

Assemblies of the Member States of WIPO

Fifty-Second Series of Meetings Geneva, December 10 to 12, 2013

PROPOSAL BY GRULAC, GROUP B, CEBS GROUP AND INDIA ON “GENERAL PRINCIPLES REGARDING WIPO EXTERNAL OFFICES”

Document prepared by the Secretariat

In a communication dated December 6, 2013, the Secretariat received a request from the Permanent Mission of Trinidad and Tobago on behalf of the Group of Latin American and the Caribbean Countries (GRULAC), Group B, the Group of Central European and Baltic States (CEBS) and the Delegation of India, submitting the attached “Guiding Principles Regarding WIPO External Offices” for a Decision under Agenda Item 6.

The Communication from the Permanent Mission of Trinidad and Tobago is annexed to this document.

[Annex follows]



**PERMANENT MISSION OF THE REPUBLIC OF TRINIDAD AND TOBAGO
TO THE OFFICE OF THE UNITED NATIONS, GENEVA**

Note No. 210/2013

The Permanent Mission of the Republic of Trinidad and Tobago to the Office of the United Nations at Geneva and to the Specialized Agencies in Europe, on behalf of the Group of Latin America and the Caribbean countries (GRULAC), Group B, The Group of Central European and Baltic States (CEBS) and India, presents its compliments to H.E. Ms. Päivi Kairamo, President of WIPO General Assembly and has the honor to refer to the agenda item 6 (General Policies of WIPO Concerning Governance of External Offices) of the Fifty-Second Series of Meetings of WIPO Assemblies that will take place from the 10 to 12 December 2013.

In this regard, the above regional groups and country kindly submit the attached "Guiding Principles regarding WIPO External Offices" for a Decision under Agenda item 6. This compromise text is the result of long hours of negotiations and tireless efforts of all Member States to approach positions on a crucial matter for WIPO's work, under the leadership of Ambassador Kwok Fook Seng.

The Permanent Mission of the Republic of Trinidad and Tobago to the Office of the United Nations at Geneva and to the Specialized Agencies in Europe, on behalf of the Group of Latin America and the Caribbean countries (GRULAC), Group B, The Group of Central European and Baltic States (CEBS) and India, wishes to avail itself of this opportunity to renew to H.E. Ms. Päivi Kairamo, President of WIPO General Assembly, the assurances of its highest consideration.

6th December, 2013, Geneva

cc. Naresh Prasad, Executive Director and Chief of Staff, Office of the Director General



Guiding Principles Regarding WIPO External Offices

1. The following principles shall guide the role of WIPO Secretariat and the decision making by Member States on the establishment of a network of WIPO External Offices (EOs) that can add clear value, efficiency and effectiveness to the delivery of strategic goals of the Organisation in a coordinated and complementary way with WIPO HQ and in a way that may otherwise not be achieved through operations at WIPO HQ.

A: Transparency of procedures and decision making by Member States for the establishment of new External Offices

2. Any Member State wishing to host an EO in its national capacity, or on behalf of a group of countries or Regional Group, if so agreed by consensus, should notify the President of the General Assembly and Director General in writing. The President of the General Assembly should inform the Member States of the receipt of the notification without delay. This paragraph does not apply to those Member States, in their national capacity, or on behalf of a group of countries or Regional Group, if so agreed by consensus, which have already presented the written notifications.

3. The Member State wishing to host an EO in its national capacity, or on behalf of a group of countries or Regional Group, if so agreed by consensus, should submit a proposal, with the assistance of the Secretariat if requested by the Member State, through the Director General for consideration by the Program and Budget Committee (PBC). The Secretariat should submit to the PBC the notification and the proposal received from the Member State. The Secretariat should also report separately to the PBC, based on facts, on the technical feasibility of the proposed EO, consistent with these guiding principles. The PBC will consider the proposal in order to make any recommendation to the General Assembly.

4. The General Assembly will consider the report, including relevant recommendations, of the PBC in order to take a final decision on the establishment of the new EO.

5. If the General Assembly approves the establishment of an EO, the Coordination Committee (CoCo) will consider the approval of a proposed agreement between the Director General on behalf of WIPO and the host country, consistent with Article 12 of the WIPO Convention.

B: Rationale for External Offices

6. The proposal referred to in paragraph 3 should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the added value to the Organisation's strategic goals, with particular regard to the considerations set out in Sections D and E.

7. Recognising that the mandate of each EO as decided by WIPO Member States might differ, the basic scope of activities in an EO may include:

- i) Collaboration with the national IP office to support and advance WIPO's strategic goals;
- ii) Enhancement of innovation and creativity, including by promoting effective use of IP services;
- iii) Raising awareness, understanding and respect for IP;
- iv) The delivery of customer services to users of global IP services, including treaties and conventions administered by WIPO;
- v) Assistance for using IP as a tool for promoting development and transfer of technology;
- vi) The provision of policy and technical support to national IP offices to increase the use of IP;
- vii) If approved by the PBC, WIPO may explore the possibility for an EO's delivery of other activities which are beneficial to WIPO Member States.

8. As before, WIPO EOs will not conduct any activities related to processing of international applications filed under the PCT, Madrid, and Hague systems, or any related financial transactions.

9. EOs can supplement the activities of, but not assume the duties which are primarily the responsibility of national IP authorities.

C: Regional Activity

10. An EO may undertake activities of a regional nature similar to the basic scope set out in paragraph 7, consistent with and in support of WIPO strategic goals and approved program activities, where agreed by the host country and any one or more participating Member State/s in its region. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level.

D: Financial and Budgetary Sustainability

11. Recognising the different levels of development among Member States, and the need to safeguard resources for regional bureaus without prejudice to Member States which opt to deal directly with WIPO HQ, the Secretariat shall set out, based on facts, the technical feasibility of the proposed EO with respect to:

- i) the budget implications of the establishment of the EO, including the financial and budgetary sustainability and its recurring costs;
- ii) possible efficiency savings from the proposed activity of the EO.

The Secretariat's observations on the technical feasibility of the proposed EO and its consistency with the guiding principles set out in this document, are without prejudice to

the final political decision which Member States may take regarding any offer to host a WIPO EO.

12. The ability to maintain the financial and budgetary sustainability of the WIPO EO network will depend on the prevailing financial situation of the Organisation and the Secretariat should keep Member States adequately apprised of this consideration.

E: Geographic/Locational Aspects

13. Due consideration should be given to the principle of a sustainable, equitable, and efficient geographical network for the location of prospective EOs. Every EO should have a clearly defined geographical area of operation.

14. Due consideration should be given to developmental aspects, regions without an EO, or locations where the users of WIPO Premier Global IP Services are located.

15. The existence of an EO in a region, or even in a neighboring country, shall not by itself constitute a ground for denying a request put forward by a Member State in that same region to be considered and decided by the General Assembly.

16. The establishment of a new EO shall not prejudice the scope of an existing EO to conduct approved WIPO program activities in its host country, or with a group of countries or Regional Group, as agreed by the Member States involved.

17. The establishment of an EO in one particular Member State shall not prejudice the rights and the conduct of relations by other Member States in the same geographical region with WIPO HQ.

F: External Offices' Accountability/Reporting

18. All EOs are an integral part of WIPO's results-based management and regulatory framework. Once the EO is established and operational, its performance and activities will be monitored and evaluated based on the performance indicators and targets, and reported to the PBC which will, in turn, transmit its recommendations to the General Assembly, as appropriate.

19. WIPO will directly procure the required IT equipment for all WIPO EOs through its normal processes.

G: Implementation And Review

20. These guiding principles shall apply universally to existing and prospective EOs. The procedures in Section A will be followed where applicable and not applied to existing EOs.

21. To allow for evolving circumstances in WIPO's operating environment, these guiding principles shall be reviewed and approved upon a decision of the General Assembly.

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[End of Annex and document]