. It hoped that the vacant posts at all levels could be occupied by staff members from developing countries, with special attention being paid to the region of Central America and the Caribbean, one of the least represented within WIPO and whose human and professional potential should be exploited by the Organization. Moreover, the Delegation referred to the considerable work done to promote intellectual property through a series of activities relating to industrial property, copyright and related rights. Finally, it thanked the WIPO Economic Development Bureau for Latin America and the Caribbean for the advice given, and hoped that the tasks undertaken by WIPO would continue to be directed to developing countries so that intellectual property might constitute a driving force for their economies.

58. The Delegation of Jamaica thanked the Director General and his team for the activities undertaken by the Organization since the last Assemblies meeting, and associated itself with the statement by the Delegation of El Salvador on behalf of GRULAC. The Delegation was pleased to see that WIPO had widened and intensified its cooperation with various international organizations, including UNCTAD, in areas such as the use of the IP system for economic growth and development and the promotion of creative industries. The creative industries in Jamaica, including the music industry, were embedded in Jamaica's cultural background and were, therefore, a key asset whose use and protection could provide new economic opportunities. Creative industries were seen as one of the most dynamic sectors in the global trading system. The Delegation underscored that UNCTAD had estimated that the

global market value of the creative industries would increase to 1.3 trillion US dollars in 2005, from 831 billion in 2000. Regrettably, it noted, only a fraction of that amount would flow to developing countries. This was one reason why the Delegation supported strongly WIPO's work in the area of copyright and related rights, which was geared towards promoting effective legal protection, development, use and management of creative works such as literary and artistic expressions. The Delegation welcomed the entry into force of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, which it felt were important steps in establishing the legal framework to safeguard the rights of creators on the Internet, and in bringing copyright law in line with the digital age. The protection of audiovisual performances was also a critical area. Notwithstanding the fact that a treaty had not been concluded at the Diplomatic Conference in 2000, the Delegation believed that considerable progress had been made, and therefore called for an expeditious resolution of the outstanding issues, and the conclusion of that important instrument to safeguard the rights of performers against the unauthorized use of their performances in audiovisual media.

Caribbean Ministers at their 6th Meeting on intellectual property held in Antigua and Barbuda in November 2003, had signed a Cooperation Agreement with WIPO aimed at creating conditions for the development, protection, ownership, management and use of intellectual property assets in the Caribbean region, and at fostering technological innovations and enterprise competitiveness, including promoting the use of the intellectual property system as a tool for the development of cultural industries. The role of collective management institutions in the region was central to that objective. WIPO's technical assistance to the Caribbean Copyright Link, the regional entity for the collective management of copyright, had enabled it to assist national societies in the processing of royalty distributions. The Jamaica Association of Composers, Authors and Publishers (JACAP), one of the collective societies in Jamaica that was part of the Caribbean Copyright Link, reported that royalties distributed in 2003 and the first half of 2004 had shown a significant increase. Another distribution was scheduled to be made before the end of 2004. The Delegation underscored that piracy remained a challenge, not only in regard to copyright works, but also in respect to traditional knowledge biological resources. In the area of copyright and related rights, the issue was being tackled in Jamaica on a number of fronts, namely by developing the capacity of enforcement agencies, by conducting training courses at the Police Training Academy, by providing technical assistance to the courts in the prosecution of IP infringement, and through public education campaigns. Pirated works had been seized and destroyed. Further assistance was needed, however, to fund education programs and to sensitize the population to the consequences of piracy. With regard to bio-piracy, the Delegation stressed that it remained an issue of concern. The development of a model law for the protection of traditional knowledge, folklore and genetic resources in the Caribbean was envisaged under the WIPO/Caribbean Cooperation Agreement. Such a law would prove useful in addressing that issue at the sub-regional level. However, an international instrument was required to protect traditional knowledge from misappropriation and misuse at the international level. The Delegation acknowledged the work ongoing in the WIPO Intergovernmental Committee on that subject, and expressed the hope that an international instrument would be adopted as soon as possible. The Delegation would be pursuing activities with WIPO in the area of national branding. The Delegation wished to ensure that the Jamaican brand was safeguarded and that unauthorized and inappropriate use would be prohibited; it noted that the Jamaican Government continued to develop new IP legislation to achieve those objectives, such as the Geographical Indications Act, which had been passed in February 2004. The Delegation expressed its concern concerning the current financial situation of the Organization, stating that the necessary actions should be taken to place WIPO on a sounder financial footing as soon as possible. Great importance was attached to the cooperation for development aspects of WIPO's work, and it urged increased resources to carry out the programs and activities

under the cooperation program. The Delegation supported the initiative before the Assemblies to strengthen the development dimension in WIPO's work, which could deepen and enhance WIPO's already significant contribution to development, especially in vital areas such as flexibility in international norm setting, the preservation of policy space and the transfer of technology. WIPO was a key partner of Jamaica, both in terms of the promotion of IP and in its development efforts, as demonstrated by the number of activities and programs enshrined in the Cooperation Agreement signed with WIPO. The Delegation concluded by emphasizing that Jamaica was strongly committed to that Agreement, and would continue to cooperate with WIPO in putting in place an IP system which corresponded to its development objectives.

59. The Delegation of Romania congratulated the Director General and his staff for the commendable and comprehensive report for the 2002-2003 biennium and the overview of the program implementation from the current year. The Delegation expressed its satisfaction about the results achieved in the framework of WIPO's activities, and appreciated the energetic and strategic way WIPO was forging ahead into the new millennium, well aware of the new challenges posed and fully grasping its own important role to be played on the complex global scene. It had been a great honor for Romania to have hosted the 4th session of WIPO Policy Advisory Commission (PAC) in November 2003, and it was pleased to have had as guests dignitaries and eminent personalities of international life. The discussions held during the meeting of the PAC, and the papers upon which they were based, made an excellent review of the major issues arising in the economic, cultural and intellectual property fields. Following Romania's accession to the European Patent Convention in March 2003, the National Strategy in the field of intellectual property for Romania for 2003-2007 had been finalized and launched. Elaborated by the State Office for Inventions and Trademarks in collaboration with the Romanian Copyright Office, and after consulting the competent national authorities, the National Strategy would have a positive impact on the development of the Romanian intellectual property system, providing coherence and efficiency. The Delegation noted that a Bill on the ratification of the Patent Law Treaty would be shortly submitted to Parliament for its approval. Also, with a view to complementing the country's legislation with that of the European Community regulations in the patent field, a Bill establishing a Supplementary Protection Certificate for pharmaceutical and plant protection products had been drafted and submitted to the Government. In October 2003, the Romanian Government approved regulations implementing the Industrial Designs Law. During June 2004, the law on the modification of copyright and related rights was promulgated and published in the Official Journal, in order to upgrade the copyright protection according to the most recent developments in that field. The Delegation also pointed out the adoption of a law for the organization of the judiciary, providing for the establishment of the specialized courts for intellectual property. The State Office for Inventions and Trademarks, which carried out examination procedures and granted titles, had seen the number of applications received in some areas constantly increasing. The Delegation observed that the main activities undertaken in Romania towards public awareness concerning IP rights consisted of the organization of seminars on the enforcement of IPRs, lectures given at intellectual property events, and the organization of round table discussions. In that regard, ten seminars had been organized at the premises of the State Office for Inventions and Trademarks relative to the framework of the European Union, aimed at modernizing and harmonizing intellectual property rights by providing and implementing enhanced intellectual property protection. Ten other seminars were dedicated to judges, prosecutors, police and customs authorities, and seven regional seminars on intellectual property issues in general had been organized by the Romanian Copyright Office by itself, or together with the National Agency for Small and Medium Size Enterprise, in cooperation with the Chamber of Commerce. A very important

seminar had been organized in Romania during the summer of 2004 on the topic of Public Libraries and Management of Intellectual Property, which benefited from the presence of a WIPO specialist. Also, the staff of the State Office for Inventions and Trademarks had taken part in various fairs and exhibitions where they distributed materials elaborated by that Office and those made available by WIPO, most of which had been translated and published in the Romanian language. The Delegation underscored that efficient utilization of the IP system for economic, social and cultural development was a priority for the Romanian Government; and that all the activities undertaken for public awareness campaigns on the importance of IP have had positive results, including the interest manifested by numerous foundations and private associations in IP, showing how the role of the economic contribution of IP to the national economy had begun to be perceived in a deeper manner. The Delegation concluded by emphasizing that the country continued to rely upon WIPO.

60. The Delegation of Oman commended the Director General for the presented documents. The Delegation noted the recent visit of the Director General to Oman where he received the Order of Oman from His Majesty, the Sultan of Oman. During that visit, the Director General also met with senior officials and witnessed the country's interest in IP. The Delegation also associated itself with the statement made on behalf of the Asian Group. Concerning the work of the IGC, the Delegation recalled that Oman had hosted, in January 2002, the first international forum on "Intellectual Property: Our Identity, Our Future". In view of its significance for Oman, the Delegation hoped for a successful outcome of the IGC work, and looked forward to the development of an international instrument, or instruments, for the protection of cultural heritage, traditional knowledge and folklore. The Delegation then referred to the protection of audiovisual performances and announced that Oman was preparing for accession to relevant copyright and related rights treaties as well as other WIPO-administered treaties. It welcomed the Director General's proposal for a 12% increase in PCT fees, as a measure to address the shortfall in budgetary expectations, noting the 40% PCT fee reduction over the last six years, and in view of the growth of the Organization's activities, and the concrete and positive impact of such activities on the development of Member States, particularly Arab countries. It furthermore took note of the proposal by Brazil and Argentina for establishing a development agenda for WIPO. It welcomed the two countries' interest in the issue of development and IP, and stressed the importance of the matter. However, considering the time required to efficiently and objectively examine a proposal on such an important issue as development, the Delegation emphasized the need to establish a mechanism in the form of an open-ended task force, or working group, to discuss all the elements of the proposal, to consider implementation mechanisms as well as financial implications. The Delegation also thanked WIPO, in particular the Economic Development Bureau for Arab Countries, for its cooperation with Arab countries. Finally, it welcomed the new direction and vision of the Organization, which enabled WIPO to focus on the importance of the economic aspect of IP, while providing technical assistance in the various traditional fields under the WIPO Cooperation for Development Program.

61. The Delegation of Dominica pledged its continued support for the Organization and stated that it looked forward to the implementation of the cooperative agreement which was signed with the Caribbean countries in Antigua last year. However, it noted with concern that budgetary reductions had occurred and that this could result in the curtailment of important programs, such as the development of intellectual property as it related to developing countries, which was of key importance and should be continued. The Delegation concluded by thanking the Director General and his staff for the tremendous work that they had accomplished under difficult conditions.

62. The Delegation of Kyrgyzstan thanked the Director General and the Secretariat for the preparatory work done for the Assemblies. It expressed its deep condolences to the family and friends of Dr. Arpad Bogsch following his passing away. The Delegation noted that Kyrgyzstan had achieved considerable results in the development of its IP system. Regarding legislation, the Patent Law and the Law on Trademarks, Service Marks and Appellations of Origin had been amended in 2003, in order to correspond to modern requirements and standards. As a result, in 2003, the number of patent and trademark applications had increased by 40% and 23% respectively. In this regard it was worth noting that the IP system in Kyrgyzstan had been developed by linking the system to the development of applied science and innovative activities. Educational activities relating to IP had also been further developed, and students were now trained in 24 universities, at which seminars, exhibitions and competitions had been held. New draft laws were also being prepared, including a draft law on the protection of traditional knowledge and genetic resources. In drafting that law, Kyrgyzstan had taken the recommendations made by WIPO experts, and the results of the discussions within the IGC, fully into account. The Delegation hoped that the Committee would bring its work to a successful conclusion by producing an international instrument to regulate this complex issue. The Delegation also highlighted the special attention paid by Kyrgyzstan to matters relating to IP protection, and noted that to this end, an Interoffice Commission, attached to the Government, had been established in 2004, to deal with the prevention of IP infringements. The Commission comprised high-level representatives of all national law enforcement agencies. As an example of Kyrgyzstan's international cooperation in the field of IP, the Delegation mentioned the International Seminar which had been held in Kyrgyzstan, in 2004, concerning the problems in the protection of industrial property in CIS countries. The seminar was attended by representatives of WIPO, the Eurasian Patent Office (EAPO), the European Patent Office (EPO) and associations for the protection of IP rights. In 2003, and the first half of 2004, Kyrgyzstan had acceded to five WIPO administered treaties: the Hague Agreement, the Protocol Relating to the Madrid Agreement, the Budapest Treaty, the Rome Convention and the Nairobi Treaty. As a result, Kyrgyzstan was currently party to 22 international IP agreements. Also, the Delegation expressed its gratitude to the Secretariat for the support provided since 2001 for the development of the national IP system, in the framework of the cooperation program between the Government of Kyrgyzstan and WIPO. The Delegation noted that WIPO, in carrying out its program and in assisting especially developing countries to expand their IP systems, incurred enormous expenditure, and it was the Delegation's view that the issue of the current deficit required the support of Member States. In this regard, the Delegation, in its capacity as the current Chair of the Interstate Council on the Protection of Industrial Property of the CIS countries, and on behalf of all the members of the Interstate Council, supported the proposal to increase PCT fees; a step that was absolutely necessary if WIPO were to carry out its program effectively.

63. The Delegation of Georgia expressed its deep regret with the passing away of Dr. Arpad Bogsch and sent its sympathies to his family. The Delegation commended the Secretariat on the quality of the documents and noted that these demonstrated the diversity of the tasks faced by WIPO. It also noted that the capability of the Organization to respond actively to the economic, social, cultural and technological processes in the world was highly appreciated. The Delegation fully supported WIPO's position that the protection of IP must be of benefit to developed, as well as developing countries, and stressed the importance of focusing on issues such as electronic commerce, IP in SMEs, enforcement and other issues conditioned by the processes of globalization and the establishment of information societies. The Delegation further highlighted WIPO's endeavors towards the protection of genetic resources, traditional knowledge and folklore, and stressed that these issues were of particular interest and importance to Georgia, because of its ancient traditions of polyphonic folk songs,

which had been included in the UNESCO world cultural heritage list, as well as folk medicine and craft. The Delegation also underlined the importance of PCT reforms, and noted its appreciation of the WIPO policy, in recent years, aimed at reducing PCT fees. However, considering WIPO's financial difficulties, the Delegation noted that WIPO's proposal for a fee increase should be considered carefully and a reasonable solution should be found to maintain the financial stability of the Organization. The Delegation furthermore underlined the importance of raising public awareness of IP issues and of creating an IP culture. To this end, the Director General's publication "Intellectual Property - A Power Tool for Economic Growth" was a useful tool for the international community, IP professionals, business representatives, scientists, engineers, and policy makers, enabling them to understand the significance of IP and to participate more effectively in policy formulations. In this regard, the Delegation also underscored the activities and achievements of the WIPO Worldwide Academy, in particular the development of advanced distance learning courses, on topics such as electronic commerce, traditional knowledge, biotechnology, copyright and related rights. The Delegation noted that in Georgia, an increasing number of persons took advantage of this opportunity each year. The Delegation furthermore informed the Assemblies that the Tbilisi State University Intellectual Property Chair had begun its function. To promote the teaching of IP in the future, Sakpatenti, in addition, intended to establish an Intellectual Property Training Center at its new premises, targeting lawyers, scientists, engineers and businessmen. Interested persons would also be able to use Sakpatenti's computer facilities and consultations on the WIPO Distance Learning Courses would be provided. Last year, Sakpatenti had begun publishing the first Georgian periodical in the field of IP, which had been distributed free of charge to ministries, companies, libraries, educational and research institutions as well as other organizations. Abstracts of the journal were available in English and Russian and could be consulted on the Sakpatenti website. Regarding office automation, the Delegation noted that in the beginning of 2004, a new software had been implemented, and servers and 100 client computers had been changed. Sakpatenti had also continued its legislative work and had developed amendments to the IP legislation, following Georgia's accession to the Rome Convention and the Lisbon Agreement, bringing the total number of WIPO-administered treaties to which Georgia was party to 10. In addition, EU delegations had last year conducted a review in the field of IP and had concluded that, on the whole, legislation complied with EU regulations, despite some deficiencies. The Delegation also noted the acute problem of illegal use of the geographical indications of Georgian wines and mineral waters, and stated that the Georgian government was highly committed to address this issue. WIPO assistance in this regard would be highly appreciated. The Delegation also highlighted the Regional Seminar of the Black Sea Basin Countries, dedicated to the protection and use of geographical indications, held in Georgia, in 2004, with the assistance of WIPO and INPI (France), and noted that in October 2004, representatives of the French National Institute of Appellations of Origin would hold consultations with Georgian specialists. In this regard, the Delegation thanked WIPO for its assistance. It also noted however, that many issues regarding the protection of geographical indications could not be resolved, neither within the scope of the Lisbon Agreement nor TRIPS, and therefore it would be necessary to consolidate WIPO and WTO activities and positions in order to create a Global Register of Geographical Indications. The Delegation shared the opinion of the European Community that apart from wines and spirits, absolute protection should be provided for other products.

64. The Delegation of Brazil congratulated the Director General and his team on their skillful and competent management. It also referred to the important role that Dr. Arpad Bogsch had played in the foundation of the Organization. The Delegation emphasized that innovation and dissemination of new technological knowledge had become a

pre-requisite for productivity, without which no country could be expected to implement an effective trade and industrial development policy. The dissemination of knowledge also played an essential role in the attainment of fundamental objectives in the social sphere, such as the eradication of poverty and illiteracy, as well as the realization of democratic ideals. For those reasons, Brazil's industrial, technological and trade policy launched by the Government by the end of the year 2003 had enshrined innovation and technological adaptation and production as centralelements of national strategy, acknowledging the fundamental role that industrial property could play in promoting innovation and knowledge dissemination. The strengthening and expansion of the National Industrial Property Institute was thus an important objective of the Brazilian Government, which had increased its budget by 100% and intended to increase staff proportionately in recognition of the relevance of industrial property rights and as a sign of its commitment to provide the means necessary to ensure its protection. The Delegation pointed out that a delicate balance between the interests of the right holders and the users of new technological knowledge had to be found in order to ensure that the system functioned adequately to service the interests of all sectors of society. To achieve such a balance, it was necessary to acknowledge unequivocally the importance of the regulatory role of the State, as well as the need to take into account the different degrees of industrial and technological capacities existing in the environment in which the mechanism operated. Intellectual property had become an object of vigorous policy debate in national, regional and international fora by virtue of its complexity and growing relevance in a world that was increasingly dependent and sensitive to technological evolution. However, the Delegation pointed out that the debate in multilateral fora, particularly in WIPO, had not paid sufficient attention to the development dimension of intellectual property rights. Although the Delegation acknowledged the fact that Member States contributed 10% of the budget of WIPO, it stated that WIPO was a multilateral and intergovernmental agency of the UN system and must perform as such. As a result, the Delegation of Brazil believed that the time had come for WIPO, as a forum devoted exclusively to intellectual property matters, to make a systematic and explicit contribution to the debate on the development dimension of intellectual property rights. The Delegation informed the Assembly that Brazil and Argentina had thus tabled a proposal to establish a development agenda for WIPO, which had already been co-sponsored by nine other countries. The aim of such an initiative was to adapt the course of work of WIPO to a direction which should always have been followed, not to introduce a divisive issue in the organization's work or to seek to reverse its agenda. WIPO would thus be strengthened as an institution by increasing its legitimacy and by ensuring that the Organization would effectively be able to address the individual and collective interests of all of its Member States.

65. The Delegation of the Democratic People's Republic of Korea thanked the Director General for the quality of the documents submitted to the Member States and congratulated the Organization on having strengthened the international system for intellectual property protection during the 2002-2003 biennium. Faced with the worldwide trend whereby the number of applications for the registration and protection of patents, trademarks and industrial designs was increasing rapidly and where international registration was carried out by electronic means, during that period WIPO had made efforts to complete and renew, in more rational terms, the current legislation on intellectual property registration and protection, and to apply that system in numerous areas such as those of genetic resources and traditional knowledge. The Delegation also expressed satisfaction that at the 39th session of the Assemblies of the Member States in October 2003, certain clauses of the Convention establishing WIPO and other treaties had been revised and certain bodies, which were no longer of use, had been dissolved, thereby reducing the financial burden on the Secretariat and other Member States. The Delegation regretted, however, that during the 2002-2003

biennium, different programs, in particular those relating to cooperation, had not been carried out owing to the Organization's budget deficit. It stated that it would in future be necessary to make particular efforts with a view to achieving the aims reflected in the program for the 2004-2005 biennium and most of all to organize as quickly as possible negotiations relating to the re-establishment of the budget and to take the necessary measures. The Delegation also regretted that technical cooperation activities such as seminars, workshops, regional training courses, training activities for the WIPO Academy and so on had, contrary to the plans made, been unable to be held. For that reason, it strongly encouraged WIPO to continue its activities which consisted in establishing and renewing legislation for intellectual property registration and protection, in keeping with the age of the knowledge-based economy and that of information technologies. Since such circumstances required Member States to strengthen the competence of their intellectual property offices and to modernize infrastructure, there was consequently a pressing need for legal and technical assistance from the Organization. The Delegation explained that the country carried out intellectual creation activities, in accordance with the age of information technology and therefore gave a strong boost to the development of the national economy. Thus, in accordance with government policy, which consisted in attaching importance to science and developing industrial art, the activities designed to promote inventions and innovations, and to create trademarks and industrial designs, were conducted on a large scale. For example, during 2004 in Pyongyang, the International Goods Exhibition, the Exhibition of Items of Common Consumption and the National Exhibition of Inventions and New Technology had been held, where training courses and workshops had been organized for the instigators and creators of trademarks and industrial designs. In relation to legislation, the Delegation stated that the Regulations implementing the 2003 Law on Appellations of Origin had come into force in 2004, thereby providing a legal guarantee for the protection and use of special articles. Finally, the Delegation said that it would shortly submit to the Secretariat the official instrument of accession to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration. In order to adapt its activities for intellectual property protection and registration to international trends and to carry out faithfully its duties as a Member State, the Democratic People's Republic of Korea had, in 2003, acceded to the Berne Convention for the Protection of Literary and Artistic Works and, in 2004, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

66. The Delegation of Sudan congratulated the Director General for his book "*Intellectual Property: A Power Tool for Economic Growth*", which had become a reference in the country. The Delegation stated that although Sudan was in its initial stages with regard to copyright and related rights, major efforts were being made to join other leading countries in that area. IP systems were increasingly important and instrumental in the economic development of developing countries and LDCs in particular. The Delegation emphasized that new IP legislation had been developed in conformity with international treaties. In that regard, the Delegation thanked the Secretariat for the provided expertise. WIPO's experts had provided technical and legal advice and organized a number of seminars which had contributed to the enhancement of understanding among the intellectual community and creation of an IP culture in the country. Those events had stimulated activity in the private sector, including in cultural industries. Various television and radio programs had been produced and many studies had been carried out in cooperation with broadcasting organizations, in order to ensure conformity of activities of those organizations with intellectual property legislation. In order to create an IP culture and ensure the enforcement of IP legislation, a special court had been established to hear intellectual and industrial property cases. The Delegation was proud to announce that the court was the first of its kind on the African continent. Many cases had been settled by the court constituting fundamental

case law, part of which had been submitted to WIPO for inclusion in the collection of case law in Arab countries. In addition, the Delegation noted the establishment of a special prosecution for IP infringement cases, as well as the creation of a special police department for cases involving literary and artistic works. All these bodies were contributing to the effective enforcement of IP legislation. The Delegation also referred to the response of the Sudanese Minister of Justice to a request for support from the Association of Sudanese Inventors, and looked forward to WIPO's assistance in developing a framework for the protection of the country's rich cultural heritage, folklore and genetic resources. In the academic field, IP courses were being introduced in the curricula of the Law Faculty. On the regional level, the Delegation referred to the coordination and exchange of practical experiences with other countries, which were leading in the field of IP, thus benefiting from their expertise. The Delegation also highlighted the organization, in August 2004, of the first session of the annual forum held by the WIPO LDC Unit on Intellectual Property as a Tool for Economic Development, in Khartoum. The extensive participation in that event, which was sponsored by the University of Khartoum, exceeded expectations. Future sessions of the forum would be sponsored by other authorities such as the Ministry of Justice and the Customs Department. The Delegation had taken note of the conditions which led to the proposal for an increase in the PCT fees, and expressed its support for the proposal, especially so, because WIPO had never ceased to provide effective support and assistance to all countries. The Delegation supported the proposal by Brazil and Argentina and hoped that it would benefit developing countries like Sudan and enable it to join the route for development and progress. It also supported the view that a new mechanism was needed to deal with that proposal. While supporting the proposal to postpone the decision on the protection of audiovisual performances until the following year, the Delegation emphasized the need to move forward with the work for establishing a treaty on the rights of broadcasting organizations, and looked forward to WIPO's holding of a Diplomatic Conference on the matter as soon as possible. Finally, the Delegation thanked the Chair and expressed its gratitude to the Secretariat, particularly the Economic Development Bureau for Arab Countries, the LDC Unit and the WIPO Worldwide Academy, for their unceasing efforts in providing technical and legal assistance in various fields under the WIPO Cooperation for Development Program.

67. The Delegation of Singapore congratulated the Chairman and commended the Director General on his opening statement and his strong leadership of WIPO. The Delegation expressed satisfaction with the program implementation overview, and thanked the secretariat for its work. Tribute was paid to Dr. Arpad Bogsch, a friend of Singapore who would be greatly missed. In the previous year, WIPO and Singapore had cooperated successfully in developing an IP culture and in raising IP awareness in Singapore. Singapore remained committed to developing a robust IP rights framework, and to using IP as a tool to give it strategic advantage in its economic development. Amendments to IP laws had recently been made in the interests of modernization and to adapt them to new technological trends and the needs of businesses operating both in Singapore and the Asia-Pacific region generally. The Delegation was pleased that WIPO had played an active role in the Asia-Pacific region. As the region further embraced an IP culture and deepened its use of IP as a powerful tool for economic development, WIPO's work there would intensify. In order to strengthen WIPO's work in this context, the Singapore Government wished to present a formal offer to host a WIPO Office. It was envisaged that the Office would serve the needs of WIPO's Asia-Pacific constituents, and enable WIPO to build on its work and accelerate the development of an IP culture in the region. Singapore would be honored to host this Office. The Singapore Government would provide newly-built office space on a long-term, rent-free basis, and would also assume the outfitting and maintenance costs. The proposed Office would thus not have

any extra financial implications on WIPO's budget, and would represent a win-win arrangement for both WIPO and the Asia-Pacific region.

68. The Delegation of the Philippines expressed its sympathy to the family, friends and close associates of former WIPO Director General, Dr. Arpad Bogsch, whose work and achievements cannot be given justice in the space and time allotted. It associated itself with the statement made by the representative of Sri Lanka on behalf of the Asian Group. It also supported the statement made by the representative of Viet Nam on behalf of the Members of the Association of South East Asian Nations (ASEAN), welcoming the offer of Singapore to host the WIPO Office in Singapore. Serious concern was, however, expressed by the Delegation about the financial status of WIPO, as well as the hope that, notwithstanding the observation on the relation of member's contributions to the total WIPO revenue, WIPO would be able to continue providing technical assistance in those areas identified by Member States.

69. The Delegation of Myanmar associated itself with the statements made by the Delegation of Sri Lanka on behalf of the Asian Group and by the Delegation of Viet Nam on behalf of the ASEAN countries. It noted the increase of WIPO's membership to 180 Member States and welcomed, in particular, the accession of the Maldives. Expressing its satisfaction for the dynamic, transparent and efficient management of WIPO's activities and the many achievements of WIPO in the last biennium and in the first half of 2004, the Delegation highlighted, as particularly significant, the work undertaken by the Organization for the creation of an IP culture throughout the world. It stressed that, a proper understanding and knowledge of the intellectual property system was essential, if a country was to exploit its potential benefits for national development. In this connection, it commended the Director General for his untiring efforts to raise awareness of the importance of IP for fostering economic, social and cultural developments and the ways to use it as a policy tool for wealth creation. With respect to the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), the Delegation acknowledged its great contribution to a better understanding about the practical and policy options currently available within the IP system to safeguard the interests of the traditional knowledge holders. It added that the IGC should now move to the next phase and engage in the negotiation of a multilateral treaty on the promotion and protection of IP issues relating to traditional knowledge, genetic resources and folklore. Referring to WIPO's budgetary constraints occurred during the biennium, mainly due to a lower than expected number of PCT filings and the revised PCT fees structure, the Delegation expressed regret for the fact that a number of activities were not carried out as planned and that some results had consequently to be deferred. In this connection, it stated that measures had to be taken to redress the current budgetary situation and, since the PCT was the main source of income of WIPO, it fully endorsed the proposal of the Director General for readjustment of the international filing fee. It also viewed favorably WIPO's increased external relations with Member States, national and international organizations and other UN agencies as, in its opinion, this enhanced the visibility of the Organization and of the IP system. Therefore, it also praised the creation, as part of WIPO's outreach efforts, of the WIPO Offices in New York, Washington and Brussels, and expressed its full support to the offer by the Singapore government to host a WIPO Office in Singapore. In this respect, it trusted that a WIPO Office in Singapore would facilitate and strengthen significantly WIPO's cooperation activities in the ASEAN countries and in the wider Asia-Pacific region. The Delegation highly valued the technical assistance provided by WIPO to the developing countries and hoped that this cooperation would increase and expand in the future. In particular, it wished to express its gratitude for the assistance extended by WIPO to Myanmar in the modernization of its IP

system. A WIPO national workshop on the implementation of the TRIPS Agreement was also organized in June 2004 by WIPO jointly with the Ministry of Commerce. It mentioned that a follow-up expert mission was organized by WIPO to provide advice on the establishment of a modern IP system in its country, and commended WIPO for swiftly responding to the requests and for effectively carrying out those activities with great professionalism. The Delegation also pointed out that, in its quality as LDC and member of the WTO, Myanmar had to meet its obligations under the TRIPS Agreement by January I, 2006. It added that its country is fully determined to modernize its IP system not only to comply with the TRIPS obligations, but also to effectively use intellectual property as a strategic tool for advancing its national economic goals and objectives. Finally, the Delegation looked forward to further and closer cooperation with WIPO in its endeavours to develop a modern and efficient IP system.

70. The Delegation of Jordan commended the Director General and the Secretariat for the good management of the Organization's activities and programs, stating that WIPO had progressed and acceded to a prominent position in the international multilateral arena. The Delegation referred particularly to programs aimed at assisting developing countries in their capacity-building efforts to meet their obligations. In Jordan's view, there were many important issues under this year's agenda and they should therefore be considered from a balanced perspective, taking into consideration both IP requirements and development needs of developing countries. The Delegation also supported the statement made on behalf of the Asian Group. It pointed out that the Director General's proposal for an increase in the PCT international filing fee, in order to redress the income shortfall due to the decrease in PCT applications compared to budgeted projections, was a practical and serious proposal and should therefore be addressed accordingly. The proposal was, in the Delegation's view, based on sound and justified grounds and, therefore, it wished to support it as well as any efforts made to further enhance the financial performance and administration of the Organization, as the financial stability of the Organization was a common objective. Concerning the proposal for establishing a development agenda for WIPO, the Delegation was, in principle, willing to discuss it and benefit from it. Jordan had made significant and costly efforts in order to implement all IPR provisions and requirements. In that regard, WIPO had provided assistance in addressing the impact of such reform. However, the Delegation stressed that development was a crucial and vital issue for Jordan and it was probably premature to discuss it exhaustively. The Delegation saw as an option the creation of an appropriate mechanism to discuss all aspects of the issue, probably within the existing structure of the WIPO Program and Budget. Furthermore, the Delegation thanked WIPO for its role in consolidating cooperation between WIPO and Arab countries and noted that Jordan greatly appreciated WIPO's new direction, focussing on the development dimension of IP in its technical assistance. Finally, the Delegation hoped that WIPO would continue to consolidate this assistance under the Cooperation for Development Program.

71. The Delegation of Chile spoke of the numerous changes that had been made to the intellectual property regime during the past year in order to fulfill international undertakings, modernize legislative provisions and administer systems, at the same time maintaining the essential balance between rights and obligations, due regard being had to the country's level of development and its ability to implement such changes for the benefit of both the owners of the rights and consumers and users in general. With regard to multilateral concerns, it mentioned that in December 2003 one of the two draft laws intended to achieve compliance with the obligations of the TRIPS Agreement on the subject of copyright and related rights as well as border measures had been approved. A second draft law on matters such as the topographies of integrated circuits, the protection of undisclosed information and the

protection of national and foreign geographical indications was awaiting approval. The Delegation also announced its country's ratification of the WIPO Internet Treaties. On the subject of bilateral relations, it referred to the FTAs concluded with Canada, Mexico and Central America and more recently with Korea, the European Union and EFTA and the United States, which, while maintaining the necessary flexibility, increased the levels of protection for the owners of intellectual property rights. Those benefits of course extended to all WTO Members, in conformity with the most-favored-nation principle where appropriate. On the domestic, unilateral front, there was a draft law that would gradually increase sanctions, among other criteria according to the amount at issue in the infringement, the participation of illegal organizations and recidivism. From a more institutional standpoint, a unit had been set up within the Ministry of Foreign Affairs that was specialized in intellectual property, apart from which a draft law would be set in motion to replace the present corporate structure of intellectual property with an institution endowed with greater powers and administrative and financial autonomy that would be capable of meeting the demands of intellectual property and international commitments assumed. Apart from that it assured WIPO of its support for the difficult internal measures adopted to deal with the financial situation, including the proposal to increase the fees for international applications under the PCT system, which would begin to operate on January 1, 2005, among other things to ensure that the invaluable technical assistance might continue to be given. It emphasized that the Chilean Government had taken upon itself to look after the interests of its citizens and prevent any unnecessary restriction of the people's access to health, education, knowledge and the use of new technology. In other words, the aim was to achieve a balanced regime that would safeguard all the interests of society in conformity with international undertakings. For instance, a regime of international exhaustion of patent and trademark rights and copyright had been adopted. The range of grounds on which compulsory licenses could be granted for patents had been increased. It had been decided that the patenting of plants and animals would not be allowed and, finally, work was being done on writing limitations and exceptions into copyright that would meet the challenges and opportunities of digital technology. With reference to the proposal by Brazil and Argentina that a WIPO Development Agenda should be established, the Delegation said that the proposal contained some very valuable elements that should be considered in greater detail. A number of the ideas put forward in the proposal were consistent with the Chilean Government's policy of achieving balance between intellectual property protection and the needs of consumers and indeed all sectors of society. The Delegation wished to react to the statement made by the Delegation of Georgia regarding geographical indications. It noted that, in its view, the discussions at the WTO on the issue were politically confused and economically irrational, and stressed that there was a real risk of creating legal chaos. It mentioned the obligation to implement a multilateral registry for wines, but observed that some Members wanted among other things to go beyond the principle of territoriality. Some wanted the additional protection granted to wines and spirits extended to other products, and some wanted absolute protection for a list of agricultural products. The Delegation stressed that there was a need to reflect calmly and analyze what the consequences of such measures would be, because the costs could be considerable, and urged that such reflection should take place within WIPO in order to avoid making serious mistakes.

72. The Delegation of Malaysia associated itself with the statements made on behalf of ASEAN and the Asian Group and thanked WIPO for its cooperation and assistance and congratulated the Organization for its achievements in 2003 and the first half of 2004. The Delegation noted that an active participation in international cooperation and raising the awareness of IP would enhance both the international and national IP systems. The Delegation further noted that in the knowledge-based economy, intangible assets, such as

ideas and knowledge, were replacing the traditional role of land, labor and capital in economic development, and when developed and strengthened by the IP system, would help improve life, create job opportunities and strengthen national economies. WIPO cooperation thus indirectly had a beneficial effect by strengthening the IP system and encouraging creativity. The Delegation appreciated the opportunity to participate in WIPO capacity building activities in particular, and highlighted the Asia Pacific Regional Seminar on IP Strategies for Economic Development in 2003, jointly organized with WIPO. The Delegation looked forward to further cooperation with WIPO in the future. In addition, the Delegation highlighted Malaysia's efforts to enhance IP administration with the introduction of on-line filing and search facilities in early 2005, which aim at simplifying and speeding up the registration process for both trademark and patent applications, at the Intellectual Property Corporation of Malaysia. The Manual Guidelines on trademarks, patents and industrial designs were being updated to improve examination standards and to provide a better understanding to IP practitioners of the Office's practices and procedures. The Delegation also noted the importance of enforcement of IP rights, and highlighted various efforts implemented by Malaysia in this regard, especially in combating Optical Disc Piracy, including the amendment of the Copyright Act in 2003 to confer power of arrest to enforcement officers of the Ministry of Domestic Trade and Consumer Affairs. In addition, Malaysia had undertaken forensic testing on optical disc products in order to trace the piracy at source, and implemented a reward scheme to those who provided information leading to confiscation of pirated products and illegal production machines. Steps had also been taken to increase the number of enforcement officers to ensure effective enforcement throughout the country. The Delegation also announced the enactment of a new law to provide protection for plant varieties, the New Plant Varieties Act 2004, published in the gazette on July 1, 2004. Public awareness of IP had always been one of Malaysia's priorities and, to this end, a series of public awareness activities including advertisements, exhibitions, road shows, seminars and workshops had been conducted for various target groups such as researchers, entrepreneurs, teachers, journalists and the general public. Furthermore, a special awareness program and guidance on registration procedures had been provided to SMEs. The Delegation concluded by reaffirming Malaysia's commitment and continued support for WIPO policies and projects.

73. The Delegation of The former Yugoslav Republic of Macedonia paid tribute to the Secretariat for the work done and thanked the Director General for his qualities as a leader in the promotion of intellectual property in the world. It emphasized that the year 2004 would leave a significant mark on the protection of industrial property rights in The former Yugoslav Republic of Macedonia and would remain one of the most important for the development of the Macedonian Office for Industrial Property Protection. Furthermore, the signing of the Stabilization and Association Agreement with the European Union, and the accession to the World Trade Organization and the ensuing obligations, had encouraged and affirmed the protection of industrial property rights in the country. The Delegation observed that the Assembly of The former Yugoslav Republic of Macedonia had adopted a new Law on Industrial Property which had entered into force on January 1, 2004. The Law had allowed the Office for Industrial Property Protection to be transformed from a body attached to the Ministry of Economy into the State Industrial Property Office, as an independent and autonomous institution among the Government administrative bodies. The State therefore wished to make clear its desire to promote the protection of rights stemming from industrial property and to strengthen their implementation in practice. Similarly, the year had seen the introduction of new information technologies in the Office's administrative procedure. With the support of WIPO and in particular that of the sector for cooperation with certain countries in Europe and Asia, a project for the installation of the computerized WIPO Intellectual

Property Automation Systems (IPAS) had been quickly set up and completed such that the procedure for protecting patent rights and registered trademarks was now completed computerized. The Delegation also observed that in the National Office the electronic databases had been completed such that, in addition to the paper version, the Office now had a full electronic version of all documents. The Delegation said that the project had been carried out with the cooperation of the European Commission, and emphasized that by means of those procedures the Office had become an institution which had electronic registrations for all the databases in its possession. The following stage would consist in transferring all those databases to the Internet so that they were available to all interested users such as researchers, innovators or enterprises. In conclusion, the Delegation announced that the State Industrial Property Office had supported and contributed to the translation into Macedonian of the book *“Intellectual Property – A Power Tool for Economic Growth”* and that the same Office would undertake to promote the book actively in the country and in the region.

74. The Delegation of Cuba said that, although WIPO was continuing to set aside resources for action on traditional knowledge, genetic resources, folklore and electronic commerce, and also activities for the benefit of SMEs, efforts should be redoubled with a view to achieving better decision-making on issues of overriding importance to developing countries. One of the great merits of WIPO was that it had, through its cooperation for development activities and its technical assistance to developing and least-developed countries, built up the training of human resources as a key factor of the establishment and development of national intellectual property systems, and it was hoped that the Organization's budget deficit would not adversely affect cooperation activities. It expressed particular thanks to the Economic Development Sector in general, and to the Economic Development Bureau for Latin America and the Caribbean in particular, for the assistance provided. The Cuban Industrial Property Office granted OCPI prizes for creativity and technological innovation every year as part of its promotional and public awareness activities. Cuba had also taken part in the International Young Creators Exhibition held in Japan. The Delegation considered it extremely important to give impetus to cooperation and technical assistance activities within the framework of the PCT and Madrid systems. In view of the complexity of the process of developing new provisions in the field of intellectual property, the Delegation pointed to the need to take due account of the views and needs of developing and least-developed countries. It emphasized that the participation of national experts from developing countries and LDCs in the various negotiations conducted under the aegis of WIPO depended on the financing provided by the Organization, which had to be more generously provided. It mentioned that the greatest challenge facing WIPO at present, which would moreover continue to be relevant in the future, was the full and systematic integration of the development dimension in all its activities. It also drew attention to the fact that it was essential to maintain some balance between the interests of the owners of rights and society at large, and that consequently all intellectual-property-related activities and initiatives, including those undertaken by WIPO, should serve that purpose. Developing countries had to have sufficient flexibility to meet their obligations and make use of the intellectual property system in a manner compatible with their levels of development and their social, environmental, educational, scientific and public health objectives.

75. The Delegation of the Democratic Republic of the Congo praised the quality of the documents made available to the Member States and expressed its gratitude to the Organization for its fruitful cooperation, in particular its legal assistance with a view to updating the national legislation governing industrial property and copyright and related rights, as well as its financial assistance which had essentially consisted in equipping the offices of the Directorate of Intellectual Property. In addition, human resources capacity had

been strengthened as a result of advice provided by several experts sent by WIPO. Within the same framework, the Delegation expressed satisfaction at the Organization's participation in the seminar that would be held at the end of October 2004 under the auspices of the Ministry of Culture and Art. In that regard, it was looking forward to the outcome of the seminar which could guide the project to establish a new body that would replace the former National Society of Publishers, Composers and Authors (SONECA). The Delegation reported on the different forms of progress made in the Democratic Republic of the Congo in relation to intellectual property and associated itself with the statement made by the Delegation of Egypt, on behalf of the Group of African Countries, while also giving due praise to the activities conducted by the Organization. In addition, it expressed satisfaction at the enhanced relations between WIPO and other international, regional or technical organizations, as well as at the work done by the Standing Committee on the Law of Patents (SCP), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and the Standing Committee on Copyright and Related Rights (SCCR). Taking into account the encouraging results achieved, the Delegation expressed support for the proposal to hold a Diplomatic Conference to revise the Trademark Law Treaty (TLT), in the first half of 2006, as well as that on the protection of broadcasting organizations following the forthcoming working group meeting. As to the Diplomatic Conference on the protection of audio visual performances, which had been abandoned in 2000, the Delegation saw no objection to it being rescheduled some time during 2005, until such time as the different consultations held reached a consensus of views among Member States on the need to hold the Conference. The Delegation also stated that it attached great importance to the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Congo Basin was itself replete with a biodiversity not yet explored and local populations were the holders of traditional knowledge which required national and international protection. It said that the regulated exploitation of those areas would allow the communities that owned them to benefit greatly from their wealth. In conclusion, the Delegation said that it was very concerned about the Organization's financial situation and hoped that the difficulties encountered would not lead to a reduction in programs in favor of developing countries. Subject to further subsequent discussion, it did, however, support any proposal to increase the development dimension in WIPO's programs. In that regard, it stated that the initiative put forward by the Delegations of Argentina and Brazil constituted an excellent basis for discussion.

76. The Delegation of Kenya associated itself with all of the other delegations in passing its heartfelt condolences to the family of the late Dr. Arpad Bogsch, recalling that Dr. Bogsch had honored Kenya with a visit to that country in the year 1996. Kenya also supported the intervention by the Delegation of Egypt on behalf of the African group. It commended the Secretariat for the excellent preparation of the meeting. The Delegation offered its support for the agenda item relative to increased WIPO developmental activities, proposed by Brazil and Argentina, and expressed its hope that Kenya would get an opportunity to contribute specifically at the appropriate time. It appreciated the development cooperation activities by WIPO in Kenya, in particular capacity building, and assistance with legislation, especially in the drafting of the new copyright law, which was then enacted, and which established a copyright board to administer copyright in Kenya and to license collecting societies. The Delegation also offered its appreciation for technical assistance, specifically in terms of WIPONET, and equipment and computerization of its registries, as well as seminars on the Madrid System and enforcement of IPRs. It noted that the Trademarks Registry had started receiving local applications under the Madrid System, some of which were being presented to WIPO in the course of this Assemblies meeting. It was the Delegation's view that the IP regulatory regime should be flexible and adaptable to take into account emerging issues such

as traditional knowledge, folklore and genetic resources. Pursuant to those principles, Kenya had encouraged dialog in putting in place mechanisms to avail essential life saving drugs to its citizens, an approach which had begun to bear fruit. Kenya had joined South Africa and other countries in the manufacture of Anti-Retroviral drugs locally, on the basis of voluntary licenses to a local pharmaceutical firm by two pharmaceutical multinationals. The Delegation underscored its strong belief that awareness about the importance of IP needed to be stepped up so that its citizens could own it; it felt that this was an area that had not received adequate attention. Such awareness must go hand in hand with recognition and protection of traditional knowledge, both at the national and international levels. The introduction of an international instrument to protect genetic resources, traditional knowledge and folklore would go a long way toward changing the perception of its citizens that IP protected only the inventions of foreign individualistic rights. Indigenous communities would see social, economic and cultural gains, and the derivative economic benefits would boost awareness, tap into the wealth of the communities, and equally address the millennium development agenda of poverty alleviation.

77. The Delegation of Belarus expressed its gratitude to the Director General and the Secretariat for the preparatory work done for the Assemblies. It stated that the development of intellectual resources was a priority in Belarus and, accordingly, the required legislative base had been established, in a short period of time, in order to allow legal protection of all forms of intellectual property. The Delegation noted that significant momentum had been given to the development of the national patent system by the meetings that had taken place in 2003 in Minsk and Geneva between the Director General of WIPO and the President of Belarus. In 2003 Belarus acceded to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms. On World Intellectual Property Day, on April 26, 2004, a Decree issued by the Government led to the adoption of the concept of the development of an intellectual property protection system, which envisaged the gradual improvement of legal, economic and organizational mechanisms for establishing relations in the intellectual property sphere. The Delegation highlighted that the Government had approved the State Program of Intellectual Property Protection for 2004-2006, containing measures aimed at improving the standard-setting base, preventing infringements in the intellectual property sphere, protecting the national market against counterfeit goods and also monitoring the movement of the results of intellectual activity. It noted that training of staff in this field was extremely important and informed that education projects were being carried out, taking into account the interests of, and requirements for, development in the country, with the setting up of a Study Center within the National Intellectual Property Center. The Delegation mentioned that a seminar for State authorities, executive officers, representatives of government departments, leading enterprises and institutions was being organized, with the participation of the WIPO Worldwide Academy, and was confident that in this respect its country would receive, in accordance with the existing agreement, financial, technical and methodological assistance from WIPO. The Delegation noted that without a stable financial base WIPO would not be able to carry out its functions at an appropriate level, aimed at balancing the interests of all countries, and stated that financial resources should be concentrated and focus on mutually beneficial cooperation for all the members of WIPO's Unions. Finally, the Delegation observed that WIPO played a key role in the formation of a new global economy based on protection and intellectual property management, and constructive decisions were needed to improve WIPO's financial position, for the further effective development of the intellectual property system infrastructure in all countries.

78. The Delegation of Sri Lanka associated itself with the statement made on behalf of the Asian group and with the statement made by Pakistan on behalf of the SAARC countries. The Delegation congratulated the Director General and his team for the achievements made during the period under review. It informed the Assembly that Sri Lanka had recently taken some crucially important steps in the field of IP, including the introduction of a newly enacted law, and had made concrete efforts in enforcement, management and awareness building, working in close cooperation with and receiving assistance from WIPO, for which it expressed its appreciation. The Delegation stated that WIPO had provided full assistance in many areas including human resource development, capacity building (including automation and collective management of copyright and related rights), as well as providing assistance to SMEs and emphasized that it was doing its best to convey to the people of Sri Lanka the usefulness of IP in poverty alleviation and economic and social development. The Delegation pointed out that such efforts would only be productive if the message were translated into practice and if the newly acquired awareness could be used to assist the population to create IP, use IP and commercialize IP for its benefit. The Delegation highlighted the need of crucial strategic and technical assistance of WIPO in that direction and stated that strengthening regional and sub-regional cooperation would contribute immensely to further that goal. The Delegation indicated that it was also interested in the due protection of traditional knowledge, genetic resources and folklore. The Delegation also suggested that the strengthening of the financial situation of WIPO should be examined, including favorable consideration of the proposal for a marginal increase in PCT fees. The Delegation concluded by re-affirming its commitment to the promotion and protection of IP and by reiterating its willingness to work closely with WIPO in order to achieve the desired objectives.

79. The Delegation of Saint Vincent and the Grenadines offered sympathy on the recent passing of Dr. Arpad Bogsch. The Delegation extended its compliments to the Director General of WIPO, for his continuing efforts to affirm the universal character of IP and expressed its gratitude for the support and cooperation of WIPO in the development of its national IP system. The Delegation stated that the period 2003 to 2004 had been a significant one in the evolution of IP at the national level. Progressive laws had been passed for the protection of copyright, trademark and geographical indications. PCT implementation had also commenced during that period and was soon to be advanced by the passage of a comprehensive Patents Act and by patent regulations which had already been drafted with a view to the Act's early entry into force. The 2004 legislative agenda for Saint Vincent and the Grenadines included the preparation of laws for the protection of industrial designs, new plant varieties and the typography of integrated circuits. The Delegation informed the Assembly that improvements had occurred in the institutional framework with the transfer of Intellectual Property administration to a new statutory agency, the Commerce and Intellectual Property Office. It thanked WIPO for supporting its efforts with a recently concluded mission in which WIPO's software for the automated processing of trademark and patent applications had been successfully installed in the Intellectual Property Office. The Delegation pointed out that the benefits of such a mission were already being experienced and hoped that a second mission would be arranged. The Delegation also expressed its appreciation of WIPO's role in promoting the participation of its Intellectual Property Office in copyright training relative to the management of digital rights and commended WIPO for its contribution to the development of its human resource capacity. It encouraged WIPO to enhance the ability of its Worldwide Academy to meet the training needs of new offices such as that of Saint Vincent and the Grenadines. The Delegation informed the Assembly that the staff of the IP office had been increased and that it had a keen desire to advance development of the requisite expertise. The Delegation affirmed its support for the continuation of the work of the intergovernmental committee on genetic resources, traditional knowledge and

folklore, in the hope of having those especially susceptible forms of IP protected, not only in national laws, but also through an international instrument. It applauded the work of the Small and Medium Sized Enterprises Division and the newly created Intellectual Property and Economic Development Department and requested that the above-mentioned work be better supported given that it was critical for the full realization of the benefits of Intellectual Property by developing countries. The Delegation also indicated that it was greatly encouraged by the framework for strategic development that existed in the form of the 2003 Cooperation for Development Project in the Caribbean region. It however urged WIPO to deepen the consultative process and embrace the priorities of the Member States so as to ensure the meaningful and sustainable implementation of the project's broad objectives. In closing, the Delegation stated that it looked forward to continued cooperation with WIPO in the use of IP as a tool for economic development.

80. The Delegation of Djibouti saluted the Director General and his deputies, and wished to thank WIPO sincerely for the technical assistance received by its country, mentioning that it had recently organized a seminar in Djibouti in collaboration with WIPO and the WTO. It supported the request made by the representative of Benin, speaking on behalf of the Group of Least Developed Countries (LDCs), that funds should be made available to the Organization for assistance to the LDCs, recalling that they were the most vulnerable country group of the United Nations system. As for the financial position of WIPO, the Delegation said that it was confident that the Organization would find such specific solutions as would avoid adverse consequences for technical assistance, which was a vital element for the LDCs.

81. The Delegation of El Salvador expressed thanks to the Organization for the activities carried on during the 2002-2003 biennium and the first of 2004, and joined those delegations that had honored the memory of Dr. Bogsch. It announced that since March 2004 its country had had an intellectual property office which, in terms of quality of service, was certified as conforming to quality management standard ISO 9001:2000. Apart from guaranteeing the legal security and publicity of registered intellectual property rights, the office had also taken on the role of disseminator in that area, and as such had taken on a number of highly important projects. It highlighted the efforts made with SMEs, with which progress had been made beyond the stage of mere disclosure of intellectual property to reach that of the provision of specific advice and assistance on the protection of their intellectual property rights, which was done on the basis of a cooperation agreement with the Association of Medium-Sized and Small Salvadorian Enterprises (AMPES). It pointed to the signing of six technical cooperation agreements between the intellectual property office and various universities in the country with a view to promoting better knowledge of the guarantees available to innovators, and also a greater awareness of the scope and importance of intellectual property, which in turn would facilitate such processes as technology transfer. In that connection the "WIPO National Seminar on Intellectual Property, its Implications for SMEs, the University and the Research Center" was to be held in October 2004. It referred moreover to the technical cooperation agreements with the Mexican Industrial Property Institute (IMPI), the National Institute of Copyright of Mexico (INDAUTOR), the European Patent Office (EPO) and the Spanish Patent and Trademark Office (SPTO), and also its participation in the LATIPAT pilot project, the first Central American project for horizontal technical cooperation with the National Industrial Property Office of the Dominican Republic (ONAPI) on computerization for the control and management of patent files. It ended by expressing its Government's concern that WIPO's budgetary difficulties should not have an adverse effect on the commitment of resources to development cooperation programs, as indeed the Delegation of Morocco had pointed out in its earlier statement.

82. The Delegation of Ukraine observed that in Ukraine and the world community there was now a clear understanding that, at the beginning of the twenty-first century, the world economy was characterized by fundamental changes in the determination of the trends of economic progress. The basic emphasis was now placed on accelerated innovation development and the transition to a strategy for a knowledge-based economy. At its base lay intellectual resources, intellectual capital, science and the processes involved in transferring the results of creative activity to the production of material and spiritual benefits. In Ukraine, special attention was being devoted at the highest level of State to innovation as a source of economic growth for the State. In his address to the Supreme Council (*Verkhovna Rada*) of Ukraine in 2004, the President of Ukraine had said that priority in the activities of the State authorities should now be attached to creating conditions guaranteeing not only the enhancement of innovation potential but also, above all, its maximum realization in the interests of society. For that purpose, Ukraine had developed a number of measures, namely a draft law of Ukraine containing particular features for introducing intellectual property subject matter into civil society, with resources coming from the State and/or local budgets, as well as special and State funds earmarked for specific purposes. Work was also being done to establish a national standard and method-based recommendations for assessing the value of intellectual property subject matter. The Delegation further noted that the State Department on Intellectual Property in Ukraine was particularly concerned with the promotion of inventions and innovations, and that a specific State trust fund had been made available to inventors, in particular, SMEs, universities, scientific and technical institutes. The Delegation mentioned that visits had been organized to European States in order to study the experience acquired in the sphere of developing systems for supporting inventive activity and carrying out inventions, innovations and revolutionary technologies on the domestic and international markets. The Delegation pointed out that, since independence, Ukraine had taken the necessary steps to provide for intellectual property rights, and to ensure that moral and material interests, arising in connection with various types of intellectual property, were guaranteed by the Constitution. A standard-setting basis in the sphere of intellectual property had been set up, which complied fully with international standards, effective mechanisms for the implementation of laws had been introduced, and a business infrastructure had been created which guaranteed the implementation of State policy in this sphere. Ukraine fully supported WIPO's activities aimed at reforming both the Organization itself and the international system of protection for intellectual property rights as a whole. Thus, in connection with the reform of the International Patent Classification (IPC), the State Department of Intellectual Property, attached to the Ministry of Education and Science of Ukraine, had devised a plan containing measures for introducing the eighth edition of the IPC in Ukraine. Regarding the proposal to increase PCT filing fees, the Delegation noted that the issue would be resolved at a professional level. Ukraine expressed its sincere gratitude to WIPO for its assistance with the organization and conduct of measures designed to disseminate knowledge of intellectual property and to enhance the professional level of Ukrainian specialists in this sphere, which in turn helped to improve the Ukrainian system of legal protection for intellectual property. In order to achieve gradual results in the enhancement of the role of intellectual property both in Ukraine and worldwide, Ukraine expressed the hope that the partnership between WIPO and Ukraine would be further strengthened and comprehensively developed on the basis of generally recognized principles of international cooperation. The foundation of the successful implementation of such activities could be an increase in the funding for cooperation programs as part of Main Program 09 "Cooperation with Certain Countries in Europe and Asia".

83. The Delegation of Israel expressed its sincere condolences for the recent passing of Dr. Arpad Bogsch, stating that it was indeed a great loss for the whole IP community. It

extended its gratitude to the Director General and WIPO staff for their assistance, support and guidance with respect to IP in its country. In particular, it mentioned the assistance provided by WIPO for the automation of the Patent Division within the Israeli Patent Office (IPO), which included the development of the software for the administration and registration of patents in Israel. It added that the IPO looked forward to sharing its experience with other IP offices with regard to the designing and operating of this software. The Delegation announced that the IPO was expecting to commence operating under the Madrid Protocol within the first months of the year 2005 after completing the development and installation of the necessary infrastructure. With regard to WIPO's PCT system, the Delegation pointed out that Israel ranked as one of its top users per capita and was grateful to WIPO for involving the Israeli Patent Office in several PCT pilot projects. Finally, it said it looked forward to furthering its excellent relations and cooperation with WIPO and, through its assistance and guidance, with other IP offices both at national and regional level.

84. The Delegation of Egypt congratulated the Director General for the preparation of the Assemblies and reiterated its full confidence in his management of WIPO. The Delegation emphasized the importance Egypt attached to intellectual property protection, given that IP could have a valuable contribution to the development process, and particularly technological development, and well as encouraging creativity and innovation in general. This required, however, that IP protection be balanced and that it took fully into consideration the public interest and the development dimension. With this in mind, the Delegation emphasized that Egypt was pursuing its efforts to modernize its IP infrastructure, both on a legislative and technical level, giving particular attention, in this regard to the modernization of its competent national institutions dealing with IP and the enforcement of IP rights. On an international level, the Delegation mentioned that, during the past year, Egypt acceded to the 1999 Act of the Hague Agreement and hoped that this step would enable Egypt to further benefit from its membership in the Hague System. The Delegation seized this opportunity to express its appreciation to WIPO, and in particular to the Economic Development Bureau for Arab Countries, for its support to these efforts. The Delegation highlighted the importance that WIPO was provided with all the necessary financial resources in order to maintain the level of its cooperation for development activities. Finally, the Delegation wished to refer to the fact that the 9th meeting of Arab Ministers responsible for research and higher education, held in Damascus earlier this year, had adopted a recommendation that there be a single Patent office for the Arab region with the Egyptian Office at its core. In this context, the Delegation mentioned that Egypt looked forward to WIPO's assistance in implementing this recommendation.

85. The Delegation of the Congo congratulated the WIPO Director General and Secretariat for the brilliant work accomplished during the 2002-2003 biennium, and also for the clarity of the documents submitted to the Member States for consideration, and said that it endorsed the statement made by the Delegation of Egypt on behalf of the Group of African Countries. It wished to express its condolences to the family of Dr. Arpad Bogesch, former Director General of WIPO. It then mentioned that, in the face of the challenge of eradicating poverty in developing countries, access to the necessary drugs for healthcare, access to scientific and technical information and the implementation of the binding standards imposed by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), WIPO should become an active instrument of economic, technical, scientific and cultural development. The Delegation went on to consider the Program Performance Report for the 2002-2003 biennium, and the Program Implementation Overview for the first half of 2004, and was pleased to note the progress made in the course of that period. Among other things it mentioned the special efforts made by the Organization for the creation of an intellectual

property culture. It was pleased with the growth of applications for protection, the increase in deposits of instruments of accession to or ratification of treaties, the continuing reform of the International Patent Classification, the rationalization of staff recruitment procedures, the simplification of the constitutional structure of WIPO and finally the modernization of the IT infrastructure, with the installation of WIPONET kits in 98 Member States. In that connection the Delegation requested that the financing of the latter should continue, in view of the difficulties encountered by developing countries in the management of the kits. The Delegation expressed its gratitude for the assistance provided by WIPO, which had related mainly to training, logistics, awareness and the organization of training seminars and workshops providing general introductions to industrial property in 2001, to customs administration and the protection of intellectual property rights in 2003 and to industrial property and economic development in 2004. It reaffirmed its desire to consolidate its relations with WIPO, and expressed the wish that the cooperation between the two might become stronger in 2005. Finally, it supported the proposal made by the Director General for an increase in PCT fees, and stressed the need to take a decision as a matter of urgency in order to enable the Organization to continue to carry out its mandate efficiently. In that connection it mentioned that the principle of increasing or reducing application fees was not a novelty but in fact standard WIPO practice which applied depending on the financial position of the Organization. In the event, thanks to the sound financial health of WIPO, the General Assembly had in the past decided on successive reductions in the fees for international applications, and the accumulation of those reductions over a period of years had, it said, had adverse effects on the Organization's present financial circumstances.

86. The Delegation of Guinea praised the efforts of the Director General and Secretariat for the high quality of the documents submitted for the Assemblies. It conveyed its heartfelt condolences to the family of Dr. Arpad Bogsch, former Director General of WIPO, and said that it was saddened by such a cruel loss suffered by the Organization and the world of intellectual property. The Delegation then endorsed the statement by the Delegation of Egypt, in the name of the Group of African Countries. It conveyed its thanks for the wide range of assistance made available in connection with the promotion of intellectual property. In that regard, it wished to highlight the remarkable support given by WIPO, in cooperation with the National Institute of Appellations of Origin (INAO, France), the French National Institute of Industrial Property (INPI) and the African Intellectual Property Organization (OAPI), notably in the promotion of geographical indications. It asserted that geographical indications played an essential part in the promotion of economies through effective protection of intellectual property. In that respect it said that it was pleased with the formation of the first international network of producers of geographical indications, composed of producers from Africa, North and South America, Asia and Western and Eastern Europe, who were actively campaigning for the strengthening and broadening of the protection of geographical indications at the international level. By way of example, it mentioned the present existence of a partnership between the pineapples of Guinea and the Alpine cheeses of Switzerland. The Delegation therefore approved and fully supported the action currently being undertaken at World Trade Organization (WTO) level regarding the improvement of the protection of geographical indications. It repeated its unfailing support for all the reforms undertaken by WIPO to protect the intellectual property system throughout the world and especially in the least developed countries (LDCs). It also declared itself in favor of the creation of an intellectual property culture through demystification and enhanced awareness. In that connection it expressed thanks to WIPO for the progress made by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. It mentioned the new publication entitled "*Intellectual Property, a Power Tool for Economic Growth*", which dealt with specific examples of the successful use of the system for the

greater benefit of society. It expressed encouragement for the various activities conducted in connection with intellectual property development which enabled Member States to make full use of the potential of the intellectual property system as an instrument of creation, value and growth enhancement. It was pleased to note that a number of governments of developing and least developed countries were becoming aware of intellectual property assets and were currently working on incorporating them in their development strategies. In conclusion, the Delegation considered it essential that the Organization should have a sound financial basis to rely on, which was why it attached great importance to the matter of the increase in fees.

87. The Delegation of Kazakhstan expressed its condolences to the family of Dr. Arpad Bogsch on his recent passing away. The Delegation commended the Director General and WIPO staff for the successful results achieved, and was confident that Member States would be able to resolve the issue of PCT fees in the general interest of all. The Delegation further noted that in Kazakhstan, the IP protection system was being constantly upgraded to ensure adequate protection of foreign IPRs. In 2004 alone, three bills had been adopted, of which two directly referred to the accession of Kazakhstan to WIPO treaties concerning copyright and related rights and the use of phonograms. These accessions would enter into force on November 12, 2004. The Delegation further mentioned that in July 2004, amendments to existing legislation had been adopted in order to integrate IP concerns, including for example the retroactive protection of the rights for duplication and reproduction. Kazakhstan was also seeking to improve its protection system regarding other issues, and a draft bill was currently being considered by Parliament on the question of liability for infringements of IPRs, and the Delegation was confident that the bill would be adopted. Efforts were also being undertaken to bring Kazakhstan in line with Article 2 of the Paris Convention and Article 3 of the TRIPS Agreement to ensure that Kazakhstan had a compatible fee structure for its IP services, and, in this regard, it had been decided to adjust fees so that foreign and domestic applicants would be charged the same amount. The Delegation hoped that along this line, the IP legislation in Kazakhstan, would be brought into compliance with the requirements of the TRIPS Agreement and WIPO administered treaties. The Delegation concluded by expressing its support for the WIPO proposal on the issue of geographical indications, as it believed that the protection of geographical indications from unfair or invalid registration as trademarks was urgently required, and it believed that work in this area should continue.

88. The Delegation of the United Republic of Tanzania expressed its deep sorrow about the untimely passing away of Dr. Arpad Bogsch and extended its profound condolences to the bereaved family. The Delegation associated itself with the statement made on behalf of the African Group. It noted that, based on the presented documents, WIPO had continued to perform its tasks well, for which the Delegation commended the Director General and the Secretariat. However, it had noted, with concern, the serious financial constraints affecting the performance of the Organization, attributed to a combination of a lower than expected number of patent applications and a lower average patent filing fee, when, at the same time, the activities of the Organization had expanded. In this regard, while the Delegation strongly supported the proposal of increasing the patent filing fee, it was of the view that the Organization could also take deliberate measures to make more effective use of available resources. Such measures might include organizational restructuring, including necessary cost cutting measures to improve effectiveness and efficiency, and the Delegation expressed its gratitude that the Organization was already moving in that direction. The Delegation further highlighted the current process of automating the Industrial Property Office in Tanzania, in cooperation with WIPO, by way of installing a software which would enable the Office to have an online registration process. The system would eventually link Tanzania up

to WIPONET, which would enable the Office to have access to Regional as well as International Intellectual Property Offices for exchange of information. Also, Tanzania was one of the pilot countries in which a National Assessment of the Benefit of Intellectual Property Systems in developing countries was currently being undertaken. The aim of the study, which started on August 16, 2004, was to assist countries in identifying potential areas for creation, acquisition, exploitation and commercialization of derived IP products for economic development. The study would benefit enterprises, especially SMEs. The Delegation noted that WIPO had provided publications intended to assist SMEs to develop and utilize brands as an effective marketing tool of their products and services, to enhance their competitiveness in local, as well as, export markets. Plans to customize those publications, incorporating the Tanzania perspective, were underway. The process of reviewing the National Industrial Property legislation was equally progressing, based on the WIPO model legislation, and would eventually result in a consolidated Industrial Property Legislation, instead of separate legislation on patents, trade and service marks, industrial designs, and geographical indications, which was the case at present. WIPO had been supporting Tanzania in the celebration of the AU Intellectual Property and Technology Day for African Countries, taking place on September 13 every year, which included technological exhibitions and the award of WIPO medals. The Delegation stressed that WIPO's assistance to developing countries, including Tanzania, was highly appreciated. It concluded by supporting the proposal on the need for WIPO program activities to incorporate a development agenda. In the Delegation's view, this was a critical matter to WIPO Member States, especially developing countries and LDCs. The Delegation therefore hoped that the proposal would be considered favorably.

89. The Delegation of Antigua and Barbuda expressed its sincerest condolences on the passing of the former Director General, Dr. Arpad Bogsch. It supported statements made previously by GRULAC and other Caribbean delegations and commended the Director General and the WIPO Secretariat for its consistency in the production of quality working documents for the Assemblies meeting, and the successful implementation of its programs for cooperation development for the period 2003-2004. It noted that during the period November 2003 to September 2004, the Government of Antigua and Barbuda had made some strides in the development of intellectual property. In November 2003, Antigua and Barbuda had hosted the fifth WIPO Ministerial level meeting and the Heads of Intellectual Property Office in the Caribbean meeting. The highlight of the meetings had been the Co-operation Agreement between WIPO and the Caribbean Governments for the development of efficient intellectual property systems in the respective countries, among other matters. Nine (9) Governments signed that Agreement to create a stronger and closer working relationship with WIPO that would result in the strengthening or the creation of effective IP policies which would facilitate economic development throughout the region. The Agreement was seen as a pilot project that would assist with the creation of an IP culture within the Caricom region and encourage economic activity. The creation of a regional development strategy for intellectual property was also envisaged under the project, and the Governments were urged to view that element as a preparatory measure for the establishment of the Caricom Single Market and Economy (CSME). That initiative was applauded and supported by all the respective Caricom Governments. To date, the implementation of the project had been hindered by budgetary constraints on the part of WIPO, and the majority of the Member States were yet to enjoy the benefits to be derived from the project. The Delegation expressed its hope that a specific allotment of funds, as requested by the Caricom States during the Ministerial meeting, would be made in 2005 towards the project in order to ensure its expected success, and also noted the fact that WIPO had been affected by world economic issues and therefore was currently experiencing financial difficulties. The Delegation

indicated that its Government would support any measures that provided an adequate solution, as long as the implementation of such measures would not further restrict or hamper the development of intellectual property programs that were of great importance to developing and least developed countries. The Delegation informed the meeting that in December 2003, seven pieces of legislation on intellectual property had been passed in Parliament, and those included the Intellectual Property Office Act. In April 2004, six members of staff had been appointed to the Antigua and Barbuda Intellectual Property and Commerce Office (ABIPCO), and in August 2004, a Registrar of Intellectual Property and Commerce had been officially appointed to head the Office. It was the intention of the former Government to officially open the Office in November of 2003, but because of economic difficulties, that goal was not realized. The opening of the Office was slated for the latter part of 2004. It was, therefore, critical to the country's advancement in the IP field that its priority issues under the Agreement with WIPO were addressed in 2005, if not sooner. Antigua and Barbuda, along with its regional partners, would continue to support all WIPO initiatives, especially those that catered specifically toward the particular needs of developing and least developed countries. As most of the country's local business enterprises were service providers relatively small in nature, the Delegation requested an increase in the allocation of resources to the Division responsible for research and development in the area of Traditional Knowledge and Folklore and Genetic Resources, the SMEs division, and the Latin American and Caribbean Bureau. The Delegation hoped that 2005 would present a more positive picture of the development of effective IP systems within the Caribbean region. The Delegation noted that several of its Caribbean neighbors had suffered severely at the hands of two hurricanes in 2004, and requested on behalf of those countries any available assistance, technical or otherwise, from WIPO and other Member States that would be necessary for the rebuilding of their intellectual property regime and by extension, their economies. The Delegation suggested that Intellectual property as a tool for wealth creation might be those countries' solution to its economic and social crisis.

90. The Delegation of Australia observed that WIPO had continued to provide a strong positive influence on the direction of IP worldwide over the past year, and despite financial restraints, WIPO had managed to maintain an extensive program of activities which showed the commitment by WIPO and its Member States to continue to make IP relevant and as accessible as possible. Australia was pleased to have participated in a number of WIPO meetings where significant positive outcomes were achieved, such as improving the patent system through the amendments to the PCT, work in the Standing Committee on the Law of Patents on the draft Substantive Patent Law Treaty and enhancements within the PCT area of the International Bureau. The Delegation also supported the work in the Standing Committee on Trademarks, Geographical Indications and Industrial Designs, particularly the updating of the Trademark Law Treaty and furthering the understanding of geographical indications issues. The Delegation was also gratified to see continued support for the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and hoped that the Committee would be able to achieve practical outcomes, particularly in the development of guidelines and recommendations concerning the issues surrounding the interaction between access to genetic resources and patent disclosure mechanisms. The Delegation hoped that there would be consensus amongst Member States to ensure that strong progress could be made to overcome outstanding issues in these committees. Furthermore the Delegation highlighted the work on the WIPO/Pacific Islands Forum Secretariat/IP Australia Regionally Focussed Action Plan (RFAP). Workshops on Administration of Intellectual Property and Enhancing Public Awareness of Intellectual Property were held in Vanuatu, in September 2003, and a high level meeting of IP officials

from the Forum Island countries was held in Australia, in November 2003. Officials met for further discussions on a regional mechanism for industrial property management, including regional cooperation in search and examination, followed by a training workshop in IP administration for IP administrators in the region and a workshop on the enforcement of IP rights, organized by IP Australia jointly with the USPTO, in Fiji, in July 2004. Furthermore, the Delegation noted that in February 2004, IP Australia had celebrated 100 years since its foundation. In May 2004, after almost 100 years of operation of the Australian Trade Marks Office, it allocated its one-millionth trade mark number. The Australian Designs Act 2003 came into force in June 2004, providing a more streamlined registration system, with substantive examination undertaken only if requested, better enforcement and dispute resolution procedures, stricter eligibility and infringement tests and clearer definitions. Major reforms of the Australian copyright law in 2000, the Digital Agenda Act, introduced protection for copyright online. Further legislation was enacted in 2004 to bring Australian copyright into conformity with other requirements of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The Delegation stated that Australia was committed to acceding to both treaties and had begun the internal process preparatory to formal Government approval of deposit of instruments of accession. In conclusion, the Delegation looked forward to continuing to work with WIPO and Member States to further refine the IP system.

91. The Delegation of Austria associated itself with the statement made on behalf of Group B and the statement made by the Netherlands on behalf of the European Union. It congratulated the Director General and WIPO staff on the progress made and results achieved during the period under review, and expressed its appreciation that both reports had been drafted fulfilling the criteria of transparency and efficiency. The Delegation encouraged WIPO to further develop on the transparency of the presentation of the Program Performance Report and its interrelation to the budget, enabling Member States to evaluate the implication of each individual activity on the budget. It noted that the documents showed the considerable progress made towards WIPO strategic goals, especially with regard to IP as a key tool for economic and social development, and that "development", even without being explicitly mentioned in the mandate of the Organization, had always been taken into account by WIPO when promoting the protection of IP worldwide. The Delegation also noted that SMEs played an important role in economic and technologic development, and it welcomed the special attention paid to raising SMEs' awareness and to increasing their use of IP systems. The Delegation therefore supported the idea to continue and even expand such efforts in the current biennium. The Delegation furthermore noted the increasing global acceptance of IP, as illustrated by the growing number of accessions to Treaties administered by the International Bureau, and noted with satisfaction that the recent accession of the United States of America, and the forthcoming entry into force of the accession of the European Union to the Madrid Protocol, would make the Madrid System even more attractive. In this regard, the Delegation commended the International Bureau for making the systems created by the international treaties even more attractive to users and offices involved, and especially noted the progress made in reforming the PCT. Representing an ISA and IPEA under the PCT, Austria had taken active part in the efforts to make the patent system more transparent and user-friendly and was committed to continuing to do so. The Delegation therefore fully supported the amendments of the Regulations under the PCT as proposed in document PCT/A/33/2. Believing that the PCT was one of the core matters of the Organization, the Delegation also urged WIPO to continue to pay special attention, and maintain the balance, between the PCT as a vital, and also financially predictable instrument, and the budgetary needs of the Organization. Underlining the importance of WIPO's task in setting international IP norms, the Delegation had taken note of the progress achieved in the

SCT regarding a revision of the Trademark Law Treaty. Convinced that the outstanding matters could be settled in the forthcoming sessions of the SCT, the Delegation supported the idea of the General Assemblies enabling the convening of a Diplomatic Conference in the first half of 2006, during which period Austria would hold the Presidency of the European Union, and assured the International Bureau of its full cooperation and commitment to make such conference a success. The Austrian Patent Office having taken part in some Cooperation with Developing Countries and WIPO Worldwide Academy activities, the Delegation expressed its appreciation, especially concerning the number of people participating and their positive evaluation. The Delegation mentioned, as an example, the WIPO-Austria Seminar on Industrial Property in June 2004, which brought together, in Vienna, participants from nine countries and reiterated its willingness to further provide assistance and support to such activities. The Delegation concluded by assuring Austria's commitment to continue contributing to the pursuit of WIPO's global goals.

92. The Delegation of Bahrain stated that, since the country became a Member State of WIPO in 1995, efforts had been undertaken to maintain programs for development and to foster various industries, through the implementation of IP related national legislation and international treaties, aiming at providing security, stability and prosperity for the society. The Delegation referred to the importance attached to accelerating and enhancing work on the protection of IP, and noted the ratification by the Government, in 2004, of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). The Delegation emphasized the urgent need to find appropriate solutions for conducting awareness building activities for various target groups. The Delegation also explained that such objectives could not be achieved by parsimonious information programs; financial resources were necessary for designing and producing appropriate information materials. Furthermore, efforts should focus not only on controlling infringements of IP legislation and allocating financial resources for the creation of administrative and technical bodies for pursuit and prosecution, but also on securing allocations for the production of information material to provide guidance and incentives for the public and support for human resource development efforts. The Delegation hoped that an agreement could be reached with developed countries on a unified budget for the production of worldwide public IP outreach programs adapted to various cultures. The role of the media in orienting societies and changing trends was best illustrated by the new cultures created in social, economic and political fields. The Delegation also hoped that effective and efficient cooperation, between developed and developing communities, could be achieved. Finally, the Delegation expressed its appreciation for the continuous, fruitful cooperation with WIPO, and the Economic Development Bureau for Arab countries in particular.

93. The Delegation of Burkina Faso brought to the notice of the Assemblies the inauguration of its country's Permanent Mission to the United Nations Office, which would enable it to follow as closely as possible the deliberations of international organizations and UN specialized agencies, adding that the event also testified to the importance attached by its Government to current world affairs, notably those that had to do with the intellectual property system. The Delegation expressed full satisfaction with the support given to its country by WIPO in the form of the supply of computer hardware and other IT material, assistance to its national authorities responsible for intellectual property matters in the training of their staff and the creation of legal and corporate frameworks for intellectual property management, the provision of the assistance necessary for the training of copyright personnel and the introduction and development of copyright bureaus and societies in Africa. It also mentioned that officials of national agencies and magistrates of its country had benefited from WIPO training in the course of 2004 by participating in workshops and seminars on

intellectual property violations and patent information and documentation. It went on to recall that a National Scientific Research and Technological Innovation Forum (FRSIT) was held in Burkina Faso every two years, and that the sixth edition of the event had taken place from May 29 to June 5, 2004, on the theme of Scientific and Technological Research: the Problems of Water for Lasting Development. On that occasion WIPO had presented two prizes, a medal and a diploma to reward two inventors. The Delegation said that a project on the promotion and protection of geographical indications was being planned with WIPO and OAPI assistance, and that the first phase, consisting in the creation of a Steering Committee, had been completed. It did however regret that the appointment of an expert to carry out a study on the institutional environment of invention and innovation activities had not been possible in spite of WIPO's willingness, but gave assurances that all the necessary arrangements would be made so that the study could be undertaken. Burkina Faso intended to take full advantage of the industrial property system as a tool for the implementation of its development strategy by consolidation of the industrial base and an increase in the trading of manufactured goods. To achieve that the National Directorate of Industrial Property wished to provide itself with adequate means of carrying out its assignments fully and effectively. It was in response to that logic that the Directorate was to be converted into a National Industrial Property Center and thereby accorded special status. The Delegation repeated its request to WIPO to support the restructuring by donating computer hardware and other IT material. It then saluted the launch of the project known as the "WIPO University Initiative", and expressed its gratitude to WIPO's Cooperation for Development Bureau for Africa for having brought its country into the project, because it would allow intellectual property information to be disseminated within the universities and graduate institutes of Burkina Faso.

94. The Delegation of Cameroon conveyed its sincere condolences to the family of Dr. Arpad Bogsch, former Director General of WIPO. It then wished to commend the present Director General for his energy in the management and administration of WIPO, and was pleased to note the large amount of work accomplished by the Secretariat in connection with the activities carried on in various intellectual-property-related fields throughout the world. All those activities had the combined effect of making intellectual property into an essential element of the economic, social and cultural development of countries. Moreover, the work done by the WIPO Worldwide Academy had made it possible to bring intellectual property information to all social strata. In that connection the Delegation said that the effects of that work were starting to be noticed in Cameroon in the form of the interest shown by intellectual property users, and above all by the amount of infringement and piracy litigation. It invited WIPO to continue to reflect on the matters discussed within the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, emphasizing that the Committee's work called for the active participation of all countries, and that Cameroon was willing to contribute to the success of that work. Cameroon had celebrated the current year's Intellectual Property Day on April 26, 2004, and the African Intellectual Property Day on September 13, 2004. The purpose of those celebrations was to make administrative authorities more aware of the importance of intellectual property to industrial and commercial development. In the course of the events, an exhibition of Cameroon's range of traditional medicines was organized for the purposes of identifying those actively involved in that area of traditional knowledge so that there might eventually be recognition and exploitation of the results. On the subject of SMEs, the Delegation said that Cameroon had been particularly interested in the development of that sector, and regarded the lasting development of SMEs as requiring efficient use of industrial property assets in their development strategies and policies. For that reason it requested the assistance of WIPO in 2005 for the organization of a national seminar on intellectual property and SME development.

95. The Delegation of Canada expressed its sincere condolences on the passing away of Dr. Arpad Bogsch. It also associated itself with the statement made on behalf of Group B and commended WIPO for its many initiatives over the last year, noting that WIPO's work was vital and essential to the future of IP globally. The Delegation also congratulated WIPO for its leadership role in promoting the rights of indigenous peoples, and the respect for their distinct cultures, communities and values, and supported WIPO's commitment in providing a common understanding of how the principles of the IP system could be best developed and applied to serve the interests articulated by holders of traditional knowledge and custodians of traditional cultural expressions. The Delegation was also pleased to learn about the cooperation agreement signed between WIPO and the United Nations University. This initiative would indeed increase the awareness of IP, and clarify the link between IP and economic development, international trade and the environment. Canada was furthermore encouraged by the Director General's commitment to the important role of the judiciary in the effective enforcement of IPRs, and was pleased with the work of the Advisory Committee on Enforcement. The Delegation also commended WIPO for the launch of a secure electronic filing system for international patent applications, and for exceeding, in 2003, its benchmark of 110,000 international filings for the third consecutive year. The Delegation continued by stating that Canada was committed to continue modernizing its IP laws and regulations, as clearly indicated on several occasions, including in the February 2004 Speech from the Throne, in which the Government highlighted its vision of a Canada "built on innovation with world-class research universities, smart regulation and innovative financing, all combining to make Canada a global leader in the commercialization of bright ideas". As part of this commitment, Canada would remain firmly engaged in the various norm-setting activities conducted under the auspices of WIPO. Proposed amendments to the Patent Act and the Food and Drugs Act, legislation that would facilitate the export of lower-cost pharmaceutical products to LDCs and developing countries, were now a step closer to implementation. Bill C-9 attained royal assent in May 2004, and could come into effect this fall. The proposed amendments reflected Canada's continued commitment to balancing its objectives of facilitating the flow of life-saving drugs to developing countries while maintaining the integrity of its IP regime and meeting its international obligations. The Delegation also highlighted consultations with WIPO in 2003, aimed at strengthening the existing bilateral relationship at senior levels, and discussing joint projects in the area of cooperation and development. Canada had attended the twice yearly Asia-Pacific Economic Cooperation (APEC) Intellectual Property Experts Group (IPEG) meetings, in China and in Thailand, in 2004. As a founding member of APEC, the promotion of greater regional economic and social cooperation remained a Canadian objective, which continued to be pursued through the promotion of trade-liberalization and facilitation within the APEC forum. Canada had been proud to host, in partnership with WIPO, the annual Executive Workshop on the Application of Management Techniques in the Delivery of Intellectual Property Services, held in May 2004, attended by senior officials from a number of countries. The Delegation further noted that, as approved in 2002 by the PCT Union Assembly, Canada, on July 26, 2004, became an international search authority/international preliminary examination authority (ISA/IPEA), making Canada one of 11 such IPOs. In order to better support ISA/IPEA services, CIPO had developed an automated processing system, which would increase efficiency through the integration of all international activities relating to the PCT. Included in the implementation plan was the training of all patent examiners and affected operations' employees, based on WIPO's recently revised guidelines. ISA/IPEA status reinforced Canada's commitment to continuous improvement in the range and quality of its IP services. The Delegation furthermore mentioned that on the occasion of World IP Day on April 26, 2004, CIPO had paid tribute to IP professionals and its employees, and had worked

in collaboration with the network of business service centers across the country in delivering IP awareness presentations and engaging in on-line promotions and marketing activities. The Delegation informed the Assemblies that as CIPO implemented its Client Relationship Management (CRM) approach, it would accumulate client data more systematically, allowing CIPO to dedicate its resources and efforts to the provision of products and services its clients say they value most. The CRM approach encompassed client intelligence, relationship building, client satisfaction, ongoing client consultation, and complaint management, which were all key elements of the structure. CIPO was still committed to improving its core services, and enhancing its international profile by playing a stronger, more focussed international role. The Delegation concluded by giving its assurance that Canada would continue to contribute to the pursuit of WIPO's global goals.

96. The Delegation of the Central African Republic mentioned the slowdown in the efforts being made to advance its country's economic development owing to the troubles that had plagued it for so long, and mentioned that, as a result of the restoration of constitutional order, the country was back on track. On behalf of the Central African Government the Delegation thanked WIPO and all other development partners for having kept up their cooperation with the Central African Republic during that transitional period, and expressed the wish that WIPO might increase the number of its capacity-building exercises, and especially the program of training fellowships for the benefit of its country, with a view to making it possible to increase the number of officials responsible for the promotion of intellectual property and to awaken the spirit of creativity and intellectual innovation, which was the key to lasting social and economic development.

97. The Delegation of Chad thanked the Director General and more especially the Economic Development Bureau for Africa for the constant support given to Chad in the activities relating to intellectual property promotion, information, training and awareness-raising. While hoping that the excellent collaboration undertaken would continue, it expressed satisfaction at the activities conducted by WIPO and presented in the Program Performance Report for the 2002-2003 Biennium and the Program Implementation Overview, January 1 to June 30, 2004, whereby the Organization had carried out projects that met the aspirations of its Member States. Among the successes achieved, the Delegation cited the computerization of national intellectual property offices through their connection to the WIPONET project, the setting-up in 1998 of the WIPO Worldwide Academy, the assistance given to small and medium-sized enterprises (SMEs), and the recent work done which aimed to provide effective protection for genetic resources, traditional knowledge and folklore. In conclusion, the Delegation said that it wished to benefit still further from WIPO's kindness and from its support in the implementation of certain projects relating to the promotion of intellectual property, in particular staff training, technical assistance in drawing up and implementing national intellectual property legislation, and the strengthening of the equipment used by its intellectual property service.

98. The Delegation of the Czech Republic expressed its gratitude to the Director General and the Secretariat for the work carried out in the biennium 2002-2003, and noted with satisfaction the scope of activities and the many results achieved. It also took note of the fact that some results had been deferred due to some budgetary constraints. The Delegation then stated that it attached great importance to the reform of the PCT system. It welcomed the implementation of the reform-related amendments to the PCT Regulations, and the launching of the fully electronic PCT filing system, emphasizing that it contributed to the improvement of the PCT services for users. However, in this context, the Delegation also expressed its concern regarding the proposed PCT fee increase. It appreciated the developments leading to

the establishment of a link between the Madrid System and the Community Trade Mark, and declared its full support to any further improvement of international trademark databases. As regards the development of international industrial property law, the Delegation was fully in favor of the revision of the Trademark Law Treaty (TLT), aimed at introducing into the TLT provisions concerning electronic filing of trademark applications. Full support was also expressed for WIPO's activities aimed at bringing to a successful conclusion the talks that were under way in the Standing Committee on Copyright and Related Rights and, in particular, the work related to the drafting of a new treaty on the rights of broadcasting organizations, since, it noted, the existing framework of the 1961 Rome Convention had long ceased to reflect the potential of the state-of-the-art technologies. The Delegation believed that informal consultations on the rights of performing artists in audiovisual works could be useful in reconciling the differences in the parties' positions on the protection of such rights. It added that the objective was to provide these artists with a higher degree of protection by endorsing an international instrument that would be similar in nature to the 1996 WIPO Performances and Phonograms Treaty (WPPT). It was also desirable to grant adequate protection to databases, especially in view of the modern technologies used to disseminate works, performances and phonograms. The Delegation therefore associated itself with the proposals requesting to keep legal protection of databases on the agenda. It further stated that adequate protection of intellectual property rights was closely linked to legal enforcement of such rights. While acknowledging that the availability of the legal means was a matter to be dealt with by the relevant national legislation, it argued that the dissemination across national borders of objects that were entitled to protection, required the exchange, at the international level, of information relating to the various national laws. In this connection, the Delegation stressed the importance of WIPO's Advisory Committee on Enforcement, as a platform for the sharing of information relating to the enforcement of intellectual property rights in the Member States, and welcomed the possibility of exchanging such information electronically through the IPEIS. Furthermore, the Delegation valued the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and WIPO's efforts to review national experience and legislation in the field of folklore protection. It commended WIPO's intention to conduct a comprehensive analysis of political possibilities and underlying principles of folklore protection, including its practical aspects, such as the consequences for the existing international treaties on intellectual property rights. Finally, the Delegation observed that, on May 1, 2004, the Czech Republic had become Member of the European Union. Consequently, the relevant EU legislation was now also directly applicable on the territory of the Czech Republic. As regards the activities in the field of industrial property protection, a new Trademark Act, the Act on Patent Agents, and the amendment to the Act on the Protection of Industrial Designs had also entered into force. In conclusion, the Delegation looked forward its wish to further cooperate with WIPO in the future.

99. The Delegation of Denmark congratulated the Director General and WIPO staff for the achievements reached by the Organization. The Head of the Danish Delegation introduced himself as the new Director General of the Danish Patent and Trademark Office since one year. The Delegation noted that one of the major objectives of the Danish Patent and Trademark Office was to streamline and improve the quality of the processing of patent applications, and that one of the goals was to achieve an ISO certification in the beginning of 2005. The Office had further concentrated on expanding and evolving the range of services offered to industry, in order to confirm its position as a center for innovation and to ensure a sound financial basis in the future. Also, during the past year, a lot of resources had gone into analyzing the possibilities of establishing a Nordic Patent Institute (NPI), the purpose of which would be to ensure a framework for the existence of entirely functional authorities in

the Nordic countries to the benefit of Nordic industry. The NPI might be established as a joint venture model, meaning that the processing resources would be taken from the national offices and that each country would specialize in certain subject areas. A completed and functional NPI could begin its activities around January 2007. This project was considered to be an important part of the strategy debate initiated in Europe, with the objective of finding a European solution to sharing the work involved in processing PCT applications. The Delegation furthermore noted that much debate, regarding the issue of patentability of computer-implemented inventions, had taken place both internationally and in Denmark, and the issue had been considered at length by the Danish parliament. A conference recently held at the Danish Patent and Trademark Office had emphasized the importance for SME's, also within the IT industry, to be able to protect their innovation through the patent system if they were to contribute to economic growth and innovation. Therefore, the Delegation hoped that a European Directive, close to the current wording, would be accepted by both the European Council and the European Parliament, following which, the issue of promoting IPR strategies to European SME's in the IT industry could be addressed. In Denmark, the Danish Patent and Trademark Office was presently working with the industry to promote the ideas of IPR strategies. The Delegation also mentioned the visits by several international delegations, such as via the Romanian EU Phare Project and from Georgia and China. Denmark had also finalized a 10 year project in Lithuania on education and training, financed through the bilateral assistance from Denmark to Lithuania administered by the Royal Danish Ministry of Foreign Affairs. The Danish Patent and Trademark Office was currently involved in a Phare Twinning project in Bulgaria, initiated in March 2004 and expected to be finalized in November 2005. The overall objective of this EU-funded project is to develop a national cooperation and information exchange network for protection of intellectual and industrial property rights. The Delegation noted that the Danish Patent and Trademark Office had a clear ambition of extending its participation in such activities in the years to come. It further stated that the Office was constantly developing and had further expanded its on-line services, both as regards the filing of applications, courses and other service-oriented business. It was now possible to file applications in all areas, to inspect files and to look up all documents electronically. Furthermore, the Office was offering long-distance teaching in patent search to provide better service for users who did not have the possibility of visiting the Office. The Delegation also stressed that harmonization was important, that it should preferably take place on a multilateral scale, and that it should yield useful results which should be plain and simple in every aspect when it comes to practical solutions, legal framework etc. In this respect, the Delegation highlighted the urgent need for results from the different harmonization processes. In conclusion, the Delegation also stressed the importance of bilateral cooperation and the business aspects of such cooperation.

100. The Delegation of Equatorial Guinea expressed its condolences to the family of Dr. Arpad Bogsch and the whole of the Organization following Dr. Bogsch's death. The Delegation expressed its concern at WIPO's financial situation, owing to a fall in PCT revenue, but hoped and trusted that WIPO would find a solution to the problem. The Delegation emphasized that in Equatorial Guinea 2004 had, through the Head of State, been proclaimed the Year of Technology, a step which confirmed the Government's interest in WIPO's role as a provider of specific results for the benefit of humanity.

101. The Delegation of Gabon pointed out that the resources set aside for cooperation for development had increased steadily since 1997, giving WIPO technical assistance a higher profile in developing countries as a result. It mentioned the WIPO Worldwide Academy, which in terms of teaching and support contributed a great deal to the training of senior officials, and also the implementation of the WIPONET project, for which Gabon had received

the necessary hardware, as being a perfect illustration of that profile. It said that a large number of seminars and teaching conferences had been held in Gabon under the aegis of WIPO, which had allowed structures to be set in place such as the Bureau of Authors' Rights and the Gabon Industrial Property Center (CEPIG). In that connection it mentioned the organization in June 2004 of a subregional workshop for magistrates of French-speaking African countries, and in September 2004 of the first national invention and technological innovation fair. WIPO had greatly contributed to the success of the latter by awarding three prizes to the best inventors. It remarked that the success of WIPO was explained by the numerous accessions of developing countries to the treaties and conventions governed by it, and in that connection Gabon, which had already become party to a number of treaties since the creation of WIPO, was in the process of making the necessary arrangements for accession to the various other agreements to which it was not yet party. The Delegation approved of WIPO being placed in the center of development-related issues, considering the shortage of highly qualified human resources and the burden of debt that was choking the economies of the least favored countries, already damaged as they were by a multitude of problems. Indeed the effective use of knowledge was the determining factor of international competitiveness, as it contributed decisively to wealth creation and to the improvement of the social well-being of peoples. With that in mind, the Delegation requested the support and assistance of WIPO, and also that of industrialized countries that already had long experience of the various fields of intellectual property, to grasp effectively such use and practice of the intellectual property system as would benefit economic development. It then mentioned its appreciation of the creation of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and added that the move was a salutary one for countries that were poor but possessed immense wealth in terms of genetic resources, traditional knowledge and cultural diversity. It expressed its confidence that the initiative would lead to the updating of model provisions for national legislation on the protection of expressions of folklore against unlawful exploitation and other acts harmful to the cultural heritage, and noted how, in that connection, the African Intellectual Property Organization (OAPI) was proceeding along the path of protection and exploitation of traditional medicines. The Delegation ended by expressing support for the Secretariat's proposal to increase PCT fees by 12% in order to enable the Organization to have additional means, during the present adverse conjunctural period, with which to carry on its policy of intellectual property development in all Member States, especially developing countries.

102. The Delegation of Gambia expressed its condolences to the family of Dr. Arpad Bogsch following his passing away. The Delegation then associated itself with the statement made on behalf of the African Group. It also commended the Director General and WIPO for its cooperation with Member States, especially developing countries, in the areas of training and technical assistance, and noted with interest WIPO's achievements in the advancement of IP, which was clear testimony of how focused the Organization was. The Gambia was looking forward to benefiting more from WIPO's assistance. The Delegation further noted the developments in the area of traditional knowledge, genetic resources and folklore, which was a valuable tool for national development, and stressed the importance of establishing a proper legal framework to protect and regulate these issues. In addition, the Delegation underscored the important role of SMEs in the economies of developing and least developed countries, and observed that every effort should be made to ensure that these countries were effectively informed of the benefits and value of IP. The Delegation supported the proposed increase in PCT filing fees, and noted that it was a reasonable proposal under the circumstances, and that the increase would go a long way in assisting WIPO to meet the challenges ahead. Finally, it thanked WIPO for the documents and materials that The Gambia regularly received.

103. The Delegation of Germany stated that intellectual property was a subject of increasing economic importance for industrialized as well as for less developed countries. It pointed out that in 1898, BIRPI - as WIPO was called at that time - administered only four international treaties, whereas now it administered more than 20 and carried out a rich and diverse program of work. The Delegation said it attached great importance to WIPO's work and expressed its sincere appreciation to the Secretariat, its Director General, the senior management and all staff members. It noted that WIPO's achievements as well as its shortcomings were duly reflected in the Program Performance Report and the Program Implementation Overview, and recommended that they be evaluated carefully with a view to improving the efficiency of program performance in the spirit of results-oriented management and budgeting. It declared that striking an appropriate and fair balance between diverging interests was sometimes a delicate task, even more so in times of particular budgetary restraints and wished to stress that the Assemblies had decided on the current Program and Budget at a time when the shortfall of income, due to a slower pace in the increase of new PCT applications, was not yet a reality. In the Delegation's opinion, the response to such a situation would be to reduce spending, especially when taking into account the substantial budgetary surpluses which WIPO had accumulated in the recent past. Therefore, it was imperative to develop a sustainable scheme to curb spending and secure funding for key expenditures. The Delegation pointed out that WIPO's Global Protection Systems and Services, namely the "PCT", "Madrid", "Hague" and the "Lisbon" systems, coupled with WIPO's endeavors to encourage the harmonization of national laws, were at the heart of WIPO's mission. Further, they were key factors in fostering the development of intellectual property as a tool for economic growth and the creation of prosperity. It noted that, even though the number of new patent applications under the "PCT System" was no longer growing as fast as anticipated, the total amount proved the attractiveness and global acceptance of the system. The Madrid system of international registration of marks had gained wider adherence through the successive accession of Japan, the United States of America and, very shortly, the European Union. Progress had also been made in the competent Standing Committee to further develop the Trade Mark Law Treaty. In this connection, it indicated that Germany had recently deposited its instrument of ratification and would be bound by this Treaty as of October 16, 2004. The Delegation also believed that substantial progress had been made in the Standing Committee of Copyright and Related Rights towards achieving a timely and adequate update of the Rome Convention concerning the protection of broadcasting organizations. It would therefore support a decision by the Assemblies to convene a Diplomatic Conference on the protection of broadcasting organizations at an appropriate time. Great importance was also attached by the Delegation to the new IP-related issues discussed in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). In its view, a solution that would suit everyone needed further in depth discussion, due to the complexity of the topics and the different interests involved. However, this should not slow down the efforts and was no reason to shift the issues to other fora. The Delegation affirmed that the IGC was the forum with the most expertise with regard to all intellectual property aspects of genetic resources, traditional knowledge and folklore and, consequently, the leadership with respect to such discussions should remain within the IGC. It pointed out that its mandate had been drafted accordingly and covered the preparation of the examinations and studies requested by the Conference of the Parties to the Convention on Biological Diversity (CBD). While advising that close cooperation with the CBD was of utmost importance, it urged that such examinations and studies should not be turned down. The Delegation concluded by stating that, with regard to development cooperation activities, the German Patent and Trademark Office had continued its worldwide technical cooperation with other Organizations and Offices. Also, as in previous years, many seminars and training courses

were conducted for foreign experts from various African, Asian, Arab, Latin and North American and European countries.

104. The Delegation of Ghana congratulated the Director General and WIPO staff for the accomplishments of the Organization. The Delegation joined other distinguished delegations in expressing sincere condolences to the family of the late Dr. Arpad Bogsch who left giant and indelible foot prints in the sand of time. They stated that he would forever be missed by the international intellectual property community and observed that Ghana owed him a debt of gratitude for his huge contribution towards the development of intellectual property in the country. The Delegation was pleased to note that WIPO was ready to take up new challenges and was constantly responding to global needs in the field of IP. The Delegation expressed its appreciation for the assistance WIPO continued to give to Ghana and other developing countries in the field of IP through technical assistance and training programs. During the past year Ghana had benefited from participation in: the WIPO Workshop for Patent Attorneys in Windhoek, Namibia; the Sub-Regional Workshop in Strategy Acquisition, Effects and Management and Dissemination of Intellectual Property Information, Addis Ababa, Ethiopia; the WIPO-ARIPO Symposium on Topical Issues for the Heads of Industrial Property and Copyright Offices, Dar es Salaam, United Republic of Tanzania; and, the Interregional Intermediate Seminar on Industrial Property and Practical Training Course on Industrial Property, Geneva. The Delegation further stressed the importance of IP promotion and awareness creation programs and exhibitions, highlighting the benefits associated with IP protection, on the occasion of World IP Day. In Ghana, remarkable development with regard to the modernization of the IP system had taken place, and five industrial property laws had been enacted in keeping with the Government's goal to strengthen the legislative and regulatory environment for economic, social and cultural development and in compliance with Ghana's international obligations. The enactment of these new laws presented new challenges to the Industrial Property Office, but the Delegation was confident that with WIPO's continued cooperation, the Office would overcome the initial impediments and contribute to the promotion and greater use of the IP system. The Delegation also welcomed WIPO's continuous efforts to demystify IP, particularly among SMEs, a sector which Ghana had identified as the engine for growth in its economic, social and cultural development. Ghana would welcome WIPO's support and assistance in respect of launching an awareness program targeted at SMEs and other stakeholders. The Delegation also expressed its recognition of WIPO's support and assistance in automating the Industrial Property Office and noted that the Office currently was in the process of putting structures in place for the smooth transition to an electronic system which would enhance service delivery. Lastly, the Delegation anticipated a greater collaboration with WIPO in the coming year, especially in the area of geographical indications, industrial design, genetic resources, traditional knowledge and folklore and hoped that more officials from the Industrial Property Office would benefit from training programs to strengthen the Office's human resource capacity.

105. The Delegation of Guinea-Bissau offered its sincere condolences to WIPO and to the family of Dr. Arpad Bogsch, former WIPO Director General. It congratulated WIPO on the very satisfactory results obtained and the progress achieved in 2002-2003, i.e.: the creation of an intellectual property culture; intellectual property protection; the development of the intellectual property system, and also the strengthening of the Secretariat's effectiveness. The Delegation expressed its satisfaction at the assistance granted by WIPO during the period 2002-2003 in relation to the WIPONET Project and said that Guinea-Bissau had received two WIPONET kits: one for the industrial property service and the other one for the Copyright Office, together with 50 copies of the CD-ROM "Intellectual Property for Small and Medium-

Sized Enterprises". The Delegation noted that in 2004 nationals from Guinea-Bissau had taken long-distance learning courses on industrial property in Portuguese, by using the WIPO Internet site. The Delegation considered that such an activity was very important since it contributed to the promotion and enhancement of industrial property in the country. It stressed its concern at the reduction in PCT income and hoped that a favorable solution bringing about an increase in that income could be found, given that such revenue was the major source of funding for WIPO. In that regard, the Delegation proposed that the PCT fees should be increased. In conclusion, the Delegation reaffirmed its willingness to consolidate its cooperation with WIPO.

106. The Delegation of Hungary informed the Assemblies that the accession of Hungary to the European Union on May 1, 2004, had dominated the political and legislative agenda in the country. Regarding IP, the most important consequence of the accession was the extension of the Community IP protection systems regarding trade marks, designs and plant variety rights to Hungary. The prerequisite for accession had been full conformity of the Hungarian legal system with Community law, and the necessary interface rules had therefore been introduced by statutory legislation in the domain of IP protection. The interfaces between the Hungarian legal instruments and the global IP protection systems administered by WIPO had also been re-established at statutory level. The Delegation highlighted the cooperation between WIPO and the Hungarian Patent Office (HPO) regarding the dissemination of IP information to the general public, and noted that the HPO had initiated the edition of the Hungarian version of the WIPO CD on IP for SMEs. The HPO had also further developed its industrial property training system. The cooperation agreement between the WIPO World Wide Academy and the HPO on teaching IP had been prepared, and was anticipated to be signed on the occasion of the expected visit of the Director General to Hungary. The Delegation also announced the launch of an HPO action plan, *The Action Plan Promoting Industrial Property Competitiveness of Entrepreneurs (VIVACE)*, intended to help SMEs benefit from the new opportunities offered by Hungary's European integration and efficiently adapt to the new legal environment of the EU and the EPO, as well as raise SMEs' awareness of IP and develop IP culture in Hungary. The Action Plan has three main pillars: the development of information and education services; the fostering of value added services; and, the application of economic tools encouraging innovative activities. The HPO would be responsible for implementing the first two elements and would have an advisory role to the Hungarian government concerning the general economic tools. Results had already been achieved regarding the provision of information and education. The HPO had made tremendous efforts to improve public IP awareness. To this end, the HPO was preparing the Hungarian edition of the book *Intellectual Property - A power tool for economic growth* and the overview thereof. In the field of copyright, the HPO had, in 2003, become involved in the WIPO project on the assessment of the economic contribution of the copyright-based industries in Hungary. Considering the importance of this project, and the fact that Hungary was the first country involved in Central and Eastern Europe, a cooperation agreement had been concluded between HPO and the Hungarian Central Statistical Office in order to ensure a solid professional basis for the survey. As to recent developments in Hungary with regard to the global protection treaties, the Delegation announced that Hungary had become party to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs as from May 1, 2004. The Delegation also stressed that although Hungary's accession to the EPC had brought about the significant change that PCT-filings by foreign applicants would reach Hungary mainly via the Euro-PCT route, Hungarian applicants continued to be interested in using the PCT system.

107. The Delegation of Iceland congratulated the Director General and WIPO staff on the work carried out, as documented in the Program Performance Report, and expressed its gratitude for the assistance received from the WIPO in relation to the implementation of the Geneva Act of the Hague Agreement in Iceland. The Delegation stated that in the past year the Icelandic Patent Office (IPO) had been very active, especially regarding work related to amendments of the IP legislation. In 2004, the IPO had been significantly involved in the preparations for Iceland's accession to the European Patent Office. A Bill containing amendments to the Patent Act had also been prepared. Furthermore, on August 31, 2004, the Icelandic government deposited its instrument of accession to the European Patent Convention (EPC), the amendment agreement of November 30, 2000 (EPC 2000), and the London Agreement. Accordingly, the EPC would enter into force in Iceland on November 1, 2004, and Iceland would become one of 29 Member States of the European Patent Office. In 2003, work had started on the implementation of Directive 98/44/EC of the European Parliament and of the Council of July 6, 1998, on the legal protection of biotechnological inventions. The Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs entered into force on April 1, 2004. The Delegation recalled that Iceland was the second State party to the Geneva Act and pointed out that, after the ratification by Spain, which triggered the entry into force of the agreement, its country had made great efforts to meet both the necessary legal and technical requirements, with the result that Iceland was now fully prepared to accept designations under the Geneva Act electronically. In this connection, it hoped that the number of Member States would rapidly increase so that the Hague System would develop successfully. Amendments made to the patent, trademark and design legislation had enabled the Icelandic Patent Office to fully convert the IPO Gazette into an electronic publication. The Delegation announced that, as from July 15, 2004, the Gazette was only published on the IPO website, although a subscription to paper printouts was still available for those who did not have access to the Internet. It added that these changes had been well received among the users of the IPO's services. World Intellectual Property Day had also been celebrated by the Icelandic Patent Office on April 26, and the Office had been open to visitors who could benefit from lectures on various topics. Lastly, the Delegation recognized that WIPO's current budgetary restraints were a major challenge, but it was confident that WIPO would succeed in ensuring that its budget situation would return back to normality.

108. The Delegation of Japan stated that in order to generate innovations and original contents in a knowledge-based economy and to utilize such resources for economic growth, the establishment of an intellectual creation cycle was essential, in which intellectually creative activities were stimulated, the results of these activities were properly protected and effectively utilized, and further IP was created. The Delegation noted that the Government of Japan (GOJ) had been promoting a national strategy to make Japan an IP-based nation in which valuable intangible assets were created such as technologies, designs, and brand names, as well as music and movie contents through an efficiently functioning intellectual creation cycle. The Delegation also stressed that Japan considered IPR a very important tool for economic development, and to this end, Japan had established the Intellectual Property Policy Headquarters to promote its IP policy nationwide under the Basic Law on Intellectual Property. In July 2003, the IP Policy Headquarters had formulated the Strategic Program for the Creation, Protection and Exploitation of Intellectual Property, which was continuously reviewed. The latest Strategic Program had been formulated in May 2004, and comprised 404 items concerning creation, protection, exploitation, contents business, and human resources development. The first point in the Strategic Program concerned the implementation of stronger measures against counterfeits and pirated copies. Both the public and private sectors in Japan were therefore required to take measures to minimize losses incurred due to

counterfeits and pirated copies, not only in Japan but also overseas. In August 2004, an office had been established within the Ministry of Economy, Trade and Industry for consultation services and a framework, in which concerned ministries and agencies cooperated. To strengthen measures overseas, the Overseas Establishments and the Japan External Trade Organization (JETRO) would, as from the end of 2004, provide Japanese companies with specific support for their anti-counterfeiting efforts. Counterfeit issues would also be addressed at bilateral talks and the GOJ would take collaborative measures with the United States of America and European countries. In addition, the GOJ would support Asian nations to increase their capacity to take appropriate measures. The GOJ would also consider enhancing anti-counterfeiting regulations at the borders and would strengthen regulations concerning cargoes. To strengthen domestic regulations, tougher measures would be implemented to control the trading of counterfeit goods and pirated copies on the street and on the Internet, and to prevent the leakage of trade secrets and business know-how. The second point in the Strategic Program concerned the promotion of expeditious examination of patent applications. The aim was to reduce the waiting period for a patent examination from the present 26 months to 11 months by 2013, and to completely eliminate the waiting period in the long term. Having a global patent system in mind, the GOJ would continue to promote the utilization of prior-art-search results and examiner exchange among the Trilateral Patent Offices of Japan, the USA, and Europe, as well as among other developed countries. The third point in the Strategic Program concerned support to SMEs and venture companies. In order to reduce the IP gap among major corporations and SMEs in rural areas, the GOJ would support SMEs and venture companies in the creation, protection, and exploitation of IP and in the development of human resources. Also, at the end of 2004, the GOJ would continue the establishment of "Regional Intellectual Property Strategy Headquarters", in order to enhance consultation services among industries, academic circles, and local government bodies, and to provide assistance with prior-art searches to these organizations. The fourth point in the Strategic Program concerned the support to the modernization and streamlining of the IP contents industry, to which end, the GOJ would encourage the industry to improve contract practices for content production and to actively utilize experts such as entertainment lawyers. The Tokyo International Film Festival would be developed into an international market for trading films and music. In order to expand the distribution of contents over broadband networks, the GOJ would continue to promote the R&D in content distribution technology and the effective management of information related to IPRs. The fifth point in the Strategic Program concerned the promotion of the creation of IP at universities. As of the end of 2004, the GOJ would subsidize patent-related expenses for universities, including costs for filing foreign patent applications as well as administrative and maintenance costs, and would allow national universities to acquire stocks as compensation for licensing. The sixth point in the Strategic Program concerned the development of human resources, to which end, the GOJ would examine the possibility of including IP law as an optional subject for the new national bar examination and post-doctorates would be used as IP experts. To improve the environment for IP education, the GOJ would continue to encourage schools' efforts to facilitate adult education. Furthermore, the Delegation noted that the number of PCT applications by Japan in 2003 had increased by more than 20 percent over the previous year, and that Japan had become the second largest country after the USA in the number of PCT application filings. The PCT system had therefore become more and more important for Japan and its PCT users, and the Delegation looked forward to the stable progress of PCT reform, in order to develop a system, which allowed the smooth obtainment of international IPRs. The Delegation also highlighted Japan's contribution, more than 200 million yen per year, through WIPO/Japan Funds-in-Trust, to activities such as training programs, long term fellowships, seminars and symposia and expert missions, mainly in the Asia-Pacific countries. The training programs had been attended by about 2,000 participants, from both the public

and private sector, since 1987. The Delegation highlighted an international seminar in Tokyo, in 2004, hosted by a non-profit organization, the Japan Institute of Invention and Innovation (JIII), at which participants, including the WIPO Director General, discussed IP culture. The Delegation stressed that Japan would continue its contributions to the Funds. The WIPO High Level Forum on IP Policy and Strategy would be held in Tokyo, in 2005, to which IP policy officials mainly from the Asia-Pacific region would be invited. The aim of the Forum would be to create a common philosophy of IP policy and strategy by which the "intellectual creation cycle" could be realized. The Delegation also reiterated the increasing serious damage caused by counterfeits, pirated copies and other infringements of IP. In particular, the connection between counterfeits/pirated copies and criminal organizations had been pointed out in recent years. Therefore, the Delegation urged all countries to make serious efforts to control counterfeits and pirated copies. In order to share this understanding with other WIPO Member States, Japan would actively promote discussions in the WIPO Advisory Committee on Enforcement. In addition, Japan was providing training courses on the enforcement of IPRs under the WIPO/Japan Funds-in Trust. Furthermore, the Delegation noted that due to the recent surge in the filing of patent application worldwide and the resulting increase in the workload of IP Offices, the need for further harmonization of patent laws had substantially increased. In order to foster the discussion about harmonization, Japan was therefore proposing, jointly with the USA and the EPO, to the WIPO Assemblies, that items to be taken up at the SCP should be limited. The Delegation hoped that other Member States would agree to the proposal. Regarding copyright, the Delegation noted that the SCCR, since 1998, had discussed a treaty concerning broadcasting organizations, and therefore, the Delegation hoped that a Diplomatic Conference would be scheduled as a result of discussions at the Assemblies and the upcoming SCCR meeting. Concerning a treaty on audiovisual performances, the matter had been discussed at WIPO since the Diplomatic Conference in 2000. As both treaties were aimed at establishing a copyright system responding to the recent digitized environment, the Delegation stressed the need for adopting these treaties at an early stage to maintain the balance with the WCT and the WPPT which had already been adopted. Japan would therefore positively contribute to the discussions on this matter. The Delegation looked forward to an early revision of the Trademark Law Treaty as the revision was expected to raise the user-friendliness of the trademark system. The Delegation hoped that a Diplomatic Conference for the adoption of the revised TLT would be held in the first half of 2006. Furthermore, Japan had been encouraging other nations to sign WIPO-administered treaties, including at the bilateral level and the Delegation hoped that many countries would join the PCT, the Madrid Protocol, the WCT, and the WPPT at an early stage. Regarding a WIPO Office in Singapore, the Delegation requested the Secretariat, during its discussion with Singapore, to consider under what conditions the name of WIPO should be used for such an office, to consider the future financial implications, and to be aware of possible duplication of activities already implemented by other countries in the Asia-Pacific Region. The Delegation concluded by reiterating that Japan would positively contribute towards the establishment of international IP systems in cooperation with WIPO and other WIPO Member States.

109. The Delegation of Lesotho extended its condolences to the family of Dr. Arpad Bogsch. It commended the Director General and the Secretariat on the quality of the documents provided, and on the comprehensive reporting on results achieved, which had allowed Member States to ascertain clearly the progress made by the Organization during the period under review. The Delegation endorsed the statement made by Egypt on behalf of the African Group. The Delegation subscribed to the Director General's views regarding the creation of an intellectual property culture, and on the development of the intellectual property system as a tool for economic growth that could be used by all people to stimulate economic, social and

cultural development. The Delegation expressed gratitude to WIPO for its continued support, especially in the provision of information technology equipment, including the recent installation of software relating to trademarks. The Delegation looked forward to receiving further support in the form of training so that the project could be successfully implemented. WIPO was further thanked for continuing to provide assistance with the annual National Exhibition of Intellectual Property Works. In 2003, WIPO had provided three gold medals and cash prizes to the best inventor, the best female inventor and the best young inventor. These awards had been a clear demonstration of the commitment of WIPO to the promotion of inventive and innovative activities in its Member States. A sub-regional seminar on Enforcement of Intellectual Property Rights had also been held in Lesotho. The Delegation expressed satisfaction at the work of the IGC and hoped that the outcome of its important work would be the development of a legally binding international instrument. It was noted with concern that, due to budgetary constraints, certain activities had not been carried out as planned. To redress this situation, the Delegation expressed its support for the proposal by the International Bureau to increase PCT fees.

110. The Delegation of Liberia thanked the Director General and the Secretariat for the clear and easily comprehensible working documents, and noted, with satisfaction, the Director General's efforts in tailoring WIPO's programs in a user-friendly way. The Delegation also noted WIPO's continuous assistance and support to Liberia's IP System, which had resulted in a new Industrial Property Law. Also, modalities were being put in place for the establishment of a Board of Directors and an administrative structure for the newly created autonomous agency within government, with the mandate of full implementation of the new law. The Delegation thanked WIPO for its generous donation to the Liberia Industrial Property Office of one DVD Workstation under the ROMARIN Project, which had been received in February 2004, and which had further enhanced Liberia's efforts in automating and improving IP documentation and administration in conformity with IP international standards. The Delegation also expressed its gratitude for WIPO's involvement in upgrading the capacity of the staff of the Liberia Copyright Office and in creating international awareness about the Office's activities. WIPO's constructive approach had strengthened the resolve of the Government to empower the Copyright Office to formulate programs aimed at generating sufficient funds for the completion of the renovation of the Office, which would hopefully be completed before the end of 2004, and which was a pre-condition for the recruitment of further staff. The Copyright Office had also established sub-offices in some rural parts of the country, in an effort to strengthen its anti-piracy program. Discussions were being finalized with relevant government agencies to make available the needed funds for the procurement of the first batch of 500,000 "Banderole" stamps, and the Delegation was optimistic that these efforts would yield fruitful results before the end of this year. The recent developments in Liberia in the field of IP had further increased the need for the training of the staff of the two IP Offices, with regard to the documentation and administration of copyright and industrial property. The Delegation concluded by noting that it was looking forward to WIPO's continued assistance and support to the Liberian IP System, in particular regarding the establishment of an autonomous agency, the Liberia Industrial Property Office, as provided for by the new Liberian Industrial Property Law.

111. The Delegation of Malawi expressed its grief and condolences at the passing of Dr. Arpad Bogsch who left an indelible contribution to the development of WIPO and intellectual property. The Delegation supported the statements made by the Delegation of Egypt on behalf of the African Group and the Delegation of Benin on behalf of the LDCs. It noted that being a least developed country, Malawi attached great importance to the Organization's development cooperation and other activities from which the

country had benefited immensely over the years, including the information technology projects, the distance learning program, the nationally focussed action plan and the various registration services. It appreciated and highly valued the activities under the PCT System for the benefits that system afforded to IP Offices of small economies like Malawi's, and therefore supported any initiatives by the Secretariat which were aimed at ensuring the financial sustainability and predictability of the PCT as a critical source of income for the Organization; it supported the proposed 12% increase in the PCT international filing fee. The Delegation also welcomed the proposal for incorporation of a development dimension and related concerns into the various activities of WIPO, as this would ensure that the further development and harmonization of the intellectual property system adequately accommodated existing policy flexibilities for the benefit of those Member States that wished to achieve national objectives of a public interest nature. In conclusion, the Delegation applauded the Director General and the Secretariat for the commendable achievements outlined in the program performance report and the implementation overview, and renewed the country's commitment to participate and cooperate in the Organization's programs and activities.

112. The Delegation of Mauritania confirmed its support for the statement made by the Delegation of Egypt on behalf of the Group of African Countries. It said that the activities conducted during the period that had elapsed and the results obtained bore witness to the excellent conduct of the Organization's activities, and observed that the assistance given by WIPO to developing countries had become more diverse and more intensive. The Delegation thanked the Arab and Africa Bureaus for the multifaceted cooperation given and said that it still depended on WIPO to develop the intellectual property system in Mauritania.

113. The Delegation of Mozambique endorsed the declaration made by the Delegation of Egypt on behalf of the African Group and congratulated the Director General for his invaluable commitment to the worldwide promotion of IP. It also expressed its regret for the passing away of Dr. Arpad Bogsch, the former Director General of WIPO, and wished to extend its condolences to his family. It informed the Assemblies that Mozambique had undertaken several national activities for the promotion of intellectual property in general, and industrial property in particular. In the latter area, Mozambique had ratified the most important international instruments, namely the Paris Convention, the Madrid Agreement and Protocol, the Nice Agreement, as well as the regional agreements under the aegis of ARIPO. In the past two years, two major achievements had been accomplished: the creation of the Institute of Industrial Property of Mozambique, and its becoming operational in May 2004. In spite of its recent set up, the Institute had already carried out a number of activities aimed at promoting and protecting industrial property, including: events for the development of IP at the national level, organized in cooperation with the National Institute of Industrial Property of Portugal, ARIPO, the European Patent Office and local universities; activities aimed at streamlining and facilitating the registration of industrial property applications and rights; the automation of all the procedures of the Institute of Industrial Property of Mozambique in order to offer better services to its users; and, the revision of the national Industrial Property Code with a view to put it in conformity with the new international IP instruments. In this connection, the Delegation mentioned the legal assistance received from WIPO together with the support provided in the areas of automation and training. It added that new cooperation initiatives, covering institutional capacity-building, training and automation assistance were being discussed with WIPO. For this reason, the Delegation expressed its support to the efforts aimed at strengthening WIPO, also from the financial point of view, so that it could meet efficiently the requests for technical cooperation it received. Likewise, it supported the proposal submitted to the Assemblies concerning the inclusion of a development agenda in

WIPO's future work, indicating that such agenda should take into account the expectations of developing countries, the fight against poverty and the improvement of life conditions in the poor countries.

114. The Delegation of New Zealand announced the coming into force of the Trade Marks Act 2002, on 20 August 2003. This Act provides the first comprehensive update of trade mark law in 50 years and was intended to ensure that New Zealand would have a modern, efficient and cost effective system of trade mark protection, by clearly defining the scope of rights protected by trade mark; simplifying and streamlining processes for registering a trade mark (thereby reducing compliance costs for clients); introducing some measures to address concerns of Maori, New Zealand's indigenous people, over inappropriate registration of Maori text and imagery as trade marks; introducing new measures to deter pirating of copyright works and counterfeiting trade marks; and, strengthening protection for well-known trade marks. The Delegation further indicated that the 2002 Act introduced the establishment of the Maori Trade Marks Advisory Committee, whose principal function is to advise the Commissioner of Trade Marks as to whether the registration of a trade mark that is, or appears to be, a derivative of Maori text and imagery, is likely to be offensive to Maori. Also, amendments to the Patents Act 1953 had been approved by Cabinet, after an extensive review of the current Act, which involved both technical and operational updating, as well as substantive issues, such as the scope of patentability, including the patentability of life-forms, computer software, methods of medical treatment, and business methods, and a Patents Bill was being drafted for expected introduction to Parliament in 2004. Cabinet had also made decisions on the future regulation of the patent attorney profession in New Zealand, and the amendments would be included in the new Patents Bill. The Delegation reported that a review of Plant Variety Rights Act 1987 had been undertaken in tandem with the review of the Patents Act 1953, and an amendment Bill was being drafted, which would strengthen the rights of plant breeders and generally align New Zealand's law with UPOV 91. Amendments to the Copyright Act 1994 had also been passed last year to introduce a limited ban (nine months from first release) on the parallel importation of motion picture films (including videos, DVDs and video CDs) and to make changes to the onus of proof in civil cases concerning copyright infringement by specified imported products (software, films and sound recordings). A Copyright Amendment Bill was being drafted, indicatively for introduction in 2004. The Delegation stated that the Intellectual Property Office of New Zealand (IPONZ), continued to develop its client service delivery channels, particularly in relation to e-business services. On-line filing of trademarks now accounted for 71% of total trademark applications; an excellent result given that the on-line service had been offered for just under two years. Also, IPONZ had introduced a pilot project of an on-line Journal, and had extended its collection of patent specifications, and more recently design representations, which are searchable on-line. During the past year, New Zealand had received a number of international delegations, including representatives from the State Intellectual Property Office of the People's Republic of China, the United States Patent and Trademark Office, the European Patent Office, WIPO, and the Malaysian Ministry of Domestic Trade and Consumer Affairs, Intellectual Property Division. New Zealand delegations had also visited the Intellectual Property Offices of Australia and Singapore, and the State Intellectual Property Office of the People's Republic of China. Discussions with counterparts focused on how to make it more efficient for common clients to gain intellectual property protection in the respective economies. The Delegation noted that New Zealand had participated in various IP events during the past year, including: the Intellectual Property Society of Australia and New Zealand (IPSANZ) annual conference; the Australian Institute of Patent and Trademark Attorneys (IPTA) annual conference; the Working Group on the Reform of the PCT; the WIPO ICG; the WIPO SCT; the WIPO SCP; the WIPO SCCR; and, the APEC IPEG XVIII

meeting. The Delegation emphasized the importance of raising awareness amongst New Zealanders of the importance of IP and its effective protection, and to this end, IPONZ had participated in a wide range of public events, including Agricultural Field days, the Ministry of Economic Development's Small Business Day series, Chamber of Commerce expositions, and university and school visits. Finally, the Delegation stressed that while in 2004 there had been a significant focus on trade marks, the coming years would also see a focus on patents and the proposed new legislation that would be introduced over the coming years. IPONZ intended to continue improving its service delivery and developing information systems in order to facilitate on-line access to its services. Particular focus would be on raising awareness of IPRs amongst innovators, as well as exploring ways in which co-operation with Australia could be further developed.

115. The Delegation of Norway congratulated WIPO for maintaining and developing highly important activities within the responsibilities of the Organization, adding that the results it had achieved had certainly been beneficial to the international intellectual property community. Concerning the assessment of the performance of the Organization during the period under review, it expressed its full support to the statement made by the Delegation of Canada on behalf of Group B. The Delegation recalled that at the meeting of the WIPO 2003 Assemblies it had encouraged WIPO to further develop transparency regarding the link between its various activities and their respective budget and account figures. It stressed that, considering the Organization's present financial situation, the importance of improving the Member States' ability to monitor the economy of the Organization was of paramount importance and therefore urged the Organization to increase its efforts in this direction. The Delegation put strong emphasis on the need for developing and adapting the international intellectual property system to the needs of the SMEs. It noted that the so-called demystification campaign conducted by WIPO might have contributed to an enhanced level of awareness and use of the IP system by SMEs worldwide; however it felt that, while this could be a good point of departure, stronger efforts should be made to achieve higher targets. The Delegation expressed its strong belief that the negotiations on an agreement on the SPLT should be brought to an end and stated that, in order to achieve progress in this very important work, it agreed in splitting the current SPLT process into two "packages". However, it added that, in its opinion, the success of any such new work plan would depend upon the Member States' commitment to discuss a second "package" at a later stage. The Delegation further stressed that it attached great importance to the United Nations' Millennium Development Goals and it recognized that for WIPO it would be a major challenge to integrate these goals into its own activity plans for the future. In this connection, it expressed its readiness to give full support to the Organization in its efforts to meet this challenge.

116. The Delegation of Poland congratulated the Director General and WIPO staff on progress made and results achieved during the 2002-2003 biennium and the first half of 2004, particularly with regard to demystifying and promoting the use and protection of IP worldwide. The Delegation also welcomed the transparent and open approach reflected in document A/40/2 and noted the importance of WIPO taking on new challenges and reforms in conformity with the changing needs of the users of IP systems. The Delegation expressed its appreciation and support for WIPO's efforts in making the patent system more attractive to users and involved offices and in modernizing the IP infrastructure. It noted that the Program Performance Report for 2002-2003 constituted a clear and comprehensive synthesis of the implementation of WIPO work programs and allowed the identification of areas that require further evaluation and support. The Delegation also noted the progress in the reform of the PCT system and welcomed the amendments to the PCT Regulations, especially in respect of simplification of the protest procedure before

both the International Searching Authority and the International Preliminary Examining Authority in case of non-unity of invention. The Delegation looked forward to achieving further useful results in the on-going reform. It expressed its full support for the work of the Standing Committee on the Law of Patents related to the drafting of the Substantive Patent Law Treaty, and noted with concern the negotiation problems delaying the progress in establishing a global treaty. The Delegation informed the Assemblies that in March 2004, Poland became a party to the Munich Convention on the grant of European Patents and as from May 1, Poland had become a member of the European Union. Poland had also continued to pay great attention to the upgrading of its national IP protection system, to increasing awareness of the role of IP in social and economic development, to educating and specializing staff of the Patent Office and maintaining and improving its IT. Furthermore, an amendment of the Industrial Property Law Act was adopted and entered into force at the beginning of 2004, enabling a restructuring of the Office and a streamlining of the procedure for processing applications and granting of exclusive rights. In November 2003, the Polish Patent Office celebrated the 85th anniversary of its foundation, marking the beginning of the Year of Industrial Property Protection in Poland, which would end on the date of the 85th anniversary of Poland's accession to the Paris Convention. Within this context, *inter alia*, an international conference on SMEs was organized jointly with WIPO. Other events significantly contributed to increasing the awareness of industrial property protection among younger people, and the Delegation thanked WIPO for its cooperation.

117. The Delegation of the Seychelles expressed its grief regarding the news of the passing away of Dr. Arpad Bogsch, the former Director General of WIPO, and wished to extend its sincere condolences to his family. It also congratulated the Director General and WIPO staff for the extensive preparation of the Assembly meetings. The Delegation had examined the Program Performance Report 2002-2003 and the Program Implementation Overview (January to June 30, 2004) and, acknowledging the significant achievements made by WIPO, expressed its satisfaction at the overall work of the Secretariat. However, joining other delegations, it also conveyed its concern in respect of the financial constraints being faced by WIPO and hoped that the shortfall in the budget would not unduly hamper the implementation of WIPO's main programs, especially in relation to developing countries and LDCs. In this connection, it expressed its belief that the proposal to increase PCT fees would be favorably considered. The Delegation observed that, since its accession to WIPO in 2002, Seychelles had benefited from excellent support from WIPO in the field of IP. Assistance was provided in the form of training, technical assistance, exchange of information, participation in several meetings and conferences organized by WIPO, as well as holding of workshops for the years 2002-2003 and first half of 2004. This helped to ensure capacity building and greater knowledge on IP protection, including for the setting up of higher standards for IP protection, and its enforcement, in Seychelles. The Delegation hoped that WIPO would continue to provide its assistance in the future for the advancement and development of IP in its country. The Delegation concluded by encouraging WIPO in its continued efforts to strengthen the global IP system, and assured WIPO that those efforts would be highly appreciated by the Seychelles.

118. The Delegation of Slovakia applauded the Director General and the WIPO staff for their commitment and professionalism. It also highly valued the numerous activities undertaken by WIPO to demystify the role of IP for the general public, thus making this complex issue more accessible to all. It stated that the Program Performance Report and the Program Implementation Overview clearly proved the achievement by WIPO of its defined objectives, and noted with satisfaction that the reports provided a transparent synopsis of the

implemented activities. The Delegation stressed that the growing number of accessions to the Unions and Treaties administered by WIPO, illustrated the increasing confidence in to the Organization and its management. Regarding WIPO's Patent Agenda, for the development of the international patent system, including the reform of the PCT, the Delegation supported the efforts made in this area and agreed to the establishment of a well-balanced system that would equally take into account the needs of users and of patent offices. In this respect, it wished to emphasize its full support to the work done by the Standing Committee on the Law of Patents in drafting the text of the Substantive Patent Law Treaty. It was also very supportive of the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and believed that in this field the Committee had no substitute. Likewise, it considered the work of the Advisory Committee on the Enforcement of IP rights as very important. Noting that the application of effective tools of protection of IP rights remained especially important in the digital environment, the Delegation welcomed WIPO activities in the field of domain names, undertaken by the WIPO Arbitration and Mediation Center. Furthermore the Delegation emphasized that the accession of Slovakia to the European Union in May 2004 represented one of the most significant and historical national events, bringing the economic, social and political developments of the country to a new dimension. It stated that the national legislative activities were still focused on finalizing the harmonization process, and that, as part of this process, as of December 1, 2003, a new Act on the Protection of Designations of Origin and Geographical Indications had become effective, its provisions fully reflecting the developments at European and international level. Moreover, the amendment to the national trademark legislation, that had become effective on February 1, 2004, had enabled the legislation to be fully operational under the European Communities regime. With regard to World Intellectual Property Day, the Slovak Industrial Property Office had joined WIPO, and other IP Offices, in celebrating it with a variety of professional and cultural events. The Delegation underlined the importance it attached to the role of SMEs in the social and economic progress of its country. In this connection, it said that the Slovak IP Office was very effectively co-operating with the National Agency for Development of SMEs, as well as with the Chambers of Commerce, by means of exchanging information on relevant educational activities. The Office was also making significant efforts to make all relevant information accessible to SMEs. The Delegation stressed the importance it attached to the cooperation with WIPO and, acknowledging the key role played by WIPO, extended its gratitude for the support provided to the Slovak IP Office. It concluded by noting, with appreciation, the technical assistance program initiated recently within the framework of the cooperation between WIPO and the Technical Assistance Information Exchange Office (TAIEX) of the European Commission, as well as the assistance provided to its country by the Division for Co-operation with Certain Countries in Europe and Asia of WIPO.

119. The Delegation of Spain observed that the Spanish Patent and Trademark Office (OEPM) was working intensively in numerous different spheres. Spain had been actively involved in the process of making the international industrial property system more dynamic and its willingness to accede to the International Industrial Property Treaties, as had been the case with the 1999 Geneva Act of the Hague Agreement, which thanks to Spain's ratification had allowed the whole system to be set in motion as of December 23, 2003, should be highlighted. As to trademarks, a very important aspect had been the introduction of Spanish as an official language within the Madrid System. The Delegation also emphasized that since the middle of 2003 the OEPM had made a considerable effort with regard to staff training in order to guarantee the Office's optimum development as a Search Authority. As for the PCT, in 2004 the possibility of filing applications for European and international patents had become reality and it was possible to download the program and installation instructions from

the OEPM website. In relation to international cooperation, in both bilateral and multilateral terms, the Delegation referred to the training activities undertaken such as the seminars for Ibero-American patent and trademark examiners and the seminars for Ibero-American judges and public prosecutors, including those activities carried out with the cooperation of the World Bank and the CIBIT Program, which had been under way since 2002. The Delegation also referred to the progress made in the LATIPAT project as a platform for documentation relating to Latin American patents accessible via the Internet. In addition, it emphasized that the establishment of a trust fund within WIPO for the funding of cooperation projects in Latin America, such as the translation of the International Patent Classification into Spanish, were of special relevance to the OEPM. In the copyright sphere, as a consequence of the latest ministerial reshuffle that had taken place on April 18, 2004, the Ministry of Education, Culture and Sport had been split up in order to form a separate Ministry of Culture. That involved a determined effort and an undertaking of great importance in the consolidation of cultural policy as a basic pillar for social development and the enhancement of intellectual property rights. A Memorandum of Understanding had been signed with WIPO on February 25, 2003 in order to consolidate the collaboration between both institutions in joint actions relating to cooperation for development. Among the activities carried out pursuant to the Memorandum were the seminar held in Mexico City, from June 28 to July 2, 2004, concerning "the audiovisual work: its creation, production and use", intended for Ibero-American professionals; the Regional Seminar on Intellectual Property for Judges and Public Prosecutors in Latin America, held in Madrid in November 2003; and the third Regional Seminar also intended for judges and public prosecutors from Latin America, scheduled for October 2004 in Antigua (Guatemala). Moreover, the Ministry of Culture would participate in the postgraduate course "The Challenges of Intellectual Property in Latin America and the European Experience", which would be held in the Faculty of Legal and Social Sciences of Toledo in January 2005, with the collaboration of different Spanish managerial bodies. The Delegation referred to the granting of bursaries to Ibero-American professionals for the purpose of three-week training visits to the Ministry of Culture, in order to analyze all the aspects of intellectual property rights, and the management methods and experiences developed in Spain, both in the public sector and by copyright management bodies. In a different vein, the operations of the Interministerial Commission had also been strengthened in order to combat the activities which undermined intellectual and industrial property rights. That Commission, set up under the leadership of the Ministry of Culture and the Ministry of Industry, Tourism and Trade, was also entrusted with the monitoring and supervision of the application of certain instructions by the competent bodies, as well as operational coordination and the conduct of dissemination and training activities. The Delegation referred to the collaboration experiments undertaken with the national Office of the Attorney General. By means of the agreements with that institution, training programs were being developed for employees of the Office of the Attorney General in relation to copyright. As to new developments in legislation, the Penal Code had been amended in relation to the classification of crimes relating to intellectual and industrial property. That reform had been made in Basic Law No. 15/2003 and would enter into force on October 1, 2004. Among the new features introduced the strengthening of the punishment in cases where such crimes were committed and the technical improvement of their classification in accordance with social reality, the way in which that type of crime was established, and its repercussions on economic and social life should all be highlighted. Likewise, another of the new features was the removal of the requirement for prosecution of those crimes at the request of the victim and the introduction of the possibility to take action *ex officio*.

120. The Delegation of Swaziland commended WIPO and the Director General for the quality and comprehensiveness of the submitted documents. It noted the current budgetary

constraints that the Organization was currently facing, but was confident that this situation would be positively redressed. The Delegation wished to stress that, in spite of the said situation, it was satisfied with WIPO's achievements, in particular in the area of SMEs, where, in its opinion, activities were carried out in a relevant and cost-effective manner. In this connection, the Delegation requested that Swaziland be included in future activities planned for SMEs and enforcement programs. The Delegation strongly felt that technical cooperation activities needed to be intensified and made more relevant, and that more tailor-made programs had to be set up to meet the specific needs of developing countries. While commending WIPO for its leading role in the area of norm-setting, and appreciating the possibility given to developing countries to participate in the process, it hoped that more countries would be enabled to participate in the relevant meetings, instead of only a few countries from each geographical region. The Delegation attached great importance to the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The protection of genetic resources, traditional knowledge and folklore was of major economic and social importance in all countries, but especially in developing countries. It wished that the IGC would find a viable solution that could take into consideration the interests of different stakeholders. With respect to the Policy Advisory Commission (PAC), the Delegation acknowledged the important role it played in the work of WIPO. It recalled that, at its last session, the PAC had emphasized the need to find the right balance between the rights of the consumer and those of the creator. Finally, the Delegation stressed that WIPO had a vital role to play in raising the standard of living for all peoples worldwide, and agreed that WIPO needed to further intensify the process of demystification of IP.

121. The Delegation of Sweden associated itself with the statements made by the Delegation of Canada on behalf of Group B, and by the Delegation of the Netherlands on behalf of the European Union and its member states. The Delegation stated that, in a time of rapid development and fast transfer of information and knowledge, intellectual property presented new challenges and, as a consequence, it was important that WIPO continued to develop the IP area. However, it expressed concern that this might become restricted due to budgetary constraints and hoped for a solution concerning the budgetary situation, which would primarily reconsider the priorities of WIPO's work without affecting activities in important areas such as development cooperation. The Delegation noted that many WIPO deliverables and outcomes were presented in the Program Performance Report for 2002-2003 and expressed its satisfaction of the various activities carried out to increase the understanding of the IP system among a wide spectrum of potential stakeholders, such as traditional knowledge holders and small and medium sized enterprises (SMEs). The Delegation acknowledged the PCT reform, namely the streamlined search and examination PCT procedure, in force from January 2004, and noted that this was a very important step forward to a more effective IP system, adding that it had been well received by applicants of the Nordic countries. Furthermore, it hoped that progress would be made on the treaties concerning Protection of Audiovisual Performances and the Rights of Broadcasting Organizations. It commended the efforts made by WIPO in the area of cooperation for development and, after recalling that development issues had always been important to its country, it informed the Assemblies that the Swedish Patent and Registration Office, had resumed to offer training courses in cooperation with WIPO and the Swedish International Development Cooperation Agency (SIDA). It noted that these courses were intended for policy-makers from developing countries as well as from LDCs and would cover copyright or industrial property. The first of these courses was held in Stockholm in August 2004, and had been very much appreciated by the 24 participants. The Delegation looked forward to continuing its cooperation with WIPO with respect to these courses. Furthermore, it indicated that the Swedish Patent and

Registration Office was now more devoted to IP as the responsibility for company registration had been transferred, as of July 1, 2004, to a new government authority. The Swedish Patent Act had been revised to implement the EU directive on biotechnological inventions as of May 1, 2004. The changes in the Patent Act due to the PLT were yet to be implemented, and the possible implementation of EPC 2000 was yet to be decided. However, as a PCT Authority, Sweden had implemented the PCT reforms. In the fields of trademarks and industrial designs, the two pending new acts were expected to be enacted during 2005. Amendments to the current Act on Industrial Designs, adapting Swedish legislation to the Community Design Regulation, were foreseen to come into force on January 1, 2005. The Delegation added that Sweden was participating in a joint Nordic study regarding the consequences of the new international and regional systems for design registration and the future role of national authorities in the area of industrial design. Moreover, using trademark applications as a pilot, the Swedish Patent and Registration Office had recently launched a system for electronic filing and the results were encouraging. The proportion of applicants using e-filing already amounted to more than 30%. During 2005 the Office would plan to broaden the scope of telecommunication and include other types of actions, such as responses to Office actions and around-the-clock interactive file access for parties. Finally, the Delegation expressed its conviction that WIPO was a key player, and the most competent authority, when it comes to questions concerning IPR systems on a global level. Therefore, it was important that questions concerning IP rights were handled jointly by the Member States in the competent forum of WIPO, in order to develop the IPR system in a way that it could be effective in itself, mutually supportive to other international agreements and work in other international fora for the benefit of Member States, stakeholders and society as a whole.

122. The Delegation of Switzerland said that WIPO had a duty to pursue its strategic aims by using its specific powers and expertise to make an ever increasing number of members of the public aware of the benefits of intellectual property and to develop an intellectual property system that met current needs, while increasing the effectiveness of the Secretariat and the services it provided. It was those areas in which WIPO must excel if it wished to continue playing its role in the United Nations system. In that regard, Switzerland was of the opinion that WIPO had a duty to continue the multilateral development of intellectual property so that it met current needs and served as a means to promote the economic, social and cultural well-being of individuals and peoples in the world, through the pursuit of a global and constructive dialogue taking into account the various interests at stake on both a technical and political level. The Delegation assured WIPO and the Director General of Switzerland's support in continuing to meet the challenges that the Organization faced and in finding together with it just and balanced solutions. At the national level, the Delegation said that the issue of the patentability of biotechnology inventions was at the center of the current revision of the Swiss Law on Patents, the aim of which was to provide appropriate but limited protection for patents in order to avoid obstacles to research and to guarantee an appropriate balance between the interests of the patent owners and those of the community. The revision process also aimed to increase transparency, guarantee rapid dissemination of knowledge, improve the position of third parties and the fight against piracy, and finally to adapt the legislation to the latest international patent agreements, - in particular, the solution adopted by the World Trade Organization (WTO) General Council at the end of August 2003 concerning the simplification of access for developing countries to pharmaceutical products protected by a patent. The revision of the Swiss Law on Copyright, for which a consultation procedure would be launched in October 2004, aimed to encourage the creation and adjustment of the legal framework governing the electronic trading of literary and artistic works. The proposed measures aimed to maintain a fair balance between the interests of the different players concerned: creators, the cultural economy, users of works and services protected by

copyright, and the information society in general. It would allow Switzerland to ratify the WIPO Internet treaties (WCT and WPPT). At the international level, the Delegation mentioned that Switzerland continued to take an active part in the work in progress concerning the protection of genetic resources, traditional knowledge and folklore, be it within WIPO, as part of the Convention on Biological Diversity (CBD), or on the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) Council. Further to its proposal made in May 2003 (PCT/R/WG/5/11), which aimed to amend the PCT so as to allow the national legislature to demand the declaration of the source of genetic resources and traditional knowledge in patent applications, Switzerland had submitted in 2004 a second document containing specific provisions, clarifications regarding the choice of specific terms and general explanations on its proposals (PCT/R/WG/6/11), and would very shortly submit a third document to WIPO. Within the WTO, in addition to the various other Member States of that organization - which included industrialized countries and developing countries - Switzerland continued to promote the improvement of international protection for geographical indications, in particular through the extension of the additional protection provided in Article 23 of TRIPS to the geographical indications identifying all goods. The Delegation expressed satisfaction at the continuation of the cooperation program that Switzerland had developed in collaboration with the Vietnamese Intellectual Property and Copyright Offices, launched in June 2001. In particular, it referred, among the numerous activities undertaken as part of the program, to the visit to the Federal Intellectual Property Institute of several dozen employees from the Vietnamese Patent and Trademark Office and also from the Copyright Office, with a view to receiving intensive training for three weeks in all areas of intellectual property. While supporting the statement made on behalf of Group B, the Delegation wished to point out that the harmonization of substantive patent law, a *sine qua non* for any future development of the international patent system, was an important objective for the national offices and the users of the system, which should be pursued within WIPO. In that regard, Switzerland supported the proposal made by the United States of America and Japan, and endorsed by the European Patent Office (EPO), to limit the work of the Standing Committee on the Law of Patents (SCP) to a first list of priority issues which were likely to result in agreement in the short term. Switzerland considered the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore to be very important not only for WIPO, but also for the CBD, WTO and the Food and Agriculture Organization (FAO). It noted with satisfaction that the work of the Committee had made good progress during the year and it would continue to play an active role on the Committee. The Delegation also expressed satisfaction at the progress made in the process of revising the Trademark Law Treaty (TLT) and confirmed its support for the holding of a Diplomatic Conference to revise the TLT during the first half of 2006. Furthermore, the Delegation said that, in view of its interest in producing a treaty concerning the protection of broadcasting organizations, Switzerland supported the proposal made concerning the holding of a Diplomatic Conference on the protection of such organizations.

123. The Delegation of the Syrian Arab Republic was pleased to participate, for a second consecutive year, in the Assemblies of Member States of WIPO. That participation marked a year of many significant achievements by the Government of the Syrian Arab Republic in enhancing the use of intellectual property rights, namely: the promulgation of Law No. 16 of 2004 on the Accession of the Syrian Arab Republic to the Convention Establishing the World Intellectual Property Organization (WIPO); the issuance of Legislative Decree No. 92 of 2004 on the Accession of the Syrian Arab Republic to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, which entered in force on August 5, 2004; the approval of Accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of

Marks; the initiation of procedures for the reception of patent applications under the Patent Cooperation Treaty (PCT); the elaboration of the new Draft Law on the Protection of Commercial and Industrial Property in line with the recent global developments in the field of intellectual property; and, the launching of the Arabic version of the new website of the Directorate of Commercial and Industrial Property Protection and the initiation of its full translation into English. The growing interest of the Ministry of Economy and Trade in the various IP aspects was reflected in the celebration of the International Intellectual Property Day on the April 26, 2004. For that purpose, the Ministry produced a poster encouraging the fight against piracy and promoting the protection of IP rights through registration. The poster was distributed to Small and Medium-sized Enterprises and other commercial and economic key-players. Within the Directorate of Commercial and Industrial Property Protection, automation of IP services was continued and preparations were initiated for the creation of branches in the main cities and their link to the Directorate network in order to increase the availability and accessibility of IP services. Among the activities undertaken in that area, three seminars were organized in cooperation with WIPO: a Seminar on Work Procedures under the Patent Cooperation Treaty; a Seminar on Trademarks for the Industry in Syria and Lebanon; and, a Seminar on Industrial Property for Business, Commerce and Research and Development. Those events were widely attended reflecting the growing interest in disseminating an IP culture and its increasingly important role. The Delegation then referred to the widely recognized growth achieved by WIPO under the leadership of the Director General, who has led the Organization in meeting the challenge of change, thus increasing efficiency of performance and consolidating transparency for the enhancement of work for the benefit of societies at large. In that regard, the Delegation expressed appreciation of WIPO's efforts and services at the international level and gratitude for its continued support for the modernization of work methods in the Syrian Arab Republic. The Delegation hoped for the continuation and intensification of such support especially since its country had become a member of such an important Organization. More efforts needed to be made for further development and modernization of work, particularly in the establishment of a solid infrastructure that would allow the consolidation of IP rights and ensure their use. The Delegation also hoped for the implementation of the WIPONET project in Syria, which would enable its country to make significant progress.

124. The Delegation of Togo addressed its sincere congratulations and thanks and profound gratitude to WIPO, to the Director General and to his staff for all the efforts that they were continuing to make in the interest of intellectual property development in Togo. It also pointed out that, since the beginning of the Director General's term of office, African countries in general and Togo in particular had been the focus of special attention, both in the field of industrial property and in that of copyright and related rights. It mentioned especially the assistance for training fellowships, the financing of experts for certain meetings and seminars, technical assistance and WIPONET, adding that the support had made it possible for the Togolese authorities responsible for intellectual property, namely the National Institute of Industrial Property and Technology (INPIT) and the Togolese Copyright Office (BUTODRA), to be better structured for managing intellectual property rights within the country and having them respected, and that the same support also played a decisive role in the integration of modern technology in the administration and management of intellectual property in Togo. The Delegation then recalled that, while in the legislative field the harmonization of its laws and other texts concerning Trade-Related Aspects of Intellectual Property Rights (TRIPS) continued to be the main priority for 2006, Togo had ratified and was party to several international treaties and conventions administered by WIPO. It welcomed once again the creation of the WIPO Worldwide Academy and the WIPO Arbitration and Mediation Center and Dispute Resolution Section, the establishment of WIPONET and the supply of high-

performance computer materials to collective management organizations and industrial property offices. Finally the Delegation repeated its unfailing support for the Director General and its appreciation of the new strategies that he had succeeded in implementing in order to make WIPO into a modern organization capable of taking up future challenges, competent in legislation but also able to promote creation and innovation among enterprises and individuals.

125. The Delegation of Turkey congratulated the Director General and WIPO staff on the work carried out to prepare the Assemblies, and on the quality of the documentation. It expressed its appreciation for the progress made and results achieved during the biennium 2002-2003, and the first half of 2004, including the introduction of various programs aimed at fostering the understanding of intellectual property laws, and satisfying the needs of many users in the world. It commended the efforts made by the Secretariat for a better utilization of IP as a tool for SMEs, and for analyzing the possibilities offered by the IP system in order to improve SMEs' performance and competitiveness. The Delegation was equally grateful to the Secretariat for its efforts in adjusting and amending PCT rules. The Delegation then reported that the internal procedures for Turkey's accession to the Trademark Law Treaty (TLT) and the Hague Agreement (Geneva Act) had been completed, and accession procedures before WIPO would start shortly. After the amended Decree Law No. 5000 had entered into force in November 2003, the number of permanent staff of the Turkish Patent Institute (TPI) would be increased. The Law on Protection of the Topographies of Integrated Circuits had also been ratified by the Turkish Grand National Assembly, and a Commission had been set up within the TPI in order to prepare the regulations of this Law. Moreover, a draft law concerning the establishment of a Union for Patent and Trademark Attorneys was under consideration by the concerned bodies, and was expected to enter into force in near future. The Delegation pointed out that the TPI had made great efforts to increase the number of its regional information and documentation centers. It explained that, in order to meet the needs of university and industry users, these centers provided dissemination of information and documentation services related to national and international patent applications, as well as assistance for preliminary search and search in the state-of-the-art. It further stated that the World Intellectual Property Day was celebrated in Ankara on April 26, 2004, by the Turkish Patent Institute, with a commemorative conference supported by the Ministry of Industry and Trade. The conference was aimed at increasing the public awareness of intellectual property rights and of their strategic role in the economy, and was attended by representatives of universities, chambers of industry and trade, research and development institutions, professionals and lawyers. The Delegation informed the Assemblies that, within the scope of the World Bank Loan Agreement for Modernization of the Turkish Industrial Property System, the construction of an Industrial Property Campus had been completed. The TPI, which provided services at two separate buildings, had been moved to the new campus containing TPI units, a specialized Industrial Property Rights Court, archive sections and a conference hall with 500 seats. Furthermore, in July 2004, the TPI celebrated the 10th Anniversary of its foundation and, on the occasion of the opening of the new campus building in Ankara, an international symposium dedicated to this important Anniversary had been organized. With a view to establishing cooperation links with other national IP Offices, Turkey had signed cooperation agreements with the Italian Patent and Trademark Office and the State Office of Industrial Property of the Republic of Macedonia, and was about to sign a cooperation agreement with the French National Institute for Industrial Property (INPI), the aim of these agreements being to promote more appropriate conditions for the mutual protection and exploitation of intellectual property rights. As Turkey was a member of the European Patent Organization (EPO) since 2000, the TPI had participated in all the Administrative Council sessions and other committee meetings, as well as training programs

organized by the EPO. Moreover, since its accession to the EPO, Turkey was entitled to participate in the EPO's cooperation programs, and such a program, finalized in September 2003, was successfully being implemented. This program facilitated the publishing and dissemination of national patent documentation, provided the TPI with the tools necessary to access the patent information services available through the EPO and other Member States, and contributed to increase public awareness in Turkey. The TPI also participated in multilateral cooperation programs of the EPO, covering patent awareness and individual staff training. At this point, the Delegation expressed the wish to undertake cooperation projects together with WIPO, noting that this initiative would greatly contribute to the already existing collaboration between TPI and WIPO. In particular, the Delegation looked forward to projects especially targeting SMEs in Turkey.

126. The Delegation of Uganda congratulated the Director General and associated itself with the statement made on behalf of the African Group. The Delegation also acknowledged that Uganda had continued to benefit positively from WIPO programs and noted that IP had been identified as a priority by the Uganda government. The government's overall economic strategy remained focused on the eradication of poverty through wealth creation, which in turn was enhanced through private sector development, and in this regard, the government was seeking ways of how the country as a whole, could benefit from the global IP system. The Delegation noted that an autonomous IP body had been created, under the Uganda Registrations Services Bureau Act, which came into force in August 2004. A Board of Directors had been appointed and it was believed that the autonomy of the IP office would create a better atmosphere for the management of IP matters and enhance protection for right holders. Uganda remained committed to the promotion and protection of IPRs as long as it was not detrimental to Uganda's interests and it took into account the different levels of development and capabilities. In this regard, the Delegation further reiterated its continued support to WIPO. It noted that an autonomous Law Reform Commission had been established to study, analyze and make recommendations on laws that require amendments in order to make them compliant with International Conventions to which Uganda was signatory, as well as new emerging areas not yet covered by current legislation. So far, the Municipal Law had been made compliant with the PCT and other IP laws were being re-drafted. The new Trade Marks Act was scheduled to be debated by Parliament this financial year. The Delegation also highlighted the various activities undertaken by WIPO in cooperation with the Intellectual Property Office of Uganda and ARIPO including: WIPONET, Uganda being one of the pilot countries in Africa which had received equipment and Internet connectivity, which were now in the process of being handed over to local management; the automation of the trade marks register, Uganda having been identified as a pilot country in the automation of the registration of trade marks; and, capacity building and training activities in areas such as examination and registration of patents and trade marks, IT and copyright administration. The Delegation supported LDC training programs, and noted that training in IP should be given more attention by WIPO, because it was clear that LDCs, and some developing countries, had a big gap to bridge before they would safely be able to declare that the IP myth was over. The Delegation concluded by requesting WIPO to continue its technical assistance programs, in particular with regard to SMEs and to improve the capacity of the IP offices in LDCs to overcome current constraints in the digital divide.

127. The Delegation of Uruguay expressed its condolences on the death of Dr. Arpad Bogsch, who directed the destinies of the Organization for so many years, and who put his best efforts into that assignment. It mentioned three issues that were of great significance to Uruguay. The first had to do with cooperation and development. For almost three decades great efforts had been made, and substantial resources expended, with a view to

creating local skills in developing countries, training their human resources, strengthening their administrative structures responsible for intellectual property and planning their national policies in that area. The demands of development were many and intense, and called for constant monitoring and updating, not only with a view to increasing the amount of resources to be set aside for the achievement of the objectives set, but essentially to improve the quality of cooperation. The development dimension did not stop at cooperation and technical assistance, and it was certainly constructive to look at new ideas and new proposals capable of showing that the strategies for attracting direct investment and affording market access required by the developing world were not incompatible with the international protection of intellectual property and national strategies for the promotion of innovation and necessary technological change. The second issue referred to by the Delegation was the financial position of the Organization. It was imperative to engage in concerted action with a view to preserving the financial balance of the Organization and conserving the means with which it could address the technical cooperation and assistance needs of developing countries. Finally the Delegation stressed the important process involving the Trademark Law Treaty and the revision that the Treaty was to undergo in the near future.

128. The Delegation of Viet Nam stated that under the dynamic leadership of the Director General during the past years, WIPO had steadily carried out program activities and achieved positive results. It acknowledged WIPO's considerable support and assistance to developing countries, which included provision of legislative advice, support for the strengthening of the intellectual property legal framework, human resource development, enforcement of IP rights, public awareness activities, promotion of innovative and inventive activities and modernization of intellectual property administration, aimed at supporting them in making use of intellectual property systems for economic, social and cultural benefits. With regard to Viet Nam, the Delegation mentioned that it had received support from WIPO in modernizing its national IP system in many aspects such as raising public awareness, human resource development, upgrading of the technical infrastructure, promotion of innovative and inventive activities etc. In addition, with WIPO support, numerous workshops/seminars had been organized in Viet Nam on different issues of intellectual property, various missions had been undertaken by WIPO experts to provide advice and share experiences on IP issues, a number of WIPO publications had been translated and published in Viet Namese, including "IP - a Power Tool for Economic Growth". All these initiatives had contributed significantly to raising public awareness of IP, especially among policy makers. The Delegation affirmed that its government was aware of the crucial role of IP in enhancing the national knowledge based economy, as well as of the necessity of coordinating national policies to encourage the exploitation of the IP assets. In this increasingly digitized and innovative century, it was vital for the country to take a proactive approach in using the IP system as a tool to turn invention and creativity into economic growth. The Delegation pointed out that Viet Nam was currently paying special attention to the enhancement of the national IP system with a view to preparing its accession to WTO. Many activities had been carried out to strengthen the IP protection in the country. A number of projects had been included by the Government in its plans for the coming years: these included further improving of IP law and regulations in order to meet the international standards of the TRIPS Agreement, as well as promulgating a separate intellectual property code; strengthening the enforcement of IP rights; supporting SMEs in protecting their IP assets, enhancing IP public awareness raising and training activities, teaching IP in universities; improving IP information services; joining a number of international treaties in the field of IP such as the Rome Convention, the Madrid Protocol and the Hague Agreement. In this connection, the Delegation indicated that Viet Nam had recently deposited its instrument for joining the Berne Convention. It also wished to emphasize that the progress and achievements of Viet Nam in the field of IP were greatly

owed to the efficient support provided by WIPO and in this respect it expressed its deep gratitude to WIPO and the Director General. The Delegation welcomed and supported the offer by Singapore to host a WIPO Office in order to facilitate WIPO's cooperation activities in the region. Finally, it reaffirmed its full support to WIPO policies, initiatives in respect of various issues of intellectual property and its planned activities for the future.

129. The Representative of the European Patent Office (EPO) spoke of the visionary qualities of Dr. Bogsch, and wished, on behalf of the European Patent Office, to express deep emotion on his death. He said that, in a world in which natural resources were becoming more and more scarce, human beings were compelled to rely on knowledge and therefore on inventiveness to survive, making use of their intelligence and ingenuity. The protection of human knowledge had therefore become one of the great challenges of a well thought-out intellectual property, which contributed fully to the lasting development of the planet. He said that the EPO, like WIPO, was working on the protection of intellectual property and therefore on the protection of knowledge, and that the two were thereby participating in the preservation of the common interest, the improvement of economic performance and the maintenance of social well-being. He recalled that the EPO, the characteristic feature of which was that it was not a specialized agency of the European Union, unlike the Trademark Office, would at the beginning of December comprise 30 Member States, and cover an economic area of more than 500 million inhabitants. He mentioned its privileged relations with the European Commission, which meant that the European patent was fully part of the Community patrimony, and said that the EPO would be put in charge of managing and implementing the Community patent. The EPO was also a privileged partner of the European Commission for the management of numerous intellectual property cooperation projects, and the Representative recalled the essential part played by the national offices of Member States alongside the EPO itself. He pointed to the international cooperation activities in the technical field, which had not ceased to grow since 1973 and to diversify, including a great number of programs for the European Commission and also bilateral cooperation activities implemented in collaboration and coordination with EPO Member States. In that connection he noted that a significant number of those programs were conducted jointly with WIPO, and wished to highlight the shared determination and common efforts that had contributed to the success of a number of exercises conducted together in all parts of the world. He expressed his Organization's desire that every country should fully enjoy the benefits of effective protection, and make the most of industrial property as the best accompaniment for its economic and social development. The Representative then referred to the PCT, and mentioned that the EPO was applying a 75% discount on the search and examination fees for PCT international applications that came from inventors who were nationals of the least developed countries. That testified to a desire to integrate all countries in the PCT system, under the aegis of WIPO, and to contribute to the growth of the PCT. As for the international harmonization of patent law, the Representative considered it an indispensable process in view of the development of the TRIPS Agreement, which called for harmonization of patent law as a matter of urgency so that all could readily and more reliably profit by the rights afforded by their inventions, in whatever country they were protected. The subject was one that it was essential to discuss in order that a common approach might be worked out together within the framework of WIPO. The Representative ended by placing emphasis on the very special importance that the EPO attached to its relations with WIPO and the WIPO Member States, which were a remarkable example of cooperation. He expressed his hope that, by joining forces, it would be possible to rise to whatever new challenges might present themselves, in a joint desire to promote high-quality protection of industrial property for the greater benefit of all.

130. The Representative of the Eurasian Patent Organization (EAPO) expressed his condolences following the passing away of Dr. Arpad Bogsch, who had devoted great efforts to the creation of EAPO. He also informed the Assemblies of the recent passing away of its founder and first President, Dr. Viktor Blinnikov. The Representative observed that EAPO was one of the youngest regional patent organizations, but nevertheless, in the eight years of its existence, the Eurasian patent procedure had been recognized by applicants and had become part of the world patent system. The Representative thanked the European Patent Office (EPO) and WIPO for the support and assistance provided, by means of which EAPO had become a patent office satisfying all modern requirements. He also noted that for countries with a per capita income of less than US\$3,000, EAPO offered an 80% reduction in fees, and that such a reduction was given in almost all cases. The Representative then mentioned that one of the tasks of EAPO was to provide assistance to national patent offices of Member States. He believed that the further development of the international system of industrial property protection could be achieved by means of broader cooperation between WIPO and regional patent organizations, to ensure that the interests of the countries in those regions were being taken adequately into account. The Representative further stated that EAPO appreciated the work done by WIPO in terms of the tasks which were performed by the registration Unions, and noted that EAPO received more than 85% of applications in accordance with the PCT procedure. Finally, the Representative observed that as a self-financing organization, EAPO fully understood the problem that had arisen within WIPO as a result of the change in the pace of PCT applications received, and EAPO therefore hoped that this delicate financial issue would be resolved successfully.

131. The Representative of the African Intellectual Property Organization (OAPI) expressed its profound sadness on the death of Dr. Arpad Bogsch, former Director General of WIPO, and presented its condolences to WIPO and to Dr. Bogsch's family. It thanked the present Director General and the staff of WIPO for the perfect organization of the meetings of the Assemblies. Referring to the long-standing bonds that united OAPI and WIPO, it gave assurances that it was following the work and the progress achieved by WIPO with great interest and admiration. It was pleased with the activities conducted by WIPO and OAPI within the framework of their cooperation during the previous year, namely: the organization of seminars and workshops in OAPI Member States, the progress made on the project for the promotion of geographical indications, the study on the promotion of textile designs and the making of a methodology document to enable African States to devise strategies to develop the intellectual property assets of Africa and market them. The Delegation then noted that it was in their mutual interest to intensify their cooperation and further improve the convergence of views on issues of common interest, and that efforts and initiatives should be focused on that aim. Noting the wealth of subjects on the program of the Assemblies, it was awaiting with interest certain items up for discussion, including the protection of audiovisual performances, the development of the international patent system, Internet domain names, the contribution to the establishment of effective systems for the enforcement of rights, the Advisory Commission on Enforcement, the electronic exchange of priority documents, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and the Development Agenda. It was on the latter point that it expressed the hope that WIPO and OAPI might continue and consolidate their partnership, recalling that it was their joint calling and goal to promote the effective contribution of intellectual property to the progress of humankind, to afford the most effective protection possible to intellectual property rights and to contribute to the technological development of economically weak countries. It was moreover in that context that OAPI had embarked on projects for the construction and launching of the OAPI Regional Center for Intellectual Property Training, the introduction of intellectual property teaching in universities and the

construction and launching of intellectual property documentation and information centers in OAPI Member States. In that connection the Delegation wished to mention that the continuation and intensification of the work of the WIPO Worldwide Academy and the continuation of the WIPONET project were important elements in the implementation of those projects. It also said that OAPI, in order to make the training center under construction in Yaoundé into a center of excellence for the region, had also enjoyed support from the European Patent Office and from INPI-France, with which OAPI was shortly going to sign a cooperation agreement. Since the creation of the WIPONET network, OAPI had always been a privileged partner of WIPO, and for that reason it had made the strategic choice to make maximum use of the potential of the network: that step had made it possible for OAPI to achieve a technological leap and in turn enabled it to bring itself into line with the international standards imposed by the WIPONET specification. In addition, the progress made recently in improving the quality of OAPI services would not have been possible without the input from the project. The hardware and services provided by WIPONET had contributed to the improvement of working conditions both at OAPI headquarters and in the Member States. The Delegation stated that the very favorable results vindicated OAPI's choice, and enabled it to progress towards decentralization of computerized processing in its Member States. It said that the electronic mail system as designed at present, the secure file transfer service, the possibility of hosting dynamic websites that supported server-side script languages and the possibility of hosting databases online were all tools that made for improved dissemination of information. In that respect it mentioned that, thanks to the profitable cooperation that OAPI kept up with the EPO, Espace CD-ROMs were available up to May 2004, and that OAPI would have the capacity to take care of production itself as from the following year. Before concluding, the Delegation spoke of its firm conviction that, under the guidance given it by the Assemblies, WIPO would spare no effort in achieving its objectives in order to retain the privileged position that it occupied in the concert of world organizations.

132. The Representative of African Regional Industrial Property Organization (ARIPO) expressed his sincere condolences following the passing away of Dr. Arpad Bogsch, who had been instrumental in the creation of ARIPO. The Representative thanked the Director General and the WIPO staff for the work done and for its technical assistance to ARIPO. While ARIPO associated itself with the statement made by the Delegation of Egypt on behalf of the African Group, the Representative wished to emphasize, in particular: the protection of traditional knowledge and genetic resources; the WIPONET Project; the Patent Cooperation Treaty; and, copyright and related rights. The Representative observed that the Council of Ministers of ARIPO, at its ninth session held in the United Republic of Tanzania, in August 2004, decided that ARIPO should begin coordinating issues related to traditional knowledge, and copyright and related rights among its Member States. This resolution was a result of the importance attached by the Ministers in ARIPO Member States to the need of exploring ways of protecting indigenous knowledge and copyright and related rights. ARIPO, therefore, welcomed the inclusion of matters concerning the IGC, as a separate agenda item of the WIPO Assemblies. The Council of Ministers of ARIPO was looking forward to the time when traditional knowledge would become protected subject matter in Member States. The Representative also noted that the Council of Ministers had given ARIPO the mandate to coordinate copyright and related rights among its Member States without being a collecting society. Given this mandate, ARIPO would change its name from African Regional Industrial Property Organization to African Regional Intellectual Property Organization with effect from November 13, 2004. The Representative further confirmed that since 2000, ARIPO had been connected to the Internet through the WIPONET Project. As one of the earliest beneficiaries of this project, ARIPO underscored the importance of WIPONET in increasing access to

information, and in making WIPO Worldwide Academy courses widely available. ARIPO had signed a formal agreement of cooperation with the Academy in 2000, and had started undertaking some of the activities under this agreement. In this context, the Representative noted the establishment of the ARIPO Regional Training Center in 2004, which would enable the Organization to participate in all programs of the WIPO Academy to benefit its Member States. The Representative concluded by observing that the discussions during the present WIPO Assemblies were of great importance to ARIPO and its Member States.

133. The Delegation of the African Union (AU) presented its condolences to WIPO and to the family of Dr. Arpad Bogsch, and then congratulated the present Director General on his leadership and good governance. It expressed its appreciation of the skills and commitment of the Secretariat and of the quality of the documents submitted. The Delegation subscribed fully to the statements made by the representative of Egypt in the name of the African Group, and by that of Benin in the name of the Least Developed Countries (LDCs). It did however wish to emphasize that the AU attached the utmost importance to intellectual property as one of the main tools of development. It was indeed development that was at the heart of the concerns and the various strategies set in place by the AU, and also central to the New Partnership for Africa's Development (NEPAD), the aim being to enable the African continent to narrow the gap between it and the rest of the world. The Delegation made known its opinion that the development dimension should be institutionally integrated in programs and strategies at the international and multilateral level. In that respect it was pleased to note that WIPO had taken that dimension into consideration in recent years, as evidenced by the many technical assistance and cooperation activities designed to assist development in Africa. It explained that it was because of the links between science, technology, intellectual property and development that the AU had designated September 13 African Intellectual Property Day. The Day was celebrated every year not only at the Addis Ababa headquarters of the AU but also in a great many African countries. The Delegation added that the event was a suitable framework within which to make African inventors and innovators aware of the necessity of protecting their creations and to mobilize them accordingly. It also wished to emphasize that the celebration of the Day had already produced the desired effects, notably in terms of the more and more active and intense competitiveness among the best African inventors intent on winning the medals and other awards granted by the AU in cooperation with WIPO. It was in the same spirit that the AU was shortly going to organize an important conference in Dakar that would bring together intellectuals from Africa and the Diaspora, with a view to making those intellectuals from all academic disciplines reflect among other things on the challenges and perspectives of science and technology and their implications for development in Africa. The Delegation informed the General Assembly that the Director General of WIPO was invited to take part personally in the Conference, and confirmed that its initiative testified, once again, to the interest that the AU showed in intellectual property and in the strengthening of its cooperation with WIPO.

134. The Representative of the *Organisation internationale de la Francophonie* (OIF), expressed its condolences to the family of Dr. Arpad Bogsch, former Director General of WIPO. She praised the constant efforts made by the present Director General to bring about active collaboration within the limits of a multilingual framework and dialogue between cultures. She then wished to emphasize the exemplary collaboration that had established itself since the ratification of the framework cooperation agreement between WIPO and the OIF, and mentioned that the collaboration had become steadily stronger. On that subject she said that the regular meetings of a joint working group had made it possible, over and above the mutual exchange of information and reciprocal participation in conferences and symposia, for cooperation to intensify for the benefit of the 56 States and governments members of the

OIF, including especially developing and transition countries. WIPO had for instance become involved in various training programs associated with the economic and legal cooperation concerns of the Intergovernmental Agency of La Francophonie. In addition, thanks to WIPO participation in the various workshops for the training of bank executives in the economic and financial analysis of cultural projects for the purposes of the program of guarantee funds to the cultural industries of North African countries and the countries of Western Africa, it had been possible to make some ten countries of the South aware of the industrial property challenges arising from the financing of small and medium-sized enterprises (SMEs). The Representative said that WIPO had also contributed its expertise to the conduct of the program for building up Francophone expertise in the negotiation of trade agreements by taking part in various workshops in Africa, Central and Eastern Europe and in the Indian Ocean region, which it had done in constant partnership with the World Trade Organization (WTO), the United Nations Conference on Trade and Development (UNCTAD), the ICC and the World Bank. In addition, the International Conference on Patents and Intellectual Property and the Symposium on the Economics of Culture that would be held during the next quarter would, she said, complete a highly satisfactory year of cooperation between the two Organizations. She added that the holding, throughout 2004, of training and awareness seminars on copyright and related rights testified to the convergent objectives of the two Organizations with regard to the promotion and protection of intellectual works, the exploitation of traditional knowledge, the use of information technology and support for social and economic development. In that connection, the Representative was pleased to note the recruitment of a young French-speaking expert in the Copyright Unit of the Economic Development Bureau for Africa. She also wished to mention the move made by WIPO to open up to French-speaking professional associations such as the Francophone Song Council or the *Forum francophone des affaires* (Francophone Business Council). In this connection she was pleased to note the arrival of a sister organization, namely the Commonwealth, in the family of intergovernmental organizations in partnership with WIPO. She ended by announcing the Tenth Summit of *La Francophonie*, which would be held in Ouagadougou at the end of November 2004, and would bring together 56 Heads of State and Government to consider the subject of solidarity and sustainable development.

135. The Representative of the Commission of the European Communities (CEC) recalled that, on May 1, 2004, the European Union had been enlarged to 25 Member States, and gave an account of the developments of intellectual property protection that had taken place in the European Union between October 2003 and September 2004. With respect to the Enforcement of Intellectual Property Rights, it related that, on 29 April 2004, the European Parliament and the Council had adopted "Directive 2004/48/EC on the enforcement of intellectual property rights", aimed at creating a level playing field for right holders in the European Internal Market and a deterrent to offenders, exceeding the minimum obligations set by the WTO/TRIPS Agreement. It also covered civil and administrative measures and procedures, such as rules on evidence and preserving evidence, injunctions, seizure and destruction of goods, damages, blocking of bank accounts, financial compensation, publication of judicial decisions etc.. Concerning the area of Industrial Property Rights, the Delegation stated that priority had been given to work on the proposal for a regulation on the Community patent. This proposal, presented by the Commission on 1 August 2000, envisaged the creation, at the Community level, of a new unitary industrial property title, namely the Community patent. This title would make it possible to obtain, in accordance with a single procedure, patents benefiting from a uniform protection and producing their effects in the whole territory of the Community. The Delegation added that the attractiveness of the future system depended essentially on the costs of the patent as well as on the legal certainty. On the question of the costs, the Competitiveness Council of the European Union had adopted, on

March 3, 2003, a common approach that foresaw a competitive cost system for the Community patent in comparison with the European patent. However, though much progress had been made since then, the Council of Ministers had not yet reached a final agreement on aspects of the translation regime. As to the issue of legal certainty, the common approach provided for the establishment of a specialized Community jurisdiction on patents. On December 23, 2003, the Commission has presented two proposals which were awaiting consideration by the Court of Justice, the Council and the Parliament. The Delegation explained that the first proposal would confer on the Court of Justice formal jurisdiction concerning certain disputes over Community Patents, in particular those concerning alleged infringements of patents and challenges to the validity of patents. The second proposal supported the establishment of the Community Patent Court, whose seven judges would be appointed by the Council of Ministers, to exercise the Court of Justice's jurisdiction on its behalf. It also foresaw the setting up of a specialized chamber within the Court of First Instance to hear appeals against the Community Patent Court's judgements. Furthermore, on February 20, 2002, the European Commission adopted a proposal for a directive on the patentability of computer-implemented inventions, on the basis of Article 95 of the EC Treaty. This proposed directive aimed to harmonize the protection given to such inventions in the EU through patents. The proposal was subject to the so-called "co-decision" procedure and was currently being discussed by both the European Parliament and Council. The European Parliament agreed its Opinion in first reading on the directive, in September 2003, and proposed a number of amendments to the Commission's proposal, which were taken into account by the Council at its meeting on May 8, 2004, where a political agreement on a common position was obtained. This common position should be formally adopted towards the end of 2004. Second reading was due to start in early 2005 but there were still significant differences between the two key institutions (Council and Parliament). The Delegation informed the Assemblies that, in October 2003, the Council adopted the Decision no. 2003/793/EC approving the accession of the European Community to the Madrid Protocol, and the Regulation (EC) no. 1992/2003 to give effect to this accession. Following the adoption by the Commission of the technical measures to implement the new regime, the system would become operational on October 1, 2004. The link between the Madrid Protocol and the Community Trade Mark system would offer a new alternative to companies worldwide to protect their marks in the EU. This, the Delegation pointed out, was the first time that the EC had become Member of a WIPO treaty. In March 2004, the Council has also adopted an important revision of the trade mark regulation, Regulation (EC) no. 422/2004, which should improve the efficiency of the system, increase its added value and anticipate the consequences of the enlargement, in particular its budgetary impact. The principal change concerned a review of the searching system, which would become optional in 2008. Moreover, on September 14, 2004, the Commission had adopted a proposal for a Directive amending Directive 98/71/EC on the legal protection of designs, aimed at harmonizing and completing the internal market in the area of spare parts through the full liberalization of the after sale market for spare parts. The Delegation mentioned that the European Commission had held a conference entitled "Industrial Property - *Quo Vadis*" on the island of Ischia, Italy, in October 2003. There were participants from governmental organizations (including the heads of the Italian, European, Japanese and United States patent offices and the head of the European Trademark Office), from the industry, law firms and from non-governmental organizations with an interest in the policy issues at stake. A brochure summarizing the open and wide-ranging discussions was due to be published shortly. Finally, the Delegation referred to developments in the Copyright and Related Rights area, and stated that, on July 19, 2004, the European Commission had published a working paper on the review of the copyright legislation, which suggested that current-EU copyright legislation was generally effective and consistent, but would benefit from some improvements in an enlarged Union.

At the same time, the European Commission had opened a consultation on this review process to obtain the views of all stakeholders. The consultation is open until October 31, 2004. Seven of the new Member States of the European Community had already ratified the WIPO Copyright Treaty and/or WIPO Performances and Phonograms Treaty. The European Community and the remaining Member States were preparing accession to both Treaties in the medium term according to the implementation by its Member States of Directive 2001/29/EC on Copyright and related rights in the Information Society. To date, ten of the "old" Member States had implemented this Directive and work was on going in the other remaining Member States. On April 19, 2004, the European Commission had issued a Communication on the management of copyright and related rights in the Internal Market, which presented the issue of rights management in all its various aspects, namely its interface with the good functioning of the Internal Market, individual and collective rights management, the increasing call for more Community-wide licensing in the light of the territoriality principle, the emergence and expectations of Digital Rights Management (DRM) systems, the application of competition law, and finally the functioning and good governance of collecting societies. With regard to the latter, the European Commission concluded that a legislative initiative would be highly desirable and had held consultations with interested circles. This had resulted in 106 reactions from various organizations and stakeholders, which were published on DG Internal Market's website (with the exception of nine confidential reactions). The European Commission was now carefully assessing those contributions as well as the possible impact and scope of such an initiative in order to come up with a balanced proposal in the course of 2005. The Delegation concluded by stating that the European Commission had supported a conference entitled "Copyright for creativity in the enlarged European Union, profile-perception and awareness" held in Dublin, Ireland, in June 2004.

136. The Representative of the Latin American Technological Information Network (RITLA) expressed his condolences on the passing away of Dr. Arpad Bogsch. He also commended WIPO for the organization of the Assemblies. The Representative noted that RITLA was an intergovernmental institution, which members to date comprised Brazil, Mexico, Nicaragua, Panama and Venezuela, and that RITLA had obtained observer status in WIPO last year. Six additional Latin American countries were currently considering their affiliation. The mission of RITLA included: to support the technology infrastructures of its Member States, and encourage the public and private sector to use such infrastructures; to promote the exchange of information and coordination among its Member States regarding technology issues; to enhance the national and regional capacities for the generation of indigenous and appropriate technologies; to improve the capacity of Member States to select, negotiate, adopt and use technologies from other countries; and, to cooperate with other international, regional, sub-regional, and national technology information systems and networks. On this basis, RITLA considered it very important to cooperate with IP organizations and institutions. The Representative concluded by expressing RITLA's appreciation for the proposal to develop a WIPO development agenda, as presented by Argentina and Brazil, which would be submitted to RITLA's focal points for consideration.

137. The Representative of the World Association of Small and Medium Enterprises (WASME) congratulated the Director General for his policy thrusts and vision, in ensuring that the protection and promotion of intellectual property would receive its rightful place on the agenda of policy makers at the highest levels in the Member States, and for his efforts for capacity building amongst SMEs. The Representative congratulated the Deputy Directors General for their presentations, extended his best wishes to the staff of WIPO for the dedicated work being done by them, and offered his deepest condolences to the family of Dr. Arpad Bogsch, former Director General of WIPO who passed away recently. Referring to

the role of WASME, he underscored that SMEs were the backbone of most countries' economies, and were the engines of sustainable employment generation and broad based economic growth through an increasing use of the IP system for helping and upgrading competitive capabilities in business and industry. SMEs comprised a widely divergent spectrum of establishments engaged in economic activities ranging from micro and rural enterprises to modern industrial units using sophisticated technology. He noted that those micro enterprises, as well as the small scale rural and village industries, and the SMEs at large, employed over 300 million people worldwide, and generally about 40 to 60 percent of the entire industrial production, and between 30 and 50 percent of exports in the developing countries including the Least Developed Countries (LDCs). On behalf of the newly elected president of WASME and the Secretary General, the Representative thanked the Secretariat for the help in building awareness and understanding of IP issues among SMEs worldwide, for improving the competitiveness of SMEs through use of the IP system, and for the creation of a separate SMEs Division in October 2000, for dealing with the needs of SMEs. WASME was established in 1980, and is the only international NGO of SMEs, with consultative status in a number of UN agencies; it has members and associates in 112 countries, and plays an important role in encouraging dialogue and cooperation amongst public and private sector SME support institutions. It has organized well over a dozen international conferences in Europe, the Russian Federation, USA, Africa, Asia including China and India, and in the Middle East, and regularly disseminates information to its members on training programs organized by institutes and institutions. The Representative cited the example of India, where there were 5 million SMEs employing 40 million people, contributing 35% of the total export trade and accounting for nearly 40% of the total value of industrial production. Through the Ministry for Small Scale Industry, an institute called NISIET had been established in the town of Hyderabad, for the training of managers responsible for SMEs; there were 300 to 400 trainees constantly being trained at that institute from various SMEs in the country as well as from SMEs from African and Asian countries. WASME had conducted several training programs for SME entrepreneurs with particular emphasis on the training of women; it also produced a monthly magazine of SME related information targeted at 2 million SMEs worldwide. The Representative looked forward to strengthening WASME's cooperation with WIPO, and to spreading awareness amongst SMEs on the need to use the IP system for improving competitiveness for their products and services, and in that regard, it had been distributing WIPO's CD-ROM for SMEs to its members and associates in its various conferences. In its increasing cooperation with WIPO, WASME had co-hosted with WIPO two Special Programs at the WIPO headquarters, one in October 2003 and one in May 2004, and a number of people including entrepreneurs, economists, bankers, lawyers and accountants had attended. In order to better understand the specifics of SME challenges at the national level, WIPO had organized research studies on IP and SMEs in 15 countries including developing and LDCs of Latin America, the Asia and the Pacific, in Europe, and there were plans for studies in certain Arab countries. The Representative pointed out that subscribers to WIPO's monthly E-newsletter of the SME Division had continued to increase, to 12,000 as of September 2004, for which he again expressed his gratitude and thanks to WIPO. He urged that, for the continuation and successful implementation of the large tasks facing SMEs, it certainly would require an increased budgetary allocation for the WIPO SME Division, and requested the Member States to support such increase, as all countries had a sizable SMEs sector that required assistance.

138. The Representative of the International Federation of Reproduction Rights Organizations (IFRRO) wished to address the issue of copyright in general, and management of the rights of authors and publishers in particular. The Representative stated that there were three pillars to a well functioning copyright system: legislation, enforcement and

management. Rights needed to be properly managed to bring benefits to creators and to publishers who invested in making works available. Rights holders had established organizations to look after their rights, the so-called quality management organizations or collecting societies which were functioning in more than 100 countries. Reproduction rights organizations, represented by IFRRO, licensed photocopied or printed material in more than 50 countries. However, more needed to be done, and there was every reason to promote the establishment of new organizations and strengthen the activities of existing ones, in particular in developing countries. This would greatly enhance economic and cultural development in the countries concerned. The Representative thanked the Director General for his visionary approach to partnership with the private sector. In 2003, a cooperation agreement had been concluded between WIPO and IFRRO to strengthen cooperation, and the Representative looked forward to further collaboration throughout the world.

139. The Representative of the International Association for the Protection of Intellectual Property (AIPPI) stated that AIPPI had more than 8,000 members throughout the world representing large as well as small and medium sized enterprises, and universities. Members and advisors included lawyers and industrialists. AIPPI represented all users of IP, both creators and consumers. In AIPPI's view, the recent meetings of the SCP had revealed that a consensus on all questions concerning the SPLT was unrealistic in the short term. There was, however, a pressing need to move forward with harmonization, even if it was in a limited form. That was why the Executive Committee of AIPPI, meeting in October 2003, had adopted a resolution requesting a limitation of discussions to certain articles of the draft, and leaving the other topics pending for subsequent discussions. Among these other topics were traditional knowledge, genetic resources and folklore, which AIPPI believed to be extremely important, but better dealt with outside the SPLT because of their separate nature. This position was confirmed during a seminar organized by AIPPI in January, as well as a meeting on the eve of the resumption of the SCP in May. During that meeting, some 20 NGOs reached the same conclusion, namely that it was desirable to limit the scope of the treaty, in order to allow progress to be made on the vital goal of further harmonization. Harmonization was a lengthy process and AIPPI was in favor of proceeding step by step, with finalization of a first treaty, then work dealing with other articles, and so forth, so that the eventual result would be harmonization in the interest of everyone, in both industrialized and developing countries. In this context, AIPPI supported the proposal made by Japan and the United States of America.

140. The Representative of the European Broadcasting Union (EBU) made its intervention on behalf of the EBU and other broadcasting unions around the world. Filling the gaps in broadcasters' protection under the 1961 Rome Convention was important to all broadcasters, wherever they were, in developed and developing countries alike, and this need had become ever more urgent. As had been emphasized at the latest meeting of the SCCR, broadcasters were motors of social and economic development. Broadcasters' signals were vehicles which enabled transfer of knowledge. Broadcasting by its very nature reached out to everyone. Satisfying their own public's need for information of various kinds was a primary task of broadcasters in all countries. For broadcasters to fulfil their ongoing duty to provide the public with information including on education, culture and entertainment, they needed effective means, at the international level, to protect and exploit their signals. Over the last seven years, more than 10 governments from both developed and developing countries, had submitted draft treaty texts for consideration by the SCCR. Never in the past had there been so many before a Diplomatic Conference, and with such a large similarity between the texts. Given the momentum of the process, the general expectation was that it would continue so as to enable the swift convening of a Diplomatic Conference.

141. The Representative of *Médecins Sans Frontières (MSF)* noted that he would be speaking specifically on the topic of the access to essential medicines campaign. MSF was a medical humanitarian organization working in over 80 countries around the world, and its interest in matters concerning intellectual property was due to the fact that MSF found itself increasingly confronted with problems related to access to essential medicines and intellectual property and in particular patents, particularly in the context of the HIV-AIDS epidemic. New medicines were often priced out of reach of poor people who needed them desperately. Medicines that dramatically increased the life expectancy of people with HIV-AIDS had become available in Europe and North America more than a decade ago. Today in the developing world, 40 million people were living with HIV, of which six million needed access to such treatment, but only 400,000 actually did have such access. MSF was treating 15,000 people with antiretroviral drugs in 25 countries, thanks to the decrease in prices from around US\$15,000 to US\$150 per patient per year. This decrease had occurred as a result of generic competition. First line generic antiretroviral drugs were available due to the existence of diverse national patent systems and practices in patenting. MSF was concerned for the future, however, when the patients would need access to second generation medicines, while the supply of affordable versions of new medicines might no longer exist. MSF could not accept a world in which the fruits of innovation could only be enjoyed by the wealthy. In a way, this principle had been acknowledged in the WTO's declarations on TRIPS and public health, adopted in Doha in 2001. The Delegation also wished to raise the problem of the lack of research and development for neglected diseases, particularly tropical diseases. Pharmaceutical innovation was skewed to those areas that promised a profitable return, which was a logical consequence of the patent-driven research and development mechanism currently relied upon. This system left huge health needs unmet. In the last 20 years, of the 1,300 new chemical entities registered throughout the world, only 13 were for tropical diseases. The Representative also drew attention to specific needs in the AIDS area where, despite a great deal of coverage and research, there were no effective formulations to treat the 1,5 million child patients. The Representative observed that despite WIPO's main mission to encourage creative activity, promote the protection of intellectual property and facilitate the transfer of technology to developing countries in order to accelerate economic, social and cultural development, WIPO seemed still to embrace a culture of IP protection without sufficient regard for social and health consequences. MSF believed that WIPO as a UN agency should change, and wished to see WIPO adopting an approach that recognized the public as the beneficiaries of the patent system. The IP system was a social policy tool and MSF believed that it should benefit society as a whole. WIPO was specifically urged to undertake reform of its technical assistance programs and help countries to fully implement the Doha declaration on TRIPS and public health, so as to enable everyone to make full use of the flexibilities available in the TRIPS agreement. The Representative wished to see WIPO engaged in a debate on how to stimulate health-need driven research and development, especially for neglected diseases, and on mechanisms to make the benefits of medical innovations available to all who needed them. This meant exploring alternative models for research and development and its financing. MSF did not wish to see WIPO move ahead with patent law reform without independent assessment of the likely effect on public health. The Delegation believed that the forthcoming discussions on a development agenda for WIPO offered a unique opportunity to address the issues raised. MSF looked forward to working with WIPO on ways to increase access to essential medicines, and ways to ensure innovation which addressed the health needs of people in developing countries. In conclusion, the Representative noted that MSF was one of 500 signatories of the Geneva Declaration on the Future of WIPO that had just been published.

142. The Director General thanked the distinguished delegates for supporting both the work completed in the previous biennium, and the work program foreseen for the future. The appreciation expressed for the work of the Secretariat would be transmitted to the staff. The Director General had been encouraged to hear that delegations were mindful that for WIPO to fully carry out its work program resources were needed, and that they were ready to work together to find an adequate solution in view of the current financial situation. The Director General wished to underline that the formulation of a solution was imperative. Note had been taken of the various areas of the Organization's work which were of particular importance and priority for Member States, including notably, norm-setting activities, integrating the development dimension into the Organization's program of work, the continuing need for training and institutional building, emphasis on further developing the economic dimension in the work in developing countries and, not least, further simplification and rationalization of WIPO's international protection systems. Listening to the statements of delegations of developing countries and least developed countries (LDCs), the Director General had been struck by the road traveled since 1998. The culture of intellectual property had spread so far that today it could be said that everyone, without exception, agreed that intellectual property was essential to national development strategies. This was a major breakthrough in the perception of intellectual property. With regard to the development work carried out in developing countries, with special attention to LDCs, the Director General said that this would continue to be done on the ground in the countries themselves, on a demand-driven basis. The results would be owned by the countries themselves, be of practical use in the market place, and be supportive of the efforts of creators, inventors and small and medium-sized enterprises (SMEs). WIPO would continue to facilitate an open dialogue and examination of the public policy aspects of applying intellectual property to development ends, especially in relation to the concerns of health, access to information and knowledge and technology transfer. Many practical tools had been or were being made available by the Secretariat to developing countries, including four guides on various aspects of licensing, an intellectual property audit tool, accounting approaches for the valuation of intellectual property assets and principles for the successful management of intellectual property assets at both the country and enterprise levels. Further, conceptual, statistical and methodological tools would be extensively used to measure the economic impact on national economies of various categories of intellectual property. WIPO would intensify its work in making available to universities and research and development institutions the means to create services which supported and managed their inventions and innovations. Note had also been taken of the call for more financial resources for the work in support of developing countries, and above all for LDCs. Regarding helping Member States to obtain statistics on the impact of intellectual property activities on national GDP, WIPO had conducted national studies on the contribution of copyright-based or cultural industries in the four Mercosur countries. Five Arab countries and one Asian country were also being studied. Similar studies were under way in a number of other countries, including two which recently joined the European Community. A pilot project was under way to measure the overall impact of intellectual property on the national economy in each of five African countries. An additional 10 African countries would also be covered in the survey in the first half of 2005. The Director General welcomed the generous offer of funds made by the Government of the Republic of Korea to support WIPO's work in favor of developing countries. The organization of a conference for Ministers from LDCs would be a landmark occasion for an exchange of experiences among different regions, and the lessons from the Republic of Korea's successful use of the intellectual property system as a tool for development would thus be shared with countries from other regions in an outstanding instance of knowledge transfer. The Delegation of the United States of America had earlier stated that in the past decade, WIPO's spending on cooperation for development had grown by 1,000%. Following contacts with the Delegation,

it had been clarified as to which data were used as a basis for this statement, and it had emerged that the data were based on a misreading of WIPO's Program and Budget: the figures for the biennia 1994-95 and 1996-97 were artificially low because they did not include staff costs, while the figures for the 2002-03 and 2004-05 biennia were artificially high because they included programs other than purely cooperation for development such as those on SMEs, public outreach, publications and information material. In short, different categories had been used for different biennia. Furthermore, in addition to cooperation for development, the figures used by the Delegation of the United States of America had covered the Worldwide Academy as well as cooperation with Eastern and Central Europe. Therefore, the increase was not ten-fold, but closer to three-fold, and moreover, the relative share of cooperation for development in the overall WIPO budget had remained basically constant throughout the decade. The Director General stressed that the resources made available for cooperation for development in WIPO's budget followed from decisions of WIPO Member States, and that as of the 1996-97 biennium, increased resources were approved in view of the new technical assistance mandate given to WIPO by the WIPO-WTO Agreement of 1996, which called upon it to assist countries in meeting the requirements of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) by the established deadline. It was also worth noting that in the period from 1994 to 2004, the global intellectual property system had expanded substantially. Membership of the PCT system had increased by 100%, membership of the Madrid system by 90%, and membership in the Paris and Berne Conventions by 40% and 53% respectively. The bulk of new members had been developing countries or countries in transition, and part of the resources which were being defined as those for cooperation for development had in fact been used to promote treaty accession and to support post-accession work. With reference to the figures cited by the Delegation of the United States of America regarding PCT fees, the Director General mentioned that these figures required more precision, and that WIPO would be pleased to further clarify these with that Delegation. As a final point, the Director General emphasized that PCT fees had been increased by several national and regional offices, in order to respond to the same phenomenon currently faced by WIPO; if fees at WIPO were not readjusted, it would mean crippling the Organization, and could have serious implications. The work program for developing countries should be of as much interest to developed countries as to developing countries, because the pursuit of development was common to both. The Secretariat would seek to promote a new dialogue and partnership among all Member States without distinction as to level of development. This partnership would be pursued in the various WIPO fora and above all in the Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD). The importance of the ongoing work in WIPO's standing committees and the intergovernmental committee could not be over emphasized. The Director General assured all Member States that the Secretariat and the Director General personally would provide all the necessary support for consensus building and for progress to be achieved. The Director General extended thanks to the Delegation of Singapore for the generous offer to host a WIPO office in Singapore, and noted the unanimous support for this from ASEAN Member States. The Secretariat had had some contacts with the representatives of Singapore and had found no additional financial implications in having a very modest WIPO presence in that part of the world. It was considered that such an office, as the Director General had understood the concept from the Delegation, would help to support WIPO's work and make it more efficient and effective for the ASEAN countries. The Secretariat would discuss and finalize the details of this offer with the Government of Singapore.

143. During discussions on this Agenda Item, Delegations requested the right to reply on the issue of geographical indications. The statements of those Delegations are summarized below in the sequence in which they occurred.

144. The Delegation of Switzerland, keen to react to the statement made by the Delegation of Chile concerning the work in progress at the World Trade Organization (WTO) on geographical indications, protested strongly against the use of terms which it said reduced the credibility and minimized the importance that better protection for geographical indications held for millions of producers throughout the world, and stated that producers were to be found both in industrialized countries and also developing countries. Furthermore, the Delegation explained that the countries involved in the work at the WTO, which included Switzerland, had recognized that the geographical indications enabled traditional local products to be enhanced and thus contributed to the sustainable development of numerous regions in the world. Moreover, at the last WTO public symposium, the testimony given by European producers but above all that of producers from China, India, Kenya and Morocco had clearly shown that geographical indications were a useful response to their economic development needs at the local and also global level. In that context, it observed that in their general statements various WIPO Member States had noted the growing interest generated by those geographical indications in a very large number of countries. However, more effective protection for geographical indications than that which currently existed in the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) was required so that the benefits referred to were sustainable. The Delegation expressed satisfaction that in 2005 Italy was organizing the next WIPO symposium on geographical indications, which it said would be an excellent opportunity to hold a constructive discussion on all those matters. In conclusion, the Delegation was pleased to be able to have a constructive discussion at the WTO with the Delegation of Chile on the improvement of the protection of geographical indications as part of the consultations and work ordered in July 2004 by the Member States with a view finally to achieving a constructive outcome. As to the particular cases mentioned by the Delegation of Chile at the end of its statement, Switzerland wished to provide reassurance that the procedure currently in progress allowed all the interests at stake to be taken into account, including those of foreigners, and that a bilateral agreement had already covered such cases for decades.

145. The Delegation of France subscribed to the statement made by the Delegation of Switzerland.

146. The Representative of the Commission of the European Communities associated himself with the clear statement made by the Delegation of Switzerland and supported by France. The Representative stressed that for the European Union, the issue of place of origin was also a very important issue, and noted the fruitful and successful work carried out within the WTO to set up protection of place of origin for the benefit of producers and consumers. The Representative therefore believed that the ongoing work in WTO should continue in its current rhythm, and that a new debate on that work should not be opened at present.

147. The Delegation of Chile repeated that the statement made previously called for some coordination between the discussions going on within WIPO and within the WTO concerning geographical indications, because there was a distinct impression that they were coming to completely different conclusions, which would not be a good thing either for the users of the system or the actual Organizations involved.

148. The Delegation of Georgia associated itself with the statements of France, the European Union and Switzerland and, noting that it had already spoken on the subject of geographical indications, reiterated that Georgia was in favor of coordinating the activities of WTO and WIPO in this area. It believed that the subject of geographical indications was very

important, and that it was in the interest of many countries. The Delegation therefore supported the continuation of the very useful and constructive discussion on this subject.

149. The Delegation of Namibia extended its congratulations to the Chair, on his re-election as Chair of the 40th Series of Meetings of the Assemblies of the Member States of WIPO, and trusted that under his skillful leadership and guidance, the work of the General Assembly would be concluded successfully. The Delegation fully supported the statements made by Egypt on behalf of the African Group and was also in full support of the proposal by the distinguished delegates from Argentina and Brazil regarding the very significant issue of the proposed activities under the WIPO development agenda. The Delegation was also in full support of the International Bureau's two important proposals, namely the increase of PCT fees and the PCT reform initiatives under item 15. They felt that a well-developed and effectively coordinated IP system would contribute enormously to the enhancement of economic, social and cultural development of any given society. The Delegation then briefed the Assemblies on the various activities and mission that WIPO had undertaken to Namibia since the Assemblies in 2003. In this respect they had received technical assistance in the drafting of the Industrial Property Bill; automation of the Industrial Property Office; a WIPO Academy initiative undertaken in cooperation with the University of Namibia; the training of Namibian officials under the Madrid Agreement and its protocols, and other valuable support and activities related to the development of intellectual property in general, especially following their accession to the PCT and the Madrid Agreement and its protocols. In addition, Namibia had ratified the two WIPO internet treaties, the WCT and WPPT, the delay in acceding to these had been the necessity to amend their Copyright and Neighboring Rights Protection Bill which would be tabled in Parliament early in 2006. The Delegation advised the Director General that more requests for technical assistance would be forwarded to WIPO in the near future to enable Namibia to successfully implement all the aforementioned activities. The Delegation sincerely expressed its gratitude to the Director General and his dedicated team for his continued support to Namibia, and assured him that Namibia and its people supported his leadership of WIPO. Finally, it wished to extend a message of condolence to the bereaved family and friends of the late Dr. Arpad Bogsch, who, during his time as Director General of WIPO, had undoubtedly contributed to most of what WIPO is today.

150. The Representative from the Civil Society Coalition (CSC) pointed out that this was the first occasion they had to address the WIPO General Assembly and advised that their membership represents 26 non-governmental organizations from 12 countries, North and South. The members were concerned with a wide range of issues, also relevant to WIPO, including access to medicine, access to knowledge, and better mechanisms to support creative activity. The Representative thanked those present for supporting their application for permanent NGO accreditation and looked forward to contributing to the debate over the development agenda for WIPO, and in particular, the proposed Treaty on Access to Knowledge and Technology. The CSC suggested that the Treaty include provisions on topics such as the Implementation of Articles 4, 5, 6 and 7 of the Doha Declaration on TRIPS and Public Health; the implementation of Articles 7, 8 and 40 of the TRIPS Agreement regarding the control of anti-competitive practices and the transfer of technology; global access to publicly funded research; mechanisms to promote openness, including support for new open access scholarly publishing models, open standards for software and Internet development, open databases, and other instruments of disseminating and transferring knowledge and technology, and other approaches that remove barriers to innovation, and support and empower collaborative approaches to innovation and creativity. Minimum exceptions to patent and copyright laws were needed to protect the visually impaired, libraries, educators,

consumers, and Internet technologies, which facilitate follow-on creative activities and innovation by authors, performers, researchers and inventors, working both as individuals and within creative communities. Provisions were necessary in the Patent Cooperation Treaty to protect standards making organizations, and to better enable collaborative efforts to create public goods, such as databases or standards that will be free of patent claims; mechanisms, such as those found in the Treaty of Europe, were required to promote technology transfer and scientific collaboration between richer and lesser developed Member States. The Representative also noted that other important topics had been included on the Agenda for discussion, such as the misappropriation of social and public goods, both modern and traditional, concentrated ownership and control of knowledge, technology and biological resources, and unfair treatment of authors, inventors and other creative persons and communities, and new trade frameworks to support research and development.

151. The Assemblies of the Member States of WIPO, each as far as it is concerned, approved the contents of document A/40/2, and noted the information contained in document A/40/3.

ITEM 5 OF THE CONSOLIDATED AGENDA:

REPORT ON THE POLICY ADVISORY COMMISSION (PAC)

152. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 6 OF THE CONSOLIDATED AGENDA:

PROTECTION OF AUDIOVISUAL PERFORMANCES

153. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 7 OF THE CONSOLIDATED AGENDA:

PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS

154. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 8 OF THE CONSOLIDATED AGENDA:

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

155. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 9 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE ADVISORY COMMITTEE ON ENFORCEMENT

156. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 10 OF THE CONSOLIDATED AGENDA:

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

157. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 11 OF THE CONSOLIDATED AGENDA:

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

158. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 12 OF THE CONSOLIDATED AGENDA:

PROPOSAL FOR ESTABLISHING A DEVELOPMENT AGENDA FOR WIPO

159. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 13 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE IPC UNION

160. See the report of the session of the IPC Union Assembly (document IPC/A/22/3).

ITEM 14 OF THE CONSOLIDATED AGENDA:

ELECTRONIC EXCHANGE OF PRIORITY DOCUMENTS

161. Discussions were based on document A/40/6.

162. The Secretariat stated that, this year, under the PCT system, the International Bureau would receive approximately 120,000 priority documents which should be made available to any designated Offices upon request in accordance with Article 8 of the PCT and Rule 17 of the Regulations under the PCT. Under the old system, it received such priority documents in paper, photocopied them and distributed them to Offices in paper form. Over the past few years, the International Bureau had made efforts to deploy information technology with a view to achieving efficiency gains in the way in which priority documents were handled and distributed. Since WIPO was aware that each of the designated Offices had different capacities, it was prepared to receive priority documents in any form, whether on paper, on CD, on DVD or through on-line transmission. Similarly, it would make such documents available to designated Offices in the form that they chose.

163. The Secretariat stated that, as the Office of the PCT would increase in efficiency if it could receive priority documents in electronic form, it wished to ensure that there was no legal barrier that might possibly prevent this. The Secretariat considered that, for the sake of clarity, it would be useful if the Assemblies of the Paris Union and the PCT Union could agree upon basic principles as set out in paragraph 9 of document A/40/6, which constituted a mere confirmation of the existing situation. In relation to those principles, the Secretariat indicated that it was up to the authority issuing the priority document to determine what constituted certification of a priority document, for example, by putting on a stamp. The Secretariat also explained that, where priority documents were sent on a CD to the International Bureau, it would be useful if the Office was able to collectively certify all of the priority documents on that particular CD, rather than individually attaching a certificate to each of the priority documents on the CD. The Secretariat further noted that, within the PCT system, it was extremely important that, where a priority document had been issued and certified in accordance with those understood principles by a receiving Office and transmitted to the International Bureau, no designated or elected Office might require any further form of certification. In that case, the International Bureau would include the certification on the copy prepared by it and thus avoid the possibility of an applicant being requested to provide multiple certified copies.

164. The Secretariat noted, in response to questions that had been raised in connection with the bilateral exchange of priority documents under the Paris Convention outside the PCT system, such as whether the countries would be able to ask that a priority document be submitted in paper form or whether it would be appropriate to have an electronic standard governing the way in which priority documents might be transmitted from one Office to another under the Paris Convention, that it might be appropriate for WIPO to look into both

legal aspects and electronic standards relating to the exchange of priority documents under the Paris Convention, for example, in the context of the Standards and Documentation Working Group of the Standing Committee on Information Technologies (SCIT) or the Standing Committee on Patents (SCP).

165. The Delegation of Germany expressed its appreciation to the Secretariat for having engaged in consultations on this matter with a number of Offices. The Delegation stated that, taking account of the explanations given by the Secretariat, it fully supported the proposed understanding contained in document A/40/6.

166. The Delegation of Mexico expressed great concern in respect of this issue for two reasons, the first being the existing disparity among Patent Offices as to the use of electronic means, and the second, but not less important, reason being the legal implications that might arise. The Delegation observed that this proposal stemmed from the needs of a reduced number of Offices and that it would reduce the room for maneuver of receiving Offices that did not have the infrastructure to allow the electronic handling of documents. This would be to the detriment of the system and have adverse effects for applicants. The Delegation was not therefore in a position to support the proposal without a detailed analysis of the current legal context and of the possible implications for different member countries within the system.

167. The Delegation of Israel expressed full support for the proposed agreed understanding on the provision of priority documents under the Paris Convention and the PCT. The Delegation believed that the understanding, in combination with electronic filing and processing systems, would enable the supply of advanced services to the public worldwide. The Delegation further informed the Assemblies that the Government of Israel had introduced new Regulations for the electronic filing of applications and requests submitted to it (Electronic Signature Law, 2001-5771) and that, in addition, it was currently engaged in the process of amending its domestic legislation with regard to receiving patent applications and related documents in electronic form.

168. The Delegations of the United States of America and of Canada expressed full support for the proposed agreed understanding contained in document A/40/6.

169. The Delegation of China supported the proposal contained in document A/40/6, since it was in line with the trend in the PCT of providing flexibility, would afford a systematic tool for Offices to handle priority documents and their certification, and met the needs of the Office of its country. The Delegation recalled that different Offices were at different stages in the development of their electronic infrastructure. An electronic format which would meet the demands of different Offices and would allow them to exchange documents in that format should be developed. The Delegation suggested that Member States further consider how to maintain flexibility in systems for receiving priority documents and how to promote cooperation among Offices on this issue. In this context, the Delegation stated that it was looking forward to sharing the experience it had already gained in this field with other Offices.

170. The Delegation of Japan, while expressing support for the proposed agreed understanding contained in document A/40/6, expressed the view that the technical details relating to the establishment of a standard to facilitate the electronic exchange of priority documents should be discussed in the SCIT.

171. The Delegation of India supported the proposal contained in document A/40/6, but requested confirmation from the Secretariat that, in view of the fact that some Offices were not yet in a position to receive priority documents in electronic form, the necessary flexibility would be maintained to enable Offices to require priority documents in paper form. This understanding was confirmed by the Secretariat, which stated that the International Bureau was prepared to receive priority documents in paper form, to distribute them in paper form and to issue copies with individual paper certifications.

172. The Delegation of Switzerland said that it had understood the explanations provided by the International Bureau that the agreement in principle which it was proposed to adopt did not limit the freedom of the States Parties to the Paris Convention or the Patent Cooperation Treaty to define the requirements of form for priority documents, which must be satisfied if the national office were to accept such a document, and that common standards necessary to resolve operational matters on the certification and processing of documents were going to be developed as quickly as possible. Since these clarifications were not clearly expressed in paragraph 162 of the draft report, the Delegation hoped that if those explanations were not expressly mentioned in paragraph 161 or 162 of the draft report, its interpretation of the agreement in principle should be recorded in the report.

173. The Assemblies of the Paris Union and the PCT Union adopted the agreed understanding proposed in paragraph 9 of document A/40/6.

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

174. See the report of the session of the PCT Union Assembly (document PCT/A/33/7).

ITEM 16 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING INTERNET DOMAIN NAMES

175. See the report of the session of the WIPO General Assembly (document WO/GA/31/15).

ITEM 17 OF THE CONSOLIDATED AGENDA:

DRAFT AGENDAS OF THE 2005 ORDINARY SESSIONS OF THE WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY

176. Discussions were based on document A/40/4.

177. The WIPO Coordination Committee adopted Annexes I and II, the Paris Union Executive Committee adopted Annex III, and the Berne Union Executive Committee adopted Annex IV of document A/40/4.

ITEM 18 OF THE CONSOLIDATED AGENDA:

ADMISSION OF OBSERVERS

178. Discussions were based on document A/40/5.

Admission of Intergovernmental Organizations as Observers

179. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following intergovernmental organization: Commonwealth Secretariat.

Admission of International Non-Governmental Organizations as Observers

180. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following nine international non-governmental organizations: Centre for Innovation Law and Policy (the Centre); Center for International Environmental Law (CIEL); Civil Society Coalition (CSC); European Generic Medicines Association (EGA); Federation of Scriptwriters in Europe (FSE); Foundation for a Free Information Infrastructure (FFII e.V.); Free Software Foundation Europe (FSF Europe); Independent Music Companies Association (IMPALA); Organization for an International Geographical Indications Network (ORIGIN).

Admission of National Non-Governmental Organizations as Observers

181. The Assemblies of the Member States of WIPO, each in so far as it is concerned, decided to grant observer status to the following three national non-governmental organizations: Electronic Frontier Foundation (EFF); Japan Institute of Invention and Innovation (JIII); Picture Archive Council of America (PACA).

ITEM 19 OF THE CONSOLIDATED AGENDA:

APPROVAL OF AGREEMENTS WITH INTERGOVERNMENTAL ORGANIZATIONS

182. See the report of the session of the WIPO Coordination Committee (document WO/CC/52/3).

ITEM 20 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

183. See the report of the session of the WIPO Coordination Committee (document WO/CC/52/3).

ITEM 21 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORTS

184. This General Report was unanimously adopted by the Assemblies and other Bodies of the Member States of WIPO concerned, on October 5, 2004.

185. Each of the eight Assemblies and other Bodies of the Member States of WIPO unanimously adopted the separate report concerning its session, at a separate meeting of the Assemblies and other Bodies of the Member States of WIPO concerned, on October 5, 2004.

ITEM 22 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

186. Ms. Ivana Milovanović (Serbia and Montenegro), Acting Chair of the General Assembly invited the Chair of the General Assembly to close the session. Ambassador Kessedjian made the following address:

“Thank you very much. Ladies and Gentlemen, we are now in fact reaching the end of our discussions and I would like, in turn, to offer my warmest thanks to you for your patience, your contributions and your active participation in work that has often been difficult, because it has been of a technical nature, or because our interests have frequently diverged. It has been a very great honor for me once again to preside over your General Assembly. I have done so with my qualities and also my failings of course, which at times are more visible than my qualities, but I have truly done it, as you know, with the willingness to reach, wherever possible, a consensus so as to move forward, while trying to achieve, at times struggling to achieve, an outcome, where this is difficult. I believe that on the whole we have succeeded in this task.

“As part of my thanks, I would like to mention in particular the geographical coordinators who, not only on the fringes of the General Assembly but throughout the year, assist us in this task in terms of procedure and the working method used to achieve

results, or in holding informal sessions that we have also organized in the course of the year. I wish to thank them, along with all those who have joined them in the informal consultations which, as we have said, have lasted longer this year than usual, late into Friday evening, then Saturday morning and finally Saturday afternoon as well, but each time so as to achieve sound results and, in all cases, have good discussions.

“My thanks obviously go to the Director General. As everyone else has said, I would like to join in the compliments paid to him and to tell you that as Chairman of the Assembly we meet frequently and that each day I discover his qualities. He has around him a remarkable team, those who are around the podium here and all those who are in the wings, preparing the texts, doing the work, day by day, and this very united, willing and professional team which is also, and I believe above all, the key element in the success of our organization. I will not of course forget our interpreters who, throughout these long days and nights, have been called upon at times beyond what might be termed reasonable, and who have done so with great kindness without ever raising the subject of their regular hours for example. We have gone beyond our schedule too often and I thank them from the bottom of my heart for having agreed to accompany us all the way through without placing before us the obstacle of the breakdown in the microphones and the interpretation.

“We have had a good session. During the session, several Member States have taken the initiative to put forward proposals. One has been successful and I will come back to it, while the other has, for the time being, not been successful. The United States and Japan have tried to present us with a proposal on the harmonization of substantive patent law. We have not reached a consensus. We probably need more time together in order to understand the challenges that hide behind these extraordinarily difficult subjects. But we have had the collective wisdom not to reach a negative outcome, as we have asked the Director General to take the initiative to hold consultations in order to move things forward.

“This session has also been dominated by a very important initiative taken by Brazil and Argentina, and supported and sponsored by numerous organizations. I would like to thank them most warmly for having put forward this initiative with no spirit of confrontation but, by contrast, for having placed it in the context of the slow but sure construction of intellectual property for all, intellectual property as an element, as I pointed out in my introduction, that cannot be dissociated from sustainable development for all. The conclusion that we have adopted, which is a method-based conclusion for continuing the very important and very rich examination that we have conducted, is promising and points to the future because it affects subjects that are essential for the Organization’s future. I thank all the delegations, those that have raised this issue with perhaps greater concern as to what might be, what some consider to have been, the questioning of certain aspects of intellectual property, or intellectual property rules. This was not the case, in fact on the contrary, and those that initiated the discussion have shown that their intention was to generate a general debate on a challenge common to all of us, that of the development agenda.

“We have also set in motion the Diplomatic Conference for the adoption of a revised Trademark Law Treaty. We have asked the competent group to speed up its work for the protection of broadcasters with a view to being able to hold a Diplomatic Conference next year.

“We have made a lot of progress in the area of genetic resources because there also we have established a good working method allowing us to meet the requirements of the Convention on Biological Diversity and examine, at our next General Assembly and throughout the year, the difficult and complicated elements which we face in the hope of being able to overcome them.

“We have tackled many other subjects and we have made progress with them. I believe that on the whole we can say that we have had a good harvest. We have the momentum which we hoped for in the coming year, the momentum that each General Assembly must give to our work. This is a time when from the four corners of the world the managers of industrial or intellectual property institutes are gathered in Geneva, along with specialists, legal experts and technicians around the people of Geneva, for whom this is their regular diet. During this ten-day Assembly, there has been a profusion of bilateral contacts, of ideas exchanged and proposals put forward, and therefore I believe that on each occasion the momentum is positive and sound, and we have generated it once again.

“Ladies and Gentlemen, this is virtually the last occasion that I will preside over this Assembly since I will have the pleasure, at the next General Assembly, to pass on the torch to my successor and I would like to say that, while I have some experience behind me in very varied fields, this experience will prove to be absolutely outstanding. I have learned a lot from each one of you and I have also learned a lot about what constitutes a meeting of minds when the people concerned want to succeed. Thank you very much”.

187. The Delegation of El Salvador, on behalf of GRULAC, expressed their satisfaction with the conclusions of the work carried out during the 40th session of the Assemblies. As Member States of WIPO they had had the chance to review the work carried out last year, and had already set the direction for future work. GRULAC was committed to work constructively, and to implement the objectives set before the Assemblies. They thanked the Chair, Ambassador Kessedjian and Mrs. Ivana Milovanović, Acting Chair of the General Assembly, for leading the work and for their efforts in finding consensus when it was required. In addition, they thanked the Director General for his outstanding leadership. Finally they thanked the Secretariat for its assistance during the discussions and the interpreters and translators, who allowed constructive dialogue to be maintained.

188. The Delegation of Egypt, on behalf of the African Group, expressed their appreciation to the Director General and to the staff of the Organization for the preparation of the meetings, and the considerable amount of work done at the service of Member States of the Organization. They also thanked the Chairs of the various Assemblies for their effectiveness in leading the work. It had been a great honor for the Delegation of Egypt to coordinate the work of the African Group. The Delegation of Egypt also wished to thank their African brothers and sisters for their confidence and the other delegations and regional coordinators for their readiness to cooperate. The Delegation wished to reiterate that the African Group was fully prepared to commit itself in a constructive way, to the future work, and to capitalize on the results achieved during this session. The Group was ready to make compromises and find solutions to satisfy all parties while respecting the commitments and priorities of every delegation.

189. The Delegation of Canada, speaking on behalf of Group B, expressed their gratitude to the Chair, as well as to the distinguished Ambassador of Romania, Mrs. Ivana Milovanović

(Serbia and Montenegro), Acting Chair of the General Assembly and to all the other Chairs and Acting Chairs for their help in guiding delegations to a successful conclusion of the 2004 General Assemblies. Group B also thanked the Director General and all of his colleagues at the WIPO Secretariat for their hard work and diligence in managing this year's meetings, and in particular thanked the interpreters for their exceptional service and for their long hours during the General Assemblies. They also expressed their appreciation to the other regional Groups and to all the members of WIPO for their constructive participation in developing the important decisions taken during the week. Members of Group B looked forward to continued cooperation over the coming year, to make WIPO a successful, member driven, financially sound multilateral organization, working towards agreed strategic goals, to building a better understanding of intellectual property, to developing the IP system and to enhancing the efficiency of the Secretariat and the services it provides for the benefit of all WIPO Members States.

190. The Delegation of Benin, speaking on behalf of the LDCs, thanked the Chairman, the Director General, who had made it possible for everyone to come together and discuss their problems here. The Delegation also wished to use the opportunity to thank everyone for having supported the LDCs in their concerns and having given their support to their development. It hoped that efforts would be made to have greater understanding in future meetings among all regional groups.

191. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, thanked the Director General, the Secretariat as well as all colleagues in the regional groups for their efforts to make this current session a success. Although the current session had been rather gruelling, with everyone having to work late into Friday and also Saturday, there was light at the end of the tunnel.

192. The Delegation of Moldova, speaking on behalf of the countries of Central Asia, the Caucasus and Eastern Europe, thanked the Chair, the Director General and his staff for all the efforts made during the Assembly to solve the difficult problems that arose during the sessions. These Assemblies had demonstrated that by uniting their efforts common solutions, compromises and compromised solutions could be found to very thorny issues. On some issues consensus had not been reached yet, the Group was of the view that with common efforts consensus could be achieved, and WIPO's work would continue. The Delegation thanked the other Coordinators, for their efforts to find solutions, the Secretariat for the very well-prepared documents, including the draft reports and the interpreters for their very difficult work, and hoping that at the next session further development of IP for the well-being of all Member States of WIPO would be reached.

193. The Delegation of the Czech Republic, speaking on behalf of the Group of Central European and Baltic States felt that the General Assembly meeting had proved to be a very demanding one, nevertheless, they had held constructive deliberations on different agenda items which had provided an excellent opportunity for the Member States to consider the further development of the IP system in general, and of WIPO as an organization in particular. It went without saying that they appreciated General Assembly meetings as it was a place for numerous bilateral, subregional and regional discussions, formal as well as informal, and provided an opportunity to share their national experiences. The Delegation wished to thank all Delegations for their constructive efforts in reaching agreements. Compromise was never entirely satisfactory, but is a way of strengthening and developing the IP system on a global basis. It was only through discussion and compromise that consensus could be reached leading towards further progress. The Group of Central European and Baltic States believed

that the decisions made, marked the beginning of a process, not the end, and they were looking forward to participating actively in that process. The Delegation thanked Dr. Idris for his personal involvement during times when his guidance was needed. They wished to thank the Secretariat and every staff member of WIPO for their constant endeavor to meet the demands of the Member States, including preparing documents and providing inexhaustible assistance. Lastly, the Delegation wished to thank the Chair and Mrs. Milovanović, for the time and effort they had devoted to chairing and guiding the work during the Assemblies. The diplomatic skills and experience of both had proved to be necessary to keep everyone together to reach their common goals.

194. The Delegation of China thanked the Chair of the General Assembly for his contribution to the Assembly. At the same time they wished to thank the Director General and the Secretariat for the preparation of the work. The Chinese Delegation, with their positive, constructive and responsible attitude, would continue to participate in WIPO's different activities. The Delegation also thanked the interpreters and translators for their contributions to make the Assemblies a success.

[Annex follows]

ANNEX

INDEX OF INTERVENTIONS BY DELEGATIONS OF STATES; REGIONAL GROUPS
AND REPRESENTATIVES OF INTERNATIONAL INTERGOVERNMENTAL
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¹ On behalf of the Least Developed Countries (LDCs)

² On behalf of Group B

³ On behalf of the Central European and Baltic States

⁴ On behalf of the African Group

⁵ On behalf of Latin America and the Caribbean (GRULAC)

⁶ On behalf of the European Community

⁷ On behalf of the Member States of the South Asian Association for Regional Cooperation (SAARC)

⁸ On behalf of Central Asia, the Caucasus and Eastern Europe

⁹ On behalf of Central Europe and the Baltic States

¹⁰ On behalf of the Asian Group

¹¹ On behalf of the Association of South East Asian Nations (ASEAN)

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