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ASSEMBLIES OF THE MEMBER STATES OF WIPO

**Forty-Sixth Series of Meetings
Geneva, December 12, 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-seventh (19th extraordinary) session
- (2) WIPO Conference, twenty-eighth (10th extraordinary) session
- (3) WIPO Coordination Committee, sixtieth (21st extraordinary) session
- (4) Paris Union Assembly, forty-first (23rd extraordinary) session
- (5) Paris Union Executive Committee, forty-seventh (3rd extraordinary) session
- (6) Berne Union Assembly, thirty-fifth (17th extraordinary) session
- (7) Berne Union Executive Committee, fifty-third (14th extraordinary) session
- (8) Madrid Union Assembly, forty-first (24th extraordinary) session
- (9) Hague Union Assembly, twenty-seventh (11th extraordinary) session
- (10) Nice Union Assembly, twenty-seventh (9th extraordinary) session
- (11) Lisbon Union Assembly, twenty-fourth (7th extraordinary) session
- (12) Locarno Union Assembly, twenty-seventh (10th extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, twenty-eighth (12th extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, thirty-ninth (23rd extraordinary) session
- (15) Budapest Union Assembly, twenty-fourth (10th extraordinary) session
- (16) Vienna Union Assembly, twentieth (8th extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, seventh (4th extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, seventh (4th extraordinary) session
- (19) PLT [Patent Law Treaty] Assembly, sixth (4th extraordinary) session

meeting in Geneva on December 12, 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. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions on December 12, 2008, is set forth in document A/46/INF/1 Rev.

3. The meetings dealing with the following items of the Agenda (document A/46/1) were presided over by the following Vice Chair:

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
and 12

Mr. Park Seong-Joon (Republic of Korea)

4. The Agenda, as adopted, and the list of participants will appear in documents A/46/1 and A/46/INF/3, respectively.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

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

6. In the absence of Mr. Martin I. Uhomobhi (Nigeria), Chair of the General Assembly, 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 Vice Chair of the General Assembly, Mr. Park Seong-Joon (Republic of Korea).

7. Mr. Park Seong-Joon (Republic of Korea) made the following statement:

“Thank you Director General. Welcome distinguished Delegates and Ladies and Gentlemen. Many colleagues and delegations may not know me although I have been Vice-Chair since 2007. I may lack experience in chairing the proceedings of the Assembly, therefore I seek your patience and tolerance. Fortunately with the excellent guidance by the Chair of the Program and Budget Committee, the constructive approach by all Member States and creative approach by the Secretariat, we can reach consensus and adopt all the documents before us. These documents are the same documents that we have discussed in the past two days with a different cover sheet with the name of the Assemblies of the Member States. I think that my job will be quite simple, so we will proceed now. Before we go to each agenda item I would like to invite the Director General to brief the Assemblies about some modifications which have been made to the Revised Program and Budget.”

8. In response the Director General made the following statement:

“Thank you Mr. Chairman. You have said it all. Now we are going to proceed item by item on the Agenda. One of the items was not considered by the Program and Budget Committee and we will come to it at the end of our proceedings. Otherwise each of the items has already been a subject of discussion within the Program and Budget Committee and forms the subject of a Recommendation that is now transmitted to these Assemblies by the Program and Budget Committee. So, with your permission Mr. Chairman I would suggest that as we come to each item, we on the part of the Secretariat, would very briefly introduce the relevant Item and the core recommendation that was made by the Program and Budget Committee.”

ITEM 2 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE AGENDA

9. Discussions were based on document A/46/1 Prov.2.
10. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/46/1 Prov.2.
11. The Member States were invited to make general statements.
12. The Delegation of France, on behalf of the European Community and its 27 Member States thanked the Secretariat for preparing the documents and completing the work in the weeks just prior to the Program and Budget Committee and the meeting of the Assemblies. As part of the new Strategic Goals and Programs for 2008-2009 the Delegation was particularly grateful to the Secretariat for giving Member States a balanced budget and thanked them for their efforts to balance priorities and resources. The European Community and its Member States realigned their support for the Director General by giving him the necessary means to carry out his program of reforms which aimed at more rational and efficient management of the Organization. The Delegation fully supported the strategic realignment of WIPO and encouraged the Audit Committee to monitor its implementation. The Delegation particularly wished to stress how important it was to draft an overall plan for reorganization of WIPO staff, taking into account the current desk-to-desk study. In this context the European Community and its Member States welcomed the launch of the implementation of the Development Agenda and hoped that it would yield tangible results. The Delegation supported the Secretariat strategy which aimed to eliminate duplication of efforts to mainstream development to all WIPO activities and to adopt a rigorous methodology that would be project driven. It was also pleased at the announcement of the upcoming creation of an Early Warning Observatory which would assess the effects of the financial crisis on WIPO's income. The Delegation also hailed and encouraged the efforts and discussions underway to establish a steering program for WIPO so as to speed the work of the various Committees. The Delegation wished to reassure the Vice Chair that the European Community and its Member States would continue to work in a constructive spirit.
13. The Delegation of Pakistan thanked the Vice Chair and congratulated him as the representative of the Asian Group to Chair that Assembly. It wished to congratulate all the Member States, the Director General and the Secretariat on the approval of the Revised Program and Budget. The Delegation appreciated the flexibility displayed by all the Member States in adopting the Revised Budget and felt that they stood much closer than they were three days previously. The approved strategic realignment of the Organization would hopefully move the Organization to higher planes of productivity. The Asian Group reiterated its understanding that a Working Group would be established for a fair and equitable rotational mechanism for the Chairs of different WIPO Committees which would complete its work in May 2009 and in future all the Chairs of different WIPO Committees would be elected in a fair and equitable rotational mechanism. He also thanked all the Member States for endorsing the concept of an enabling involvement. The Delegation felt that this concept was important for promoting respect for IP and making IP a real engine for economic growth and development. What was included in the enabling involvement would be discussed during the next Advisory Committee on Enforcement (ACE). In Pakistan's opinion addressing pricing models, licensing agreements, transfer of technology, alternate

business models all form part of the enabling involvement. Enforcement was also one part of such an enabling involvement to build respect for IP but it was not the only part. Finally, the Asian Group took exception to the remarks made by the Director General the day before regarding the trust of Member States in the WIPO Management and informed the Director General, that the Delegation trusted them all and honored all their efforts to make the Organization a model UN Organization where Member States and Secretariat worked hand in hand to make IP a real engine of economic growth and development. The Delegation wished him good luck and said that it would continue to support him in all his activities.

14. The Delegation of Romania expressed its pleasure at the election of the Vice Chair. Speaking on behalf of the Regional Group of Central European and Baltic States it wanted to share some views of the Members of the Group. With regards to the Agenda they believed that the Adoption of the Revised Program and Budget for 2008 - 2009 represented a significant achievement for WIPO and its Member States. In the Delegation's assessment the strategic vision that was instilled into the document as well as the new approach towards administrative and management processes had the merit of strengthening WIPO's potential to address global challenges and contributed to the economic, social, and cultural development. The Delegation praised the creation of an early warning observatory that would monitor the impact of the financial crisis on WIPO and enable them to take appropriate action. The Delegation was pleased about Member States endorsing the use of results only for non recurrent activities which it saw as a healthy management practice and was satisfied to see that the strategic realignment program would build upon the Desk to Desk review. The Delegation strongly supported the implementation of the Program and Budget based on principles such as value for money and culture of performance and quality. The Delegation also trusted in the promises that its division would be given the necessary resources; particularly human resources that would allow it to further develop and implement IP related projects in the respective countries. It had been less than three months since the General Assembly elected new leadership of the Organization, that short time was hardly enough to proceed to evaluations but there were reasons to believe in a promising start. To its satisfaction the new leadership had very much proved through its actions to be faithful to its commitments, transparency, concrete results, quality work and timely delivery. The Delegation welcomed such professional behavior and strongly encouraged and supported its continuation. At the same time it strongly believed that they, the other side of the partnership relation that made the Organization, needed to assume the responsibilities that would further develop the normative part of the Organization. The Delegation thanked the Secretariat very warmly for the special efforts deployed over the year in order to prepare among others, three Assembly sessions and extended its best wishes for the New Year.

15. The Delegation of Cuba, speaking on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC) believed that was very important that the Revised Program and Budget had been approved. It contained Strategic Goals, Objectives, Programs, Resources and Structures that would help do a job better in the future. The Delegation believed that it would start a process of change in the institution and would work on that basis. The Delegation reaffirmed its commitment and trust in the Organization. It expressed its thanks for the information and clarification provided by the Director General in the working sessions of the PBC prior to the Assemblies and extended its thanks to the Secretariat. GRULAC was committed to actively preparing a strategic plan for the medium-term and to prepare a budget for the 2010-2011 biennium. It wanted to ensure that both instruments reflected the aspirations of the members of its Group, and hoped that Member States would participate more and more in the development of program and budgets and the setting of priorities in

WIPO. The Delegation enthusiastically welcomed the broadened, modified Strategic Goals which tied in with the Agenda.

16. The Delegation of Egypt stated that the Vice Chair was conducting the meeting very well. It expressed its appreciation for the effort of the Director General and the International Bureau. The efforts had undoubtedly facilitated the ability of Member States in their attempts to reach a consensus. The Delegation stated that its work over the previous two days had been the first step in an ongoing process of revising WIPO's programs. At the heart of that process was ensuring that WIPO, a specialized United Nations Agency, streamlined its approach to the interests, priorities and concerns of its Member States. Among the priorities expressed by the vast majority of that membership was development. Support of a Development Agenda had clearly taken center stage in the consultations and deliberations and the Delegation was assured that it would remain so at WIPO. He particularly appreciated the support shown in that regard, not only by the African Group but also from the Delegations of Pakistan, India, Bangladesh and other like minded Asian and other States who maintained development at the center of their concerns at WIPO and in matters relating to the important field of intellectual property. The Delegation expressed its thanks for the support it had received and hoped for a speedy end to that session of the Assembly.

17. The Delegation of Morocco congratulated all of the PBC delegations for their commitment and work at that session. In particular it thanked the African Group Coordinator as well as the other Groups for their efforts throughout the negotiations on the Draft Revised Budget. In that regard, it was aware of how difficult it was to do the Director General's job and that of the Secretariat. Both had achieved a great deal of work in a very short time. It was never easy to satisfy contradicting needs and allocate very limited resources. Nonetheless the Delegation never doubted the Director General's ability to understand the arguments put forward by all of the African countries since the beginning of all the consultations on the Revised Budget. The compromise achieved reflected the wisdom of all Delegations at the Assembly. Finally, the Delegation hoped that the reasons that led to the success of the PBC, in particular the constructive contribution of Group B, would continue so that consensus would be achieved on the work of other Committees, especially the IGC Group.

18. The Delegation of Brazil thanked the Director General for the Revised Budget for the 2008-2009 Biennium and the revision of the Strategic Goals as well as the Program and Budget Committee presented for its recommendations. The Delegation stated that the Revised Budget provided a satisfactory way of carrying forward WIPO's activities, in particular, those related to the Development Agenda. Brazil welcomed the conceptual changes brought about by the new Strategic Goals. Strategic Goal VI for instance introduced the concept of Respect for IP which was broader and more inclusive than the narrower notion of Enforcement. An effective policy for promoting respect for IP must go beyond activities carried out by police and custom authorities and embrace education, social and economic policies. It was time for WIPO to take back the space which has been unduly claimed by other Organizations and to become the main promoter of multilateral discussions dealing with Respect for IP. For Brazil the most important Strategic Goal remained Goal No. III, Facilitating the Use of IP for Development. Brazil was firmly committed to development and to ensuring an effective and robust implementation of the 45 recommendations of the WIPO Development Agenda which were cross-cutting in nature. The development dimension cuts across the whole UN System, permeating and influencing the whole gamut of WIPO programs and activities. Compartmentalizing development or confining it to a safety zone must not be allowed. Nevertheless, mainstream must not lead to the Development Agenda

being diluted across programs, activities or divisions to the point that every WIPO unit would become responsible for the Development Agenda but none accountable for it. Brazil therefore deemed it indispensable that Development Agenda activities be clearly assigned to specific Divisions and Programs in order to allow Member States to monitor its implementation. The Delegation trusted that this would be the case in the elaboration of the next budget.

19. The Delegation of the Cote d'Ivoire expressed its warmest congratulations to the Vice Chair for the way in which he had been steering the work of the 46th Session. It noted that the work had been taking place under his leadership in a convivial atmosphere and produced conclusions which would be of benefit to all the Organization's Members, in the serene and excellent atmosphere which made WIPO one of the leading Organizations within the UN System. The Delegation expressed its thanks to the Director General and Secretariat for the preparation of very useful documents which had assisted in promoting IP in a fair and equitable way in the various countries. It greatly appreciated the work which had been put in by all Delegations during the last three days which happily had enabled them to achieve the conclusions which all were aware of and which it had no doubt would enable the implementation of the development projects agreed to by Member States. The Delegation did not like to conclude its statement without highlighting the remarkable work done by the International Bureau and the experts since that had contributed largely to the smooth running of the Organization and to progress on work accomplished by the various technical committees. The Delegation stated that like other WIPO Member States, it firmly believed in the development of a knowledge-based economy, the driving force behind which was IP. That was why despite the political and military crisis which had affected its country for five years, the Government had persisted in whatever it could do to support action to promote IP. Since 2002 when the conflict began, up to and including today, it had despite its problems been working with others to help to promote and to encourage respect for development for intellectual property rights, regionally and locally, nationally and internationally. At all those levels, experts from its country had enjoyed support from the State and from the Government to encourage them to participate actively in the work being done by the various WIPO technical committees and in OAPI meetings as well. The same was true for its participation in the projects and plans implemented by other Organizations of which it was a Member State. It thanked WIPO for what it had been doing to assist its Member States to become and remain fully involved in the development of IP in their countries. IP was one of the major areas of concern for its government and it was doing everything it could to support the promotion of what was a very valuable development tool, however if it was to be even more effective, then its action needed to be supported by WIPO through its presence in the field and particularly through offering support to its country when it hosted seminars and events held in the region as it had done in the past. The Delegation was committed to the return of peace and stability in its country but to bring that about it needed strong and sustained support from its development partners and counted on that.

20. The Delegation of Indonesia thanked the Director General and the Secretariat for the excellent preparation of the Extraordinary Session. It also appreciated the holding of the Session in conjunction with the important meeting of the Program and Budget Committee (PBC) which had taken place two days previously. Like any other Member State Indonesia attached great importance to the role of the PBC as it provided future direction for WIPO in terms of its Program and Budget. In that regard, it associated itself with the statements made by Pakistan on behalf of the Asian Group. Given the importance of the Program and Budget of the Organization, the Delegation observed with some caution the proceedings of the PBC meeting over the previous two days, the notion of "lack of trust" and quoted that the proposed

Revised Program and Budget for 2008-2009 was of course a reality that needed to be addressed. Nevertheless, it was pleased that finally the PBC could wholeheartedly adopt the proposed Program and Budget. Indonesia was of the view that the proposed Revised Program and Budget for 2008-2009 was worth considering. In this vein, the Delegation appreciated the work of the Director General and the Secretariat especially regarding their tireless efforts. Secondly, the Delegation equally appreciated the substantive suggestions made by Member States during the previous meeting. The Delegation fully trusted those efforts as well as the suggestions made and thus supported the subject matter. Indonesia acknowledged that there were pressing challenges that WIPO faced as part of its new administration. As mentioned by the Director General in his acceptance speech, those challenges included, among others, the patent system, the threat to the twentieth century model of Copyright and Related Rights and Respect for IP. With regard to the Development Agenda, the Delegation shared concerns that the most pressing challenge was on how the Agenda could be translated into deliverable outcomes through its implementation phases. The Delegation noted that some concerns were expressed regarding how WIPO was going to implement the five recommendations which were adopted along with their indicative estimates which amounted to eight million Swiss francs for the additional human and financial resource requirements. Nonetheless, following the explanations given by the Director General the Delegation wished to extend its support for the proposed budget as well as for the so called “three-fold approach” in order to achieve the expected results. In that regard, his Delegation wished to underline that the WIPO Development Agenda was indeed of primary concern to developing countries. On the other hand, it should keep in mind that the Member States of WIPO did not only comprise developing countries but also developed countries who undoubtedly attached great importance to the subject matter of IP. Therefore what was needed was a kind of balanced programs and budget allocation in WIPO which would benefit most Member States. Given that this was a demand driven Organization, Indonesia considered that one of the most important challenges for WIPO was with the Member States particularly in how they created and set up particular demands for the development of IP in their respective countries. Therefore it was not merely a question of budget allocation that we had to think of, but just as importantly of the challenge to Member States regarding how they formulate and present their concrete demands to the Organization. The Delegation concluded that all Member States should aim for the betterment of the WIPO in the future. In that connection, it was its hope that the Assembly would arrive at a consensual decision by the end of that Extraordinary Session. The Delegation also wished to thank WIPO for successfully hosting with the Indonesian Government a second WIPO International Conference on IP and Creative Industries which took place in Bali in December 2008. The Delegation of Indonesia was now looking forward to seeing into fruition the deliverable follow up programs to that Conference.

21. The Delegation of El Salvador welcomed the outcome of the 46th Series of meetings of the Assemblies of WIPO and wished to echo what was said by Cuba as Coordinator of the Regional Group GRULAC. The Delegation considered it appropriate to reiterate what it had said at the 45th Session of the Assemblies held in September and that it would like to offer its full confidence in the Director General who was confirmed in office at that time. The Delegation had seen at the time proof of consistency and strict financial discipline in the person of the Director General and did not doubt that good budgetary administration and good management as well as the provision of dialogue and the search for consensus would continue to be the basis of his time in office. With this in mind the Delegation welcomed the submission of new programs and strategic goals and were pleased to see that they reflected the strengthening of IP in all categories, marks and other distinctive trademarks, copyright and patents among others. They also covered issues of interest which were of great relevance to the mission of the Organization. The Delegation noted that the view that the programs need

to be expanded and strengthened in such a way as to benefit all Member States of the Organization with a particular emphasis placed on developing countries like its own was welcomed. It considered that WIPO Academy ought to become an excellent tool for achieving those goals. It concluded by reiterating its confidence and trust in the Director General and in the Organization, especially with a new era coming into operation. The Delegation promised and reiterated that it would cooperate strongly and proactively with the Organization. It noted with pleasure the establishment of an Early Warning System, the main purpose of which would be to monitor the fallout from the worldwide economic and financial crisis. The Delegation was pleased that the proposal had been approved; it had no doubt about the importance that the Observatory would play now and in the near future. The Delegation had been talking to the Director General about matters of technical cooperation and assistance so as to look into new and innovative types of cooperation and capacity building. The purpose of this was to ensure that the various needs were met and that the needs of each member could be met properly and in accordance with national policy and national plans. It concluded by thanking the Secretariat and its various divisions for the very careful and thorough preparation of the documents which had been carefully reviewed with equal care and thoroughness by the Delegation.

22. The Delegation of Israel congratulated the Vice Chair and wished him success. It wished to stress again its support and confidence with the WIPO Director General. Israel was pleased to see the impressive progress achieved during the short period of two months in the Organization. The Delegation commended the efforts made by the Director General and by the Secretariat to produce in a rapid fashion the detailed and Revised Program and Budget which approved after some consultations took place two days before. Israel was of the view that being an intergovernmental body WIPO and its budget should continue to be carefully viewed and approved by Member States in the PBC and finally approved and it was satisfied with the outcome of the week's meetings. The Delegation was pleased with the proposed Development Agenda and the efforts of the Director General to mainstream development activities in the different programs of the Organization for the coming years. Israel would continue to support the work of this important Organization and its role in achieving progress, economic and social development worldwide.

23. The Delegation of India expressed its appreciation for having forged consensus on the Revised Program and Budget for 2008-2009 Biennium during the previous two days. There had been a free and frank exchange of views which was necessary to enhance a better understanding on both the challenges as well as the opportunities that lay ahead. The Delegation wanted to place on record its appreciation for the flexibility shown by all concerned and in particular the Director General. The Director General had presented a new strategic framework for WIPO which had evolved over the preceding months through a process of formal and informal consultations with the Member States. The new strategic framework encompassed the hope and aspirations of all Member States. It threw several challenges which needed to be addressed in a collective manner. A shared vision needed dialogue in a spirit which was constructive, fair and balanced. The Delegation expressed its complete confidence and faith in the new leadership in WIPO to meet these challenges successfully. The Delegation expected that the Development Agenda would be implemented in both lateral spirit. The intention to mainstream the development dimension to the substantive programs of WIPO was a welcome step and was supported by the Delegation which hoped to see a positive outcome as a result. A key challenge was to ensure progress and forward movement in various bodies of WIPO. The Delegation had witnessed a stalemate on some crucial matters for the past few years. It welcomed the initiative of the Director General to address normative issues and encouraged discussion among Member

States to enable progress on deadlocked issues. A case in point was the lack of progress in the Intergovernmental Committee on Traditional Knowledge and Genetic Resources. The Delegation saw the need to resolve the impasse in dialogue which could be in the form of informal meetings with a view to identifying issues of convergence on which progress could be made. While the objective should be a global accord on the future work program of WIPO it could be achieved by incremental gains through practical and realistic efforts to identify commonalities based on consensus. The Delegation wanted to work towards enhancing the space for convergence and consensus and reiterated its support for the various proposals contained in the Revised Program and Budget of WIPO. As in the past it would continue to play a constructive and proactive role, its efforts would be to enable forward movement through a process which was open, transparent and fair. The Delegation wanted to work for consensus and convergence and was convinced that collective efforts would lead to a reinvigorated and dynamic WIPO in the coming years.

24. The Delegation of Pakistan omitted to mention a point in its intervention which it felt duty bound to put on record. The Asian Group understood that WIPO was undergoing organizational realignment and human resources were being shifted from one place to another. The Delegation wanted to put on record that the Asian Group would appreciate strengthening of the Asia Pacific Bureau, which it felt should be headed at D2 level as was the case in many other Bureaus.

25. The Delegation of China congratulated the Vice Chair and stated that the Delegation of China attached great importance to the work of the Program and Budget Committee and participated in the work of the Committee with a constructive attitude. The Delegation of China was pleased to see that great progress had been made in the last two days. That progress reflected the constructive attitude and flexibility of the Member States which ensured the PBC had fulfilled its work in a smooth way. The Delegation took the opportunity to express its appreciation to the Director General and his staff for their hard work. The Delegation of China assured the Director General that China would continue to support and participate in WIPO's work in a constructive way and make its own contribution in that regard.

26. The Delegation of Ecuador expressed its particular pleasure of the Vice Chair performing an excellent job of chairing the discussions at that special Assemblies session. The Delegation thanked the Director General for his very hard work both in the run up to and during the Program and Budget Committee. It had every confidence in his leadership, his professionalism and his abilities and was sure that together they would lead the Organization in the right direction and help to implement the Development Agenda in full.

27. The Delegation of Kazakhstan expressed its satisfaction at seeing the steps which had been outlined and which would now be taken to develop and strengthen the Organization and expressed its support for them. It also made a recommendation which it was sure would be taken into account in the course of the Organization's activities. The Delegation believed that more attention should be given to the issue of human resource development particularly in countries. It believed that the work of WIPO Academy therefore to be extremely important and so was its cooperation with national institutes dealing with those issues. The Delegation wanted to see the development of specific proposals and the taking of specific steps to promote that in respect of intellectual property both at the bilateral and multilateral levels. In that connection Kazakhstan considered it necessary to put on record the fact that greater attention needed to be paid to the development of human resources but that also went for within the Organization.

28. The Delegation of Nigeria thanked the Director General for all the efforts he had made during the preparation of the Revised Program and Budget which contained important issues including issues of the Development Agenda. The Delegation therefore hoped that the implementation of the recommendations would go along in helping its country implement its IP. The Delegation noted Goal VI concerning the promotion of Respect for IP. It believed that such innovation would assist Nigeria in the fight against counterfeit and piracy. The Delegation assured the Director General of its continued support and cooperation in all his efforts.

29. The Delegation of Canada stated that the global economic situation had changed greatly since they had met a few months previously to move forward on many of the challenges facing WIPO. The Delegation believed that those new challenges should be met with a strong sense of prudence. It stated that it had had the opportunity to discuss the proposed WIPO Revised Program and Budget as well as the opportunity to review the management and financial performance reports. The Program and Budget Committee demonstrated good judgment, common sense -- sometimes caution --, and foresight in recommending a plan to make the international IP system more efficient, while ensuring that WIPO would evolve into a more results-oriented and innovative organization. The Delegation believed that WIPO would be able to reinforce its premier global IP role by developing a clear strategic vision aligned with Member States' interests. The Delegation was confident that IP could drive innovation and development leading to greater economic and social benefits around the world. It praised the progress made on establishing open dialogue and greater communication between WIPO and the Member States; the implementation of Development Agenda initiatives as well as the realignment of WIPO's strategic goals and objectives. By having taken informed decisions at the Assembly, Member States were contributing to the good governance of the Organization and of the international IP system. Those efforts were essential in making the Organization respond to challenges and changes, and in advancing the awareness and efficiency of the intellectual property (IP) system. The Delegation offered its continued support to the work of the Assemblies and other WIPO committees by taking an active part in the discussions on critical issues. It reiterated its active contribution to ensure that WIPO would meet current economic challenges by being at the forefront of the IP policy debates to ensure IP acted as a catalyst for growth. The Delegation stated that it would continue to contribute wholeheartedly to the pursuit of shared global IP goals in order to promote the socio-economic prosperity of all Member States.

ITEM 3 OF THE CONSOLIDATED AGENDA:

FINANCIAL MANAGEMENT REPORT FOR THE 2006-2007 BIENNIUM; ARREARS IN CONTRIBUTIONS AS OF OCTOBER 10, 2008

30. Discussions were based on document A/46/3, publication FMR/2006-2007 and document WO/PBC/13/2.

31. In the absence of any objections or comments, the Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned:

(i) approved the 2006-2007 Financial Management Report (publication FMR/2006-2007); and

(ii) took note of the status of the payment of contributions on October 10, 2008 (section II of document WO/PBC/13/2).

ITEM 4 OF THE CONSOLIDATED AGENDA:

PROGRAM PERFORMANCE REPORT FOR 2006-2007; SUMMARY PERFORMANCE REPORT FOR 2006-2007; INDIVIDUAL PROGRAM PERFORMANCE REPORTS FOR 2006-2007

32. Discussions were based on document A/46/4.

33. The Vice Chair thanked the Secretariat and proposed the text of the decision, as read out, for adoption.

34. In the absence of any objections and comments, the Assemblies of the Member States of WIPO:

(i) took note of the content of document A/46/4;

(ii) approved the Program Performance Reports for 2006-2007 biennium, as proposed in document A/46/4, in accordance with the recommendations of the thirteenth session of the Program and Budget Committee (as reproduced in documents WO/PBC/13/3, 3(a) and (b)).

ITEM 5 OF THE CONSOLIDATED AGENDA:

REVISED PROGRAM AND BUDGET FOR THE 2008/2009 BIENNIUM

35. Discussions were based on documents A/46/2, WO/PBC/13/4 and A/46/10 Rev.

36. The Vice Chair invited the Director General to introduce the proposed Revised Budget for the 2008/09 Biennium and the modification made to it during the Program and Budget Committee (PBC) discussions.

37. The Director General recalled that, in the morning, the PBC had adopted a recommendation to the Assemblies concerning the documents that were the subject of this item, and, in particular, concerning certain modifications to those documents. He added that it was understood that the documents submitted to the Assemblies under this item had been modified in accordance with the recommendation of the PBC.

38. The Delegation of Algeria speaking on behalf of the African Group said that it was pleased with the way in which the Chair led the work and thanked the Secretariat for the informal consultations with Member States initiated in October. The Group was also grateful to the PBC members and its Chair, Mr. Christophe Guilhou, for the hard work done during

the thirteenth session held on December 10 and 11, 2008. The Delegation added that these arduous negotiations had been necessary to close rifts and arrive at the 2008/09 budget that everyone could live with. The African Group believed that the implementation of the Development Agenda and the implementation of the General Assemblies decision taken in September of this year, remained one of the Organization's major priorities and that this would be beneficial for African countries and all developing countries. In this respect, the Group believed that the communications system between the Secretariat and Member States should be further strengthened in every possible way. The Group also wished that informal consultations be stepped up and questionnaires circulated, so as to get Members' views and reflect them in the Program and Budget. The Delegation stated that the African Group put full trust in the new Director General and invited members to adopt the revised 2008/2009 Program and Budget as recommended by the PBC.

39. The Member States of WIPO and of the Unions, each as far as it is concerned, adopted the Revised Program and Budget for the 2008/09 biennium as proposed in document WO/PBC/13/4, with the following modifications:

- (a) change the language for Strategic Goal VI, Program 17;
- (b) delete the word "sustainable" from the title of Strategic Goal III;
- (c) Program 1: amend performance indicators;
- (d) Program 17: add Program 4 under program links;
- (e) remove reference to Development Agenda recommendation 20 from the Development Agenda Links under Program 4;
- (f) add reference to the General Assembly decision on the five Development Agenda recommendations in paragraph 42 of document WO/PBC/13/4;
- (g) the amount of 4.6 million Swiss francs will be allocated (to be reflected in Annex II of document WO/PBC/13/4) for the implementation of the five recommendations of the Development Agenda (2, 5, 8, 9 and 10) to provide up to 8 million Swiss francs for the same; and
- (h) the amount of 1 million Swiss francs to be allocated to the continuing activities of WIPO Academy from the PCT System.

ITEM 6 OF THE CONSOLIDATED AGENDA:

PROGRESS REPORT ON THE NEW CONSTRUCTION PROJECT

40. The Secretariat presented the Progress Report on the New Construction Project, on the basis of document A/46/5 (which referred to document WO/PBC/13/5) and indicated that the Program and Budget Committee had taken note of the information contained in document WO/PBC/13/5 (see paragraph 9 of document A/46/10 Rev.).

41. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the information referred to in document A/46/5 and contained in document WO/PBC/13/5.

ITEM 7 OF THE CONSOLIDATED AGENDA:

PROPOSED UTILIZATION OF AVAILABLE RESERVES

42. Discussions were based on documents A/46/6, A/46/6(a), A/46/6(b), A/46/6(c), A/46/6(d) and A/46/10 Rev.

43. At the invitation of the Vice Chair, the Secretariat explained that the documents on the utilization of the reserves had been submitted to the PBC for consideration the previous day and added that the PBC took note of the general information contained in document WO/PBC/13/6, in particular, regarding the current reserve status. The Secretariat added that these reserves had been allocated to a number of projects, including those needed to incorporate the new IPSAS standards. The Secretariat reported that the PBC had recommended that the Assemblies approve the appropriation of 1,000,000 Swiss francs in 2009 and of 6,600,000 Swiss francs in the 2010-2011 period (making a total of 7,600,000 Swiss francs) to enhance and strengthen safety and security standards for the existing WIPO buildings. The Secretariat further reported that the PBC had also recommended that the Assemblies of WIPO approve an updated and consolidated budget for the New Construction Project and had requested an authorization to use 20,000,000 Swiss francs from the WIPO reserves and had asked for approval of authorization by the Secretariat to use, if necessary, the option of increasing the scope for taking a bank loan within the contractual limit of 16,000,000 Swiss francs, for unforeseen modifications during the construction project, if such need arose. The Secretariat further stated that, with regard to the proposal for a new conference room, the PBC had recommended that the WIPO Assemblies approve 4.2 million Swiss francs to be taken from the reserves in 2009, to establish a full technical and architectural dossier for the new conference room, which would be submitted to Member States for review and decision in September 2009. The Secretariat said that the PBC had:

(i) asked the Secretariat to explore cost-cutting options for such dossier in advance, in so far as possible; and

(ii) asked the Assemblies to approve the proposal to review the full architectural and technical dossier for the new conference room, and the detailed financial plan by September 2009, and

(iii) to take a decision on that matter in September 2009. The Secretariat further reported that the PBC had recommended that the WIPO Assemblies approve the proposal to implement the IT modules and system modifications required for compliance with IPSAS and the FRR and to approve an allocation of 4.2 million Swiss francs to be taken from the reserves for this purpose.

Proposal to Upgrade the Safety and Security Standards for the Existing WIPO Buildings

44. In the absence of any objections and comments, the Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned:

(i) approved the proposal to upgrade the safety and security standards, as set out in Annex I of document WO/PBC/13/6(a); and

(ii) approved the appropriation of 1,000,000 Swiss francs in 2009 and of 6,600,000 Swiss francs in the 2010-2011 period (making a total of 7,600,000 Swiss francs) for this purpose from the reserves, to be available to be utilized, with the balances carried forward from one biennium to the next, for the envisaged duration of the project, as set out in paragraphs 8 and 9 of document WO/PBC/13/6(a).

Updated and Consolidated Budget and Financing for the New Construction Project

45. In the absence of any objections and comments, the Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned:

(i) approved the updated and consolidated budget for the new construction project as set in the Annex to document WO/PBC/13/6(b);

(ii) authorized the appropriation of an amount of 20,000,000 Swiss francs, from the WIPO reserves; and

(iii) authorized the Secretariat, to use, if and when necessary, the existing option to extend the bank loan within the contractual limit of 16,000,000 Swiss francs to finance the “Contingency Provision for Miscellaneous and Unforeseen” and the “Construction Phase Modifications”.

Proposal for a New Conference Hall

46. Following discussion and consultation, the Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned:

(i) approved the appropriation of 4.2 million Swiss francs from the WIPO reserves, in 2009, to pay for the commissioning of a complete architectural and technical dossier for a new conference hall project which will be presented to the Member States for consideration and decision in September 2009 (“Phase One”), as described in paragraphs 46 to 48 of document WO/PBC/13/6(c);

(ii) requested the Secretariat to further explore the possibilities of reducing the cost of the said dossier to the extent possible; and

(iii) approved the proposal to examine the complete architectural and technical dossier for a new conference hall project, and the proposed detailed financing, in September 2009 and to decide thereon in September 2009, (“Phase Two”) as described in paragraphs 48 to 53 of document WO/PBC/13/6(c).

Proposal for the Implementation of IT Modules to Establish Compliance with the New Financial Regulations and Rules and IPSAS: (Procurement, Asset Management and Other System Requirements for IPSAS Compliance)

47. In the absence of any objections or comments, the Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned:

(i) approved the proposal to implement the IT modules and system modifications required for compliance with IPSAS and the FRR, as set out in the Annex of document WO/PBC/13/6(d); and

(ii) approved the appropriation of a total of 4,200,000 Swiss francs for this purpose from the reserves, to be available to be utilized, with the balances carried forward from one biennium to the next, for the envisaged duration of the project, as set out in paragraph 9 of the said document.

ITEM 8 OF THE CONSOLIDATED AGENDA:

EXTERNAL AUDITOR'S REPORTS: NEW CONSTRUCTION PROJECT;
INVENTORIES

48. The Secretariat drew the attention of the Assemblies to the fact that the Program and Budget Committee had taken note (see paragraph 5 of document A/46/10 Rev.) of a statement made by the Chair of the WIPO Audit Committee (oral presentation), and that, in doing so, it had also made two decisions, in favor of the renewal of the mandate of the WIPO Audit Committee as presently composed until January 2010, and in favor of the review of the process of rotation and the size of the WIPO Audit Committee with a view to agreeing relevant changes at the September 2009 sessions of the Assemblies.

49. In response to a request for clarification raised by the Delegation of Pakistan, the Director General confirmed that, the Assemblies having previously mandated the WIPO Audit Committee to oversee what used to be the Organizational Improvement Program, it was the understanding of all Delegations present at the thirteenth session of the Program and Budget Committee that the mandate of the WIPO Audit Committee would now include the oversight of the "Strategic Realignment Process" which was the reborn former Program. Furthermore, the WIPO Audit Committee would, as in the previous context, report to Member States on its review of the Strategic Realignment Process in future.

50. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, approved the renewal of the mandate of the Audit Committee as presently composed until January 2010 and the review of the process of rotation and the size of the Committee with a view to agreeing relevant changes at their September 2009 sessions.

51. The Secretariat presented the External Auditor's Reports on, respectively, the New Construction Project and the Inventories, on the basis of documents A/46/7 (which referred to document WO/PBC/13/8) and A/46/8 (which referred to document WO/PBC/13/9), and indicated that the Program and Budget Committee had taken note of the information

contained in documents WO/PBC/13/8 and WO/PBC/13/9 (see paragraph 4 of document A/46/10 Rev.).

52. The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned, took note of the information referred to in documents A/46/7 and A/46/8 and contained, respectively, in documents WO/PBC/13/8 and WO/PBC/13/9.

ITEM 9 OF THE CONSOLIDATED AGENDA:

MECHANISM TO FURTHER INVOLVE MEMBER STATES IN THE PREPARATION AND FOLLOW UP OF THE PROGRAM AND BUDGET

53. Discussion was based on documents A/46/9 and WO/PBC/13/7.

54. In the absence of any objections or comments, the Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned:

(i) took note of the progress and implementation of the New Mechanism as described in paragraphs 2 to 8 of document WO/PBC/13/7;

(ii) took note of the indicative timelines contained in paragraph 13 of document WO/PBC/13/7 in respect of the process for the presentation of the Medium-Term Strategic Plan for 2010-15 and the Program and Budget for the 2010/11 biennium; and

(iii) requested the Secretariat to include in the said timelines the distribution by mid-February 2009 of a Circular Letter and Questionnaire to Member States, inviting their contributions on the priorities for the Program and Budget for the 2010/11 biennium.

ITEM 10 OF THE CONSOLIDATED AGENDA:

RESOLUTIONS AND DECISIONS OF THE UNITED NATIONS

55. Discussions were based on document A/46/11.

56. The Assemblies of the Member States and of WIPO and of the Unions, each as far as it is concerned, took note of the contents of document A/46/11 and approved the accountability framework as contained in the annex of that document.

ITEM 11 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORT

57. This General Report was adopted electronically by the Assemblies and other Bodies of the Member States of WIPO concerned, on February 6, 2009.

ITEM 12 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

58. In closing this session of the Assemblies, the Vice Chair of the General Assembly announced that they had just finished all agenda items leaving only the Adoption of the Report. For him personally it was an honor and pleasure to be on the podium at that important moment and he was very pleased because in the course of those negotiations they had given full trust to the Director General with the Revised Budget, and he saw constructive efforts from all Member States and complimentary statements to each other. The Vice Chair thought they would have a good future and a good foundation for WIPO. He invited the Director General to make a statement.

59. The Director General thanked all Delegations in the first place for the positive decisions taken and for the consensus that had been reached. He was very grateful to all of the Delegations in particular because they had had to work on the Program and Budget in a very short timeframe, and of course Geneva was an extremely busy station for diplomats so there was a great deal of pressure placed on all of the Delegations in asking them to absorb a voluminous amount of documentation within a very short period of time and the Organization was very grateful for the cooperation that had been displayed in addressing the task before them. Secondly, he thanked Member States for endorsing the changes that had been introduced in the framework of the new Program and Budget. Of course, at that stage they were only a framework for change but he was very grateful for the confidence that had been expressed in the Secretariat in endorsing the proposed new framework. It was now up to the Secretariat to deliver upon that and it was very clear what the priorities were in respect of the new framework. The Director General added that in the course of the last two months they had succeeded in intensifying to an extent the dialogue that existed between the Member States and the Secretariat and they would endeavor to do that to a greater extent in the future. First of all, in respect of the Program and Budget exercise that would be done at a more leisurely pace for the next biennium in 2010-2011 but also in respect of all other aspects of the Organization's work. He was very delighted that they were able to reach consensus and was grateful for the flexibility that was displayed by all of the Delegations in reaching those decisions by consensus. On behalf of all of the staff he thanked them for accepting to regularize the posts of 30 short-term staff. This was a matter of considerable concern to staff. There were nearly 300, about 280 short-term staff in the Organization whose contractual conditions were different from those of ordinary staff members. And while that needed to be addressed in a very systematic manner in the course of the first six months of the following year, the Secretariat had asked for a symbolic gesture on the part of Member States in recognizing that it was a serious issue and the Organization would address the situation of the short-term staff. The Director General was very grateful, in particular, that Member States

had accepted to regularize those 30 short-term posts and he was sure that such a gesture would be very much appreciated by all of the staff members of WIPO. The Director General thanked his colleagues, in particular, those in the sector of Mr. Petit and Mr. Favatier in the Budget and Finance area who had really put in an extraordinary amount of work in the course of the previous two months in order to produce the voluminous documentation that was being considered in the last three days. He concluded that as they were approaching the end of the year, there were a number of different communities that would be celebrating various feasts in the course of the coming weeks and wished everyone a very happy festive season and in particular a very good year, and a very good year for WIPO in the course of 2009.

60. The Delegation of Germany thanked the Chair for his excellent performance and expressed its gratitude. It made an announcement concerning the utilization of a particular part of the reserves for what formerly was known as a feasibility study for a new conference hall. In that context, they were also considering to what extent such a conference room could add to the atmosphere and the ambiance of meetings and in that context he stressed that not only the size of the room in which they were gathering but also the people which were in the room. In that context he made the sad announcement that it was the last working day in WIPO of a colleague, the Romanian Coordinator, Mrs. Livia Puscaragiu and conveyed the Delegation's serious appreciation as well as his personal appreciation for her collegial, in fact, congenial manner of carrying out her tasks and wanted to put that on record. He thanked the Coordinator and conveyed best wishes to the member states for a Merry Christmas and Happy New Year.

61. The Delegation of Romania simply extended its heartfelt thanks to Udo, a colleague and friend and to all the colleagues in the Regional Group. It had been indeed a privilege for her to spend those years in Geneva and cover WIPO and she was particularly happy to say that when leaving Geneva her luggage would not be limited only to material things because she would have with her many pleasant memories. She wished WIPO, the Director General and his team, the greatest possible achievements in the years to come.

62. The Vice Chair closed the session of the 46th series of the Assemblies of the Member States of WIPO.

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