

ASSEMBLIES OF THE MEMBER STATES OF WIPO
Fifty-Seventh Series of Meetings
October 2 to 11, 2017
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 the Delegation of Estonia on behalf of the European Union and its Member States. On the outset we would also like to express our thanks to the WIPO Secretariat for the preparation of these Assemblies.

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 **Report of the Director General to these Assemblies** and the **Program Performance Report for 2016**, highlighting especially activities and programs in regard to technical assistance and information about continuing adherences to WIPO-administered treaties and growing use of international IP-systems based on these treaties and Unions.

In this regard we 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 also 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 the overall IP-environment - thus maintaining a viable and efficient Organization and securing a balanced and effective international IP system encompassing all categories of intellectual property rights and for the benefit of all stakeholders.

For a continued implementation of these objectives a reliable and sound financial framework is necessary. We therefore consider the timely **approval of the Program and Budget 2018/19** one of the priority issues of these Assemblies and stand ready to work with the whole Membership of the Organization and the International Bureau to achieve this goal.

Turning to the normative agenda we believe that taking the last step to pave the way for the **Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty** by solving the last 2 issues remaining open despite a fully mature basic text during this Assemblies and taking the long awaited decision to convene a Diplomatic Conference to adopt a Treaty aimed at harmonization and simplification of design registration and formalities is also a clear matter of priority.

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 seem to need further discussion and that the Committee requests the General Assembly to provide the SCCR with guidance or direction in regard to future action. Reiterating our special interest in finalizing the remaining work in regard to the Protection of Broadcasting Organizations we think that preparing a list of outstanding issues and a roadmap could help to structure future discussions in the SCCR, enabling the Committee to reach at a recommendation to the GA to decide on the convening of a Diplomatic Conference soon.

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 last sessions of the **Standing Committee on the Law of Patents (SCP)** and very much welcome the positive decision concerning a future work program in which the 5 topics selected reflect existing different priorities in a balanced manner. In this spirit we stand ready to work with all Delegations to further improve the patent system as a whole and in a short term and would like to reiterate our special interest in discussions concerning the harmonization of substantive patent law.

We take note of the information about work in the **Committee on Development and Intellectual Property (CDIP)** which in its 18th and 19th session continued discussing the implementation of the recommendations of the Development Agenda. The respective Reports and Documents considered by the committee – including the Director General's Report on Implementation -, the Program Performance Report for 2016 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 therefore would like to encourage the DG and all of WIPO's staff to continue to successfully implement the recommendations of the Development Agenda as integral part of WIPO's core activities to promote the protection of IP throughout the world.

In regard to the report on the work of the **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)** we would like to refer to the recommendation to the General Assembly that the work of the Committee should continue during the next biennium and that the Assembly decides on a mandate and work programme. Acknowledging that – despite that there has been considerable progress in some areas - more work needs to be done by the Committee we stand ready to discuss a future mandate and a balanced work programme in a positive manner. We believe that clarification and reaching a common understanding of core issues, where so far there exist still divergent views, should be the starting point for such a work programme.

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 support to the proposed amendments to the PCT Regulations as contained in Document PCT/A/49/4 and to the recommendations concerning future work of the PCT Working Group in Document PCT/A/49/1.

We noted with special appreciation that the Committee for Technical Cooperation (CTC) in its thirtieth session positively considered the application of the **Austrian Patent Office to extend its appointment as ISA and IPEA under the PCT** and agreed unanimously to recommend to the Assembly of the PCT the extension of the appointment. We look forward to discussing this topic and would like to express our hope that the Assembly with a positive decision once more prolongs the functioning of Austrian Patent Office as an ISA and IPEA under the PCT – a status the Austrian Patent Office acquired first in 1979.

Convinced that a manifold and continuously developing family of PCT-Authorities is beneficial to the system and its users and based on the convincing documentation and presentation underlying the application we stand ready to positively consider the request to appoint the **Intellectual Property Office of the Philippines** as ISA and IPEA in the PCT-Assembly as we have already done in the preceding meeting of the Committee for Technical Cooperation (CTC) dealing with the application.

Concerning the **Madrid System** we note with appreciation the Progress Report on the Madrid Goods and Services Database and would like to encourage the IB especially to continue and even enhance the cooperation with EUIPO in regard to harmonized acceptance status for terms taken from the European Harmonized Database (TMclass).

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.]