

ASSEMBLIES OF THE MEMBER STATES OF WIPO
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October 5 to 14, 2015
Written General Statement (Agenda Item 5) – AUSTRIA

[Honorable Chair,]

The Delegation of Austria first of all likes to associate itself with the statement made by Japan on behalf of Group B and the statement delivered by Luxemburg on behalf of the European Union and its Member States.

Looking at WIPO's global goals and objectives we like to once more deposit our support to WIPO's efforts to provide the international forum for in-depth dialogue in regard to all matters related to Intellectual Property and are looking forward to jointly achieving further progress in developing the respective international legal framework. We further continue to believe that WIPO's normative work should be driven by evidence-based social and economic demands and needs, and after thorough assessment of the specific and overall impact establish legal clarity and security.

Emphasizing the ability and actual role of IP to stimulate creativity and innovation and thus contributing to economic, cultural and social development of all countries we note with appreciation the record of WIPO's activities and positive achievements outlined in the **Program Performance Report for 2014 and the Director Generals Report**, highlighted especially by activities and programs in regard to technical assistance and information about expansions of membership to WIPO-administered treaties and growing use of international IP-system based on these treaties and Unions. In this regard we also take positive note of the successful Diplomatic Conference for the Adoption of new Act of the Lisbon Agreement for the protection of Appellations of Origin and their International Registration in spring this year leading to the Geneva Act. We welcome the recent initiatives by Lisbon members to improve the financial sustainability of the Lisbon system and to increase the transparency of presentation in the Organization's budget and share the assessment that the Lisbon Union is and shall continue to be integrative part of WIPO's unitary contribution system and budget.

We also note with satisfaction the progress and positive developments in regard to the effective functioning of the **international IP registration and filing systems** operated by the International Bureau, especially the PCT and the Madrid System, which are the main generators of WIPO's income. We would like to encourage the Organization and its staff to continue and even expand efforts and activities to further strengthen these systems also in the next biennium - thus maintaining a viable and efficient Organization and securing a balanced and effective international IP system for the benefit of all stakeholders.

To safeguard this overall positive momentum and to provide a sound financial framework for the Organization for the next years it is in our view essential and imperative to approve the **program and budget for the coming biennium** at this meeting of the General Assemblies. We stand ready to cooperate in a positive spirit with all Member States and the Secretariat to achieve a consensual and timely solution.

In regard to the report of the last session of the **Standing Committee on Copyright and Related Rights (SCCR)** we note that despite emerging consensus on some matters in regard to Protection of Broadcasting Organizations some technical and complex matters still need further discussion and therefore no agreement on recommendations to the General Assemblies could be reached. Reiterating our special interest to finalize the remaining work in regard to the Protection of Broadcasting Organizations we also like to deposit once more our commitment to discuss opportunities to implement limitations and exceptions into national legal framework based on the flexibilities offered by existing international treaties.

Convinced that a viable and harmonized patent system will be beneficial for all stakeholders, i.e. Member States and users, we note the report about the 21st and 22nd session of the **Standing Committee on the Law of Patents (SCP)** and very much welcome the positive decision concerning a future work program in which with the 5 topics selected reflect existing different priorities in a balanced manner. Especially the topics “Quality of Patents, including Opposition Systems” and “Client-Patent Attorney Privilege” and respective findings and conclusions to these topics in our view have the potential to further improve the patent system as a whole and in a short term.

We take note of the results of the recent deliberations in the **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)** and of the subsequent proposal of the United States to mandate the SCT to review the Geneva Act of the Lisbon Agreement which – due to institutional and legal concerns – we are not able to support.

In regard to the **Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty** we like to highlight once more the importance we attach to the topic of harmonization and simplification of design registration and formalities, which, taking into consideration the status of work and progress achieved so far, deserves to be lifted to a diplomatic conference as soon as possible. To come to a positive decision at these General Assemblies we stand ready to consider options to solve the still outstanding matter of technical assistance as presented in the non-paper of the DLT-facilitator.

We take note of the information about work in the **Committee on Development and Intellectual Property (CDIP)** which in its fourteenth and fifteenth session continued discussing the implementation of the recommendations of the Development Agenda. The respective Reports and Documents considered by the committee, the Program Performance Report for 2014 and the various reports of relevant WIPO bodies in their entirety demonstrate numerous positive developments and achievements of this important initiative to even further enhance the Development Dimension in WIPO. We are convinced that the envisaged independent review of the Development Agenda will provide essential food for further thoughts.

In regard to the report on the work of the **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)** we have to take note that following the unsuccessful attempt to adopt a future work program for the IGC at the General Assembly in 2014 also the efforts since then have not led to a breakthrough due to continued divergent views on substantial matters. At this point we therefore share the belief that the mandate of the IGC should not be renewed in the current form and that alternative ways and options to deepen a common understanding of basic and substantive elements of the subject matter(s) under discussion should be taken into consideration.

Representing an ISA and IPEA under the PCT Austria has taken active part in the deliberations in the **PCT Working Group**. We therefore give our full support to the proposed amendments to the PCT Regulations as contained in Document PCT/A/47/4 and to the recommendations concerning future work of the PCT Working Group in Document PCT/A/47/1.

Convinced that a manifold and continuously developing family of PCT-Authorities is beneficial to the system and its users we look forward to positively considering the request to appoint the **Visegrad Patent Institute** as ISA and IPEA in the PCT-Assembly as we have already done in the meeting of the Committee for Technical Cooperation. In addition to the convincing documentation and presentation our support is especially based on the excellent experience gained during previous cooperation activities between the participating offices and the Austrian Office.

Concerning the **Madrid System** we note with appreciation the Final Reports on the Information Technology Modernization Program and the Progress Report on the Goods and Services Database and the results achieved so far - thus offering users and offices of contracting parties improved and up-to-date services in regard to registration and administration of international marks. Having taken active part in the twelfth session of the Working Group of the Madrid system we fully support the recommendations for amendments to the Common Regulations as contained in Document MM/A/49/3.

Finally, we like to assure the membership and the management of WIPO of Austria's on-going support to the pursuit of WIPO's global goals.

[Thank you.]