

## **Assemblies of the Member States of WIPO**

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

#### GENERAL REPORT

*adopted by the Assemblies*

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## INTRODUCTION

1. This General Report records the deliberations and decisions of the following 20 Assemblies and other bodies of the Member States of WIPO:

- (1) WIPO General Assembly, forty-fourth (23rd extraordinary) session
- (2) WIPO Conference, thirty-fourth (13th extraordinary) session
- (3) WIPO Coordination Committee, sixty-eighth (24th extraordinary) session
- (4) Paris Union Assembly, forty-seventh (26th extraordinary) session
- (5) Paris Union Executive Committee, fifty-third (4th extraordinary) session
- (6) Berne Union Assembly, forty-first (20th extraordinary) session
- (7) Berne Union Executive Committee, fifty-ninth (15th extraordinary) session
- (8) Madrid Union Assembly, forty-seventh (27th extraordinary) session
- (9) Hague Union Assembly, thirty-third (14th extraordinary) session
- (10) Nice Union Assembly, thirty-third (12th extraordinary) session
- (11) Lisbon Union Assembly, thirtieth (10th extraordinary) session
- (12) Locarno Union Assembly, thirty-third (13th extraordinary) session
- (13) IPC [International Patent Classification] Union Assembly, thirty-fourth (15th extraordinary) session
- (14) PCT [Patent Cooperation Treaty] Union Assembly, forty-fifth (26th extraordinary) session
- (15) Budapest Union Assembly, thirtieth (13th extraordinary) session
- (16) Vienna Union Assembly, twenty-sixth (11th extraordinary) session
- (17) WCT [WIPO Copyright Treaty] Assembly, thirteenth (7th extraordinary) session
- (18) WPPT [WIPO Performances and Phonograms Treaty] Assembly, thirteenth (7th extraordinary) session
- (19) PLT [Patent Law Treaty] Assembly, twelfth (7th extraordinary) session
- (20) Singapore Treaty [Singapore Treaty on the Law of Trademarks] Assembly, sixth (3rd extraordinary) session.

meeting in Geneva from December 10 to 12, 2013, 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 General Assembly (WO/GA/44/6).

3. The list of the States members of the Assemblies and other bodies concerned and the observers admitted to their sessions on December 10, 2013, is set forth in document A/52/INF/1.

4. The meetings dealing with the following items of the Agenda (document A/52/1) were presided over by the Chair of the General Assembly:

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12      Ambassador Päivi Kairamo (Ms.) (Finland)  
Chair of the General Assembly

5. An index of interventions by Delegations of States and Representatives of intergovernmental and non-governmental organizations mentioned in this report will be reproduced as an Annex to the final version of the present report. The Agenda, as adopted, and the list of participants will appear in documents A/52/1 and A/52/INF/3, respectively.

## ITEM 1 OF THE CONSOLIDATED AGENDA:

### OPENING OF THE SESSIONS

6. The fifty-second 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").

7. A minute of silence was observed to honor the life and contribution of Nelson Mandela, Former President of South Africa.

8. The Delegation of South Africa speaking on behalf of the Government of South Africa and its people, thanked the Secretariat and the Director General and all delegations for honoring the late President, Nelson Mandela, who passed away on December 5, 2013. The Delegation mentioned that the profound sense of loss and sorrow was shared with the world since Mandela belonged not only to Africa and South Africa but to the world. Mandela touched the hearts and souls of the world since he turned hope into reality. Moreover, Mandela lived and served his nation and the world with tremendous distinction, sacrifice and dignity, and South Africa will remain forever indebted to him. The Delegation stated that while Mandela's passing was a great source of sadness, his legacy lives on, as his life, values and principles are celebrated. By celebrating and giving thanks for his life, everyone can commit to his values of humility, commitment, sacrifice, tolerance and forgiveness, and make them part of our lives and help transform situations for peace. In closing, the Delegation quoted Mandela as South Africa and the world today bids farewell at the memorial service in South Africa "What counts in life is not the mere fact that we have lived, it is what difference we have made to the lives of others that will determine the significance of the life we lead."

9. The sessions of the Assemblies and other bodies of the Member States of WIPO were opened in a joint meeting of all the 20 Assemblies and other bodies concerned, by the Chair of the General Assembly, Ambassador Päivi Kairamo (Ms.) (Finland), who made the following statement:

"Distinguished Delegates,  
"Colleagues,

"As you are aware, today, we must complete the unfinished work from our last session of the Assemblies in October this year. The moot point to ask is: why could we not finish our work during the last Assemblies? To my mind, the primary reason was an overloaded agenda, resulting from the tendency of passing on to the General Assemblies work that should have been deliberated on as well as completed in the various Standing Committees. This is a tendency we need to guard against in the future. Our unfinished work includes the Program and Budget for the next biennium, the possibility of holding a Diplomatic Conference on a Design Law Treaty, governance, work relating to the Standing Committee on Copyright and Related Rights (the SCCR), the reporting mechanism for the Committee on WIPO Standards (the CWS) and the establishment of guiding principles for the opening of WIPO external offices.

"I owe it to this body to provide an update on what we have done in the last two months, in order to facilitate a smooth decision-making process on our unfinished work during this session of the Assemblies. This work was divided into three clear strands. Ambassador Kwok of Singapore led consultations on the establishment of guiding principles for WIPO external offices. Mr. Marcelo Del Nina, Acting Deputy Permanent Representative of Brazil, undertook consultations relating to the Design Law Treaty. And I undertook consultations concerning governance, the SCCR and the CWS. At the outset, I must place on record my deep appreciation for the excellent work done by both the

facilitators, Ambassador Kwok and Mr. Del Nina. They have carried out consultations with Member States which were both extensive as well as intensive and a great deal of progress has been made. I am also pleased to report that on the issues which I handled, namely governance, the SCCR and the CWS, we have achieved consensus and this will go a long way in facilitating the work of these Assemblies. I wish to thank Member States for the immense flexibility that they have displayed and for all of the support and cooperation that both my facilitators and I have received during this process. I do hope this spirit of compromise will continue over the next three days in order that we can complete our work in a spirit of consensus and compromise.

“I must flag that it is imperative for us to approve a program and budget for our Organization for the next biennium. This is my utmost priority. I intend to proceed with the agenda in order of the items as listed in the draft agenda. I also urge Member States to refrain from making general statements, with a view to saving time, which we could, in turn, devote to more substantive matters before us. Of course, if a Member State is desirous of making a statement, I will not come in the way. This is just a request and by no means sets a precedent for future Assemblies. As Chair of the General Assembly, my objective is to complete the substantive work from the last General Assembly.

“With these words, I now declare this 52<sup>nd</sup> session of the WIPO General Assemblies open.”

10. The Director General echoed the Chair's words in extending a warm welcome to all delegations. He stated that he will not deliver a report or a general statement, as this was an Extraordinary General Assembly. However, he took the opportunity to join the Chair in thanking all delegations for the very intensive engagement over the past two months, and the extraordinary commitment to finding solutions to the outstanding items. In that regard, the Director General thanked the Chair for her leadership as well as Ambassador Kwok Fook Seng and Mr. Marcelo Della Nina for their dedication and hard work. The Director General urged delegations to complete what has been a very good year for the Organization by finding an agreement on the outstanding issues which were mentioned by the Chair, in particular, the Program and Budget, the question of the convocation of a diplomatic conference for the design law treaty and the question of external offices. He stated that that would provide the basis for a very promising and solid work program for the Organization in 2014.

11. The Delegation of Japan, on behalf of Group B, noted in a written statement that the three days of the Assemblies were a critical moment for both Member States and WIPO and expressed confidence that a successful outcome could be achieved. Group B echoed the Chair's sentiment expressed at the informal consultation regarding the importance for WIPO and its Member States of approving the budget for the 2014/2015 biennium at the December session, and also emphasized that it attached great importance to the establishment of guiding principles that would enable the WIPO External Offices network to contribute to the strategic goals and objectives of WIPO without imposing an excessive burden on the Organization. As to the Design Law Treaty, Group B noted that it had not been possible to address the issue in depth during the 51<sup>st</sup> Assemblies in plenary because of time constraints caused by enormous amount of agenda items unsettled at committee level, and proposed that that important agenda item be given sufficient time and priority to be resolved during the Extraordinary General Assembly. Group B expressed the view that all delegations present had devoted considerable time and resources in the preceding weeks to accomplishing a successful outcome at the Extraordinary General Assembly, in addition to normal business at WIPO and other priorities. This had been necessary to achieve the progress made. It would nonetheless be necessary to consider further means of improving the effectiveness and efficiency of work at WIPO, ensuring that WIPO's Committees discharged their responsibilities, making provision for an appropriate number of meetings and a balanced and practicable work program. Group B emphasized its readiness to be constructively engaged in the proceedings.

12. The Delegation of Poland, on behalf of the Group of Central European and Baltic States (CEBS) Group, noted in a written statement that in the previous two months all at WIPO had devoted considerable time and effort to achieving consensus on the outstanding issues related to the Program and Budget, external offices and the convening of the Diplomatic Conference for the Adoption of the Design Law Treaty. The CEBS Group welcomed the results of negotiations and looked forward to a final and successful conclusion of the 52<sup>nd</sup> Extraordinary General Assembly. The CEBS Group emphasized that the adoption of the budget for the 2014/2015 biennium should be the priority of the 52<sup>nd</sup> Extraordinary General Assembly, as it was in the collective interests of all WIPO Member States to approve the budget. Hence, the adoption of guidelines and the opening of EOs should not hinder the adoption of the 2014/2015 budget. The CEBS Group noted that as 2013 was drawing to an end, the most important and urgent issue for the smooth functioning of WIPO was the approval of the budget for the next biennium and that in this wise, the CEBS Group accepted the proposal to delink the issues of the Program and Budget and external offices, holding that a timely agreement on both issues would thus be more likely. The CEBS Group supported the proposed allocation of 0.6 million Swiss Francs in non-personnel resources under Program 20 to the implementation of the decision of the 67<sup>th</sup> session of the Coordination Committee under Agenda Item 7 of the 51<sup>st</sup> Assemblies. The CEBS Group also supported the proposal to transfer 0.9 million Swiss Francs in non-personnel resources from Program 20 to unallocated funds, pending a decision thereon. As to external offices, the CEBS Group expressed its readiness to subscribe to the Facilitator's text of November 27, 2013, "Guiding Principles Regarding WIPO External Offices". While some differences remained and certain Member States were not in a position to accept the Facilitator's text, the CEBS Group still considered that a compromise solution could still be achieved. Accordingly, the CEBS Group joined the Group of States of Latin America and the Caribbean (GRULAC), Group B and India in proposing that the Facilitator's text be submitted for decision under Agenda Item 6. That compromise text had resulted from extensive negotiations and tireless efforts of all Member States with a view to resolving a matter crucial to WIPO's activities. The CEBS Group noted that in October 2013, the Coordination Committee had approved Memorandum of Understandings (MoUs) for the opening of external offices in Russia and China but the Assembly was yet to assent to the formal establishment of those external offices. The CEBS Group expressed its support for the proposal by Group B that a specific item be included in the agenda to address this issue effectively, and held that a separate decision would ensure full transparency and place the proposed external offices in Russia and China on an equal footing with existing external offices, with respect to the scope and nature of their activities. As a strong advocate of convening of a Diplomatic Conference for the Adoption of the Design Law Treaty as soon as possible, the CEBS Group welcomed the Facilitator's latest proposal that the conference be convened in June 2014. The CEBS Group reiterated its support, previously expressed at the September Assemblies and repeated at the SCT meeting in early November 2013, for including into the text of the treaty a specific article on technical assistance and capacity-building for the implementation of the future treaty. As regards the issue of SCCR, the CEBS Group expressed its preference for a decision on a road map of further work on a Treaty on the Protection of the Broadcasting Organizations during the Extraordinary General Assembly, as it considered the issue to be of great importance to the CEBS Group. In the spirit of compromise and cooperation, the CEBS Group expressed its willingness to accept the Chair's proposal to remit that issue to the Committee. While acknowledging that each regional group necessarily had its own priorities and interests to defend, the CEBS Group took the view that such priorities and interests should not prevail over those of WIPO. The CEBS Group expressed confidence that all Member States would display flexibility and willingness to compromise during the Extraordinary General Assembly.

13. The Delegation of the European Union and its member states expressed in a written statement the firm belief that a step by step approach would be most profitable. The Delegation referred to the successfully brokered agreement on a package of decisions on the future work program of the Committee on WIPO Standards (CWS) and the Standing Committee on Copyright and Related Rights (SCCR) and on governance issues, noting that it did not meet all

its expectations. The Delegation would have wished to see an emphasis placed on work on broadcasters in the future program of work on SCCR. The discussions on a treaty on Broadcasting Organisations remained a high priority for the European Union and its Member States. The Delegation expressed keenness to see an improvement in the international protection of broadcasting organisations that was meaningful and adapted to their specific problems while at the same time respecting the rights of rightholders in works and other protected subject matter carried by broadcast signals. The Delegation expressed its willingness to back those draft decisions in the spirit of compromise which it hoped would be the hallmark of the Extraordinary General Assembly, and urged the Assembly to take a decision on these issues at an early stage in the proceedings in order to bank these achievements and create a positive momentum for the meeting. In the run up to the Extraordinary General Assembly, WIPO Members had engaged in lengthy informal consultations on a decision to convene a Diplomatic Conference on a Design Formalities Treaty; the Delegation considered that an agreement on the next steps was imminent. The draft text of the treaty which was already mature at the meeting in September had been further improved by the successful outcome of Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) 30 and the small remaining differences should not impede the convening of a diplomatic conference in 2014. The Delegation expressed gratitude to the Delegation of the Russian Federation for its offer to host this conference in June or July of next year and urged the small number of delegations still entertaining reservations on the decision to convene a diplomatic conference to overcome their differences to allow a clear consensus to emerge. The Delegation noted that the question of external offices had occupied an important place in the deliberations at the 51<sup>st</sup> Assemblies and had continued to dominate preparations for the Extraordinary General Assembly, with intense and exhaustive consultation on guiding principles. The Facilitator had deployed his commanding skills in the search for consensus on a conceptual framework for the expansion of the network of WIPO External Offices. The Delegation reaffirmed its view that an expanded network of external offices should be limited in number, avoid duplication with the work done in headquarters and be budget-neutral. The Delegation noted with regret that despite best endeavours, it had not yet been possible to reach agreement on such guiding principles. The Delegation expressed its support for GRULAC's initiative backed by the CEBS Group, Group B and India to sponsor the Facilitator's text and its willingness to consider its adoption in part of a comprehensive package of agreements on external offices which included a decision to establish a limited and strategic network. The Delegation commented that in the absence of agreement on guiding principles, the scope for positive decisions on future external offices was somewhat constrained. The October meeting of the Coordination Committee endorsed two MoUs for the opening of offices in Russia and China. The Delegation recalled that the Assembly was yet to assent to the formal establishment of these offices. The Delegation expressed the support of the EU and its member states for the proposal made by Group B for the inclusion of a specific agenda item to address that issue effectively and commented that a separate decision under Agenda Item 4 would ensure full transparency and place the proposed offices in Russia and China on an equal footing with existing offices as regards the scope and nature of their activities. The Delegation recalled that the lack of agreement on external offices at the 51<sup>st</sup> Assemblies had prevented the adoption of a budget for the 2014/15 biennium. In the view of the EU and its member states, the adoption of the budget should not be conditional on an agreement on external offices. The WIPO Assembly needed as a matter of priority to adopt a budget for the coming biennium in order to equip the Organization with the necessary resources to carry out its mission, in particular in the important area of global challenges. The Delegation noted that Delegations have worked tirelessly to prepare the meeting and create opportunities for agreement on the broad range of issues up for decision at the Extraordinary General Assembly and that such intense efforts, together with an increasingly overloaded normal meeting schedule, could not be sustained indefinitely. The pace of work had been unrelenting and the demands placed on experts and the Secretariat had been at times excessive and not always conducive to optimal outcomes. This was particularly true for smaller delegations whose experts also follow the World Trade Organization (WTO) or other international organizations. Accordingly, the

Delegation requested that the Chair call on the Director General to make concrete proposals on reductions in the calendar of WIPO regular meetings and to make concrete proposals based on existing practice in other United Nations (UN) organizations to rationalize and improve the working methods of all WIPO meetings.

#### ITEM 2 OF THE CONSOLIDATED AGENDA:

##### ADOPTION OF THE AGENDA

14. Discussions were based on document A/52/1.

15. After due consideration, each of the Assemblies and other bodies concerned adopted its agenda as proposed in document A/52/1 (hereinafter referred to in this document and in the documents listed in paragraph 2 above as “the Consolidated Agenda”).

#### ITEM 3 OF THE CONSOLIDATED AGENDA:

##### ADOPTION OF THE GENERAL REPORT AND OF THE INDIVIDUAL REPORTS OF EACH GOVERNING BODY (FIFTY-FIRST SERIES OF MEETINGS OF THE ASSEMBLIES OF THE MEMBER STATES OF WIPO – SEPTEMBER 23 TO OCTOBER 2, 2013)

16. The Delegation of the United States of America commented on the draft Report of the Lisbon Union Assembly, while indicating that its comments were not meant to reopen any decisions taken. The Delegation stated that it was, however, important to note that Article 9(2)(b) of the Lisbon Agreement stated that "with respect to matters which are of interest also to other unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization." In the Delegation's view, the revision of the Lisbon Agreement to include geographical indications and to require its members to treat trademark rights in specific ways, while not revising the registration fees – which had not been revised in 20 years – and discontinuing the requirement for its members to continue to cover any budget deficit, clearly was of interest to other Unions of the Organization. However, the Coordination Committee had not been heard, as required by Article 9(2)(b). As a result, it had come as a surprise to the Delegation that document LI/A/29/2 contained a decision paragraph indicating that the Assembly had taken note of document LI/A/29/1 and of the statements made, and the planned work ahead in the review and promotion of the Lisbon system; and had approved the convening of a Diplomatic Conference on the Adoption of a Revised Lisbon Agreement on Appellations of Origin and Geographical Indications in 2015, while taking note of the roadmap designed by the Working Group on the Development of the Lisbon System. The Delegation was of the view that, as the Lisbon Agreement required the Lisbon Union Assembly to hear the advice of the Coordination Committee before taking a decision, the decision reflected in the Lisbon Union Assembly's report was not valid.

17. The General Report was unanimously adopted by the Assemblies of the Member States of WIPO and other governing bodies, each as far as it was concerned, on December 10, 2013.

18. Each of the 20 Assemblies and other governing bodies of the Member States of WIPO, each as far as it was concerned, unanimously adopted the separate report concerning its session, on December 10, 2013.

#### ITEM 4 OF THE CONSOLIDATED AGENDA

#### DECISION BY THE GENERAL ASSEMBLY IN RELATION TO THE COORDINATION COMMITTEE DECISION ON EXTERNAL OFFICES TAKEN DURING ITS SIXTY-SEVENTH (44<sup>TH</sup> ORDINARY) SESSION

19. See the report of the session of the WIPO General Assembly (document WO/GA/44/6).

#### ITEM 5 OF THE CONSOLIDATED AGENDA:

#### PROPOSED PROGRAM AND BUDGET FOR THE 2014/15 BIENNIUM

20. Discussions were based on documents A/51/7 Rev., A/51/INF/6, A/51/INF/6 Add., A/51/INF/6 Add.2, A/51/INF/6 Add.3, A/51/13, A/51/14, A/51/20, A/52/2 and A/52/4.

21. The Chair proceeded to the opening of Agenda Item 5, the Proposed Program and Budget for the 2014/15 Biennium and recalled the proposal made in document A/52/4. The Chair added that, subsequent to further consultations with regional coordinators and Delegations at meetings held the previous day, she proposed a new decision paragraph entitled "Proposal by the Chair of the General Assembly draft decision on the Proposed Program and Budget for the 2014/15 Biennium (item 5 of the draft agenda)" dated December 9, 2013, for consideration by the Member States. The Chair recalled that this text had been circulated the previous day in paper version and that it was then sent to regional coordinators by e-mail and made available at the entrance to Room A earlier in the morning. The Chair specified that the proposal had met with no objections from any regional group or delegation present in the meeting the prior day. Based on this, the Chair considered that there was an agreement on the proposed decision paragraph which read as followed:

"The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned,

(a) approve the Proposed Program and Budget for the 2014/15 Biennium as contained in document A/51/7 Rev. subject to the following agreed changes, in respect of:

- (i) the formulation of targets in the Results Framework of Program 2, as reflected in Annex I;
- (ii) the formulation of targets in the Results Framework of Program 4, as reflected in Annex II;
- (iii) the deletion of paragraph 20.21 in Program 20;
- (iv) the allocation of 0.6 million Swiss francs in non-personnel resources in Program 20 for the implementation of the decision adopted by the Sixty-Seventh (44th Ordinary) session of the WIPO Coordination Committee under Agenda Item 7 of the Agenda of the Fifty-First Series of Meetings of the Assemblies of the Member States of WIPO;
- (v) the move of a total of 0.9 million Swiss francs in non-personnel resources from Program 20 to unallocated, pending any decision thereon.

(b) noted the comments made by Member States on the request for additional information concerning the IP and Global Challenges program (Program 18) and requested the Program to inform Member States at the 20th session of the SCP on the patent-related aspects of its activities and to inform Member States at the 13<sup>th</sup> session of the CDIP on the development-related aspects of its activities."

The Chair added that the text included two annexes which had remained unchanged as compared to the previous proposal made and opened the floor to Delegations wishing to make interventions.

22. The Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, said that the proposal had been discussed at length the previous day and GRULAC had been discussing it since then. The Delegation added that GRULAC had circulated an amendment or a draft amendment to the proposal on Agenda Item 5 that they believed should, by then, have reached the hands of most regional coordinators, delegates and the Secretariat. The Delegation specified that the said proposal did not alter the proposal made by the Chair which had been discussed the previous day except for a minor amendment in paragraph 5. The Delegation reassured that the Group was trying its best to maintain the current text as it stood but also wished to keep the whole issue with respect to the setting up of external offices open for discussion. The Group considered that the particular item should have a roadmap in order for this to be achieved. In this respect, the Group wished to preserve the allocation of the funding with respect to the Russia and China offices, adding that it had no difficulty with this as GRULAC, but that it would like to suspend paragraph 20.21 of program 20 for further decision instead of deleting or completely delinking paragraph 20.21 from program 20 and, of course, take into consideration GRULAC's proposal or amendment for an external office. The Delegation said that the Group would agree, or come to some decision with respect to that and, of course, the other external offices which had not been dealt with and indicated that it could probably come to some consensus in this respect at the PBC 23<sup>rd</sup> session. Bearing this in mind, the Group concluded that it did not wish to completely delete paragraph 20.21 but rather to suspend paragraph 20.21 of program 20 for further consideration by the Member States, expressing its hope that other groups and delegations would be able to agree to this particular proposal.

23. The Delegation of India pointed out that the Chair's proposal made the previous day had been circulated and that the Delegation's consent to the said proposal had been conveyed by its silence. The Delegation added that, whilst it appreciated the concern expressed by the Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, it believed that the first priority was to get the Program and Budget approved. The Delegation felt that paragraph 20.21 was a paragraph that did not get consent earlier and that a lot of time had been spent trying to get some kind of consensus on that, expressing concern that if the issue were to be re-opened, a great deal of time would be wasted, possibly the whole session. With this, the Delegation made an appeal to stay with the proposal made by the Chair, namely to delete paragraph 20.21 as it was earlier and then to deal with the contents of paragraph 20.21.

24. The Delegation of Algeria, speaking on behalf of the African Group, considered the proposal made by GRULAC very interesting, adding that it would be very interested to consider it further. The Delegation asked for guidance by the Chair on how to handle the proposal.

25. The Delegation of Japan, speaking on behalf of Group B, expressed its preference for keeping the text of the Chair's proposal as it stood.

26. The Delegation of the Republic of Korea also expressed its support for the Chair's proposal as it stood.

27. The Delegation of Poland, speaking on behalf of the CEBS Group, wished to underline the fact that the adoption of the biennial budget should be the priority of the 52<sup>nd</sup> General Assembly since it was in the collective interest of all Member States of WIPO to have a budget. The Delegation considered that the adoption of the guidelines and opening of external offices should not hinder the adoption of the 2014/15 budget. The Delegation underlined the

importance of the approval of the budget at the approach of the end of the year. It accepted the proposal delinking the program and budget from the external offices. This gave a better chance for reaching a rapid agreement on both issues. The Delegation re-iterated its support for the proposal made by the Chair.

28. The Delegation of Venezuela (Bolivarian Republic of) thanked the Chair for the consultations held the previous day and the willingness of the groups to find a solution on the issue. The Delegation added that there had been a great deal of discussion about the proposal in GRULAC, saying that the prevailing spirit in the Group was one of not wishing to complicate matters in the meeting. In line with this, the Delegation of Venezuela (Bolivarian Republic of) said that it had gone along with the proposal as a constructive proposal and, as the Delegation of India has said, a valid one, but, of course, only if it did not complicate matters for the meeting. In this context, the Delegation said that it was willing to join the consensus that came from GRULAC, but, of course, only if it were easily taken on board by the other groups. If, however, this turned into a new battle of adding one word and taking out another, the Delegation would prefer to join the spirit in the room in line with the proposal made by the Chair.

29. The Delegation of Mexico stressed the importance of the Chair's proposal put forward the previous day and wished to thank other delegations for the comments they had made. It wished to make two points. First, that the Delegation shared the view of how important it was to adopt the budget at this Extraordinary General Assembly. The Delegation underlined the fact that it had also taken note of the initial statement made by the Chair during the opening of this meeting concerning the will to conclude the work of the Assemblies and pointing out the extraordinary work and effort made by the different facilitators. Second, the Delegation wished to reiterate that it was not the intention of the members of GRULAC, including Mexico, to in any way make the adoption of the budget a difficult operation but that the Delegation did consider it pertinent, as had previously been said, to have a roadmap so that it could find a way to solve an issue that had come up during the Assemblies. It added that it was its understanding that delegations had only just received this proposal, adding that it believed that it would be useful to give delegations time to carefully read the proposal made by GRULAC before a decision was taken. The Delegation wished to reiterate the fact that its intent was not to make this an obstacle for the adoption of the budget, that it had no problem in proceeding with adoption of the proposal in its basic spirit, but that it did consider it important to maintain a common ground for the future establishment of external offices. In this context, the Delegation wished to see a mention of this in the draft decision proposed by the Chair and proposed giving delegations a chance to look at the proposal, to think about it for a brief time and also for GRULAC and Mexico to be able to discuss the matter with any delegation seeking clarification.

30. The Delegation of Georgia wished to reiterate its position previously expressed at the General Assemblies in September of that year that, despite the fact that Georgia was a member of a given region, operations should not be applied or extended to Georgia and that the mandate of the external office, established in the region, should be clearly defined in advance. In all other matters under consideration at this extraordinary session of the Assemblies, the Delegation wished to express its flexibility with the view to achieving consensus and adopting the WIPO Program and Budget 2014/15.

31. The Delegation of Chile said that it had a somewhat different recollection of the meeting held the previous day in which the Chair's proposal was discussed. As the Delegation remembered it, the document was discussed and distributed but not necessarily adopted. As other colleagues from the Delegation's region had said, the GRULAC proposal was in no way a rejection of the budget because the Group did agree with the budget. It didn't have to do with the offices for Russia and China because the Delegation wanted these offices to be established. The Delegation said that the GRULAC proposal did not change the substance of the proposal distributed, that all it was trying to do was to keep the possibility of discussing the issue of regional offices in the next biennium open. The Delegation pointed out that if the

paragraph as presented in the proposal under review were to be deleted, it would mean that discussions would be up in the air. There would be no procedure and no process. There would be no path for the discussion of the issue of regional offices which was part of GRULAC's regional interest. In this context, the Delegation expressed support for the proposal of the Delegation of Mexico to give some time to delegations to examine GRULAC's proposal so that they could understand that there was no change in substance. This was simply an issue of procedure, in accordance with the proposal of the Chair. The Delegation underlined the importance of clarifying the issue.

32. The Delegation of Panama said that it believed that the Delegations of Mexico and Chile had both very clearly and fully put forward what it could have said on this subject, reiterating that the GRULAC proposal should in no way be considered an obstacle to the adoption of the budget. The Delegation shared the general view of how important it was to adopt the budget, adding that what had been said in the past should be recognized, that the work on the external offices should be based on the discussions that had taken place on this subject. The Delegation considered that a balanced solution for this problem should be found, adding that the GRULAC proposal had been made in this light. The GRULAC proposal did not, in any way, affect the adoption of the budget or the approval of the offices for China and Russia. The Delegation also expressed support for the declaration made by the Delegation of Mexico to give some time for the GRULAC proposal to be examined so that future discussions could take place in an organized way for these steps to be followed in the case of other offices.

33. The Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, reiterated the support expressed by the Delegations of Chile, Mexico and Panama and expressed its belief that, for the Group, the intention was really not to complicate any matters with respect to the proposal under review. The Delegation wished to stress the importance of not obstructing the budget. It was not the intention or even the objective of GRULAC to obstruct the budget. In fact, the proposal as it stood, did not represent any intention of doing so. The Delegation reiterated the position expressed by the GRULAC Ambassadors, namely that paragraph 20.21 of program 20 could not just be totally deleted. This paragraph had to be kept open for further discussion and further consultation because it went hand in hand with the Group's next proposal on Agenda Item 6 in terms of the endorsement of the guiding principles of Ambassador Kwok Fook Seng which were put before this distinguished Assembly. The Delegation again underlined the importance of keeping the process open for discussion since the two matters went hand in hand and the process should therefore be kept on board for discussion and not be totally deleted from WIPO's agenda. The Delegation added its belief that Member States needed time to consider, to reflect and to rethink this particular paragraph. It reiterated its position concerning the fact that this did not change anything in relation to the external offices of Russia and China but that it just kept the door open for further discussion which was needed in line with the guiding principles. The Delegation asked that the matter be discussed during the course of the day within groups for further consideration.

34. The Delegation of Japan, speaking on behalf of Group B, wished to underline the importance for the Organization and the Member States of approving the budget for the 2014/15 biennium at the present session. It considered that failure to approve the budget would create significant uncertainty for both the Organization and the members and result in the postponement of many important elements for members including activities in support of the implementation of the Beijing Treaty, the Marrakech Treaty, the maintaining of Technology and Innovation Support Centers (TISCs) and the WIPO brand database as well as support of business solutions for IP offices. The Group wished to emphasize that securing the program and budget was a matter that concerned all members. It believed that the concept of the delinking presented by Ambassador Kwok Fook Seng was a wise approach, underlining that the text as such did not exclude further discussion and decision on future external offices under Agenda Item 6 during the period of this Assembly. The Delegation added that it was important for all members to focus on that item, on that issue.

35. The Delegation of the United States of America wished to support the statements made by their Group Coordinator in that the Delegation was willing to support the proposal under review but that the GRULAC proposal should be given consideration, adding that this was a significant Group and that the concerns of the Group needed to be reflected. The Delegation also wished to go back to the transition between Agenda Item 4 and Agenda Item 5 saying that it seemed that there had been consensus and that there was no objection to Agenda Item 4 and that, therefore, the Delegation was a bit perplexed as to why that item hadn't been gavelled. It asked the Chair if she could provide some clarification in this respect.

36. In response to the request for clarification made by the Delegation of the United States of America, the Chair said that her approach was based on the agreement that she had had with several groups. This approach appeared to be the sensible one, namely to proceed in a manner allowing consensus to be reached, hopefully on both items and then they would be gavelled, adding that there had indeed been consensus on Agenda Item 4.

37. The Delegation of Venezuela (Bolivarian Republic of) believed that this issue, which it had discussed at length in the Group, was more one of form rather than of content, as Agenda Item 4 was related to Agenda Item 6. The Delegation considered that for the Member States, it would be under Agenda Item 6 that the issue of principles that the Group had taken on board as its own would be discussed. The issue should be left open on the basis of principles that were worked on by all Member States, with the Ambassador of Singapore, at some point or another. The Delegation believed that those principles were the ones that were going to give the political push to Agenda Item 4. It did not believe that the issue was closed. Quite the contrary, it considered that the principles that were worked on by all Member States could serve as the catalyst to move the issue to adoption.

38. The Delegation of India wished to seek clarification. It reiterated the fact that its priority was to get the budget through. This did not mean that the Delegation was not asking for external offices. It was and it attached a great deal of importance to those external offices and wanted to make sure progress was made on this. In this respect, the Delegation considered Agenda Item 6 as key, that the adoption of guidelines would lay a roadmap for external offices. Having listened to the members of GRULAC, the Delegation felt that the amendment they had proposed was not necessary in order to progress. The Delegation considered that the way forward would be in Agenda Item 6 when the guidelines would be adopted and that this would be a clear indication that the General Assemblies laid down the criteria guiding the opening of new external offices. So the problem with the amendment that had been put forward by GRULAC was that it dealt with issues of names and numbers on which there was no consensus. The Delegation, therefore, wished to keep the way forward open for new external offices which would be laid down by the adoption, by the General Assembly, of the guidelines in this respect. The Delegation suggested moving on and adopting Agenda Item 6, the guidelines which would set aside the doubts and apprehensions some delegations may have.

39. The Chair wished to make her intention as Chair of the Assembly clear and repeated what she had said in her opening remarks and throughout the preparations of the Assembly that her personal priority for the Assembly underway was the adoption, by the Organization, of a Program and Budget.

40. The Delegation of Ghana expressed its satisfaction at seeing the process move forward towards the adoption of the Organization's Program and Budget. The Delegation, after having listened to the various interventions, expressed its belief of the need for a budget to be passed, specifying that this did not signify that the issue of external offices was a closed door. The Delegation suggested refining the language of the proposal from GRULAC to simply take out the part that said "as amended by GRULAC in document A/52/2" so that the spirit of the discussion on the external offices was adequately reflected. It was the Delegation's

understanding that the new proposal would read “without prejudice to paragraph (iii) suspend paragraph 20.21 of program 20 for further consideration and final decision at the PBC at its 23<sup>rd</sup> session”. The Delegation clarified the fact that no reference would be made to any document which may exclude some Member States who may have made a request for an external office or were yet to do so. The decision simply said that there was an opportunity to discuss. The Delegation hoped that the membership of GRULAC would consider this amendment, underlining the need to see the way forward on what it considered as a very important matter.

41. The Delegation of France expressed its desire to gavel Agenda Item 4 since there had been contradictory statements made in the room. It expressed its belief that, when moving from one agenda item to the next, these should be adopted and gavelled. The Delegation said it had heard all the regional groups say they were in favor of opening a WIPO External Office in Russia and China and said that this was also the position of Group B. It considered that the best way was to close the book on the context in which the two MoUs were adopted by the Coordination Committee. It said that this would allow the concerned Member States to note the positive signal that this sent. The Delegation further considered that the second side of the coin had been adopted and that, with this, the green light to the WIPO External Offices in Russia and China had been given. It considered that the two countries requesting that would be reassured that the question had been resolved that morning. The Delegation reiterated its belief that this was not linked to the other requests submitted.

42. The Delegation of Trinidad and Tobago supported the statement made by the Delegation of Ghana, saying that this was the spirit of compromise that it was looking for, the spirit of reflection that was needed, underlining that this was something that their Group and also other delegations needed to consider. The Delegation said it would support the point that perhaps the matter could be reflected on further in groups during the course of the day in order to arrive at a common decision.

43. The Chair announced the breaking of the Plenary session and announced that she would organize a meeting with the regional coordinators plus four in order to get clarity with respect to the situation which represented a change from the situation of the previous day.

44. The Chair thanked delegations for their patience and for the sake of transparency informed the Assemblies of what had happened since the Plenary session in the morning. As delegates were aware, the Chair, in the morning session, had presented her proposal with respect to Agenda Item 5, the Program and Budget for the 2014/15 Biennium. This proposal was based on extensive consultations with Member States and, in particular, the regional coordinators and had their support. However, a proposal had been received that morning from the coordinator for GRULAC to insert new language into the Chair's proposed decision text. Extensive consultations with the Member States had taken place on the GRULAC proposal which had lasted for almost six hours during the day.

45. At the end of the process, the Chair concluded that, with the willingness demonstrated by all delegations to prioritize the adoption of the Program and Budget, she would now put forward her proposal for formal adoption and clarified that this was the Chair's original proposal from that morning.

46. The Chair asked for confirmation from the Member States that they could agree to her proposal.

47. The Delegation of Mexico thanked the Chair and all colleagues for having considered the proposal which GRULAC had submitted that morning. As the Ambassador of the Delegation had said, the Delegation's only intention in making the proposal was simply to give a clear direction as to how Member States could pursue discussion of this rather contentious issue

which had involved the Member States since June. The Delegation had wished to trace a path and give some continuity to the discussion. They had listened very carefully and tried to accommodate all the concerns expressed by Member States, but recognized that in these circumstances, and with the time constraints and the importance of the budget, they could not continue to support the proposal which GRULAC had made that morning. Consequently, in order to show the flexibility that the Delegation of Mexico and all GRULAC Delegations had shown in the past, the Delegation would withdraw its proposal. However, there were many concerns which had been expressed during the day and which had not yet been resolved and the Delegation wished to see these reflected in the week's Agenda. The Delegation counted on the constructive proposals and the good will of all colleagues. The Delegation asked the indulgence of the Chair, who it recognized had asked that the Member States continue to look at the Agenda in the order it was printed, in presenting its wish to discuss Agenda Item 6. However, there were many concerns which had been expressed during the day and which had not yet been resolved and the Delegation wished to see these addressed in the course of discussions during the meeting.

48. The Chair noted the comments of the Delegation of Mexico and the constructive approach. The Chair asked the Member States if she could take it that there were no objections to her proposal which had been presented that morning and asked for confirmation that the proposal was acceptable to all delegations.

49. The Delegation of Algeria did not have an objection but wished to deliver a statement on behalf of the African Group. The Group wished this statement to be annexed and linked to the decision on Agenda Item 5. The Group asked the Chair's agreement to present the statement and this was accorded by the Chair. The Delegation of Algeria's statement made on behalf of the African Group is annexed to this report.

50. As there were no objections to the Chair's proposal, the Chair proposed to adopt the decision paragraphs relating to Agenda Items 4 and 5. The decisions were gavelled.

51. The decision with regards to Agenda Item 4 can be found in paragraph 10 of document WO/GA/44/6. The decision relating to Agenda Item 5 is as follows:

"The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it is concerned,

*(a) approve the Proposed Program and Budget for the 2014/15 Biennium as contained in document A/51/7 Rev. subject to the following agreed changes, in respect of:*

*(i) the formulation of targets in the Results Framework of Program 2, as reflected in Annex I;*

*(ii) the formulation of targets in the Results Framework of Program 4, as reflected in Annex II; (iii) the deletion of paragraph 20.21 in Program 20;*

*(iv) the allocation of 0.6 million Swiss francs in non-personnel resources in Program 20 for the implementation of the decision adopted by the Sixty-Seventh (44<sup>th</sup> Ordinary) session of the WIPO Coordination Committee under Agenda Item 7 of the Agenda of the Fifty-First Series of Meetings of the Assemblies of the Member States of WIPO;*

*(v) the move of a total of 0.9 million Swiss francs in non-personnel resources from Program 20 to unallocated, pending any decision thereon.*

*(b) noted the comments made by Member States on the request for additional information concerning the IP and Global Challenges program (Program 18) and requested the Program to inform Member States at the 20<sup>th</sup> session of the SCP on the patent-related aspects of its activities and to inform Member States at the 13<sup>th</sup> session of the CDIP on the development-related aspects of its activities.”*

ANNEX I

PROGRAM 2 TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

RESULTS FRAMEWORK

Expected Results	Performance Indicators	Baselines	Targets
I.1 Enhanced cooperation among Member States on development of balanced international normative frameworks for IP and agreement on specific topics on which international instruments are agreed	Agreement on a normative framework for industrial design registration and maintenance procedures	No normative framework for industrial design registration and maintenance procedures	Adoption of a Design Law Treaty by a possible Diplomatic Conference
	Progress towards agreement on current issues on the SCT Agenda	Draft Reference Document on the Protection of Country Names Against Registration and Use of Trademarks	SCT agreed Outcomes
	No. of ratifications/accessions to the Singapore Treaty	29 Contracting Parties (end 2012)	Eight new ratifications/accessions
I.2 Tailored and balanced IP legislative, regulatory and policy frameworks	No. and % of Member States/regional organizations providing positive feedback on the legislative advice offered in the area of trademarks, industrial designs and geographical indications	11 Member States/regional organizations received legislative advice out of which three provided positive feedback on legislative advice received in 2012	Legislative advice provided to 10 Member States/regional organizations. 90% of respondents satisfied with the advice offered.
I.3 Increased protection of State emblems and names and emblems of International Intergovernmental Organizations	No. of requests for communication under Article 6ter dealt with	70 requests for communication under Article 6ter dealt with in 2012	140 requests for communication under Article 6ter dealt with
	No. of signs published in Article 6ter database	75 signs published in Article 6ter database in 2012	150 signs published in Article 6ter database

## ANNEX II

## PROGRAM 4 TRADITIONAL KNOWLEDGE, TRADITIONAL CULTURAL EXPRESSIONS AND GENETIC RESOURCES

## RESULTS FRAMEWORK

Expected Results	Performance Indicators	Baselines	Targets
I.1 Enhanced cooperation among Member States on development of balanced international normative frameworks for IP and agreement on specific topics on which international instruments are agreed	Agreement in the IGC's negotiations on an international legal instrument(s) on TK, TCEs and GRs.	Negotiations underway under IGC mandate for 2012-2013 and work program for 2013	Adoption of an international legal instrument(s) by a possible Diplomatic Conference
III.2 Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition	% of participants in WIPO activities which report enhanced capacity to understand and use IP principles, systems and tools for the protection of TK and TCEs, and for management of the interface between IP and GRs	Not yet available	80%

52. The Delegation of Iran (Islamic Republic of) congratulated the Organization for the adoption of the Program and Budget 2014/15 and hoped that it would pave the way for further consultation on the highly policy-oriented nature of the external offices. The Delegation had waited to see if the decision would be taken and the budget would be adopted before asking for the floor. The Delegation would present its position on the external offices later, but sought clarification, from a legal standpoint, on the request made by the Delegation of Algeria on behalf of the African Group to annex the statement it had made to the decision paragraph and what this would mean with regards to interpreting the decision or placing on the record. The Delegation continued that it had noticed that, as was normal practice, whatever position the Member States had would be taken note of and included and incorporated in the report of the General Assembly. Of this there was no doubt. However, the Delegation wished to seek clarification from a legal standpoint on the issue because the African Group coordinator had twice asked that the Statement be annexed to the Decision.

53. The Legal Counsel responded to the request made by the Delegation of Iran (Islamic Republic of) by stating that his understanding had been that the Delegation of Algeria, speaking on behalf of the African Group, had requested that the statement be annexed to the report of the Assemblies. Therefore, the statement itself would not be part of the decision paragraph, but would be attached to the report to reflect the opinion expressed by the African Group, in connection with that agenda item.

54. The Delegation of the United States of America explained that it wished to comment on a separate issue regarding the Annex. It was more specific to program 6 within the budget. The Delegation wished to indicate that it had some comments that it wished to submit in writing, but it was happy to have the issue raised by the Delegations of Iran (Islamic Republic of) and Algeria addressed first and would then revert.

55. The Delegation of Algeria did not feel that the understanding of the Legal Counsel was very accurate. In the presentation to the statement, and the statement itself, which the Delegation of Algeria had made on behalf of the African Group, the Delegation had wanted the statement to be annexed to the decision, not to be annexed to the report. As had been said by the Delegation of Iran (Islamic Republic of), it was automatic that each and every word was recorded in the report by the General Assembly but what the Delegation wished to be assured

of was that the delinking of the issue of external offices would not mean that future discussion would begin from scratch. What the Delegation thought was fair was to at least annex the statement, which basically stated a reality, which was that no delegation in the meeting objected to the fact that two external offices should at least be considered for Africa.

56. The Legal Counsel reiterated to the Delegation of Algeria that he was not disputing the request they had made, which was that their statement be annexed to the decision paragraph. The point he wished to make was that there was no provision for the Secretariat to annex a statement to a decision paragraph. The decision taken was the decision adopted by all delegations under Agenda Items 4 and 5. The Legal Counsel continued that the statement made by the African Group would definitely be attached to the report, which would accurately reflect exactly what the African Group had stated in connection with the adoption of that decision. The African Group statement itself was not a part of the decision paragraph that had just been adopted.

57. The Delegation of Egypt congratulated the Chair for the excellent paper which had been given on the subject of the draft decision and extended its condolences to South Africa upon the passing of Mr. Nelson Mandela. On the subject under discussion, the Delegation hoped that the report would reflect that its interpretation of the decision was what the African Group was asking for, which was that forthcoming negotiations be based on paragraph 20.21 of the draft Program and Budget and also on the decisions of the Working Groups which had met on this subject. This was the Delegation's interpretation of the decision and it hoped that this paragraph would be repeated throughout the working documents to be issued in the future.

58. The Delegation of the United States of America continued from its previous intervention and indicated that, in the interests of time, it really did not want to take the floor to give its comments with respect to program 6 concerning Madrid and Lisbon and at the moment wished to refer to the fact that it would provide the statement in writing and wished to have this reflected in the report. The written comments were received by the Secretariat as follows:

"We are concerned that the Lisbon Union projects a deficit of 910,000 Swiss Francs for the 2014//2015 biennium.

- This will be the third consecutive biennium wherein the Lisbon Union will have experienced such a deficit, according to the WIPO Performance and Budget Report.
- The deficit started small - 1,000 Swiss Francs for the 2009-2010 biennium.
- In the 2010-2011 biennium, the deficit jumped to 925,000.
- And in the 2012-2013 biennium, the budget deficit was reported as 675,000.
- For this eight-year period, the deficit will be 2,511,000 Swiss Francs.
- We note that in the past, when the Hague Union projected a deficit, arrangements were made for the Hague Union to borrow money from the Madrid Union.
- This has not been done for the Lisbon Union.
- One reason could be that the Lisbon Agreement Article 11 requires the Members of the Union to make up any deficit.
- The proposed program and budget for 2014/2015 should be revised to show that this will be done, and to show how it has been done.
- Furthermore, we note that the fees under the Lisbon System have not been revised for 20 years. We further suggest that the Director General work with the Lisbon Union to determine an appropriate fee and to ensure that the Regulations are revised to enable the Lisbon Union to be self-sufficient.
- In addition, we note that under Program 6, the two systems are described together, which is confusing and does not facilitate proper evaluation of the two systems. We suggest that the two be clearly separated, and not evaluated together.

- Lastly, we note that Annex VI, Indicators of Madrid and Lisbon Systems Operations, of A/51/7 Rev does not address the Lisbon system. We suggest that the same information be provided as for the Madrid system for clarity and to be consistent with the title of the Annex.”

## ITEM 6 OF THE CONSOLIDATED AGENDA:

### GENERAL POLICIES OF WIPO CONCERNING GOVERNANCE OF EXTERNAL OFFICES

59. Discussion was based on documents A/52/3 and A/52/5, presented by China and Trinidad and Tobago, respectively.

60. The Delegation of China stated that during the 51<sup>st</sup> General Assembly and in recent open-ended informal consultations it had been obvious that a governance policy for external offices such as establishment procedures, scope of activities, accountability and so on, were of common concern to the Member States. It had also been demonstrated by the discussions about the draft guiding principles on external offices that general policies of WIPO concerning governance of external offices would obviously be desirable and helpful. The Delegation hoped that the new document's purpose was streamlining current work instead of creating new issues for this General Assemblies which already had a crowded agenda. The Delegation of China was of the opinion that future work under this agenda item should be based on discussions Member States had already had and on the progress already made.

61. The Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, pointed out that its proposal was a joint proposal by GRULAC, the CEBS, Group B and India. The Delegation highlighted that this particular proposal was motivated by the fact that GRULAC had not been consulted or engaged in any meaningful dialogue with respect to the establishment of WIPO External Offices. GRULAC had had no clarity with respect to its requests for an external office and thus the Delegation explained that there was a need to be treated in an equal, clear and fair manner with respect to the Secretariat's proposal. The Delegation emphasized that GRULAC desired a second external office in the region. Nevertheless, a process was embarked upon right after the Assemblies with Ambassador Kwok Fook Seng, to establish certain general guidelines or guiding principles regarding WIPO External Offices on which delegations worked very diligently. Delegations, the Secretariat and Ambassador Kwok Fook Seng had worked hard over the past month and the Delegation thought that these efforts should not be limited or reduced to little or nothing. In those circumstances, GRULAC decided to collaborate with Group B, the CEBS and India to see how these general guiding principles as proposed under the astute Chairmanship of Ambassador Kwok Fook Seng could be pushed forward. The Delegation recognized that these principles did not suit GRULAC as it was not a perfect text, but it did not think any delegation went in to these negotiations thinking to obtain a perfect text for its particular delegation or group. However, the Delegation did realize that for the establishment of any future external offices or external network of offices within the WIPO system, at this particular stage, some sort of general guiding principles with respect to the establishment of these offices were needed. This had become clear to GRULAC and also to other cosponsors of this proposal: Group B, the CEBS and India. The Delegation would like to submit the guiding principles regarding WIPO External Offices for a particular decision under this agenda item, with the following decision statement: “The Assemblies of the Member States of WIPO and of the Unions administered by it, each as far as it was concerned, adopted the guiding principles regarding WIPO external offices contained in document A/52/5.”

62. The Delegation of Poland, speaking on behalf of the CEBS Group, stated that although some divergences still remain and certain Member States of WIPO were not in a position to accept the Facilitator's text, the CEBS Group continued to believe that during this meeting, a compromise would be reached in this regard and hence the CEBS Group had joined GRULAC,

Group B and India regarding WIPO External Offices for a decision under Agenda Item 6. The CEBS Group supported the decision read out by the Delegation of Trinidad and Tobago, speaking on behalf of GRULAC. The CEBS Group further stated that this compromise text was the result of long hours of negotiation and tireless efforts of all Member States to approach a position on a crucial matter for WIPO under the leadership of the Ambassadors of Belarus and Singapore to whom thanks must be extended.

63. The Delegation of Japan, speaking on behalf of Group B, stated that Group B continued to attach great importance to establishing guiding principles which would enable a WIPO External Offices network contribute to the strategic goals and objectives of WIPO without imposing an excessive burden on the Organization, in particular, from a financial perspective. The approval of the guiding principles had to be a prerequisite to establish new offices in the future. The Delegation supported the initiative to put the next version of the guiding principles on the table at this General Assembly thanks to the wise guidance and tireless efforts of the Facilitator, Ambassador Kwok Fook Seng, and the engagement of the Member States. The Group strongly hoped that this would establish a solid basis for a small limited and strategically-located WIPO External Offices network with the approval of the guiding principles to develop an exemplary framework and for the sake of clarity. Group B was a co-sponsor of the guiding principles. At the same time, within the Group, there were some interesting ideas as additional elements to be included in the possible decision paragraph for adoption of the guiding principles. The elements, including reference to the limited capacity of WIPO, should be taken into account for the establishment of external offices and a limitation of the overall network of external offices, with a necessary critical review at some point of the overall network of external offices. The Delegation thought that those additional elements could help the framework to avoid the unmanageable proliferation of external offices. Discussions about the further decision paragraph on the guiding principles could take place at a later stage.

64. The Delegation of India stated that it was very relevant for the Delegation to have a discussion on the guiding principles with a view to adopting a decision at this session of the General Assembly. It expressed its gratitude to the Ambassador of Belarus and the Ambassador of Singapore for their excellent work and also the hard work and effort put in by the Member States in the open-ended process to arrive at the best possible compromise text on the guiding principles regarding WIPO External Offices. The Delegation had decided to join GRULAC, Group B and the CEBS Group in co-sponsoring the proposal for the endorsement of the guiding principles regarding WIPO External Offices for a decision at this session of the General Assembly as a result. The Delegation expressed the view that this was the best possible compromise text and had earlier also expressed the same during the meeting with the Ambassador of Singapore. The Delegation recognized that it was not a country specific proposal but a general guiding principle and every effort had been made to include the elements that were of concern for each and every country and the groups. The Delegation felt that there was real scope for a decision during this General Assembly, if time was properly utilized. With regard to the decision paragraph, the Delegation was ready to work on the proposal proposed by GRULAC and also the elements proposed by Group B. The Delegation felt that in order to facilitate further decisions on establishment of new external offices of WIPO, there was a need to reflect some ideas in the decision paragraph so that all countries feel comfortable.

65. The Delegation of the Republic of Korea explained that the previous day, the deletion of paragraph 20.21 in program 20 of the proposed program and budget for the 2014/2015 biennium had been adopted, which meant that Member States had a chance to make a decision based on the principles or criteria which had consensus among the Member States of WIPO. The Delegation emphasized that external offices issues now on the table should be handled in a stable, transparent and predictable manner and urged that the General Assembly should first adopt the guiding principles which was put forward before the Member States. These principles were the product of all Member States' collective wisdom and the spirit of constructive compromise, under the tireless efforts of the Ambassadors of Belarus and Singapore. On the

content of the guiding principles, the Delegation reiterated its position, already expressed on November 27, that the words “where applicable” in paragraph 20 of section G should be deleted. This wording might cause another misunderstanding in the course of implementation of the guidelines. This phrase might also incapacitate the whole function of these principles. The Delegation believed that some flexibility should be displayed, taking into account political considerations in the course of deciding where and how many external offices to be established: However, this does not mean that there was no need for clear and strict principles or criteria. The Delegation reiterated the view that these principles be adopted with a small but important change in the text which meant taking out the phrase “where applicable”. After the adoption of these guidelines, the Delegation proposed that nothing would remain except to follow the principles in a cooperative and constructive manner in the future.

66. The Delegation of Algeria, speaking on behalf of the African Group, indicated that the African Group had constructively worked with other delegations in drafting these guiding principles with the understanding that these principles would pave the way for agreement regarding the opening of external offices in Africa. As described by Ambassador Kwok Fook Seng in his report, this would offer space for Member States to further consider and decide on the number and the location of the new external offices, especially two for Africa. Unfortunately, these guiding principles had not been accepted by all the delegations. This situation led to the decision of de-linking the issue of external offices from the entire program and budget. The Delegation stated that for the African Group, the adoption of the guiding principles could not be de-linked from the decision on the number and the location of new external offices. Indeed, this was the approach that had been followed by all the delegations and the African Group still supported this approach. The Group thus expressed a desire for clarity on where and how many new offices would be opened and stated that the draft guiding principles should continue to be worked on. The Group expected that this principle would be adopted once a decision on the number and location of new external offices had been reached. The Delegation stated that the African Group was not in a position to endorse the guiding principles at this session but would, however, wish to propose the continuation of the discussion of the guiding principles at the next session of the Program and Budget Committee (PBC). The Group expected that the PBC would consider the proposal of the Secretariat to establish five new offices including two in Africa during this biennium, as well as other proposals and would make a recommendation on the number and location of new offices for consideration by the General Assembly in 2014.

67. The Delegation of Lithuania, speaking on behalf of the European Union and its member states, stated that the question of external offices had occupied an important place in deliberations at previous Assemblies. The consultation process on guiding principles had been intense and exhaustive. The Facilitator had deployed commendable skill in the search for consensus on a conceptual framework. The Delegation continued to argue that an expanded network of external offices should be limited in number, avoid duplication of the work done in headquarters and be budget neutral. The Delegation regretted that despite best endeavors, it had not been possible to reach agreement on guiding principles. The Delegation supported the Facilitator’s text and could consider the adoption of agreement on the external offices, including a decision to establish a limited and strategic network. The scope for the Delegation to give a positive decision on external offices was somewhat limited.

68. The Delegation of China stated that the proposal was a broad concept which should encapsulate all the elements related to the governance of external offices. The Delegation recently took note of the proposals by GRULAC, Group B and the CEBS Group and also appreciated efforts by Ambassador Kwok Fook Seng in preparing the current draft guiding principles. However, it was always the consistent position of the Delegation that the approval of the guiding principles or any other documents in any other form should be together with decisions on numbers and locations of new offices. On this point the Delegation echoed the position clearly stated by the African Group and would continue to participate in consultations on this matter.

69. The Delegation of Mexico indicated that it was collectively decided to follow through on this work in order to achieve the objectives of predictability and transparency in the opening of external offices and establishing a role for the Member States and for the Secretariat. Throughout this work, there was a spirit of pragmatism and consensus in preparing the text that GRULAC, the CEBS, Group B and India decided to put forward and supported in accordance with the suggestions from the Ambassador of Singapore. This was a text which was the product of intensive cooperation by Member States and it was a compromise solution supported in full, and the Delegation hoped that it could be adopted at this session of the Assembly.

70. The Delegation of Pakistan had participated fully in the deliberations regarding the guidelines under consideration. The Delegation appreciated the efforts made by the Facilitator to help move towards a consensus agreement on these guidelines. Unfortunately, however, there were still areas on which there was disagreement and from the Delegation's perspective, the most important issue was greater clarity on the role, the mandate, and the functions of an external office. This was not clear in the guiding principles and what complicated the matter even further, was the fact that there would be national external offices and regional external offices. What would be the difference between the two? The issue here was to ensure that any country that was not part of any regional external office, nor had a national external office, would not be negatively impacted in its work with WIPO as a result of either national or regional external offices coming into existence. This kind of assurance sought by the Delegation did not exist in the guidelines and, therefore, it was absolutely essential to ensure that there was a clear idea what an external office, either national or regional, was supposed to be doing. The second area where the Delegation had difficulty was regarding the budgetary allocations for external offices. It was quite clear that several candidates or many of the candidates for an external office were countries with highly advanced economies. It seemed incongruent for WIPO, and particularly WIPO Member States, to be required to provide funding for these external offices. In other words, the Delegation would like to include in the guiding principles measures that would ensure budget neutrality and did not see such measures in the proposed guiding principles. There were many other smaller issues that the Delegation would not go into now, but were required to be considered in view of the concerns expressed by several other delegations. The process of consultations to finalize the guiding principles needed to continue: Taking a rushed decision at this stage should be avoided, especially since this decision will impact in the long run on the work of the Organization. The Delegation urged that the Assembly stand back and engage in more intensive consultations, identify the issues that needed to be clarified and then move towards adoption of such guiding principles.

71. The Delegation of Iran (Islamic Republic of) recalled the discussions ongoing since last July. It was imperative to proceed, taking into account the lessons learned from past deliberations. First, it was generally understood that before deciding on these issues needing political determination, a structured document incorporating all principles and requirements necessary for the ongoing process of establishing new WIPO offices was required. Second, it was evident that this process would be successful if work was carried out on the basis of one specific and defined approach to ensure that the document was legally sound and would prevail for many years to come. The Delegation continued that the informal consultations under the guidance of the Facilitator were on point. Remarks with respect to the unfinished business were due to the truncated nature of the text and led it to be reasonably understood that there was a need to continue to work on the text to ensure balanced and comprehensive outcomes reflecting the views of the general membership. Accordingly, while the Delegation was flexible on the African Group proposal to continue discussion on the text at the next PBC in September 2014, another possible proposal could be an informal consultation mechanism with the participation of all Member States to be established by the General Assembly to fulfill the following tasks. This mechanism would continue the work on the guiding principles with a view to the finalization of the text, taking into account all proposals and secondly, to discuss the issue

of establishment of new WIPO offices. Such an approach would pave the way for a consensual result. The Delegation was confident that under the able leadership of the Chair, this process would be managed in a transparent and all inclusive manner so as to come up with a balanced and integrated decision.

72. The Delegation of the United States of America supported the statement made by the Delegation of Japan speaking on behalf of Group B. The Delegation reiterated that any strategy to establish new external offices should include a thorough business case analysis. The Delegation agreed that the guiding principles regarding WIPO External Offices had come a long way and the Delegation was pleased that GRULAC, the CEBS, Group B and India were sponsoring the text through the Facilitator and the hard work of the Member States. The Delegation was hopeful that an achieved text would lead to establishing a limited number of WIPO External Offices in 2014/2015. The Delegation continued to believe that in order for these principles to be seen as legitimate, the scope should be applicable to all external offices. The Delegation added that any ambiguity in the guiding principles would lead to more confusion and potential conflict. The Delegation further stated that such offices should be established in a limited and strategic manner, as the Delegation believed that the resulting decentralization of the important activities would not be in the broader interest of WIPO.

73. The Chair thanked all delegations for their constructive statements on this agenda item. The Chair proposed to break and convene informal consultations on this agenda item. The Chair further proposed that these consultations be under the leadership of Ambassador Fitchen of Germany who should act as Facilitator to the Chair to take this process further.

74. The Delegation of Algeria, speaking on behalf of the African Group, requested clarification on what was supposed to be done during these informal consultations. The Delegation gathered there was no agreement on the adoption of guiding principles and wondered whether the informal consultations should discuss the adoption of guiding principles, or further discuss what should be the way forward on the issue of external offices. The Delegation wanted to be clear from the Plenary point of view so that delegations would not be lost during the informal discussions. The Delegation urged other delegations to be clear regarding what was the mandate of the informal consultations. The Delegation stated that as far the African Group was concerned, a clear roadmap was required to be identified under this agenda item for the discussion of external offices and hoped that this would be the mandate during the informal consultations.

75. The Delegation of Pakistan had no objection to the informal consultations as suggested by the Chair, but stated that the positions on this issue were so far apart that the Delegation did not see the possibility of resolving and bridging these gaps in the time available. The Delegation further stated that the idea of having or continuing consultations on evolving these guiding principles would be a better course to follow.

76. The Delegation of Iran (Islamic Republic of) requested clarification regarding the mandate of the informal consultations, as had been mentioned by the African Group and the Delegation of Pakistan. The Delegation asked what issues were going to be discussed as the Chair's concluding remarks were that there was no consensus on the adoption of the text of the guiding principles at this stage. The Delegation sought clarification regarding the specific roadmap and the mandate of these informal consultations so the Ambassador of Germany could come back to the Plenary and report back to the Chair on these proceedings.

77. The Chair suggested that the basis for these consultations should be the two documents under this agenda item, as well as the statements and comments made at the Plenary. The Chair requested that Ambassador Fitchen start with his informal consultations.

78. The Delegation of India agreed with the Chair's proposal to organize the informal consultations on a proposal which had been co-sponsored with GRULAC, Group B and the CEBS with a view to adopting a decision. The Delegation urged other delegations to move forward so as to have a decision at Assemblies meetings or at the PBC in the future. The Delegation stated that if the discussions today were delayed six to eight months to November next year, the Assembly would have to do the same thing. Two days here in this session of the General Assembly should effectively be utilized to try to bridge the gaps because it was very fresh in the Delegation's memory that they had worked just two weeks before with the Ambassador of Singapore to try to reach a compromise and the best possible solution. The Delegation urged all delegations to participate.

79. The Delegation of Venezuela (Bolivarian Republic of) believed that the intention behind this joint proposal had not been understood and, therefore, asked the Chair to assess what was proposed. The Delegation stated its position that the purpose of the consultations was not to open this up again for discussion among experts. The way the Delegation understood this, and the way delegations had worked over the last month and a half, clearly shows that this text didn't satisfy everyone. However, not everyone was unhappy either. The Delegation stated that nobody could ever be totally satisfied or totally disappointed. The Delegation further stated that this was a political issue and that there were delegations that had political issues with this and that they should meet and try to respond to whether they do or do not accept these guiding principles. The Delegation had worked on other occasions with the Ambassador of Germany, whom the Chair was proposing to take forward the discussions, and there was a possibility to proceed. The Delegation stated that the text was mature and the obstacles were ones that could be overcome at this point. The Delegation proposed that the Chair meet with those two or three delegations that had a political problem in accepting the text and report to the Assembly if it were possible to proceed with the text. The Delegation stated that it would not be useful to open up the text again or break this meeting and adopt the text later. The Delegation stated that a report was required by this afternoon, but it was important to at least be clear that the Assembly was approaching the end. The Delegation, speaking in a national capacity, supported what GRULAC put forward and understood that the debate in GRULAC was that this was not going to be reopened and that that had also been the content of discussions with the CEBS Group and Group B. What was now being proposed was to break from the Assembly and leave everything pending. The Delegation urged the Chair to assess this.

80. The Delegation of Poland supported the statement made by the Delegation of Venezuela (Bolivarian Republic of), as to whether a reopening of the negotiations was undertaken or just to follow on and have consultations on the proposal itself. In those terms, the further question would be as open-ended as before.

81. The Chair stated that practical arrangements for the informal consultations would be announced at a later stage.

82. The Delegation of Belarus stated they were ready to continue discussions on the subject and also shared the concerns of some delegations which were raised today about reopening the text. The Delegation did not believe that this venue allowed proper time to reopen the text and engage in lengthy drafting sessions. The Assembly had an extensive agenda of pending issues left and the Delegation believed that enough time should be reserved for every agenda item. The Delegation was reluctant to reopen the text and suggested that if the proposal which was made by GRULAC, the CEBS, Group B and India was not acceptable as it stood, then further consultations could be useful under the Facilitator, Ambassador Fitschen, after the Assembly in the coming weeks or months.

83. The Delegation of Germany (Ambassador Fitschen) indicated that he was ready to take over these consultations. Ambassador Fitschen suggested that he would like to take a rather low key approach to the task. The task would be to discuss and agree on how to deal with

Agenda Item 6. He further suggested that consultations may also deal with what other type of draft decision could be submitted to the General Assembly. He suggested that consultations should discuss whether a decision had to be taken and whether it should be based on the current one or on a new one. Ambassador Fitschen finally invited everyone to trust the process and stated that, if the task was to come up with a reasonable decision to be adopted tomorrow, delegations would have achieved a great deal.

84. The Delegation of Egypt had listened carefully to the various interventions from the Delegation of India, Group B and GRULAC with regards to the adoption of the guiding principles and had studied the various views that said that further discussions were needed and the impossibility of adopting a decision during this session. The Delegation proposed a roadmap for future consultations on external offices and such deliberations should take place within the item regarding the Program and Budget, particularly with regards to the number and location of external offices in the future. These deliberations should take into consideration the proposal from GRULAC, including the proposed future session.

85. The Delegation of the Dominican Republic welcomed the suggestion of the Chair as the Delegation believed that elements raised here by other delegations had put forward technical issues with regard to the proposal of the Ambassadors of Singapore and Belarus. The Delegation did not believe that these issues were clearly identified as the text itself stated clearly the budget implications for establishment of an external office, including the financial and budget sustainability and recurring costs, meant external offices could not be established *ad hoc*. The Delegation stated that the national and regional aspect was very clearly established. The Delegation concurred with the statement of the Delegation of Venezuela (Bolivarian Republic of) in that there were more political issues that needed to be clarified. The Delegation further stated that the issue of the number of offices that could be established in the future would depend on the budget and was not something that could be decided during an Assembly. It would be decided with regard to the sustainability of the budget. The Delegation finally agreed with the proposal of the Chair but believed that the informal discussions should be attended by delegations with political issues. In terms of technical matters, the proposal was well drawn up and very clear.

86. The Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, supported the statements made by the Delegations of the Dominican Republic and Venezuela (Bolivarian Republic of), and stated that discussions on this particular text had been technically exhausted, and it was a political decision that delegations needed to take. The Delegation also thanked the Delegation of the Republic of Korea for its support with respect to the proposal, conditional upon the deletion of certain words in paragraph G. The Delegation maintained that, as indicated by the Delegation of Venezuela (Bolivarian Republic of), their position was not to reopen this text again because the discussions had been technically exhausted, and it suggested that it may be preferable at this Assembly to speak to those delegations or even a smaller group of interested delegations who have difficulties from a political perspective with respect to this text. The Delegation further stated that if the text was to be reopened, it would lead to a total collapse and squeeze out of the text things that could not be squeezed out. The Delegation reiterated the position that, in multilateral negotiations, delegations had to have some flexibility and that GRULAC was not fully comfortable with the text. The Delegation stated that at the 25<sup>th</sup> hour in these Assemblies, with no guiding principles on WIPO's agenda or on WIPO's policies, no external offices would be established. All delegations needed to bear that in mind. The Delegation further noted that paragraph 21 under heading G gave delegations an option to review and approve upon a decision of the General Assembly. In those circumstances, a juncture had been reached whereby this document should be given a fair chance to see how it worked and if there was disagreement, there was the option to review the text on the approval

of the General Assembly. The Delegation continued that that option had been placed there by Ambassador Kwok Fook Seng and the Delegation believed this was an essential ingredient in the text. The Delegation finally stated that this should be tried, remembering that the resources had been provided under paragraph 21.

87. The Delegation of Japan supported the statements made by previous speakers who pointed out the necessity to avoid reopening the technically exhaustive text. The Delegation believed that such reopening would not get anywhere, and that guiding principles were a prerequisite to further external offices. The Delegation further supported the informal consultations described by the Facilitator, the Ambassador of Germany.

88. The Delegation of Lithuania, speaking on behalf of the European Union and its member states, requested some clarification on the sequence and time frame for the work because if the decision was taken to break to informal consultations, it would be appreciated if the Chair could highlight how other agenda items would be dealt with. Would there be any time limit to the informal consultations as there were still important agenda items, like Agenda Item 8, which needed to be properly discussed.

89. The Chair suggested that she would come back to practical issues and there would be no break at this time. The Chair further stated that the debate would continue as long as delegations wished to take time for that and immediately after, the Chair would discuss practical arrangements.

90. The Delegation of Ghana stated that the text that had been produced by all Member States. Unfortunately, it did not enjoy consensus and at the beginning of the process, it was considered a very important issue that ought to have the consensus of all Member States to ensure all equally understood the direction for the strategic network of external offices. The Member States had the power to take a decision, but there was clearly not consensus in the room on the decision point because the guiding principles had not met the interests of all Member States. The Delegation stated that delegations should concern themselves with the language of the decision point as stated by the Delegation of Germany. Informal consultations should not reopen the text. Rather, they should see what language could allow the agenda item to pass so delegations could move on to other agenda items. The Delegation had a number of proposals for these informal consultations to move this process forward. The Delegation further proposed that the Ambassador of Germany be directed to convene an informal process with a specific time frame, not open-ended into tomorrow. At least an hour should be taken today to look at this particular agenda item and report to the Plenary in order to continue the business of the day.

91. The Delegation of Bhutan stated that it supported the proposal of Group B in favor of the motion on the guiding principles and believed that the negotiation process should go on. The Delegation stated that there appeared to be some gap and as some of the countries like the Delegation of Venezuela (Bolivarian Republic of) have raised, there were specific countries with whom the negotiations should continue. The Delegation finally stated that it believed that in the process of negotiation in a time bound manner, delegations should discuss whether they could agree or not and there would be a roadmap for the future.

92. The Chair took note of all statements and comments made and added that she personally and strongly felt that the Assembly needed to let the Facilitator, Ambassador Fitchen start with his work. She assured that she would be in close touch with him throughout the process. The Chair informed delegations that the session would not break immediately, but would continue with the agenda items that followed. Towards the end of the morning's session, she would come back to practical arrangements of the work of the informal consultations. Practical arrangements will be announced before finalizing the session.

93. The Chair reopened Agenda Item 6, and stated that the agenda item had been the subject of informal consultations facilitated by Ambassador Fitschen of Germany.

94. The Facilitator informed delegations that an outcome to informal consultations had been reached after intensive talks with a number of delegations. Basically the outcome resulted from the positions of four groups: One group would be ready to adopt the guiding principles as emerged from the consultations today; another group supported the changes to the guiding principles in conjunction with other decisions proposed by various groups and Member States; another group wanted to preserve the guiding principles as contained in the document but would like to add a framework; and the final group could not agree to the guiding principles as they stood and would like to see a number of textual changes before adoption. The informal consultations led to the conclusion that it would be impossible to address these substantive problems in a meaningful way at the current Assemblies. However, the Facilitator stressed that the guiding principles under Agenda Item 5 were needed. The Facilitator presented the process to be set up between now and the next General Assembly outlined in a draft decision as follows: "The Assemblies of the Member States of WIPO and the Unions administered by it, each as far as it is concerned, decide to continue open-ended consultations, under the guidance of the President of the General Assembly, on the proposed Guiding Principles regarding WIPO External Offices, as contained in the Annex of document A/52/5, and on the establishment of WIPO External Offices, taking into account all proposals, related documents including, but not limited to, the documents submitted to the 51<sup>st</sup> Series of Meetings of the Assemblies under Agenda Item 14 and to the 52<sup>nd</sup> Series of Meetings of the Assemblies under Agenda Item 5, and the positions and concerns, including on the process, expressed by Member States during the PBC and Assemblies meetings, for consideration and recommendation by the PBC and decision by the General Assembly foreseen in September 2014."

95. The Delegation of Algeria, speaking on behalf of the African Group, stated that the African Group accepted this decision but a little unwillingly. The African Group had shown flexibility and a spirit of compromise so that the external offices could continue. The African Group had been working on the fact that no objection was leveled against the opening of two offices in Africa during this biennium. The Delegation wanted to be sure that it was the understanding of all delegations during these consultations.

96. The Delegation of Japan, speaking on behalf of Group B, stated that Group B continued to attach great importance to the guiding principles under a draft decision presented by GRULAC, the CEBS Group, India and Group B, with the assistance of the Facilitator. These principles would enable the WIPO External Offices network to contribute to the strategic objectives of WIPO without imposing excessive burden on the Organization's resources, in particular from a financial perspective. Group B appreciated efforts to bring closer a decision that would control the unmanageable proliferations of external offices and urged Member States to continue to engage constructively in discussions to ensure the agreement of sound guiding principles on which any further decision on external offices would ultimately be based.

97. The Delegation of Poland, speaking on behalf of the CEBS Group, stated that the CEBS Group attached great importance to agreement on and acceptance of the guiding principles on external offices by all Member States, which was why the CEBS Group had joined with Group B, GRULAC and India to formulate a draft decision in this regard. Unfortunately, this decision had not found consensus at these Assemblies and instead another decision was agreed to continue open-ended consultations under the guidance of the Chair on the proposed guiding principles and on the establishment of WIPO External Offices. The CEBS Group strongly urged Member States not to stop efforts to reach an agreement on the guiding principles as these would be the basis for developing the external offices networks.

98. The Delegation of Bangladesh, speaking on behalf of the Asian Group, stated that members of the Group had shown extreme flexibility to reach the current balance and hoped Member States would make use of this opportunity on the occasion of the next discussions on these guiding principles.

99. The Delegation of South Africa aligned itself with the statement made by the African Group, and affirmed its commitment to working constructively on the guiding principles and the establishment of new external offices with the view of opening two offices in Africa as this was the only region that did not have external offices. Document WO/PBC/21/INF clearly confirmed the need in that region. The Delegation urged Member States to keep the history of previous consultations alive to avoid having to start from scratch.

100. The Delegation of Kenya endorsed the statement made by the African Group. The Delegation reiterated that a decision had been reached to continue further consultation on this matter. The Delegation noted that the consultations would not take place in a vacuum, given that document WO/PBC/21/INF formed the basis for the proposal to establish five external offices, including two in Africa. Based on that proposal, the Delegation further noted that the Secretariat had moved ahead and decided to sign MoUs adopted by these Assemblies. The Delegation stated that as the two offices were part of the proposal, it expected that further discussions would continue on the remaining three offices, including two for Africa. The African Group had agreed to de-link the process so as to allow the Program and Budget for 2014/15 biennium to be adopted, but did not mean that the two offices for Africa were off the table. In the decision to adopt the Program and Budget, it was moved to unallocated, pending a decision. The Delegation hoped that the discussions in the informal consultations would take due consideration of that fact. The Delegation pointed out that to date, no Member State had objected to the establishment of the two offices in Africa and it hoped that this spirit would continue in the deliberations.

101. The Delegation of China stated that it was in favor of the current solution which kept the process alive. The Delegation hoped that this process would continue to produce constructive and concrete decisions on the governance policy document together with the political decisions, including numbers and locations of offices. The Delegation reaffirmed its position that any political decision about external offices should start from the premise of two offices for Africa.

102. The Delegation of Egypt stated that it was not fully satisfied. It hoped that the two offices for Africa were still part of the discussions to be held in the future. The Delegation stressed that the position of Africa on the documents quoted was to know exactly the basis the Assemblies would be working on. The Delegation echoed the words of the Facilitator that the guiding principles were not an objective or an end in itself, but merely a means to establishing the external offices in question.

103. The Delegation of the Republic of Korea stated that it was very important to solve and conclude this issue in a stable, transparent and predictable manner. The Delegation believed that establishing a compromise on guiding principles concerning the external offices would be the starting point for this purpose. The Delegation highlighted that the external offices issue should be dealt with by considering how the external offices could contribute to efficient and developmental operations of WIPO. The Delegation pointed out that it was not clear whether these discussions were just means of restricting the number of new external offices without estimating the effect worldwide or insisting on establishing an external office without objective considerations on its necessity. The Delegation believed both were not constructive for an innovative Organization like WIPO. The Delegation hoped a reasonable solution could be found in the near future.

104. The Delegation of Trinidad and Tobago, speaking on behalf of GRULAC, stated that GRULAC had accepted this outcome as it had accepted all the previous outcomes produced by the Facilitator. The Delegation wished to highlight its willingness to give the text of the guiding principles a fair chance for endorsement at this General Assembly. However, the Delegation was prepared to return to the drawing board and engage in open-ended consultations in the near future under the guidance of the Chair.

105. The Delegation of the Russian Federation stated the text reflected fully the various positions expressed. The Delegation hoped that during future consultations it would be possible to find solutions to the pending issues when considering the guiding principles on external offices. The Delegation noted two important elements, namely the preparation of the guiding principles and the decisions to be taken on the number of those offices. The Delegation will give due attention to the question concerning the creation of two external offices for Africa.

106. The Delegation of Chile stated that this decision gave a working plan with a time frame for next year, which it believed would enable delegations that were not in a position now to adopt these guiding principles to spend time to reflect. The Delegation pointed out that, amongst the documents under consideration, figured the proposal submitted by GRULAC, which was a formal proposal submitted by a group of countries to have an external office. The Delegation stated that this was not a proposal by the Secretariat. The Delegation noted the discussions held for the need to establish new external offices, and trusted this process would be a member-driven initiative. In addition, the Delegation hoped a proposal to have an office in the Americas and Caribbean would be welcomed positively when considering the new external offices to be established.

107. The Delegation of Venezuela (Bolivarian Republic of) quoted a colleague at the WTO "I have never seen so much intransigence for so little". The Delegation urged Member States to show patience and willingness to overcome the difficulties encountered and move forward.

108. The Delegation of Peru supported the statement made by the Delegation of Trinidad and Tobago on behalf of GRULAC. The Delegation noted that, to achieve a consensus, extra time was needed for reflection and to take into account all opinions. The Delegation stated that no single proposal was more important and all proposals were on equal footing.

109. The Delegation of Morocco aligned itself with the statements made by the Delegation of Algeria on behalf of the African Group. The Delegation underscored the legitimate request of the African Group for opening two external offices in Africa.

110. The Delegation of Iran (Islamic Republic of) stated that it would continue to work actively for a consensus based on the principles and positions expressed. Specifically, to continue the discussion in a transparent, inclusive and member-driven process to refine, improve and finalize the guiding principles. The Delegation highlighted the necessity to discuss the important issue of opening new external offices and to take into account the proposals and applications.

111. The Chair proposed that the text read out by Ambassador Fitschen be adopted and, on seeing no objection, it was so decided.

112. The Assemblies of the Member States of WIPO and the Unions administered by it, each as far as it is concerned,

decide to continue open-ended consultations, under the guidance of the President of the General Assembly, on the proposed guiding principles regarding WIPO External Offices, as contained in the Annex of document A/52/5, and on the establishment of WIPO External Offices, taking into account all proposals, related documents including, but not limited to, the documents submitted to the 51<sup>st</sup> Series of Meetings of the Assemblies

under Agenda Item 14 and to the 52<sup>nd</sup> Series of Meetings of the Assemblies under Agenda Item 5, and the positions and concerns, including on the process, expressed by Member States during the PBC and Assemblies meetings, for consideration and recommendation by the PBC and decision by the General Assembly foreseen in September 2014.

ITEM 7 OF THE CONSOLIDATED AGENDA:

GOVERNANCE AT WIPO

113. See the report of the session of the WIPO General Assembly (document WO/GA/44/6).

ITEM 8 OF THE CONSOLIDATED AGENDA:

CONSIDERATION OF THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY

114. See the report of the session of the WIPO General Assembly (document WO/GA/44/6).

ITEM 9 OF THE CONSOLIDATED AGENDA:

MATTERS RELATING TO THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

115. See the report of the session of the WIPO General Assembly (document WO/GA/44/6).

ITEM 10 OF THE CONSOLIDATED AGENDA:

REPORTS ON OTHER WIPO COMMITTEES: COMMITTEE ON WIPO STANDARDS (CWS)

116. See the report of the session of the WIPO General Assembly (document WO/GA/44/6).

ITEM 11 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE GENERAL REPORT AND OF THE REPORT OF THE EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY (FIFTY-SECOND SERIES OF MEETINGS OF THE ASSEMBLIES OF THE MEMBER STATES OF WIPO)

117. Comments by several delegations were noted by the Secretariat for inclusion in the final versions of the reports.

118. This General Report was unanimously adopted by the Assemblies of the Member States of WIPO and other governing bodies, each as far as it was concerned, on December 12, 2013.

119. Each of the 20 Assemblies and other governing bodies of the Member States of WIPO, each as far as it was concerned, unanimously adopted the separate report concerning its session, on December 12, 2013.

## ITEM 12 OF THE CONSOLIDATED AGENDA:

### CLOSING OF THE SESSIONS

120. The Delegation of the United States of America was pleased that the Assemblies had finally approved the Program and Budget for the 2014/15 Biennium. However, this had come at a high cost in terms of having a second meeting of the Assemblies, which was a substantial financial cost for the Organization. Moreover, the Delegation also noted the nonfinancial costs, such as energy and time spent by all delegates and the Secretariat through many long meetings over the past several weeks to develop an external offices process, and to improve confidence in Member States' commitment in establishing external offices. Unfortunately, these Assemblies derived from the concern over the process launched by the Secretariat to open new offices without the involvement of Member States. The Delegation stressed the need to place accountability, transparency and inclusiveness at the forefront of the Secretariat's method of work. Nonetheless, the Delegation was pleased that the Assemblies had reached consensus on a roadmap to continue efforts to adopt the guiding principles regarding WIPO External Offices (document A/52/5), and to continue discussions on the establishment of new WIPO External Offices. The Delegation expressed its particular interest that there was no PCT Madrid or Hague processing outside of Geneva, and believed it was of equal importance to all Member States. The Delegation noted that Agenda Item 4 was successfully concluded and thanked all delegations for their support. The Delegation informed that it continued to have procedural and substantial concerns with respect to the current and proposed revised Lisbon system. The Delegation stated that the Lisbon system was operating under a significant deficit, and members of the Union have failed to make up that deficit as required under Article 11 of the Lisbon Agreement. In addition, the fees under the system had not been revised for 20 years. The Delegation believed there should be a revision of fees to enable the Lisbon Union to be self-sufficient. Lastly, the Delegation indicated that, under Article 9(2)(b), the Lisbon Union was supposed to first hear the advice of the Coordination Committee before taking a decision to enter into a diplomatic conference, as the deficit situation and expansion are matters of interest also to other Unions administered by the Organization. Hence, the Delegation stated that the decision reflected in the Lisbon Union's draft report was not valid. Finally, the Delegation recalled the discussions regarding program 30 which took place at the two sessions of the PBC, in particular, the consensus among the Member States over program 30, which serves as a core function of the Organization in facilitating the commercialization of innovation and supporting the efforts of SMEs, universities and public research organizations. In that regard, the Delegation said that program 30 should have its personnel and non-personnel resources restored and maintained at a level sufficient to accomplish its important mission. The Delegation pointed out that the Innovation Division which implements program 30, currently has substantially fewer staff than it did when it began operations at the beginning of the biennium. The Delegation stated that those positions should be restored and filled as soon as possible. The Delegation said this was indicated during the last PBC and the General Assembly in September, and the Delegation hoped that the Secretariat will honor its commitments.

121. The Delegation of China thanked the Chair for her guidance and efforts which had led to a successful outcome of the Assemblies. The Delegation stated that the Assemblies had achieved significant results, namely the adoption of the Program and Budget, which provides a solid basis for the work of the Organization. In addition, progress had been made in respect of other agenda items. Actually, these successes send three clear messages to the entire world. First, Member States demonstrated the spirit of solidarity and cooperation. Second, Member States expected WIPO to undertake more work and achieve greater results. Although no political decision was taken on other external offices by this General Assembly, the Delegation hoped that consultations and discussions would continue with a view to reaching a solution, and that any solution should start from two offices in Africa. China also hoped that the WIPO Office in China would be set up and be operational as soon as possible. Third, Member States

confirmed their satisfaction in respect of WIPO Secretariat's work led by the Director General, and the confidence that Member States have in the Organization has been strengthened. The Delegation hoped that the Organization will conduct more work and achieve greater results in the future. In conclusion, the Delegation appreciated the efforts made by the Secretariat and all Member States.

122. The Director General thanked the Chair for her leadership and guidance, and for the outcomes achieved during the Assemblies. The Director General extended his thanks to the Facilitator on the design law treaty, Mr. Marcelo Della Nina, for his extraordinary efforts and for his great commitment and engagement on an extremely difficult item. In addition, the Director General thanked the Delegation of the Russian Federation for maintaining its generous offer to host the diplomatic conference. The Director General also thanked all delegations for their extraordinary engagement which was eloquently demonstrated by their presence at that late hour. It was a disappointment that the Assemblies could not achieve a better result on the convening of the diplomatic conference. However, the Director General believed that the proposal made in the final decision paragraph to revisit the matter in May, gives the Assemblies hope to take the issue forward. The Director General looked forward to engaging with Member States in order to resolve the outstanding issue on the design law treaty before the General Assembly is held in May.

123. In her closing remarks, the Chair recalled that at the beginning of the sessions the tasks were considerable, and was pleased with the excellent progress made. Notably, the approval of the Program and Budget for the 2014/15 Biennium. Considerable progress had also been made on the issue of external offices. The Chair took note of the decision that open-ended consultations on external offices should continue under her guidance, and assured Member States that she will devote her fullest energies. The Chair stated that the agreement on the Program and Budget and the various issues before the Assemblies would not have been possible without the extremely hard work of Member States during the last two months. The Chair thanked Member States for their unflagging commitment to the negotiations. The Chair paid tribute to the Facilitators for their important roles on various strands of negotiations, in particular, Mr. Della Nina of Brazil, Ambassador Khvostov of Belarus, Ambassador Fook Seng of Singapore and Ambassador Fitschen of Germany. The Chair also thanked Mr. Warida of Egypt for his assistance on different processes. In addition, the Chair acknowledged the excellent support of the Director General, Mr. Francis Gurry, the Chief of Staff, Mr. Naresh Prasad, the Legal Counsel, Mr. Edward Kwakwa, and the Director of the Assemblies Affairs and Documentation Division, Mr. Sergio Balibrea. The Chair also expressed her thanks to the interpreters for their contribution to the success of the Assemblies. The Chair said that the progress made at these Assemblies points to what is possible when delegations come together in the spirit of compromise, willingness and flexibility. The Chair hoped that the same spirit will prevail in the coming busy year. Obviously, there will be divergences and the work of compromise will demand patience and hard work yet again. The Chair concluded that she counted upon the advice and goodwill of Member States in supporting WIPO to move ahead.

[Annexes follow]

Agenda Item 5, 52<sup>nd</sup> Series of WIPO Assemblies  
Statement by Algeria on behalf of the African Group

The African Group emphasized that discussions regarding the opening of new WIPO External Offices had been based on document A/51/7 Rev containing the Draft Program and Budget for the 2014/ 2015 Biennium, in particular paragraph 20.21. During those discussions, Member States considered the Secretariat's proposal to open five new External Offices: one each in China, Russia, the United States and two in Africa. The discussions were held in a climate of understanding and mutual respect and culminated in the decision to delink the issue of external offices from the Program and Budget, firstly in order to ensure the adoption of the Budget for the 2014/2015 biennium, and secondly to enable Member States to continue their discussions on the number and location of future external offices. In making its Statement, the African Group sought to remind the General Assembly that Member States had expressed no objection to the opening of two external offices in Africa. All Member States acknowledged that Africa was the only continent without WIPO external offices. They also acknowledged that Africa needed an institutional representation of WIPO to assist African countries to benefit from the international IP system. In this respect, it was essential that future consultations on the issue of external offices be conducted on the basis of the Secretariat's proposal to open two offices in Africa. Hence, the African Group requested that its statement be attached to the decision of the General Assembly on Agenda Item 5 in order to ensure continuity and coherence of upcoming consultations on the subject.

[Annex II follows]

INDEX OF INTERVENTIONS BY DELEGATIONS OF STATES; REGIONAL GROUPS;  
REPRESENTATIVE OF INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS  
AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

(The numbers refer to the paragraphs in this document)

Delegations of States:

Algeria<sup>1</sup>: 24, 49, 55, 66, 74, 95; Bangladesh: 98; Belarus: 82; Bhutan: 91; Chile: 31, 106; China: 60, 68, 101, 121; Dominican Republic: 85; Egypt: 57, 84, 102; France: 41; Georgia: 30; Germany: 83; Ghana: 40, 90; India: 23, 38, 64, 78; Iran (Islamic Republic of): 52, 71, 76, 110; Japan: 11<sup>2</sup>, 25<sup>2</sup>, 34<sup>2</sup>, 63<sup>2</sup>, 87, 96<sup>2</sup>; Kenya: 100; Lithuania<sup>3</sup>: 67, 88; Mexico: 29, 47, 69; Morocco: 109; Pakistan: 70, 75; Panama: 32; Peru: 108; Poland: 12<sup>4</sup>, 27<sup>4</sup>, 62<sup>4</sup>, 80, 97<sup>4</sup>; Republic of Korea: 26, 65, 103; Russian Federation: 105; South Africa: 8, 99; Trinidad and Tobago: 22<sup>5</sup>, 33<sup>5</sup>, 42, 61<sup>5</sup>, 86<sup>5</sup>, 104<sup>5</sup>; United States of America: 16, 35, 54, 58, 72, 120; Venezuela (Bolivarian Republic of): 28, 37, 79, 107.

[End of Annex II and of document]

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<sup>1</sup> On behalf of the African Group.  
<sup>2</sup> On behalf of Group B.  
<sup>3</sup> On behalf of the European Union and its member states.  
<sup>4</sup> On behalf of the Group of Central European and Baltic States (CEBS).  
<sup>5</sup> On behalf of the Group of Latin American and Caribbean Countries (GRULAC).