

EU STATEMENTS FOR GENERAL ASSEMBLY 2013

General/ Opening Statement (Item 5)

Mr Chairman,

On behalf of the European Union and its Member States, we would like to warmly congratulate you on your election as Chairman of the 51st Series of Assemblies of WIPO. We would also take this opportunity to congratulate the two Vice chairs on their election. We look to your able stewardship to lead our discussions towards fruitful outcomes.

We thank the outgoing Chair and vice Chair for all the dedication they have shown throughout their term in office. We also thank the WIPO Secretariat for their work and diligence in preparing the numerous comprehensive documents for these Assemblies and for their efforts made throughout the year. We would also like at this stage to express our additional thanks and gratitude to the Kingdom of Morocco for its excellent hosting of the successful Diplomatic Conference in Marrakesh that resulted in a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities, to the Chair of the Diplomatic Conference and its different Vice Chairs, Committee Chairs, and officials as well as to the DG and the Secretariat without which the successful outcome of the Diplomatic Conference would not have been possible.

The Member States of the EU account for more than a third of WIPO filing revenue. The European Union and its Member States therefore attach great importance to the creation, maintenance and improvement of a balanced and effective international IP system. Increasingly, IP structures the global economy: within the European Union, more than half the industries are IP intensive. But value chains lie across borders, and to enable sustainable innovation, creativity, growth and jobs - as well as creating a secure environment for investment in scientific and industrial research and for fostering innovative products and services – the global IP framework must be as smooth as possible. WIPO needs to concentrate on the delivery of such an IP system.

For these reasons, we reiterate our support for WIPO in its mission to promote innovation and creativity for the economic, social and cultural development of all countries through a balanced and effective international IP system.

The EU very much welcomes the initiative by the DG to include a meeting with game changing innovators in this week's activities, to give our Assembly a greater sense of purpose and provide real focus to our deliberations. The EU reiterates its commitment to evidence based policy making. The EU would encourage WIPO secretariat to facilitate more interaction with innovators and creators throughout the broad range of our substantive work. This would reflect the unique nature of our organisation within the UN context, as well as its unique funding structure.

We would like to assure Member States and WIPO of our continuing support for the pursuance of WIPO's global goals and look forward to our discussions on all of the issues on the agenda.

As regards the on-going work on WIPO's Development Agenda, the European Union and its Member States would like to reaffirm their support and commitment to the appropriate implementation of the recommendations of the Development Agenda. WIPO's technical assistance and capacity building in the area of cooperation for development must be built on the basis of transparency, good governance, and best practice to ensure optimal added value.

The European Union and its Member States attach great importance to the negotiations relating to the protection of Broadcasting Organizations. We are encouraged by progress in our last round of discussions in April and while we acknowledge that work remains to be done before calling for the Diplomatic Conference, we hope that greater progress can be made now that the Marrakech Treaty has been successfully concluded. We will also continue to engage constructively on the discussions on other limitations and exceptions where our clear aim is to foster an exchange of ideas and best practices that all WIPO Member States could take into account when implementing -in accordance with the existing copyright and neighbouring rights treaties- limitations and exceptions in their national legislation. The European Union and its Member States would like to highlight at this point the need to start our reflection as to the future SCCR work programme. There are a number of issues we believe are of importance for all where WIPO could play a leading role.

On the subject of the proceedings of the Standing Committee on Trademarks, Industrial Designs and Geographical Indications, the European Union and its Member States welcomes the maturity of the work on the draft provisions on industrial design law and practice. A design law formalities treaty is within easy reach: there has been sufficient time for reflection and discussion, impact studies have been carried out, and great progress made.

We fully acknowledge the need to provide technical assistance and capacity building to developing and least developed countries, so that a design law formalities treaty can be successfully implemented. In response to requests that technical assistance and capacity building be dealt with in an article, the EU and its Member States has withdrawn its proposal for a resolution, and put forward a draft article for discussion.

While minor issues remain outstanding, it is clear that only with the impetus of timetable will they be resolved. So for reasons which we will make clear, we believe the time is right to base progress, on design formalities, on its own merits, and consequently to set a date for a Diplomatic Conference in 2014, for the establishment of a Design Law Formalities Treaty.

With regards the subject of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the European Union and its Member States recognise the importance of the work carried out by the IGC. Experts from the European Union and its Member States made concrete suggestions and comments on the proposed texts during these meetings. The European Union and its Member States remain committed to continuing the negotiations on TCEs, TK and GRs, and look forward to establishing a reasonable and pragmatic work program. Bearing in mind the financial implications and costs of having extra meetings and also our goal of making strides towards more efficient management of meetings.

Consequently, we would like to reiterate our understanding that any international instrument or instruments to be created should be non-binding, flexible, and sufficiently clear. In this respect, we would like to remind Members that no decision has been reached on the nature of the instruments to be adopted. Once the IGC achieves solid, clear and consolidated texts, and only then, will it be able to decide on the nature of the contemplated instruments.

The European Union and its Member States welcome that the 19th Session of the Standing Committee on the Law of Patents, agreed on future work. We are keen to advance the work of this

committee and remain hopeful that such efforts will lead to the further international harmonization of patent law.

As regards proceedings of the Patent Cooperation Treaty (PCT) Working Group, the European Union and its Member States welcome the outcomes of the 6th session of the PCT Working Group, and hope that these can be built upon to further improve and streamline the procedure under, and operation of, the PCT system. We continue to believe that the emphasis of the Working Group should be directed towards enabling the PCT system to function more effectively, so that it can deliver results which meet the needs of applicants, Offices and third parties in all Contracting States. The clear objective should be to encourage and facilitate innovation. The European Union and its Member States wish to emphasize their strong support for the valuable work of the PCT Working Group in its efforts to improve the PCT system and are convinced that all its users will benefit from high quality international work.

The European Union and its Member States place great value on the work of the WIPO Advisory Committee on Enforcement and therefore we look forward to the ninth session of the Committee. Intensified efforts of the Committee to build a shared understanding of the effects and impact of IPR infringements will enable Member States to adopt effective prevention and enforcement strategies. In view of the extent and scale of counterfeiting and piracy in the world, it should be possible in the Committee to have fruitful exchanges of information and views between delegations so as to combat more effectively this phenomenon which concerns us all.

Mr Chairman, the European Union and its Member States are convinced that we can achieve positive and balanced results concerning all issues during these Assemblies and call upon all WIPO Member States to approach this meeting with a similar positive attitude.

Thank you, Mr Chairman