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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

ASSEMBLIES OF THE MEMBER STATES OF WIPO

Forty-Fourth Series of Meetings Geneva, March 31, 2008

GENERAL REPORT

adopted by the Assemblies

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INTRODUCTION

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

- (1) WIPO General Assembly, thirty-fifth (17th extraordinary) session
- (2) WIPO Conference, twenty-sixth (8th extraordinary) session
- (3) WIPO Coordination Committee, fifty-seventh (19th extraordinary) session
- (4) Paris Union Assembly, thirty-ninth (21st extraordinary) session
- (5) Paris Union Executive Committee, forty-fifth (2nd extraordinary) session
- (6) Berne Union Assembly, thirty-third (15th extraordinary) session
- (7) Berne Union Executive Committee, fifty-first (13th extraordinary) session
- (8) Madrid Union Assembly, thirty-ninth (22nd extraordinary) session
- (9) Hague Union Assembly, twenty-fifth (9th extraordinary) session
- (10) Nice Union Assembly, twenty-fifth (7th extraordinary) session
- (11) Lisbon Union Assembly, twenty-second (5th extraordinary) session
- (12) Locarno Union Assembly, twenty-fifth (8th extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, twenty-sixth (10th extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, thirty-seventh (21st extraordinary) session
- (15) Budapest Union Assembly, twenty-second (8th extraordinary) session
- (16) Vienna Union Assembly, eighteenth (6th extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, fifth (2nd extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, fifth (2nd extraordinary) session
- (19) PLT [Patent Law Treaty] Assembly, fourth (2nd extraordinary) session

meeting in Geneva on March 31, 2008, 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, a separate Report has been drawn up on the extraordinary session of the PCT Union Assembly (PCT/A/37/2).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions as of March 5, 2008, is set forth in document A/44/INF/1 Rev.

4. The meeting dealing with the following items of the Agenda (document A/44/1) was presided over by the following Chair:

Items 1, 2, 3, 4 and 5

Mr. Martin Ihoeghian Uhomobhi (Nigeria),
Chair of the General Assembly

5. The Agenda, as adopted, and the list of participants will appear in documents A/44/1 and A/44/INF/3, respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

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

7. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 19 Assemblies and other bodies concerned by the Chair of the General Assembly, Mr. Martin Ihoeghian Uhomobhi (Nigeria), who made the following statement:

“Good morning dear friends, your excellencies, the Director General Dr. Kamil Idris, distinguished delegates, members of the International Bureau, ladies and gentlemen. It is a great pleasure for me to welcome you all to this extraordinary session of the Assemblies of the Member States of WIPO, no doubt you have all come from far and near at great expense in terms of your time and valued resources, out of your keen interest and determination to contribute to the effective working of this Organization, and I would like therefore to commend you for your support, enthusiasm and resolve to be a positive force for this Organization.

“It is now six months since we last gathered here to determine the future of the Organization you are all familiar with, and the circumstances in which the 43rd session of the Assemblies ended. Certain issues were brought to the table of the Assembly which, in the wisdom of Member States, and with our best efforts could not be addressed. Consideration of some issues of the agenda was stymied on account of linkages which did not help matters either. Some issues which would ordinarily have been resolved by consensus in the final analysis proved intractable and regrettably had to be decided by vote. Such was the welcome state of play that a fundamental item such as the budget was left in abeyance. For the record, let me state that as soon as the Assemblies ended in September, in October, we commenced active consultations and negotiations aimed at resolving all pending issues. Indeed we wasted no time and spared no efforts in this regard, and we are sure that the integrity and the higher interests of WIPO were maintained, and that this valued Organization continued to make desired progress in the best interests of Member States and all stake holders.

“In this connection, I am pleased to state that one of the outcomes of our collective efforts was a decision in November 2007 by the Director General, Dr. Kamil Idris, to voluntarily advance the process of nominating and appointing a Director General of WIPO, bearing in mind that his tenure of office as WIPO Director General would expire on November 30, 2009. Following this decision, and in accordance with due process, an appropriate circular dated November 13, 2007, was

sent out to all WIPO Member States by the Chair of the Coordination Committee. The General Assembly will make a decision, at its September 2008 session, on the nomination of a Director General that it will receive from the Coordination Committee which will meet in May 2008.

“Once distance had been achieved, the next issue we tackled was how to facilitate the adoption of the 2008/2009 biennial budget of WIPO. In this regard I had several rounds of consultations with Group Coordinators who, in turn, met with their respective Groups of Member States. The negotiations were delicate, painstaking and comprehensive; the outcome achieved was a collective agreement that this extraordinary session be convoked principally to adopt the budget. The fact that we are meeting here today, March 31st 2008, is the result of the agreement reached during these consultations.

“Dear Colleagues and friends, at this juncture I would like to place on record my profound thanks to each and everyone who has been involved in the negotiations that have led to these fruitful outcomes. My special thanks are due to the Director General and his able staff in the Secretariat. They have been magnanimous and immensely supportive of our efforts. Dr. Kamil Idris exemplified a dignified comportment and understanding without which our negotiations would have been difficult, if not impossible. He demonstrated sacrifice by agreeing to advance the process of the nomination of his successor and put the interests of WIPO above his personal gains. My profound thanks are also due to the Group Coordinators the distinguished Ambassadors and Permanent Representatives who have displayed understanding, empathy and clarity in the course of these negotiations, never forgetting the need to uphold the integrity and mandate of WIPO as a specialized agency of the United Nations.

“It would be remiss of me not to mention that as I did the rounds of consultations prior to this very meeting, three priority concerns were expressed which I feel duty bound to mention. Firstly, Member States are resolved that this Assembly should be conducted in a sober, dignified and result-oriented manner. It should not provide opportunity for incidents and behaviors that could damage the Organization. Secondly that this extraordinary session should be brief and focused, with the primary objective of adopting the budget. It should not rise without doing so. Thirdly, we must continue with renewed resolve to pursue a healing and reconciliation process in WIPO and, in this regard to do whatever is necessary to ensure justice, equity and fairness for all stakeholders, including the staff of this Organization. With regard to this last point, let me state that it is especially important that the dignity of every person, including staff of Member States, all staff members of this Organization must be respected, and that no room should be created for fictionalization and division of staff into victims and villains which is capable of doing serious harm to the proper functioning of this Organization.

“Distinguished delegates, I am certain that no-one requires reminding here that WIPO needs us just as we need WIPO. Particularly, in recent years the importance of WIPO has been felt globally and rightly so. Hence, we have the responsibility to build on recent successes of the Organization by providing it with the necessary budget to carry out this work, including especially the unfettered implementation of the recently adopted development agenda, the registration of marks and patents which are growing at an exponential rate, and the provision of technical assistance and other necessary services to Member States. Your Excellencies, having made these preliminary remarks

let me sketch out very briefly how next I intend to proceed in guiding our work at this extraordinary session.

“Firstly, I will give the floor to the Group Coordinators to make statements, if they have any statements to make, in response to my work or my address and I will plead that Delegations/Member States who have written statements may avail the Secretariat of these, who will of course ensure that they are reflected in the report of this meeting. After their statements, I shall suspend this meeting very briefly for the PCT Assembly to meet and endorse the consensus reached on the PCT fees. Thereafter, the Assemblies will resume during which time I will propose that the budget be adopted. Lastly, following the adoption of the budget I shall move on to the next item on the agenda which is ‘Any Other Matters’. This should conclude our work at this extraordinary session. May I, at this stage, also just add that the inclusion of ‘Any Other Matters’ on the agenda of this extraordinary session should not constitute a precedent to be followed by other extraordinary sessions. This was done, as I said, in a very painstaking and conciliatory manner to accommodate views that other Member States might wish to convey in the course of this extraordinary session. So I just thought that I should make that additional point and I thank you very much for your attention. So following the conclusion of my welcoming statement I would now proceed to give the floor to the Group Coordinators.”

8. The Delegation of Chile, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), thanked the Chair for the efforts that he had been making in order to ensure that the Assembly would be trouble-free. The Group also thanked him for the excellent summary that he had made on the informal consultations process with Group Coordinators, and agreed that it had been a difficult process but under the skillful leadership of the Chair, progress had been made, and they trusted that his diplomatic experience would ensure a successful meeting.

GRULAC was satisfied with the verbal agreement that had been reached the previous week that the General Assembly needed to be efficient and effective, and that ideally meant that only Group Coordinators should take the floor in order to make statements in explanation of the vote on the budget. That would ensure that the Assemblies did not get lost or caught up in long discussions that could cause us to lose track of our objective. He added that during the consultations there had been some differences, but a broad consensus decision had been made to adopt the program and budget for the 2008/2009 biennium, on the basis of the recommendation of the Twelfth session of the Program and Budget Committee, contained in document WO/PBC/12/9, that required the amendment of the fees of the Patent Cooperation Treaty (PCT) in three aspects.

Firstly, the adoption of a five per cent reduction in the fees for international filings handled by the PCT. Secondly, a 75 per cent to 90 per cent increase in the reduction of fees for applicants from developing and least developed countries in the PCT fees table and thirdly, the extension of this measure to eight developing countries which do not benefit from that, namely Antigua and Barbuda, Bahrain, Barbados, the Libyan Arab Jamahiriya, Oman, Singapore, Trinidad and Tobago and the United Arab Emirates.

Finally, GRULAC believed that the adoption of the program and budget for the 2008/2009 biennium was necessary in order to start to recover WIPO’s image and international credibility and return to a state of normality in the work of the Organization. GRULAC believed that this would help everyone, Member States, Observer States and staff

members to renew their determination and overcome the sense of disillusionment that had been prevalent last September - as George Bernard Shaw had said 'we are made wise, not by the recollection of our past but by the responsibility for our future', so let us be wise and let us look to the future.

9. The Delegation of the United States of America, first, on behalf of Group B, expressed their great admiration for the Chair and warmly congratulated him on his stewardship in creating the proper conditions and positive atmosphere convening this extraordinary session of the General Assembly. The Delegation personally and on behalf of Group B, wished to state publicly that the Chair had been a model and an exemplar of integrity, dignity and probity of sound judgment in bringing together all of the genuine, heartfelt positions of various groups so that a productive way forward could be achieved. The Group was confident that the Chair would continue to ably and justly guide the discussions as the Assembly moved towards the adoption of WIPO's Program and Budget for the 2008/2009 biennium later that morning.

The Delegation also extended Group B's thanks to the WIPO International Bureau for its hard work in preparing for the meeting and in assembling the documentation presented. The Assemblies were gathered to approve WIPO's Program and Budget for 2008/2009 biennium. The Group additionally noted that the budget the Assemblies were being called on to approve was a transitional budget. Firstly, the Program and Budget Committee's recommendations (contained in document A/43/12) noted that revisions would be needed to implement the agreed proposals relating to a WIPO Development Agenda, in light of the discussions that had taken place by the PCT Union Assembly in respect of PCT fees, and decisions relating to the report on the Desk-to-Desk Assessment. He noted that the decision being taken committed the Assemblies to revising the 2008/2009 Program and Budget in less than six months. Secondly, WIPO was in the midst of a transition of leadership, which, as with all such transitions, would likely entail further revisions to the Program and Budget.

The Delegation wished to record their appreciation for the manner in which the Director General Idris had paved the way for his successor to take office on October 1, 2008, and further lauded his wisdom to leave significant restructuring or reorganization decisions and promotions to and within the Special Category, to WIPO's Senior Management Team (SMT). It was the Group's understanding that the SMT had decided to defer such actions to the new Director General, and in this way, WIPO's Director General and Senior Management Team had shown an exemplary commitment to the greater good of WIPO in adopting the model of Dr. Idris' own entry into office in 1997, ensuring a similarly smooth transition for his successor. This commendable commitment by the Director General had provided the basis upon which Group B members could join the consensus to approve the transitional Program and Budget for 2008/2009.

Looking ahead, Group B wished also to take note of the excellent choice offered WIPO Member States by a field of 15 distinguished candidates for Director General from all corners of the globe, and urged all Member States to exercise care in the selection process, respecting the dignity of the candidates and the integrity of WIPO as an international institution. Group B then addressed itself directly to WIPO staff members, and paid special tribute to WIPO's staff for their collective commitment to excellence and to building WIPO's future, and said they were determined to ensure that WIPO staff were treated with respect, dignity, and in accordance with the highest ethical and professional standards, and enjoy the full protection and benefits they are due as employees of the UN system. In that light, they commended WIPO for participating in the UN Chief Executive Board's discussions on

expanding the new UN Ethics Committee and urged accelerated consultations with the UN Secretary General to bring WIPO into full compliance with the new UN-wide Ethics Code as soon as possible. Group B's message to all WIPO stakeholders was to assure the Chair, that Group B was strongly committed to working with him, and with WIPO's Member States, staff, and the citizens, enterprises and organizations around the globe who relied on WIPO's services, to doing all they could to fully realizing WIPO's tremendous potential. WIPO had a vital and unique role to play in promoting innovation, in helping countries to improve their intellectual property systems, and in promoting intellectual property protection as a tool for economic development that was sought for all the nations of the world. Group B is and will remain fully and constructively engaged in helping to build WIPO's future as an exemplary leader of the UN system, committed to robustly upholding the highest ideals embodied in the UN Charter.

10. The Delegation of Romania, on behalf of the Group of Central European and Baltic States, congratulated the Chair for his constant endeavors and ability to forge consensus among Member States and thanked him for presenting the Assemblies with the results of the consultations he had had with Member States prior to the meeting. They had always believed that every possibility should be explored in order to overcome differences and to achieve successful results. They noted that their regional group was not among those who had called for an extraordinary session of the Assemblies, but at the same time, admitted that it was the right of Member States to ask for the convening of such a meeting when they found it appropriate. Therefore, the Member States were all present and ready to deal with the Agenda of the meeting.

On the other hand, the Group pointed out that they were among those which prior to the meeting had expressed some concerns related to the transition period that the Organization is currently facing, but noted however, that the leadership of the Organization had, in the meantime taken a highly commendable decision on staff matters which reflected the spirit of the transitional arrangements agreed to in the past. Such a decision gave grounds to believe in a proper transition where all employees receive treatment in conformity with the WIPO rules. Based on that, the Group of Central European and Baltic States was looking positively at the revision of the current budgetary provisions by the adoption of the Program and Budget for 2008/2009 which had been submitted to the distinguished Assembly. The Group hoped that the increased allocation of funds to different programs would facilitate the attainment of the objectives corresponding to those programs. They took note in this respect of the document that had been distributed entitled "WIPO Organigram by Strategic Goals – Explanatory Note", and said that in their view this long-expected explanatory note proved the functional link between the budget and management of personnel and restructuring of the Organization, so as to better respond to the new challenges it faced.

The Group was also aware that a further revision would take place in September this year, in light of the recommendation made by the Program and Budget Committee in 2007, and that the new Director General might wish to imprint his or her vision on the budget covering the biennium 2008/2009. The Group added that they welcomed and were thankful for the information provided by the Secretariat on the financial situation of WIPO, as the updated figures show where WIPO stands and what the perspectives are. At this point, the Group wished to express their expectation that a smooth election process would lead to the best possible results for the functioning of the Organization which they trusted had a vital role in encouraging creativity and stimulating the development of all countries.

11. The Delegation of Singapore, on behalf of the Asian Group, expressed their sincere thanks and profound appreciation to the Chair for all his efforts to bring about an amicable outcome at this extraordinary session of the Assemblies of Member States of WIPO. The Asian Group considered the adoption of the proposed biennium Program and Budget for 2008/2009 a pivotal part of the overall process for WIPO to move ahead. In their view, the core of the matter was that the adoption of the Program and Budget would get WIPO back on a secure footing, and only then would the Organization be able to carry out its functions and operations properly and effectively, including the implementation of the Development Agenda. The Group reiterated their firm support for the approval of the proposed Program and Budget for 2008/2009 and looked forward to its expeditious adoption by consensus among the WIPO Member States.

12. The Delegation of the Russian Federation, speaking on behalf of the Group of Central Asian, Caucasus, and Eastern European States, sincerely thanked the Chair for his efforts to convene an extraordinary session of the Assemblies of the Member States of WIPO. They particularly wished to note his personal contribution to the achievement of consensus on an extremely important question for the Member States and for the work of the Organization. The Group believed that under his leadership the extraordinary session, on the basis of general agreement, could achieve the goals set before it. He added that the regional group had consistently supported increasing the effectiveness of WIPO's activities in the framework of its mandate and in the interests of all its Member States.

In this connection, they noted with regret that during the 43rd Session of the Assemblies held in September last year, it had not been possible to achieve consensus on the extremely important issue of the adoption of the Organization's Program and Budget for 2008/2009. From their point of view, this had had a negative influence on the ability of WIPO to effectively implement its goals, and they noted with satisfaction that after a series of informal consultations, some tense and on occasion not easy at all, held in the inter-session period under his leadership it had been possible to iron out the main disagreements. In that connection, they appealed that the Assemblies adopt WIPO's budget for 2008/2009, in the form in which it had been approved by WIPO's Program and Budget Committee last year, with possible technical corrections to it which would need to be made to the draft budget because of the changing situation over the past few months and without any additional conditions.

13. The Delegation of Algeria, speaking on behalf of the African Group, wished to express to both the Chair and the Director General, their admiration and gratitude for having steered the work of the Assembly to what he thought would be a successful conclusion today. The Member States were assembled in this extraordinary session to adopt the budget of WIPO for 2008/2009 as recommended by the Program and Budget Committee in September 2007, and the African Group supported this adoption. The Delegation added that any item not related to the purpose for which the meeting was being held could not be the subject of decisions, for such decisions should be taken at regular sessions of the General Assembly. The African Group was happy to hear that nobody had expressed any other view in that regard.

The Group further added that the acceptance by the African Group of a proposal to accept the 5% reduction of PCT fees as from January 1, 2009, was a further important concession made by the African Group to obtain endorsement of the budget by the Assembly. They were, of course, happy that there was a prospect that they would all also agree to improve the situation of developing countries, broadly speaking, by increasing the reduction of PCT fees from 75% to 90%. It noted that there had been attempts to introduce into the

deliberations issues irrelevant to the Program and Budget. The African Group and several others had opposed this attempt in view of the specificity of the extraordinary General Assembly which brought the Member States together. The Group was happy that an understanding had been reached in that the only decisions to be taken at the Assembly pertained to the Program and Budget for 2008/2009. The African Group hoped that all Member States would honor this understanding so as not to derail what looked like a smooth evolution of their deliberations, as such a derailment would sincerely complicate WIPO's work.

The African Group recalled that WIPO had evolved from an office of less than 100 staff in Berne to a thriving specialized agency, which is a jewel in the crown of Geneva, with over 1,200 staff committed to the service of Member States. To all of the staff and to their leader, Director General Kamil Idris, the members of the African Group wished to pay tribute for further enhancing the quality and professionalism of the Organization.

The African Group noted that the effective leadership of WIPO had been recognized by all States through the unanimous re-election of the incumbent, but that the Director General, to whom the Member States were most grateful, had chosen to relinquish his position by October 2008, and had cooperated effectively with Member States in ensuring a smooth process for the selection of his successor, thus making a valuable contribution to the healing process after the divisive General Assembly of September 2007. As the Member States prepare to engage in the election, the African Group would do their best to ensure that a candidate would be chosen who could build on the valuable legacy of the Director General Kamil Idris, and uphold the independence of the Secretariat from outside pressure which, of course, tended to rise as WIPO became an increasingly important actor in the international arena. In the meantime, the African Group considered that the current incumbent should be left to pursue his constitutional duties, unhindered by any political pressure. The African Group valued the independence of the Director General, which should be respected by all Member States, as is the case for all other heads of UN agencies and programs. All of those were subject to the same obligation of cooperating with intergovernmental bodies and to the same ethical behavior. The Delegation pointed out that here should be no selectivity in this regard. If concerns are expressed in the future on transitional measures in particular, they should apply to all heads of agencies and programs in Geneva, who are leaving this year, and not only to WIPO. The Group looked forward therefore to hearing similar assurances by such other departing leaders as we have heard from the Director General of WIPO. Any other course of action would cast a long shadow on the future of the Organization, undermining the healing process under way and indeed the very concept of International Civil Service which is a fundamental constituent of multilateralism.

14. The Delegation of China expressed their thanks for the wisdom and diplomatic skills of the Chair in resolving the problem of the 2008/2009 budget. They considered that WIPO, after a difficult procedure should, once again, enter into a rapid and fluid process so that it could provide improved services and therefore needed to find important financial support. They were very pleased to see that the problem of the budget would be resolved in a satisfactory way. The Delegation considered that the next two years would be two very important years. In recent times there had been many problems, and there will be many uncertain factors in the future. All problems need to be resolved, and will require financial resources. Finally the Chinese delegation promised that China would continue to support the Assemblies on the subject of the Program and Budget and other matters concerning the very important work program of WIPO.

15. At this stage, the Chair thanked the distinguished Delegate of China for his statement, and proposed that following the adoption of the Agenda, the Session break for 15 minutes to allow the understanding that had been reached in the inter-sessional period on the PCT fees to be technically produced by the Secretariat. The PCT Assembly would then convene.

ITEM 2 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE AGENDA

16. Discussions were based on document A/44/1 Prov.2.

17. The Chair proposed that the agenda be adopted, and reminded the Assemblies of the statement he had made during his introductory speech. He noted that although the inclusion of the item 'any other matters' was not quite traditional, it had been decided to include it due to the very special circumstances under which the Assemblies were being convened. He wished the Secretariat and the delegations present to note that the inclusion of this item was not to be considered as a precedent. It was included to allow anybody or any Group to speak on any issue that might not have been referred to following the adoption of the budget.

18. After due consideration, each of the Assemblies and other bodies concerned adopted the agenda as proposed in document A/44/1 Prov.2.

ITEM 3 OF THE CONSOLIDATED AGENDA:

ADOPTION OF WIPO'S PROGRAM AND BUDGET FOR 2008/2009

19. Discussions were based on documents A/44/INF/2 and A/44/2.

20. The Chair reconvened the Assemblies of the Member States of WIPO and invited the Secretariat to read out the amended text of the draft decision on Agenda Item 3.

21. The Secretariat read the text of the decision concerning Agenda Item 3 as follows:

“The Assemblies of the Member States of WIPO and the Unions administered by it, each as far as it is concerned: (i) took note of the content of document A/44/2; and (ii) approved the Program and Budget for the 2008/2009 biennium, as proposed in document A/44/2, in accordance with the recommendations of the twelfth session of the Program and Budget Committee (as reproduced in document WO/PBC/12/9), and having also taken note of the amendments of the Schedule of Fees adopted by the thirty-seventh session of the PCT Assembly.”

22. The Chair thanked the Secretariat and proposed the text, as read out, for adoption.

23. In the absence of objections, the Assemblies of the Member States of WIPO:

(i) took note of the content of document A/44/2;

(ii) approved the Program and Budget for the 2008/2009 biennium, as proposed in document A/44/2, in accordance with the recommendations of the twelfth session of the Program and Budget Committee (as reproduced in document WO/PBC/12/9), and having also taken note of the amendments of the Schedule of Fees adopted by the thirty-seventh session of the PCT Assembly.

24. The Chair thanked each and every one of the Delegations for the cooperation and understanding demonstrated that morning, recalling a passage that had been read in his local church about someone who doubted what he had seen. He welcomed the fact that any who may have doubted the outcome of the meeting were proven wrong today and that all participants acted in a commendable fashion, accomplishing what they had set out to do during this Extraordinary Session. He then added that the session would be recorded as one of the briefest and most positive, characterized by candor and clarity by all concerned. The Chair indicated that in his view the Member States had begun to lay a solid foundation for an environment which would enable the incoming Director General to continue with the excellent work and progress WIPO witnessed in recent times. The Chair expressed his belief that the cooperative spirit would continue to prevail during the work of the Coordination Committee in the upcoming process of electing a new Director General. He added that he was confident that the Organization would emerge from the process strengthened and more productive, and, once again, thanked all Delegations for their understanding, and the Secretariat and the Director General for the cooperative spirit that the Director General had shown. He also thanked the interpreters for their work during the session.

ITEM 4 OF THE CONSOLIDATED AGENDA:

ANY OTHER MATTERS

25. The Chair then announced that he wished to move on to 'any other matters' and, as he had explained, the inclusion of this particular agenda item would not set a precedent for subsequent extraordinary sessions. It was because of the very peculiar issue of this session that it was included, providing the Member States with an opportunity to speak on matters of general interest to WIPO so that they could take note, if that was thought necessary.

Proposed Amendments of the Schedule of Fees Annexed to the PCT Regulations

26. With regard to PCT fees, the Delegation of Romania, speaking on behalf of the Group of Central European and Baltic States, said that they wished to thank all Member States who had submitted proposals aimed at reducing the PCT fees. They were of the view that an across-the-board PCT fee reduction was timely and meant to stimulate the use of the PCT system, allowing applicants to get a return on the robust development of the PCT system, and yet for reasons related to the predictability of the impact, they preferred a smaller reduction than that originally proposed, 5% being a good compromise figure. The Group also welcomed the proposal to reduce PCT fees from 75% to 90% for individual applicants when they were a national and resided in countries whose annual per capita national income was below US\$3,000. With regard to the inclusion of another eight countries in the list of

beneficiaries of a PCT fee reduction, they supported such a proposal, which would avoid further differentiation between Member States in the category of developing countries.

27. See also the report of the session of the PCT Union Assembly (document PCT/A/37/2).

28. The Delegation of Slovenia, speaking on behalf of the European Community and its Member States, wished first and foremost to congratulate the Chair for his efforts in creating the right conditions and positive atmosphere for adopting the program and budget for 2008/2009 and felt that the Chair should be commended for this achievement. The European Union also wished to thank the International Bureau of WIPO for the presentation of the background information on the financial situation of WIPO, and highlighted the fact that the program and budget for 2008/2009 had been recommended to the Assembly without prejudice to future adjustments that might be required during the 2008 session of the Assemblies. This included, in particular the decision taken by the PCT Assembly in relation to the schedule of PCT fees; the implementation of the agreed proposals related to the development agenda, and the conclusions of the debate on the desk-to-desk assessment.

The Delegation noted that the Organization was facing a transition of leadership, and the 1997 decision on practices and principles to be applied during transition has proven its value. The European Union trusted that in the current situation, WIPO management would apply the decision and refrain from taking any action that would require input and guidance from the new leadership. In this respect the European Union was happy to know that WIPO's management had recently decided to leave staffing decisions relating to the special category, in particular on promotions, to the new Director General. The Member States of the European Union unanimously supported the adoption of the program and budget for 2008/2009. In that regard they noted that the States members of the PCT Union reached an agreement on the amendment of the schedule of PCT fees. To conclude, he mentioned that the EU attaches great importance to the obligation of the UN wide ethics code within WIPO, and therefore suggested that the International Bureau inform Member States on the state of play by the 2008 General Assemblies at the latest. Finally, the European Community wished to register its support for the statements made earlier today by the Central European and Baltic States, and by Group B.

29. The Delegation of Japan thanked the Chair and all others who had made it possible for the budget to be adopted, and stated that the budget would have to be implemented efficiently. He added that what was needed in WIPO were the following three things: firstly, sound management of the system; secondly, sufficient attention should be paid to development issues. The Delegation believed that the reduction of PCT's international filing fees which had been decided, would work favorably. Japan would, for its part, do its best to assist capacity building using voluntary funds and other means. The third requirement was the promotion of more harmonious cooperation so that everyone would work together in concert. The Delegation of Japan was of the opinion that the discussions had shown that a good start had been made towards this goal.

30. The Delegation of the United States of America expressed its satisfaction with the agreement reached and reiterated personal thanks and admiration for the Chair's stewardship in guiding this extraordinary session of the General Assembly to a consensus-based outcome. The Delegation also extended thanks to fellow representatives and to WIPO for the constructive spirit displayed during the meeting. The Delegation also thanked the staff of the International Bureau, and especially the interpreters, for their role in the successful outcome of the meeting.

WIPO Member States had taken two important decisions, one, an agreement had been reached to reduce PCT fees and the program and budget for 2008/2009 had been approved. Both decisions were works in progress. Concerning PCT fees, the Delegation supported the provisional PCT fee reduction proposal because it addresses the needs of all WIPO Member States, including both developing and developed countries, and pointed out that the PCT is a true success, funding 75% of WIPO's growing budget. The Delegation stressed that it is imperative to maintain the confidence of industry in the PCT system, especially as filings continue to outstrip growth projections, and as the Organization accumulates a sizeable surplus. The Delegation looked forward to the result of the Secretariat's study on options for the fee schedule and urged Member States to reach a decision on revising eligibility criteria as soon as possible, and they hoped no later than December 31, 2009. They pointed out that objective, non-political criteria for fee discounts would allow the maintenance and expansion of a sustainable PCT system.

With regard to the budget as had been noted in the Group B statement, much work remains. The budget should be revised in light of the decision taken to reduce PCT fees. Secondly revisions would be needed to implement the agreed proposals relating to the WIPO development agenda and decisions relating to the report on the desk-to-desk assessment. The Delegation assured the Chair and fellow Member States that the United States of America would be an active and constructive participant in this process, and they were strongly committed to helping build WIPO's future as an exemplary leader in the UN system, committed to robustly upholding the highest ideals embodied in the UN Charter. He stressed that WIPO now has a vital and unique role to play in promoting innovation, helping countries to improve their intellectual property systems and in promoting intellectual property protection as a tool for economic development that is sought for all the nations of the world.

31. The Delegation of Tunisia thanked the Chair for the considerable efforts that he had made to achieve a consensus, and pointed out that this outcome would not have been possible without the historic decision by Dr. Kamil Idris, the Director General of WIPO. Moreover, the delegation supported the statement made by the distinguished delegate of Algeria on behalf of the African Group, and welcomed the adoption of the WIPO 2008/2009 program and budget. The Delegation said that the decision had been a tardy one, but had dispelled the cloud that had been hanging over the Organization. The Delegation added that the decision should not be judged because that would serve no purpose, however, he felt that it was necessary to make a number of points to the Assembly. The Delegation went on to say that the African Group had made great sacrifices to achieve the outcome, and had done so after much thought and a great deal of wisdom to ensure the well-being of the Organization, to preserve cohesion among members, and to create the proper conditions for the Organization to carry out its mission. The African Group did not try to find the easy way out, and could have excluded the inclusion of a number of issues that were not on the agenda, even though the budget might not have been adopted. The African Group had shouldered its responsibilities, ruled out that possibility right from the start and had opted for negotiation and dialogue. The Delegation continued by drawing the attention of the Assembly to another phenomenon which was starting to become current in WIPO's work, namely the business of packages or mutual concessions. They agreed that these were good negotiating tools, at times necessary, and make it possible to iron out a number of difficulties, however, in the Delegation's modest view these tools should be used in moderation. These packages normally brought incompatible issues together that are not connected among themselves, but what is more serious they are made in small circle without reflecting the views of all the delegations and experts. These packages which even go as far as deciding on the future of the

Organization, are not given a reliable reporting back mechanism to accompany them. They rely on the good will and verbal undertakings of delegations. The results are the results we have and one package can conceal another. Memories are short and some people might overlook them. The time had come to think about methods of work and references used. A healthy organization that develops should be based on mutual respect and respect of the rules.

32. The Delegation of Nigeria thanked the Chair and had three points to make: first to thank the Group Coordinators who had done something extraordinary under the leadership of the Chair. He added that it was not necessary to commend him any more, but he wanted him to know that the Member States were proud of him. Secondly, the Delegation wished to express their appreciation to the Director General who had shown that genuine concern for common good is usually more than sufficient, and together with the Secretariat, the groundwork had been laid for a better tomorrow. Finally, and more importantly, the Assemblies should continue to make sure that WIPO, as a specialized agency of the United Nations, remained focused on development, not just the development agenda, but development in general which is the main objective of the United Nations.

33. The Delegation of Algeria, speaking on behalf of the African Group, expressed its deep appreciation to the Chairman for having steered this meeting to a successful conclusion. He also wished to express a renewed admiration and respect for the Director General and his commitment to the Organization and last, but not least, he wished to express, in the name of his colleagues from the African group, their thanks to the Coordinators of all the other regions without any exception who had contributed to achieving this large margin of success. The Delegation said that a new phase was being engaged in WIPO, that being the election of a new Director General and this was taking place under the best auspices. It had been a pleasure for the Delegation to express itself in the name of the African Group. Once again, he thanked the Chair for the way he had steered the meeting.

34. The Delegation of Bangladesh, speaking on behalf of the Group of Least-Developed Countries (LDCs), had already agreed to the adoption of the budget package by consensus. Nevertheless, they felt it incumbent upon themselves to thank the Chair for his exemplary leadership in steering the Assembly to a successful conclusion with the adoption of the budget. The LDCs also wished to thank the WIPO Secretariat for their support of the process, and believed that with the adoption of the budget, vital work would go on smoothly in WIPO, which will help the LDCs to enhance their capacity and attain their development goals in particular. They looked forward to the full and early implementation of the development agenda, including those recommendations that had direct relevance to the LDCs.

35. The Delegation of Togo thanked the Chair for the skill that he had shown in chairing the meeting. They also wished to thank the Director General for everything that he had done to support the WIPO Member States and, in particular, the African States. The Delegation shared the views expressed by the Coordinator of the African Group, and the Delegation of Tunisia, and wished to thank and congratulate the Secretariat and all WIPO staff.

36. The Delegation of Barbados took the floor to express their sincere thanks to the WIPO Member States for the flexibility that they had shown with respect to extending special and differential treatment in relation to the PCT fee reduction to Barbados, a developing country with a small vulnerable economy. The Delegation noted that it was clear to them that the WIPO development agenda was not simply a theoretical exercise, but a practical exercise and Member States were taking on board the concerns of developing countries.

37. The Delegation of China thanked the Chair warmly for all of his endeavors throughout the Assembly. He had shown great wisdom and tact in resolving the difficult issues at stake. The Delegation also wished to thank all the Member States for the constructive way in which they had dealt with these issues, and noted that they had shown this constructive spirit throughout the resolution of these problems. The adoption of the 2008/2009 biennium program and budget was extremely important for the future of WIPO and they were convinced that in future WIPO would implement the budget, in particular the CDIP measures. The Delegation also wished to thank everyone who had helped to make this possible, especially the interpreters, and affirmed its tremendous support for the work of the Organization.

38. The Delegation of India stated that “all’s well that ends well”, and it had been really gratifying to see that the budget had been adopted with consensus, without any voting. It appeared that the damage created last September, by having a contentious and divisive approach to the passage of the budget, had been undone. The Delegation realized that the Assemblies had returned to the path of consensus, and the flexibility shown by everybody was really heartening. They hoped that this would translate and reflect in the future functioning of WIPO, the development agenda and any other contentious issues. It only remained for the Delegation to compliment the Chair, and the Secretariat, for all the hard work done and hope that this spirit would transcend and permeate into the future operations and functioning of the Organization.

39. The Delegation of Sudan commended the Chair for his relentless efforts in conducting the work of this Assembly towards a successful outcome. Thanks to his shrewd leadership and diplomatic skills, the Delegation believed that the results of the meeting would fulfill the expectations of all Delegations. WIPO could look forward to a promising future following the unprecedented growth and level of Reserves that the Organization had achieved through strict financial control and increased demand for its services. The development of a strategic budgeting process and the creation of a new mechanism to further involve Member States in the preparation and follow-up of the Program and Budget, in the Delegation’s view, had enabled the PBC to decide by unanimity to recommend to the WIPO General Assembly the adoption of the 2008/2009 Program and Budget.

The Delegation urged all WIPO Member States to uphold the Organization’s established role in promoting the use of Intellectual Property as a tool for sustainable development and wealth creation for all. In order to meet the various challenges ahead, due consideration of common interests was needed, as well as a more flexible approach in bridging diverging positions in a spirit of cooperation. Finally, the Delegation of Sudan supported the Statement made by the Delegation of Algeria on behalf of the African Group and welcomed the documents and transparent data prepared by the Secretariat on budget matters. The Delegation strongly supported the approval of the Program and Budget for 2008/2009.

40. The Secretariat announced that with regard to the adoption of the Report, the Secretariat would produce the Provisional Report in respect of the meeting, and place it electronically on WIPO’s website. Paper copies would also be sent out to all WIPO Member States with a request that they submit their comments and observations to the Secretariat within a reasonable time, and thereafter the report would be produced in final. The date of adoption would be determined in the communication transmitting the Provisional Report to the Member States.

41. The Chair then thanked the Secretariat for their brief statement and passed the floor to the Chair of the Coordination Committee to make a short announcement.

42. The Chair of the Coordination Committee thanked the Chair of the General Assembly on the skillful way he had conducted the meeting, and also thanked everyone else who had worked to ensure that the meeting was a success. The Chair of the Coordination Committee also wished to remind those assembled that an informal consultation meeting would be held the next day, April 1, 2008, at 10 a.m. in Room A, with States members of the Coordination Committee. WIPO Member States were also welcome to participate in these consultations.

ITEM 5 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSION

43. The Chair once again passed his grateful thanks to each and every one present. To those who had come from afar, he wished God-speed for their return journeys, and hoped to see them back in September, and May. He hoped that the same spirit that seemed to be prevailing now would keep going through the very important work of the Coordination Committee, and thereafter the preparations for the next session of the Assemblies in September. He then declared the extraordinary session closed.

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