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# Assemblies of the Member States of WIPO

**Fifty-Ninth Series of Meetings
Geneva, September 30 to October 9, 2019**

draft general report

*prepared by the Secretariat*

## INTRODUCTION

1. This draft General Report records the deliberations and decisions of the following 21 Assemblies and other bodies of the Member States of WIPO (the “Assemblies”):
2. WIPO General Assembly, fifty-first (24th ordinary) session
3. WIPO Conference, fortieth (24th ordinary) session
4. WIPO Coordination Committee, seventy-sixth (50th ordinary) session
5. Paris Union Assembly, fifty-fourth (24th ordinary) session
6. Paris Union Executive Committee, fifty-ninth (55th ordinary) session
7. Berne Union Assembly, forty-eighth (24th ordinary) session
8. Berne Union Executive Committee, sixty-fifth (50th ordinary) session
9. Madrid Union Assembly, fifty-third (23rd ordinary) session
10. Hague Union Assembly, thirty-ninth (22nd ordinary) session
11. Nice Union Assembly, thirty-ninth (24th ordinary) session
12. Lisbon Union Assembly, thirty-sixth (23rd ordinary) session
13. Locarno Union Assembly, thirty-ninth (23rd ordinary) session
14. IPC [International Patent Classification] Union Assembly, fortieth (22ndt ordinary) session
15. PCT [Patent Cooperation Treaty] Union Assembly, fifty‑first (22nd ordinary) session
16. Budapest Union Assembly, thirty-sixth (20th ordinary) session
17. Vienna Union Assembly, thirty‑second (20th ordinary) session
18. WCT [WIPO Copyright Treaty] Assembly, nineteenth (9th ordinary) session
19. WPPT [WIPO Performances and Phonograms Treaty] Assembly, nineteenth (9th ordinary) session
20. PLT [Patent Law Treaty] Assembly, eighteenth (8th ordinary) session
21. Singapore Treaty [Singapore Treaty on the Law of Trademarks] Assembly, twelfth (6th ordinary) session
22. Marrakesh Treaty [Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled] Assembly, fourth (4th ordinary) session.

meeting in Geneva from September 30 to October 9, 2019, 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).

1. In addition to this draft General Report, separate draft Reports have been drawn up on the sessions of the WIPO General Assembly (WO/GA/51/18 Prov.), WIPO Coordination Committee (WO/CC/76/4 Prov.), PCT Union Assembly (PCT/A/51/4 Prov.), Madrid Union Assembly (MM/A/53/3 Prov.), Lisbon Union Assembly (LI/A/36/2 Prov.), Singapore Treaty Assembly (STLT/A/12/2 Prov.) and the Marrakesh Treaty Assembly (MVT/A/4/2 Prov.). Furthermore, consolidated reports of the sessions of the other bodies have also been drawn up, as follows: WIPO Conference (WO/CF/40/1 Prov.), Paris Union Assembly (P/A/54/1 Prov.), Paris Union Executive Committee (P/EC/59/1 Prov.), Berne Union Assembly (B/A/48/1 Prov.), Berne Union Executive Committee (B/EC/65/1 Prov.), Hague Union Assembly (H/A/39/1 Prov.), Nice Union Assembly (N/A/39/1 Prov.), Locarno Union Assembly (LO/A/39/1 Prov.), IPC Union Assembly (IPC/A/40/1 Prov.), Budapest Union Assembly (BP/A/36/1 Prov.), Vienna Union Assembly (VA/A/32/1 Prov.), WIPO Copyright Treaty Assembly (WCT/A/19/1 Prov.), WIPO Performances and Phonograms Treaty Assembly (WPPT/A/19/1 Prov.), Patent Law Treaty Assembly (PLT/A/18/1 Prov.).
2. The list of the members and observers of the Assemblies, as of October 9, 2019, is set forth in document A/59/INF/1 Rev.
3. The meetings dealing with the following items of the Agenda (document A/59/1) were presided over by the following Chairs:

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| Items 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 32 and 33 | Ambassador Duong Chi Dung (Mr.) (Viet Nam), Chair of the WIPO General Assembly |
| Items 7, 30 and 31 | Ambassador François Rivasseau (Mr.) (France), Chair of the WIPO Coordination Committee |
| Item 9 | Vivienne Katjiuongua (Ms.) (Namibia), Chair of the WIPO Conference |
| Item 23 | Sandris Laganovskis (Mr.) (Latvia), Chair of the PCT Union Assembly |
| Item 24 | Denis Bohoussou (Mr.) (African Intellectual Property Organization (OAPI)), Chair of the Madrid Union Assembly |
| Item 25 | Reza Dehghani (Mr.) (Iran (Islamic Republic of)), Chair of the Lisbon Union Assembly |
| Item 28 | Ray Meloni García (Mr.) (Peru), Chair of the Singapore Treaty Assembly |
| Item 29 | Santiago Cevallos (Mr.) (Ecuador), Chair of the Marrakesh Treaty Assembly |

1. The agenda, as adopted, and the list of participants appear in documents A/59/1 and A/59/INF/6, respectively.

## ITEM 1 OF THE CONSOLIDATED AGENDAOPENING OF THE SESSIONS

1. The Fifty-Ninth Series of Meetings of the Assemblies was convened by the Director General of WIPO, Mr. Francis Gurry (hereinafter referred to as “the Director General”).
2. The sessions were opened in a joint meeting of all the 21 Assemblies and other bodies concerned by Ambassador Duong Chi Dung (Mr.) (Viet Nam), Chair of the WIPO General Assembly.

### ITEM 2 OF THE CONSOLIDATED AGENDAADOPTION OF THE AGENDA

1. Discussions were based on document A/59/1 Prov.3.
2. The Assemblies of WIPO, each as far as it is concerned, adopted the agenda as proposed in document A/59/1 Prov.3 (referred to in this document and in the documents listed in paragraph 2 above as “the Consolidated Agenda”).

## ITEM 3 OF THE CONSOLIDATED AGENDAELECTION OF OFFICERS

1. Discussions were based on document A/59/INF/1 Rev.
2. The Legal Counsel recalled that the Assemblies of the Member States of WIPO had to elect officers, that is, one Chair and two Vice‑Chairs for each of the 21 Assemblies and other bodies of the Member States of WIPO and of the Unions. He stated that, pending further consultations among Group Coordinators, it was proposed to elect, at the time, officers for those positions on which consensus had been reached. He then announced that agreement had been reached on the election of the officers for the WIPO Coordination Committee and read out the names of those who were proposed to be elected to those positions. The Legal Counsel recalled that the Chair and the two Vice-Chairs of the WIPO Coordination Committee would serve a one‑year term that would start upon their election. As there were still vacant positions, the Legal Counsel invited the delegations to continue consultations on additional nominations and to inform the Secretariat accordingly.
3. Commenting on the agenda item, the Chair stated that as indicated by the Legal Counsel, there was consensus among the Group Coordinators to elect the Chair and Vice‑Chairs of the WIPO Coordination Committee pending more nominations and consultations required to fill the remaining vacant positions.
4. As there was no objection, the Chair gaveled the elected officers and announced that the meeting would revert to the agenda item at a later stage.
5. Reverting to the agenda item on the third day of the Assemblies, the Chair invited the Legal Counsel to provide the meeting with an update on the nominations for the remaining vacant positions of officers.
6. Announcing that the Member States had reached consensus on additional nominations, the Legal Counsel read out the names of those nominees and the bodies for which they had been nominated. As there were still vacant positions, he reiterated his call to Member States to continue consultations on additional nominations and to inform the Secretariat of the outcome accordingly.
7. The Chair proposed that the Assemblies endorse the nominations read out by the Legal Counsel and on which consensus had already been reached. He announced that the meeting would revert to the agenda item later in the week to conclude the elections for the outstanding positions. In the meantime, the Chair encouraged delegations to submit the remaining nominations and to inform the Secretariat accordingly. He also encouraged Member States to nominate more female candidates for the remaining positions of the officers and went on to gavel the decision.
8. Reverting to the agenda item on the following day, the Legal Counsel announced that the Secretariat had been informed that Member States had reached consensus in respect of some of the vacant posts and went on to read out those positions for which nominations had been made. He, once again, recalled that there were still vacant positions and reiterated the invitation to delegations to continue consultations and inform the Secretariat of the outcome thereof accordingly.
9. The Chair thanked the Legal Counsel for the information and said that at this stage, he wished to propose that the Assemblies of the Member States of WIPO endorse the nominations read out by the Legal Counsel on which consensus had already been reached and, with that, they would revert to the agenda item later in the week to conclude the elections of the outstanding positions of officers.
10. The Delegation of Canada, speaking on behalf of Group B requested to return to the matter of the election of officers the next morning so that Group B could review the list of nominees that had been read out by the Legal Counsel.
11. The Delegation of the United States of America expressed its support for the statement made by the Delegation of Canada on behalf of Group B to leave the agenda item open until the following morning so that they could better understand and evaluate the proposed nominations for three Vice‑Chair positions.
12. The Chair took note of the requests by the two delegations and proposed to leave the agenda item open and revert to it the following day.
13. Reopening the agenda item, the Chair invited the Legal Counsel to provide the Member States with an update on the nominations for the remaining vacant positions of officers.
14. The Legal Counsel announced that the Secretariat had been informed that Member States had reached consensus in respect of some of the remaining vacant positions which he read out. He reiterated that as there were still vacant positions he wished to invite delegations to continue their consultations on additional nominations and to inform the Secretariat accordingly.
15. The Chair proposed that Member States endorse the nominations mentioned by the Legal Counsel on which consensus had been reached. He announced that they would revert to the agenda item at a later stage to conclude the elections for the outstanding positions of officers. Seeing no objection, he gaveled the decision.
16. Reopening the agenda item during the last session of the meetings, the Legal Counsel read out the names nominated for the remaining vacant positions.
17. The Chair proposed to endorse the remaining nominations made by Member States as read out by the Legal Counsel, which was so agreed.
18. The Assemblies of WIPO, each as far as it is concerned, elected their respective officers as appears in document A/59/INF/2.

## ITEM 4 OF THE CONSOLIDATED AGENDAReport of the Director General to the Assemblies of WIPO

1. The Address of the Director General is recorded as follows:

“Your Excellency Ambassador Duong Chi Dung, Chair, WIPO General Assembly,

Honorable Ministers,

Your Excellencies the Permanent Representatives and Ambassadors,

Distinguished Delegates,

“It is a great pleasure for me to join the Chair of the WIPO General Assembly in extending a warm welcome to all delegations to the 2019 Assemblies. I thank all delegations for their presence and for their continuing engagement in, and support for, the Organization. We have a very full agenda for the meeting, both the formal agenda and the professional and social events that Member States and other interested parties have kindly undertaken to organize on the margins of the formal meeting.

“Please allow me to thank the Chair of the WIPO General Assembly, Ambassador Dung for his dedication and hard work over the past two years and for his efforts to shepherd a number of items that are on our agenda towards a successful resolution.

“Equally, I should like to take the opportunity to thank the outgoing Chair of the WIPO Coordination Committee, Ambassador Esmaeil Baghaei Hamaneh of the Islamic Republic of Iran, as well as the many chairs of the Organization’s other bodies, committees and working groups for their tremendous efforts and dedication in taking the work of the Organization forward.

“It is a pleasure for me to report very briefly on the state of intellectual property worldwide and on the Organization’s work in that context in the course of the past twelve months.

“Worldwide, as we can observe, there has never before been such interest in, and attention to, intellectual property (IP). This has not been a sudden development, but one that has unfolded at an increasing rhythm over the past years and, in particular, the past decade as a consequence of profound and rapidly developing technological changes that have given greater importance to intangible assets and intellectual capital in the economy.

“The increased prominence of IP has brought with it new challenges for both IP and the Organization. One of those challenges, which affects all national and regional IP Offices, as well as WIPO, is the management of the growing demand for IP titles in a way that ensures the timely and high-quality administration of IP applications. In 2017, there were 3.2 million patent applications filed worldwide, 12.4 million trademark applications and 1.2 million design applications. The number of those national and regional applications translated into international applications through the Global IP Systems administered by WIPO is likewise increasing rapidly, as I shall mention below. It is clear that these volumes of applications cannot be managed without the aid of new tools. Here, artificial intelligence (AI) is coming to our rescue. The Organization has been at the forefront of the development and deployment of new AI applications for this purpose through its Advanced Technologies Application Center (ATAC). These applications include WIPO Translate, which is licensed free-of-charge to 11 UN and international entities and made available to Member States; a world-first brand image search system; and classification tools. Other applications are under development. We have also developed a new and improved system for the management of records of meetings that features on the agenda of these Assemblies. It will deliver improved service at a considerably lower cost and widespread interest in its adoption has already been expressed by a wide range of other UN and international entities. All these applications are, or will be, shared with Member States. I hope that, as an international community, we can work together in the development and deployment of these useful applications without duplicating each other’s work.

“The increasingly important position of IP has also resulted in new challenges for the substance of IP policy. New technologies, such as AI, are raising new questions about the application of existing IP policy, as well as the major question of whether the classical system of IP needs adjustment to cover perceived gaps in order to ensure that the IP system continues to serve the innovation ecosystem effectively. I am delighted that, in this respect, the Organization has commenced a conversation on AI and has started the process of developing a list of questions that may need to be addressed.

“The conversation on AI is occurring at a time when the multilateral system is under a large number of pressures that are impairing its capacity to produce timely results in the normative area, not the least of which is the faltering political will to adopt a multilateral approach and to develop multilateral solutions. It is important to remember the consequences of failure or, even, of neglect of the multilateral approach. They include incoherence in the regulatory framework that applies to technologies that are, by their very nature, internationally deployed through the Internet and other networks, whose power and application are about to increase significantly with the deployment of 5G. Ultimately, a race to develop the global rule or solution through national or regional regulatory competition, as opposed to a multilateral approach, will erode the value of the technologies themselves and their useful economic and social deployment. Technical interoperability depends on regulatory interoperability.

“Let me turn now to a brief mention of some of the results of the Organization over the past year. Here, we see that the Organization has benefitted in a number of ways from the new prominence of IP.

“The financial situation of the Organization, driven by the market use of our Global IP Systems, is sound and stable. We ended 2018 with a surplus of CHF 42.5 million. At this stage of the year, we expect that 2019 will also result in a healthy surplus. These surpluses are very important for financing needed capital expenditure through the Capital Master Plan approved by the Member States, for funding the long-term liabilities of the Organization, such as after-service health insurance, and for the maintenance of an appropriate level of liquid reserves to provide assurance against sudden and unforeseen market downturns, always, regrettably, a possibility in today’s volatile world.

“Our Global IP Systems continue to develop in a very positive manner. The systems are used by all the major corporations in the world, as well as by universities and research institutions and small and medium enterprises. The Patent Cooperation Treaty (PCT) received 253,000 international patent applications in 2018, a growth rate of 3.9% over the preceding year. The Madrid System received 61,200 international trademark applications, a growth rate of 6.4% over 2017. And the Hague System received 5,429 international applications, a growth rate of 3.3% over the previous year. Each system continues to expand its geographical coverage through new accessions. Of particular note were five new accessions to the Madrid System, from Afghanistan, Brazil, Canada, Malawi and Samoa. Brazil’s accession means that the two largest economies in Latin America now belong to the Madrid System, raising the hope that other countries from the Latin American region, which has trailed in its participation in the system, will follow suit.

“The WIPO Arbitration and Mediation Center has likewise experienced very significant growth. The number of Internet domain name cases received by the Center rose to 3,447 in 2018, an increase of 12% over the preceding year. The Center now also receives regularly a very solid caseload for general IP arbitrations, mediations and expert determinations and cooperates with over 20 IP and Copyright Offices around the world in the administration of arbitration and mediation for disputes concerning IP applications and titles.

“Two important new developments are underway at the Center. The first is the accreditation of the Center by the Cyberspace Administration of China as a service provider for Internet domain name disputes in .CN and .中国 (China), one of the largest country domains in the world. The addition of .CN and .中国 (China) to the Center’s portfolio means that the Center now administers disputes for over 75 country domains (ccTLDs). The second development is the positive encouragement for the Center to become a dispute-resolution provider in the China (Shanghai) Pilot Free Trade Zone, which hosts more than 10,000 foreign-invested enterprises. The Center would be the first non-Chinese entity providing alternative dispute resolution services for the Zone. Both of these developments will provide foreign enterprises participating in the Chinese market with an additional choice of an independent and neutral service for dispute resolution. I should like to express our deep appreciation to the relevant Chinese authorities for their expression of confidence in the Center and for their commitment to international cooperation.

“We have also launched a new Global IP Portal that seeks to integrate the different IT systems that underlie the various Global IP Services offered by the Organization. It has been developed in recognition of the fact that many users of WIPO’s Global IP Services use more than one of those services. It seeks to provide a more uniform customer experience that presents the full range of services offered by the Organization in a single interface, with a unified navigation bar, standard features across all applications, a modernized look-and-feel, streamlined payment systems and a single messaging system.

“The past year has also been a record year for accessions to WIPO-administered treaties, with 59 new accessions received in 2018. This is another positive sign for multilateralism. We are expecting a number of other important accessions to be made this week. I am also very pleased to report that we are getting very close to the numbers of accessions required to bring into force the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications and the Beijing Treaty on Audiovisual Performances. We hope that both of these instruments will reach the required numbers before the end of 2019.

“There have been many other positive developments in the Organization. Details of these are set out in my Report. Here, I shall only mention a select few and then only very briefly.

“The databases and IT platforms, systems and services of the Organization continue to gather strength and to attract widening participation among the Member States and the interested public. They have become also the basis of extremely important technical assistance. Our IT system for IP administration (IPAS) is now used in 84 countries. Over 750 Technology and Innovation Support Centers (TISCs) have been established in 79 countries. Free or low-cost access to scientific, medical and technical publications is offered to thousands of users in developing and least developed countries, thanks to the cooperation of scientific, medical and technical publishers and commercial database services. The WIPO Academy is thriving and engaged over 90,000 participants in our distance-learning programs. Our public-private partnerships, particularly WIPO Re:Search and the Accessible Books Consortium, continue to grow. The ABC Consortium, for example, has a repertoire of over 500,000 works in 76 languages in accessible formats available for international exchange for the benefit of blind, visually impaired and print-disabled persons. An important new database for cooperation in the enforcement of IP is getting underway and will be showcased in a side event this week. Our flagship reports in economics, statistics and technology trends, including the Global Innovation Index, attract global audiences. A number of successful projects for appropriate technology have been undertaken for least developed countries. And the WIPO Judicial Institute has struck a timely note in fostering the exchange of experience and capacity building, with a very active participation from judiciaries worldwide.

“All these programs are examples of the mainstreaming of development in the Organization and of active support for the Sustainable Development Goals in numerous ways.

“Turning to the agenda for the Assemblies this week, please allow me to mention four specific items. The first is the draft Program and Budget. I am grateful to the Program and Budget Committee for its positive recommendations for approval. Only one item, the allocation of common expenses among the Unions, remains outstanding. Two proposals for the resolution of that item are on the table. The amount of money in question is trivial. I urge the Member States to find a pragmatic solution for this long-standing difference and to approve the draft Program and Budget so as to ensure stability in a period of transition for the Organization.

“The second item is the proposed Design Law Treaty. I see no reason why it should not be submitted to a diplomatic conference for the conclusion of the treaty. The continued delay in completing this exercise is an unwanted sign of the lack of capacity of the Organization to move forward on the normative agenda at a time when the development of technology is calling for a demonstration of that capacity, as I mentioned above.

“The third item is our proposal, to which I referred above, to adopt a new, improved and less costly system for the management of the records of meetings. In our consultations, the proposal has been very favorably received and I urge the Member States to move to adoption as a demonstration of the capacity of the Organization to continue to innovate in the true sense of the word.

“The final item is the proposed introduction of a new service for digital time stamping. I thank the Member States for their positive response in the Program and Budget Committee. The introduction of the service will be a small step towards providing IP services that are appropriate for the digital age.

“I should like to thank the staff of the Organization for its dedicated professionalism. Productivity continues to improve and increases in costs continue to be contained. Overall, the Organization is well down the track in its digital transformation, both in terms of our working and management systems, and in terms of the services provided to the public. We have asked a lot from the staff in the process of digital transformation and they have responded extremely well. I am deeply appreciative of their positive attitude to the rather constant change that the contemporary world demands.

“Geographical and gender diversity remain priorities. We have improved in geographical diversity, which is a long process, given the low rate of attrition of staff. One hundred and twenty-three (123) nationalities are now represented on the staff. We need to make further progress on gender diversity in the upper ranks of the Organization and our eye is firmly focused on achieving this.

“I thank once again all the Member States for their very positive engagement in, and support for, the Organization and I wish you all successful deliberations and positive outcomes of those deliberations.”

1. The [Report](https://www.wipo.int/publications/en/details.jsp?id=4461) of the Director General is available on the WIPO website.

## ITEM 5 OF THE CONSOLIDATED AGENDAGeneral Statements

1. The Delegations and Representatives of the following 123 States, four intergovernmental organizations and seven non-governmental organizations provided oral or written statements under this agenda item: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belize, Bolivia (Plurinational State of) Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eswatini, Ethiopia, Finland, France, Gambia (the), Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary , Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe, African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Organization (EAPO), South Centre (CS), All-China Patent Agents Association (ACPAA), Inter-American Association of Industrial Property (ASIPI), European Public Law Organization (EPLO), Federation of Indian Chamber of Commerce and Industry (FICCI), Japan Intellectual Property Association (JIPA), Knowledge Ecology International (KEI) and Third World Network (TWN).
2. The Statements on this agenda item are included in the Annex.

## ITEM 6 OF THE CONSOLIDATED AGENDAAdmission of Observers

1. Discussions were based on document A/59/3 Rev.
2. Introducing the Agenda item, the Legal Counsel drew the attention of delegations to document A/59/3 Rev., and recalled that the Assemblies of the Member States of WIPO were invited to consider applications by three international non‑governmental organizations (NGOs) and six national NGOs as listed in paragraph 4 of the said document for observer status in the meetings of the Assemblies of the Member States of WIPO.
3. The Legal Counsel pointed out that, in respect of the six NGOs, and in conformity with the principles applicable to national NGOs that had been adopted by Member States, the Secretariat had consulted with the Member States from which the NGOs originated prior to the submission of the requests to these Assemblies. In that regard, the Legal Counsel confirmed that the necessary agreement had been received in respect of all of the six applications concerned.
4. The Assemblies of WIPO, each in so far as it is concerned, decided to grant observer status to the following:

(a) International non‑governmental organizations: (i)  Consortium for Common Food Names (CCFN); (ii)  International Generic and Biosimilar medicines Association (IGBA); and (iii)  Knowmad Institute;

(b) National non‑governmental organizations: (i)  Authors’ Licensing and Collecting Society Ltd (ALCS); (ii)  Brand Protection Group – Lebanon (BPG); (iii)  Friends of the Creator Artistic Foundation (FCF); (iv)  Myanmar Intellectual Property Proprietors’ Association (MIPPA); (v)  Native American Rights Fund (NARF); and (vi)  Professional Union of Broadcasting Organizations (RATEM).

## ITEM 7 OF THE CONSOLIDATED AGENDAAPPROVAL OF AGREEMENTS

1. See the report of the session of the WIPO Coordination Committee (document WO/CC/76/4 Prov.).

## ITEM 8 OF THE CONSOLIDATED AGENDAAppointment of the Director General in 2020

1. Discussions were based on document A/59/4.
2. Introducing Agenda Item 8 on the appointment of the Director General in 2020, the Legal Counsel drew the attention of delegations to document A/59/4. He recalled that the term of office of the Director General would expire on September 30, 2020. He noted that the working document recapitulated the constitutional provisions concerning the nomination and appointment of Directors General of WIPO, and the procedures for the nomination and appointment of Directors General of WIPO adopted by the WIPO General Assembly in 1998. With respect to the 1998 procedures, the Legal Counsel noted that the prescribed timetable of procedural steps and proposed the adoption of two amendments necessary to ensure that such procedures continued to provide sufficient flexibility and durability in their application to future elections of Directors General. The first amendment concerned the timing for the convocation of the extraordinary session of the WIPO General Assembly. The second amendment pertained to the timing of the convocation of the extraordinary session of the WIPO Coordination Committee. Subject to their approval by the WIPO General Assembly and the WIPO Coordination Committee, the Legal Counsel noted that the proposed new 2019 procedures would govern the remainder of the process regarding the nomination and appointment of the Director General in 2020 and future elections. In addition, due to a particular feature of the timetable as applied to the current election process, the present document also proposed a one‑time derogation from the 1998 procedures. The one‑time derogation concerned the minimum time allowed between the dispatch of the circular inviting proposals for candidates for the position of Director General and the extraordinary session of the WIPO Coordination Committee that will nominate the candidate for appointment to the post of Director General. The Legal Counsel recalled that, currently, the minimum time interval allowed was six months. As a general matter, a six‑month period remained reasonable and sound and, therefore, no permanent amendments were proposed to this particular provision. However, in order to implement the current timeline with regard to the newly proposed procedures, it was proposed to make a one‑time derogation from the procedures for the minimal time period allowed, that is, five months instead of the required six. He recalled that the rationale and background information was provided in the relevant working document. The document concludes by setting forth the timeline for the implementation of the procedural steps which includes:  December 30th, 2019, the deadline for submission of candidatures; March 5 and 6, 2020, the convening of an extraordinary session of the WIPO Coordination Committee to nominate a candidate for appointment to the post of Director General; and, May 7 and 8, 2020, the extraordinary sessions of the WIPO General Assembly, the Paris Union Assembly and the Berne Union Assembly to appoint the Director General.
3. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, said that its Group wished to express its appreciation to the Director General, Dr. Francis Gurry, and his team for the hard work and contributions to WIPO. It stated that the Asia and the Pacific Group had no objections to the proposed changes to the 1998 procedures for the nomination and appointment of Directors General of WIPO and to adopt the one‑time derogation from the 1998 procedures as contained in document A/59/4. The Asia and the Pacific Group also had no objections to the convening of the WIPO General Assembly, the Paris Union and the Berne Union Assemblies, as well as the timeline of procedural steps as contained in the document.
4. The WIPO General Assembly, the WIPO Coordination Committee and the Paris and Berne Union Assemblies, each in so far as it is concerned:

(i) took note of the dispatch of the circular set out in Annex II of document A/59/4;

(ii) amended the 1998 “Procedures for the Nomination and Appointment of Directors General of WIPO” as set out in paragraphs 10 and 11 of the same document to create new 2019 “Procedures for the Nomination and Appointment of Directors General of WIPO”, as set out in its Annex III;

(iii) adopted a one-time derogation from the 1998 “Procedures for the Nomination and Appointment of Directors General of WIPO” as set out in paragraph 12 of the same document to convene the WIPO Coordination Committee on March 5 and 6, 2020;

(iv) approved the convening of the WIPO General Assembly, the Paris Union Assembly and the Berne Union Assembly on May 7 and 8, 2020; and

(v) approved the timeline of procedural steps set out in paragraph 13 of the same document.

## ITEM 9 OF THE CONSOLIDATED AGENDA

COMPOSITION OF THE WIPO COORDINATION COMMITTEE, AND OF THE EXECUTIVE
COMMITTEES OF THE PARIS AND BERNE UNIONS

1. Discussions were based on documents A/59/5 and A/59/12.
2. The Chair recalled that informal consultations were ongoing concerning various agenda items including Agenda Item 9 on the composition of the WIPO Coordination Committee. In the
absence of consensus on this agenda item, he proposed that delegations continue informal consultations before reverting to them in a plenary session.
3. The Delegation of Switzerland pointed out that it was already late on the last day of the meetings of the Assemblies of the Member States of WIPO. That being the case, the Delegation expressed concern that there were still important agenda items outstanding. The Delegation observed that for some time now Member States had a very good tradition of concluding the Assemblies more or less on time and stated that it did not support lengthy discussions or night sessions. The Delegation wanted to call the attention of the meeting to its opinion that it should be possible to conclude these discussions by the end of the day.
4. The Delegation of Monaco endorsed the statement made by the Delegation of Switzerland. It noted that it was regrettable, and damaging for the Organization, for Member States to find themselves already beyond the scheduled closure of the Assemblies and to have points, which were known to be controversial from the beginning, still not settled.
5. The Chair stated that all delegations were well aware of the outstanding issues and they were doing their very best to ensure that discussions could be concluded on time. He undertook to keep delegations fully updated on the progress of the informal consultations.
6. The Delegation of Indonesia supported the statements made by the Delegations of Switzerland and Monaco, adding that it wanted to make sure that there would be no parallel informal consultations scheduled since its Delegation had previously missed some of the informal consultations due to other parallel meetings.
7. In response to the Delegation’s question, the Chair referred to the detailed program that the Secretariat had just provided, which showed the schedule and the sequence of the informal consultations.
8. The Delegation of Canada, speaking on behalf of Group B, expressed its support for the statements made by the Delegations of Switzerland, Monaco and Indonesia. The Delegation said that its Group was quite anxious that while it was 4 p.m., there was still no agreement on the membership of the WIPO Coordination Committee, which, in its view, had to be sorted out before concluding the work of the Assemblies.
9. Reacting to Group B’s intervention, the Chair thanked the Group and reiterated that they were all actively consulting on the issue. The Chair subsequently gave the floor to the Director General, Mr. Francis Gurry.
10. The Director General noted that he wished to share information and some thoughts on the question of the election of the members of the WIPO Coordination Committee. He pointed out that he spoke under the guidance of the Legal Counsel who would correct him as necessary given the detailed questions concerned. He noted that there was no other option under the WIPO Convention than for the membership of the WIPO Coordination Committee to be constituted, which was also important as the Committee has to nominate the next Director General. The Director General recalled that, in order to elect the members of the WIPO Coordination Committee, for which there were rather complex provisions in the Organization’s constituent documents, there had been a long‑standing informal practice. Member States decided the allocation of the number of seats to each group, and each group decided which countries within its group would fill the designated number of positions. He noted that this year, unfortunately, Member States found themselves in a position in which there was one group that had been unable to decide which of its members would assume the designated number of seats on the WIPO Coordination Committee. At this stage, given the little time that was left, the Director General noted that, in his view, there were only three paths forward. The first possibility would be to allow the concerned group some brief additional time to see if they could come to an agreement. The second option was to rely on a rather archaic procedure that was set out in the Special Rules of Procedure for the Paris and Berne Union Assemblies, respectively. He noted that these rules were available to delegations, but explained that it provided for a procedure that had never been used and added that, in his opinion, it was a very arbitrary procedure. Essentially, the Director General explained that it would consist of drawing by lot the name of one Member State and starting at that point, alphabetically, with all of the members voting upon that Member State and each subsequent Member State until the number of places in each of the Executive Committees that make up the WIPO Coordination Committee were filled. This would result in a composition that would not correspond to the informal practice and understanding Member States had reached about the numbers of seats allocated to each group. He reiterated that this process would be complicated and difficult to implement. The third possibility was that if the Member States were unable to reach agreement tonight, then there would be a need to convene an extraordinary session of the relevant bodies. These were the Paris and Berne Union Assemblies, because they each nominate the members of their executive committees who together constitute the WIPO Coordination Committee, and the WIPO Conference, which was the body that designated the *ad hoc* members of the WIPO Coordination Committee. He observed that this was entirely possible and meant that a meeting, in the Secretariat’s view, should take place in mid‑December, at the very latest. He recalled, however, that, a two‑month notice is normally required for the convocation of an extraordinary or ordinary session of any of those bodies. It would require that these bodies be convened by the Director General upon the request of a quarter of the members of the Paris Union Assembly, a quarter of the members of the Berne Union Assembly and a majority of the members of the WIPO Conference. In other words, the Secretariat’s suggestion would be that Member States take the decision tonight that an extraordinary session should be convened or to request the Director General to convene that extraordinary session. The Director General added that this option would leave open the possibility for the incoming Chair of the WIPO General Assembly to conduct consultations between now and the meeting of the extraordinary session of those bodies, to try to resolve the issue so that Member States could come to a decision by the suggested time of mid‑December. Member States needed to convene the extraordinary session before the closure of nominations for the next Director General so that this issue would not become inextricably connected with the election.
11. The Chair thanked the Director General for his views and information. As Agenda Item 9 was to be discussed under the presiding officer of the WIPO Conference, the Chair invited the Chair of the WIPO Conference, Ms. Vivienne Katjiuongua (Namibia), to preside over the session.
12. The Chair thanked the Member States for having elected her as Chair for the WIPO Conference and took the opportunity to also thank the Director General for his explanatory remarks. She recalled that as the Chair of the WIPO General Assembly had been conducting informal consultations on the issue, she wished to invite him to take the floor.
13. Briefing the delegations, the Chair of the General Assembly advised that he had conducted several informal consultations on the proposal of the Asia and the Pacific Group on the composition of the WIPO Coordination Committee. He stated that there had been thorough discussions and that some concrete proposals had been tabled, on which Group Coordinators had consulted their respective Groups. It was now clear that consensus had not been reached. He noted that some delegates stressed the principle of equitable geographical representation for the WIPO Coordination Committee while other delegates insisted that the groupings in WIPO were not only regional. Due to this divergence, consensus could not be reached at the moment.
14. The Chair of the WIPO Conference expressed her thanks to the Chair of the General Assembly and concluded from his presentation that further consultations on the matter were needed. On that basis, she requested the Chair to conduct further consultations on the issue, with the aim to reach consensus. She then adjourned the plenary meeting so the Chair could consult further on the matter.
15. Reverting to the agenda item, the Chair thanked delegations for their indulgence and gave the floor to the Delegation of the United States of America.
16. The Delegation of the United States of America thanked the Chair for having allowed delegations more time to consult to work out favorable solutions. It added that they were all waiting to hear from the Asia and the Pacific Group on the outcome of the informal consultations on the Group’s nominees for the WIPO Coordination Committee and the Executive Committees of the Paris and Berne Union Assemblies.
17. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, said that taking into account the late hour, it wished to inform the delegations that it had submitted its list for candidates for the WIPO Coordination Committee to the Legal Counsel.
18. The Delegation of Pakistan stated that the list of countries submitted as the Asia and the Pacific Group representatives on the WIPO Coordination Committee by the Group’s Regional Coordinator did not reflect the Group’s decision. It was a forced, not an agreed, outcome, which raised more questions than it answered. The Delegation expressed concern about the arbitrary nature in which a farcical voting was conducted, not on any legal ballot paper but on shredded pieces of paper which the Delegation did not know would exist as a record or not. The Delegation said that it could use some adjectives to describe the process, but it left a lot to be desired. The Delegation stressed that the list of candidates could not legally or rationally be considered as a decision of the Asia and the Pacific Group as, in the Delegation’s view, it was one subgroup ganging up on another which, unfortunately, was fragmented.
19. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, emphasized that the list of candidates for the WIPO Coordination Committee it had submitted was a collective decision taken by its Group. In the absence of consensus, the Group had decided to put the matter to a vote and, given the extraordinary circumstances in which the Group found itself, the Asia and the Pacific Group had agreed and decided to proceed with a vote and the outcome of that vote had been submitted to the Legal Counsel.
20. The Delegation of the Republic of Korea expressed its full support for the statement by the Delegation of Singapore, on behalf of the Asia and the Pacific Group, and reiterated that the submitted list of nominees for the WIPO Coordination Committee had been approved within the Asia and the Pacific Group.
21. The Delegation of the United States of America thanked the Asia and the Pacific Group for coming together and resolving the issue, knowing very well that such internal deliberations could be some of the toughest ones. The Delegation was happy to note that finally the WIPO Coordination Committee could finally be established.
22. The Delegation of China thanked the Chair and all delegations who had made efforts and wished to reiterate that, according the Delegation, WIPO decisions should follow certain rules and that, based on those rules, such decisions should be made and respected.
23. The Delegation of the United Arab Emirates echoed the statement made by the Delegation of the Republic of Korea, which was factual, and expressed its support for the statement that had been made by its Group’s Coordinator and for the list that had been submitted to the Legal Counsel.
24. The Delegation of Pakistan noted that it had already recorded its observations on the process that was followed to arrive at the list submitted on behalf of the Asia and the Pacific Group. It was raising the matter again because it set some precedent for the workings of the Organization that needed to be clarified and raised questions regarding the election process used and the proposition that was part of it. The Delegation wondered if the Coordinator of the Asia and the Pacific Group had a record of what had actually been proposed and if it was in writing, given that there had been different interpretations of the propositions, as well as the ballot paper itself that was used to reach that outcome. The Delegation was basically questioning the entire process, only for the sake of clarity on the rules of procedure that were to be followed. Whilst it had already registered its disassociation with the Asia and the Pacific Group decision, it wished to seek the view of the Legal Counsel or the Secretariat on the legality of the exercise that had been conducted within the Asia and the Pacific Group.
25. The Delegation of Thailand acknowledged that the situation had been difficult within its Group, but expressed its support for the decision by its Group as submitted by the Delegation of Singapore, on behalf of the Asia and the Pacific Group.
26. The Delegation of Indonesia said that it fully aligned itself and agreed with the explanation given earlier by the Delegation of Singapore, on behalf of the Asia and the Pacific Group, and as supported by previous interventions by other members of the Asia and the Pacific Group.
27. The Delegation of Malaysia confirmed that it had taken part in the process and expressed its full support for the list submitted by the Coordinator of the Asia and the Pacific Group.
28. The Delegation of Mongolia said that it also wished to join colleagues in the Asia and the Pacific Group and expressed its support for the list submitted by the Coordinator of the Asia and the Pacific Group.
29. The Delegation of the Philippines also acknowledged that the situation had not been easy within its Group and, because the Group could not reach consensus in any other way, it made sense to proceed with voting. The Delegation stressed that it supported the results arising therefrom.
30. The Delegation of the Democratic People’s Republic of Korea confirmed that the agreement reached by its Group was the result of hard work, which should be respected. It therefore supported the statements by all the previous speakers from its Group.
31. The Delegation of China reiterated that rules of procedures should be respected. Creating an inappropriate precedent would damage the unity of the Organization, and would not be favorable for its development. The Delegation hoped that the Legal Counsel would provide explanations as regards the objections put forward by the Delegation of Pakistan on the matter.
32. The Delegation of India added its support for the process that had been followed, the decision that had been taken by the Asia and the Pacific Group as a result, and the names of the nominees that had been conveyed to the Secretariat.
33. The Legal Counsel noted that in respect of the question raised by the Delegation of Pakistan regarding the process chosen by the Asia and the Pacific Group to reach agreement on the list of its nominees, he could only repeat what had had already been said in informal consultations, namely that the methods applied by groups in order to propose their nominations fall outside the rules of procedure that apply to the formal sessions of WIPO bodies. As such, as Legal Counsel, he would have no view on the process that had been followed within the Groups to reach a decision on those nominees. He recalled that, as the Director General had said earlier, the situation left limited options available to reach an outcome. The consensus approach had been the traditional approach for the composition of the WIPO Coordination Committee and, in view of the fact that the other possible options had been deemed undesirable, he reiterated that there were no rules applicable to the consensus-based approach on which he could advise.
34. The Chair thanked the delegations for their indulgence while the decision paragraph had been prepared for circulation among delegations and gave the floor to the Legal Counsel to read out the decision paragraph.
35. Regarding the composition of the WIPO Coordination Committee and the Executive Committees of the Paris and Berne Unions, the Legal Counsel announced that following informal consultations among regional Groups, in accordance with their own procedures, consensus had been reached and the list of countries nominated by their respective groups had been communicated to the Secretariat following the practice of the Organization. He pointed out that, as explained in the working document, the new composition of the WIPO Coordination Committee was to consist of 88 members, an increase above the current membership of 83. However, in the absence of agreement on how to best allocate the remaining five additional seats of the WIPO Coordination Committee, consensus among the Member States was that the WIPO Coordination Committee shall remain, exceptionally, at 83 members. Moreover, there was agreement that the allocation of the vacant seats of the WIPO Coordination Committee should be considered further and, in that context, the Chair of the WIPO General Assembly would undertake consultations with Member States on the allocation of the vacant seats at the Assemblies of the Member States of WIPO in 2021. He drew the attention to the informal document that had been circulated to the delegations listing the 83 members proposed for the composition of the WIPO Coordination Committee. He explained that the proposal consisted of the 41 countries nominated for the Paris Union Executive Committee and 40 countries nominated for the Berne Union Executive Committee, one *ad hoc* member designated by the WIPO Conference and the host State as the *ex‑officio* member. The proposed composition of membership of the Paris and Berne Union Executive Committees and of the WPO Coordination Committee would take effect from the close of the present session until the close of the 2021 session of the Assemblies of the Member States of WIPO. In view of this decision, the Legal Counsel added that an additional paragraph was being proposed confirming explicitly that all Member States of WIPO unanimously agreed that the WIPO Coordination Committee, as exceptionally composed of 83 members, had been properly constituted, including, in particular, in view of its functions with respect to the process of appointment of the next Director General, and that the composition shall not be the basis for any challenge with respect to the validity of the nomination by the WIPO Coordination Committee of a candidate for appointment to the position of Director General in 2020.
36. The Chair thanked the Legal Counsel and, noting that there was no request for the floor, proposed that the Conference approve the entire decision paragraph as read out by the Legal Counsel.
37. Following informal consultations among Member States,
38. The Paris Union Assembly unanimously elected the following States as *ordinary* members of the *Paris Union Executive Committee*: Angola, Argentina (2019-2020), Bangladesh, Belarus (member as per rotation)[[1]](#footnote-2), Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, Colombia, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Finland, Gabon, Ghana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Kenya, Kyrgyzstan (member as per rotation)[[2]](#footnote-3), Latvia, Morocco, Oman, Republic of Moldova, Romania, Russian Federation, Sweden, Tajikistan (member as per rotation)[[3]](#footnote-4),Tunisia, Uganda, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of) (2020-2021), Viet Nam, Zimbabwe (41);

(ii) The Berne Union Assembly unanimously elected the following States as *ordinary* membersof the *Berne Union Executive Committee*: Algeria, Armenia (member as per rotation)[[4]](#footnote-5), Australia, Austria, Azerbaijan (member as per rotation)[[5]](#footnote-6), Belgium, Canada, China, Denmark, Djibouti, Ecuador, Egypt, El Salvador, France, Georgia, Germany, Guatemala, Jamaica, Kazakhstan, Luxembourg, Malaysia, Mexico (2019-2020), Mongolia, Namibia, Netherlands, New Zealand, Nigeria, Norway, Panama (2020-2021), Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Senegal, Singapore, South Africa, Spain, Thailand, Trinidad and Tobago, Turkey, United Kingdom (40);

(iii) The WIPO Conference unanimously designated the following State as an *ad hoc* member of the *WIPO Coordination Committee*: Ethiopia (1);

(iv) The WIPO Conference and the Assemblies of the Paris and Berne Unions noted that Switzerland will continue to be an *ex officio* member of the *Paris Union* *Executive Committee* and of the *Berne Union Executive Committee*.

As a consequence, the WIPO Coordination Committee for the period October 2019 to October 2021 is composed of the following States:

Algeria, Angola, Argentina (2019-2020), Armenia (member as per rotation)4, Australia, Austria, Azerbaijan (member as per rotation)5, Bangladesh, Belarus (member as per rotation)1, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Cuba, Democratic People’s Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia (*ad hoc*), Finland, France, Gabon, Georgia, Germany, Ghana, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan (member as per rotation)2, Latvia, Luxemburg, Malaysia, Mexico (2019-2020), Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama (2020-2021), Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Singapore, South Africa, Spain, Sweden, Switzerland (*ex officio*), Tajikistan (member as per rotation)3, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Venezuela (Bolivarian Republic of) (2020‑2021), Viet Nam, Zimbabwe (83).

1. The Assemblies of the Paris and Berne Unions, and the WIPO Conference, each in so far as it is concerned, decided, per unanimous agreement by all Member States of WIPO, that the Coordination Committee, as exceptionally composed at 83 members, has been properly constituted, including, in particular, in view of its functions with respect to the process of appointment of the next Director General, and shall not be the basis for challenge, by any State Member of any pertinent WIPO body, to the validity of the nomination by the Coordination Committee of a candidate for appointment to the position of Director General in 2020.
2. The Assemblies of WIPO, each in so far as it is concerned, decided that the Chair of the WIPO General Assembly will undertake consultations with Member States on the allocation of the vacant seats at the WIPO Assemblies in 2021, for the election of the composition of the WIPO Coordination Committee, and of the Executive Committees of the Paris and Berne Unions, at the same WIPO Assemblies.
3. Following the adoption of the decision, the Delegation of China emphasized that consensus was the basis for the Organization to develop and to unite. It reiterated that WIPO had always insisted on that principle. It observed that the voting process was not based on rules of procedure, and would harm this consensus‑oriented tradition. The Delegation queried if delegations could also solve other issues through a ballot on matters like the composition of the Program and Budget Committee and the opening of new WIPO External Offices. The Delegation pointed out that it considered the aforementioned approach unfavorable for the development of the Organization and creating a bad precedent for the Organization.
4. The Delegation of Pakistan reiterated that it disassociated itself from the decision taken on the composition of the WIPO Coordination Committee as contained in the document circulated to delegations for reasons already stated in its earlier interventions.
5. The Chair noted that there were no further requests for the floor, and in light of discussions and taking note of the views that had been expressed, declared Agenda Item 9 closed.

## ITEM 10 OF THE CONSOLIDATED AGENDAComposition of the Program and Budget Committee

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 11 OF THE CONSOLIDATED AGENDAReports on Audit and Oversight

### (i) Report by the Independent Advisory Oversight Committee (IAOC)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

### (ii) Report by the External Auditor

1. Discussions were based on documents A/59/6 and A/59/7.
2. On behalf of the External Auditor, Mr. Damian Brewitt, Director, National Audit Office of the United Kingdom, delivered his report as follows:

“Mr. President, Distinguished Delegates, good morning. On behalf of the Controller and Auditor General of the United Kingdom, I'm very pleased to have this opportunity to present this report directly to you, the General Assembly, and this follows our attendance at the PBC. It is very important that we engage you in the issues we highlight in our audit which gives you independent and objective insight.

“In my presentation, I would like to cover the three main areas of our work which we identified as important in the first year of our mandate. The areas were the audit of the financial statements and financial management, governance and assurance and finally work Results-Based Management focusing on the human resources program.

“Turning first to the audit of the financial statements, I am very pleased to confirm that our opinion was unqualified and that the audit revealed no errors or weaknesses that we considered material to the accuracy, the completeness or the validity of the financial statements as a whole. It also confirms that the expenditures that have been incurred and reported in the statements are in accordance with the authorities and the regulations set by you as Member States. Overall, WIPO's financial statements and accompanying commentary were prepared to a high quality with good support for the key accounting judgments. We identified some scope to make the disclosures and commentary more concise, to ensure they focus the user on the most important material and key financial performance elements and we're having a good discussion with the Secretariat about taking that forward over the coming year.

“Overall, our audit results were positive and identified no significant errors or control weaknesses. We reported the detail of this work to the IAOC with whom we had a very productive and fruitful engagement during the course of our year. So we would like to pass our thanks to the IAOC.

“On financial management, WIPO enjoys a strong financial position with good cash flows and a pipeline of future revenue. It has a clear plan to resource future liabilities, such as the After Service Health Insurance (ASHI), and has dedicated resources and funds for other capital investment initiatives using prior years’ surpluses. Having a high level of cash-backed reserves requires a sound investment policy, with appropriate oversight mechanisms.

“During 2018, WIPO divested itself of its investment property in line with the overall policy on investments. Strategic cash is invested over the long-term to achieve capital growth with the objective to generate an overall positive return over time. In taking a longer term view, these will inevitably be periods when investments will decline in value. In 2018, WIPO reported unrealized losses of 17 million Swiss francs and this was consistent with wider market volatility over that period. In our report, we made recommendations for more comprehensive reporting on investments to be made to you as Member States and also on whether IAOC is appropriate to provide specialist assurance in this area.

“We reported that WIPO paid all qualifying staff members an organizational performance reward grant of 2,000 Swiss francs under the rewards and recognition program. The total awards accrued in 2017 were within the limits recommended by the International Civil Service Commission, and their guidelines do not specifically preclude such an award. WIPO's legal office also confirmed that they considered that the Director General had the authority to make such an award. Subsequently the Commission and the UN Fifth Committee expressed concern about the decision of WIPO to pay such an award to all staff. Our understanding is that the PBC at its 30th session explicitly excluded any organizational-wide reward within the context of the 2020/21 biennium budget.

“Moving now to governance and assurance. These are key processes which provide you as Member States with assurance over the stewardship of resources. We were pleased to note that WIPO has taken a positive and proactive approach to developing sound governance mechanisms and from our experience, we consider that you were at the forefront of developments within the wider UN system. Within WIPO's accountability framework, we found that management had actively engaged in reviewing and developing the quality of internal control systems, and WIPO has a sound basis to support the assertions made in its statement on internal control. The Secretariat is developing an approach to data analytics to leverage more from the IT systems by automating controls, and utilizing reporting functionality to validate compliance. We fully support these developments which follow best practice and we will engage with the Secretariat to share our wider experience and how such analytics can support effective continuous monitoring.

“Fraud can result in significant loss to any organization, both in terms of resource and reputation. In our experience, international organizations’ fraud prevention and response measures can be weak and instances of reported fraud across all UN organizations are well below expected benchmarks. During 2018, WIPO has made good progress in establishing systemic fraud risk assessments to identify where it is susceptible to fraud. WIPO is also revising the anti-fraud policies, providing staff with additional guidance and training on fraud awareness. We support all of these approaches and our forthcoming audit will assess the effectiveness of these developments.

“In line with good corporate governance, the Director General provides a Statement on Internal Control to Member States, which is a vehicle to provide a transparent and accountable report of the control environment. WIPO was an early adopter of the concept of the Statement, and from our experience, it is one of the most mature within the UN system and supported by assessments of the control environment. We have recommended three areas for improvement in this area to build on the good progress that has been made, and these are to enhance the visibility of the work of the Internal Oversight Division (IOD), and of the results of the risk management processes, to focus the statement on providing a conclusion on the operational effectiveness of the internal control environment, and as you have heard earlier, to align the assurances provided from assurance providers such as IOD so that they are consistent with the annual reporting of the financial statements, the financial period.

“Turning now to our observations on WIPO's results-based management (RBM) framework and human resources. Reporting the outcomes from the use of resources is a key element of WIPO's accountability framework. We combined a high level assessment of WIPO's approach with a more detailed consideration of the results for the Human Resources Management and Development program, one of the 31 programs reported under WIPO's RBM framework.

“Overall, we found that WIPO had a well-established framework for RBM, with a biennial Program and Budget listing expected results against each strategic goal, with key performance indicators intended to measure progress in the achievement of each program. IOD validates a sample of these key performance indicators to assess the adequacy of data systems and have generally concluded positively on the data collection.

“Turning to human resources in program 23, we reviewed the detail of the performance indicators in the context of the program as a whole. In doing so, we identified a number of areas which could be further developed to measure progress. The substance of our observations may have wider application across other programs in the RBM framework.

“We highlighted that in the July 2018 performance report, the most recent available at the time of our audit, four out of 12 indicators were not assessed due to the absence of data systems to capture performance or where targets were not specified. Consequently, some important measures such as staff satisfaction and the measure of efficiency of HR operations were removed from the 2018/19 Program and Budget. While the RBM framework supports formal accountability to Member States, we consider that this is scope to align it to WIPO's internal reporting through the human resources balance scorecard. For example, the measures of recruitment in the program budget were not included in the internal balance scorecard, whereas data on sickness absence was reported in the scorecard but not in the Program and Budget. They should be measured internally on a regular basis. We also found that the various indicators set out in the Program and Budget did not fully correlate with the expected results and we believe that there is scope to broaden the range of indicators to provide a more rounded assessment against each of the expected results.

“In reviewing indicators we noted a number of targets were repeatedly met and question whether these remain sufficiently challenging as a performance measure. Baselines and targets should provide a real indication of progress between biennia.

“I will now highlight the main areas we identified in assessing performance information supported priority areas set out in the 2017-2021 human resources strategy. We identified scope to ensure indicators adequately addressed the priority areas within this strategy. In support of a sustainable future, for example, WIPO could include indicators to report on alignment of linguistic skills with geographical demand and the acquisition of artificial intelligence skills. With respect to a diverse workforce, we noticed progress on gender parity following targets and an action plan by Member States.

“In measuring the effectiveness of talent management, we noted that measures did not exist to consider the adequacy and the effectiveness of learning and development or staff well-being. The recent evaluation reports have found that the structure and the resources for career development were insufficient to meet future organizational needs. In our view, there is scope for a general review of learning and development across the Organization and to establish indicators to measure the effectiveness of the program.

“While resignation trends and measures of productivity provide partial insights on staff well-being we noted other measures from recent surveys which have been sponsored by the UN in the area of health and performance that were less positive. These results indicate to us that there would be benefits in deploying wider staff surveys as a means of assessing the effectiveness of HR management and well-being. They could also measure whether the HR function has efficient customer-oriented processes and communications. Measuring survey results on an annual or biannual basis would provide a clear baseline against which future performance could be assessed, and provide valuable data on staff morale.

“To conclude, I can confirm the good progress was made in closing and implementing recommendations from previous years, and we are pleased to note the positive responses from the Secretariat on recommendations that we made in our report this year. We will review these implementation plans later this autumn.

“I would like to thank the Director General and his staff for his support and cooperation in facilitating our audit, especially in the first year of our mandate. I would now be happy to take any questions or provide further background to our report. I did note the question from the Croatian Delegation and if you are willing I'm happy to respond to that now or later in the agenda item.”

1. The Delegation of the Russian Federation thanked the External Auditor for preparing his report and noted with satisfaction that there had been a positive audit opinion about the financial state of WIPO, which indicated that the work of the Organization had been effective. The Delegation added that it appreciated the conclusion that, on various aspects, WIPO’s practice was one of the best in the wider United Nations (UN) system. Furthermore, the Delegation emphasized that the internal control system had been approved and that there were considerable reserves for ensuring the continued stability of WIPO’s financial situation, as well as the policy of risk management and governance and results-based budgeting. The Delegation wished to draw attention to the recommendations made by the External Auditor in various areas where improvements could be made, including the systematic review of reserves, and strengthening the results-based management system. The Delegation stated that bearing in mind the importance of an effective policy on risk management, it believed it appropriate that meetings be held on a regular basis with the External Auditor for an exchange of information, particularly with respect to the operation of the risk management system and ensuring WIPO’s accountability. It added that the recommendations made by the External Auditor on the human resources program should be carefully taken into account, particularly the development of geographical distribution, enhancing language skills among the staff in order to meet the requirements of the Organization, particularly when it comes to treaties administered by WIPO, and Recommendation 12 in particular so that indications about the geographical representation of Member States among WIPO staff could be clearly indicated. The Delegation wished to continue to work constructively in the WIPO Coordination Committee and added that it would find it appropriate also to look at the capital investment system, particularly given the scale of investment and the importance of it to the Organization.
2. The Delegation of Mexico, speaking in its national capacity, expressed its warm welcome to the External Auditor and thanked him for his first report containing observations which were extremely interesting. It noted with pleasure the points raised about the healthy financial position of the Organization. Also, it had taken careful note of the areas where the day-to-day work of the Organization could be improved and where opportunities could be developed, such as the human resources strategy, the Organization’s gender equality program, training, and incentives to staff. The Delegation urged the Secretariat to follow up on those recommendations and take action in response to them.
3. The Delegation of the United States of America thanked the Auditor General of the United Kingdom and the National Audit Office for his report and clarification offered at the 30th PBC session. The Delegation stated that reviews by the External Auditor were an important part of WIPO’s oversight structure, to ensure funds were used in the most efficient and effective manner. The Delegation encouraged the Secretariat to continue to adopt the audit recommendations in a timely manner. The Delegation also noted that the External Auditor believed that the duty to regularly report investments made by WIPO fell on the Secretariat. The External Auditor had explained that he would work with both the PBC and the Secretariat to further develop this reporting policy. The Delegation stated that it would welcome more information on how the External Auditor planned to work in conjunction with the Secretariat and the PBC to strengthen consistent reporting on investments. The External Auditor had also explained that there was a system-wide reluctance to report fraud, however, it was also noted that WIPO was going further than most organizations in the system by implementing fraud risk assessments. The Delegation expressed its appreciation for the initiatives that had been implemented or were underway to improve fraud awareness among staff members at WIPO, and looked forward to updates on the implementation of the fraud risk assessments and other anti-fraud initiatives.
4. The External Auditor thanked the Member States for their kind comments in respect of the audit report and stated that there were three areas that he would respond to from the questions, turning first to the observation from the Delegation of the Russian Federation. The External Auditor was pleased to support Member States in whatever capacity, have dialogue with the IAOC which reported to the Member States on a regular basis and to attend the PBC. Nonetheless, he would be eager to consider any requests from Member States to provide more clarity around his reporting or to answer observations around his audit and the issues raised. In respect of the comments from the Delegation of the United States of America, he confirmed that he would be pleased to review the developments of the investment policy. He added that, as auditors, they did not get involved in setting the policy themselves but were well positioned to support the Secretariat, provide observations on their proposed reporting, and also share best practice in that area. Referring to the question raised by the Delegation of Croatia, the External Auditor stated that he had shared his audit strategy and his audit plan with the Secretariat and also had very productive discussions with the IAOC which had reviewed the areas that were proposed for his 2019 audit. He confirmed that he would continue to look at the area of governance as this was very important to the Organization. The External Auditor further said that this was central to the assurances and the confidence that Member States could have in the competency of the Organization and, as reflected in his presentation, confirmed that he was keen to continue to look at the arrangements that had been put in place in respect of anti-fraud measures, and also to look in more detail at the area of risk management and the progress that the Organization had made in ensuring that this was systematic, embedded and useful within the Organization itself. Moreover, picking up on observations made by the Chair of the IAOC, he would also be very interested in looking at the ethics framework and whistle-blowing and how that was developing within the Organization. There were some common concerns around the ethics function across the UN system and the External Auditor would be pleased to bring insights from other organizations that he audited across the system. In terms of performance reporting, the External Auditor said that he was very keen to look at the strategy that the Organization had in respect of field offices and although this was an agenda item that was part of the WIPO General Assembly, it was a key area where he could add value by shining a light on the extent to which the Organization’s strategy was being delivered through its field offices.
5. The Director General thanked the Controller and Auditor General of the United Kingdom, and Mr. Brewitt in particular, for all their work over the course of the previous year and for the extremely cooperative nature of the relationship that had been established with the External Auditor. All the comments made by delegations had been noted, the 16 recommendations made by the External Auditor had been accepted and the Secretariat was working on them.
6. The General Assembly and other Assemblies of the Member States of WIPO took note of the “Report by the External Auditor” (document A/59/6).

#### (iii) Report by the Director of the Internal Oversight Division (IOD)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 12 OF THE CONSOLIDATED AGENDAOpening of New WIPO External Offices

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 13 OF THE CONSOLIDATED AGENDAReport on the Program and Budget Committee (PBC)

1. Discussions were based on documents A/59/7, A/59/8, A/59/INF/3, A/59/10, A/59/INF/6 and A/59/11.
2. The Chair noted that the item covered all Program and Budget Committee (PBC) matters except the reports on audit and oversight which had been discussed under Agenda Item 11. As delegations were aware, the PBC had made very good progress. Nevertheless, as mentioned in the “List of Decisions Adopted by the Program and Budget Committee” (document A/59/7), there were two outstanding issues under the “Proposed Program and Budget for the 2020/21 Biennium”. The Chair proposed that, as per past practice, those outstanding issues be set aside and that all others that were fully noted and recommended for approval by the PBC be first addressed. The Chair proposed that the decision paragraph related to all matters covered by this agenda item be considered, except for the Proposed Program and Budget for the 2020/21 Biennium which would be addressed immediately afterwards. The Chair proposed the decision paragraph set out in paragraph two of document A/59/7, entitled “List of Decisions Adopted by the Program and Budget Committee”, and read out the draft decision.
3. With respect to all matters under this agenda item, except for the Proposed Program and Budget for the 2020/21 Biennium, the Assemblies of WIPO, each as far as it is concerned,

(i) took note of the “List of Decisions Adopted by the Program and Budget Committee” (document A/59/7); and

(ii) approved the recommendations made by the Program and Budget Committee as contained in the same document.

1. Before turning to the last outstanding issue under the agenda item, the Chair gave the floor to the Secretariat to update the Assemblies on the Status of Member States’ Contributions.
2. The Secretariat stated that document A/59/INF/4 provided the Status of the Payment of Contributions as of August 31, 2019, and between September 1 and October 1, 2019, the following contributions had been received: Greece, 1,446 Swiss francs; Honduras, 2,849 Swiss francs; India, 3,749 Swiss francs; Mali, 42 Swiss francs; Niger, 42 Swiss francs; Saint Kitts and Nevis, 2,849 Swiss francs; Saint Vincent and the Grenadines, 2,849 Swiss francs; Senegal, 233 Swiss francs; Seychelles, 2,849 Swiss francs; United Republic of Tanzania, 1,424 Swiss francs; and Vanuatu, 1,024 Swiss francs.
3. Turning to the last outstanding issue under Agenda Item 13, the Proposed Program and Budget for the 2020/21 Biennium, as submitted under document A/59/8, the Chair gave the floor to the Director General.
4. The Director General stated that the Proposed Program and Budget for the 2020/21 Biennium had been the subject of two comprehensive readings at the 29th and 30th Sessions of the Program Budget Committee. The Director General then elaborated on three sets of observations on the subject. The first observation was that the Secretariat was budgeting for an income of 882 million Swiss francs (rounded), which represented an overall increase of 6.4 per cent which was in line with the forecasts of WIPO’s Chief Economist. The Secretariat had budgeted for a 5.9 per cent increase in expenditure to 768 million, which resulted in a surplus. The Director General then alluded to the comments that he had previously made about the importance of the surpluses in the Organization to finance the Capital Master Plan, and noted that one of the items on the Capital Master Plan related to the lifts, with which some delegations had experienced difficulty. That was the overall picture. On his second observation, the Director General referred to the main changes that had occurred since the meetings of the PBC. The first change was the reduction of 1.6 million Swiss francs (rounded), in the provisions for the WIPO Rewards and Recognition Program in Program 23. The total new provision amounted to 1.15 million Swiss francs. The second change was in the personnel costs following the decision of the Administrative Tribunal of the International Labor Organization in Judgment No. 4138 as reflected in document WO/PBC/30/10 Corr. The third change was the inclusion of two new performance indicators in Program 19 related to multilingualism. In this respect it was to be noted, firstly, that there was a provision for the translation of the Executive Summary of WIPO Flagship Publications into all official UN languages and, secondly, for the translation of the WIPO global publications on substantive IP topics into all official UN languages. For Program 27, there was an increase in the non‑personnel budget of 800,000 Swiss francs for the translation of WIPO global publications on substantive IP issues. Those were the changes introduced in accordance with the instructions of the PBC. In his third observation, the Director General turned to the two outstanding issues on the Proposed Program and Budget for the 2020/21 Biennium. The first outstanding issue related to the allocation of income and expenditure in the unions. The second outstanding issue related to the PBC’s agreement to revert to the issue reflected in document WO/PBC/30/10 Corr. which related to updating personnel costs. The PBC requested the Secretariat to present to the 2019 Assemblies “…a working document on the exact amount, details of calculations, sources and modalities of funding needed in connection with the Judgment No. 4138 of the ILOAT.” This was presented in the information document titled “Information Requested by the Program and Budget Committee as referred in document WO/PBC/30/15 under Agenda Item 11(iv)” (document A/59/INF/3). The Secretariat had provided additional clarifications on the information document during informal consultations that had been held. In particular, it had been clarified that the difference in personnel costs between the approved Program and Budget for the 2018/19 Biennium and the Proposed Program and Budget for the 2020/21 Biennium, which amounted to 15.9 million Swiss francs, pertained to the increase in the provision for After Service Health Insurance (ASHI) from 6 to 8 percent, to statutory step increases of all staff amounting to 2.7 million Swiss francs and to the pension contributions that were associated with the new pensionable remuneration scales that had been decided by the International Civil Service Commission (ICSC) in February 2019, amounting to 4.1 million Swiss francs.
5. The Chair thanked the Director General for his remarks and recalled that one additional document had been received from the Delegation of Switzerland, and two from the Delegation of the United States of America. Before giving the floor to the Delegations of Switzerland and the United States of America for the introduction of their documents, the Chair informed that the Facilitator for the present item, Ambassador Andrew Staines (United Kingdom), had conducted informal consultations on Monday evening, September 30, 2019. The Chair then passed the floor to the Delegation of Switzerland for the presentation of its document.
6. The Delegation of Switzerland had submitted a proposal contained in document A/59/11 which, it said, offered a simple, transparent and long-term solution to an issue which it had been faced with for too long. Looking at the general situation, the financial situation of the Organization was a very healthy one. The Program and Budget over recent years had been balanced, the results-based management system worked, and the methodology for allocating income had been a tried and tested one for many years. In spite of that, for the last four years, the system had been brought into question and, in the Delegation’s view, those discussions had taken up a lot of time and energy on the part of many Member States and the Secretariat in an attempt to resolve the problem, which was not really a problem at all. In fact, the discussions called into question the adoption of the Program and Budget every time, even though the financial situation of the Organization was a very healthy one. That was why the Delegation was proposing a long-term solution to that systematic discussion. The Delegation’s proposal contained the following two points: firstly, in the short-term, there was a need to adopt the Program and Budget for the 2020/21 Biennium. The Delegation’s proposal was to maintain the current methodology applied for the Program and Budget over many previous biennia and that was a pragmatic and appropriate solution for WIPO. It did not allocate additional expenditure to unions that were not generating profits. As the Delegation had mentioned during previous meetings of the PBC, it was not rational to add supplementary expenditure to unions that could not afford such expenditure. If such logic was followed, then the poor would be paying for the rich. WIPO had sufficient resources. The second point of the Delegation’s proposal, which was a logical follow-on from that, was a long-term solution to make permanent the logic that underscored the current allocation methodology, avoiding pointless and complex discussions on a regular basis concerning the financial management of the Organization. The Delegation proposed a unified budget for WIPO, given that the finances of all unions were *de facto* considered as an integral part of the budget for the Organization. The Delegation’s proposal for a unified budget, which was happening and had been happening in WIPO for some years taking into account the overall Organization, was normal practice for any international organization. The Delegation’s proposal would, therefore, resolve once and for all the systemic issues which had used up far too much time, energy and money on the part of Member States, the Secretariat and the Organization, without having had any useful outcome. With a long-term approach of that nature, the Delegation was sure that its discussions concerning the budget would be easier and more effective. The Delegation had always defended the unified approach for WIPO because it believed that all of the activities carried out by the Organization were legitimate. Taking it back to 20 or 30 years in the past and following documents and practices that were followed in the 1970s and 1980s was nonsensical. The Delegation called to look to the future for the good of the Organization and for its Member States. Therefore, the Delegation hoped that the approach that it was proposing would make a decisive contribution to finding a solution that responded to the present and future needs of the Organization and its Member States. The Delegation concluded that it was willing to participate constructively in discussions in order to reach that objective.
7. The Chair then passed the floor to the Delegation of the United States of America for the presentation of its documents.
8. The Delegation of the United States of America thanked the PBC Chair, Ambassador Staines. The Delegation valued the work of WIPO and critical services that WIPO provided to stakeholders worldwide. It also valued the work of the Secretariat in preparing the Program and Budget, the annual financial statements and all their other work to support the good governance of the Organization. The Delegation believed that the budget documents in their current form fairly and transparently conveyed the information needed for Member States to make decisions. The Delegation supported the Proposed Program and Budget for the 2020/21 Biennium, document A/59/8, and hoped that members would adopt the budget at the WIPO General Assembly. In proposing the budget, the Secretariat had suggested that each union contribute a nominal amount toward the common expenses of the Organization. The Delegation believed that this was not too much to ask, and it fully endorsed the Secretariat’s proposal. The Delegation had listened to the concerns of several delegations and had proposed possible solutions in the past. The Delegation’s information document addressed the reallocation of miscellaneous income so that the CF Unions received a larger share, thus reducing their deficits. The Delegation remained open to other solutions and stood ready to constructively engage on that very important issue. Nevertheless, there were some delegations who spoke of solidarity, but then insisted that the revenue for their Union only be used for their purposes. Those delegations agreed to cover their own costs mostly through loans and refused to contribute even a minimal amount, 4,000 Swiss francs a year, towards the expenses involved in the overall running of the Organization. The Delegation thought of solidarity in another way, one that involved bearing a proportional level of financial responsibility as their fellow fee-funded unions. The Delegation hoped that delegations would support the Secretariat by agreeing that each registration system, the PCT, Madrid, Hague and Lisbon Union, would agree to demonstrate their support for the Secretariat as proposed in document A/59/8. The Delegation hoped to find a solution for the 2020/21 biennium that would result in a better outcome for the Organization. The Delegation stated that the past practice of reducing the money available for the common good should not be prolonged because the Lisbon Union had chosen to ignore the advice of the Secretariat as to how they could cover their own costs, i.e. increase fees to an appropriate level. Lastly, the Delegation placed significant value in the UN common system, including the principle of providing equivalent compensation for similar work between different multilateral organizations. That function, performed by the ICSC since its founding, was critical. The Delegation was concerned that the decisions of the ILO Administrative Tribunal could have major ramifications for the integrity of the UN common system and significant financial and other potential implications. The Delegation urged the Secretariat to ensure that integrity would be preserved and that it would implement any future ICSC decisions or UN General Assembly resolutions that addressed the ILO Administrative Tribunal decisions. The Delegation looked forward to adopting the Proposed Program and Budget for the 2020/21 Biennium at the 2019 WIPO General Assembly and was open to discussing the matter further with Member States. The Delegation stated that WIPO was fortunate to enjoy a strong financial position due to the success of the PCT System. The Delegation was concerned that if unions were not required to contribute to the overhead of the Organization, if they set their fees too low to cover expenses, or did not have a certain level of reserves, the Organization would eventually be destabilized. During the 29th and 30th Sessions of the PBC, the Delegation recalled that it had clearly stated that it supported the inclusion, in Annex III, of the nominal one per cent of revenue that the CF, Hague and Lisbon Unions would pay towards the common expenses of the Organization. The Delegation was ready at the close of PBC 30 and were ready at the 2019 Assemblies to approve the Proposed Program and Budget for the 2020/21 Biennium, as presented, since the PBC was not able to reach agreement during PBC 30. The Delegation noted that it had since tabled language in document A/59/10 and document A/59/INF/6. In response to the Delegation of Switzerland’s intervention, the Delegation stated that the Delegation of Switzerland’s proposal that Annex III be removed from the proposed Program and Budget, in essence, was because the Delegation of Switzerland believed it was too complicated and the budget would be simpler without it. Annex III included the budget by union and was the only place where WIPO projects the income and expenses by Union. Annex III provided transparency and it enabled Member States to readily assess the financial situation of each union. The Delegation had confirmed with the Secretariat that the Program and Budget document alone did not have sufficient information, even with extensive research lasting several days, for Member States to gather and understand the information currently included in Annex III. The Delegation of Switzerland's proposal therefore significantly undermined the fairness and transparency of the budget and the Delegation could not support it. The Delegation of Switzerland was clearly frustrated with the discussions to date as to whether the Lisbon Union should be financially self‑sufficient and contribute to the common expenses, but throwing the baby out with the bath water was not a sensible approach. The Delegation fully understood the concerns of the Delegation of Switzerland and other non-Lisbon members who might consider joining the Lisbon Agreement and Geneva Act, notably the resulting long-term financial commitment to keep the system operating, not by fees but by member contributions. The Delegation stressed the need to remember that Lisbon was a fee-financed Union with unambiguous treaty obligations in the Lisbon Agreement regarding financing for the system. Nowhere in the Lisbon Agreement did it state that contracting parties could ignore their responsibilities to the Organization. The Delegation recognized that the Geneva Act of the Lisbon Agreement did not include any provision for the Lisbon Union contributing toward common expenses. Sadly, as was well‑known, the Geneva Act was agreed upon by only 28 Member States of WIPO. Furthermore, no decision had been made by WIPO members to accept the Geneva Act as a WIPO Agreement. Given the Lisbon Union’s unwillingness to contribute positively toward the financial well-being of the Organization, the Delegation believed that it was important that the provisions of the WIPO Conventions be followed and WIPO members take a decision whether to accept the Geneva Act as a WIPO Treaty. That decision was not currently before WIPO members and the Delegation would not belabor the point. The Delegation stated that the Delegation of Switzerland had also proposed that WIPO adopt a unified budget. Around the year 2000, WIPO members thoroughly discussed whether to have that unified budget and ultimately decided to keep the existing structure of a separate budget for registration system unions. At that time, having a unified budget and a unitary assembly was linked and it seemed members did not want to give up decision‑making authority for the unions and thus did not move forward with the unified budget/unified assembly. The Delegation saw no reason to revisit that issue simply to justify an underperforming system continuing to avoid paying its fair share.
9. The Delegation of Croatia, speaking on behalf of the Central European and Baltic States (CEBS) Group, thanked Ambassador Andrew Staines for his able chairmanship of the PBC as well as the Secretariat for its hard work in preparing the 29th and 30th Sessions of the PBC. The Group noted with satisfaction the financial results for 2018 with a net surplus of 42.5 million Swiss francs, which was to be attributed mainly to the continued growing demand for WIPO services. The Group welcomed the sound performance of WIPO and appreciated the fact that the Organization, for the 7th consecutive year, enjoyed such positive financial results and looked forward to the continuation of the trend. The Group reminded with pleasure that the 29th and 30th Sessions of the PBC managed to reach an agreement on the two new Performance Indicators regarding WIPO’s flagship publications (Program 19) and WIPO’s Rewards and Recognition Program (Program 23). However, the Group noted with regret that no agreement had been reached on the outstanding issue of the union allocation methodology and reiterated its position on the need to support the principle of solidarity among unions. The Group took note of the proposals from the Delegations of the United States of America and Switzerland regarding budget allocation methodology, an issue under discussion since 2015. The Delegation found the Swiss proposal worth considering, and appreciated further clarifications regarding its actual implementation. Along with the PBC 30 decision, the Group was in position to approve, from the WIPO reserves, the funding of the project presented in the Capital Master Plan 2020-29 for the 2020/21 biennium amounting to 90 million Swiss francs. The Delegation equally thanked the Secretariat for providing document A/59/INF/3 with information on the funding needed in connection with the Administrative Tribunal of the International Labour Organization (ILOAT) Judgment No. 4138.
10. The Delegation of Mexico, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), expressed its satisfaction with the very strong performance of WIPO in providing intellectual property (IP) services of a very high quality which had clearly led to an increase in the demand for services and, as a result, healthy finances, with 95.8 million Swiss francs of surplus for the 2020/21 biennium. Regarding the proposals on the union allocation methodology, the Group believed it was important that whatever decision was taken in that regard would not have a negative impact on the achievement of the strategic goals and programs established under the agenda for a balanced and effective IP system at the international level, promoting creativity and inventiveness for the benefit of all and, as a result, reaching the UN Sustainable Development Goals (SDGs) and the implementation of the 2030 agenda.
11. The Delegation of Canada, speaking on behalf of Group B, thanked Ambassador Andrew Staines for his continued efforts in chairing the 29th and 30th Sessions of the PBC. The Group appreciated the progress made in the 29th and 30th Sessions of the PBC and noted that no agreement had been reached on Annex III, and thus no recommendation was provided to the WIPO General Assembly. The Group remained hopeful that it would be able to resolve that during the 2019 Assemblies with the support of all Member States.
12. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, thanked the Chair and Vice-Chairs of the PBC and the Secretariat for the excellent work done thus far to support the PBC and for the preparation of the documents under the agenda item as contained in documents A/59/7, A/59/8 and A/59/INF/3. On the WIPO Performance Report 2018 and relevant financial statements, the Group was heartened by the generally positive financial report and that 72 per cent of the Performance Indicator evaluations were on track. The Group looked forward to continued good progress in the coming years. The Group took note of the latest proposals tabled by members to move the discussions forward on the issue of the union allocation methodology in the Proposed Program and Budget for the 2020/21 Biennium. The Group looked forward to constructive discussions on that issue with a view to reach an agreement based on mutually acceptable outcomes for all members.
13. The Delegation of Uganda, speaking on behalf of the African Group, thanked the Secretariat for the compilation of the reports on the PBC and related documents contained in decisions of the PBC and information requested by the PBC as well as the compilation of documents containing proposals of Member States. The reports contained valuable information which gave an overview of the programmatic and financial performance of the Organization in 2018/19, as well as the Proposed Program and Budget for the 2020/21 Biennium. Regarding the programmatic performance in 2018/19, the Group was pleased to note that the Organization had achieved almost all its expected results in accordance with the approved 2018/19 Program and Budget. Regarding the Proposed Program and Budget for the 2020/21 Biennium, the Group was further pleased to note that the Organization continued to be in a strong financial situation with its income forecasted to grow in excess of 800 million Swiss francs in the 2020/21 biennium. That enabled the Organization to meet all of its short, medium and long‑term expenditure needs. That gave the Organization the ability to deliver its mandate. As a major demander of WIPO’s technical assistance and capacity‑building programs, the Group underscored the need to allocate sufficient personnel and non-personnel resources to government‑oriented activities to facilitate its Member States in using IP for development. In that regard, the Group welcomed the increase in resource allocation to development related activities in the 2020/21 biennium. The Group further commended the Secretariat for the much improved practice of the mainstreaming of the Development Agenda (DA) Recommendations and the SDG in the Program and Budget by linking each program to a specific DA Recommendation or SDG to which it applied. The Group envisaged making a greater contribution to the implementation of DA and SDGs by WIPO. The Group reiterated the importance attached to the work of the PBC, which constituted an institutional foundation of the Organization. In that regard, the Group remained deeply committed to the principles of balance, equity and transparency in the allocation of the income and expenditure of the Organization. However, the Group was concerned with the divergence in views regarding the methodology for the allocation of incomes and expenditure by Unions. Those divergent views impeded the ability of the PBC to conclude those discussions on the Proposed Program and Budget for the 2020/21 Biennium. While the Group welcomed various proposals intended to bridge existing gaps on the matter, the Group remained convinced that the current allocation methodology as applied to the Program and Budget for the 2018/19 Biennium had already proved to be fit for purpose and should be maintained for the 2020/21 biennium. The Group urged all members to exercise maximum flexibility to ensure that the Program and Budget would be approved to enable the Organization to deliver its mandate and also deliver the results that the Group expected to be met in the 2020/21 Biennium. The Group looked forward to full and open engagement in the discussions on the agenda item.
14. The Delegation of China thanked the Chair and the Vice-Chairs of the PBC as well as the Secretariat for the Proposed Program and Budget for the 2020/21 Biennium. The Delegation hoped that an agreement on the remaining outstanding issues could be reached at the 2019 Assemblies. Regarding the allocation of income and expenditure by unions, the Delegation wished to reiterate that WIPO, as the world’s most important international organization that managed IP matters, had the mission to lead development of a balanced and effective international IP system that enabled innovation and creativity for the benefit of all countries in terms of their economic, social and cultural development. Therefore, when studying and planning the Organization’s expenditure methodology, the current income profit and losses of the various IP service systems should not only be considered, but also examined to decide on the best way to promote the sound development of global IP service systems from a strategic and development perspective. Therefore, the Delegation called for a cautious approach with regard to the change of the existing union allocation methodology and underlined the importance of proceeding on the basis of consensus between all Member States in the matter. The Delegation stated that it would continue to adopt an open and constructive attitude in engaging in discussions on the agenda item.
15. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Organization of Islamic Cooperation (OIC), Geneva Group, commended the Member States and the Chair of the PBC for their constructive engagement during the 29th and 30th PBC Sessions. The Group recognized the progress made in considering the Proposed Program and Budget for the 2020/21 Biennium while recalling the position gap on the issue of the union allocation methodology as contained in Annex III of the document. The Group appreciated those delegations that put forward their proposals in that regard. The Group recognized that the issue of union allocation methodology had been intensively discussed in the previous years during the PBC sessions. However, no consensus was reached among delegations to make any changes in the current allocation method. The Group was of the view that any new proposal should contribute to narrowing a specific gap or addressing a particular problem within the system. Nevertheless, the Group did not see any problem in the current union allocation methodology, hence it was not yet satisfied of the necessity or added value in modifying the current methodology of allocation of income and expenditure by unions which had been in use since 2007. In light of that, OIC countries supported the maintenance of the current union allocation methodology for the 2020/21 biennium without the one per cent nominal contribution by the unions as it contradicted the capacity-to-pay principle.
16. The Delegation of the Russian Federation thanked the Chair and Vice-Chairs of the PBC for their work. The Delegation expressed its gratitude to the WIPO Secretariat for the additional explanations throughout the discussion of the financial situation of the Organization. The Delegation welcomed the efforts made on WIPO’s Multilingual Policy which was one of the main values of the UN system. The Delegation stated that that approach would mitigate the existing imbalances and overcome barriers to form a more generalized access by users to the analytical and informational materials of WIPO, and would boost the growth of the registration system. The Delegation did not question, and on the whole supported, the Proposed Program and Budget for the 2020/21 Biennium. However, the Delegation was opposed to the inclusion of expenses related to the implementation of the ILOAT’s Judgment No. 4138. The Delegation pointed out that a final decision on that could be adopted by the UN General Assembly, which played a coordinating role in the common system of the UN regarding rules and recognition to international civil servants. In that connection, the Delegation said it would be grateful for information about possible action to be taken by the Secretariat to have another look at ILOAT’s Judgment No. 4138. As regards to the methodology used for the union allocation methodology of expenditure by Unions, the Delegation believed that it was very important to maintain the basic principles of WIPO, as that was the unified approach. The Lisbon System, at that stage, was in a state of development. Increasing its financial obligations would reduce its attractiveness for possible users. The Lisbon System should work within a unified WIPO budget. The Delegation believed that the revised methodology would lead to a disintegration of an effective, international system that worked.
17. The Delegation of Indonesia aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. The Delegation took note of the latest proposals tabled by the Delegations of Switzerland and the United States of America. The Delegation was hopeful that discussion on those two proposals would help guide towards resolution on the remaining outstanding issue on the union allocation methodology so that the Program and Budget for the 2020/21 Biennium could be adopted. The Delegation added that it had studied both proposals, background information documents, and that it had followed all of the discussions and conversations since the 29th PBC Session. The Delegation thanked the Secretariat for the proposal in Annex III of the Proposed Program and Budget for the 2020/21 Biennium and took note of the treaty obligations of each registration system pertaining to the budgets of its registration system. However, the Delegation was not convinced at that point in time that it was the right time to adopt the Proposed Program and Budget for the 2020/21 Biennium by changing and applying a new allocation methodology that might have unintended systemic consequences, especially as it related to the CF Union. Therefore, both the proposal on a unified budget and the proposal on the new methodology for allocation of income and expenditure needed more time and thorough consideration so that whatever was decided later on would be for the betterment of the Organization and all of its Member States and stakeholders and the users of international IP services. Finally, the Delegation stood ready to work constructively and was thankful for the wise and able guidance from Ambassador Staines in chairing the 29th and 30th PBC Sessions and facilitating the work and discussions in the 2019 WIPO General Assembly. The Delegation looked forward to the adoption of the Program and Budget for the 2020/21 Biennium.
18. The Delegation of the United Arab Emirates highlighted the importance of the agreement on the Program and Budget for the 2020/21 Biennium due to its importance in highlighting and promoting the importance of IP and the role of WIPO therein. The Delegation thanked the Secretariat for the preparation of the Proposed Program and Budget for the 2020/21 Biennium and thanked the Member States for their negotiations and discussions during the 29th and 30th PBC Sessions and the constructive engagement in that regard. The Delegation pointed out the role of the Chair of the PBC in bringing together all of the opinions of the delegations, and wished him all of the success in his moderation task in the future. The Delegation welcomed the enhancement of the role of WIPO in taking into consideration the official languages, including Arabic, a language spoken by 400 million people. That would increase the volume of international operations within WIPO. Therefore, the Delegation commended all the efforts in that regard in allocating the necessary expenses for the 2020/21 biennium according to each Union. The Delegation thanked the Delegations of the United States of America and Switzerland for their proposals in that regard. The Delegation expressed concern with regard to the transformation of the union allocation methodology given the fact that guarantees were needed for the financial sustainability of the Organization, and therefore the Delegation would be participating in the negotiations around that matter with great interest.
19. The Delegation of Italy thanked the Secretariat for all the hard work carried out in the preparation of the 2019 Assemblies and thanked Ambassador Staines for all of his efforts as Chair of the PBC. Before entering into the discussion on the Proposed Program and Budget for the 2020/21 Biennium, the Delegation wished to highlight some key principles that were fundamental in its view for WIPO to achieve its institutional goals. IP Rights (IPRs) were valuable intangible assets that contributed to boosting economic and business growth across the globe. IP assets did not solely represent an enormous economic resource for businesses and governments, but also played an important role for social and cultural development, contributing to creating wealth for civil society. That was the reason why WIPO's primary objective was to spread the IP culture worldwide and, in doing so, contributing also to the DA. As a result, the Delegation believed that all IPRs should be considered relevant and should be treated in an equal manner, helping businesses across any geographical area to access IPRs. Therefore, the respect of the principle of solidarity among Unions was paramount for the Organization, and was consistent with its United Nations’ mandate. The capacity-to-pay principle applied so far in the drafting of the WIPO Program and Budget was a direct consequence, in financial terms, of a principle of solidarity. Following the capacity-to pay‑principle, until then, the Organization as a whole had proved to be financially solid and fit‑for purpose, successfully fulfilling its mandate. In that regard, the Delegation recalled that it had already heard during the general statements made by several delegations the day prior and two days prior, the appreciation for very great achievements reached at WIPO under the current topic mentioned. Therefore, the Delegation did not understand the sudden need for the introduction of a change to the present union allocation methodology which had been applied for many years. In its view, the current proposal included in Annex III of the Proposed Budget for the 2020/21 Biennium included in document A/59/8 which introduced a nominal one per cent financial contribution to common expenses, moved away from the solidarity principle. Such a change would have long-term far‑reaching consequences for the Organization as a whole with a negative impact for the development of those activities that were not profitable, but that might be crucial to support economic development for small and medium-sized companies to foster innovation in rural areas and to pursue the DA Goals. WIPO’s Program and Budget should not be inspired by the financial rules typical of the private sector which was profit‑oriented. Therefore, the Delegation was of the opinion that the one per cent nominal contribution should be removed from Annex III in document A/59/8 and the current principle of allocation used for the 2018/19 document as prepared in the Q&A document by the Secretariat should be kept. The Delegation thanked the Delegation of Switzerland for submitting a proposal under that item. In that regard, the Delegation believed that the transformation of the WIPO budget into a unified budget would be very consistent with the mandate of the Organization and would represent a viable long‑term solution to simplify its financial management and to avoid an impasse among Member States on the allocation methodology at future PBC sessions. The Delegation was open to further discussing that matter with Member States and considering any proposal to be submitted in the future by the Secretariat to the PBC as a follow-up to the 2019 Assemblies.
20. The Delegation of India took note of all the proposals tabled under the agenda item and requested Member States to work through the pending issues to reach a common position on the Program and Budget for the 2020/21 Biennium. The Delegation hoped the Assemblies would approve the Program and Budget for the 2020/21 Biennium and considered that sound financial health of the Organization had been an asset for the efficient and effective working over the years.
21. The Delegation of Brazil aligned itself with the statement made by the Delegation of Mexico on behalf of GRULAC. The Delegation congratulated the Director General and the Secretariat for the excellent work on managing and presenting the results of WIPO's finances as laid out in the Report on the PBC. In terms of the outstanding issue on the union allocation methodology and the stalemate concerning a conflict between a principle and pragmatic approach to the allocation of resources between Unions, the Delegation wanted to see the Delegations of the United States of America and Switzerland hand‑in‑hand in a focus group in order to spare the Member States the excruciating discussion on the union allocation methodology. In order to narrow the gap between such positions, only the countries themselves could reach a middle ground solution that would recognize the added value provided by no WIPO instruments and at the same time guarantee that such Unions were financially healthy enough in order to be self-sufficient. On the one hand, the Delegation supported the unitary contribution system and on the other hand, it recognized the value of administrative cooperation between Unions. It was important, however, that whatever the decision that was reached, Member States should not be split by that challenge. Both proposals were valid at that stage, but were unfortunately counterproductive in political terms right now. More reflection was needed in that regard and the Delegation was at the Secretariat’s disposal to collaborate positively on reaching a long‑term solution to that matter.
22. The Delegation of France recalled that in its statement on Item 5 and according to its permanent position, it defended the principles of the unitary and solidarity of WIPO under the UN, and therefore it was inflexibly opposed to any change to the union allocation methodology in respect of indirect and common expenses of WIPO which might undermine that approach and any questioning of the capacity-to-pay principle. The Delegation was against any decision that would confirm a change to the allocation of expenditure to the unions and would therefore oppose the Delegation of the United States of America’s proposal as given in document A/59/10. On the other hand, the Delegation would support any proposal whose purpose would be to strengthen the principles of the unitary functioning of WIPO in solidarity, in particular the proposal made by the Delegation of Switzerland as described in document A/59/11.
23. The Delegation of San Marino fully shared the position presented by the Delegation of Italy.
24. The Delegation of Japan aligned itself with the statement made by the Delegation of Canada on behalf of Group B. The Delegation stated that it recognized the necessity of considering ways to correct the imbalance of income and expenditure of each Union. In that regard, the Delegation appreciated the proposal presented by the Secretariat and the proposal submitted by the Delegation of the United States of America. However, the Delegation stressed that the financial sustainability of each Union should not be forgotten. It believed that the current proposal made by the Secretariat would simply increase the deficits of the Lisbon and the Hague Unions. In that regard, the Delegation could not fully support the proposal. The Delegation also thanked the Delegation of Switzerland for submitting its proposal and welcomed the details of a unified budget of WIPO. If the unified budget of WIPO meant making drastic reform to WIPO's financial structure, the details and the effects of any reform needed to be carefully discussed. Lastly, the Delegation believed that the independence of each Union was important. In that regard, the Delegation had the same concerns as indicated by the Delegation of the United States of America, that a unified budget would deteriorate the transparency of income and expenditure.
25. The Delegation of Israel opened its remarks stating that it was happy to join the 2019 Assemblies two days after its New Year. The Delegation thanked the Secretariat for its hard work in preparing the Proposed Program and Budget for the 2020/21 Biennium, which it supported. The Delegation stated that its position had always been that any union should make all efforts to be self‑sufficient, that was the responsibility of the members of each union. The Delegation welcomed the transparency Annex III provided in the Proposed Program and Budget for the 2020/21 Biennium and believed that all unions should contribute to the common expenses of the Organization. The Delegation hoped that an agreement would be reached in the next few days.
26. The Facilitator thanked delegations for their kind words and for the confidence they had shown in him as Facilitator. The Facilitator had held one open‑ended informal meeting on Monday evening, September 30, 2019, and intended to hold a further meeting on Thursday, October 3, 2019, which would be open to Regional Coordinators and interested delegates from Member States. On the Annex III issue, the Facilitator stated that he had listened to the interventions very carefully and did not want to understate the strength of feeling on that issue. The Facilitator reminded delegations that the remaining areas of difference on the next biennium’s budget for the Organization amounted to a tiny fraction of the overall budget. Quoting the Director General’s opening statement on the first day of the 2019 Assemblies, the Facilitator stated “…it is essential for the smooth running of this Organization.” The Facilitator stated that it was time to move into a negotiating and formal decision-making mode. There were 10 days of PBC discussions covering the Proposed Program and Budget for the 2020/21 Biennium and there had been 2.5 to 3 days in the Assemblies to discuss it. Turning to a solution‑finding mode, the Ambassador stated that his approach was to follow the excellent example set by the Ambassador of Latvia in his role as the Facilitator on External Offices and he did not believe that late nights on the issues were needed as the issues were well-known to many delegations. The Facilitator concluded that he would be targeting a solution to that issue and a decision to support a budget for the Organization by the end of that week.
27. The Chair thanked the Facilitator for his statement and for his very realistic and intensive course of action. The Chair encouraged the Facilitator to accelerate the process and the outcome.
28. The Delegation of Hungary expressed its appreciation to the Director General and his team for achieving the positive financial results in 2018 and 2019. At the 30th PBC Session, the Delegation was not in the position to support the modification of the allocation methodology for income and expenditure of contribution financed and fee-financed Unions. The Delegation reiterated that its position had not changed. The Delegation believed that it was against the principle of solidarity among unions to force the Hague and Lisbon Unions, without capacity‑to‑pay, to contribute a nominal one per cent of the revenue towards common expenses. Nevertheless, the Delegation stood ready to participate constructively in the informal consultations to be held in that matter. The Delegation looked forward to adopting the Program and Budget for the 2020/21 Biennium.
29. The Delegation of Switzerland wished to respond to a number of questions that were raised during the discussion and a number of points made by the Delegation of the United States of America. There was a question asked about the obligations that would arise for the Organization as a consequence of the Swiss proposal. The Delegation thanked the Member States who had made their points on that subject and wished to reassure some delegations such as Japan who had talked about drastic reform. In this regard, the Delegation specified that it was not proposing drastic reform in its proposal which was only a move to make permanent what was already in place. In other words, the proposal corresponded to what WIPO had been doing for years, a budget by program and expected results. There would be a change to Annex III which would disappear. However, this would not effect the transparency of the budget which did not derive from Annex III. This Annex gave a view that had been carried over from a previous system and which was just an aggregation of Unions. Since that far off time, continued the Delegation, many supervisory mechanisms had been set up by WIPO, these ensured transparency at every level and that Member States always decided on the Program and Budget and on the allocation of resources by program. In summary, the Delegation explained that the system would be as transparent as the present one and if certain Member States so wished, it would be always possible to consult the expenses per program and the financial statements. Turning to the comments made by the Delegation of the United States of America on the discussions that had taken place 15 years or more previously on a unified budget, discussions indeed had taken place at that time but as the Delegation had just pointed out, this was more than 15 years ago. Since that time, the Organization had developed further and the Delegation considered that the time had now come to bring the discussion up again for the good of the Organization and the Member States. The Delegation added that it thought that it was the Delegation of the United States of America that had mentioned the unified Assembly. The Swiss proposal was not proposing this, it was a unified budgetary representation of the budgets and concerned the question of making permanent what was already being done by the Secretariat of WIPO.
30. The Delegation of Portugal thanked the Secretariat for its presentation of the Proposed Program and Budget for the 2020/21 biennium. The Delegation commended the Organization for the excellent financial results achieved which clearly demonstrated the success of the current methodology on income and expenditure which had been followed for some time now, these basic principles had led to the good functioning of the Organization and the various programs and activities it developed. WIPO, continued the Delegation, had a very healthy financial situation and this had been sustained over a number of years with a surplus provided because of the excellent use of the system, the excellent way in which resources were used and the way in which services were provided through IP systems. In particular, the Delegation believed that, for the next biennium, WIPO should retain the same methodology for the budget which had been adopted so far and which had given such good results. The Delegation said that it was worth pointing out that this was a UN organization and that it needed to ensure the smooth functioning of the various activities and programs for which it was responsible irrespective of the solution found rather than focusing on very small issues for the budget. The priority, said the Delegation, should be to ensure the financial balance of the Organization, the solidarity of the Unions and the principle of capacity to pay rather than making current imbalances worse and imposing a very individualistic approach which might have a negative systematic impact on all of WIPO's activities and compromise programs which were still being developed. Finally, the Delegation reiterated its willingness to continue to contribute in a constructive manner to the search for solutions that did not ignore the efforts made by all of the Unions and which continued to reach the overall objectives of the Organization as a whole, an organization that included all of the Global IP systems without exception. In that framework, the proposal from Switzerland, for which the Delegation was very grateful, seemed to be a most useful contribution, one that the Delegation wished to see discussed in the future bearing in mind the need to continue, not to compromise, the good performance of the Organization.
31. The Delegation of Morocco, having taken good note of the Proposed Program and Budget for the upcoming biennium and the relevant documentation, including the proposals put forward by the Delegations of Switzerland and the United States of America, reiterated its attachment to the unified nature of WIPO and supported the statement made by the Delegation of Switzerland as well as the Swiss proposal. The Delegation hoped that a consensus‑based solution to this issue could be found, adding that it would participate actively and constructively to this end.
32. The Director General wished to make one or two clarifications in response to a request made by the Delegation of the Russian Federation. First of all, the possibility of making an appeal in respect of the administrative tribunal judgement of the ILO had been considered and the Secretariat had concluded that this was completely impossible. The Director General added that further details in this respect could be requested from the Legal Counsel. Secondly, as previously explained during informal consultations, the Organization was not bound by decisions of the UN General Assembly, and this was the reason for WIPO to have a General Assembly of its own. The Organization was bound by certain UN Security Council decisions, but not by those of the UN General Assembly. It was bound by the contract between the Organization and the UN establishing the recognition of the Organization as a specialized agency to apply the decisions of the International Civil Service Commission "to the extent feasible." Those words were, of course, subject to interpretation made by the ILO Administrative Tribunal.
33. The Chair informed delegations that further consultations would be made by the Facilitator and hoped that, with the constructive spirit shown, delegations would contribute to the negotiations and that a very good and consensual outcome would be obtained before coming back to this agenda item at a later stage.
34. Reverting to the agenda item, the Chair was pleased to announce that consensus had emerged during the informal consultations that were held over the previous days and to which all interested delegations had been invited. The Chair noted that the proposed decision paragraph had been distributed to the delegations.
35. The Facilitator expressed his gratitude to the delegations who had been working extremely hard during the Assemblies to reach agreement on the outstanding issues under the Proposed Program and Budget for the 2020/21 Biennium. The Facilitator also thanked the Secretariat for supporting him during the Assemblies and during the 29th and 30th PBC Sessions. The Facilitator stated that being a facilitator was sometimes a lonely business and he was very grateful to the Secretariat and their teams for both their advice and for making the process slightly less lonely. The Facilitator was pleased to announce that after five sessions of informal consultations and with significant participation of interested delegations, consensus had finally emerged on Item 13. The Facilitator stated that, based on the Chair’s guidance he would not read out the decision, which had been distributed to delegations in paper form. The Facilitator concluded by again thanking the delegations for their cooperation and participation, and the Secretariat for its guidance and support.
36. The Chair thanked the Facilitator for his tireless efforts and for his briefing.
37. With respect to the Proposed Program and Budget for the 2020/21 Biennium, the Assemblies of WIPO, each as far as it is concerned:

(i) Approved the Proposed Program and Budget for the biennium 2020/21 (document A/59/8), subject to the allocation of income and expenditure by Union as reflected in the attached revised version of Annex III, which reverts to the allocation of income and expenditure by Union in the Program and Budget for the 2018/19 biennium;

(ii) Recalled that, in accordance with the treaties of the fee-financed Unions, each Union should have revenue sufficient to cover its own expenses;

(iii) Noted that each fee-financed Union with a projected biennial deficit in the 2020/21 biennium should examine measures in accordance with its own treaty to address that deficit;

(iv) Noted that if any Union in any given biennium does not have sufficient revenue and reserves to cover its projected expenses, the amount required to fund the operations of such Union is provided from the net assets of the Organization and is disclosed in the Annual Financial Report and Financial Statements, Revenue, Expenses and Reserves by Segment of the Organization, which includes the Surplus/Deficit of the Unions, and is to be repaid when the reserves of such Union allow it to do so;

(v) Decided that in accordance with (iv) above, for the 2020/21 biennium, if any fee-financed Union does not have sufficient revenue to cover its expenses, the required amount mentioned in (iv) shall be provided from the reserves of the Contribution Financed Unions, if those reserves are fully sufficient, otherwise from the reserves of the other fee-financed Unions, and be disclosed in the Financial Statements as notes;

(vi) Noted that the allocation methodology for the income and expenditure by Union is a cross cutting topic and decided to continue discussion on this topic bearing in mind the overall long-term financial sustainability of the Organization based on documents A/59/10, A/59/11 and A/59/INF/6 and other proposals by Member States at the 31st session of the PBC for the PBC to make a recommendation, by consensus, to the WIPO Assemblies in 2020 on the methodology for the allocation of income and expenditure by Unions;

(vii) Noted that all diplomatic conferences contemplated in the 2020/21 biennium, that may be held under the auspices of WIPO during the 2020/21 biennium and funded by the resources of the Organization, will be open to the full participation of all WIPO Member States in accordance with the Recommendations of the Development Agenda;

(viii) Noted with concern the possible effect the ILO AT Judgment No. 4138 may have in undermining the UN common system;

(ix) Recognized that WIPO, being part of the UN Common System, will continue to fulfill its obligations in accordance with the Agreement Between the United Nations and the World Intellectual Property Organization and further to its acceptance of the ICSC Statute;

(x) Noted that the personnel resources in the Program and Budget 2020/21 does not represent any additional personnel resources associated with the implementation of ILO AT Judgment No. 4138 as compared to the Approved Program and Budget 2018/19.

1. The Delegation of the United States of America thanked the Chair for leaving the item open in order to allow the Delegation to work with other delegations to find a way forward. The Delegation thanked the Facilitator for ably facilitating the discussions. The Delegation stated that while it did not object to the decision having been adopted by consensus, it had nonetheless to express its extreme displeasure with the Program and Budget for the 2020/21 Biennium which had been revised to delete the Secretariat's proposed nominal contribution of one per cent towards common expenses which appeared in Annex III of the Proposed Program and Budget for the 2020/21 Biennium, document A/59/8. The Delegation disassociated from the consensus on paragraph (i) inasmuch as it omitted the nominal one per cent contribution. The Delegation believed that the language of the WIPO Treaties and the Financial Regulations and Rules were important and should be adhered to and not discarded because it was convenient to do so. The Organization had enjoyed a significant surplus and it was anticipated that this surplus would grow in the upcoming biennium. The Delegation recalled that the Director General had warned the delegations year after year that “continued caution is appropriate in view of the somewhat unpredictable and volatile state of the global economy.” The Delegation stated that it could ignore its responsibility and wait until the PCT Union, like every other union, was unable to pay a fair share of the common expenses of the Organization. The Delegation suggested taking a more pragmatic approach and agreeing on sound financial principles that would ensure WIPO's financial future was protected. As an example, the Delegation said that all fee-financed unions should fund their own expenses and that all unions should contribute towards the common expenses of the Organization. The Delegation was disappointed that Member States could not reach agreement on the two fundamental principles which were reflected in most WIPO-administered Treaties. The Delegation regarded anything less than a proportional contribution from all unions as unfair. By allowing some unions not to contribute anything towards common expenses of the Organization would unfairly require users of the PCT and Madrid Systems to shoulder more of the burden. PCT applicants from all countries were required to pay more than needed to cover the cost of WIPO PCT services so that users of other fee-financed systems could pay less, and in some cases, nothing at all. The use of the word fairness was being emphasized, notably as WIPO Member States had agreed in 2003, to revise the WIPO Treaties to require that the registration systems had fair and transparent budgets. The current situation was far from being either. The Delegation had remained hopeful that during the WIPO General Assembly the Member States would reach consensus on the budget, as proposed by the Secretariat. In negotiating the budget, the Delegation had supported the proposal of the Secretariat for each union to contribute at least one per cent of their income towards common expenses even though that proposal fell far short of what the Delegation regarded as fair. Even though the Delegation could accept the Secretariat's proposal, there were concerns from others who could not. The Delegation had repeatedly offered constructive proposals to address those concerns. The Delegation stated that there were concerns from the Asia and the Pacific Group about the contribution-financed (CF) Unions being required to contribute one per cent. The Delegation further elaborated that it had reviewed the budget and decided that some expenses that were charged to the CF Unions could already be considered common expenses. As a result, the Delegation had suggested that the CF Unions could be exempted from contributing the nominal one per cent. The Delegation recalled that it had heard concerns about the CF Unions projecting a significant deficit and therefore had offered a proposal to reallocate the miscellaneous income, which would have almost entirely eliminated the projected deficit. The Delegation further explained that it had heard that some Lisbon members could have tolerated contributing an inconsequential amount of one per cent to common expenses but they needed assurances that the one per cent would not grow while they were unable to cover their own operating expenses. The Delegation offered assurances to place guardrails on the one per cent. The Delegation had tried to discuss with some delegations what those guardrails might look like but unfortunately had not been taken up on its offer to engage. In the interest of finding a solution, the Delegation had gone as far as accepting that the contribution of the one percent of income be reduced down to a mere one Swiss franc but that was also rejected. The Delegation wondered what measures the Lisbon members had offered to bridge the differences and noted that not a single measure had been offered. The Delegation of Switzerland, who was not a member of the Lisbon Agreement, had made two proposals. The first proposal was to make the so-called allocation methodology permanent. The Delegation questioned freezing a system that treated unions unfairly. The Delegation of Switzerland had also proposed the creation of a unified budget but had not proposed a corresponding Unitary Assembly that would manage that budget. The Delegation did not see the logic in that proposal, so accordingly, the Delegation disassociated from consensus on paragraph (i) inasmuch as it omitted the nominal one per cent contribution.
2. The Delegation of the Russian Federation stated that, while supporting the proposed budget, it was against the inclusion in the budget of the costs associated with Judgment No. 4138 of the ILOAT. However, in the spirit of seeking mutually acceptable solutions, the Delegation did not insist on its initial position and joined the consensus on the budget proposal, on the clear understanding that the ILOAT Judgment would not lead to further budgetary implications. The Delegation also reiterated its commitment to the UN common system as the cornerstone for defining and coordinating terms and conditions of employment in the international agencies, including WIPO. The ICSC should play the central role in this process, as was emphasized in numerous resolutions of the UN General Assembly. The Delegation remained concerned about the ILOAT Judgment. It agreed with the ICSC members opposing the considerations set out in the above-mentioned judgment, as the judgment was illogical and might have a harmful effect on the situation inside the UN system, creating double standards in remuneration rates in various organizations of the common system, which was a result of complete misunderstanding of the ICSC’s role, particularly in the determination of post‑adjustment multipliers. The Delegation hoped that the WIPO Secretariat would make every effort to implement subsequent resolutions of the UN General Assembly regarding the UN common system.
3. The Chair again thanked the Facilitator for his successful facilitation in the informal consultations.

## ITEM 14 OF THE CONSOLIDATED AGENDArecords of wipo meetings

1. Discussions were based on document A/59/9.
2. The Director General introduced the document with an audiovisual presentation outlining the proposal contained in the document. The Director General noted that this had been the subject of discussion throughout recent months, including at his briefing for all ambassadors, and that the response had been overwhelmingly positive. The production of meeting records was a major cost item, in particular the verbatim reports of meetings, which was a very labor‑intensive, costly process. The production of meeting records, however, was an important function, providing an authentic record of Member States’ meetings. The Secretariat had therefore developed a system which it believed would greatly lower the cost of producing records of meetings, as well as enhancing the quality and the user‑friendliness of those records for all delegations in Geneva and in capitals. The Director General drew the attention of delegates to a side-event on the subject at lunchtime that day, including a live demonstration. The Director General stated that the objective of the proposal was to provide Member States with an integrated (text and audiovisual), authentic, searchable, and multilingual record of meetings, which would be promptly available. This would replace the existing system of the verbatim reports, which would generate considerable cost savings, would support the six‑language UN policy for meeting records and would add value. The Director General outlined the three main types of meeting records currently produced by the Secretariat as follows: Firstly, audiovisual “video on-demand” (VoD) recordings. These were available in the original spoken language, plus English interpretation, on the day following the meeting. They were available as three‑hour long segments with no search or other functionality. Secondly, the Chair's Summary of decisions, available in all UN languages, and adopted on the final day of the meeting. Thirdly, the verbatim report, available in all UN languages, but only several months after the meeting because it was such a labor-intensive process. The cost of producing and translating the verbatim reporting was estimated at 2.6 million Swiss francs per biennium. The Director General showed a breakdown of these costs, including a total per biennium of about 400,000 Swiss francs for producing the verbatim reports of the Committee on Development and Intellectual Property (CDIP), and 260,000 Swiss francs for the verbatim reports of the Standing Committee on the Law of Patents (SCP). Describing the proposed changes, the Director General said that the current webcasting and VoD would be replaced by an enriched VoD system, incorporating digital indexing of all videos enabling easy navigation and search by agenda item and speaker. It would also provide integrated access to the relevant documents under discussion and would be available on the same day. No change was proposed to the current language regime, namely, the original language used on the floor by the delegation, plus English interpretation. No change was proposed to the current Chair's Summary of decisions. However, the verbatim report would be replaced with a full speech‑to‑text transcript, using an AI-based system. The Director General mentioned that the WIPO Speech-to-Text system had been developed in-house, and trained on the video and text records of past WIPO meetings, resulting in excellent recognition of accents. The transcript was fully searchable and would be published online on the same day of the meeting. It was proposed to integrate the WIPO Translate tool (which was also AI-based), which opened the possibility of eventual, enlarged language coverage. The Director General explained that a two-phase approach was proposed. Subject to a positive decision at these Assemblies, the first phase would comprise a twelve-month trial in two Committees, CDIP and the SCP, selected on the basis of the average length of their verbatim reports. The cost savings for the biennium were estimated at some 660,000 Swiss francs. The Director General underlined again that, in place of the verbatim report, there would be a full, searchable and indexed video-on-demand record of every intervention, plus the transcript produced by the AI-based speech-to-text system. In case of doubt about the accuracy of a word or passage in the transcript, it could be checked easily against the audiovisual recording in order to ensure an authentic record. Thereafter, the Secretariat would return to this item at the 2020 Assemblies, so that Member States could make a decision, based on their evaluation of the system during the trial phase, as to whether or not to extend the system to the other WIPO Committees in Phase Two. If so, the potential additional savings for 2021 were estimated at approximately 740,000 Swiss francs. The Director General noted that Member States may wish, at that stage, to exclude the WIPO Assemblies from the new system, although a number of delegations during consultations had expressed interest in including the Assemblies due to the advantages of the new system. The Director General mentioned that there had already been widespread expressions of interest in WIPO Speech-to-Text from other UN agencies and international organizations given the potential cost savings. Extending the use of the system to other organizations would also help improve accuracy by enlarging the data pool on which the artificial intelligence (AI) was trained, including for other languages. The Director General screened a short video-demonstration to show some key features of the WIPO Speech-to-Text system and of the new digitally-indexed webcasting and VoD system. The Director General noted that these initiatives were part of the overall digital transformation of the Organization, which affected not only the Organization’s internal management systems but also the delivery of all of its services. The new webcasting and VoD solution was an early deliverable of the Integrated Conference Services Platform (ICSP) project. The Director General also mentioned the issue of poor connectivity in certain countries, which had been raised during consultations, and noted that work was ongoing into the possibilities of making content available also in an offline mode. The WIPO Speech‑to‑Text system would also potentially be made available to Member States to use for their own purposes. He urged delegates to move forward with what the Secretariat believed was a vastly improved system.
3. The Delegation of Portugal congratulated the Secretariat for the video and the clear presentation of the tool, which the Delegation was convinced would facilitate the work of the Organization and improve transparency and access to information for all WIPO Committees. The Delegation believed that the use of the different technologies would allow significant efficiency gains; and supported the proposal for the pilot project. The Delegation underlined the importance of guaranteeing multilingualism, and of ensuring the quality of the automated transcripts.
4. The Delegation of Singapore, speaking on behalf of the Asia and Pacific Group, thanked the Director General for the comprehensive presentation, and expressed appreciation to the Secretariat for its timely and comprehensive records of WIPO meetings, which were invaluable to the work of the Organization and its Member States. The Asia and Pacific Group welcomed the Secretariat's proposal for a new system that responded more effectively to the needs of Member States; delivered faster, more effective digital records and more cost effective services; continued to support the six UN language policy; and increased the value and usefulness of audiovisual conference recordings. The Asia and Pacific Group appreciated the Secretariat’s commitment to reducing digital and technology gaps in accessing and sharing records of WIPO meetings; and to maintaining the security and integrity of data. They looked forward to further discussions on these proposals.
5. The Delegation of China thanked the Director General for the detailed explanations and presentation. The Delegation supported the Secretariat’s work in setting up the new conference recordings system, which the Delegation believed would increase the efficiency of participation and increase audiovisual facilities and save cost. The Delegation hoped that the new system would constantly improve the language coverage, including Chinese, Arabic, Russian, etc.; and would improve accuracy. The Delegation supported the inclusion of the CDIP and the SCP in the pilot project and hoped for good results.
6. The Delegation of Canada, speaking on behalf of Group B, thanked the Secretariat for the proposal, which had the potential to better support Member States and to further enhance the already high transparency of discussions held at WIPO. With its Members States using two non-English official UN languages, Group B would closely follow the quality and usability of the automated translation during the pilot phase, and would also seek to ensure consistency with the language policy of WIPO. Group B would appreciate information from the Secretariat on this, including samples of automated translations. Group B generally supported the efforts in this direction, and commended the Secretariat for this work.
7. The Delegation of Iran (Islamic Republic of) expressed gratitude to the Director General and to the Secretariat for the preparation, the introduction and the beautiful video on the interesting proposal, which the Delegation considered would contribute positively to efficiency and quality. The Delegation considered the proposal to be excellent and the objectives very relevant; and fully supported the implementation of the proposal.
8. The Delegation of Indonesia aligned itself with the intervention delivered by the Delegation of Singapore on behalf of the Asia and Pacific Group, and congratulated the Director General and WIPO on the excellent work on this initiative as part of the overall digital transformation of the Organization. Indonesia welcomed the proposal. The Delegation considered it a new system that responded to the needs of Member States, would deliver faster and more efficient digital records and would result in more cost effective services. The Delegation supported this proposal on records of WIPO meetings complemented by automatically generated text using WIPO’s AI tools. The Delegation also supported the new Digital Time Stamping Initiative. Indonesia appreciated the Secretariat’s commitment to reducing digital and technology gaps in the accessing and sharing of records of WIPO meetings; and to maintaining the security and integrity of the data. Since this proposal was part of the Program and Budget, the Delegation hoped that the Assemblies would soon resolve the outstanding issues on the Program and Budget so that the draft Program and Budget for the 2020/2021 biennium could be agreed.
9. The Delegation of the Republic of Korea thanked WIPO's innovation efforts to enhance the benefits of the Member States, and expected this to set an exemplary precedent for other international organizations. The Delegation hoped that the new types of record would be successfully established; and that the service could include not only UN official languages but also other languages, such as Korean.
10. The Delegation of El Salvador thanked the Director General and the Secretariat for the presentation of this very important tool, which would facilitate the search for information by delegates, and also increase savings and efficiency for the Organization. The Delegation was in accordance with digital transformation at the highest level and therefore supported the initiative.
11. The Delegation of Tunisia supported these efforts aimed at using new technologies to improve the quality of the services provided to participants. The Delegation encouraged all efforts aimed at developing the services provided, and expressed its sincere thanks.
12. The Delegation of the Dominican Republic offered congratulations for the excellent piece of work presented by the Director General. The use of AI to bring about a substantial improvement in flexibility and in the video transcriptions of meetings was impressive. The Delegation reiterated that it was very impressed by what it had seen and heard, and believed this would make an excellent contribution to the efficiency of delegates’ work. The Delegation suggested that, once perfected, the tools could be made available to Member States, who would find it useful for many purposes, including for international and regional meetings.
13. The Delegation of South Africa expressed appreciation for the wonderful system. Innovation and ICT were very important in terms of communication globally, so the Delegation supported and congratulated WIPO for this initiative.
14. The Delegation of Japan aligned itself with the statement made by the Delegation of Canada on behalf of Group B; and expressed appreciation for WIPO’s initiatives to enable access to meeting records by utilizing technologies, including AI.
15. The Delegation of Nigeria welcomed the initiative as a clear indication of the advanced digital transformation and acceleration of the work of WIPO. The Delegation congratulated and supported WIPO for this landmark achievement, which would ease the work of WIPO and its Member States. The Delegation said that it had watched in awe and admiration, and hoped it would be utilized for the full benefit of globalization and unique advancement.
16. The Delegation of Guatemala expressed confidence that the tool would be extremely useful for Member States. It would help to get meeting reports back to the capitals more quickly and in a more flexible manner.
17. The Delegation of the Syrian Arab Republic expressed support to the efforts undertaken to use new technologies for this initiative.
18. The Director General thanked all delegations for their very positive responses. He assured delegations that the Secretariat had the multilingual dimension very much in mind, and would rely on cooperation with Member States to enlarge the data pools for that purpose. The sharing of the WIPO Speech-to-Text tool was also very much in mind and would likewise help enlarge the data pool.
19. The Assemblies of WIPO, each in so far as it is concerned, adopted the proposal described in paragraph 11 of document A/59/9.

## ITEM 15 OF THE CONSOLIDATED AGENDA

REPORT ON THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 16 OF THE CONSOLIDATED AGENDAReport on the Standing Committee on the Law of Patents (SCP)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 17 OF THE CONSOLIDATED AGENDA

REPORT ON THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 18 OF THE CONSOLIDATED AGENDA

MATTERS CONCERNING THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY (DLT)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 19 OF THE CONSOLIDATED AGENDA

REPORT ON THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP) AND REVIEW OF THE IMPLEMENTATION OF THE DEVELOPMENT AGENDA RECOMMENDATIONS

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 20 OF THE CONSOLIDATED AGENDA

REPORT ON THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 21 OF THE CONSOLIDATED AGENDAReport on the Committee on WIPO Standards (CWS)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 22 OF THE CONSOLIDATED AGENDAReport on the Advisory Committee on Enforcement (ACE)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 23 OF THE CONSOLIDATED AGENDAPCT System

1. See the report of the session of the PCT Union Assembly (document PCT/A/51/4 Prov.).

## ITEM 24 OF THE CONSOLIDATED AGENDAMadrid System

1. See the report of the session of the Madrid Union Assembly (document MM/A/53/3 Prov.).

## ITEM 25 OF THE CONSOLIDATED AGENDALisbon System

1. See the report of the session of the Lisbon Union Assembly (document LI/A/36/2 Prov.).

## ITEM 26 OF THE CONSOLIDATED AGENDAWIPO Arbitration and Mediation Center, including Domain Names

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 27 OF THE CONSOLIDATED AGENDAPatent Law Treaty (PLT)

1. See the report of the session of the WIPO General Assembly (document WO/GA/51/18 Prov.).

## ITEM 28 OF THE CONSOLIDATED AGENDASingapore Treaty on the Law of Trademarks (STLT)

1. See the report of the session of the Singapore Treaty Assembly (document STLT/A/12/2 Prov.).

## ITEM 29 OF THE CONSOLIDATED AGENDA

MARRAKESH TREATY TO FACILITATE ACCESS TO PUBLISHED WORKS FOR PERSONS WHO ARE BLIND, VISUALLY IMPAIRED OR OTHERWISE PRINT DISABLED (MVT)

1. See the report of the session of the Marrakesh Treaty Assembly (document MVT/A/4/2 Prov.)

## ITEM 30 OF THE CONSOLIDATED AGENDAReports on Staff Matters

1. See the report of the session of the WIPO Coordination Committee (document WO/CC/76/4 Prov.).

## ITEM 31 OF THE CONSOLIDATED AGENDAAmendments to Staff Regulations and Rules

1. See the report of the session of the WIPO Coordination Committee (document WO/CC/76/4 Prov.).

## ITEM 32 OF THE CONSOLIDATED AGENDAAdoption of the Report

1. Discussions were based on document A/59/13.
2. The Assemblies of WIPO, each as far as it is concerned,
	* 1. adopted the Summary Report (document A/59/13 and addenda); and
		2. requested the Secretariat to finalize the Extensive Reports, post them on the WIPO website and communicate them to Member States by October 31, 2019. Comments should be submitted to the Secretariat by November 29, 2019, after which the final reports will be deemed adopted by December 13, 2019.

## ITEM 33 OF THE CONSOLIDATED AGENDACLOSING OF THE SESSIONS

1. The Delegation of Croatia, speaking on behalf of the CEBS Group, expressed its gratitude to the Chair and the Vice-Chairs for their tireless efforts and dedication in guiding the work of the 59th Assemblies. The CEBS Group equally commended the Director General, the Senior Management Team and the Secretariat for their efforts and efficiency demonstrated at these Assemblies and throughout the year. The CEBS Group also expressed its thanks and appreciation to the conference services and the interpreters who ensured excellent working conditions. Furthermore, the CEBS Group thanked all Regional Coordinators, especially those whose mandate would cease at the end of the session, for their cooperation during the year and the 59th Assemblies. The CEBS Group was pleased that the Program and Budget had been adopted, and that would ensure the functioning of the Organization. The CEBS Group equally noted with satisfaction that the WIPO General Assembly had agreed to proceed with the evaluation of the entire network of the WIPO External Offices in 2021, to consider the opening of up to four new WIPO external offices. It was pleased because this fell under a long‑standing CEBS position to reach a decision on the external offices based on merit. However, the CEBS Group regretted that once again, no agreement had been reached on the pending issues such as the distribution of additional seats for the WIPO Coordination Committee and the PBC, as well as the Design Law Treaty (DLT). It hoped that this would be resolved in the future. In conclusion, the Group reiterated its thanks to all the delegations, the Officers and the Secretariat for their dedication and efforts demonstrated throughout these series of meetings. The CEBS Group wished all capital-based delegates a safe trip.
2. The Delegation of Mexico, speaking on behalf of GRULAC, paid tribute to the Chair for his work over the last week and a half. The Delegation had had the opportunity to listen to the opinions of delegates from capitals specialized in IP, and considered it an essential tool of development. The countries of GRULAC believed that WIPO is a unique place to deal with IP, and it appreciated that others as well as GRULAC had called for the strengthening of WIPO's work by expanding its platforms and the services offered to all Member States. GRULAC was pleased with the hard work of Member States in reaching a positive decision on the adoption of the budget, which would enable WIPO to take action where needed and make its work more efficient and effective. GRULAC hoped that the need to achieve the strategic goals and to implement the programs agreed upon was understood as important, as well as the need for a balanced and effective IP system to promote innovation and creativity for everyone's benefit. Furthermore, that would also help to achieve the SDGs and the DA. GRULAC regretted that decisions had not yet been reached on important issues such as the convening of a diplomatic conference on the DLT. GRULAC reiterated its dismay in the lack of political will to adopt a decision to open an external office in Colombia. GRULAC wished to put on record its great disappointment that the regions’ attempt to strengthen the use of IP seemed to be ignored. GRULAC believed that the opening of an external office in Colombia would have contributed in a major way to strengthening the development of IP in its region. GRULAC was conscious of the many challenges ahead, and emphasized that, in the future, the pending issues could only be achieved by hard work for the benefit of all and of the Organization. GRULAC reiterated its commitment to work with an objective spirit to try to reach decisions for the benefit of the Organization and all the Member States. GRULAC hoped that Member States would not continue to kick issues further down the road and fail to conclude. GRULAC thanked the Director General for his tireless efforts to improve and to strengthen the work of the Organization. GRULAC also expressed its gratitude to the Secretariat, in particular, the conference services and the interpreters who contributed significantly in facilitating communication between Member States. GRULAC concluded by wishing all delegates returning to their capitals a safe trip home.
3. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, expressed its sincere appreciation to the Chair for his leadership in steering the Assemblies. The Group commended the Director General and his excellent team for their sterling support extended to Members. The Group joined all delegations in expressing its special thanks to the various facilitators for their hard work and cooperation. The Group congratulated the incoming Chair, Ambassador Omar Zniber (Morocco). The Group regretted that the WIPO General Assembly once again, was unable to come to an agreement on outstanding issues, especially the Group’s proposals on the Composition of the PBC and the WIPO Coordination Committee. Nonetheless, the Group would continue to work closely with the Members to move WIPO's agenda forward. The Group wished everyone a good morning and safe travels.
4. The Delegation of China thanked the Chair for his able leadership during the Assemblies. The Delegation also thanked the Director General and his Senior Management Team for their outstanding performance over the past few years. In addition, the Delegation thanked the facilitators of the various agenda items for their efforts. The Delegation remarked that the meeting was not easy. The Delegation noted that Member States still had divergent opinions on important agenda items. The Delegation stated that the Assemblies had elected a few members of the WIPO Coordination Committee through a forced vote instead of a consensus. In that regard, the Delegation believed that this had brought a not very good precedence to the Organization. Moreover, this also reflected that certain set of rules of the Organization were not very clear. The Delegation hoped that WIPO would improve in that area in the future. The Delegation also took note of the election of the new members of the WIPO Coordination Committee, and it expressed its wishes to work with all Member States in an open and inclusive manner to proceed in a good manner with the work of the WIPO Coordination Committee. With regard to the pending issues, the Delegation would continue to make efforts with other delegations in a constructive manner to speed up the negotiation process to achieve consensus. In conclusion, China wished to thank the Secretariat and the interpreters for their professionalism and dedication.
5. The Delegation of Uganda, speaking on behalf of the African Group, extended its appreciation to the Chair as well as to the Director General and the Secretariat for their excellent preparation of the Assemblies, and for the support given to Member States that was vital to the success of the Assemblies. The African Group also expressed its appreciation to the interpreters, the Protocol and Event Management Division and the conference services for their hard work, efficiency, constructive engagement and active participation in making these Assemblies a success. The African Group welcomed the consensus reached on some of the outstanding issues on the agenda. It regretted that consensus had not been reached on a number of outstanding issues but was convinced that the continued active engagement of all Member States would ensure success in future sessions. The African Group wished all capital‑based delegates a safe journey home, and those based in Switzerland a restful week.
6. The Delegation of Canada, speaking on behalf of Group B, thanked the Chair, the Officers, as well as the Chair of the WIPO Conference, who had presided over an unusual session that night. Group B also thanked the facilitators Ambassador Flores Liera, Ambassador Karklins and Ambassador Staines, as well as the Legal Counsel and his staff who had engaged in the facilitation exercises. Group B also thanked the Assemblies Affairs and Documentation Division, the conference section, the translators and interpreters for their availability and professionalism, and reiterated its thanks to the Office of the Legal Counsel for its invaluable support. Group B stated that it had been a challenging session to say the least, whereby all regional groups including Group B had made notable concessions on institutional and substantive matters. Concerning the DLT, Group B regretted that, despite the commendable work of Ambassador Flores Liera, which led to a finely balanced text, the WIPO General Assembly was unable to agree on a way forward, and it had tested the very limits of Group B's flexibility. Group B hoped that Member States would continue their future efforts towards concluding a WIPO industrial designs formalities treaty. On external offices, Group B said it was worth mentioning that the outcome was less than ideal not only for applicants but for the rest of the membership as well, as most of the membership was not part of the discussions that led to the adopted decision. Despite its reservations with the process and the substance, Group B had accepted this decision in the superior interest of consensus. Group B welcomed the renewal of the mandate of the IGC, and the contributions of Finland and Germany to the Voluntary Fund for the participation of indigenous and local communities in the IGC. Group B was pleased that an agreement had been reached on the Program and Budget for the 2020/21 Biennium. Though Group B was certainly mindful that it was hard fought, it was glad that Member States once again, had attained an outcome based on a consensus in the end. The Group ended on a personal note as this was the speaker’s last day as Group Coordinator. He took the opportunity to thank other regional coordinators and all counterparts for their cooperation, engagement and commitment.
7. The Delegation of Finland, speaking on behalf of the European Union and its member states, thanked the Chair and the Vice‑Chairs for their efforts and leadership in facilitating discussions during these Assemblies. It also thanked the facilitators, the Director General, the Deputy Directors-General and the Secretariat for their tireless dedication and professionalism in reconciling the different positions during these Assemblies. In addition, the European Union and its member states thanked the Secretariat for the preparation of the documents and meetings, and the interpreters for their hard work and excellent performance. The European Union and its member states noted with appreciation that the WIPO General Assembly had adopted the recommendation of the Standing Committee on Copyright And Related Rights (SCCR) regarding the broadcasting treaty, and decided to invite the SCCR to continue its work towards convening a diplomatic conference aiming for the 2020/20/21 biennium subject to Member States reaching consensus on the fundamental issues in future meetings of the Committee. The European Union and its member states reiterated its continued commitment and great interest in those discussions and remain hopeful that they would result in a meaningful treaty that would respond efficiently to both the current and future needs of broadcasting organizations. Regarding Agenda Item 18, the DLT, the European Union and its member states thanked the Facilitator, Ambassador Flores Liera for her efforts. The European Union and its member states were pleased to engage in informal discussions initiated by the circulation of the Facilitator’s proposal for a possible compromise solution on outstanding issues. However, it noted with regret that, yet again, this year, no positive decision was achieved to convene a diplomatic conference on the adoption of the DLT and that the matter remained on the agenda for the 2020 WIPO General Assembly. Turning to the IGC, the European Union and its member states were pleased that the WIPO General Assembly approved the Committee's recommendation for the renewal of the IGC mandate for another two years. It further noted that a practical mandate and a clear work plan for the 2020/2021 biennium had been obtained. It would continue to engage actively in discussions on all three topics addressed in the IGC mandate. It recalled that two of its member states, Finland and Germany had pledged to contribute to the WIPO Voluntary Fund, thus facilitating the participation of indigenous peoples and local communities in the work of the IGC. The European Union and its member states hoped that other WIPO Member States would join in the positive movement and help keep the Fund from becoming depleted in the coming years. In closing, the European Union and its member states reiterated its continued commitment to WIPO's goal and work. As the only UN organization responsible for multilateral negotiations in the field of IP, the European and its member states stressed that the Organization needed positive engagements from all delegations in performing its tasks. Despite the highly politicized nature of the topics discussed, the European Union and its member states hoped that the cooperative spirit shown in all WIPO bodies and Committees would prevail and help to find pragmatic solutions to topics that could not be finalized at these Assemblies.
8. The Delegation of the Russian Federation thanked all delegations, facilitators, the Secretariat and the Chair, for very constructive discussions and productive work accomplished during these Assemblies. The Delegation believed that Member States were leaving with positive results. It further noted that Member States had managed to settle a series of issues that were of key importance for the future functioning and operation of the Organization, and which would help to further develop international cooperation in the area of IP. It said that Member States had decided upon the strategic approach that the Organization would take to adjust and adapt its work as digital technology moved into the area of IP. The Delegation noted that delegations had echoed the message of key importance by adopting the Program and Budget for the forthcoming biennium, as well as respecting to develop the policy of multilingualism. The Delegation believed that expanding the use of official languages in WIPO was sensible given the growing use of the international registration system and the need to enhance accessibility to services relating to IP throughout the world. The Delegation hoped that there would be fruitful work done in the future to improving and protecting the language regime of the registration system administered by WIPO, and further develop the policy of multilingualism in the Organization. The Delegation supported the draft Program and Budget presented initially with the exception of the expenditure on the compliance with the decision taken by the ILOAT. The Delegation did not insist on its original proposal, in the spirit of seeking a mutually acceptable decision, and joined the consensus on the budget allocations on the clear understanding that the decision of the ILOAT should not lead to additional budgetary consequences. The Delegation took the opportunity to reaffirm its strong attachment to the UN common system. The Delegation agreed with the opinion expressed by the ICSC that expressed the disagreement with the ruling of the IILOAT because that decision risks a two‑track system of salary payments and rewards within the same UN system. It was the result of a complete misunderstanding of the role of the ICSC, particularly as far as certain post adjustment was concerned. The Delegation hoped that the WIPO Secretariat would do its possible best to ensure future compliance with UN General Assembly resolutions affecting the UN common system. The Delegation reiterated its thanks to the Director General, his team and the Secretariat for their very successful and productive work. The Delegation appreciated the level of cooperation that it had with WIPO on the wide range of issues relating to IP. The Delegation was pleased to continue to work positively and effectively with delegations in the future. In conclusion, the Delegation echoed the thanks expressed to the Protocol and Event Management Division, conference services and the interpreters.
9. The Delegation of the United States of America aligned itself with the statement made by the Delegation of Canada on behalf of Group B. The Delegation thanked the Chair for his leadership during these Assemblies. The Delegation also extended its appreciation to the conference services, the interpreters, and all WIPO staff who contributed to the smooth functioning of those meetings. The Delegation noted that while some progress was achieved, it was mindful that significant work remained in many areas. With regard to the Organization’s budget, the Delegation continued to urge members of all fee‑funded Unions to continue to find solutions towards their financial sustainability, and for the Unions to contribute toward the common expenses of the Organization. The Delegation was disappointed that Member States could not accept the nominal one per cent income going to the common expenses of the Organization. The Delegation stated that as adopted, the CF Unions contributed over one million Swiss francs to cover the costs of the SCT, while the Lisbon Union contributed nothing. Similarly, the Lisbon Union would contribute nothing to the WIPO Academy, to building respect for IP, or many other programs that benefitted from the Lisbon Union. As described in its explanation of its position when the budget was adopted on Tuesday, October 8, the Delegation dissociated from paragraph 30(i) of the Summary Report concerning decisions adopted by the Program and Budget, but it had chosen not to block consensus on the adoption of the budget. While the Delegation regarded financial self-sufficiency as a goal for all fee‑financed Unions, it also attached great importance to maintaining consensus‑based decision making, a bedrock of the Organization, and had chosen not to disturb that foundation. Nevertheless, the Delegation urged members of the Lisbon Union to continue to work toward finding a solution to its long-term sustainability. The Delegation stated that, in adopting the budget, it reserved its legal position with regard to the administration of the Geneva Act of the Lisbon Agreement by WIPO; that is, the Delegation would not provide its consent on this question with the approval of the budget. The Delegation was also disappointed that despite some Members’ interest in being on the PBC as well as the WIPO Coordination Committee, there had been little appetite to engage thoughtfully in the discussions. The Delegation appreciated the willingness of all Member States to finding a way to a consensus decision for the Composition of the WIPO Coordination Committee before the end of the Assemblies. The Delegation suggested, that in the future, if not all the regional groups have been able to submit their nominations in time for preparation of meeting documents, the regional group nominations received by a set deadline be included in the published meeting document, with an indication that the list is not yet complete. The Delegation said that, with such a process, the meeting documents would be as comprehensive as possible before the Assemblies. The Delegation also believed that the process established for the Composition of the Program and Budget Committee was valuable. The Delegation equally regretted, that once again, the WIPO General Assembly was unable to convene a diplomatic conference to adopt the DLT despite utmost efforts of the Member States and the Facilitator. Despite those impasses, the Delegation recognized the achievements made this year. The Delegation supported the decision to adopt the new IGC mandate, and would continue to constructively engage in that Committee. The Delegation also welcomed the preparations for the evaluation of the External Offices network in 2021; that review was a necessary element of Member States conducting their oversight duties with respect to the Organization. The Delegation said that given how difficult the external offices discussions had been for Member States since 2015, it believed it was essential that the evaluation be conducted by an independent external evaluator in order to ensure an impartial, objective and no‑politicized assessment. The Delegation commended Ambassador Karklin’s unwavering efforts over the multiple Assemblies to facilitate that discussion, which required bridging multiple positions. Concerning oversight, the Delegation took the opportunity to thank the IAOC for its invaluable role in assisting Member States conduct their oversight responsibilities, as well as the Secretariat for their availability and engagement in addressing questions or concerns regarding overall management and staff issues. Lastly, as the current Group’s Regional Coordinator’s term comes to an end, the Delegation took the opportunity to warmly express its deep appreciation for the hard work, dedication, steadfast efforts, leadership and positive attitude of the Coordinator over the last year. In conclusion, the Delegation applauded the Chair’s efforts in the progress and advancement of the work on all of those issues. The Delegation thanked all delegations for their flexibility and willingness to engage in their collective effort to move the work of the Organization forward.
10. The Director General thanked the Chair for his leadership and his guidance throughout the past 10 days. The Director General extended his thanks, in particular, to the Chairs of the WIPO Coordination Committee and the WIPO Conference, as well as all the facilitators for their extremely hard work. He also thanked all Member States and expressed his deep appreciation for all the support that Member States gave to the Organization and for their commitment to moving the program of the Organization forward. The Director General said that, as many delegations had remarked, the results of these Assemblies were somewhat mixed. However, he believed that Members States should not be too despondent because a full program of work was adopted in the Program and Budget, which had been very carefully considered by the Member States in the course of the past months, and which provided a complete path forward for the Organization. The Director General noted that, although positive decisions were reached in some of the issues in the normative area, there were also some disappointments. He said that it was obvious that there were many issues that the Organization needed to work through by good dialogue, which he believed was installed within the Organization and in the course of the many meetings held. The Director General extended his thanks to the Senior Management Team, in particular, to the Secretary of the Assemblies, Mr. Naresh Prasad, and to all colleagues that had provided their services to ensure the successful operation of this meeting, as well as the interpreters. The Director General wished all delegates a safe return.
11. The Chair thanked the Director General for his remarks. The Chair also thanked the facilitators, Ambassador Flores Liera, Ambassador Karklins and Ambassador Staines, as well as the Regional Coordinators and all delegations for their active engagement and the good cooperation that he had enjoyed throughout these Assemblies. The Chair noted that while discussions had been difficult at times, they had managed to maintain the congenial and convivial environment that had greatly facilitated the work. The Chair said that the vast majority of items had been concluded successfully, whether related to the administration and oversight of the Organization as a whole or related to substantive IP issues. The Chair announced that the new Chair of the WIPO General Assembly, Ambassador Omar Zniber, would oversee consultations on all pending issues as he takes up his new rule from that day. The Chair wished the new Chair of the WIPO General Assembly much success in his endeavors. In concluding, the Chair thanked the Director General, the Secretary of the Assemblies, and the Secretariat for the support provided to him as Chair as well as for the most efficient organizational arrangements deployed for these Assemblies. The Chair also thanked the interpreters for their work. The Chair wished all delegates, and most of all capital-based delegates, a safe trip back home.
12. The Fifty-Ninth Series of Meetings of the Assemblies of WIPO was closed by the Chair of the WIPO General Assembly.

[Annex follows]

1. Member from January 10 to April 9, 2020, from July 10 to October 9, 2020, and from April 10 to July 9, 2021. [↑](#footnote-ref-2)
2. Member from January 10 to April 9, 2020, and from October 10, 2020 to January 9, 2021, and from April 10 to July 9, 2021. [↑](#footnote-ref-3)
3. Member from April 10 to July 9, 2020, and from October 10, 2020 to January 9, 2021 and from July 10 to October 9, 2021. [↑](#footnote-ref-4)
4. Member from October 10, 2019 to January 9, 2020, and from July 10 to October 9, 2020, and from January 10 to April 9, 2021. [↑](#footnote-ref-5)
5. Member from October 10, 2019 to January 9, 2020, and from April 10 to July 9, 2020, and from January 10 to April 9, 2021, and from July 10 to October 9, 2021. [↑](#footnote-ref-6)