

WIPO



WO/GA/36/13

ORIGINAL: English

DATE: September 29, 2008

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO GENERAL ASSEMBLY

Thirty-Sixth (18th Extraordinary) Session Geneva, September 22 to 30, 2008

REPORT

adopted by the General Assembly

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document A/45/1): 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 22, 23, 25 and 26.
2. The reports on the said items, with the exception of items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 23, are contained in the General Report (document A/45/5).
3. The reports on items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 23, are contained in the present document.
4. Mr. Martin I. Uhomobhi (Nigeria), Chair of the General Assembly, and, in his absence Mrs. Laura Thompson Chacón (Costa Rica), Vice-Chair of the General Assembly, presided over the meeting.

ITEM 4 OF THE CONSOLIDATED AGENDA:

APPOINTMENT OF THE NEW DIRECTOR GENERAL

5. Discussions were based on documents WO/GA/36/1 and 12.

6. The Chair of the General Assembly drew the attention of the delegates to decision paragraphs 6 (i) and (ii) in the said document and announced that the General Assembly's intention would be to initially deal only with paragraph 6(i) and then proceed to establish a working group for paragraph 6(ii) whose report would be presented to the Assembly, on September 26, 2008. He then invited the Chair of the WIPO Coordination Committee to introduce the subject.

Nomination to the Post of Director General of WIPO

7. The outgoing Chair of the WIPO Coordination Committee, Mrs. Hilde Skorpen, stated that in her capacity as Chair of the Coordination Committee, she had held consultations with all Member States to discuss and agree on the procedure for the nomination of the Director General. She said that all the 15 candidates for the post of Director General were invited to, and attended an informal meeting where the candidates presented their views and answered questions posed by the Member States. She had also organized the test run of the nominations before the formal session of the Coordination Committee. The Coordination Committee, in applying the agreed principles for nominations, was able to nominate a candidate in one day. She drew the attention of the Member States to the report of the Fifty-Eighth (20th Extraordinary) Session of the WIPO Coordination Committee that was held on May 13, 2008, which is document WO/CC/58/4. In paragraph 82 of the said document, she quoted "the Coordination Committee nominated Mr. Francis Gurry as the candidate for appointment to the post of Director General for WIPO" and paragraph 83, which stated that "this report was adopted by the Coordination Committee on June 20, 2008". She then invited the General Assembly to, as recommended by the Coordination Committee, appoint Mr. Gurry as the new Director General for WIPO.

8. The Chair of the WIPO General Assembly stated that the Assembly's sadness in taking leave of Mr. Kamil Idris was mitigated only by the uplifting task that was now before the Assembly as it considered the nomination of the successor of such outstanding merit and abilities. The Chair said that Mr. Gurry stood before the Member States as the nominee for the next Director General of WIPO, following his nomination by the Coordination Committee on May 13, 2008. He was nominated from among a strong line up of candidates after winning four rounds of voting. Mr. Gurry's win in the final round by a majority of 42 to 41 votes was certainly close and certainly not a landslide. The Chair said that in the period immediately following the Coordination Committee meeting, one or two Member States expressed some disappointment or concern about the close results. However, there can be no dispute that Mr. Gurry's win was an entirely fair and honorable one in full accordance with the constitutional rules of WIPO and conducted under a fair and transparent nomination process. He said that nor could there be any doubt that Mr. Gurry is a candidate with the highest level of integrity, dedication, experience and expertise, who is committed to ensuring that intellectual property serves the needs of all countries at all stages of development and who is also supremely well qualified to lead WIPO to success in rising to the best challenges ahead. He said that the General Assembly was today asked to approve the Coordination Committee's nomination of Mr. Gurry as the candidate for appointment to the post of

Director General of WIPO. He said that he was happy to preface this by informing the Assembly of the extremely positive correspondences from all the Groups of WIPO reaffirming their endorsement of the outcome of the electoral process conducted in May 2008 by the Coordination Committee which nominated Mr. Gurry for the post of Director General.

9. The Chair stated that the Groups requested consistency with established practice throughout the United Nations specialized agencies and therefore wished that the appointment of Mr. Gurry by the General Assembly be carried out by acclamation. He said that consequently, and in line with these requests and in the best interest of consensus and harmony within the Organization, he proposed, as Chair of the General Assembly, that the latter approve the nomination of the Coordination Committee and appoint by acclamation Mr. Gurry as Director General of WIPO.

Appointment of Mr. Francis Gurry as Director General of WIPO

10. On the basis of the nomination made by the Coordination Committee, the General Assembly appointed, unanimously and by acclamation, Mr. Francis Gurry as Director General of WIPO. Thus the conditions required as far as the Assemblies of the Paris and Berne Unions are concerned were also fulfilled.

11. After acclamation by the General Assembly, the Chair expressed his profound thanks and gratitude to the General Assembly for the candid expression of faith and confidence in the democratic process as carried out in May and the Member States' vote of confidence in the Director General, who was no longer Director General-Nominee but was now the incoming Director General, Francis Gurry. The Chair of the Assembly congratulated the incoming Director General and invited him to make a statement.

12. Mr. Gurry made the following statement:

“Your Excellency, Ambassador Martin Uhomoibhi, Chair, WIPO General Assembly, Dr. Kamil Idris, Director General, WIPO, Honorable Ministers, Your Excellencies, Distinguished Delegates,

“Thank you for the honor that you accord me, and for the trust that you place in me, by appointing me to the post of Director General of the World Intellectual Property Organization (WIPO).

“The process leading to your decision this morning has been a long, at times tense and always interesting one. The successful conclusion of that process owes much to two persons whom I should like to acknowledge at the outset. In the first place, may I mention the Chair of the WIPO General Assembly, Ambassador Martin Uhomoibhi. Ambassador Uhomoibhi took up the mantle following the Coordination Committee's nomination and has, with his characteristic wisdom, calm authority and exemplary diplomatic acumen, brought the Organization from the stage of a nomination to that of an appointment. He has also played an outstanding role in shepherding the Organization through a period of transition and has worked with and advised both Dr. Idris and myself to ensure a smooth passage through the transition. We are all indebted to you, Ambassador Uhomoibhi, and, in particular, I.

“I should like to acknowledge also Dr. Hilde Skorpen, the Chair of the WIPO Coordination Committee, who had the unenviable task of leading the six-month long process that led to the nomination of a new Director General by the WIPO Coordination Committee in May of this year. Dr. Skorpen’s patient and transparent search for procedures that could be accepted by consensus by all the members of the Coordination Committee, and her efficient and impartial conduct of the meeting at which the election took place, have placed all of us in her gratitude.

“For my part, as you know, I was originally nominated, and have throughout the process been assisted and supported, by the Government of Australia. I should like to extend my thanks to the Government of Australia, Ambassador Caroline Millar, Permanent Representative of Australia to the United Nations at Geneva, Ambassador Bruce Gosper, Permanent Representative of Australia to the World Trade Organization, and the staff of the Department of Foreign Affairs and Trade, the Attorney-General’s Department and IP Australia, particularly those at the Australian Permanent Missions in Geneva. I thank them for their support, their hard work, their careful and astute advice and their companionship.

“From the time of the nomination of the Coordination Committee, I ceased to be the nominee of Australia and became the nominee of the Coordination Committee. Many persons, from Governments and Permanent Missions, in particular, the Group Coordinators, and from the staff of WIPO, especially the Transition Team, have provided invaluable advice to me since the nomination of the Coordination Committee. I should like to thank them also for their advice and for their support. Many of you will recognize echoes of your advice in what I have to say this morning and in the future program of the Organization. I hope that you will receive these playbacks as signs of open collaboration within the Organization, rather than as violations of your copyright. To all Member States and to all staff, whether you may have supported my nomination before the Coordination Committee or preferred another solution, I assure you that I will be working with, and for, all Member States and doing whatever lies within my competence to overcome divisions and to seek positions and decisions that can find the broadest possible support among the Member States of the Organization.

“Before moving to the future, I turn finally to my predecessors in the post of Director General, most particularly, to the outgoing Director General, Dr. Kamil Idris. I should like to acknowledge our gratitude to them for their collective work in constructing the present Organization. I thank especially, on behalf of all the staff, Dr Kamil Idris, for his 25 years of service to WIPO, during 23 of which we have been colleagues, and for his leadership of the Organization over two mandates as Director General. I join the President of the General Assembly in his acknowledgement of the achievements of Dr. Idris and I pay tribute to the initiatives that Dr. Idris introduced during his leadership, which have broadened the scope of intellectual property and increased the diversity of participation in this Organization.

“The evolution of technology, the economy and global society in recent years has raised a number of challenges of a fundamental nature for this Organization. The most fundamental of all is perhaps the new attention that is directed at intellectual property. As a highly specialized subject matter, intellectual property enjoyed many long and quiet years in the shade before, quite suddenly, in the last two decades, coming under the full glare of the blazing sun of public opinion and scrutiny. The management of this

climate change in the world of intellectual property is itself a major task. In this regard, it is useful to remember that intellectual property is not an end in itself. It is an instrumentality for achieving certain public policies, most notably, through patents, designs and copyright, the stimulation and diffusion of innovation and creativity on which we have become so dependent, and, through trademarks, geographical indications and unfair competition law, the establishment of order in the market and the countering of those enemies of markets and consumers: uncertainty, confusion and fraud. In the end, our debates and discussions are about how intellectual property can best serve those underlying policies: whether modifying the international framework will enhance or constrain innovation and creativity and contribute to their diffusion, and whether it will add confusion, rather than clarity, to the functioning of the market.

“There are a number of developments affecting the institution of intellectual property as we have always known it that risk impairing its capacity to deliver on its basic mission of stimulating innovation and creativity and contributing to market order. WIPO needs to anticipate and to address directly the implications of these developments.

“A first such development is the sustained trend towards the infusion of technology into every aspect of our daily lives and into every part of economic existence. As the trend has accelerated, the economic value of innovation has increased and, with it, the desire to acquire property rights over the frontiers of knowledge. When the Paris Convention for the Protection of Industrial Property was first concluded in 1883, there were approximately 80,000 patent applications, or new technological solutions, filed around the world. Last year the number was 1.7 million. As Arthur Conan Doyle said, “Knowledge begets knowledge, as money bears interest”. The functional consequence of this trend is that the system is becoming a victim of its own success. Patent Offices are choking on demand and struggling to perform in a manner that is timely enough to be responsive to the needs of the economy. There are an estimated 3.5 million unexamined patent applications in the world today. The quality of the output of Patent Offices, pushed to cope with such strong demand, is also under critical scrutiny. The Patent Cooperation Treaty (PCT), the financial backbone of this Organization, was designed to provide a multilateral means of dealing with the growth of demand and internationalization of the patent system. While it has been a major example of success in international cooperation, for various reasons, related more to the behavior of actors in the system than to the system itself, it is not providing a sufficiently adequate solution to the crisis in demand management. The problem is of such a critical and urgent nature that a solution will be found. It is of fundamental importance, I believe, that the solution be a multilateral one, rather than one established by a group or groups of the most adversely affected States. The PCT provides a better basis for constructing the future solution than any other one under consideration or in the range of current imagination.

“In the area of creative works - the artifacts of our culture - the challenges are even more fundamental. The twentieth century model of returning value to creators, performers and their business associates, which relied on the distribution of physical packages containing the works, is under the most radical of threats from the convergence of expression in digital technology and the distributional power of the Internet. This development may well work to the special disadvantage of the developing world, where creators and performers do not have the same access to the

Internet, bandwidth and alternate models of obtaining financial rewards as their counterparts in the developed world. For the whole world, incentives to the creation of content for the educational system and the enrichment of our lives with literature, music, films and other creative works are fundamental questions. As in the case of the choking of the patent system, solutions will be found. Perhaps here, the market itself may find the solutions in systems of private law and in the private application of technological solutions. Perhaps those solutions would be appropriate. But it would be unfortunate if we were to move from a centuries-old system of publicly created and overseen rights to systems of private law simply by default, as opposed to conscious choice. The discussion is not an easy one. In each country, there are many more consumers than creators and performers, making the political management of the discussion uncomfortable. This feature of domestic politics, as well as the global nature of file-sharing on the Internet, suggests that it may be more appropriate to conduct the discussion at the international, rather than the national level. The Berne Convention, one of the origins of WIPO, was founded in the nineteenth century as a consequence of the concern of authors about the impact of the international movement of their physical works. I believe that WIPO remains the right forum to conduct the discussion in the Twenty-First Century about the same question dressed in different technological clothes.

“The widespread illegal downloading of music and films from the Internet raises more generally the question of respect for intellectual property. Very significant developments have occurred also in the counterfeiting of physical products. The phenomenon has long ceased to affect only luxury goods and has spread to many other sectors of the economy, raising serious concerns for health and safety and consumer protection. Organized crime has become a major participant. On one estimate, the value of counterfeit goods in international trade exceeds \$200 billion per annum. Plurilateral accords to deal with the scourge are under active consideration. The risks to health and safety and to consumer protection, however, are present globally and the illegal activity occurs everywhere and not only in specific localities. Reflection is needed, therefore, on the appropriate role in this area for WIPO, the international organization responsible for intellectual property. Should that role be confined to awareness-raising and the training of customs officials, the police and the judiciary? Or should it encompass a more robust engagement and, if so, alone or in cooperation with other concerned international agencies?”

“So far I have referred to factors in the external environment that pose risks to the functioning of the intellectual property system as it stands today. No less important, however, are the developments that call upon the intellectual property system to broaden its horizon and to make its mission more attuned to the collective consciousness of the international community.

“First and foremost is the question of how intellectual property can contribute to the reduction of the knowledge gap and to greater participation on the part of the developing and least developed countries in the benefits of innovation and the knowledge economy. The differences that exist are well known to all of us, but are perhaps most starkly illustrated by the fact that a number of corporations now each spend more each year on the generation of new knowledge than the majority of Sub-Saharan countries each have available to spend on the whole of their countries’ needs in all fields of government, including education, the health system, infrastructure and so

forth. Overall, across the world, a trillion dollars is spent each year in research and development. Intellectual property alone is not going to bring about the solution to different levels of development. But the recent consensus in this Organization on a Development Agenda provides a wonderful opportunity for the Organization to be part of the solution.

“For the Development Agenda to fulfill this promise, I believe that it is essential that we translate the political consensus into concrete and effective projects. The opportunity exists for the Organization to construct a global knowledge infrastructure, comprising public, freely available databases of technological and scientific information and operating on common standards for data interchange. Such an infrastructure would contribute in a practical way to sharing the social benefit of intellectual property systems. Through office automation and training, intellectual property offices and research institutions and universities in the developing world could be equipped to participate in this infrastructure.

“The Development Agenda offers equally an opportunity for WIPO to review the effectiveness of its service delivery in the area of capacity building. I believe that the adoption by countries of National Intellectual Property and Innovation Strategies, which WIPO could assist in developing, where so desired, would provide excellent vehicles for aligning the capacity-building activities of the Organization with the economic resource base and the economic objectives and priorities of countries.

“The Development Agenda and WIPO’s capacity-building activities also provide an opportunity to address the special needs of the Least Developed Countries (LDCs). I propose to build upon my predecessor’s initiative of establishing an LDC Division by strengthening the human and financial resources in this Division.

“There is also a dimension to the Development Agenda which reaches beyond capacity-building and infrastructure and which calls for a continual analysis and reflection on the best means of making intellectual property work to the advantage of all countries, regardless of their level of development. It is not a simple reflection. The Secretariat needs to be better equipped with resources for economic research and statistics in order to provide the Member States with a sound empirical basis for the reflection. I intend to establish a Division for this purpose. Its mission will be to provide impact studies to support Member-State processes; to anticipate developments affecting the world of intellectual property; and to equip management with the means of identifying future strategic developments that may impact upon the Organization.

“The protection of traditional knowledge and traditional cultural expressions is another area that has been identified as a means of broadening intellectual property to make it more responsive to the needs of the developing world. The same phenomena of a globalizing economy and the advances in communication technologies have exposed special vulnerabilities of indigenous peoples and traditional communities to the unfair loss and appropriation of the products of their traditional knowledge systems. In the course of addressing these vulnerabilities, it has become apparent that there is a need to recognize explicitly the contribution to human society of collectively generated and maintained innovation and creativity and to protect the artifacts of that innovation and creativity. The Organization has undertaken a long process of discussion and negotiation on the means of meeting this need. I believe that it is time to move this

process to concrete outcomes that will see WIPO embrace a broader base of constituents and a more universal mission.

“WIPO is not alone in facing challenges of a fundamental nature. The nature of our carbon-based technological society, and our increased interconnection and interdependence, has created a series of problems that preoccupy the international community because of their gravity and potentially destructive impact. Many of these challenges have been identified in the Millennium Development Goals. Others have been identified through the collective expression of concerned Governments, commentators, the media and civil society. They include climate change, desertification, epidemics, access to health care, food security and the preservation of biodiversity. History shows that human society has usually turned to technology, the application of science to the solution of practical problems, as one of the principal means for dealing with threats and difficulties confronting society. Policies designed to stimulate the creation and diffusion of technology are thus directly relevant to the consideration of the ways in which the global community can respond to the problems. That relevance calls for more active engagement by this Organization in the dialogue and search for solutions that takes place in the international community. I propose to establish a Division in the Secretariat that will have this engagement as its mission, focusing on the specific contribution that intellectual property and WIPO can make within the framework of collective action to address these global challenges. It will provide, I hope, a means of bringing the Organization into closer cooperation with the rest of the United Nations system, an opportunity for greater interaction between the Organization and its Member States and a concrete demonstration of the relevance of intellectual property.

“In order for WIPO to address the challenges that I have outlined – and there are others that time does not allow me to canvass – we need a functional Organization. The Organization is not, of course, the Secretariat. It is the Member States and the Secretariat, as well as an increasingly large and active body of users of its services and non-governmental stakeholders. A precondition to the effective functioning of the Organization is trusted communication between these various actors. This will be a priority from the outset. I shall endeavor to find ways in which to communicate better to all our constituents and to intensify the dialogue between constituents.

“As far as the Secretariat is concerned, the Member States in recent years have made clear their desire to improve its functioning and performance. I plan to undertake a thorough process of strategic realignment in the coming years. It will cover the corporate culture of the Secretariat, the efficiency of our business processes and the alignment of our programs, structure and resources to the Organization’s strategic goals. It will unfold in a measured, systematic and professional manner, with full and transparent communication both within the Secretariat and between the Secretariat and the Member States. It will take several years to accomplish. Even then, the pace of change in the external circumstances confronting the Organization is such that the process might more properly be considered as a continuing one. To my colleagues in the Secretariat, I would emphasize that the process will be, and will require, a collective effort and I look forward to working with all of you and count on your support.

“As far as the Member States are concerned, I have sought to indicate the main challenges that I consider lie before the Organization. I have offered more questions

than solutions, which I think is appropriate for a Chief Executive of a Member-State-driven Organization. The questions challenge the capacity of multilateralism to provide timely responses. In this regard, it is worth recalling the quickening pace of technological change. It took humanity five million years to progress from the point where it began walking on two feet, thus freeing its hands for purposes other than locomotion, to the development of the first stone tools, then 1.8 million years to the mastery of fire, 700,000 years to the agrarian revolution, only 12,000 years to the industrial revolution and a mere 140 years to the information revolution. The questions that confront intellectual property are, in many ways, generational questions and it would be a pity to see them squandered in polemics and in the narrow considerations of local politics. The challenge for the multilateral community is that these generational questions are arising more and more frequently because the pace of technological progress is reducing the time separating the generations. Responding to the questions will require our combined ingenuity and versatility.

“I thank you all for your attention and I look forward to working with you in the coming years.”

13. The Chair thanked the incoming Director General for his acceptance speech and proceeded under paragraph 6(ii) to announce that the Working Group made up of the seven Group Coordinators, the Chair of the General Assembly and his two Vice-Chairs, as well as the outgoing Chair and Vice-Chairs of the Coordination Committee would meet in the afternoon at 2.30 p.m. to begin its deliberations.
14. The Chair of the General Assembly drew the delegates' attention to the Report of the Working Group on the Conditions of the Appointment of the new Director General, and invited the Vice Chair of that Group to present the Report.
15. The Vice Chair of the Working Group, Dr. Hilde Skorpen, drew attention to document WO/GA/36/12 (Report of the Working Group on the Conditions of the Appointment of the new Director General) and its two annexes.
16. She stated that the Working Group on the Conditions of the Appointment of the new Director General met on four occasions, on September 22, 23, 24 and 25, 2008 and decided to recommend to the General Assembly the same conditions as the General Assembly approved in May 2003 for the then Director General Mr. Kamil Idris, with two modifications:
 - (i) an annual inflationary adjustment in respect of the housing and representation allowances in accordance with the Consumer Price Index (CPI) for Geneva; and
 - (ii) that, in addition to enjoying the rights which are provided for in the Staff Regulations and Staff Rules of the International Bureau of WIPO, Mr. Gurry shall also assume the obligations provided therein.
17. The Vice Chair of the Working Group invited the General Assembly to approve the conditions of the appointment of Mr. Francis Gurry as Director General of WIPO as reflected in the draft contract set out in Annex II of document WO/GA/36/12.

18. The General Assembly unanimously adopted the Report of the Working Group on the Conditions of the Appointment of the new Director General as set out in document WO/GA/36/12.

ITEM 5 OF THE CONSOLIDATED AGENDA:

GENERAL STATEMENTS

19. The Delegations and Representatives of the following 113 States, seven intergovernmental organizations and eight non-governmental organizations made statements concerning Agenda Item 5: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Burkina Faso, Cambodia, Cameroon, Canada, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Montenegro, Morocco, Mozambique, Namibia, Nepal, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Seychelles, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe, African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), African Union (AU), Eurasian Patent Organization (EAPO), Gulf Cooperation Council (GCC), International Organization of la Francophonie (OIF), World Trade Organization (WTO), Asian Patent Attorneys Association (APAA), Association for the Promotion of Intellectual Property in Africa (APPIA), Centre for International Industrial Property Studies (CEIPI), Computer and Communications Industry Association (CCIA), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Intellectual Property (AIPPI), International Federation of Library Associations and Institutions (IFLA/FIAB) and the Library Copyright Alliance (LCA).

20. As part of their statements, Delegations paid tribute to the Chair, praising his dedication and skill in conducting the debates during a difficult period.

21. The Delegation of Algeria speaking on behalf of the African Group expressed its satisfaction to be again under the enlightened leadership of the Chair, a worthy son of the African continent, who had steered WIPO through difficulties at the previous year's Assemblies, now enabling the Organization to proceed again with business by consensus. It was in order to preserve consensus at the present Assemblies that the African Group had taken the initiative to write to the Chair on September 15, 2008, to suggest that the nomination of the candidate proposed by the Coordination Committee for the post of Director General as an outcome of a democratic and transparent process be endorsed by the Assemblies by acclamation in accordance with established practice. The Delegation was gratified that this is

what had happened. All had had their candidates, but all agreed to accept the verdict of the ballot box, and all had come to be satisfied with that verdict. On behalf of the African Group, the Delegation therefore extended to Mr. Francis Gurry its sincere congratulations on his election. Mr. Gurry's long experience at WIPO and his well-known competence would provide the Organization not only with a safe pair of hands but with a dynamic leader of a cohesive team who would heal recent wounds and build on the previous legacy of an African visionary, Dr. Kamil Idris. That WIPO had gained such radiance during the last decade was due in no small degree to Dr. Idris' remarkable stewardship. He had bestowed universality on an Organization which, rightly or wrongly, had until then been considered as protecting the "haves" rather than promoting the "have-nots". The outgoing Director General had succeeded in striking a balance between the interests of the former and those of the latter: providing good value for money in terms of services to patent- and trademark-holders, most of whom hailed from advanced countries, but also becoming relevant to developing countries by promoting the Development Agenda and advocating a legally binding instrument to give recognition to traditional knowledge and crafts, genetic resources and the cultural industries of such countries. The Delegation was mindful also of WIPO's backstopping, under Dr. Idris' watch, of national IP institutions and his far-sighted decision to set up the WIPO World Wide Academy in 1998. Thus, Dr. Idris had turned WIPO into a truly global institution addressing IP in the context of the economic, social and cultural interests of nations both rich and poor, and these ambitious objectives were achieved while exercising prudent management which made it possible to reduce PCT fees and bequeath a financially healthy Organization to the new Director General. The Delegation recalled the Arabic saying: "The best successor to the best predecessor". In the view of the African Group, building on Dr. Idris' legacy would involve taking the following courses of action: 1) ensuring the financial integrity of the Organization; 2) continuing to make WIPO relevant to the interests of developing as well as developed countries; 3) promoting actively the implementation of the 19 recommendations of the Development Agenda as already adopted by the Assemblies, and following up with the remaining 26 upon adoption; 4) continuing to assist national IP institutions and promote access for scientific research institutions to technical information available in the public domain so as to foster innovation; 5) providing catalytic support to the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore so that its extended mandate could be used productively to move towards a conclusion of a legally binding treaty - WIPO would then follow in the footsteps of Africa which had recently concluded a regional treaty in that regard; 6) pursuing Dr. Idris' global outreach by exploring further the interface between IP and issues of access to medicine, public health, climate change, etc.; 7) further improving geographical representation within the professional staff; and 8) reinforcing the African Bureau, which remained under-staffed and under-funded. The Delegation was encouraged by the new Director General's expressed intention to consult all stakeholders regularly in fulfilling his mandate and gave its assurance that the African Group was ready to make its members available at all times for such consultations. The Delegation made two final remarks. Firstly, experience of the previous year's election of the Director General in the Coordination Committee had shown that the procedure for voting at that stage of the process was unduly complex and cumbersome. The subsequent election of the Director General of the IOM had showed that, even in a multiple candidate election, there were simpler and no less effective ways of proceeding. The Delegation proposed to the Assemblies that an intergovernmental body might look into the issue. The Delegation's last words were reserved for Dr. Idris. Since Dr. Idris had been the first head of WIPO to come from Africa and indeed from any developing country, the Delegation suggested that it would be a fitting tribute to him personally, but also to Africa, if his name were to be given permanent recognition, as was the

case for his predecessor, in the context of the new headquarters facilities currently under construction.

22. The Delegation of Romania on behalf of the Regional Group of Central European and Baltic States expressed great satisfaction with the election process just concluded and expressed gratitude to all those who had contributed to its success. The Delegation paid homage to the winner of the election and stated its conviction that Mr. Francis Gurry's outstanding professional and diplomatic skills would play an essential role in establishing the solid standing of WIPO in the international arena and in promoting a much needed wider awareness of IP issues. The Delegation trusted that Mr. Gurry's accession to the leadership of the Organization would allow him to turn this major opportunity into an asset for all users of the IP system. In the view of the Delegation, this meant an Organization dedicated to IP, but with the objective of constantly enhancing the IP contribution to development; an Organization that delivered a high standard of IP services, being responsive to the needs of all categories of applicants; an Organization that could host any IP-relevant global debate and address any IP-related issues, with a view to contributing to all nations' prosperity; an Organization that was able to provide countries with requested IP expertise and accommodate the interests of a wide range of stakeholders including inventors, commercial firms, lawyers, and civil society as a whole; an Organization oriented to consensus building which would never again become a stage for artificial antagonism; an Organization that would rely on highly qualified staff and display professionalism and harmony among its members; an Organization that would abide by its rules and principles, and, finally, an Organization that would be ready to take up any challenges and stay open to reform. The Delegation looked forward to cooperating with Mr. Gurry and together finding the most appropriate ways to accomplish common goals. The Delegation acknowledged Dr. Kamil Idris' contributions to a better understanding of the relationship between IP and development and thanked him for his endeavors in that respect.

23. The Delegation of the United States of America, speaking on behalf of Group B, expressed sincere and great admiration for the Chair of the General Assembly and the Chair of the Coordination Committee, and congratulated them on their stewardship for having displayed absolute integrity throughout the entire election and confirmation process of WIPO's new Director General. The Delegation congratulated Mr. Francis Gurry on his election and confirmation to the position of Director General of WIPO, greatly appreciating his vision and accomplishment during his extensive and productive career, and had great expectations for shared future work at WIPO. Mr. Gurry had been an important force in the field of intellectual property rights for decades. Under his responsibility for WIPO's activities in the area of patents, he had expertly handled patent policy questions and the administration of the Patent Cooperation Treaty (PCT), under which over 156,000 international patent applications had been filed in 2007, and had also led the development of biotech, genetic resource, traditional knowledge and traditional cultural expression policy, as well as having overseen the work of the WIPO Arbitration and Mediation Center which had administered over 26,000 disputes over Internet domain names since 2000, all of which were highly noteworthy achievements. Mr. Gurry's specialized expertise in the field of intellectual property was a tremendous resource for the Organization. Group B strongly believed that his technical knowledge, intellectual contribution and leadership abilities would strengthen the Organization and lead it to greater success in the future. The Delegation looked forward to working with Mr. Gurry in his new capacity in promoting intellectual property to all sectors of society and throughout all regions of the world. WIPO faced many challenges. One area which deserved close attention was the role of assisting WIPO Member States to improve

their intellectual property systems and to use intellectual property protection as a tool for increased development and prosperity. WIPO could meet those challenges. The collective work of Member States in the Organization should give greater depth to: discussions on using IP as an instrument for innovation and development; establishment of effective systems for granting and administering intellectual property rights; substantive work in the Committees to reduce IP administrative barriers; and the Organization's capacity-building work with Member States and small and medium-sized enterprises aimed at achieving greater economic benefits. WIPO also faced challenges concerning current initiatives for improving transparency, accountability and good governance. The implementation of the recommendations made by the desk-to-desk assessment carried out in response to the United Nations Joint Inspection Unit's recommendation would be a vital component in improving the functioning of the Organization. The Delegation thanked the staff of WIPO for their productive work. The Delegation thought that Mr. Gurry had the vision for the Organization and leadership skills necessary to help unite the Organization and all of the Member States and the various stakeholders of WIPO. The Delegation also stated on behalf of Group B their sincere appreciation to Dr. Idris for the manner in which he had paved the way for his successor to take Office on October 1, 2008, and wished him the very best, good wishes for the future. The Delegation, on behalf of Group B, wished Mr. Gurry all the best in his new role as Director General and confirmed the support of Group B countries to help him accomplish his mission at WIPO. The Delegation also thanked the Secretariat for its hard work in preparing for the General Assembly.

24. The Delegation of Pakistan, speaking on behalf of the Asian Group, congratulated the Chair of the Assemblies on leading the process of appointment of the new Director General of WIPO effectively, and welcomed the appointment of Mr. Francis Gurry to that position. The Delegation noted with satisfaction that the uncertainty that had settled over WIPO for the last year was finally over, with the expression of confidence of Member States in a new leader and his ability to steer the Organization into a challenging future at a higher plane of effectiveness and engagement. The Delegation wished to express its appreciation to Dr. Kamil Idris, the outgoing Director General, for his leadership of the Organization for more than a decade, and acknowledged his many important initiatives which had enabled WIPO to respond to a fast-changing IP environment, and which had contributed to the Organization's position as a pre-eminent international forum for addressing global IP issues. WIPO's leadership transition came at a crucial moment, the current scientific and technological landscape being far different from that of a decade ago. The forces of unprecedented technological innovations, globalization, society demands and heightened expectations all had a direct bearing on the IP system, and hence on WIPO. At the global level, questions were increasingly being raised as to whether the current IP system was balanced and able adequately to support innovation and promote technological advancement in the 21st century, particularly in the developing countries. In that regard, while acknowledging the different perspectives on the issue, and in the spirit of laying a solid foundation for the cooperative and progressive future of WIPO, the Asian Group wished to propose sincere discussions and meaningful dialogue on the value and impact of the IP systems between regional groups and among Member States, feeling that such an interaction would help in bridging the differences and in developing a common future for WIPO. In that regard, the real challenge for the new Director General would be to equip the Organization with competency, skills and, above all, a strengthened pro-development culture to cope effectively with those challenges, and the Delegation expressed confidence that Mr. Gurry, with his vast experience, would successfully steer the Organization through all those challenges in a transparent manner. Within WIPO, a number of important initiatives were underway which all had a direct bearing on the shared endeavor to build a more

equitable, and thus a more robust, IP system: the development agenda, protection of TK and folklore, patent agenda, and copyright and other related rights issues. For the Asian Group, the adequate financing and effective implementation of all recommendations of the Development Agenda, appropriate norms for the protection of TK, folklore and genetic resources, a fair and balanced copyright and patent regime, and customized IP development strategies at the national level, were the key priorities. With the new Director General in office, the Group looked forward to new inputs in those areas, in particular to the continuation of, and increase in, WIPO's support for developing countries in helping them transform IP into an effective engine of economic growth in their respective countries. The Asian Group assured the new Director General of its full support and cooperation in his future endeavors, and would remain constructively engaged in the deliberations on the specific items that were on the agenda of the current Assembly.

25. The Delegation of the Russian Federation, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries, said that it was certain of the overall effort made towards achieving a consensus, which had always led the Member States to positive and constructive results. The Delegation noted that in the period that had elapsed since the previous regular session of the Assemblies, the Organization had experienced difficulties but, to universal satisfaction, the Member States had managed to find compromises and, at the same time, effective solutions to the issues facing them. The Group expressed gratitude to the Chair of the Coordination Committee, Dr. Hilda Skorpen, for her able leadership of the extraordinary session of May 13 and 14, as a result of which, of the 15 candidates for the post of WIPO Director General, a single candidate, Mr. Francis Gurry, was selected and previously appointed during the session to that post by acclamation. Expressing due respect for the merits and contribution of Dr. Kamil Idris to the development of multifaceted interaction and the establishment of an intellectual property system in the broad sense of the term, the Group noted that precisely during his leadership of the Organization, intellectual property had ceased to be the lot of a narrow circle of specialists and of those who owned intellectual property rights, and had become the property of those who did not own such rights but were attempting to build their economies by using intellectual property mechanisms. In connection with the election of Mr. Francis Gurry as WIPO Director General, the Group expressed the hope that under his leadership WIPO would henceforth act for the benefit of the Member States and in the name of the development of the international system of intellectual property protection. In his opening address as the Director General Elect, Mr. Francis Gurry had, in essential terms, shared with the Member States his closest and forward-looking plans to review the Organization's activities and ensure that it was ready to meet the challenges of the time, which were an inalienable part of the development of society. Rare was the person nowadays who was bold enough to claim that the world could develop without intellectual property mechanisms. Without any doubt, the preparation of the Organization and the world community for intellectual property mechanisms to serve the new world order in the twenty-first century was a worthy but highly complex task which Mr. Francis Gurry planned to resolve, not only through the efforts of the WIPO Secretariat but also in constant interaction with the Member States and on the basis of dialogue between national patent offices and the permanent representations of the Member States in Geneva. The Group declared its support for the efforts made to achieve the development aims of the intellectual property system. In addition, the Group was of the view that the Director General could already resolve such a task as to provide the Organization with new human and financial resources in order to generate fresh momentum for the process of development for the benefit of the Member States. As the Group had stated, it anticipated that the new budget would fully reflect the requirements of the region to which it belonged and it also relied on seeing, in the near future,

changes to the composition and structure of the Secretariat and the elimination of still existing geographical and systemic imbalances. It expressed the hope that the new Secretariat structure would take account of its concern regarding insufficient representation in the WIPO central management and also expressed the certainty that the Secretariat should become a living system able to react with flexibility to the needs of the Member States. The Group was of the opinion that the requirements placed on the Secretariat should be increased, its work should be fully transparent and clear monitoring should be exercised over the disbursement of financial resources. WIPO must play a system-forming role in the discussion of the problems of intellectual property in their many different facets. By adopting a proactive approach, it should set the tone of the discussions on that subject and, in the other bodies of the United Nations system, propose ways to resolve problems and participate in the creation of mutually acceptable mechanisms. In particular, the Group noted the need for the Organization to make a substantive contribution to resolving the problem of sustainable development. The Group provided a positive assessment of the work of the newly created WIPO Committee on Intellectual Property and Development, and expressed the hope that the implementation of the proposals agreed during the work of the Committee would allow the Organization, within the limits of its mandate, to achieve concrete results. Noting the importance of continuing the work of the Standing Committee on the Law of Patents, the Group declared the need to determine those mechanisms which would allow countries – not only those which generated knowledge but also those that wished to develop their economies on the basis of qualitatively new technical knowledge – to devise patent law regulations which would allow the process of technology transfer to be made substantially easier and provide for the introduction of new technologies as well as new subjects and scientific and technical achievements for the economies of those countries. The Group believed the Committee should also pay attention to the growth in the number of abuses in the patent sphere which hampered the introduction of inventions into the economy and precisely should erect a powerful barrier against “patent lookalikes” and also “trademark clones”, since the misuse of a right put the brake on economic development. The Group declared its readiness to continue the dialogue within the framework of the Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and also of the Standing Committee on Copyright and Related Rights in order to harmonize Member States’ approaches to resolving the issues currently on the agenda. The Group expressed certainty that it would work closely with the Director General Elect, and also with the Secretariat in order to achieve the aims of developing the system of intellectual property protection.

26. The Delegation of China thanked the Director General and the Secretariat for their hard work in preparing the large quantity of informative documents. The Delegation took stock of the rapid developments in the IP field in China, noting that, in 2007, the State Intellectual Property Office (SIPO) had received a total of 693,917 patent applications with 351,782 grants, out of which 245,161 applications and 67,948 grants were for inventions, and that at the end of August 2008, 495,708 applications had been received, with 182,756 applications for inventions, its PCT applications totaling 3,770. Similar trends were found in its trademark applications, which topped the world’s list of annual filings for the sixth year consecutively since 2002, with an accumulated total of 3,038,000 registrations at the end of 2007. For the first half of 2008, 235,000 applications were examined, 5,209 oppositions ruled and 5,873 cases involving trademark appraisal decided, representing an increase of 58.3%, 63.9% and 58% respectively over the same period of the previous year. The Delegation continued to report on the fruitful cooperation between SIPO and WIPO, noting that promotion of the use of PCT in China had seen its ranking in the world’s list of PCT users jump from No. 10 in 2005 to No. 7 in 2007. A number of meetings were jointly

held in Beijing in the past twelve months, which included an International Conference on PCT with WIPO in November 2007, a Sino-African Conference for the Heads of IP Offices with WIPO and ARIPO in June 2008, and a Global Conference for the Heads of IP Academies with WWA in May 2008. It further reported on the significant progress made in the formulation of its National IP Strategies, an Outline of which was issued in June 2008, thus ushering in a new era in its IP protection. It believed that, with the eventual promulgation and implementation of the Strategies, the IP protection system in China would be improved and innovative results better respected. In the field of trademarks, action had been taken by the State Administration for Industry and Commerce (SAIC) to reduce the time needed for trademark examination with the aim of eliminating within three years its workload in the area of trademark examination and appraisal, by enhancing accountability, recruiting more examiners, restructuring or creating new internal organs and improving incentive mechanisms. Greater efforts were also made in administrative law enforcement. For the first half of this year, SAIC investigated and dealt with a total of 21,000 cases of trademark infringement nationwide, among which 3,048 cases were of a general nature and 18,000 cases involved counterfeiting, with 4,383 cases involving foreign parties; the value concerned in these case totaled 397 million *yuan* (RMB) with fines of 175 million *yuan*; and 50 cases were transferred to the judiciary, involving 53 suspects. It added that in the field of copyright, legislative efforts were strengthened, as demonstrated by the preliminary research work towards a second revision of its Copyright Law and the first-round of consideration of its Draft Regulations on the Protection of Copyright in Folklore Expressions. As regards copyright enforcement, it was the third year in a row that China conducted special projects targeting piracy on the Internet, the fourth round of special action this year focusing on illegal transmissions of the Olympic matches, the results of which were highly commended by Chairman Hein Verbruggen on behalf of the International Olympic Committee. In parallel, the National Copyright Administration (NCAC) started to set up a platform for monitoring and managing copyright on the Internet, and a hotline of "12390" for complaints against piracy, as well as the NCAC center to receive such complaints. The Delegation further reported on its ongoing third revision of its Patent Law, which aimed, on the one hand, to increase the standards for patent granting, by for example adopting the standard of absolute novelty in patent granting, and to encourage innovation by granting design patent holders the right of offering for sale, and on the other hand, to better safeguard public interest, in particular in the fields of public health and genetic resources, by for example providing more exceptions to patent protection, improving compulsory licensing and adding new requirements on disclosure of origin of genetic resources. The proposed revisions to the Patent Law were submitted by SIPO in December 2006 to the State Council, which considered and adopted the Draft Amendments to the Patent Law in July 2008. The Draft Amendments were under the first round of consideration in August 2008 by the Standing Committee of the National People's Congress, and according to its legal provisions would undergo three rounds of such consideration before being adopted, which could probably take place in early 2009. It further observed that with the deepening of economic globalization and the interests among nations interwoven today, the on-going discussions in CDIP would not only have a far-reaching influence on the future of developing countries, but also benefit developed countries whose interests were interwoven with developing ones. It added that since its establishment, CDIP had been actively promoting the implementation of the 45 agreed proposals in accordance with its mandate, and expressed its hope that adequate human and financial support would be provided to ensure an effective implementation, thus enabling developing countries, including China, and in particular LDCs, to effectively benefit from it. The Delegation reaffirmed its full support for the work of the IGC, and stressed the importance of the comprehensive and rational protection of genetic resources, TK and

folklore for developing countries. It looked forward to quick breakthroughs in this regard in order to reach a preliminary consensus on a binding international instrument. The Delegation joined others in congratulating Mr. Gurry on his election as the new Director General of WIPO. It firmly believed that with his rich experience of long years working in a multilateral IP agency as well as his profound and accurate understanding of the international IP system, Mr. Gurry would be able to infuse WIPO with dynamism in a timely manner. It was impressed with his acceptance speech and encouraged by the way he addressed prospects and problems, as well as challenges and opportunities in the evolution of the future global IP system. It fully supported Mr. Gurry as leader of WIPO for the coming six years, and pledged support to the Organization under his leadership. It believed that his appointment would both usher a new era for WIPO and make all parties, including Member States, observers and staff, more determined to ensure that WIPO, as a specialized agency of the United Nations for IP affairs, continued to have an important role to play in promoting the use of the intellectual property (IP) system for the benefit of all nations and to assist them to take full advantage of IP for development, in compliance with the United Nations Millennium Development Goals. In the meantime, it also expressed gratitude to Dr. Idris for his work during the past 25 years in WIPO, and especially for his insight since he took office as Director General in 1997, to create platforms for discussing issues covering traditional knowledge, folklore, genetic resources and the development agenda. The Delegation cherished the cooperation with WIPO under the leadership of Dr. Idris in the past eleven years, during which period China enjoyed rapid development not only in economic terms, but also in the area of IP, to which Dr. Idris had made an outstanding contribution. It paid tribute to him and wished him all the best in his years after WIPO. In addition, the Delegation thanked the Chair of the Coordination Committee and the Working Group under her guidance for their hard work, which laid down a sound foundation for the successful work of the future Director General. It was proud to be part of the process to forge the future of an international organization with an increasingly important role to play in international affairs through fair, reasonable and legal procedures. It was happy to have been witness to the significant moment in May 2008 and to see that the efforts in May had resulted in successful outcomes today. It further observed that with the increasingly important role of IP in economic development, and in the face of the current serious global economic situations, enterprises that enjoyed advantageous and dominant strength in the market because of their IP were in a better position to resist risks. It expressed its hope that future discussions in WIPO would encourage enterprises from Member States to engage themselves more in global innovative activities, so as to take full advantage of their achievements for more wealth and value. The Delegation offered its support, as a responsible and commitment-keeping big developing country, to the work of the Assemblies and other WIPO committees, by taking an active part in the discussions on all important issues, further expanding its cooperation with WIPO in the areas of IP teaching, awareness-building and protection, and continuously strengthening its exchange and cooperation with all Member States, and expressed its hope that the Organization would play a more effective role in the future international IP developments.

27. The Delegation of Cuba, speaking on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC), thanked the outgoing Director General, Dr. Kamil Idris, for his management and wished him success in all his future undertakings. The Delegation welcomed Mr. Gurry, wishing him success in the performance of his new responsibility to provide leadership of the Organization and reiterating the willingness of the members of GRULAC to help to make his term in office an outstanding one. GRULAC trusted that, under his leadership, the Secretariat would bring about systematic dialogue with Member States. GRULAC also hoped that the new Director General would strengthen dialogue and

cooperation with Member States and increase the participation of Member States in the preparation of the budget, as well as in the establishment of the Organization's priorities. The Delegation said that GRULAC also hoped that priority would be given to implementing the Development Agenda and that there would be greater representation of developing countries, including members of GRULAC, in the Organization's top management posts and in the composition of Secretariat staff, in order to fulfill the principles of universality and equitable geographical representation. The Delegation promised that the GRULAC member countries would participate actively and constructively in the Organization and would contribute to its management to ensure satisfactory work. Proof of that was the increasing participation of GRULAC member countries in debates and in the submission of major proposals, such as the Development Agenda and the debates on issues such as genetic resources, traditional knowledge and folklore. GRULAC trusted that the new Director General would be able to lead WIPO satisfactorily in what he had called the dual role of the Organization: firstly, as a service provider to the global economy and, secondly, as a development organization. With regard to the first aspect, Mr. Gurry had demonstrated effectiveness and efficiency in his management and leadership of the PCT Sector and the WIPO Arbitration and Mediation Center. With regard to the second aspect, the development dimension, the Group maintained that, as expressed by Mr. Gurry, it had to be acknowledged that intellectual property systems existed, not only for rights owners, but also for the social benefit pursued by designing those systems. One of the greatest challenges of the Development Agenda was to incorporate the development dimension in all areas of WIPO, not forgetting that intellectual property could have unforeseen or undesirable effects in major areas of development. GRULAC wished for WIPO to be an outstanding organization and agreed that WIPO should play a more active part in the political processes taking place in other international bodies relating to the overlap between intellectual property and other areas of public policy. It welcomed the organization of a conference in 2009 on the impact of patents on areas such as health, the environment, climate change and food safety. GRULAC was convinced that giving priority to topical issues would prevent negotiations on intellectual property from taking place outside WIPO. Finally, the Delegation said that GRULAC considered that WIPO should contribute – with its technical knowledge – to debates held in other international bodies on other subjects.

28. The Delegation of France, speaking on behalf of the European Community and its 27 Member States, thanked the Secretariat for the work carried out and said that it was looking forward to constructive, effective and productive meetings. It welcomed the appointment to the post of Director General of the candidate nominated by the Coordination Committee, Mr. Francis Gurry, as well as the beginning of a new chapter in the Organization's history, and thanked Dr. Kamil Idris for his work to serve the cause of intellectual property, wishing him all the best for the future. The Delegation was convinced that Mr. Gurry's term of office, which it hoped would be transparent and in line with the practices of other United Nations specialized agencies, would allow the Organization to continue the work in the different committees in a constructive spirit, while at the same time keeping in mind the Organization's primary objective which was to promote intellectual property. It reaffirmed its support for the promotion of an effective international intellectual property system, conducive to economic, social and cultural development, and expressed its support for WIPO's efforts in that regard, while encouraging all other Member States to work positively to that end. With regard to the implementation of the recommendations under the WIPO Development Agenda, the Delegation welcomed the progress made, particularly within the Committee on Development and Intellectual Property (CDIP). The European Community and its Member States had agreed to provide for the effective and rapid implementation of the Agenda's recommendations, while ensuring respect for the procedures relating to the WIPO

Program and Budget as regards the provision of the resources necessary for their implementation. The Delegation praised the progress made by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and looked forward to the future developments facilitated by the Committee's decision to examine the issue of genetic resources at its following session, therefore granting it equal treatment among the three items which the Committee was mandated to examine. The Delegation noted that the draft gap analysis on the protection of traditional knowledge would allow specific areas of work to be established and would make it possible in the long run to define and ensure proper protection of that knowledge. The Delegation reaffirmed the support of the European Community and its Member States for the development of international *sui generis* models or other non-binding options for the legal protection of traditional knowledge. It recalled that with regard to protection of traditional cultural expressions, solutions could be found at the national or even regional level, and that some existing instruments were able to meet a large number of the demands of indigenous communities. The Delegation was pleased that the issue of the protection of audiovisual performances and that of the protection of broadcasting organizations had featured on the agenda of the sixteenth session of the Standing Committee on Copyright and Related Rights (SCCR) (held in March 2008) and remained on the agenda for its subsequent session. With regard to the protection of broadcasting organizations, the Delegation hoped that the analysis work, which the General Assembly had entrusted to the Chair as part of his mandate, would allow progress to be made in the debate and a consensus to be reached quickly. With regard to the work of the Standing Committee on the Law of Patents (SCP), the Delegation expressed satisfaction that the delegations had reached agreement to entrust the Secretariat with the task of preparing preliminary studies on four subjects, namely the dissemination of patent information, exceptions to patentable subject matter and limitations to rights, patents and technical standards, and client-attorney privilege (see document SCP/12/4 Rev./26.06.2008). It hoped that the future discussions would allow a balanced program of work to be drawn up quickly. Considering the scale and growth of counterfeiting and piracy activities in the world, the Delegation recalled that the Advisory Committee on Enforcement (ACE) should allow very rewarding exchanges to continue between delegations, in order to be more effective in combating that phenomenon. Finally, the Delegation noted that the European Community's accession to the Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs had been in effect since January 1, 2008, which had established a link between the Community design system and the international design system, which should in turn lead to a simplification of procedures and a reduction in costs for users.

29. The Delegation of Bangladesh made its statement on behalf of the least developed countries (LDCs). It offered its congratulations to Mr. Gurry upon his election to the post of Director General of WIPO, and offered its assurances of the full support of the LDCs in carrying out the pressing task of reinvigorating an Organization that needed to adapt to the challenges of the fast changing IP landscape, and in creating a relevant and inclusive Organization which brought benefits to all of its Members, as well as to users and stakeholders. It was appreciated that this would not be an easy task, nor one for which there were any quick fixes, but the LDCs had full trust in the new Director General's dedication, expertise and experience, and were confident of his ability to rise to the challenge and take the Organization to new heights. They pledged their support and patience in that process. Effective IP utilization was critical to the future of the LDCs, as to other countries, for helping them to overcome development challenges by unlocking creativity and innovation, and, in its role as Coordinator, the Delegation would therefore continue to press for early delivery on the issues that concerned the LDCs collectively, and remain engaged as concrete steps were

developed to fulfill the promise of doing more for the LDCs in the coming months. The Delegation conveyed its warm sentiments and good wishes to the outgoing Director General, recalling all the positive contributions made during his tenure, many of which had been beneficial to developing countries, including the LDCs.

30. The Delegation of Singapore speaking on behalf of the Association of South-East Asian Nations (ASEAN) warmly congratulated Mr. Francis Gurry on the endorsement he received from the General Assembly for his appointment as Director General of WIPO, and thanked the outgoing Director General for all his efforts to strengthen WIPO-ASEAN cooperation, wishing him well for the future. The Delegation also extended best wishes to the incoming Director General and expressed confidence that he would bring efficiency, courage, leadership, wisdom and determination to all the challenges facing the Organization in the short, medium and long terms, so that WIPO would emerge strengthened. To that end, all Member States, regardless of the level of their economic development and their regional affiliations, would have to work together, and most importantly, foster closer cooperation with the Secretariat. The Delegation commended the efforts of Mr. Gurry to establish open dialogue with the Member States and to share with them his vision for WIPO, and encouraged him to continue to do so. It pledged the full commitment of the ASEAN Geneva Committee to work closely with Mr. Francis Gurry and the Secretariat, in the advancement of WIPO and in the strengthening of WIPO-ASEAN collaboration, in the knowledge that the best possible choice had been made to bring the membership together and WIPO forward.

31. The Delegation of Australia paid tribute to the Chair for his contribution to the work of the General Assembly, notably in his commitment to ensuring the fairness and integrity of due process, and his calm guidance to Member States in a period of transition. The Delegation also acknowledged the contribution of the outgoing Director General in promoting understanding of WIPO's activities and of the importance IP could make to development, and wished him well for the future. The Delegation emphasized that the times were crucial to the development of WIPO, considering the significant changes in the IP field, as reflected in rapid technological change, increasing globalization and a growing recognition of the vital contribution of IP to all economies. These times of challenges and opportunities required consistently strong and able leadership, if WIPO were to succeed in promoting the interests of all in a fair and constructive manner. The Delegation of Australia warmly welcomed the endorsement of the incoming Director General's appointment through a thorough and fair selection process, testifying to his qualities and the high regard in which he was held in WIPO Member States. It had no doubt that he would perform outstandingly to the benefit of all, bringing impressive qualifications, technical expertise, a distinguished record of service in WIPO, and qualities such as creativity, integrity and strong relationships with Member States, to the work of uniting the WIPO community. It added that he had a demonstrated commitment to include governance in the implementation of the development agenda, and to deliver world class services to support innovation in all economies. The Delegation was of the opinion that the incoming Director General was the ideal leader of the Organization to meet the challenges and seize the opportunities of a digitized and globalized world, and had shown a clear, wide vision, proposing a demanding agenda. The Delegation thanked the Chair of the Coordination Committee for her guidance in the work of that Committee, as well as the Group Coordinators whose leadership ensured the smooth passage of this appointment. The Delegation thanked the colleagues who supported this unifying outcome, and congratulated the incoming Director General on behalf of the Australian Government, expressing pleasure in its cooperation with him over the last year, and looking forward to working with him in his new role. Australia has participated actively in WIPO meetings over

the year. Australia welcomed the cooperative and constructive commencement of deliberations in the Committee on Development and IP. Significant work had been undertaken towards implementing the recommendations of the Provisional Committee on Proposals Related to a WIPO Development Agenda. Australia urged Member States to continue to work towards the positive and effective implementation of Development Agenda initiatives for the benefit of all Member States in a spirit of cooperation. Australia had continued to take an active role in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore during 2008, and fully supported WIPO's cooperation with other fora addressing issues of concern with respect to traditional knowledge, cultural expressions and genetic resources. Australia considered it important that a useful and relevant work program be established in the IGC regarding genetic resources, and was encouraged by the discussions in the Standing Committee on Patents, looking forward to the development of a balanced work agenda with the prospect of real and practical outcomes in the shorter term as well as those with a longer term focus. Australia welcomed the continuation of work including within the Patent Cooperation Treaty Working Group on improvements to the PCT system to improve usability for applicants. We are pleased with the continuing progress of work in the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications. Australia recognized the importance of finding ways to improve the consistency of outcomes for owners across jurisdictions and was grateful for the cooperation of other Member States in pursuing that aim and in identifying areas of convergence across different systems. Australia was also grateful to other Members of the Madrid Union for their support of Australia's proposal to introduce minimum standards requiring Offices to provide information to holders when a trade mark became protected. This was an important service that users had requested and Australia urged Members of the Madrid Assembly to support it when it was discussed later in the week. Australia encouraged other Member States to consult their user groups and actively participate in this ongoing work with a view to ensuring that the Madrid system would meet the needs of trade mark owners in an internationalized economy. The efforts of WIPO and the Ad Hoc Working Group of the Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union) to streamline and update the process for the revision of the Nice Classification were welcomed and Australia looked forward to contributing to further progress in that area in 2009. Australia participated in the sixteenth WIPO Standing Committee on Copyright and Related Rights (SCCR) held in March 2008. Australia restated its preparedness to discuss further the proposal for a treaty to protect broadcasters in the new communications environment. The Australian Government had also made a commitment to introduce a *droit de suite* (or artist's resale royalty) for visual artists. After signing the Singapore Treaty on the Law of Trade Marks on 26 March 2007, Australia was currently undertaking domestic processes required to ratify that treaty, and was also undertaking similar processes to accede to the Patent Law Treaty. Given the importance of those treaties in streamlining administrative requirements and reducing unnecessary compliance costs for users of the systems, Australia encouraged all Member States to consider the benefits of those treaties. In seeking further improvement to IP Australia's Quality Management Systems, Australia had continued to review practice and procedure extensively under the PCT searching and examination guidelines, and had ensured alignment with appropriate best practice. IP Australia had also invested significantly in its search tools including adopting the European Patent Office tool, EPOQUE. A major achievement for Australia during 2008 was delivery of the inaugural Senior Trade Marks Officials' Forum. The forum brought together officials from 45 economies to discuss present and future challenges facing trade marks offices. Participants found the forum to be highly useful. The Forum was held in conjunction with The Trade Mark Regatta – Asia Pacific, presented by the

International Trademarks Association (INTA) in association with IP Australia. This was the first time INTA had held such an event in Australia. Around three hundred senior trade mark officials, legal professionals and trade mark owners from countries across the globe participated in the event. Attendance from the Asia Pacific region was particularly strong. Australia had continued to collaborate with countries in the Asia-Pacific region over the past twelve months. Under the Australian Government's Australian Leadership Awards (ALA) Fellowship scheme, IP Australia hosted leaders from six regional IP Offices for three months. IP Australia had also collaborated with the Hong Kong Intellectual Property Department and the Intellectual Property Office of Singapore to assist APEC Member Economies to develop capacity in public education and awareness. Under the WIPO-Australia Joint Statement on Cooperation for Intellectual Property Technical Assistance in the Asia and the Pacific Region, WIPO and Australia would continue to participate actively in a program of IP Technical Assistance in the Asia and Pacific Region. Australia was encouraged by the greater communication and collaboration between WIPO and IP Offices to increase transparency in the planning and delivery of its capacity building programs, contributing to improvements in the coordination and delivery of programs across all regions. Australia looked forward to continuing productive work with WIPO and Member States to further refine and enhance the IP system for the benefit of all.

32. The Delegation of Switzerland joined those Delegations which had already taken the floor in congratulating the Chair as well as the Chair of the Coordinating Committee for their skilful handling of the debates throughout the process leading up to the appointment of the new Director General and during the current transition year. Extending its congratulations to Mr. Francis Gurry on his appointment, the Delegation explained that it was speaking not only as the delegation of a WIPO Member State but also as the representative of the host country of a prestigious organization with historic ties with Switzerland dating back over a century, as well as Chairman of the Administrative Council of the European Patent Organisation, which worked closely with WIPO, particularly with regard to the PCT. The Delegation fully endorsed the previous statements concerning Mr. Gurry, noting his outstanding professional and human qualities as well as his diplomatic and political talents. As a result of his background, he was an expert on IP issues and was very familiar with the inner workings of WIPO, both of which would be invaluable assets in his new functions. Mr. Gurry and the Member States faced major challenges: the globalization of the economy and trade, the accelerating pace of technological development, development issues and global problems, such as environmental degradation, all required increasingly urgent and complex responses which also had an IP dimension. WIPO had to act as a catalyst and once again become the centre of world competence for IP questions, reverting to its initial vocation. It was therefore fortunate indeed that WIPO and its Member States would in coming years have at the helm a person of Mr. Gurry's calibre and could rely on a competent staff committed to the Organization. As far as organizational matters and culture were concerned, various actions had been initiated by Member States in recent years to enhance transparency and strengthen rules for the sound management of WIPO. The first results could already be seen in terms of auditing and supervision. Nevertheless, there was a need to step up efforts in order to achieve the expected results in the various sectors, in particular, the structural improvement program arising from the desk-to-desk review. The restructuring and more coherent and targeted use of resources and the ensuing efficiency gains would have a positive impact on all of the Organization's areas of activity, from registration unions to technical cooperation and legal development activities. On the operational level, the Delegation could only encourage and support the new Director General in his efforts to add value to international registration systems, which had been and remained the strength and primary achievement of WIPO and

had made it possible to fund the bulk of the Organization's other activities. It was essential to continue to develop the services provided for Member States, users and the general public with a view to ensuring that those systems remained attractive and operational. That was a pressing need, in view of the ever-growing number of registration applications under the Madrid System and above all the Patent Cooperation Treaty (PCT). Switzerland remained convinced that strengthening the PCT would help eliminate the current backlog in all major patent offices. Demand management, particularly with regard to the PCT, had to remain a primary concern for WIPO. With regard to substance, the Organization had to strengthen its special relationship with the other international organizations and governments, further develop its expertise and position itself as the centre of competence for dealing with various topical issues relating to IP. Various technical committees had made relatively little headway in recent years, and the time had come for example to relaunch those efforts in the fields of patents and the implementation of rights, following the example of the new Committee on Development and Intellectual Property (CDIP). That would ensure that WIPO remained the multilateral forum for state-of-the-art IP discussions and negotiations. In the field of cooperation and development, the Delegation was confident that the new Director General would identify the different needs of countries, act accordingly and allocate adequate resources. In the face of all those challenges and as could be seen from his speech, Mr. Gurry, as the new Director General, was therefore taking on the responsibility of becoming the architect of WIPO's renewal. His election by acclamation reflected that hope shared by all Member States, users of IP systems and civil society in general. The Delegation was convinced that Mr. Gurry and his new team would provide WIPO with dynamic, skilful and effective leadership as it embarked on that fascinating adventure of renewal. The Delegation stressed that one of the major accomplishments of the outgoing Director General had been his contribution to ensuring an open, inclusive dialogue on IP, with all stakeholders and with civil society in general. It wished Dr. Idris every success for the future. Finally, the Delegation assured Mr. Gurry, on behalf of the Federal Council and Switzerland, of its full support for the successful implementation of the program he had outlined in his acceptance speech.

33. The Delegation of Indonesia expressed its pleasure at attending the Assemblies of Member States of WIPO and extended its congratulations to the Chair on resuming his duties, stating its belief in his competence and its confidence that his able stewardship and professionalism would allow for the achievement of significant results. The Delegation pledged its full support for the tasks on the extensive and challenging agenda, whilst offering thanks to the Secretariat for the substantive documents that would facilitate discussion, and its help in the development of an effective intellectual property system in Indonesia. The Delegation aligned itself with the statement made by Pakistan and Singapore on behalf of both the Asian Group and the ASEAN Geneva Committee and spoke of its pleasure in informing the Assembly of the commitment of the Government of Indonesia to developing an effective and efficient intellectual property system designed to foster the economic, cultural and social development of the country. The Government of Indonesia had devised a number of significant methods to promote the protection and use of the intellectual property system at the national level. The Delegation referred to its expectation that WIPO would fulfill its important role in promoting development in individual Member States and highlighted its intention to collaborate in helping make the work of WIPO more efficient and effective. The Delegation wished to re-emphasize the need for and urgent nature of technical assistance from WIPO for developing Member States, based on demand and balancing the interests of all stakeholders, with the aim of improving institutional capacity and thus enabling them to optimize the implementation and utilization of the intellectual property system. The

Delegation noted the slow progress of the implementation of the programs relating to the work of the Committee on Development and Intellectual Property (CDIP), which had actually been discussed and endorsed by members, and recognized that the successful implementation of the programs of the CDIP would prove the commitment of WIPO as well as all Member States to creating an active and balanced intellectual property regime. In relation to the work of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, the Delegation conveyed to the Committee high appreciation for its work and achievements. The Delegation singled out, for particular praise, the efforts to address the issues of recognition and protection of genetic resources, traditional knowledge and traditional cultural expressions. Although accepting that there was no clear time limit for the establishment of an international instrument, or instruments, for the protection of genetic resources, traditional knowledge and traditional cultural expressions, the Delegation acknowledged that the work of the Committee had been very slow and anticipated more productive and concrete outcomes at the 13th meeting of the Committee scheduled for mid-October 2008, further stating that they expected an instrument, or instruments, would be established and implemented before the end of the decade, given the importance of the issues of protection and recognition for genetic resources, traditional knowledge and traditional cultural expressions. As to the work of other committees and working groups, the Delegation took the opportunity to extend its appreciation for the progress achieved to date, stressing the importance of accounting for the interests and concerns of all Member States. The Delegation concluded its remarks by extending sincere and thanks and deep appreciation to Dr. Kamil Idris for his leadership as WIPO Director General, wishing him great success for the future. It also offered congratulations to Mr. Francis Gurry on his appointment as the new Director General and expressed the hope that a new management structure would bring about increased good governance, transparency and accountability throughout the Organization, as well as efforts taking into account the views of all Member States and stakeholders.

34. The Delegation of Japan conveyed its warmest congratulations to Mr. Gurry on his appointment as Director General of WIPO, paying tribute to his eminent qualities and legal and diplomatic ability. The Delegation was confident that Mr. Gurry's ability and experience would allow him to revitalize WIPO and enhance its activities. The Delegation, in outlining their understanding of the challenges to be tackled by WIPO led by Mr. Gurry, mentioned the development of the PCT system as a global intellectual property infrastructure and the role of intellectual property in the economic growth of developing countries. The Delegation was of the opinion that economic globalization had brought about a rapid rise in the number of patent applications both in developed and developing economies and that applications for the same inventions were being filed with numerous countries. The Delegation claimed that this rapid increase, as well as the needs of users, should be addressed by designing a system, including the enhancement of work-sharing activities between intellectual property offices around the world, that provided for effective global protection. The Delegation highlighted Mr. Gurry's vital role as Deputy Director General in promoting the PCT system as well as its IT infrastructure and articulated its sincere hope that under Mr. Gurry's leadership, WIPO would establish a globalized infrastructure, particularly by improving usability of PCT international search reports and facilitating the exchange of priority documents. The Delegation pointed out that, by adopting the Development Agenda, WIPO recognized the importance of technical assistance in the field of intellectual property as a tool for economic growth. The Delegation referred to how adopted recommendations assist member states in strengthening their national capacity for the protection of domestic creations, innovations and inventions and that this in turn resulted in realizing substantial economic development. The Delegation pointed to its own national experience as an example of its commitment in contributing to WIPO's

activities and how this had helped Japan to achieve successfully national economic development. The Delegation wished to present a new initiative for the benefit of developing countries involving a web-based one-stop service to share best practices regarding the successful linkage of business activities and intellectual property. The Delegation suggested that this service could be called the WIPO “Experience-Sharing on Intellectual Property Exploitation for Economic Development” database, allowing for the abbreviation: WIPO E-SPEED Database. A more complete explanation of the initiative was available to other delegations in an explanatory paper at the disposal of delegates and the Delegation expressed its sincere hope that WIPO would use the proposed initiative to facilitate intellectual property ownership in developing countries and thus contribute to their economic advancement. The Delegation then took the opportunity to refer to Japan’s annual voluntary contribution to WIPO of about 2.4 million Swiss francs for technical assistance and went on to point out that in addition Japan had created in 2008 a new Fund-in-Trust of 1.1 million Swiss Francs for African nations and least developed countries explaining that shortly WIPO would be using this new fund to develop cooperation activities. The Delegation used this as an example of how Japan intended to continue to work with WIPO for the benefit of its developing members. The Delegation then listed a range of WIPO’s activities indicating that, in their opinion, all of these elements were important and that progress might be made on each by a steady discussion advancing step-by-step. Parts of WIPO’s remit, such as genetic resources and public health were being discussed in other international fora, and the Delegation encouraged WIPO to take advantage of its expertise as a UN specialized-agency in the field of intellectual property to play a leading role in handling those issues in close cooperation with other international organizations. The Delegation concluded its remarks by stating its belief that intellectual property was an indispensable tool for economic development, and therefore, should be globally utilized for the development of the world economy. The Delegation reiterated that Japan was constructively committed to contributing to various WIPO activities and would do so by providing assistance to developing countries and actively participating in discussions aimed at the creation of a better intellectual property system. As a closing remark the Delegation also reiterated its congratulations to Mr. Francis Gurry, wishing him every success.

35. The Delegation of the Republic of Korea extended its congratulations to the newly appointed Director General and expressed its confidence that through his integrity and expertise in IP he could enable WIPO to cope effectively with critical IP issues. The Delegation observed that the most serious global threat today was climate change and its impact on the world’s food, water and energy resources and, ultimately, on the future of humankind. It was convinced that innovation was the most effective tool available for tackling current issues and urged the intellectual property community to support actively the promotion of innovation and invention. The Delegation stated that the Republic of Korea was committed to pursuing issues concerning climate change and the eradication of poverty and had recently adopted a national agenda on “Low Carbon, Green Growth”. It proposed that, in view of the particular difficulties facing marginalized and impoverished communities, a mechanism for disseminating technology information making best use of locally available resources be set up under the auspices of WIPO, and expressed willingness that the Korea Funds-in-Trust be drawn on for this purpose. The Delegation was convinced of the importance of ensuring that local resources within poor communities were exploited effectively in order to guarantee a sustainable supply of food, water and energy. It noted the viability of the fair trade movement and how it could help marginalized producers evolve from a position of vulnerability to one of economic self-sufficiency. It referred to the growing number of patent applications filed world-wide and indicated that there was a need

for harmonizing the intellectual property system with simpler procedures and fewer international barriers. The Delegation commended the European Patent Office (EPO), the Japan Patent Office (JPO) and the United States Patent and Trademark Office (USPTO) for taking the initiative to address these issues. It believed that combating online counterfeiting and piracy was another area where international collaborative action was needed. The Delegation pointed out that the Republic of Korea could identify closely with the challenges facing both developed and developing countries because of its own recent economic history and ascension to a major economic power. Consequently, the Republic of Korea was well-placed and prepared to take on more responsibility in the international intellectual property community. The Delegation announced the possibility of an increase of thirty-three per cent in the budget for the Korea Funds-in-Trust in the next fiscal year, from 600 to 800 million Korean Won, and pointed out that activities focusing on fostering the intellectual property infrastructure of developing countries and least developed countries would be favored. It noted further that the International Intellectual Property Training Institute, the first official partner training institute of WIPO, would continue to provide quality education for participants from developing countries and least developed countries. The Delegation concluded by underscoring the need for transparency, balance and efficiency within WIPO.

36. The Delegation of Morocco endorsed the statement made by the Delegation of Algeria on behalf of the Group of African countries. It paid tribute to Dr. Kamil Idris who, during his two terms of office, had equipped WIPO with an integrated strategy and made the Organization the leader for international action in the field of IP, turning IP into a major factor for development and wealth creation. It went on to congratulate Mr. Gurry on his election, expressing its conviction that his outstanding abilities would enable WIPO effectively to face the challenges of a present and a future geared to technological evolution, invention and innovation, strengthen its role on the international stage and turn the IP system into a major tool for economic, cultural and social development. The Delegation deemed it timely to initiate at that stage an interactive dialogue between the International Bureau and the Organization's Member States on IP as a vehicle for development and a factor of multigenerational and multilateral solidarity. In addition, it wished to stress various points: first, the need to take advantage of the opportunities and challenges arising from technological progress and make IP law more flexible and effective in order to boost IP creativity, production and value; second, the need to promote an IP system that preserved a balance between the interests of rights holders and those of society in general (in particular, access to medicine, knowledge, food and the bridging of the digital divide) and ensured optimum utilization of the various flexibilities provided for in international agreements, including the TRIPS Agreement; third, implementation of the recommendations of the Development Agenda, a joint undertaking by the international community to ensure that WIPO could duly play its role as a United Nations specialized agency and contribute to the achievement of the Millennium Development Goals; fourth, the need to protect TK, traditional cultural expressions and genetic resources from illicit appropriation and misuse and thus step up negotiations within the appropriate intergovernmental committee; fifth, reinforcement of training programs and the regional offices, including the Arab Bureau; and sixth, the need to ensure equitable geographical representation within the International Bureau in the implementation of its projects and actions. The Delegation emphasized that Morocco attached great importance to the IP system and to the roles and work of the various WIPO committees and bodies, and sought to ensure rational and strategic use of IP assets for its economic, social and cultural development. National IP legislation had been comprehensively reformed, and awareness-building and training efforts were continuing with a view to establishing an IP

culture and combating piracy and counterfeiting. In conclusion, the Delegation hoped that it would be able to continue to count on the Organization's valuable support.

37. The Delegation of the United States of America thanked the Chair for his absolute and impeccable integrity in ensuring the fair and transparent process for the election of the new Director General and extended warm congratulations to Mr. Gurry whose vision, character and record of distinguished professional success and leadership skills promised a very successful future for WIPO. The Delegation believed that there were several initiatives on which Mr. Gurry should focus to ensure the Organization's success. Firstly the implementation of the agreed recommendations made by the desk-to-desk assessment carried out in response to the United Nations Joint Inspection Unit recommendations. Secondly, the implementation of the development-related proposals from the Committee on Development and IP. Thirdly in moving forward with WIPO's substantive work in the field of patent law harmonization and other areas and, lastly in managing the growth in WIPO's staff and services, and maintaining WIPO's reputation as a specialized UN agency uniquely qualified to deal with the complex field of intellectual property. The Delegation wished Mr. Gurry, and the entire WIPO team, every success. To the out-going Director General, Dr. Idris, the Delegation expressed its sincere appreciation for his efforts in helping to ensure the smooth transition to the new Director General and wished him the very best in the future. The Delegation called the Member States to look to the future and together with all the stakeholders to build a stronger more united WIPO for the 21st century, protecting inventors and innovators, who, through their genius, persistent and dedicated labor, create and produce intellectual property, which was increasingly at the heart of the shared prosperity in an increasingly more global economy, and to ensure the rights of the intellectual property creators and producers, to stimulate and enhance the work of the IP creators of the future, from all regions of the world, and to build a stronger more unified World Intellectual Property Organization and help spread the benefits of increased development and prosperity to every corner of the globe. The Delegation believed that if all Member States seized the opportunities provided by the new leadership at WIPO to overcome past difficulties, and to fully realize the shared opportunities, success would be assured.

38. The Delegation of Costa Rica thanked the outgoing Director General for the work he had done in recent years and welcomed the new Director General, expressing its Government's full support for his future management. The Delegation stressed that it was of the utmost importance that the Organization and its staff returned to normal to resume work aimed at improving intellectual property systems and their use in favor of the development of developing countries. The Delegation stressed that, despite the achievements made, numerous activities were still pending and it hoped that the change in leadership in the Organization and the negotiations on the Development Agenda would provide an opportunity to revise the criteria and principles guiding decisions in the area of multilateral cooperation. Furthermore, it emphasized the importance of WIPO assuming leadership in the international arena with regard to intellectual property and participating in all negotiations conducted in the different fora. It also stressed the urgent need to restructure the Organization and streamline the use of its resources. The Delegation also reported that Costa Rica had hosted major events at the local, regional and international levels, which had produced a marked domino effect on the promotion of intellectual property. It was suggested that WIPO should create a space on the official website, in which Member States could publish conclusions and results of seminars and events organized at the global level. Furthermore, the Delegation said that Costa Rica had been the first country in Latin America to implement the IPAS system in the Trademarks Registry, adding that it would shortly be implemented in the Patents Registry.

The Delegation thanked the Organization for the confidence placed in Costa Rica and for the support provided for that project. It also said that Costa Rica had undertaken to carry out a project to modernize its structures, legal framework and the technological systems necessary for the protection of intellectual property, and to that end had invested financial resources from the annual budget. As an example, the Delegation mentioned the complete digitalization, in 2009, of the Industrial Property Registry and the Copyright and Related Rights Registry. To achieve those objectives, the firm support of WIPO was fundamental and it was necessary for the structures of the Organization, regardless of the people within them, to ensure continuity in the programs and projects proposed by Member States. The Delegation concluded by reiterating its unconditional support for the new Director General and reaffirming its trust in the role of WIPO as the main body for the efficient and effective development of intellectual property, taking into account the lack of symmetry between nations.

39. The Delegation of India congratulated the Chair on having steered a process which facilitated a smooth transition in the leadership of WIPO, and which was marked by transparency and fair play. The Delegation congratulated the incoming Director General and expressed confidence in his effective leadership, which he was sure would take into account the interests of all stakeholders in an equitable manner. It assured him of its full support and cooperation. The Delegation also expressed appreciation of the dynamic leadership of the outgoing Director General in difficult times, in which he has encouraged participation and collective action, and conveyed its best wishes to him. It said that India in recent years had taken several initiatives to establish a modern and vibrant IP regime, and that India's legal framework fully met international obligations. India had evolved a model which carefully calibrated the rights of IP holders with public interest concerns. India had launched a major modernization program resulting in recognition as an International Searching and International Preliminary Examining Authority. India had also undertaken a massive awareness creation program. Having seen an IT revolution 20 years ago, India was now on the threshold of an IP revolution which would usher in a fair and balanced regime. The Delegation noted that recent years had seen heightened interest in the economic perspective of IP, was pleased that WIPO had taken several initiatives in that direction, both at global and national levels, and hoped this would continue. The Delegation reiterated its strong commitment to the WIPO Development Agenda, which was a shining example of what Member States, civil society and the Secretariat can achieve by coming together to discuss the various catalysts and constraints impacting on IP and economic development. India was proud to be associated with the added impetus to this process in 2007, when an informal meeting on this subject was organized in New Delhi. The Delegation urged effective and timely implementation of the various recommendations adopted by Member States through consensus. It also supported the creation of mechanisms for close cooperation between CDIP and other WIPO bodies with a view to mainstreaming the Development Agenda in all WIPO's activities. The Delegation emphasized the need for a substantive and focused action plan to consider the international dimension of genetic resources, traditional knowledge and folklore vis-à-vis the patent regime and the need for appropriate binding international instruments. It supported, in this context, efforts made in the IGC and initiatives such as "gap analysis" for further deliberations to reach agreement. The Delegation appreciated the progress made in the Standing Committee on the Law of Patents, and reiterated the need for a uniform IP system, but warned that harmonization of IP Laws might not succeed unless all related issues and concerns were addressed on an equal footing. The Delegation stressed the need to adopt an inclusive approach, which took into account the major concerns of all Member States. It had followed closely the deliberations on the draft consolidated text for a

broadcasters' treaty, finding differences on basic issues which needed to be resolved; it would participate constructively in those deliberations. The Delegation committed itself to the healing process mentioned in the Chair's opening remarks, and also looked forward to playing a key role in taking up various challenges confronting WIPO in a process where the guiding principles would be consensus and a collective approach. Finally, the Delegation once again thanked the outgoing Director General and warmly congratulated the incoming Director General.

40. The Delegation of Pakistan congratulated the Chair on his leadership in guiding the Organization through a difficult transition period. In a period of defining moments with long-term implications for WIPO and other international organizations, it appreciated the Chair's initiatives in putting the Organization on firmer ground. The Delegation congratulated the incoming Director General, considering him to be the right choice, with the necessary qualifications, competence, expertise and experience to lead the Organization effectively. While Pakistan had a candidate in the contest, it fully endorsed the outcome of a democratic process. The Delegation said that the Director General-elect would be able to lead WIPO out of a phase of uncertainty, being not only an efficient manager but, more importantly, a leader with vision who could steer WIPO to greater commitment and productivity. The task would be demanding since the future IP agenda would be shaped by new and constantly evolving technologies, businesses, actors of civil society and global players. To meet these challenges, WIPO would have to adapt to the rapid technological changes of the information society, and in that the Delegation pledged its full support to the new Director General. The Delegation expressed its appreciation of the outgoing Director General's leadership of the Organization over more than a decade. He had widened the scope and perspectives of IP issues, thereby transforming global IP culture. The Delegation affirmed that WIPO now found itself integrated into the global IP debate, and that Dr. Idris' legacy included the Development Agenda and increasing protection of traditional knowledge. It stated that in the last 20 years IPRs had advanced to the forefront of global economic decision-making, and that competitiveness had emerged at all levels for exclusive rights to new creations of all types. The Delegation considered that the Organization should take stock of the challenges it faced, particularly in the areas of IP law, the Development Agenda, services, management and oversight. In the area of IP laws and norms, the Delegation stressed the need for flexibility, to cover new ground. It mentioned the Patent Law Treaty's standardization of patent formalities and the progress made in the Standing Committee on the Law of Patents in identifying issues for further study. In the area of trademarks, the Delegation mentioned the Singapore Treaty as an example of law-making, but considered that WIPO should be more active in the areas of industrial designs and geographical indications. The Delegation believed the Organization should take a more pragmatic approach in the Standing Committee on Copyright and Related Rights, taking into consideration the differing views of Member States on a broadcasting treaty and audiovisual performances. On the IGC, the Delegation considered that clearer principles and norms were needed for more effective protection. It also expressed concern about IP initiatives taken by other organizations without debate at WIPO or WTO. The Delegation, while confident that the Development Agenda would be implemented, stressed the need for access to essential drugs and food for the poor, and expressed concern at the pace of implementation, as well as its expectation that WIPO would remain committed to the vision and to raising the resources needed. On services, the Delegation believed the international registration systems should be efficient, affordable and user-friendly, by keeping procedures continually under review, and through the enhancement of IT and flexible mechanisms for fee structures. As to management and oversight, the Delegation stressed the need for reform and renewal towards

an open, communicative culture with system-wide accountability. The Delegation believed that WIPO should play a leading role in the IP field by promoting expertise, professionalism and consensus-building, and through the collective action of all stakeholders.

41. The Delegation of Singapore congratulated the Chair of the Assemblies and conveyed its appreciation for his skillful guidance of the smooth transition of WIPO's leadership. The Delegation expressed its thanks to the outgoing Director General, Dr. Kamil Idris, for his significant contributions to WIPO and the international IP arena, and wished him well for his future endeavors. The Delegation congratulated Mr. Francis Gurry for his election as Director General of WIPO by acclamation, to whom it would extend its fullest cooperation. It expressed pleasure at his assumption of the leadership, noting his experience, technical competence, and strategic outlook, and expressing confidence in his ability to lead the Organization through the many daunting challenges facing WIPO and the International IP System. The Delegation stated that WIPO and the Singapore Government shared a common commitment to promoting IP. Singapore had long recognized IP as an important and effective tool to support social and economic development, and was pleased to be a partner of WIPO in efforts to assist those in the region to develop the necessary core competencies, establish robust national IP Systems and address a range of IP issues. Singapore would continue to lend its full support to WIPO in its primary mission of promoting the protection of IP worldwide to stimulate domestic creativity, local and foreign investment, and the transfer of technology. The Delegation reported that, in the past year, collaboration with WIPO and other partners had been successful, touching on many aspects of IP, and would continue. It referred to a high-level dialogue of the heads of Asia-Pacific IP offices in Singapore in December 2007 on a range of policy issues and operational challenges facing IP offices, convened in conjunction with the WIPO Regional Forum on Intellectual Property, Innovation and Public Health. Several more capacity building activities had been organized under the Singapore-WIPO Memorandum of Understanding (MoU) on Joint Training for the Asia-Pacific region, including a two-week patent drafting course and a workshop on the formulation and implementation of national IP development plans. A sub-regional arbitration and mediation workshop had also been held. The Delegation reported that Singapore and WIPO would be co-organizing a two-day forum in January 2009 to further regional dialogue on the administration and enforcement of copyright and related rights. An ASEAN workshop on policy options in the area of copyright limitations and exceptions was also planned. Singapore and WIPO had also worked on many projects outside of the MoU. Singapore's strong support for capacity building initiatives in regional groupings such as ASEAN and APEC as well as close collaborative partnerships with the State Intellectual Property Office of the People's Republic of China and the European Patent Office was further enhanced by a recently concluded MoU with the USPTO. Domestic IP legislation was being kept up-to-date with, for example, amendments to patent legislation to implement the TRIPS protocol on public health. Efforts had been intensified to promote IP management by businesses, SMEs in particular, and other stakeholders. The Delegation reiterated its appreciation of the outgoing Director General under whose leadership cooperation between Singapore and WIPO had been significantly increased; and looked forward to continued expansion of such cooperation under the new Director General.

42. The Delegation of the Islamic Republic of Iran associated itself with the statement made by the Delegation of Pakistan on behalf of the Asian Group. It expressed its appreciation for the work done by Dr. Kamil Idris and the outstanding results achieved under his leadership. It congratulated Mr. Francis Gurry on his appointment as the new Director General, expressing the hope that his vision, qualifications, management and leadership skills would enable him to

lead the Organization in a dynamic and innovative manner. The Delegation considered that in financial matters, WIPO's work in development should be strengthened, and that in the budget for 2009 the concerns of all Member States should be taken into account. It also stressed the importance of the implementation of the Development Agenda and the need for allocation of sufficient resources in the WIPO budget. The Delegation was encouraged by the revival of negotiations in the SCP for harmonization of patent laws. The Delegation attached great importance to the enforcement of IPRs, highlighting that the new legislation of the Islamic Republic of Iran laid severe civil and criminal penalties on infringements of IPRs, and emphasizing the importance of education and training to facilitate enforcement. On the work of the Intergovernmental Committee on Genetic Resources, TK and Folklore, the Delegation regretted the delay in concluding an international instrument. Regarding the negotiations in the SCCR, the Delegation considered that it was important to adopt an inclusive approach, to take into account the diversity of interests involved. It also stated that audiovisual performances and work on exceptions and limitations should be included in the Committee's deliberations. The Delegation pointed out that in the amendment of the regulations of the Madrid and Lisbon systems for the establishment of electronic communication, the quality of management in different offices varied. On the national level, the Delegation reported that, in the Iranian Calendar, this year has been called "The Year of Flourishing Innovation," and various activities had been organized: these included public awareness activities such as seminars, workshops and IP courses in universities, accession to and ratification of WIPO-administered treaties, and new legislation on industrial property. The Delegation concluded by pledging its support to the incoming Director General and to the Secretariat, assuring them of full cooperation with WIPO.

43. The Delegation of Ethiopia expressed its satisfaction with the progress made by WIPO over the past years in achieving positive and concrete results in important organizational issues. The Delegation supported the statements made by the Delegation of Algeria on behalf of the African Group and the Delegation of Bangladesh on behalf of the LDCs. The Delegation acknowledged the inclusiveness and transparency of the election process and welcomed the incoming Director General of WIPO, expressing confidence in his ability and leadership qualities. The Delegation felt that Mr. Gurry was uniquely positioned to be a bridge between developed and developing countries and, as an internationally recognized specialist in IP matters, he would inject a great sense of professionalism and help WIPO meet present and future challenges. The full support of the Delegation was assured. In bidding farewell to the outgoing Director General, the Delegation recognized his contribution to WIPO. He had ably led WIPO at a pivotal historical juncture where economies of developed, developing and least developed had become aware of the phenomenal role of knowledge in economic growth and development. The Delegation pointed out WIPO's relevance to all countries in strategic issues such as trade, industry, culture, knowledge, biodiversity and innovation. The Delegation noted its appreciation for the technical assistance from WIPO in the areas of IP management and enforcement and referred to the increased use of development and poverty reduction programs. The Delegation expressed its encouragement in the progress made in the first Committee on Intellectual Property and Development (CDIP) meeting and looked to its development partners for their cooperation in the implementation of Recommendation 2 of the WIPO Development Agenda. The Delegation underscored the importance of technology and advanced know-how for increasing the competitiveness and the productive capacity of an economy. In that regard, the Delegation thanked the Secretariat for establishing the Ethiopian Intellectual Property Advisory Services and Information Centre in Addis Ababa, and stated that additional resources and qualified personnel should be assigned to the Division for Least Developed Countries to ensure its tangible delivery in least developed countries. Concerning

the role of the Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Delegation stressed its significant importance in WIPO's mandate and activities.

44. The Delegation of Egypt expressed appreciation for the Chair's stewardship and believed that he had the skills and expertise to lead the General Assembly towards the achievement of its objectives. The Delegation supported the statement made by Algeria on behalf of the African Group. It wished to congratulate the new Director General of WIPO, Mr. Francis Gurry, and wished him all the best in leading the Organization. It assured him of Egypt's full support in his efforts and in initiating a new term of work with Member States. The Delegation also thanked the International Bureau, and in particular the Arab Bureau, for their active role in developing countries and LDCs. Reference was made in particular to technical assistance activities provided by the Arab Bureau to IP institutions in Egypt, and to the support provided by the Office of Strategic Use of Intellectual Property for Development, including the implementation of the Development Agenda. The Delegation then conveyed Egypt's gratitude and appreciation for the efforts made by the outgoing Director General, Dr. Kamil Idris, in the field of IP for developing countries and in developing the Organization. From an objective point of view, Dr. Idris succeeded, throughout the previous ten years, in enhancing WIPO's relevance to needs and concerns of developing countries, in particular the use of IP for economic and social development worldwide. WIPO was no longer confined to a realm of technical intricacies nor alien to the social dimension of IP and effective exploitation of creativity. While the Delegation expressed appreciation and respect for Dr. Idris, it wished to express full confidence in the new Director General whose wisdom was a source for optimism. The Delegation felt that Mr. Francis Gurry was aware of the substantive change which brought about a new and positive relation between WIPO and developing countries. The world was currently faced with a rapid development of creativity and innovation. Against that background and its potential economic, social and cultural impact, IP gained greater significance in the development process. Egypt was convinced that the new challenges facing the global IP system were natural consequences of an increasing awareness of the necessity to address IP from a wider developmental perspective. IP should be integrated with priority public policy issues which would bring about welfare for all. In that regard, the Delegation welcomed the results of WIPO committees since the last General Assembly. It looked forward to the implementation of the recommendations made by those committees in order to build on the recent positive steps taken by Member States. The Delegation then outlined a list of tasks required in WIPO's work. First, at a time where change was the strongest promise for a better tomorrow, WIPO had taken the lead for change by adopting the Development Agenda and was set to change its approach and broaden its perspectives. Egypt would make every effort to ensure the implementation of the Development Agenda as it was considered a necessary route for a clear and sustainable balance between IPR protection and public interest in general. Second, the universality of creativity was a fundamental truth that transcended time and space. Human creativity flowed unceasingly and was handed over in different ways in the same manner as natural resources were given to different peoples. Therefore, the protection of traditional knowledge, genetic resources and folklore was one of the top priorities for Egypt and most developing countries in support for WIPO's plan of action. In that regard, Egypt reiterated its call for the need for a binding international protection instrument so that IP became a real and democratic power tool for development and not serving the exclusive interests of a limited number of States. Third, the Delegation welcomed the sound financial situation of WIPO which essentially enabled the International Bureau to effectively implement the Organization's commitments. Fourth, the Cooperation Programs undertaken by WIPO and Member States were among the

most important activities of the International Bureau and represented the most important basis for the development of the IP system in developing countries and LDCs. Therefore, Egypt saw a need in strengthening those programs. Finally, the Delegation looked forward to embarking on a new era in the Organization. While commending the efforts made by the staff of the International Bureau, the Delegation stressed the need to conform to the relevant Staff Rules and Regulations, including matters relating to internal justice, welfare and work environment.

45. The Delegation of Iraq expressed gratitude and appreciation for the outgoing WIPO Director General, Dr. Kamil Idris, and commended his good performance and excellent leadership throughout his mandate. The Delegation welcomed the election of Mr. Francis Gurry and wished him success in his new position as Director General of WIPO. It looked forward to working with him for the benefit of all Member States, especially developing countries. The Delegation also wished to thank the Arab Bureau for its active role in assisting Arab countries through its capacity-building activities in the field of Intellectual Property and praised the positive results which had been, and would be, achieved. The Delegation said that Iraq, with its significant resources in terms of creativity and skills, enhanced in the aftermath of the global changes the country had witnessed in 2003, and following the notable improvement of security, was in need of support from WIPO and all developed countries in terms of capacity building in the fields of intellectual property and folklore. The Delegation noted that the National Center for Intellectual Property, while providing extensive assistance to specialists, was in urgent need of support from WIPO, particularly following an increase in patent applications filed with the Center. Further support was requested, following the economic and commercial awakening of the country, with a view to diffusing an intellectual property culture and controlling piracy, in preparation for accession to WTO and implementation of the TRIPS Agreement. Donor countries were called upon to provide further support under the auspices of WIPO. The Delegation underlined the importance of supporting the use of the Arabic language in documentation and interpreting in all meetings since language was one of the most significant tools in facilitating and accelerating the development process, especially for Arab countries. Finally, the Delegation thanked WIPO and its staff for their efforts and wished them success and progress.

46. The Delegation of South Africa supported the statement made by the Delegation of Algeria on behalf of the African Group and the statement which would be delivered by the Delegation of Argentina on behalf of the Group of Friends of Development. The Delegation extended its congratulations to the incoming Director General and it urged the new WIPO management team to build and expand on the important work done by the outgoing Director General. WIPO's central role in the development of a fair and balanced international IP governance framework was highlighted by the Delegation. It was pointed out by the Delegation that this role should not be divorced from the need to achieve the overall development goals agreed within the United Nations system. The Delegation expressed its expectation that the achievement of these targets would be respected by the new WIPO management team in the implementation of the various WIPO programs and activities. The Delegation emphasized the importance of ensuring the horizontal implementation of the work done by the Committee on Intellectual Property and Development (CDIP) throughout WIPO. With reference to the Standing Committee on the Law of Patents (SCP), the Delegation stated its support of the adoption of a concrete balanced approach in respect of the international patent system. The Delegation stressed the high value that South Africa places on the protection of indigenous knowledge, folklore and genetic resources and it announced the adoption of national legislation that allows for access and benefit sharing allowing for a

disclosure of origin requirement. In that respect, the Delegation underlined its support for efforts aimed at the adoption of a legally binding instrument and encouraged institutional efforts to achieve this objective. In conclusion, the Delegation encouraged the incoming Director General to hold firmly to the commitments that he made in his statement to address the interest of all Members of WIPO and it welcomed fruitful deliberations during this WIPO General Assemblies.

47. The Delegation of Kenya expressed its support for the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation welcomed the incoming Director General assured him of its full support. It offered its gratitude and its appreciation to the outgoing Director General. The Delegation noted the technical cooperation and capacity building given by WIPO in automating the Kenya Industrial Property Institute and it proposed the continued support of similar projects. The database work between the African Regional Intellectual Property Organization (ARIPO) and WIPO was particularly highlighted by the Delegation. It also acknowledged the Standing Committee on the Law of Patents (SCP) and its important work on harmonizing patent law through negotiations towards the development of a Substantive Patent Law Treaty. The Delegation stressed the crucial role that the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore plays in building consensus and suggested further strengthening of the Committee's work through initiatives such as the WIPO Voluntary Fund. The Delegation welcomed the continuation of WIPO's work on the intellectual property rights (IPRs) aspects of documenting traditional knowledge in the public domain and also the joint activities of WIPO and UNESCO relating to the international legal protection for expressions of folklore. The Delegation offered appreciation for the work done by the Standing Committee on the Law of Trademarks, especially the recommendation to introduce electronic communication. Concerning the Advisory Committee on Enforcement, the Delegation stressed the need to address several important issues relating to capacity building, legislation, health and safety risks, and education on enforcement of IPRs. The Delegation commended the work done over the past years by the Standing Committee on Copyright and Related Rights (SCCR). In conclusion, the Delegation welcomed the adoption and implementation of the recommendations from the Provisional Committee on Proposals Related to a WIPO Development Agenda and the resulting establishment of a Committee on Development and Intellectual Property to address issues such as IP within small and medium-sized enterprises.

48. The Delegation of Honduras congratulated the new Director General of WIPO, Mr. Francis Gurry, and said that it was sure that, with his talent and knowledge, he would carry out his duties efficiently. It also thanked WIPO for all the collaboration it had provided for Honduras to date, including the satisfactory installation of the Industrial Property Automation System (IPAS) in 17 countries and in the Central American region, with regard to which Honduras had been the second country after Costa Rica. Furthermore, it said that WIPO had provided the Industrial Property Office with computer equipment. The Delegation hoped that it could count on cooperation from WIPO with regard to the training of the Office and of SMEs in industrial property, copyright and related rights, the strengthening of governmental institutions with regard to the protection and enforcement of intellectual property, and the organization of relevant seminars and workshops. After wondering how WIPO could help Honduras to turn intellectual property into an instrument for economic, cultural and social development, the Delegation said that it hoped to be able to count on all the support provided by WIPO for developing countries. It then referred, in the words of Ambassador Delmer Urbizo Panting, to the wise, efficient and intelligent management of the

sessions of the WIPO Coordination Committee by its Chair, the Deputy Permanent Representative of Norway, and acknowledged the valuable contribution, dedication and energy of Ambassador Miller from Australia. Referring to Mr. Francis Gurry, the Delegation said that, although regarded as a competent expert with considerable experience and capacity, he had also demonstrated in recent months that he was equipped with very unique leadership skills given that he had been able to generate goodwill on the part of all delegates and demonstrate a capacity for consensus, conciliation and integration of all the Organization's elements and values. The Delegation was opposed to achieving a consensus in the meeting of the WIPO Coordination Committee because it considered that only the General Assembly had the power to achieve a proper consensus and arrive at the appointment by acclamation of the nominated candidate, as had just taken place with the unanimous election of Mr. Gurry as the Organization's new leader. The Delegation also highlighted that the financial turmoil devastating the world was a source of great concern, but said that it was convinced that the world would manage to create a new international financial and economic landscape. In that regard, WIPO, under the leadership of Mr. Gurry, had to play a valuable role in leading related organizations in the efforts made to find effective and fundamental solutions to the crisis. WIPO was entering a new era in which developed countries, developing countries and the least developed countries had to be united.

49. The Delegation of Jamaica joined other delegations in congratulating Mr. Gurry on his election assuring him of its full support during the deliberations. The Delegation expressed its gratitude to Dr. Kamil Idris for his rich legacy of achievements and wished him every success in his future endeavors. The Delegation highlighted the value of intellectual property rights and the increased linkages between countries as a result of globalization and trade liberalization which had reinforced the economic and commercial aspects of intellectual property, notwithstanding the equally important moral rights of inventors and creators. Small economies in particular had harnessed their intellectual property assets and used them as strategic tools of economic development. The Delegation reported that Jamaica was fully integrating intellectual property into its national development plans. It reported that WIPO had assisted Jamaica, through technical assistance and legal advice, in its efforts to utilize IP as a developmental tool with the aim of addressing the long term goal of integrating IP into national development strategies. Jamaica had embarked on a National Development Plan which would put it in a position to achieve developed country status by 2030. Due to Jamaica's vast pool of creative talent, the copyright system was increasingly becoming essential to the survival of the creative industries in Jamaica such as the music, film and publishing sectors. A WIPO commissioned study on the Contribution of Copyright and Related Rights Industries on the National Economy of Jamaica had revealed that in 2005 Jamaica's copyright sector contributed 4.8 per cent of GDP to the national economy. The study further concluded that "the copyright sector could become one of the main sectors to lead the Jamaican economy into sustainable reintegration into the world economy". As a follow-up to the study, an inter-agency Task Force would be established to make recommendations on a Strategic Plan and Policy Direction to strengthen and promote copyright related industries. The WIPO study had reinforced the findings of an UNCTAD report, which stated that creative industries were among the most dynamic sectors of world trade. According to both studies, those industries continued to be an important source of income, job creation and export earnings for the most advanced countries and had the potential to become a feasible strategic option in diversifying the economies of developing countries. The Delegation stated that in order to maximize the benefits from the copyright sector the Jamaica Intellectual Property Office (JIPO) was committed to the continuation of the collaborative efforts with WIPO and UNCTAD. The Delegation underlined the

important role that Collective Management Societies played in the Copyright sector. They continued to grow in membership and had been making significant strides in license collections. The Delegation reported that Jamaica had been given the honor of hosting the IFFRO Annual General Meeting, which would take place in Montego Bay. The Delegation thanked WIPO for its support for a number of national projects. It stated that the Government of Jamaica had fully recognized the importance of IP in generating a competitive identity and advancing the economic development potential of Jamaica by way of a branding strategy. The Jamaican brand was a strong brand which was firmly rooted in the country's culture and which would continue to be safeguarded and protected particularly at the international level. However, a strong brand created many challenges, including the illegal reproduction and use of national symbols and the misrepresentation of a number of products as Jamaican products thus undermining the nation's economic potential. For that reason, Jamaica had requested assistance from WIPO in conducting a feasibility study on a national branding strategy for the country. The Study concluded that "Jamaica was sitting on a treasure-house of natural brand equity, composed of its cultural, historical, physical and human capital." The Delegation recognized that the Paris Convention did not provide protection for country names, and recalled an initiative during the revision conference of the Paris Convention in 1962 to add official names of States to the items to be protected under sub-paragraph 1 (a) of Article 6*ter*, and implored WIPO and the Paris Convention to revisit this issue in the near future. The Delegation viewed the patent system as an important stimulus for innovation and technical progress, as well as revenue protection for investment and macroeconomic growth and development and remained confident that the Patent and Designs Act would be passed by their legislature within the following year. This would provide the necessary conditions for Jamaica to become a party to the Patent Cooperation Treaty (PCT). The Delegation reported that due to the implementation and use of the IP Administration system (IPAS), the Jamaica Intellectual Property Office achieved greater levels of efficiency and was in the process of formulating and managing its own trademarks journal, planned for initial publication in February 2009. The Delegation indicated that the need to protect authentic Jamaican products was of tremendous importance to Jamaica. Regulations to bring The Protection of Geographical Indications Act into force within the current legislative year were planned, as well as bilateral discussions on a joint Geographical Indications Project. The Delegation, as a strong supporter of the participation of civil society across a broad spectrum of issues and areas, applauded the granting of WIPO NGO status to the Ethiopian African Millennium Council, representing a collective of Rastafarian religious houses in Jamaica, which they believed would strengthen the support of Traditional Knowledge (TK) forms and Traditional Cultural Expressions (TCE), not only in their country, but around the world. Caribbean Ministers with responsibility for IP had recently passed a resolution for a regional initiative on traditional knowledge, folklore and traditional cultural expression, following which, JIPO, in collaboration with WIPO, had hosted a meeting of Regional Experts on Traditional Knowledge and Traditional Cultural Expressions. The Delegation reported that the result of the meeting was, *inter alia*, the formation of a group of Caribbean experts that would explore the possibility of the establishment of a Caribbean Framework for the protection of Traditional Knowledge, Folklore, Traditional Cultural Expressions and Genetic Resource and looked forward to continued collaboration with WIPO in this area. The Delegation reported on an aggressive media campaign on IPRs, which was being conducted via articles and publications in the media, and remained committed to increasing such efforts in order to reach an ever wider audience. The need for such initiatives had been highlighted in recent weeks when, owing to the outstanding success of Jamaica's athletes during the 2008 Beijing Summer Olympics, JIPO had become one of the most sought after institutions in the country by the media. In concluding, the Delegation stated that WIPO remained an important partner in national development efforts, and urged that the new Director General make the development

dimension a crucial and inextricably linked component of his vision for the future of the Organization, and hoped that under his guidance, Jamaica, and indeed all developing countries, could begin to achieve their optimal potential via the many benefits that could be obtained in the area of Intellectual Property Rights. The Delegation added Jamaica's support to the proposal for the amendment of the regulations concerning the payment of, and in particular the reduction in, the PCT fees that would benefit a diverse cross-section of developing countries, particularly those belonging to the Small and Vulnerable Economies (SVEs) group.

50. The Delegation of Thailand associated itself with the Statement made by Pakistan on behalf of the Asian Group and the Statement made by Singapore on behalf of ASEAN and joined others in congratulating Mr. Gurry on his appointment and pledged its full support. The Delegation also expressed its appreciation to the outgoing Director-General, Dr. Kamil Idris. The Delegation presented four key points for the Organization during the coming year. Firstly, concerning the Development Agenda, the Delegation felt it was essential to continue to make progress on the implementation of the agreed recommendations, without budget constraints being a pretext for not taking action. The full and successful implementation of those important recommendations would ensure that the time and effort spent during the technical deliberations of CDIP would finally come to fruition. The Delegation stressed the importance of mainstreaming the work of the WIPO Development Agenda into the activities of other WIPO committees. It was apparent that the Development Agenda was a cross-cutting issue that was not confined solely to the CDIP, but an integral part of WIPO's activities. It was therefore in everyone's best interest to encourage other relevant organizations, such as WHO and WTO, to share with WIPO their work and expertise related to IP and development. Secondly, the Delegation commended the Secretariat for preparing the gap analyses on protection of both TCEs and TK and considered the document to be useful and a good basis for engaging in a healthy exchange of views among Member States. It was hoped that this exercise would help devise appropriate tools to address those areas where there was still insufficient legal protection of TCEs and TK at the international level. Given that much substantive groundwork remained on the table, the Delegation also supported the notion of intensifying the inter-sessional consultations to facilitate the work of the IGC. Thirdly, the Delegation supported the decision of the SCP for the Secretariat to prepare preliminary studies on four patent-related issues for discussion at its next session and called for the inclusion of a provision in the revised Program and Budget for 2009 for a Conference on issues relating to public policy implications of patents on health, the environment, climate change and food security. The outcome of such a Conference could be channeled to the CDIP to serve as input for their deliberations. The Delegation's fourth and last point was to emphasize the need for Member States to work together to build a spirit of trust, mutual understanding and partnership within the organization.

51. The Delegation of Barbados associated itself with the statement made by the Delegation of Cuba on behalf of the Group of Latin American and Caribbean countries, expressed its sincere thanks to the outgoing Director General, Dr. Kamil Idris, for the significant contribution which he had made to the development of WIPO, and congratulated Mr. Francis Gurry on his appointment to the post of Director General of WIPO from October 1, 2008. It believed that the Organization would continue to grow under his leadership, notwithstanding the challenges posed by the global financial crisis. With respect to the Intergovernmental Committee on IP and Genetic Resources, TK and Folklore, the Delegation welcomed the gap analyses prepared by the Secretariat on the protection of traditional cultural expressions and expressions of folklore, and on the protection of TK, which were useful in describing options that addressed gaps at both the international and regional levels. The Delegation expressed

thanks to the Secretariat for the assistance being provided at the sub-regional level for Caribbean countries to establish an appropriate framework for the protection of TK, folklore, traditional cultural expressions and genetic resources. With regard to the Committee on Development and Intellectual Property (CDIP), the Delegation reiterated that the implementation of the 45 Development Agenda recommendations was important to Barbados, and looked forward to working with other members in full support of the Committee's work. The Delegation welcomed the study prepared by the Secretariat on the eligibility criteria for determining the group of developing and least developed countries whose applicants could benefit from a reduction of PCT fees, which provided medium-term relief for patent applicants from Barbados, which was a small, vulnerable and open economy, but reiterated its view that income-related criteria ought not to be the only determinant of eligibility for PCT fee reduction, and urged the Secretariat to help find a solution for the special challenges faced by inventors from small markets such as that of Barbados. The Delegation expressed appreciation for the technical and other assistance provided by the Secretariat during the past year which had been necessary to strengthen further the capacity of Barbados' IP office, as well as to develop its national IP strategic plan. The Delegation concluded by stating its unswerving commitment to collaborate with all agencies in the continued protection of IPRs, for which the collaboration with WIPO represented the best vehicle for the achievement of that goal.

52. The Delegation of Brazil extended its congratulations to Mr. Francis Gurry on his election by the General Assembly as Director General of WIPO, and stated that the Brazilian Government supported his confirmation and wished to express its firm intention to cooperate with him and with WIPO. The challenges that WIPO would have to face were many. The proliferation of IP clauses in free trade agreements and the widespread presence of IP issues in a number of fora were threatening IP and it would be necessary to strengthen WIPO in order to protect its leadership and the centrality of WIPO in the context of the IP world. The Delegation recalled that the General Assembly of 2007 had approved the Development Agenda, a core document made up of 45 recommendations creating the Committee on Development and Intellectual Property, and noted that the adoption of the Development Agenda did not mean that discussions on development had come to an end, but rather that they had just begun. Brazil was relying on the commitment of the new Director General for the implementation of the 45 aforementioned recommendations, for which it wished that all possible financial and human resources would be made available. With regard to the succession of the Director General, the expectations of the members, the Member States and the international community with regard to WIPO had been seen: the IP system had to become an effective tool for innovation and prosperity; the global plan in force for IP had to be strengthened; and a new openness on IP dialogue had to be provided. The implementation process for the Development Agenda would test the ability of developed and developing countries to act jointly to face the cultural changes that were currently happening in the world. The differences of perception between countries were natural and legitimate and those differences of understanding were reflected in the international organizations. The Delegation stated that the Director General would also have to work to build a consensus, noting that for the past seven years, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (GRTKF) had been seeking to lay the basis for an international instrument for protection of the GRTKF concepts, something of particular interest for developing countries, and expressed the hope that the new Director General would contribute in a decisive fashion to ensuring that that situation was changed for the better. In conclusion, the Delegation reiterated its support for Mr. Gurry and wished him every success in the management of WIPO's activities.

53. The Delegation of Ghana associated itself with the statement made by the Delegation of Algeria on behalf of the African Group and expressed its deepest gratitude to Dr. Kamil Idris at this critical moment of the Organization's history for his immense contribution in shaping the Organization which, in its dual capacity as an intergovernmental organization and a global market-oriented one, served the international community of states and the interests of a large and dynamic community of users. The achievements of the Organization served as a lasting monument to the highest level of leadership Dr. Idris had provided in all aspects of the work of WIPO during the past decade. He had left footprints in the sands of time. As representatives of a developing country fully aware of the indispensable role of intellectual property in bringing sustainable socio-economic development, the Delegation expressed its appreciation for the invaluable assistance received from WIPO under the leadership of Dr. Idris. The Delegation extended to Mr. Francis Gurry its heartiest congratulations on his election as the new Director General and looked forward to excellent collaboration with WIPO under his leadership. The Delegation shared WIPO's vision of promoting the use and protection of intellectual property as an important component in economic, social and cultural development worldwide and thanked WIPO for the many activities undertaken with Ghana designed to strengthen the IP system, in particular the signing of an intellectual property development plan for the country. The Delegation looked forward to the implementation of programs as envisioned. Ghana recognized that improvements to the IPR system would contribute to the growth of local and foreign trade and investment for the economy. As part of the ongoing reforms to increase national competitiveness and establish Ghana as the gateway to West Africa, the Delegation was pleased to announce that Ghana had acceded to the Madrid Protocol and the Hague Agreement on June 16, 2008. The two treaties came into force in Ghana on September 16, 2008 and were expected to enhance significantly the registration system in the country. The Delegation welcomed the progress made by the Committee on Development and Intellectual Property (CDIP) and hoped that the necessary mechanisms for implementing the adopted recommendations would be identified expeditiously. Ghana recognized the importance of the patent system and was following with keen interest the progress of the deliberations in the SCP. The Delegation noted that Ghana was rich in traditional knowledge and cultural expression and attached great importance to the promotion and protection of TK, TCE and genetic resources. It appreciated the ongoing discussions of the IGC and hoped that its future work would lead quickly to decisions and possibly the development of an international legally-binding instrument that met the needs of all stakeholders. In that regard, the Delegation was encouraged by the recent initiative by Member States of ARIPO to adopt a regional instrument for safeguarding traditional knowledge, folklore and traditional cultural expressions. The Delegation expressed its appreciation for WIPO's technical support in providing the IPAS system, which was fully operational for the Trademark Registry, and looked forward to extending the system to patents and industrial designs. The Delegation concluded by recognizing the significance of decisions to be taken during the Assemblies and pledged its full participation and cooperation in that regard.

54. The Delegation of the Holy See expressed its congratulations to the new Director General, Francis Gurry. It looked forward to WIPO providing renewed and dynamic service as it advanced knowledge in the best interests of every human person and for the just progress of every country. The Delegation stated that the Holy See was particularly attentive to the ethical and social dimensions that affected and marked out the human person and its actions, and recognized in intellectual property the characteristic values of innovation and creativity, intelligence and knowledge in all their aspects. At the same time, intellectual property was

called upon to respect creation both in the area of knowledge and discovery and in the recognition of the nature of things: matter, intellect, living beings and, above all, the living person. The Delegation noted that human ingenuity was multifaceted, resourceful and capable of finding responses to challenges that confronted the human family. The constant request to register new patents was evidence of such ingenuity and their regulation required a balanced norm so that the impact on the economy would be beneficial also to the poorer countries and would value their specificity and identities. The Delegation stressed that all countries contributed unique gifts stemming from their economic, social, cultural and spiritual traditions. Among the important areas of concern to the committed WIPO staff, certain new debates were of particular interest to the Delegation, notably the possibilities and implications of the international protection of genetic resources, traditional knowledge, folklore and cultural expressions; the requirement of a legal implementation of copyright and related issues concerning the protection of the rights of broadcasting organizations; and, above all, the process that had allowed the organization of the work in such a way that it could now take into account the expectation of development together with the requirements of norms and technologies related to intellectual property. The Delegation concluded by renewing its congratulations to the new Director General and thanking his predecessor, Dr. Kamil Idris, and emphasized that, through its creativity and sense of solidarity, WIPO was able, and had the responsibility, to contribute in a major way to the strengthening of a peaceful and more equitable international community.

55. The Delegation of Austria associated itself with the statements made on behalf of Group B and the European Union and its Member States and ensured WIPO of Austria's continued support in the pursuit of WIPO's global goals. The Delegation congratulated Mr. Gurry on his appointment and was convinced that with his profound knowledge of all matters of IP, his diplomatic skills, and his personal qualities, he was the right person at the helm. The Delegation added that it looked forward to cooperating with the new Director General like it has been doing with his predecessor to whom it expressed its thanks and whom it wished all the best for his future. With regard to the Committee on Development and Intellectual Property, the Delegation noted that work had moved forward in an efficient way also addressing and solving the question of how to make available additional human and financial resources in line with the Organization's regular program and budget procedure. The Delegation was therefore ready to approve the recommendations put forward by the CDIP. In considering the importance attached to the protection of audiovisual performances and the protection for broadcasting organizations the Delegation welcomed the fact that these topics remained on the agenda of the next meeting of the Standing Committee on Copyright and Related Rights. The Delegation also welcomed the progress in the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and commended the Secretariat for producing the documents in regard to gap analyses concerning the main topics which would provide further input and information for the deliberations to come focusing on adequate and appropriate protection for TK as well as for TCE. The Delegation reiterated its view that Member States should have the flexibility to choose the form or forms of protection from among different options to satisfy the diversity of possible demands and therefore preferred the development of international sui generis models. Convinced that a viable and harmonized patent system would be beneficial for all stakeholders, the Delegation welcomed the positive spirit and the flexibility shown during the twelfth session of the Standing Committee on the Law of Patents, which had worked towards a future work program for the Standing Committee, and hoped that forthcoming discussions would enable the Committee to reach a conclusion, in regard to this important topic, at its next meeting. The Delegation commended the International Bureau

on the results achieved in progressively developing the respective treaties relating to the global IP protection systems administered by WIPO, thus making the systems even more attractive to users and offices. The Delegation noted the progress that had been made in the deliberations on the legal development of the Madrid System and supported the respective recommendations of the Working Group regarding amendments of the Common Regulations which attempted to improve the accessibility of information concerning the fate and status of international registrations in designated Contracting Parties and emphasized the fact that their support to introduce the requirement for offices to issue statements of grant of protection was very much based on the understanding enshrined in the text of the proposed footnote to Rule 18 as amended which defined the limits of the future administrative burden for offices of designated Contracting Parties. The Delegation confirmed the active participation of Austria, representing an ISA and IPEA under the PCT, in the deliberations concerning the reform of the PCT and gave full support to the proposed amendments of the Regulations under the PCT. The Delegation looked forward to discussing the proposed eligibility criteria for reductions in PCT fees and the respective amendments to the schedule of fees as it considered that as many applicants from least developed and developing countries as possible should be enabled to use the PCT system.

56. The Delegation of Tunisia endorsed the statement by the Delegation of Algeria on behalf of the African Group and expressed its most sincere congratulations to Mr. Francis Gurry on his appointment as Director General, wishing him every success in the performance of his new duties and assuring him of its support in his new position. His election by acclamation marked the climax of a brilliant career, as the Member States had wished to show that they not only placed their trust in him on a long-term basis but were also prepared to give him their support and backing. The Delegation welcomed the creative, open and unifying spirit that emerged from the new Director General's program of action and the priority it gave to the development dimension. It wholeheartedly endorsed the major thrusts of that program, whereby WIPO should fully assume its dual role as service provider and development agency. Following the example set by the African Group, which, with a constant desire to preserve the good tradition of consensus and cohesiveness, had taken the initiative of suggesting the appointment of the Director General by acclamation, the Delegation was convinced that the new Director General would spare no effort to restore serenity and trust within the Organization. The Delegation paid tribute to Dr. Kamil Idris, and expressed its recognition and esteem for his remarkable achievements and eminent services for WIPO and the Members of the Organization, as well as for the leading role which the Organization now played at the international level. Member States had him to thank for disseminating and demystifying intellectual property. In the Delegation's view, the future would bring numerous challenges for Mr. Gurry, whose main task would be to help the Organization regain its serenity and dynamism. He would also have to work to ensure the frank and effective implementation of the WIPO Development Agenda, making it possible to move towards concrete and tangible results with regard to traditional knowledge protection. In conclusion, the Delegation stressed the need to earmark additional human and financial resources for those structures within WIPO which dealt with development and technical cooperation issues, in particular the Bureaus for the Arab countries, Africa and the LDCs.

57. The Delegation of Georgia stated the importance for global society, business, and the leaders of States to realize that the intellectual protection system was one of the most powerful tools in influencing the processes leading to creativity, scientific and technological development, and in producing concrete results for the economies of countries, and that WIPO had a great responsibility as the main player defining the development of IP on a

global level. The efficiency of IP protection in practice would in many respects determine the ability to adapt to the future developments in science and technology. The Delegation fully supported the decision concerning the appointment of Mr. Gurry to the post of Director General of WIPO and congratulated him on his appointment, and expressed gratitude to Dr. Kamil Idris for his very responsible approach and hard work carried out during his 11 years as Director General. The Delegation appreciated the Organization's efforts for elaboration of IP policy issues and legal measures in the area of genetic resources, traditional knowledge and folklore and recalled the most important achievements made over the previous decade which included the successful completion of the negotiations and the adoption of two significant documents, the Patent Law Treaty and the Singapore Treaty on the Law of Trademarks. The Delegation welcomed the Development Agenda that after long discussions had reached a final outline, with the hope that it would be adopted in the near future. The Delegation also mentioned the significant value achieved through the creation and the success of the WIPO Worldwide Academy which had given millions of users all around the world free access to IP knowledge, and hoped that the number of courses would increase constantly and embrace all important IP issues. It also acknowledged the successful work of the WIPO Arbitration and Mediation Center which had become the leading center for domain name dispute resolution. The Delegation mentioned other important activities during the past years relating to the drafting of international treaties. However, much work remained to be done in order to overcome the existing divergences and difficulties. Consequently, the new leader of WIPO should not only continue the best traditions of the Organization, but raise the status of WIPO to an even higher level in the name of progress, prosperity and harmony in the world.

58. The Delegation of Paraguay endorsed the statement made by the Delegation of Cuba on behalf of GRULAC and thanked the Chair of the General Assembly and the Chair of the WIPO Coordination Committee for their excellent management of a process which had restored normality and allowed the appointment of a new Director General of WIPO. The Delegation also thanked Dr. Kamil Idris for the work he had carried out in WIPO and the consideration he had always shown to Paraguay. In particular, the Delegation congratulated Mr. Gurry on his appointment and added that, in him, the right person had been found to lead the Organization. The Delegation supported the comments made by Mr. Gurry in his acceptance speech, that the basic task of intellectual property was to promote innovation and creativity and contribute to regulating the market. Despite that, in many developing countries, intellectual property was synonymous with counterfeiting and piracy, and it was forgotten that it had to be, or was, or could be, an instrument for development and the promotion of creativity. The Delegation took note of the figures quoted by Mr. Gurry and agreed that it was without doubt astonishing and remarkable that applications had increased from 80,000 in 1883 to 1,700,000 in 2007, although it said that an analysis of the figures from developing countries would reveal less encouraging results. The Delegation expressed satisfaction with the support which the new Director General was willing to provide for the Development Agenda, because while Governments had to combat the inequity in the market to regulate it, WIPO should play a similar role at the international level by advocating the valuable contribution made by intellectual property in areas such as development, growth and promotion of exports. For that reason, the Delegation supported the initiative to strengthen the Secretariat in order to provide the necessary technical support for the Development Agenda. After stating that Paraguay, like all developing countries, attached great importance to genetic resources, traditional knowledge and folklore, the Delegation expressed satisfaction with the fact that Mr. Gurry would attach due value and importance to those issues, and with the wish to establish a relevant international instrument soon. The Delegation also expressed support for the idea of creating a division in the Secretariat so that intellectual property would

contribute to tackling other global challenges, such as climate change, desertification, health, food security and the preservation of biodiversity, as part of the mandate of the United Nations to act in that regard with all the specialized agencies. Finally, the Delegation expressed its wish for an active and efficient Secretariat and its support for the efforts of Mr. Gurry to achieve that result.

59. The Delegation of Madagascar joined other delegations in congratulating the Chair and the two Vice-Chairs and assured them of its support. It stressed that the Chair's great intellectual abilities and professionalism would guarantee the good progress and success of the Assembly's work. The Delegation passed on Madagascar's sincere congratulations to Mr. Francis Gurry, whose election to the post of Director General had just been confirmed. The Assembly had undoubtedly made a very good choice, given that Mr. Gurry's qualifications, degree and experience matched the profile required to assume this great responsibility perfectly. As shown by his brilliant speech, the broad outline of his future actions reflected his perfect understanding of the issues and his commitment to the development dimension, which had to be taken into account in all WIPO's activities in order to meet the expectations of developing countries and more particularly the least developed countries, which were facing countless challenges. The Delegation wished Mr. Gurry every success in carrying out his high-level duties, while also assuring him of its support and full cooperation. The Delegation then paid tribute to Dr. Kamil Idris, the outgoing Director General, who had served WIPO with dedication. As a developing country, Madagascar was indebted to Dr. Idris for his actions to promote fruitful cooperation with WIPO in the area of intellectual and industrial property. Madagascar was particularly grateful to WIPO for the technical assistance it had provided and was convinced that such cooperation would be strengthened in many ways under the new Director General. The Delegation informed the Assembly that, as part of the Madagascar Action Plan Map, Madagascar had ratified the Madrid Protocol at the end of 2007, which had entered into force on April 28, 2008. The Delegation thanked WIPO for the assistance provided to the Madagascar Industrial Property Office (OMAPI) for the purposes of training and raising awareness of the importance of this Treaty (coverage of the costs of training two trademark examiners and the organization in Antananarivo, in cooperation with the Ministry of Economy, Trade and Industry, of a national seminar on the Madrid Protocol aimed at users of the system). Furthermore, the Delegation expressed its willingness to participate in work aimed at developing the legal aspects of the Madrid system and to benefit from all assistance to improve the implementation of that system. In the area of information technology, the Delegation thanked WIPO for providing innovative computer equipment in the context of the OMAPI automation project, which was intended to help to consolidate a reliable system for the protection of intellectual property, therefore promoting the creation of an attractive environment for national economic operators and foreign investors. Madagascar was already looking forward to continuing its cooperation with WIPO and Member States in order to continue to improve the intellectual property system and wished to reap the benefits arising from the implementation of the Development Agenda. The Delegation concluded by fully endorsing the statements made by the Delegation of Algeria on behalf of the African Group and by the Delegation of Bangladesh on behalf of the least developed countries.

60. The Delegation of Mauritius supported the statement made by the African Group. The Delegation congratulated Mr. Francis Gurry on his appointment as Director General, indicating that WIPO would be in extremely good hands. It paid tribute to the outgoing Director General, Dr. Kamil Idris, for his outstanding work and remarkable leadership, and his ability to achieve consensus on many difficult issues. The Delegation noted the diversity

of opinions regarding the benefits of intellectual property on development and their implications on important public policy goals such as the protection of the environment and public health. The Delegation urged the Member States and the Secretariat to ensure that development remains central to the activities of the Organization through the implementation of the totality of the recommendations of the WIPO Development Agenda in a timely manner. Mauritius called for valuable technical support to be intensified in view of the increasing importance of IP assets to the development of small and vulnerable economies, particularly in the fields of culture, science, industry, trade and the environment. The Delegation concluded by expressing its full support for the newly-appointed Director General.

61. The Delegation of Norway expressed its appreciation of the way in which the Chair had steered the Assembly to a positive outcome. The Delegation congratulated Mr. Francis Gurry on his election as Director General and ensured him of its full support. It expressed appreciation of Dr. Idris as the WIPO leader who put development issues firmly on the agenda of the Organization. It welcomed the constructive work performed to satisfy Member States' monitoring needs, the strengthening of the Internal Audit and Oversight Division, the positive results of the sessions on the Development Agenda, the resumption of work of the SCP and the initiatives concerning TK and its relevance to the future development of IPRs. The Delegation reported on the accession of Norway to the EPO and the start-up of the Nordic Patent Institute as a PCT Authority, both on January 1, 2008, promoting quality, efficiency and competitive pricing on a national and regional level. It reported on its collaboration with the WIPO Academy, the celebration by the Norwegian IP Office of World Intellectual Property Day and concluded by underlining its commitment to the success of the Assemblies.

62. The Delegation of Yemen supported the statement made by the Delegation of Pakistan, and the statement made by the Delegation of Bangladesh on behalf of least developed countries (LDCs). The Delegation expressed satisfaction with the work of the Coordination Committee and the manner in which the election of the new Director General of WIPO had taken place. The meeting was considered historical in confirming the appointment of Mr. Gurry as the new Director General of WIPO. The Delegation congratulated Mr. Gurry for the trust accorded to him and commended the manner in which consultations had been conducted with various regional groups or Member States to put forward the visions and ideas of Member States for the future work of WIPO, and those of the new Director General; as a result of which, the Delegation had felt encouraged to participate in and contribute to, the dialogue. A new chapter was open for improving the performance of the Organization. Confidence was expressed in that the functions and duties of WIPO in respect of the Development Agenda, traditional knowledge and folklore should be enhanced in the coming years; and special importance was attached to fair geographical distribution within WIPO, and to capacity building. Confidence was also expressed in Mr. Gurry's intention to place at the top of his agenda the creation of a division for LDCs. The Delegation welcomed that initiative as an important step to the benefit of a group of countries in need of support and encouragement by WIPO, especially at the present stage in which the world was experiencing an acute economic crisis. In that regard, the Delegation expressed trust in the experience and capacity of Mr. Gurry to lead the Organization, as far as intellectual property was concerned, to a safe shore. Support was expressed with a view to ensuring success for the future work of WIPO. The Delegation praised and thanked the efforts made by the Arab Bureau and its staff and expressed confidence in enhanced communication under the leadership of the new Director General. Finally, the Delegation extended thanks and gratitude to the outgoing Director General who had contributed to the development of WIPO and made the

Organization the outstanding echo of intellectual property worldwide, and wished him success in his future endeavors.

63. The Delegation of Niger congratulated Mr. Francis Gurry on his appointment as Director General of WIPO. His long career and extensive knowledge of WIPO would allow him to tackle the numerous challenges awaiting intellectual property and those with which the modern world was beset concerning the environment, health and, more recently, the food crisis which was badly shaking poor countries in particular. This was on top of the major areas of activity which had been developed in recent years, in particular the WIPO Development Agenda and the protection of genetic resources, traditional knowledge and folklore, which deserved support and effective follow-up with a view to their successful outcome and implementation as soon as possible, therefore making WIPO an organization working effectively in favor of development. The Delegation concluded by paying deserved tribute to the Director General, Dr. Kamil Idris, for the multifaceted action he had taken, which had helped to develop and demystify intellectual property at the global level, and wished him good luck and success in his future endeavors.

64. The Delegation of Sudan congratulated the chair for the wise and patient manner in conducting the Assemblies and commended the Coordination Committee for the good work accomplished during its 58th Extraordinary Session held in Geneva on May 13, 2008, during which the new Director General of WIPO had been nominated. Congratulations were also extended to Mrs. H. Skorpen, Norway, Chair of the Coordination Committee, for her capable management and experience that had enabled overcoming all difficulties and reaching a decision that had preserved the cohesion of WIPO by the designation of a new Director General. The Delegation wished, at first, to express the deepest gratitude and thanks to Dr. Kamil Idris for his outstanding and dynamic creativity and team spirit with which he led the Organization in a seamless, flexible manner, to achieve noble goals. The Delegation also praised Dr. Idris for opening the doors to all Member States, whether developing countries and LDCs or developed and industrialized countries, making intellectual property a legitimate right and diffusing knowledge and technology for the development of all. Such a developmental vision was reflected, throughout Dr. Idris's mandate, in the various active bodies and committees. Developing countries had benefited from a strong management, addressing, in particular the crucial question of traditional knowledge and folklore, as echoed in Asia and Africa, America and China, Australia and Latin America. In that context, Sudan had enacted, in 2007, a Law on the Protection of Traditional Heritage. As far as WIPO was concerned, thanks to its leadership and all officials of the Organization, collective management had been established, knowledgeable resources attracted, advanced technology used, capacities built, to the benefit of various specialized departments of WIPO. Help was extended to all offices and countries without discrimination between the wealthy and the poor, the developed and the developing, but to the extent needed to maintain balance, make justice and open opportunities, having in mind the objective of development and knowledge for all; also, emphasis was placed on valuing training and enhancing the role of the WIPO Worldwide Academy through collaboration with various WIPO working units, creating links with national Offices and assisting in the formulation of national IP strategies and commissions. In that regard, the Sudanese Federal Council for Literary and Artistic Works praised WIPO's role in ensuring participation by Sudan in all international fora in the field of copyright. It also highlighted the assistance provided by WIPO in the modernization of the national copyright legislation, training of the Council's staff as well as providing material and technical support. WIPO had also contributed to the dissemination of an IP culture through the organization of workshops and seminars in Khartoum. In addition, the Delegation wished

to emphasize the positive impact of events related to the studies on the contribution of creative industries in Sudan, as well as the various contacts established with copyright-based industry stakeholders. WIPO's legal advice and legislative assistance were also instrumental in the preparation of a Draft Law on the Protection of Folklore, within a tight deadline, with the participation of local experts in folklore and civil society organizations. The Delegation called for further assistance in integrating national IP strategies in Sudan, as a developing country, within national development plans, modernizing IP infrastructure, creating links between public and private stakeholders and between national IP institutions and universities and research centers. WIPO should provide more legislative assistance and legal advice to Member States, including on possible flexibilities or limitations and exceptions provided for under the Paris Convention. While highlighting the Secretariat's current work in planning and elaborating activities under the WIPO Development Agenda, the Delegation wished to outline the Recommendations made by the African Group during the First Session of the CDIP (Geneva, March 3-7, 2008), as follows: (i) supporting R&D centers for the protection and marketing of research results; (ii) enabling research centers and SMEs to access patent databases and technical information; and (iii) promoting and facilitating partnerships between universities and research centers for the use of database information, particularly in the fields of agriculture, biotechnology, biodiversity and traditional medicine. In addition, more resources should be provided for the implementation of those recommendations. Further human and financial resources should also be made available to the Secretariat for the achievement of those tasks. The Delegation wished to congratulate Mr. Francis Gurry on his appointment as the new Director General of WIPO. It believed that Mr. Gurry was trustworthy of such responsibility at the head of the Organization and praised his earnestness, competence, sincerity, diligence and commitment. Mr. Gurry had been close to his predecessor and was equally aware of all matters from general issues to finest details. The Delegation wished Mr. Gurry success and assured him of its support for the advancement of the Organization. Addressing the outgoing Director General, Dr. Kamil Idris, the Delegation recalled its happiness at seeing him a few years previously entering that room as the new Director General of WIPO. The Delegation was as happy to see Dr. Idris take his leave after an outstanding performance and unequalled excellence. Sudan was even happier to welcome Dr. Idris back, to contribute to the development of the country thanks to the expertise, knowledge and exclusive contacts established abroad.

65. The Delegation of the Democratic Republic of the Congo congratulated the Chair and the Chair of the Coordination Committee on bringing the election of the new Director General to a successful conclusion. It also congratulated the Secretariat on the quality of the work carried out and the quality of the documents provided for that session. The Delegation also congratulated Mr. Francis Gurry on his election as Director General and, while assuring him of its support, asked him to translate his view of intellectual property into practice by establishing a bridge between industrialized countries and developing countries through the Development Agenda put in place by the outgoing Director General and all Member States of WIPO. The Delegation thanked the outgoing Director General for having made the Development Agenda one of the Organization's vital tools. The Delegation wished Dr. Kamil Idris luck in his new duties and emphasized that Africa needed his experience and skills in the intellectual property field. The Delegation expressed its support for the statements made by the Delegation of Algeria on behalf of the African Group and by the Delegation of Bangladesh on behalf of the least developed countries. It said that it attached great importance to the work of the Committee on Development and Intellectual Property (CDIP), which was mandated to devise a work program for the implementation of the 45 recommendations adopted by the Member States in 2007 and to report on that

implementation, while continuing the debate on those issues. To that end, the Delegation said that the Development Agenda had to be measurable and constitute an inescapable prerequisite for developing countries, with its level of implementation and success being dependent on the degree of openness to which those countries should commit themselves, the relevant reforms had to be carried out and efficient policies had to be implemented. The Delegation recalled that Mr. Francis Gurry had stressed, during the opening ceremony of the session of the WIPO CDIP (in July 2008), his commitment to the effective implementation of the Development Agenda, promising to oversee personally that important project in the future. The Delegation said it was convinced that, based on the experience of developed countries and thanks to a genuine partnership, the effective implementation of the Development Agenda would take specific shape and the objectives set by the Member States would be achieved.

66. The Delegation of Saint Lucia joined other delegations in congratulating Mr. Gurry on his election and thanking Dr Idris for his significant contributions. The Delegation explained that Saint Lucia was one of ten islands which had formed a functional cooperation group called the Organization of Eastern Caribbean States (OECs) and stated that each Island in the group was as vulnerable to the perils of hurricanes as to the perils of globalization and trade liberalization, and could stop neither. Survival had been through functional cooperation, in the areas of education, culture, financial services, procurement of medical services or legal services. The Delegation reported that the members had cooperated in legal matters via the Legal Affairs Committee, which comprised the Attorneys General and Ministers of Legal Affairs of the OEC countries. In the wider Caribbean Community (CARICOM), Saint Lucia cooperated by virtue of a similarly structured Legal Affairs Committee of 14 CARICOM Member States. The Delegation asked why their small Islands should independently address issues relating to the Hague Convention. Saint Lucia had many IP issues to address and had sought the assistance of the Secretariat to review their patent regulations, but the Delegation expressed disappointment that all of the other islands had not moved to seek WIPO's assistance in a harmonized manner, especially as patent development could prove an essential element in surviving in the emerging environment of trade liberalization. The Delegation reported that the islands had agreed to sign the Economic Partnership Agreement (EPA) with the European Union (EU), which might raise issues under the Madrid Agreement. The Delegation called for the islands to work towards a common approach to the Madrid Agreement and for WIPO to provide assistance to the Eastern Caribbean subregion on a multilateral basis. Such an approach would ensure greater economies in the uses of resources which WIPO would put at the disposal of these OEC countries.

67. The Delegation of Poland associated itself with the statements made by France on behalf of the European Community and its Member States, and Romania on behalf of the Central European and Baltic States. They joined other delegations in congratulating Mr. Gurry on his election, convinced that his experience, expertise and skills would ensure sound management of the Organization. The Delegation noted with satisfaction the further improvements to the PCT, Madrid and Hague systems and it welcomed the convening of a new PCT Working Group, which had resulted in putting forward many substantive proposals for further amendments to the PCT system, it also supported the respective recommendations for the Madrid system with regard to the proposed amendments to the Common Regulations, which would make the Madrid system more effective and user friendly. The Delegation supported the activities of the IGC and the drafting of two documents constituting gap analyses on the protection of traditional cultural expressions of folklore and on the protection of traditional knowledge. The Delegation noted with satisfaction the progress of the deliberations within the CDIP on the proposals for action, and believed that they would lead

to concrete results. Regarding the work of the SCP the Delegation reiterated its support for the continuation of the patent law harmonization process within WIPO and welcomed the resumption of the process which resulted in the adoption of a non-exhaustive list of issues for further elaboration and discussion. The Delegation reported that Poland's cooperation with WIPO was in line with its Government's strategic programs aimed at developing an environment encouraging the knowledge, innovation and business-driven economy to be more competitive. The Polish Patent Office had been actively involved in the implementation of these programs and had made tremendous efforts of modernization and becoming more user-friendly, and had engaged in popularizing and disseminating industrial property protection information. A symposium on "IP in innovative economy — industrial property as financial asset" had been organized in Kraków under the honorary patronage of the Commissioner of the European Commission for Regional Policy, during which there had been a discussion on the creation of favorable conditions for effective use of IP from the point of view of policy makers. The Delegation reported that the educational activities carried out by the Office had included the fifth edition of the competition for the best poster and the best post-doctoral, doctor, master and student thesis concerning industrial property protection. The Delegation concluded by announcing that, in 2008, Poland was celebrating the 90th anniversary of the protection of industrial property and of the foundation of the Polish Patent Office. On October 3, 2008 an international conference on the "Polish and European Systems of Industrial Property Protection" would take place, for which several hundred participants from Europe and other countries had been invited. The conference would be accompanied by an exhibition of inventions and industrial designs. From November 12 to 14, 2008 in Warsaw the "Eastern European Regional Forum on Using Intellectual Property Panorama for Building Capacity of Small and Medium-Sized Enterprises (SMES) for Strategic IP Management", which had been co-organized by the Polish Patent Office, WIPO and the Korean Intellectual Property Office (KIPO), would take place. The Delegation thanked the Secretariat and in particular the Division for Certain Countries in Europe and Asia for the assistance provided in many initiatives undertaken by the Polish Patent Office, especially in promoting IPRs in Poland and in other countries from the region.

68. The Delegation of El Salvador expressed its gratitude for the work carried out during the period leading up to the Assemblies and its agreement with the statement made by the Delegation of Cuba on behalf of GRULAC. It congratulated the new Director General and acknowledged his merits in technical and financial management, in particular as Head of the PCT Sector, and in the management of the subjects entrusted to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Delegation highlighted his promotion of dialogue, consensus and inclusiveness, and gave him its vote of confidence. The Delegation also highlighted the management conducted by the outgoing Director General and his support for national intellectual property plans. The Delegation referred to the achievements made under his leadership, including the projects which had been carried out in El Salvador in areas such as the administration of justice, the digital revolution and the Internet. It highlighted that under the outgoing Director General, the Treaty of Singapore and the Development Agenda had been approved and efforts had been made to promote greater awareness of intellectual property in universities and educational institutions, small and medium-sized enterprises, and other relevant fora. With regard to El Salvador's National Intellectual Property Office, the National Registration Center (CNR), the Delegation reported that the Office continued to hold ISO 9000 certification and also had a new Web portal. Moreover, the Office had been promoting new information and training projects, such as the Trademarks Fair, the Crafts Fair

and National Inventiveness Week. The Delegation referred to the Assemblies agenda, in particular to the Diplomatic Conference on the Protection of Audiovisual Performances, the convening of a Diplomatic Conference on the Protection of the Rights of Broadcasting Organizations, the strategic nature of the WIPO Development Agenda, the revival of the Standing Committee on the Law of Patents, the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and the promotion of cooperation and assistance activities for Members. The Delegation concluded by confirming the commitment of El Salvador and its support for the management of the new Director General.

69. The Delegation of Turkey offered its congratulations to Mr. Francis Gurry on his appointment as the Director General of WIPO, and expressed confidence that, with his long experience in IP, the Organization would maintain its leading role in IP under his leadership and meet the challenges of the present century. The Delegation expressed its thanks to the outgoing Director General for his achievements, particularly in enhancing the development strategy in WIPO. The Delegation noted the strong interest of Member States in WIPO's core programs, particularly the PCT, the Hague Union, the Madrid Union and other services, such as technical assistance and institutional capacity building, and drew attention to the need to allocate additional resources to the area within the Secretariat which dealt with Turkey and other countries from that region. The Delegation expressed satisfaction with the significant progress that had been achieved on the Development Agenda since 2006 and looked forward to the effective implementation of its recommendations which it believed would have a positive impact. The work of the Committee on IP and Genetic Resources, TK and Folklore was another area the Delegation had followed closely, and believed that there was a basis for elaborating an international legal instrument on the subject matter, while the two gap analyses prepared by the Secretariat on the protection of traditional cultural expressions and TK, should be used to expedite the process in preparing a legally binding document on the subject matter. The Delegation expressed its appreciation for numerous initiatives aimed at building an IPR culture undertaken by the Secretariat over the last year in collaboration with Turkey, in the form of workshops, symposia, and other meetings, and reported on the establishment of the Intellectual and Industrial Property Coordination Board with a view to developing strategies for the implementation of IPRs. In the process of developing internal and international cooperation it had been possible to disseminate knowledge thus acquired to partner countries, and to develop closer bilateral cooperation with national IP Offices. The Delegation concluded by noting how IP had become a major factor in the economic lives of people in developing countries, and highlighted WIPO's role in making clear the importance of IP as an instrument for economic development and creativity.

70. The Delegation of Viet Nam congratulated Mr. Francis Gurry on his appointment as Director General of WIPO. The Delegation acknowledged WIPO's efforts towards promoting international IP protection aimed at achieving its strategic goals. With a view to developing a balanced and accessible international IP system and making IP an important tool for the economic, social and cultural development of all countries, the Delegation commended WIPO for having paid significant attention to encouraging the use of IP for economic development. The Delegation highlighted the cooperation between WIPO and Viet Nam in several programs and activities and expressed its appreciation to WIPO for the support and assistance provided. The Delegation announced its support for the Committee on Development and Intellectual Property (CDIP) and offered its cooperation in the development and implementation of activities under the framework of the WIPO Development Agenda. The Delegation recognized the importance of the work of the IGC and the progress made by

that body and the Standing Committee on the Law of Patents (SCP). The Delegation affirmed its belief that WIPO would continue to take into account the diverse needs and capacities of developing countries and LDCs, and would ensure action consistent with national objectives and interests. The Delegation joined the Delegation of Pakistan on behalf of the Asian Group and the Delegation of Singapore on behalf of ASEAN in congratulating Mr. Francis Gurry, and it confirmed it would cooperate fully with the new Director General. The Delegation extended its appreciation to Dr. Kamil Idris for his contribution to the development of WIPO and the IP system.

71. The Delegation of Finland supported the statements presented by the European Union Presidency and the spokesperson of Group B. The Delegation was committed to working in a positive spirit and hoped that the progress made in other areas within WIPO's key competence would be as promising as the work of the Committee on Development and Intellectual Property when implementing the WIPO Development Agenda. The Delegation congratulated Mr. Francis Gurry on his appointment as the new Director General and expressed its conviction that, under his leadership, WIPO would strengthen its central role as the main international forum for IP issues. The Delegation also thanked Dr. Kamil Idris for the valuable work he had done for the development of WIPO over the past years, in particular his efforts to demystify IP globally. The Delegation referred to the WIPO International Forum on Creativity and Innovation, which was organized every other year and was a project initiated by WIPO and the National Board of Patents and Registration in Finland. The first forum was held in Finland in 2000, the second in China 2002, the third in South Africa in 2005 and the fourth in Costa Rica in November 2007. Those forums had succeeded in gathering together an authoritative expert group to discuss vital IP issues and in trying to diminish the gap between different opinions and different Member States. The Delegation was ready to continue this positive development in the future. Finally, the Delegation announced that the importance of innovation policies in corporate finance and the national economy had been recognized by the present government in Finland, which was preparing a new innovation strategy for the country as well as, for the first time, a national IP strategy led by the Ministry of Employment and Economy.

72. The Delegation of the Democratic People's Republic of Korea said that it had the great honor and privilege to congratulate Mr. Francis Gurry on his appointment as Director General of WIPO. His appointment as the Director General was a manifestation and acknowledgement of the respect shown by the international community for his professionalism, diplomatic skills and dedication to the work of WIPO which served the interests of all the Member States. It was a great pleasure that Mr. Gurry had been appointed, with a consensus having been formed regarding his long and extensive experience and abundant expert knowledge. He also enjoyed the trust of and had a good reputation among many people, including all the staff members of WIPO. He had demonstrated his extraordinary and humble personal characteristics and professional competence during his 20-year long service in improving the role and functions of WIPO. Further, the protection of IP constituted an essential element of social and economic development, and global interest in IP was growing day by day. WIPO had recently made important arrangements regarding new policy foundations for its activities by establishing five strategic goals which included promoting a balanced IP system, strengthening IP infrastructure and human resources, developing international IP law, delivering quality of service, and achieving greater efficiency in the management of innovative administration. The Delegation was fully confident that WIPO's vital role in contributing to the social and economic growth and development of the world would be further enhanced under the able and excellent guidance of its new Director

General. In conclusion, the Delegation assured Mr. Gurry of its full support and collaboration in the discharge of his responsibilities in leading WIPO to further success.

73. The Delegation of Nigeria warmly congratulated Mr. Francis Gurry, the incoming Director General, on his election and gave assurances of its readiness to work with him and always give him support in carrying the Organization to greater heights. Mr. Gurry's outstanding contributions and commitment to the Organization over the years were enduring and well known. The Delegation was very much encouraged by the reassuring steps already taken by Mr. Gurry, with the support of the Chair of the Assemblies, to bring a calming effect to the intense WIPO environment and dispel any fears of witch-hunting amongst the staff of the Organization during his leadership. The Delegation applauded the efforts of Mr. Gurry in reaching out to all regional groups and in outlining his vision, agenda and priorities. The Delegation recognized Mr. Gurry's total commitment to implementing the Development Agenda, and indeed to managing directly its implementation, and applauded the thrust of his IP architecture, the human resources development and capacity-building strategies, the focus on traditional knowledge and folklore, issues of geographic indicators, the adoption of a proactive stance on health access to medicine, climate change, diversification and indeed, the overall engagement of IP for sustainable development. The Delegation paid tribute to the outgoing Director General, Dr. Kamil Idris, whose tenure had brought unprecedented and positive changes to the Organization. It would be recorded that Dr. Idris was the first Director General to emphasize the development aspects of IP and that he had in the process introduced a number of highly important policy initiatives that had greatly transformed the Organization. Developing countries and in particular LDCs fondly remembered Dr. Idris for the indelible achievements of the WIPO World Wide Academy, especially in the areas of fostering the global understanding of IP and the training of IP practitioners. It was the leadership of Dr. Idris, together with the cooperation of Member States and the support of the Secretariat, that had facilitated the application of IP to practical social and economic uses in various countries and its recognition as a veritable tool for social and economic development. The Delegation expressed its satisfaction with the WIPO Development Agenda, and fully supported the activities of the International Bureau, especially the Office of Strategic Use of Intellectual Property for Social and Economic Development, in ensuring the mainstreaming of the Development Agenda in all WIPO activities. In that connection, the Delegation reiterated that it was encouraged by the remarks made by the incoming Director General to support that Agenda. The Delegation stated that Nigeria was also committed to the establishment of a viable work plan for the Standing Committee on the Law of Patents. The process had been difficult but the recent round of meetings gave hope that a solution would soon be found which would take into consideration the interests and concerns of developing countries and LDCs, especially if the steps taken led to the international harmonization of patents. Nigeria was particularly mindful of the need for the protection of public interest concerns and the adoption of flexibilities that would give the necessary space to states to cater for the legitimate interest of their citizens in such areas as access to medicine, education, information and other critical needs. The progress of the discussions within the IGC was a matter of interest to Nigeria. Despite numerous meetings and the development of a series of papers, no significant steps had been taken towards the adoption of any internationally binding instruments for the protection of genetic resources, traditional knowledge and folklore. The Delegation called upon the Assemblies to look into the matter as an issue of critical importance and issue a set of guidelines to the IGC to restart a genuinely intended initiative to reach that objective without further delay. In conclusion, the Delegation expressed its belief that IP presented the global community with immense opportunities to tackle development challenges confronting humanity in the twenty-first century and beyond, and that the Assemblies were duty-bound to

take bold decisions so as to make IP an instrument of innovation and productivity, and to solve concrete problems that were challenging the world such as global food crises, environmental degradation, persistent poverty and persistent diseases.

74. The Delegation of Namibia warmly congratulated Mr. Gurry on his appointment as the new Director General of WIPO. Mr. Gurry was taking over an Organization handed over by his predecessor, Dr. Idris, on a solid foundation, and the Delegation had unencumbered trust in Mr. Gurry's abilities to lead the Organization to further success. The Delegation underscored Namibia's continued and unreserved support for Mr. Gurry and the work of WIPO. The Delegation also joined other delegations in wholeheartedly thanking Dr. Idris for his immense contribution to the process of demystifying IP and transforming it into a widely applicable tool for economic development and social advancement. The Delegation expressed its ardent wish that Dr. Idris should not be lost to the field of IP, but that he should continue to work and apply his vast knowledge of IP to the area of innovation and economic development in Africa in particular, and contribute to the global debate and further advancement and use of IP as an important tool for economic development across the globe. In this respect, the Delegation expressed Namibia's desire to continue working with Dr. Idris. The Delegation endorsed and supported the statements made by the Ambassador of Algeria on behalf of the African Group and by Bangladesh on behalf of the LDCs. In respect of collective management services, the Delegation reported that in 2007, Namibia witnessed a birth of a second collective management organization for literary, artistic and dramatic works, known as the Namibia Reproduction Rights Organization (NAMRRO), the start-up and operational budget for which was made possible by UNESCO, IFFRO and DALRO, a South African sister organization. NAMRRO was considered as a step in the right direction by the right holders in literary, artistic and dramatic work who, for a very long time, had had to rely on their respective legal representatives for relief in cases of infringement of their works. The Delegation also reported that the amendments to the Namibian Copyright and Neighboring Rights Protection Act, Act 6 of 1994 had been finalized and the Amendment Bill was due to be tabled in Parliament before the end of the year. This new Bill would pave the way for Namibia to accede to the two WIPO Internet Treaties of 1996. A new Namibian Industrial Property Bill and a Namibian Access to Biodiversity and Genetic Resources Bill were also in the process of being finalized for tabling in Parliament. Namibia had stepped up its sensitization campaigns to inform and educate all stakeholders in intellectual property issues, namely the judiciary, the police, customs & excise officials and rights holders alike. Namibia was also using the international intellectual property commemoration days to sensitize the nation on the importance of IP to the economic development of the country. Through the Ministry of Justice, WIPO had organized a two-day colloquium for the Namibian judges in April 2008 which had helped the Namibian judges to understand intellectual property issues much better. WIPO, in collaboration with the Ministry of Information and Communication Technology, is organizing a regional workshop on Reprography Rights in Namibia in November 2008. Further assistance would be sought to train officials from other law enforcement institutions such as the Police and Customs & Excise drew. One of the most important interventions that would contribute to the realization of Millennium Development Goals was the WIPO Development Agenda. Strengthening WIPO's global influence should be encouraged specifically for the promotion of creativity as well as traditional knowledge in our respective countries. The Delegation welcomed Mr. Gurry's statement on the Committee on Development and Intellectual Property (CDIP), Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and his vision of strengthening the Secretariat thereby making it more effective.

75. The Delegation of Panama endorsed the statement by the Delegation of Cuba on behalf of GRULAC. Speaking for its Government, the Delegation welcomed the new Director General and emphasized its commitment to IP as a vehicle for economic development. It highlighted the efforts made by Panama to promote IP development, in particular the design of a computerized system for the filing of applications on line, a digitization project and a case-law database that could be accessed via the web site of the National Patent Office. The Delegation also reported on recent efforts aimed at developing internal management capacities and modernizing the system. In addition, cooperation ties had been established with indigenous communities with a view to facilitating their access to the treaty-based industrial property system, which took precedence over territorial protection. Moreover, Panama was playing an active part on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. In conclusion, the Delegation expressed its appreciation to the outgoing Director General.

76. The Delegation of Cameroon expressed its sincere and warm congratulations to the Vice-Chair on the manner in which she was conducting the Assembly's debates in a spirit of openness and calm. The Delegation paid tribute to the outgoing Director General, Dr. Kamil Idris, and thanked him for the great and arduous work he had undertaken since his election as head of the Organization, which had turned intellectual property into a genuine tool for development. The Delegation also thanked the Secretariat for the quality of the documents provided. It expressed its sincere congratulations to Mr. Francis Gurry on his magnificent election as Director General and assured him that he would always have Cameroon by his side when performing his new and exciting task. The Delegation fully supported the message of congratulations and support expressed by the Delegation of Algeria on behalf of the African Group. It recalled that in an era of globalization the priority for States was to turn intellectual property into a regulator to improve quality of life through the creation of real and sustainable wealth. For that reason, Cameroon had undertaken, with WIPO's help, to devise a national intellectual property strategy. In the area of copyright and related rights, the relentless battle against piracy remained a cause for concern, in view of the fact that the geographical position of Cameroon made it a vessel for cultural goods which originated from various horizons or were pirated, weakening a fledgling publishing industry. The Delegation pointed out that the Law of December 2000 had radically reformed copyright in Cameroon and that numerous subsidies and grants had been allocated to artists. In that regard, Cameroon was interested in the Hague system for the international registration of industrial designs. The Delegation pointed out the adoption of the framework law for the enhancement of the results of scientific research, for craftsmen and promoters of small and medium-sized enterprises. National agriculture could benefit from greater involvement of intellectual property in framework policies, in particular through the consistent use of systems for the protection of new plant varieties and geographical indications. The results of the work of the Standing Committee on the Law of Patents (SCP) and those of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore could be effective in inspiring the regional instruments adopted by the Member States of the African Intellectual Property Organization (OAPI). The Delegation concluded by expressing its wish for cooperation with WIPO to be strengthened.

77. The Delegation of Cambodia associated itself with the statements made by Bangladesh on behalf of the LDCs, by Pakistan on behalf of the Asian Group and by Singapore on behalf of the ASEAN countries. The Delegation congratulated Mr. Gurry on his appointment as Director General and welcomed the continuation of technical assistance and capacity building, the development of the legal framework of IPRs particularly for LDCs and the

modernization of the IP system to provide value-added services and encourage innovation and investment. The Delegation expressed its deepest appreciation and thanks to Dr. Idris for his tireless efforts during his tenure as Director General.

78. The Delegation of Cuba congratulated Mr. Francis Gurry on his election and appointment as Director General of WIPO and wished him every success in the performance of such a great responsibility as leader of the Organization. The Delegation also expressed its wish for the work of the Organization under his leadership to be carried out in a cooperative and transparent manner with respect for the interests of all Member States. The Delegation said that WIPO was facing many challenges and one of the main priorities was the complete integration of the development dimension in all the Organization's activities. Member States had already started to take the first steps through the WIPO Development Agenda proposal which had taken the form of a concrete action plan of activities which had to be given immediate expression in response to the proposals made. The Delegation said that the Organization therefore had to undertake to speed up the work of the Committee on Development and Intellectual Property (CDIP) so as not to delay the response to that challenge. The Delegation considered that it was a priority for the Assembly to approve the CDIP's recommendations and incorporate them immediately in the activities of the implementation plan approved, adding that the implementation of the WIPO Development Agenda had to be granted the budget necessary for the immediate implementation of the proposals. In that regard, the Delegation said that the Program and Budget for 2009 should make provision for the implementation of those activities, as well as the expansion of the management capacity of WIPO's regional Offices for cooperation for development, and the increase in cooperation and training activities which satisfied the interests of developing countries in accordance with national needs. The Delegation said that helping to strengthen the management of intellectual property in the national sphere had to be a strategic goal of the Organization. The Delegation also said that the work carried out by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) was important and should continue until the planned results had been achieved. It considered that the Standing Committee on the Law of Patents (SCP) should examine the subjects which were of interest to developing countries, including subjects related to technology transfer, the dissemination of information on patents, alternative sources of innovation, exceptions to patentable subject matter, limitations with regard to rights, research exemption, compulsory licenses, patents and health, the link between the patent system and the Convention on Biological Diversity as well as other public policy issues. The Delegation stressed that it was vital that WIPO helped to achieve the Millennium Development Goals by promoting access to knowledge and technology in a more fair and equitable way, ensuring that a balance was maintained between intellectual property and national public policies. Finally, after wishing Dr. Kamil Idris every success in the future, the Delegation expressed its support for the statement made by GRULAC.

79. The Delegation of Malaysia congratulated Mr. Francis Gurry on his appointment as Director General and was confident that through his vast experience much would be achieved. The Delegation paid tribute to the outgoing Director General for the leadership displayed during his tenure which had seen many initiatives and wished him well in his future endeavors. The Delegation associated itself with the statements made by Pakistan on behalf of the Asian Group, and by Singapore on behalf of ASEAN. It noted the acknowledgement of the new Director General that the Secretariat needed to be better equipped with resources for economy research and statistics, and fully supported the move to establish a Division to equip management with the means of identifying future strategic development that might impact

upon WIPO. Referring to the challenges for the global economy, the Delegation highlighted the need for new studies on the impact of economic growth on IP in counterpoint to the previous focus on the impact of IP on economic growth. The Delegation expressed hope that the recommendations of the Development Agenda would move to concrete and adequately resourced project implementations as soon as possible for the benefit of all Member States. The Delegation noted the report of the Audit Committee, awaited that on “Exceptions and Limitations” from the SCCR, and, in the context of the Advisory Committee on Enforcement, associated itself with the view to continue the various enforcement initiatives. The Delegation welcomed the successful launch of the WIPO voluntary fund. It also acknowledged the progress made by the SCP. The Delegation concluded by reiterating its commitment to working closely with WIPO.

80. The Delegation of Belarus congratulated Mr. Francis Gurry on his appointment to the post of WIPO Director General and expressed certainty that his extensive knowledge of the intellectual property sphere and broad experience of working at WIPO would provide the new quality of management currently required and, in that regard, through the joint efforts of the Member States WIPO would manage to resolve the complex tasks relating to the further strengthening of the place and role of intellectual property in the modern economy and, on that basis, enhance WIPO’s authority as one of the key specialized United Nations agencies. In that connection, the Delegation emphasized that when devising and implementing standards in a particular area it was extremely important to observe a balance of interests among all participants in the global market in order to strengthen the positive image of intellectual property in the knowledge-based economy. That balance was impossible without taking into account the interests of developing countries and those whose economies were in transition. Major responsibility for the formation of appropriate policy in the intellectual property sphere lay with national patent authorities. However, at the international level the corresponding provision of relevant activities was required from WIPO. Targeted methodological guidance by WIPO for the work in question was currently extremely important for countries which suffered from a lack of managers, of experience in the organization of the functioning of the intellectual property system and of the corresponding infrastructure. Taking into account the need to increase the information disseminated to the public concerning the importance of issues of the protection and management of intellectual property, it was necessary to strengthen, within the WIPO draft budget, the corresponding programs especially for the training of managers. That was particularly current for Belarus which, in accordance with a decision taken by the Head of State, had firmly set out on the road to producing an innovation development strategy. In that regard, the Delegation noted that as part of the implementation of the program of cooperation between the Government of the Republic of Belarus and WIPO, with the active participation of the WIPO Worldwide Academy and together with the Russian State Institute of Intellectual Property, in Belarus a system of training for specialists in the intellectual property sphere was being developed. In the context of a lack of corresponding experience, the methodological work done by WIPO in that particular area was especially important and, in that framework, it was necessary to mention not only the close and fruitful cooperation with the participation of Mr. Yo Takagi between the WIPO Worldwide Academy and the National Center of Intellectual Property of Belarus, but also the publication prepared by Mr. Takagi and other specialists in the field of intellectual property of a *Guide to the teaching of intellectual property: principles and methods*. In relation to the development of the national intellectual property system, substantive methodological assistance was provided through cooperation at the regional level with the leading Offices in that sphere. In that regard, the Delegation expressed particular gratitude to the Eurasian Patent Organization, the European Patent Office, and the Patent

Offices of the Russian Federation, Finland and Switzerland. At the same time, the Delegation drew attention to the importance of enhancing cooperation at the international level with WIPO's participation, a process which required appropriate transparency in the Organization's activities, including in relation to its financial and managerial policy. That was an essential condition for the effective implementation of the WIPO program. In the opinion of the Delegation particular attention should be paid to consolidating WIPO's resources, and enhancing the quality and effectiveness of the policy conducted in relation to countries of the Commonwealth of Independent States (CIS), the Eurasian region and, in particular, Belarus. That region, which had enormous economic, scientific and technological potential, was already one of the most forward-looking and dynamically developing markets, in which most of the countries in the world were showing increasing interest. For example, among the ratings for the most frequently indicated countries in the Madrid System for the International Registration of Marks, during the past few years the Russian Federation had constantly occupied a leading position. The CIS region required from WIPO more serious coordination, the effectiveness of which could not be provided within the Organization's current set-up, where the corresponding work was supervised by two or three people. The Delegation considered that, taking into account the existing particular features of the development of countries in that region, appropriate staff provision was required for the activities undertaken to develop the intellectual property system at the level of WIPO, as was the representation in the Secretariat also of specialists from Belarus. In the view of the Delegation, those and other issues should be resolved taking into account the need to balance the interests of all WIPO member countries, a matter which should be reflected in the WIPO Program and Budget, together with the need to modify the structure of the WIPO Secretariat.

81. The Delegation of Benin congratulated the Chair on the diplomacy and wisdom he had demonstrated in conducting the Assembly's work and thanked the outgoing Director General for his very positive results and for strengthening and increasing the profile of the Organization. It said that only a skilled technician and a good visionary could succeed Dr. Kamil Idris, and the Assembly had found both in Mr. Francis Gurry who would be capable of taking WIPO's ideals to even greater heights. Emphasizing that it shared his vision for tackling the current challenges, which were both complex and multidimensional, the Delegation wished him every success and assured him of its support during his term of office. The Delegation expressed its agreement with the statements made by the Delegation of Algeria, on behalf of the African Group, and by the Delegation of Bangladesh on behalf of the least developed countries (LDCs), and expressed the hope that, under the management of Mr. Francis Gurry, the Organization would also prove determined to deal with all subjects, complicated or sensitive, and find fair, reasonable and innovative solutions. The Delegation recalled that developing countries continued to be faced with various thorny issues, in particular the increase in the cost of living and dwindling purchasing power. The wise exploitation of the opportunities presented by an efficient intellectual property system promoting creativity and technical innovation would undoubtedly constitute a major lever for wealth creation. The Delegation encouraged WIPO to intensify its cooperation in the research sector and to put in place, for the benefit of SMEs and research centers, a follow-up mechanism for their industrial property approach, so as to improve Benin's economic performance in the years to come.

82. The Delegation of Montenegro expressed its sincere thanks for having the opportunity to make its very first statement under the flag of Montenegro, one of the youngest Member States of WIPO. The Delegation congratulated Mr. Francis Gurry on his appointment as the new Director General of WIPO and expressed its conviction that he would be able to achieve

outstanding goals during his leadership of the Organization. The Delegation also extended best wishes to the outgoing Director General, Dr. Kamil Idris. The Delegation stated that Montenegro had become an independent State in June 2006 and six months later had deposited a Declaration of continuation of the applicability of all conventions and treaties administered by WIPO to which the former State of Serbia and Montenegro had been a Contracting Party. However, the Delegation recalled that, in the past, Montenegro had for a certain period been an independent state, the Principality of Montenegro, and this state had acceded to the Berne Convention in 1886 as one of the earliest Contracting Parties – history of which the Delegation was proud. The Delegation announced that Montenegro had made significant progress in the two years since it had joined WIPO in December 2006. Montenegro had officially recognized the continuation of the validity of all intellectual property rights existing in the former State of Serbia and Montenegro, this recognition being part of the proclamation of independence of the newly born or, more precisely, reborn State. In the meantime, activities aimed at establishing the Montenegro Intellectual Property Office had begun. The Delegation noted that this undertaking was far from easy and presented a number of challenges. The Delegation expressed its gratitude to the many institutions and their experts that were helping Montenegro in the process of implementing this demanding task, and particularly WIPO and the Division for Certain Countries in Europe and Asia, the Serbian Intellectual Property Office, the Slovenian Intellectual Property Office and the European Commission. The Delegation announced the first fruits of this cooperation: the Montenegro Intellectual Property Office had officially begun its work on May 28, 2008, the Law on the Protection of Geographical Indications had recently been adopted, and the New Patent Act was to be adopted in the near future. The Delegation noted that WIPO had provided assistance in refining procedures for the recognition of existing rights granted and/or registered by the former Intellectual Property Office of Serbia and Montenegro. Despite this noteworthy progress, the Delegation stated that Montenegro was nonetheless still facing important challenges and needed to continue to establish a modern and efficient system of IPR laws. Another important task was further building the operational and professional capacity of the Montenegro Office. The Delegation concluded by expressing its sincere wish that cooperation with WIPO and the many offices of the Member States would expand to the benefit of all parties.

83. The Delegation of the Congo expressed its sincere and warm congratulations to Mr. Francis Gurry on his election as Director General and wished him success in the performance of his noble and exciting mission at the head of WIPO. It paid tribute to Dr. Kamil Idris and his dynamic action within WIPO, assuring him of its Government's recognition, and expressed support for the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation said that it was counting on support and technical assistance from WIPO in the actions which would be undertaken in all areas of intellectual property, as well as strengthening of the traditional cooperation links existing between the Organization and the Republic of the Congo.

84. The Delegation of Sri Lanka associated itself with the statement made by Pakistan on behalf of the Asian Group and expressed its appreciation to the outgoing Director General, Dr. Kamil Idris, for the services he had provided for the advancement of the international intellectual property system and the promotion of the IP system in all the Member States, and particularly the developing countries. The Delegation also wholeheartedly welcomed the newly-elected Director General, Mr. Francis Gurry, and expressed its confidence that he would lead WIPO to new and exceptionally productive frontiers for the benefit of Member States and all other stakeholders. The vision for the future Mr. Gurry had expressed in his

acceptance speech was undoubtedly farsighted, extremely interesting and unprecedentedly encouraging. The Delegation assured Mr. Gurry of its cooperation in the realization of his declared mission. The Delegation thanked WIPO for the excellent and productive assistance and cooperation extended to Sri Lanka in various forms in the development of the national IP system, and also thanked Member States such as the United States, Japan and the European Union for the contribution made to the promotion of IP administration in Sri Lanka. The Delegation of Sri Lanka reaffirmed its commitment to the promotion and protection of the intellectual property system and the use of the IP system for economic and social development and the elimination of poverty.

85. The Delegation of Oman supported the Statement made by Pakistan on behalf of the Asian Group and congratulated the Chair for the fruitful efforts which paved the way for the appointment of Mr. Francis Gurry as the new WIPO Director General following his nomination by the WIPO Coordination Committee. The Delegation wished to congratulate Mr. Gurry on his appointment, as the most qualified candidate for the post. It praised Mr. Gurry's relentless efforts and genuine wisdom which enabled him to formulate a strategy for change and reform geared towards the use of IP for economic growth and sustainable development in a fair and balanced manner for all Member States, including developing countries. The Delegation looked forward to close and active cooperation with Mr. Gurry during his mandate as head of the Organization. The Delegation then wished to pay tribute to the outgoing Director General, Dr. Kamil Idris. In its view, Dr. Idris' achievements throughout his two mandates were clear evidence of his talent, skills and sense of equity. The Delegation wished Dr. Idris all the best in his future endeavors. On the national level, the Delegation pointed out that Oman attached great importance to cooperation with WIPO in building and developing national capacities for the use of IP as a tool for economic and social development. It hoped that such cooperation would be strengthened and implemented within the strategic vision outlined by the new Director General, Mr. Francis Gurry, in his speech. In particular, reference was made to the development of national strategies and appropriate mechanisms to open access to scientific information for universities and research centers in order to promote creativity and innovation. The Delegation stressed the importance of enhancing the use of the Arabic language to cover documentation and studies of WIPO Committees. Finally, the Delegation assured Mr. Francis Gurry of its full support for the implementation of his strategy.

86. The Delegation of Trinidad and Tobago conveyed its deep appreciation to the outgoing Director General, Dr. Idris, for his vision, energy and dedication, and his steadfast and insightful leadership. The Delegation congratulated Mr. Gurry on his appointment as future Director General and noted his open, consultative style, his academic achievements and his experience and expertise in IP, in particular at the helm of the PCT. It believed that the PCT system was of great value in particular to small IP offices. The Delegation anticipated that the implementation of Mr. Gurry's strategic vision for WIPO would empower small Member States to make productive use of IP. The Delegation announced that Trinidad and Tobago was implementing a national IP policy that would provide the foundation for transforming the country into a developed country with a knowledge-based economy by 2020, and creating a development-oriented IP culture which constituted a critical component of the plan. The human-resource capacity of the national IP office would also be expanded and strengthened. Trinidad and Tobago gave high priority to the work of the Committee on Development and Intellectual Property (CDIP) and its recommendations, and the Delegation was grateful to the incoming Director General for his stated commitment to personally supervising their implementation. The Delegation expressed its preference for discussion of a broad range of

patent issues in the Standing Committee on the Law of Patents. In 2007, 98 per cent of patent applications in Trinidad and Tobago were made via the PCT. The aim of the national IP office was to further promote the value of the patent system to local inventors and industry. The Copyright Amendment Act had come into force in May 2008 and was intended to strengthen the powers of enforcement agencies in the country. This led to Trinidad and Tobago's accession to the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). It was also hoped that the Act would lead to a transition from a largely illegitimate DVD market to a legitimate one. Consideration was also being given to creating a specialized enforcement unit of the IP office. The Trinidad and Tobago Reprographic Rights Organization had signed and was in the process of negotiating bilateral agreements with various countries. There were two major collecting societies for musical works in Trinidad and Tobago and a third had recently been formed. A national copyright tribunal was being considered as a possible solution for copyright disputes. The IP office and trademark agents continued to explore a new trademarks bill which would incorporate protection of non-traditional marks and the use of trademarks on the Internet. The Delegation stated that Trinidad and Tobago remained committed to the IGC process and was seeking to enact legislation for the safeguarding of traditional knowledge and folklore, intangible cultural heritage and cultural art forms. In that regard, matters between the government and proprietors of certain steelpan-related patents had been resolved. The Delegation referred to the nine resolutions adopted at the Sixth WIPO Ministerial Level Meeting on Intellectual Property for Caribbean Countries, held in November 2006, and wished to urge the incoming Director General to continue to implement those resolutions. Trinidad and Tobago continued to be at the forefront of regional initiatives for the collective administration of copyright and related rights, in particular through the Caribbean Copyright Link (CCL) whose headquarters were located in Trinidad and Tobago. The Delegation mentioned its country's involvement in the work of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property within WHO. The IP office continued to work towards an automated office environment and was grateful to WIPO for its assistance in that area. The Delegation further commended the work and assistance of the Secretariat on matters related to copyright and related rights, trademarks, industrial designs, geographical indications, patents, technical assistance and capacity-building and training through the WIPO Worldwide Academy. The Delegation believed one of the major challenges facing WIPO was to adapt to the ever-changing needs of a globalizing economy so as to provide equitable and reasonable benefits for all Member States.

87. The Delegation of Uruguay expressed satisfaction at the appointment of Mr. Francis Gurry as the new Director General of WIPO and said that it was willing to cooperate actively with the new Director General so that the Organization, in its capacity as a United Nations specialized agency, would fulfill its fundamental objective of developing an international intellectual property system that was balanced and accessible to all Member States. The Delegation expressed its full support for the statement made by the Delegation of Cuba on behalf of GRULAC. It said that for Uruguay, as a developing country, it was necessary to make proper use of intellectual property as a tool and, for that reason, it was essential that the Committee on Development and Intellectual Property was strengthened. As expressed by Mr. Gurry, that involved making changes to the intellectual property system which should be analyzed, discussed and approved within WIPO. The Delegation added that technological change, such as the Internet, had itself led to a considerable increase in access to knowledge and therefore to the freedom of individuals, which should be reflected with no harm being caused to such individuals. The Delegation said that the intellectual property system should guarantee access to man's most highly-valued goods: education, food and health. The

Delegation shared the Director General's view that the subject of reducing the knowledge gap between developed and developing countries had to be tackled, in order to achieve better use of the intellectual property system. After expressing its trust in the leadership and skill of Mr. Gurry to achieve that balance, the Delegation said that the importance of cooperation for developing countries should not be ignored, and it therefore reiterated the need to work together with WIPO with a view to strengthening capacities according to the needs of each country, as well as strengthening national offices, so that those offices could meet the needs created by the increase in the submission of applications for protection. Referring to the enforcement of rights, the Delegation said that that subject was mistakenly discussed in other fora, and said that it was a duty of WIPO, as the representative of sovereign States and not of businesses or employers, to analyze the causes of piracy, which was without a doubt a disaster for fair trade, given that it was not through repression that it was combated but rather through a thorough and scientific understanding of the reasons for it in order to control it effectively without endangering any principle. The Delegation congratulated Mr. Francis Gurry on his appointment as Director General of WIPO and wished him every success in his management. It also wished success to the outgoing Director General, Dr. Kamil Idris, in his future endeavors.

88. The Delegation of Zambia thanked the Chair for its handling of the meeting, the Secretariat for its work in the past year and its preparation of the Assemblies, and the outgoing Director General for his work at WIPO. It recalled that during his tenure as Director General, stakeholders in Zambia had acquired a better understanding of IP issues, and the country had developed its IP policy, which would reduce poverty through creativity and innovation. During that time, Zambia was encouraged to develop an IP culture appropriate to its needs, and his desire to demystify IP became a reality. It wished him success in the future. The Delegation welcomed the incoming Director General and commended the Coordination Committee for its conduct of the elections which selected him. It was confident that with his WIPO experience he would rise to the challenge of implementing the IP priorities applicable to Member States, most notably the Development Agenda. The Delegation appreciated WIPO's initiatives in training, research and development institutions in developing countries, with a view to creating links with activities of other IP Offices. It also appreciated WIPO's assistance in the establishment of the Industrial Property Automation System, and the Academy's provision of training to officials and other stakeholders. The Delegation was pleased with the Paris Union Assembly's decision on reciprocal communication, and with the proposal for the introduction of more "filing languages" for the Madrid system. It also supported the proposed eligibility criteria for the reduction of PCT fees, and further proposed the inclusion of "artificial legal persons" as eligible for such a reduction, measures which would give LDCs more access to WIPO services. The Delegation additionally expressed support for the PDCA's 45 proposals, especially the 19 among them put forward for immediate implementation, within the agreed timetable. It particularly emphasized the importance of WIPO's activities for the LDCs, in fields such as training, capacity building and technical support, so that a more equitable situation in those countries, and also in developing countries in general, could be established.

89. The Delegation of Angola supported the statements made the Delegation of Algeria on behalf of the African Group and the Delegation of Bangladesh on behalf of the LDCs. The Delegation congratulated Mr. Gurry on his appointment as Director General and expressed its support. It commended his professionalism which would enable him to implement his wide-ranging plans responding to many of the development needs of Member States. The Delegation thanked Dr. Idris for his achievements which had contributed greatly to

demystifying IP worldwide. The Delegation stressed its willingness to work closely with the Secretariat for the implementation of the Development Agenda with a particular interest in African Portuguese-speaking countries.

90. The Delegation of the United Republic of Tanzania congratulated Mr. Gurry on his appointment as future Director General of WIPO, noting his sound qualifications and rich background in IP. It paid tribute to Dr. Idris for his excellent work and contribution to WIPO and his outstanding professionalism, and wished him success in his future endeavors. The Delegation stressed the importance of the implementation of the Development Agenda, including capacity-building for LDCs and the work of the Committee on Development and Intellectual Property (CDIP). It thanked the Secretariat for the role it had played in the creation of a more viable and beneficial IP system in Tanzania. The Delegation highlighted the need for further technical assistance, access to technology information, promotion of its traditional knowledge assets and assistance in the creation of IP-based business opportunities. The Delegation referred to the high-level forum on LDCs held in December 2007 and requested that the resulting 10-point Agenda for Action for LDCs be taken into account for future activities. The Delegation concluded by applauding the strategic vision expressed by Mr. Gurry and assured him of its continued support and cooperation.

91. The Delegation of Bhutan associated itself with the statements made by Pakistan on behalf of the Asian Group and Bangladesh on behalf of the LDCs. It congratulated the incoming Director General on his appointment, expressing confidence in his experience and expertise as an asset to WIPO's role as a service provider to the global economy and as a development agency promoting concrete projects with measurable outcomes. The Delegation commended the outgoing Director General for his leadership and wished him well in the future. The Delegation of Bhutan stated that although Bhutan is a relative newcomer in the field of IP, there was now an awareness and respect for IPRs, achieved with WIPO's assistance in drafting legislation, strengthening institutions, conducting seminars, training staff and sending advisory missions. The Delegation stated that since Bhutan, like other developing countries, was not yet able to implement fully an IP strategy, and to reap its full benefits, it requested WIPO's continuing assistance in reaching those goals and in meeting its international obligations. Noting the complex subjects under discussion in various WIPO bodies and Committees, the Delegation particularly commended the work of the Committee on Development and IP, and invited it to continue its important task of ensuring effective implementation of the Development Agenda. It also appreciated the work of the Intergovernmental Committee on IP and Genetic Resources, TK and Folklore, and affirmed its interest in a binding international instrument to protect TK and folklore, Bhutan being vulnerable to abusive use of its TK. The Delegation concluded by wishing the incoming Director General a successful and happy tenure.

92. The Delegation of Guatemala expressed its appreciation to Dr. Kamil Idris for his skilful guidance at the helm of the Organization and for the support and technical assistance he had provided in the field of intellectual property, taking into account the importance of IP for social and economic development. It congratulated and welcomed Mr. Francis Gurry as the new Director General of WIPO and reiterated its willingness to support him and his team as they took up the work and challenges that lay ahead with regard to intellectual property rights. The Delegation had taken note of the goals and aims that Mr. Gurry had set out in his acceptance speech, in particular the priority he attached to identifying ways in which IP could help to bridge the knowledge divide and to ensuring that developing and least developed countries shared more in the benefits of innovation and the knowledge economy. In that

regard, the Delegation was pleased that the fact that the Development Agenda had led to concrete and effective projects had been highlighted as an essential contribution to that process. It expressed support for all the new mechanisms that had been established to give intellectual property its rightful place, which had benefited Guatemala, a country rich in traditional knowledge and traditional cultural expressions, in that respect. In conclusion, the Delegation was convinced that such support would make it possible to tackle rapidly challenges in the field of traditional knowledge and traditional cultural expressions.

93. The Delegation of Mozambique welcomed the appointment of the Director General and confirmed confidence in his leadership of WIPO. The Delegation associated itself with the statements made by Algeria on behalf of the African Group and that of Bangladesh on behalf of the LDCs, and trusted that the Secretariat would give attention to the points raised, to lend support to African and least developed countries so as to enable them to make full use of the intellectual property system. The Delegation noted with interest the Secretariat's comments regarding the setting up of a new division for least developed countries and pointed out that implementing the Development Agenda was critical for supporting intellectual property and ensuring that poor communities were assisted in improving their standard of living. Mozambique had made much progress through the support received from the Secretariat, notably from the WIPO Worldwide Academy, and had moved forward with the reform of its administration for intellectual property. Meeting its objectives was dependent on the full support of WIPO and it looked forward to increased future technical assistance. The Delegation referred to the Madrid System and noted the particular difficulties facing users from least developed countries and pointed out the need for more assistance. It also welcomed the possibility of Portuguese becoming a working language of the Madrid System. The Delegation concluded by paying tribute to the outgoing Director General for his work in promoting intellectual property in Africa.

94. The Delegation of Chad congratulated the Chair on his efforts throughout the process of nominating and appointing the Director General. It also congratulated Mr. Francis Gurry on his appointment as Director General and said that it was convinced that he would have the clear-sightedness required to lead the Organization and the capacity to achieve results. It thanked the outgoing Director General, Dr. Kamil Idris, for the tasks accomplished during his two terms of office and wished him every success in his future activities. The Delegation endorsed the statements made by the Delegation of Algeria on behalf of the African Group and by the Delegation of Bangladesh on behalf of the least developed countries. It welcomed WIPO's efforts aimed at improving information and campaigns to raise public awareness, and strengthening capacities and technical assistance. The Delegation fully supported the various actions that the senior management wished to carry out with a view to the flourishing of intellectual property in the world, more particularly in the least developed countries, of which Chad was one, and urged the senior management to strive towards that goal. The Delegation concluded by reaffirming its willingness to consolidate its relations with WIPO in favor of strengthened cooperation.

95. The Delegation of Nepal congratulated Mr. Francis Gurry on his appointment as the new Director General of WIPO, and was confident that he would be able to face the challenges currently confronting the Organization and lead it to new heights of success and development. The Delegation expressed gratitude to the outgoing Director General for his strong efforts to bring the Organization to its current heights. It associated itself with the statements made by Bangladesh on behalf of the LDCs, and Pakistan on behalf of the Asian Group. The Delegation noted that there was a lot of pressure now on individuals and

organizations to keep pace with the changing needs of society and institutions, and that in the area of trade and economic development, this might translate into an increasingly major role for IP, such as had been provided until now by technology and innovation. In that context, IP assets had become very important for the economic growth and development of countries, something developed countries had already realized and had consequently made good progress, whereas LDCs still lacked proper understanding of its importance. Among the problems faced were a lack of capacity to innovate in IP, and to establish and implement what was already in place, a lack of awareness among the people about IPRs, and a lack of the financial and human resources and modern technology required to innovate and implement them. In spite of the technical assistance provided by WIPO over the last several years to address these deficiencies, the Delegation noted that LDCs still faced tremendous problems to cope with developments in that sector and had not been able to enjoy a fair share of the benefits. Moreover, LDCs had become unable to protect biodiversity, genetic resources, folklore, cultural expressions and TK from being abused and misappropriated, thereby depriving the LDCs of their due benefits deriving from proper commercial use of those products. The Delegation identified the major challenge facing WIPO in the coming years as addressing those problems, and expected an increased amount of sustainable, predictable and effective technical assistance in the sector of resource analysis, in registering new inventions, in updating and running a modern IT system, in spreading awareness to people and entrepreneurs, in training human resources by ensuring their increased participation in training programs, workshops and seminars organized by the Secretariat, in organizing more programs in favor of the LDCs, and in protecting against the misuse of their biodiversity, TK and folklore. In conclusion, the Delegation highlighted the need for better representation in WIPO from nationals of LDCs and a strengthening of the resources allocated to LDC-related activities so that the aforementioned suggestions, which formed part of the WIPO Development Agenda, might be achieved.

96. The Delegation of Colombia thanked Dr. Kamil Idris for the management he had conducted and wished him success in the future. It recalled that two years previously the outgoing Director General had met with the President of Colombia to reiterate what had long been a reality: WIPO's support for programs for ongoing strengthening of intellectual property in Colombia. The Delegation congratulated the new Director General, Mr. Gurry, whose professional abilities, experience and personal attributes were a guarantee of success. As a Delegation from a Latin American country, it was satisfied with the Director General's words which had showed his intention to work with determination to support the least developed countries in promoting creation and innovation. The Delegation added that in his acceptance speech, Mr. Gurry had reformulated the recitals of the Convention establishing WIPO and confirmed its complete validity: the aim of promoting the protection of intellectual property was to encourage creative activity. The Delegation said that, with the determined support of WIPO, a policy had been defined in Colombia with the objective of pooling the efforts of the different authorities involved in the recognition and protection of intellectual property rights, in order to establish the responsibilities of each one and determine a clear direction for support in favor of development. Colombia was working towards consolidating a genuine intellectual property system which was mature, coherent and established in accordance with the country's concrete possibilities and needs, and which would allow economic growth which had taken place to be translated into general development. The Delegation said that the current situation concerning intellectual property in the world presented great challenges and defined clear courses of action, including, as referred to by the new Director General, the quality of the work of patent offices and the increasing demand in applications, which required a revision of working methods and greater awareness of the

responsibilities assigned to offices, especially to those with the greatest resources. The Delegation held the view that, although the need to strengthen capacities and infrastructure had to form a fundamental part of the Development Agenda, it was also necessary to promote ongoing self-analysis to improve quality. The Delegation endorsed the statement made by the Delegation of Cuba on behalf of GRULAC: intellectual property had to be consolidated as a tool for development, and it was therefore extremely important to promote dialogue between the different offices and devise support programs for the least developed countries. The Delegation said that Colombia, which had been part of the PCT since 2001, would that year submit the Madrid Protocol to the Congress of the Republic for consideration and expected it to enter into force in 2009. At the same time, it was examining the impact of international instruments of that type on the promotion of creativity and innovation, and their coordination with a general support policy for research in science and technology. The Delegation considered that debate in WIPO concerning the need for such important cooperation mechanisms and international interaction to allow equitable distribution of benefits was unavoidable. It said that new ways of facilitating access to the system by rights owners from the least developed countries should be found, and that, in that context, subjects such as the reduction in fees, which was a subject referred to by the Delegation of Barbados, was of particular importance. Finally, the Delegation reiterated its willingness to work with the Organization to continue making progress in open and frank dialogue, to promote equitable development and general well-being while respecting intellectual property rights.

97. The Delegation of Malawi associated itself with the statements made by Algeria on behalf of the African Group, and by Bangladesh on the behalf of the LDCs, and extended its congratulations to the Chair for the successful stewardship during the transitional period in the leadership of WIPO. The Delegation also congratulated Mr. Francis Gurry on his appointment as Director General, noting his extensive relevant experience and record in implementing major improvements in the international IP system, and expressing confidence in his ability to achieve the vision outlined in his acceptance speech. It further congratulated the out-going Director General for the vision, dedication and leadership displayed during his tenure. The Delegation expressed the view that the recent consensus on the Development Agenda provided a wonderful opportunity to LDCs like Malawi, but that the Agenda could only be meaningful if it were fulfilled by the implementation of concrete and effective projects, while LDCs could only enjoy the benefits of a global knowledge infrastructure if they had, *inter alia*, well trained IP Officers and resources for sharing the social benefit of IP. The Delegation commended the ARIPO and the Secretariat for having supported the introduction of IP training in one of the universities in Malawi and for having trained lecturers in this field, activities in line with the Development Agenda and WIPO's goals of addressing the special needs of LDC's, and welcomed the new WIPO Director General's commitment to build upon his predecessor's initiative of establishing an LDC Division by strengthening the human and financial resources allocated to LDCs in the Secretariat. The Delegation reported that, over the last year, Malawi had undertaken and completed several IP activities with technical assistance and support from the Secretariat and other Member States, including the training of officers in the technical management of IPAS, a successful workshop to sensitize various stakeholders in Malawi on counterfeit products, and participation in several IP training programs. The formulation and drafting of an IP Policy for Malawi had also reached an advanced stage, while every effort was being made to ensure that the revision of Malawi's IP laws was initiated shortly to meet the new challenges in the IP Policy, and the Delegation looked forward to continued support from WIPO and other WIPO Member States in the field of IP development.

98. The Delegation of Israel congratulated the incoming Director General on his appointment and wished him success, as well as thanking the Secretariat for its preparation of the Assemblies. It expressed appreciation of WIPO's achievements, and recalled some areas of cooperation between WIPO and Israel in the automation of IP information systems. It mentioned the Digital Access Service for Priority Documents, which reduces the costs incurred by applicants and Patent Offices by eliminating the need for paper certified copies of such documents. Another activity was the possible use of WIPO's PatentScope technology to improve access to national patent collections, in which WIPO could assist in converting scanned images of patent specifications into full text searchable documents. The Delegation commended WIPO for its assistance in automation of IP administration in the Israeli Patent Office (ILPO), including PCT applications, which could transform the Israeli Office into a paperless, sophisticated Office, and which could lead to cooperation and a sharing of its experience worldwide. It stated that the Israeli Office already operated a fully reliable database of national trademark registrations and applications, and that a new computer system would shortly be in place. The Delegation outlined cooperation with WIPO in education and training. During the year, three foreign trainees were received by the ILPO, which also cooperated with Israeli academic institutions. Cooperation with WIPO's Academy was to continue. It went on to mention WIPO's forthcoming collaboration with the Haifa Center of Law and Technology to establish an international Master's Degree with a specialization in patent law, WIPO's participation in twice-yearly intensive seminars held by the Ono Academic College and the Hebrew University's collaboration with WIPO for a second annual seminar on new challenges in IP. The Delegation stated that WIPO was now an important player with IP lawyers and institutes in Israel.

99. The Delegation of Lebanon praised the Chair's guidance of the Assembly meeting and welcomed the election of Francis Gurry as the new Director General of WIPO wishing him success in leading WIPO for the years to come. The Delegation assured him of its support for all his efforts in developing the global IP system in the same manner as it had brought its support to his predecessor Dr. Kamil Idris. While highlighting the great contribution of Dr. Idris to the Organization, the Delegation wished him all the best in his future endeavors. Lebanon attached great importance to the continuous development of its IP legislation. WIPO played an important role in providing the country with technical assistance and specialized training. Thanks to WIPO's expertise, Lebanon established Regulations for the Collective Management of Copyright and undertook a study on The Economic Contribution of Copyright-Based Industries in Lebanon, followed by the visit to WIPO of the Minister of Culture, Republic of Lebanon, and his participation in the International Conference on IP and the Creative Industries. That Study had a positive impact on the country which looked forward to further specialized studies on other creative sectors, including the publishing and audiovisual industries. In addition, Lebanon was preparing for accession to international registration treaties. WIPO's technical assistance was needed in this field. The Delegation welcomed the progress made on the WIPO Development Agenda in which the Delegation participated since its onset. Lebanon looked forward to the work of the CDIP and hoped that it would be provided with the human and financial resources necessary for the achievement of its objectives. Finally, the Delegation emphasized the need to provide WIPO documentation and publications in the Arabic language and to support its use for a wide range of WIPO service users.

100. The Delegation of Equatorial Guinea thanked the Secretariat for its skilful and painstaking preparation of the first session of that series of meetings and hailed the unstinting efforts of the outgoing Director General, Dr. Kamil Idris, who had placed the interests of the

Organization above his own – a noteworthy quality – within the framework of the effective cooperation he had enjoyed with his staff in their relations with the Member States. The Delegation expressed satisfaction at the work done by Dr. Idris during his two terms in office at the head of the Organization and welcomed the election of Mr. Francis Gurry, in view of Mr. Gurry's abilities and accumulated experience in IP management and development and in international cooperation. In that regard, the Delegation was convinced that his leadership at the helm of WIPO, as the new Director General, would open up new avenues that would revitalize the Organization's activity, with plans and programs to ensure ever closer ties with Member States. It also recognized that managing IP property in today's globalized world required an increasingly innovative approach and thus people with creative abilities able to identify the complex development needs of the present-day world. With regard to those expectations regarding innovation and development, the Delegation hailed the work done by all those who had contributed, either directly or indirectly, to the effective efforts made to strengthen WIPO's operating mechanisms. The Delegation expressed a strong desire for relations between Member States and WIPO, as well as relations between States, to be strengthened more and more, and for the Organization to act as the focal point for coordinating the necessary cooperation efforts between IP actors.

101. The Delegation of Bahrain associated itself with the statement made by Oman and referred to the numerous achievements of the Organization in previous years thanks to the major efforts made by the outgoing Director General, Dr. Kamil Idris, as well as the cooperation efforts of others. Those collective endeavors introduced IP to a new era requiring committed work in the years to come. The Delegation then congratulated the new Director General, Mr. Francis Gurry, wishing him success in his new position. Major challenges were to be met, particularly due to the accelerated pace of technological advancement which would, in the Delegation's view, require a review of various IP legislation and systems. The Delegation hoped that support and cooperation would continue to be at the forefront of the future work, which would lead to the achievement of the programs and activities outlined in Mr. Gurry's speech. Finally, the Delegation assured the new Director General of its full collaboration and support.

102. The Delegation of Uganda stated that it supported the statements made by Algeria on behalf of the African Group and Bangladesh on behalf of the Least Developed Countries, and congratulated the Chairman. The Delegation extended its profound appreciation to Dr. Kamil Idris for his distinguished service to WIPO. It also congratulated Mr. Francis Gurry on his election as the new Director General, welcomed him and wished him every success. The Delegation recognized the work of the International Bureau in supporting development projects and programs in intellectual property development in Uganda and was grateful for the technical assistance activities of WIPO. The Delegation stated that Uganda continued to reap the benefits of WIPO membership and was committed to fulfilling its obligations. The Delegation mentioned key projects and programs, including the Industrial Property Automation Systems (IPAS), a process of automation of the trademarks register, nearing completion, which was to be tested and launched in early 2009; the training of staff on use of spreadsheet software for data capture; and the delivery of IT equipment which it was hoped would be installed by November 2008. The Delegation further pointed out that support by WIPO and other cooperating partners in capacity-building in human-resource development had greatly benefited the staff of the intellectual property office, professionals from universities and other intellectual property institutions, in particular through training programs, seminars and workshops. The Delegation expressed its gratitude to the Africa Bureau, and the Division for Least-Developed Countries for the programs it had organized in

cooperation with the Korean Intellectual Property Institute (KIPO), the Chinese Intellectual Property Office (SINO), the Swedish Development Agency (Sida), the European Patent Office (EPO) and the United States of America Patent and Trademark Office (USPTO). The Delegation explained that training had covered basic subjects and principles of intellectual property, such as trademarks, patents, industrial designs and copyright, and that training had been tailor-made to address the use of intellectual property as a tool for economic and social development. The Delegation underscored the special concerns and needs of LDCs and the constructive role that WIPO could play in supporting development of intellectual property infrastructure in these countries for the good of the global economy. The Delegation referred to a Ugandan project involving an intellectual property diagnostic study for the TRIPS Council that would identify the needs of LDCs in allowing them to comply with the TRIPS Agreement. The priority areas requiring technical assistance were human resource training, modernizing operations of intellectual property offices, development of national intellectual property policies and reform of intellectual property laws and regulations. The Delegation revealed that WIPO was providing technical assistance in those areas; however, it appealed for more support in the form of increased resources and the strengthening of the Africa Bureau and the Division for Least-Developed Countries. The Delegation welcomed the programs of the new Director General that enhanced support for the implementation of the Development Agenda, the Division for Least-Developed Countries and the Africa Bureau. The Delegation was optimistic that the benefits of intellectual property as a tool for economic development in the LDCs could be realized.

103. The Delegation of Côte d'Ivoire warmly congratulated Mr. Francis Gurry on his outstanding election as leader of the prestigious organization that was WIPO and expressed its strong support for the statement made by the Delegation of Algeria on behalf of the African Group, emphasizing the rich professional experience and great human qualities of Mr. Francis Gurry. It paid tribute to Dr. Kamil Idris and to the entire management team which had assisted him throughout his terms of office, thanking him warmly for his tireless and continuing efforts to achieve a balanced promotion of intellectual property in the Member States, and for the work carried out under his leadership to ensure that the Organization thrived and continued to support Member States in their social and economic development processes. The Delegation commended the remarkable work done by the Secretariat and experts, which would have contributed to the smooth running of the Organization and to the progress made in the work of the various technical committees. Some of the areas of activity embarked on under the leadership of the outgoing Director General had been brought to a successful conclusion, whereas the discussions on genetic resources, traditional knowledge and folklore, and those on the Development Agenda, were still in progress. Like the other Member States of WIPO, Côte d'Ivoire attached great importance to the intellectual property system, since it could help to reduce a number of inequalities and create greater wealth for the happiness of all. Côte d'Ivoire had therefore multiplied actions aimed at incorporating intellectual property rights in its overall development policy in order to establish a genuine intellectual property culture at the national level. It was in that context that the Ivorian Office of Intellectual Property had been created in 2005, that World Intellectual Property Day was held each year on April 26, and World Anti-Counterfeiting Day on June 23. Those days were an opportunity for the Government to encourage researchers, inventors and artists, and raise awareness among the population of the dangers of counterfeiting and piracy. As part of a general plan for the development of intellectual property, devised in collaboration with WIPO, two missions had been undertaken by WIPO, the first in November 2007, to validate the plan proposed by WIPO and put the finishing touches to the part concerning industrial property, and the second in August 2008, to hold days focusing on literary and artistic

property. As part of the biennial program, WIPO had organized training workshops in Abidjan in June 2008 on strengthening capacities to enhance the results of research from universities and technical and scientific research bodies and, in August 2008, on patent drafting. Moreover, computer equipment granted by WIPO had equipped the Ivorian Office of Intellectual Property, the National Center for Agronomic Research and the Félix Houphouët Boigny Polytechnic Institute, so that those bodies could carry out actions relating to the use of patent documentation and intellectual property training. The Delegation wished for the Assembly's work on the issues of substance to be carried out in a friendly atmosphere and for all the resolutions adopted to be governed by the spirit of consensus which had always characterized the institutional life of WIPO.

104. The Delegation of Mexico thanked Ambassador Martin Uhomoibhi in his capacity as Chair of the WIPO General Assembly and the Ambassador of Costa Rica in her capacity as Vice-Chair for several days. It was confident that with them, the debates would be most ably chaired. In addition, the Delegation expressed its gratitude to Dr. Kamil Idris for heading the Organization in recent years, recognizing his efforts and the results obtained in such important areas as the entry into force of the so-called WIPO "Internet Treaties"; the adoption of the Singapore Treaty on the Law of Trademarks, the Patent Law Treaty and the Geneva Act of the Hague Agreement; the increase in the number of Contracting Parties to the major treaties; the functioning of the Patent Cooperation Treaty (PCT), with an impressive increase of 100,000 requests between 1997 and 2007, in addition to a 45 per cent cut in fees; an increase of 19,000 in the number of applications for trademark registration through the Madrid System between 1997 and 2007, together with the computerization of procedures for examination and the electronic receipt of applications; the establishment of the WIPO Worldwide Academy, which had developed an extensive program of traditional IP education and postgraduate courses, in addition to a distance learning package that had benefited more than 70,000 students in seven languages. As a result of the trust placed in the Mexican Institute of Intellectual Property (IMPI), from 2007 onwards IMPI and the Worldwide Academy had jointly administered the DL-101 distance learning course, which had been dispensed to nearly 5000 IMPI officials and was in the process of becoming a compulsory course. Over the past 11 years, IMPI and the National Copyright Institute had benefited from many different activities and types of support organized by WIPO, which clearly reflected the personal conviction of Dr. Idris to support the development of both institutions, leading the Government of Mexico to honour him with the "Aztec Eagle", the highest decoration awarded to foreigners. The Delegation wished him every success in his future personal and professional endeavours. It expressed its satisfaction at the appointment of Mr. Francis Gurry as Director General of WIPO for the next few years, as it was convinced of his professional calibre and his skills as a lawyer and administrator of various areas within WIPO, particularly as Deputy Director General since 2003, where he had been responsible for such critical sectors as the PCT, WIPO statistics, the WIPO Arbitration and Mediation Center, and traditional knowledge, traditional cultural expressions, genetic resources and biosciences. After congratulating Mr. Gurry on his appointment as the new Director General of WIPO, the Delegation wished him every success in his duties, assuring him of Mexico's unfailing support in all the efforts undertaken to promote the protection of intellectual property, given its importance for the economic and social development of countries.

105. The Delegation of Guinea thanked the Vice-Chair for her skilful handling of the work of the Assembly. It paid tribute to the outgoing Director General, Dr. Kamil Idris, who had left an indelible mark on the promotion of the whole IP system as a vehicle for growth. It warmly congratulated Mr. Francis Gurry on his outstanding election to become the head of the

Organization. Mr. Gurry had previously proven to be an experienced and devoted servant in his daily work and his appointment was simply recognition of the sacrifices he had made and his experience. The Delegation assured him of its unwavering support as he carried out his difficult but noble mission at the helm of the Organization. Recalling that IP remained a key sector in the development process, the Delegation listed steps taken at the national level to ensure direct and effective involvement by the Government in IP promotion, such as the organization of the judicial system, the dissemination of techniques for the drafting of patent briefs and document searches, the incorporation of the IP system in training programs, promotion of geographical indications, traditional know-how, genetic resources and folklore, and funding for research. The Delegation called for even closer and more diversified cooperation with WIPO than in the past. It concluded by endorsing the statement made by the Delegation of Algeria on behalf of the African Group and that of the Delegation of Bangladesh on behalf of the Group of LDCs.

106. The Delegation of Djibouti fully endorsed the statement made by the Delegation of Algeria on behalf of the African Group and congratulated Mr. Francis Gurry on his election as Director General of WIPO. The Delegation believed that with his experience the Organization was in good hands. It also extended its sincere thanks and deep appreciation to Dr. Kamil Idris for his contribution to WIPO and for bringing development to the heart of WIPO's activities. It strongly welcomed the plans outlined by the new Director General with regard to strengthening the human and financial resources of the Division for Least Developed Countries (LDCs). It believed that those plans should help LDCs in the areas identified to meet the outcomes of the high level forum for LDCs held in Geneva in December 2007.

107. The Delegation of Kyrgyzstan offered sincere congratulations to the newly elected WIPO Director General, Mr. Francis Gurry, and noted that all the Member States of WIPO had shown their respect for Mr. Gurry by unanimously electing him to his post. That fact bore witness to his highly esteemed authority among the Member States, irrespective of the groups to which countries – be they developed, developing or the least developed – belonged. The Delegation also expressed gratitude to the Chair of the Coordination Committee, Dr. Hilda Skorpen, for her able leadership of the session held on May 13, 2008, as a result of which the candidacy of the new WIPO Director General was selected. The Delegation fully supported the WIPO program of development put forward by the new Director General. The Director General was faced with the urgent task of guaranteeing the Organization's budget. The Organization should produce a program of work which was balanced and aimed at achieving results. In that regard, the Delegation emphasized its support for the statement given by the Regional Group Coordinator, Mr. Simonov. The Regional Group expected that the new budget would fully reflect the needs of the region to which it belonged. The Delegation also thanked Dr. Kamil Idris – the former WIPO Director General – for the fruitful work done throughout the period of his leadership of the Organization and noted that in June 2008 Dr. Idris had visited Kyrgyzstan with a delegation to participate in an international symposium on the subject of intellectual property and traditional knowledge. During the visit a meeting had been held between the President of the Kyrgyz Republic and Dr. Idris, at which issues relating to the development of intellectual property in Kyrgyzstan and mutual relations between Kyrgyzstan and WIPO were discussed. In conclusion, the Delegation expressed the hope that under the leadership of the new WIPO Director General, Mr. Francis Gurry, the Organization would act for the benefit of the Member States in order to develop the international intellectual property system as a whole.

108. The Delegation of Afghanistan associated itself with statements made by Pakistan on behalf of the Asian Group and by Bangladesh on behalf of the LDCs. It thanked the outgoing Director General for his work and welcomed the incoming Director General, expressing its support for him in the future. It was certain of the incoming Director General's success in meeting the challenges on major issues, particularly the Development Agenda, protection of TK and folklore, the patent agenda, effective use of IP, the revival of the LDCs, the establishment of an LDC Division in WIPO, and the streamlining of the Secretariat. It said that as he had pointed out, the evolution of technology, the economy and global society had raised challenges for WIPO and changed the IP landscape. These challenges can be overcome by better communication, and dialogue between Member States, stakeholders and the Secretariat, bringing benefits to all. The Delegation spoke of Afghanistan's progress in various areas, including institution building, economic growth, education, infrastructure and rural development after two decades of war and destruction, and its arduous advance towards joining the international community as an active and progressive member of it. It mentioned the inauguration of an IP Office in Kabul in 2007, and WIPO's support to appropriate Afghan ministries in developing IP policy and the transfer of technology, and looked forward to working closely with WIPO.

109. The Delegation of Bosnia and Herzegovina stated that the IP Institute in the past year had concentrated on capacity building and improving the legal basis of the IP system in the country, so that it could be integrated into the European politico-economic framework. The Delegation said that the Institute for IP had prepared a Development Strategy which had defined goals and made recommendations for the development of both the Institute and other authorities involved in enforcement, with a time frame of 2015, so that an efficient IP system could be established. The Delegation announced the intention of the appropriate bodies to ratify or accede to WIPO treaties, namely, the Hague Agreement, Rome Convention, Geneva Convention, Strasbourg Agreement, Budapest Treaty, Madrid Protocol, WPPT, WCT and the Vienna Agreement. It also mentioned measures to improve cooperation between the courts, market inspection and customs so that counterfeiting and piracy could be fought, and to monitor technological development and the training of experts. It also said that the Institute undertook activities relating to the process of accession to the WTO and the European Union.

110. The Delegation of Burkina Faso, with regard to WIPO, shared the main concerns of the other delegations, which was a clear sign of the country's attachment to the Organization's ideals. The Delegation joined with all the other delegations which had taken the floor before it in thanking the Chair for the courteous and far-sighted guidance he had provided since his election, as well as his team. Clear progress had been made with regard to the implementation of the WIPO Development Agenda, for the benefit of all Member States. The Committee on Development and Intellectual Property (CDIP) was continuing with its process of discussion, in accordance with the relevant recommendations. Burkina Faso followed very closely the implementation of those recommendations as well as the activities of that Committee. The six groups set up in that connection, which were responsible for further exploring IP aspects, effectively met the country's needs. Burkina Faso needed to accelerate its economic growth by taking advantage of the opportunities offered by WIPO, particularly with regard to the strengthening of scientific and technological research and product development and marketing. In order to do so, it was developing a strategy to enhance the results of research and technological innovation. While recognizing that WIPO did a great deal to promote development and technological progress, the Delegation was convinced that IP could buttress scientific and technological research and product development and marketing, and therefore appealed for support in the implementation of those activities.

WIPO's technical assistance was urgently sought with regard to capacity-building for human resources and the application of IP rights. Earlier in 2008, on the occasion of World Intellectual Property Day, the entire world had celebrated not only the potential for human creativity but also IP rights, which helped to promote and channel IP so as to make it a vehicle for economic, cultural and social development. With that in mind, Burkina Faso had convened a new session of the biennial National Forum for Scientific Research and Technological Innovation (FRSIT). The theme for 2008 was "The impact of scientific research, invention and innovation on African societies". The Forum was designed to showcase technological findings and innovation. Its mission was to help promote research findings and inventions and facilitate their exploitation. Burkina Faso would also host the 11th edition of the Ouagadougou International Crafts Fair (SIAO), scheduled to take place from October 31 to November 9, 2008 in Ouagadougou. The event provided a platform for debate on major problems relating to the development of the crafts sector. Accordingly, the authorities had chosen the topic of "African crafts and distribution channels" as the theme for the 11th Fair, which was relevant for all actors in the crafts sector. WIPO was involved in cooperation activities in several fields in Burkina Faso: project assistance for the promotion and protection of geographical indicators; support for the promotion of artistic and literary property by strengthening staff operational capacity at the national level, organizing seminars and donating material; training for the majority of the staff of the Burkinabé Copyright Office (BBDA) by the WIPO Academy; and technical participation in seminars organized in the country for persons responsible for applying laws (customs officials and constabulary) and implementing related rights. However, training for officials within the national collective management structure remained a constant cause for concern. Literary and artistic property was constantly evolving as a result of new information and communication technologies. In order to succeed, outreach activities in that area required properly trained officers to give courses and lectures in vocational schools and other training bodies. Scholarships for further study could be one solution to that obstacle. Burkina Faso, a land of culture and creativity, had always placed the protection of works of the mind at the heart of its concerns. To do so, in addition to its international undertakings with regard to the protection of literary and artistic property, it was firmly committed to combating all forms of violations of the rights of creators, especially when it came to the terrible scourge of piracy of works of the mind. In order to overcome the evils of that phenomenon, the Government of Burkina Faso had adopted a three-yearly plan for 2008–2010 to combat piracy of literary and artistic works, which had been launched on February 14, 2008 under the aegis of His Excellency the Prime Minister of Burkina Faso. To counter the disastrous consequences of that scourge, the plan aimed to strengthen protection for such works and thus ensure that creators could flourish, via prevention campaigns based on awareness-building and training on the one hand, and sanctions on the other. The Delegation really hoped that the implementation of that ambitious plan could benefit from WIPO's support, which was essential for the achievement of the planned goals. Also scheduled for the end of 2008 were an industrial property training workshop for trade, customs and tax officials in Bobo-Dioulasso; a training workshop on patent briefs for researchers and inventors; and a grassroots campaign on the need for protection and procedures for the registration of industrial property titles. Burkina Faso had high hopes for the project entitled "WIPO University Initiative" and urged its strengthening. The Government had therefore provided the appropriate departments with IP training with a view to introducing an IP component into curricula at top academic institutions. To implement such a sweeping program of activities, the National Directorate of Industrial Property required a special, autonomous status. With a view to supporting restructuring efforts, the Government had submitted a request for computers and office equipment to be supplied. In the light of progress made and projects under way in Burkina Faso, it was clear

that cooperation between WIPO and the country was excellent, and the Delegation hoped that such cooperation would continue and be further improved. Burkina Faso had high hopes for the work of the current session, and it wished all present every success.

111. The Delegation of Canada commended the Secretariat and the work of all WIPO Committees including the CDIP and IGC. It expressed enthusiasm in moving forward on the implementation of the Development Agenda and recognized the work of the Audit Committee. The work of the Audit committee is instrumental in guiding WIPO in managing more effectively its numerous activities. It welcomed the gap analyses documents on TK and TCE which provided constructive roadmaps, and was keen to move forward in the CDIP on the 45 recommendations. The Delegation highlighted its contribution to the improvement of a balanced IP system worldwide, its organization of and participation in many fora, and its active participation in many WIPO committees. Those exchanges helped CIPO contribute to the improvement of the worldwide IP system and benefit Canadians by sharing and acquiring best practices in relation to the international IP administrative policies and practices. The Delegation confirmed its active contribution to ensure that WIPO would evolve towards a more results-oriented, efficient and innovative organization that would respond positively to change. It associated itself with the strengthening of the IP infrastructure, institutions and human resources, the development of international IP law and delivery of quality services in global IP protection systems. Canada will actively contribute to determine WIPO's strategic directions, activities and a solid governance structure. The Delegation recognized the contribution of Dr. Idris to WIPO and extended a welcome to Mr. Gurry.

112. The Delegation of the Czech Republic congratulated Mr. Gurry on his appointment as Director General of WIPO and wished him success, expressing confidence in his capacity to develop and improve WIPO's activities, and pledging its full support. The Delegation associated itself with the statement made by France on behalf of the European Union and its Member States and the statement made by Romania on behalf of the Group of Central European and Baltic States. The Delegation expressed satisfaction with the adoption of the Program and Budget and with WIPO's effort to strengthen management, in accordance with the recommendations of the Desk-to-Desk review, as well as appreciating audit and oversight activities. The Delegation welcomed the work of the Standing Committee on the Law of Patents and expressed satisfaction that the digital access service for priority documents could be operational next year. It approved of the improvements to be made to the PCT and Madrid systems, and also to the regulations of the Lisbon Agreement and of the improvement of the Locarno classification, which the Czech Republic proposed. The Delegation appreciated the work of the Standing Committee on Copyright and Related Rights, stressing the need for adequate protection of audiovisual performances and of broadcasting organizations. It supported further work in the Intergovernmental Committee on IP and Genetic Resources, TK and Folklore, and thanked the Secretariat for the gap analysis documents. In the field of folklore, it supported solutions at national and regional levels, and in the field of TK it supported the development of international *sui generis* models or other non-binding options, while calling for detailed discussion on genetic resources. The Delegation welcomed the regular sessions of the CDIP. Recognizing the importance of the fight against counterfeiting and piracy, it supported the work of the Advisory Committee on Enforcement and highlighted the need for close cooperation at international, regional and national levels. The Delegation recalled the participation of the Czech IP Office in WIPO's assistance program for developing countries, expressing willingness to continue in this area. It concluded by expressing appreciation of the work of WIPO's Division for Certain Countries of Europe and Asia, and looked forward to continuing cooperation with WIPO.

113. The Delegation of Denmark reported that in 2006, Denmark, Norway and Iceland became an International Searching Authority and an International Preliminary Examining Authority under the Patent Cooperation Treaty and that the Nordic Patent Institute had been operational since January 1, 2008. Work was progressing according to plan and there was a strong focus on harmonization among the countries involved, with particular attention being paid to quality assurance. The combat against piracy and counterfeiting had become an area of increased attention as it had serious implications on both international trade in general and IP rights. In the spring of 2008, the Danish Government had initiated a report on counterfeiting and piracy which mapped out the areas with specific problems and proposed an overall strategy to deal with the issues which was currently being implemented as projects and initiatives. A central element in combating piracy and counterfeiting was the question of enforcement of IPRs. The Delegation attached great importance to the work of the WIPO's Advisory Committee on Enforcement and believed that this work should be a priority for WIPO. Concerning international development projects, the Delegation reported that Denmark had been involved in major projects in Europe, including Poland, Romania, Croatia, Malta, Turkey, Russian Federation and the Western Balkans and was currently focusing on Asia as well, with projects in China. The Delegation believed that in cooperation with the authorities in these countries they had achieved significant results in areas such as awareness raising, training of staff and overall capacity building in the IPR sector but this had also served as relationship building and internal knowledge building within the Danish office. The Delegation stated that a lot of work and effort had been put into the further development of the patent system without the results expected but continued to believe that this area was important and that progress was essential and that the work should be accomplished within WIPO, although a solution would have to be found in another forum if that was not possible.

114. The Delegation of Estonia warmly congratulated the incoming Director General on his appointment, and expressed satisfaction with the way the election had been conducted. The Delegation thanked the Chair of the Coordination Committee. It expressed its willingness to cooperate with the incoming Director General and with the Secretariat.

115. The Delegation of Gambia associated itself with the statements by Algeria on behalf of the African Group and Bangladesh on behalf of the LDCs. It offered its congratulations to Mr. Francis Gurry on his appointment as the Director General of WIPO, and expressed confidence that his long experience in IP would be of benefit to all Member States. The Delegation paid tribute to the outgoing Director General for his achievements in fostering global interest in IP as a tool for socio-economic development. The Delegation confirmed its full support for the Development Agenda which it was hoped would be adequately resourced, and noted its particular interest in ongoing work in the area of IP and Genetic Resources, TK and Folklore, and, while appreciating the support already received from WIPO in the development of IP infrastructure and capacity building, noted that additional support was needed in the area of cooperation for the development of research and creativity, and looked forward to stronger cooperation in the future between The Gambia and WIPO.

116. The Delegation of Germany expressed its appreciation to the Chair of the General Assembly and, associating itself with the statement made by the Delegation of the United States of America on behalf of Group B, offered its congratulations to Mr. Francis Gurry on his appointment as Director General of WIPO, expressing confidence that under his leadership WIPO would continue to encourage creative activity and promote the protection of IP worldwide, and meet challenges in the fields of transparency, accountability and good

governance. The Delegation acknowledged the contribution of the outgoing Director General, particularly in the field of development related issues. The Delegation stressed its keen interest in all WIPO activities in the global registration services, the further development of the international legal framework and also the development cooperation as enshrined in the Development Agenda for WIPO, and gave its assurance of commitment to making progress in all areas, because the protection and effective enforcement of IPRs remained paramount, noting that Germany was one of the largest users of the international IP system. The Delegation observed that the higher the quality of the Organization's global services, the greater would be the income available to help empower small entrepreneurs, inventors and artists in all countries, particularly in developing countries, to start new businesses in a global market place. The Delegation believed that many stakeholders of WIPO would benefit from progress on harmonization of substantive patent law, and welcomed the fact that Member States had agreed to resume work in the Standing Committee on the Law of Patents, which would benefit all by making the international patent system more efficient and effective. Great importance was attached to the work of the Advisory Committee on Enforcement (ACE) for its work in combating product piracy and counterfeiting. With regard to the work of the IGC on IP and Genetic Resources, TK and Folklore, the Delegation welcomed the two gap analyses drawn up by the Secretariat, and joined the European Union in reaffirming its support for the development of international *sui generis* models or other non-binding options for the legal protection of TK, and the Delegation noted with satisfaction the progress that had been achieved in the Committee on Development and Intellectual Property, since implementation of the 45 agreed recommendations would strengthen the capacity of developing countries and least developed countries to take full advantage of IP, and trusted that the IB and its Member States would keep momentum in their efforts to accelerate the process. The Delegation reported that the German Patent and Trade Mark Office had extended its cooperation with other offices and IP-related organizations, *inter alia* by memoranda of cooperation with the patent authorities of Japan, China and India, and that the cooperation project with the Instituto Nacional da Propriedade Industrial (INPI) of Brazil had been extended. Many seminars and training courses had been run by the Office for foreign experts, *inter alia* from the Russian Federation, Croatia, Romania, Jordan, Ethiopia, Macedonia, Malaysia and Trinidad and Tobago.

117. The Delegation of Guinea-Bissau endorsed the statement by the Delegation of Algeria on behalf of the African Group as well as the statement by Bangladesh on behalf of the LDCs. It wished to thank the Director General and Secretariat of WIPO for the preparation of the Assemblies, and appreciated the quality of the documents made available to the Member States. It also congratulated Mr. Francis Gurry on his appointment as Director General of WIPO and was convinced that, as a result of his expertise and long-standing experience, acquired during 20 years spent in the service of IP development, WIPO would achieve remarkable results under his guidance. In addition, the Delegation expressed its deep gratitude to the outgoing Director General, Dr. Kamil Idris, for his devotion and unshakeable commitment, during his term in office, to IP development throughout the world, in particular in the developing countries, notably in the Community of Portuguese-Speaking Countries (CPLP). It also thanked all the staff of the International Bureau, who contributed to the smooth functioning of the Organization. The Delegation wished to express the profound satisfaction of the Government of Guinea-Bissau and its recognition for the support provided by WIPO and for the fruitful cooperation ties between Guinea-Bissau and the Organization, particularly with regard to the payment of expenses for officials working in the IP field at various events, such as regional forums, meetings and seminars, and in particular the Forum on IP Cooperation for Countries belonging to CPLP, which had been held in Maputo

(Mozambique) in 2008. The Delegation also expressed its gratitude to the Bureau for the technical assistance and capacity-building efforts in Africa, and for the equipment made available to the national industrial property office with a view to modernizing its computer infrastructure. The Government of Guinea-Bissau, through the work of OAPI, attached particular importance to the question of IPRs, as evidenced by the holding of the Fifth African Fair for Invention and Technological Innovation (SAIIT), which had taken place in October 2007 in Bissau, and the building, in that same city, of an IP documentation centre. The centre, on which work had nearly finished, was designed to promote the national IP system and increase public awareness of the use of the system and its usefulness for stimulating technological development in the country. The centre encouraged and promoted the use of IP information by research institutes, universities and business circles, with a view to boosting the country's competitiveness on regional and world markets. In addition, it ran training courses for IP students and specialists in such fields as the registration of IPRs or the drafting of patent briefs. In conclusion, the Delegation, speaking on behalf of its Government, thanked the Member States of the PCT Union for having backed Brazil's proposal that Portuguese become a PCT publication language, as well as the designation of the Brazilian National Industrial Property Institute as an International Search and International Preliminary Examination Authority, which would promote innovation and creativity throughout CPLP and encourage nationals of Portuguese-speaking countries to use the PCT system.

118. The Delegation of Haiti presented its compliments firstly to the outgoing Director General, Dr. Kamil Idris, praising him for the dimension and quality of the work carried out during the previous ten years and, secondly, to the newly-elected Director General, Mr. Francis Gurry, applauding his commitment to implementing the WIPO Development Agenda effectively and wishing him the greatest success as head of the prestigious organization that was WIPO. The Delegation thanked the Secretariat for preparing the high-quality documents provided. It expressed its support for all the directions taken by WIPO in promoting intellectual property rights in the world, and particularly in the Latin American and Caribbean region. The Delegation stressed that it was important to create an intellectual property culture in Haiti, promote its use for the purposes of social, economic and cultural development and create an appropriate environment in which intellectual property would be made accessible to all, recognized, enhanced, defended and respected. The creation of the Haitian Copyright Office (BHDA) by decree in 2005 had established that office as a national tool available to serve creators of all categories. The BHDA's first project for 2008-2009 would be a massive campaign to raise awareness and popularize the notion of copyright on the national scale. A second project would involve creating a national directory of creators and works. The Delegation hoped for technical assistance from WIPO to put in place coherent computer and management systems at the BHDA. The Delegation noted with satisfaction the efforts made by WIPO in favor of the protection of intellectual property rights relating to genetic resources, traditional cultural expressions/expressions of folklore and traditional knowledge. It announced that Haiti was preparing to accede, in 2009, to a number of treaties, agreements and conventions, in particular the WIPO Copyright Treaty (WCT), the WIPO Performances and Phonograms Treaty (WPPT), the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Patent Cooperation Treaty (PCT) and the Patent Law Treaty. Furthermore, the instrument for ratification of the Hague Agreement Concerning the International Registration of Industrial Designs and that for the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods would be submitted to the Secretariat. Finally, the Parliament was to ratify the Singapore Treaty on the Law of

Trademarks signed in 2006. The Delegation joined the African Group and the Caribbean countries in stressing the importance it attached to the WIPO Development Agenda (PCDA) and hoped that it would allow for the effective promotion of an international intellectual property system. The interests of developed countries and of developing countries and, in particular, those of the least developed countries (LDCs) should be taken into consideration proportionally if not equally. The Delegation hoped to benefit from assistance in defining intellectual property strategies which were consistent with the national development plan and covered all aspects of development. The Delegation concluded by emphasizing that Haiti, as a member of CARICOM and GRULAC, was benefiting from the synergy created by the Member States of WIPO to implement a new policy focusing on the enhancement of intellectual property as an additional asset for the country's social and economic development.

119. The Delegation of Hungary congratulated Mr. Francis Gurry on his appointment as Director General of the World Intellectual Property Organization and was convinced of his professional knowledge and his excellent leadership qualities as well as of his highly developed diplomatic skills as already demonstrated. The Delegation was confident that Mr. Gurry's leadership would be the beginning of a new golden age at WIPO. The Delegation associated itself with and fully supported the contribution made by the Delegation of France speaking on behalf of the European Union and the statement by the Delegation of Romania on behalf of the Group of Central European and Baltic States. The Delegation stated that Hungary traditionally attached great importance to the system of intellectual property rights and was committed to international work in that field. It believed in the central role of WIPO as an international norm-setting entity. As the focal point of the international registration systems, WIPO also had core tasks in those systems. The Delegation confirmed its support for all projects and initiatives aimed at revitalizing those core areas. The Delegation congratulated and expressed its gratefulness to Dr. Kamil Idris, outgoing Director General, who had undying merits in demystifying intellectual property protection. He had opened up the doors towards the stakeholders of the intellectual property system. The Delegation thanked him for his dedicated work as Director General of the World Intellectual Property Organization.

120. The Delegation of Iceland joined other delegations in congratulating Mr. Gurry on his appointment to the post of Director General, and felt sure that with his vast experience, knowledge and skills he would lead the Organization effectively. The Delegation thanked Dr. Idris for his work and contributions to the IP system. The Delegation acknowledged the importance of the intellectual property system and highlighted the need to constantly review and readjust the system in response to the ever changing needs of industry and businesses and in particular the need for further harmonization in the patent field and the need to strengthen, even more, the PCT system. The growth of the PCT had indeed been enormous during the 30 years it had been in operation and the Delegation believed that Member States should look into options to enhance this widely used system in order to meet the challenges that the global patent system was currently facing, and hoped that the Secretariat would look into the possibilities of inaugurating such a process.

121. The Delegation of Italy joined other delegations in congratulating Mr. Gurry on his election and was convinced that his competence and deep awareness of the IP system would enable the Organization to achieve notable results. The Delegation thanked Dr. Idris for his various initiatives widening the scope of IP. The Delegation supported the statements made by the Delegation of France on behalf of the European Community and by the Delegation of

the United States of America on behalf of Group B. In supporting the Organization the Delegation reported that Italy had recently signed a financial agreement with WIPO which established a Trust Fund with a contribution of 1.2 million Swiss francs and would thus become one of the major donor countries, as far as voluntary contributions were concerned. The Delegation reported on the Italian Government's engagement in strengthening and developing the Intellectual Property system, both at a national and international level, and particularly the enforcement of Intellectual Property Rights in order to enhance efforts to fight against piracy and counterfeiting. Organized crime had become a major participant in "illegal" international trade; for that reason, the Delegation strongly believed that further efforts in that fight had to be made. The Delegation shared the vision of the 'Director General-Elect whereby Intellectual Property was an instrument which could allow the achievement of several public policies, and strongly believed that IP was an important tool which should be the driving power of the economy and development, strictly linked to the global challenges which were affecting the international Community, such as global warming, health diseases, the world food and agricultural crisis and global poverty. As far as the Patent Law Treaty was concerned, the Delegation appreciated the efforts of the Secretariat to restart a constructive discussion on the SPLT, and believed that the harmonization of substantive points of patent law should be one of the main goals for WIPO in the years to come. The Delegation stated that the Italian Government was about to complete the legislative process of the ratification of the Act of Geneva of the Hague Treaty which demonstrated Italy's commitment to industrial design. Italy would jointly organize, with WIPO, the International Conference on Design-Driven Innovation, to be held on October 28 and 29, 2008, in Turin, which had been designated as "World Design Capital" for 2008. The title of the Conference was "New Challenges to Intellectual Property Protection". The Delegation considered GIs as a fundamental part of Intellectual Property Rights. High quality food-and-agriculture production was the second voice of Italian exports. Italy was one of the most counterfeited countries in the world and for that reason expressed its conviction that discussions on the fight against counterfeiting and piracy in fora at multilateral and plurilateral levels should also include GIs. The Delegation favored a re-launch of the Lisbon Treaty and believed that the enlargement of the Membership of the Treaty was an important goal. Italy gave a very high importance to training aspects and stressed that it had invested both human and financial resources. In 2008 Italy had continued to support the post-university master program on intellectual property, jointly organized with WIPO. This initiative allowed about 40 experts from all over the world to attend specific courses at the UN Centre in Turin, Italy each year. Turning to the role of WIPO in the international arena the Delegation invited the Secretariat to play an important role at the international level both as a technical organization and as a specialized agency of the United Nations System. The Delegation was sure that this prestige would be reflected in the internal structure of the Organization by promoting and ensuring policies characterized by efficiency, meritocracy and transparency. The Delegation concluded by expressing to the new Director General its full support for all the policies to be implemented during his mandate and assured him of its full cooperation.

122. The Delegation of Kazakhstan thanked the Chair for his able leadership and conduct of the session, which had allowed the issue of the election of the Organization's Director General to be resolved smoothly. The Delegation congratulated Mr. Francis Gurry on his appointment to the post of WIPO Director General and wished him every success in developing the Organization's activities. Aware of the huge experience and professional capabilities of Mr. Francis Gurry, the Delegation expressed certainty that WIPO would continue to work in a positive direction, and the status and influence of the Organization would be increased still further. It also thanked Dr. Kamil Idris who had led WIPO during his

two terms in office and wished him success in his future work. The Delegation noted that the Republic of Kazakhstan was actively working on IP issues, above all as they related to the rapid development of the economy of Kazakhstan and also to the country's forthcoming entry to the World Trade Organization (WTO). That encouraged all business structures and sectors of the economy to develop the latest achievements of humanity in the IP sphere. In Kazakhstan, a Strategy for Industrial and Innovation Development up to 2015 had been approved and was in operation, aimed at forming State economic policy for the period up to 2015 and designed to achieve sustainable development for the country through the diversification of economic sectors from a raw materials base for development to one based on processing. In that connection, innovation centers, technology transfer centers and innovation funds, as well as scientific and technical organizations, were working very actively. As regards the Intellectual Property Office, the Delegation observed that the office was operating a program of development up to 2011, which covered issues relating to the development, protection and defense of intellectual property. The program took into account both issues relating to accession to the main international agreements and also those of human resources, strengthening of the national patent system and so on. The Delegation noted that for the first time in the history of the Organization for Security and Cooperation in Europe (OSCE), Kazakhstan had been elected as Chair of that Organization for 2010. The Head of State, Mr. Nazarbayev, had set the task of making Kazakhstan one of the 50 most competitive countries in the world. Taking into account those tasks, the Delegation ensured WIPO of its active participation in the Organization's work. Expressing its support for the proposal on mutual cooperation with all international organizations and the optimization of work with national offices in relation to genetic resources and traditional knowledge, the Delegation noted that the work done by WIPO would be fruitful and of use for each country.

123. The Delegation of Lesotho endorsed the statements made by Algeria on behalf of the African Group and by Bangladesh on behalf the Least Developed Countries (LDCs). The Delegation joined other delegations in congratulating Mr. Gurry on his election and thanking Dr. Idris for his significant contributions, in particular the establishment of the Division for the LDCs, the broadening of the scope of intellectual property through a program of demystification, and promotion of IP as a power tool for economic development. The Delegation was encouraged by Mr. Gurry's commitment in his acceptance speech to build on the work of the Development Agenda to ensure that all countries were in a position to participate actively in the benefits of innovation and the knowledge economy and supported his belief that it was time to move the process of the IGC to a concrete outcome in the form of a legally binding International Instrument.

124. The Delegation of Liberia joined other distinguished delegates in extending its congratulations to the newly appointed Director General of the World Intellectual Property Organization, Mr. Francis Gurry, and assured him of its fullest support. The Liberian Delegation extended its thanks and appreciation to Dr. Kamil Idris, the outgoing Director General of WIPO, for a job well done. The Delegation was aware that there were many challenges, but despite that, Dr. Idris, with the support of the entire staff of WIPO, was able to bring this world body to the level at which it now was. The Delegation noted with satisfaction the efforts of the outgoing Director General for tailoring WIPO's programs in a more user-friendly fashion, enabling IP stakeholders to grasp IP concepts readily, and benefit from them. The Delegation wished the outgoing Director General all the best in his future endeavors. The Delegation expressed its gratitude to WIPO for its level of involvement over the years in upgrading the capacity of the Liberian Intellectual Property System (IPS), and creating international awareness of the existence and the activities of

the Liberian IP Offices. WIPO's constructive approach had strengthened the Liberian Government's efforts in providing more support to enhance the development of the IP system. An IP development plan, drawn up by WIPO, submitted to the Government of Liberia for comments early in 2008, had been endorsed by the Liberian Government. The WIPO mission to Liberia to commence work on the IP development plan was now awaited. The Delegation also reported, *inter alia*, the immediate transfer of the IP Office from the Ministry of Foreign Affairs, the creation of the Collective Society Administration with the Copyright Office, ratification of WIPO Conventions/Treaties/Agreements/Protocols, and formation of the Anti-Piracy programs.

125. The Delegation of New Zealand supported the statement made on behalf of Group B and joined other delegations in congratulating Mr. Gurry on his election as Director General, and acknowledging the contribution of the outgoing Director General Kamil Idris. The Delegation believed Mr. Gurry had the wisdom, skills, experience and leadership qualities to meet the many challenges WIPO and the global IP system faced and were assured by his commitment to seek a more transparent, inclusive and effective organization and were confident that the strengthening of governance, accountability, and management systems would be an early priority.

126. The Delegation of Peru expressed satisfaction with the efficiency demonstrated by both the Vice-Chair and the Chair of the General Assembly in leading the debates. Expressing Peru's great pleasure that the new Director General was Mr. Francis Gurry, the Delegation said it was convinced that he would take over the reins of the Organization with the ability, friendliness and efficiency for which he was known, and it congratulated him and predicted the greatest success for him in his duties. The Delegation expressed its support for the statement made by the Delegation of Cuba on behalf of GRULAC and reiterated the importance it attached to the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). As pointed out by the new Director General in his acceptance speech, referring to the protection of traditional knowledge and traditional cultural expressions, "it is time to move this process to concrete outcomes that will see WIPO embrace a broader base of constituents and a more universal mission". The Delegation said that the work carried out by the International Bureau under the leadership of Mr. Gurry himself, had led to basic documentation which made it possible to obtain an international instrument which, with a modern and pragmatic vision, would guarantee the protection of traditional knowledge and folklore. It added that, although it was true that attention had to be paid to the subject of genetic resources, bearing in mind that disclosure of origin was essential for the patent system, the difficulty in moving forward in those subjects perhaps meant that, for the time being, it would be far more efficient to concentrate on those areas in which the most headway had been made. The Delegation said that the gap analysis documents which were to be presented at the following session of the IGC would facilitate understanding of the problems and should lead to concrete decisions being taken after more than seven years' work, given that it was time to take the political decision to translate all the progress made into a concrete and international measure which would, on the one hand, prevent misappropriation and, on the other hand, assure indigenous communities and peoples that the intellectual property system could and should be a positive instrument for their development.

127. The Delegation of the Russian Federation expressed its firm belief that the common aim to reach consensus would lead to positive and mutually acceptable results. For effective national economies to be developed, it was absolutely essential for each economy to maintain

innovation and create an environment ensuring the transfer to a knowledge-based economy and establish an intellectual property market. The world economy was characterized by an increasing number of goods and services, the production and realization of which were directly linked to issues of intellectual property protection as well as to the enforcement of intellectual property rights. As a consequence, the interest of each country to use new technologies and to protect national rightholders had increased significantly during recent decades. In a world of globalization, an international environment was required that fostered the strengthening of the international IP system. The world economy and the international IP system had changed profoundly over the past years. Serious challenges had to be met in terms of substantive and operational changes at WIPO in order to avoid “future shock”. Approaches within the international IP community were to be reconsidered. WIPO was an important development mechanism and could most certainly, in its core areas of comparative advantage and expertise, make a significant contribution to international efforts in supporting countries so that they would achieve their development objectives. The effectiveness of the Organization had been lowered significantly in recent times, not only with respect to drafting and negotiating of the new international legal instruments of IP protection, but also with respect to its cooperation with Member States and other international organizations. That situation negatively affected the WIPO image worldwide. On many occasions, Member States had admitted that there was no progress in drafting a WIPO treaty on the protection of broadcasting organizations, in achieving visible results in areas of traditional knowledge, SPLT, and in remedying non-satisfactory services with respect to Member States, etc. Important and, indeed, pivotal decisions were now to be taken to open new horizons for strengthening WIPO. Such decisions should be guided by the sole desire of making WIPO a platform for rendering realistic assistance to its members to establish an innovation-friendly environment in each WIPO Member State, in order to give all countries the opportunities to build prosperous and knowledge-based economies. WIPO Member States were obviously to bear the main burden in achieving those goals, but the core mechanism to implement decisions was the WIPO International Bureau, and maximum effort was to be made to reform it in a proper way. The new structure was to be transparent to Member States in order to ensure full understanding of how it worked. The staff should be highly professional, knowing the problems faced by Member States. In that regard, the Delegation reiterated its position on the fair geographical representation of Member States in the WIPO Secretariat. To make the work of the Secretariat transparent, the existing internal procedures were to be changed drastically. Transparency was to be applied to the distribution of finances and other supportive services. The system of recruiting was to ensure high professionalism of the staff and reflect the concerns and requirements of the national patent authorities. The Delegation expressed its confidence in the new WIPO management, but was sure that the Member States should assist the new team to change the situation. It drew the attention of the new WIPO management to the cooperation of WIPO with the countries in its region. Specialists knowing the requirements of those countries from the inside were needed. It was not possible to wait for another year and a half to adjust the activity of corresponding WIPO offices and divisions. The same comment could be applied to funding the programs for those countries since, for many years, the volume of financing of Program 7 had been practically unchanged and, for unknown reasons, cross-financing was unavailable. The Delegation pointed out that the territory of its region was huge, and was developing very rapidly and facing very complicated and specific problems. There was a separate regional group within WIPO. Beyond the Organization, the countries were united in the Inter-State Council on Issues of Protection of Intellectual Property, acting within CIS. In view of the importance of the region, the Council had received from WIPO an invitation to obtain observer status. The appropriate application and documents had already been forwarded to the Secretariat. The Delegation therefore

proposed to establish within the WIPO Secretariat a separate office for countries of Eastern Europe, Central Asia and Caucasus with adequate budgetary funding and staff capable of responding promptly to demands. The Delegation hoped to receive support from Member States, and hoped also that the proposal would be considered positively by the new WIPO management, and with no delays. Returning to general issues, the Delegation pointed out that WIPO and its Member States had faced a lot of difficult questions requiring decisions. In recent years, it had become difficult to reach consensus of many vital issues. WIPO was a strong international body serving not only as the administrator of basic international IP treaties and conventions, but also as the forum for international negotiations, consultations and worldwide dialogue with the business community. The Delegation called upon Member States to unite their efforts to restore the former confidence to WIPO under the new leadership. All Members needed to ensure that WIPO would be able to: identify specific needs and measures arising from interdependence of economies and intellectual property, specifically patents, technology, etc.; contribute to a better understanding of coherence between international IP rules, practices and processes, on the one hand, and national IP policies and development strategies on the other; support developing countries and countries in transition in their efforts to formulate, develop and promote national IP systems, and build governance institutions adapted to the new patterns of interdependence in the world economy. The Delegation congratulated Mr. Francis Gurry on his appointment as new Director General of WIPO. Since WIPO was a member-driving organization, the Delegation wished to express its readiness to assist the new Director General to strengthen WIPO and its Secretariat in every aspect.

128. The Delegation of Saint Vincent and the Grenadines reported that on August 4, 2008, three pieces of legislation entered into force, namely, the Patents Act No. 39 of 2004, the Industrial Designs Act No. 20 of 2005 and the Layout-Designs of Integrated Circuits Act No. 18 of 2005. It believed that this new development would further modernize and strengthen the national legal framework for the protection of intellectual property rights and would provide further integration into the international intellectual property system. The Delegation stated that, at the regional level, preparations for the establishment of a Commercial Division of the Eastern Caribbean Supreme Court were well advanced. The Court would be headquartered in the British Virgin Islands. It believed that the Commercial Division of the Eastern Caribbean Supreme Court could evolve to play a useful role in the enforcement of intellectual property rights which would serve to enhance the enforcement of intellectual property rights not only in Saint Vincent and the Grenadines but also in each Member State of the Eastern Caribbean Supreme Court. The Delegation, on behalf of the Government and people, wished to thank the Director General and the World Intellectual Property Organization for all the assistance provided. The IP Office of Saint Vincent and the Grenadines was encouraged by the continued assistance of the Secretariat in promoting greater awareness and use of the IP system. The IP Office recognized the invaluable role of intellectual property in the economic, social and cultural development of the country and the inextricable links between intellectual property and the quality of human life. The Delegation congratulated Mr. Francis Gurry on his appointment to the office of Director General of WIPO and wished him every success for the duration of his tenure. It also wished Dr. Kamil Idris, outgoing Director General of WIPO, the very best in all his future endeavors.

129. The Delegation of Serbia highlighted improvements in the field of IP in the Republic of Serbia during the past year. The Delegation pointed out that due to the reform of the national IP legislation, the enforcement of the PCT Agreement, and the extension agreement with the European Patent Organization (EPO), the patent system in the Republic of Serbia had been

harmonized with European and international patent systems resulting in envisaged accession to the European Patent Convention (EPC). The Delegation was pleased to announce that following the accession of the Republic of Serbia to certain international conventions administered by WIPO, the laws had been prepared for ratification and should be in force by the end of 2008, namely, the Strasbourg Agreement Concerning the International Patent Classification; the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks; and the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs. The Delegation announced that the electronic databases of the Intellectual Property Office of Serbia can now be searched over the Internet resulting in better quality examination processes and that the WIPO Intellectual Property Automation Software (IPAS) had been successfully used for all industrial property rights (IPRs) administration. The Delegation referred to the Project of Operational and Organizational Technical Assistance to the Intellectual Property Office of Serbia whose recommendations were being used towards a draft law on the new organization of the Office as a public agency. Strong statistics were presented by the Delegation in the enforcement of IPRs in the Republic of Serbia. In conclusion, the Delegation underlined the high quality of the seminars and workshops hosted by WIPO. However, it requested further development by the Secretariat of its support and engagement for all countries of the region.

130. The Delegation of the Seychelles congratulated Mr. Francis Gurry on his appointment as Director General of WIPO and was sure that his expertise and devotion would ensure that the Organization would go from strength to strength. The Delegation extended its gratitude to Dr. Kamil Idris for his work with WIPO and for his effort, enthusiasm and encouragement which allowed for the Seychelles to accede to WIPO in 2000. The Delegation stressed the importance of a united, dedicated and resilient Organization with the present global economic difficulties that affect many of WIPO's Member States. In conclusion, the Delegation pledged its assistance in ensuring the continued progress of WIPO.

131. The Delegation of Slovakia congratulated Mr. Francis Gurry on his appointment as Director General of WIPO. His personality, intellect and skills would ensure that WIPO would meet all the new challenges of the 21st century. The Delegation affirmed that Slovakia would provide all possible support to the new Director General and to WIPO. In conclusion, the Delegation extended its appreciation to Dr. Kamil Idris for his work and involvement in IP issues during his tenure.

132. The Delegation of Spain was pleased to be able to attend the Assemblies of the Member States of WIPO, in view of its long-standing commitment to the work and goals of the Organization and given the challenges that lay ahead. As a result of globalization and the key role that IP had come to play in many international debates, it could no longer be considered a sector that was unaffected by the major problems facing the international community. Respect for and enforcement of intellectual property rights had to be a top priority, along with the economic and social development of Member States, the problem of access to knowledge and the dissemination of technological progress. The Delegation stressed the need to step up cooperation between all stakeholders, in particular States, at the national, regional and international levels. WIPO had to remain the focal point for international cooperation, as the Organization with a universal vocation and part of the UN system. The Delegation drew attention to the challenges that lay before WIPO and the Member States, especially at a time when the Organization had just elected a new Director General. The challenges facing WIPO were daunting indeed. Seen from the outside, there was a need to consolidate WIPO's rightful role as the specialized forum for discussing and debating burning industrial property

issues. As for the group of international organizations which dealt directly or indirectly with questions relating to WIPO's field of activity, it was necessary to strengthen ties with other organizations, such as the World Trade Organization and the World Health Organization. Moreover, the development component which had always been a part of WIPO's work was the key to the Organization's future. The Delegation referred in particular to the work of the Committee on Development and Intellectual Property (CDIP), a body characterized by a genuine desire to achieve consensus on steps to be taken with regard to the 45 recommendations approved at previous Assemblies. In the Delegation's view, even though much remained to be done, it was necessary to avoid undue delay. Through its active involvement, Spain had consistently supported and would continue to support the relevant debate in a constructive spirit, inasmuch as WIPO had to provide clear guidelines for action to meet the needs of the developing countries. Recalling Spain's long-standing cooperation ties with Latin America, the Delegation expressed support for any steps that could promote the development of industrial property in that region. For example, there was a need to promote the potential of Spanish, as it was the world's third most widely spoken language. The Delegation believed that linguistic accessibility was a plus which increased the attractiveness of the industrial property system in Latin America, especially as far as economic operators were concerned. The incorporation of the Spanish language in the international trademark system in 2003, together with efforts aimed at incorporating the Spanish language in the international industrial design system in the future, a proposal put forward at the Assemblies, would promote more extensive use of industrial property, boosting economic development in the region. In that respect, the Delegation offered WIPO its assistance in ensuring that Spanish was a working tool to be used in the international industrial property systems, such as the Nice Classification and the International Patent Classification. It also stressed the need to pay special attention to WIPO's internal dimension, given that the success of any institution in taking up the challenges that lay ahead in an increasingly globalized world clearly depended on the professionalism and capabilities of its human resources. The Delegation would support any initiative geared to the achievement of such goals, stressing the need to give priority to the skills of managers and other staff, above all in the light of the findings of the desk-to-desk review. The Delegation then reported on the work done by its Government during the previous year. With regard to industrial property, the Spanish Patent and Trademark Office (OEPM) had taken another step towards full integration of the new information and communication technologies into its internal functioning, especially for contacts with citizens, with a view to faster and more flexible service delivery. It was on the verge of finalizing digitization of existing documents, which would facilitate electronic access to all documents incorporated in patent applications. In addition to the obvious advantages of saving space in the Office's premises and guaranteeing indefinite storage for such documents, that project strengthened and consolidated the Office's role as an active agent for technological progress. It was further hoped that from December 31, 2009 onwards, all the Office's proceedings could be transmitted in paperless form, while leaving citizens the option in every case of exercising their rights in "physical" or "virtual" form. From a regulatory perspective, the recent Royal Decree 1431/2008 of August 29, 2008 had considerably simplified patent grant procedures and improved the quality of the Office's services. In the field of patents, the content of the report had been expanded with regard to state of the art, and now included a written preliminary opinion on the patentability of the invention. That would provide inventors and firms filing applications with additional information, enabling them to evaluate more comprehensively and accurately the real value of the technology in question. As for trademarks, certain time limits had been readjusted, provision had been made for electronic communication and notification when the party concerned was domiciled abroad, and some electronic procedures, such as power of attorney, had become more flexible. Above

and beyond improvements in mechanisms relating to respect for those rights, Spain would continue to do its utmost to protect such mechanisms from possible infringements. To do so, it relied on public-private partnerships through the Intersectoral Commission for action against activities which infringe industrial property rights, a body chaired by the Minister for Industry, Tourism and Trade and composed of representatives of all ministries concerned by the area in question, as well as representatives of autonomous and local authorities and bodies from the sectors affected. The Commission's activities included the preparation of annual statistics on police interventions with regard to infringement, the drafting of an activity report and the preparation of an awareness-building campaign. The year 2007 had also been marked by the launching of a thematic web page (www.oepm-antipirateria.es) on the fight against piracy, which had received nearly 35,000 hits to date. The Delegation also mentioned Spain's financial support for the preparation of the OECD Study on the Economic Impact of Counterfeiting and Piracy, which had for the first time estimated the magnitude of the problem on the basis of actual data for international transactions. At the international level, the Delegation hoped that the Office would continue to be present in all forums of interest, especially WIPO. The Office and WIPO had signed a Memorandum of Understanding in June 2004 on the establishment of a Trust Fund to finance joint cooperation projects. The experiment could be deemed a success, insofar as over a four-year period a body of practices and activities had been consolidated that had considerably furthered development policies for Latin America. The Trust Fund was a key regional tool, which consistently strove to promote sustainable development, in line with the recommendations of the WIPO Development Agenda. In that respect, the Office had undertaken in 2006 to implement five strategies using the Trust Fund to meet the most pressing needs in the region and take up major IP challenges worldwide. In practical terms, the strategies were related to the links between IP and economic sectors and innovation; production of harmonization guidelines and instruments; institutional strengthening and training; dissemination of technological information, and promotion of the Spanish language. Among the activities financed by the Trust Fund, mention should be made of the Sixth Regional Intellectual Property Seminar for Latin American Judges and Public Prosecutors, which had been held in Madrid and Munich, respectively, from November 12 to 16, and 19 to 23, 2007, in cooperation with the European Patent Office (EPO) and WIPO; the Fourth International Forum on Creativity and Inventions, which had taken place in San José (Costa Rica), from November 7 to 9, 2007, in cooperation with the Patent Office of Costa Rica; and the preparation, with WIPO's Small and Medium-Sized Enterprises Division, of specific patent guidelines for SMEs. Since Latin America was the priority zone for the Spanish Patent Office as far as development cooperation activities were concerned, the future goal was to promote projects related to firms and chambers of commerce as well as projects with a technological component. LATIPAT and the translation into Spanish of the International Patent Classification remained the Office's main strategic projects, along with the Ibero-American Training Program for Information Technology Searches (CIBIT). With regard to LATIPAT, the aim was to work together with WIPO and EPO to pool the electronic publication of patent applications in all Spanish-speaking countries. Considerable progress had been made in 2007: 16 countries were participating and nearly 900,000 patent documents could be downloaded free of charge from the Internet. The translation into Spanish of the International Patent Classification was part of the activities financed by the Trust Fund, and the Delegation hoped that it would become a key tool for the promotion and revitalization of examination and searches in Latin American patent offices, while strengthening the role of Spanish as a language of technology. A total of eight patent examiners from different Latin American countries had benefited, in 2007, from the CIBIT program by means of six-12 month internships at WIPO. With regard to artistic and intellectual creativity, the Delegation stated that the copyright protection system reflected

each society's legal vision of the value of artistic creation in general and its own culture in particular. In that respect, the protection of creative production was key to the development of the culture and identity of every society, not to mention its social and economic impact. As far as Spain was concerned, the protection of such rights had become a priority: not only was observance of such a right a factor for diversity and cultural enrichment, but it also made a significant contribution to the economy as a whole, estimated at nearly four per cent of Gross Domestic Product (GDP). The Delegation went on to say that Spain was fully aware of the magnitude of the problem of piracy and had therefore launched in 2005 the Comprehensive Plan aimed at Reducing and Eliminating Activities which Infringed Intellectual Property. The plan focused on cooperation, prevention, public awareness-raising, regulatory and training actions, and received input from all three levels of Spanish territorial administrations, IP management bodies, and associations representing consumers and the information and communication technology industry. Cooperation activities had been conducted through the Intersectoral Commission to act against activities infringing property rights: in the course of 2007, various meetings had been held and different agreements had been prepared and promoted, such as the cooperation ties between the Ministry of Culture and the Spanish Federation of Towns and Provinces, and the cooperation agreements with the Tax Ministry for the prevention of IP-related tax evasion, the Spanish Association of Music Producers (Promusicae) and the Association for the Management of Intellectual Rights (AGEDI), with a view to countering not only musical, physical and digital piracy and related fraud but also international trafficking in goods deemed likely to infringe copyrights and related rights. With regard to prevention measures, Spain was finally able to rely on the findings of the studies initiated in 2005, which had shed light on the various facets of the phenomenon of copyright infringement in the country. Special reference was made to the presentation of the Study on the Economic Value of Culture in Spain, the first statistical survey conducted in Spain which made it possible to determine the contribution of culture and IP-related activities to the Spanish economy, as well as the roll-out of the survey on cultural habits and practices in Spain, 2006-2007, with a special section on purchasing patterns for products subject to intellectual property rights. With regard to awareness-building efforts, the Delegation referred to the Ministry of Culture's anti-piracy advertising campaign, "Defiende tu cultura" (Protect Your Culture), for which 2,889,000 euros had been allocated during 2006-2007 and which had been publicized via television, radio, cinema, the Internet and magazines on pop music and new technologies. Another major campaign had been "Software 100% legal" run by the Ministry of Industry, Tourism and Trade, not to mention various publications geared to increasing awareness among the different population groups of the need to respect copyrights. With regard to regulatory measures, the finishing touches were being added to a manual on good practices for the prosecution of IP infringements, which would provide State law-enforcement bodies and security forces with a very useful tool for coordinating the many actors concerned in order to provide a swift response to breaches of intellectual property. Several training courses had been run for groups of professionals who were key players in efforts to counter IP infringements. For example, 2007 had been the year of the First Intellectual Property Training Workshop for Local Police Officials; the First National Congress of Technological Police Officials, organized by Business Software Alliance (BSA); and the Conference on Intellectual Property Rights in the Digital Domain, organized by the Ministry for Industry, Tourism and Trade through Red.es. In addition, training courses had been provided for members of the Governing Body of the Spanish Judiciary in cooperation with the Ministry of Culture. In the legislative sphere, laws had been readjusted to reflect the different realities of the cultural landscape: for example, Law 10/2007 on Reading, Books and Libraries of June 22, 2007, which amended the Law on Intellectual Property with regard to the lending of books and the relevant regulatory framework, and Law 56/2007 on Means to

Promote the Information Society, of December 28, 2007, including provisions for free licenses. In addition, Law 55/2007 on Cinema, of December 28, 2007, featured provisions specifically prohibiting the recording of films shown in movie theatres or other premises or buildings open to the public, including those with no admission fee; broadened the concept of authorship of audiovisual works; and provided for the establishment of a registry of audiovisual works. The dissemination of international copyright regulations and the exchange of national experiences with their technical and legal application were very useful when it came to protecting creative production and the development of the culture and identity of any society. Accordingly, Spain had striven in 2007 to promote cooperation ties above and beyond its borders, particularly in the form of bilateral cooperation, as well as multiterritorial international cooperation. In the area of bilateral cooperation, the Second Spanish-Portuguese Meeting on Phonographic Piracy was highlighted, which had taken place in February 2007 in Portel (Portugal), under the auspices of the Portuguese Phonographic Association (AFP), its Spanish counterpart, Promusicae, and the International Federation of the Phonographic Industry (IFPI). The Delegation also referred to the many examples of cultural exchanges between the Spanish Government and the various foreign delegations throughout 2007, such as the visit by representatives of the Supreme Court of China to Madrid in February to analyze legislation on copyright and related rights, collective management and efforts to combat piracy, with emphasis on IP protection means in the digital domain; the meeting between the Under-Secretary for Culture and the Ministerial Advisor of the United States Embassy in Spain to gather information on protection systems introduced into copyright law; and the recent visit by a Lebanese delegation to the Ministry of Culture to exchange experiences on the organization, functioning and resources of copyright units in both countries. In view of the need to establish multiterritorial cooperation in a globalized world, Spain had sought to strengthen its cooperation ties with WIPO. Within the framework of the Memorandum of Understanding, in 2007 joint development cooperation activities had continued, as well as consultations and exchanges of information between the respective authorities, yielding very positive results. Noting that WIPO periodically published a series specially designed for school children and entitled "Learn the past to create the future", the Delegation noted that the latest edition, entitled "The Arts and Copyright", echoed the principles inspired by laws providing copyright protection. In that respect, in October 2007 Spain had offered to assist WIPO in translating that textbook into Spanish with a view to its prompt dissemination in Spain and Latin America, and WIPO had agreed. In March 2007, the Spanish Ministry of Culture had signed an education cooperation agreement with the University of Castilla la Mancha covering the development of a postgraduate IP course for Latin American legal experts, in particular those responsible for administrative copyright offices. Within the framework of joint cooperation activities with WIPO, in June 2008 a WIPO internship scholarship had been proposed as a complement to the training provided for students in Spain, and WIPO was studying that proposal. Above and beyond WIPO's close cooperation with the Spanish authorities, the country had also contributed to the Organization's activities and funds by means of the periodic work done by bodies for the management of copyrights and related rights in cooperation with WIPO, as reflected by the number of seminars, courses, lectures and studies organized jointly by both parties, as well as funding for the introduction of the planned programs. With regard to the clear historic, cultural, social and economic ties which Spain maintained with Ibero-America, the Delegation mentioned the holding of the Fifth Forum on Copyright and Related Rights for Ibero-American Judges, which had taken place from October 29 to November 2, 2007 in Antigua (Guatemala) and had been attended by representatives of Bolivia, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Peru and Uruguay. The Forum was intended to provide specialized technical training for judges; act as a bridge between various

administrations, particularly with regard to the judiciary; and promote the exchange of national practices and experiences with the technical and judicial application of copyrights and related rights. Given the success of the Forum, the 2008 Forum would be held in Asunción (Paraguay). In conclusion, the Delegation reported that on April 26, 2007, in conjunction with the celebration of World Intellectual Property Day, the Spanish Government had posted, on the Ministry's web site, links to the web pages of other ministries. The aim was to highlight the relevance of the day-to-day work of creators and the need to ensure stringent respect for their rights, as well as to provide information on activities organized on that day by WIPO and its Member States. In view of the successful outcome, the Delegation expressed a desire to continue along the same lines in the future, in a constant effort to ensure optimum protection for copyrights and industrial property, while taking up any challenges that might arise.

133. The Delegation of Swaziland congratulated Mr. Gurry on his nomination to the post of Director General and applauded his commitment to the welfare of developing and least developed countries and the Development Agenda. The Delegation stressed the importance of technical assistance, information-sharing and joint actions for the enforcement of IPRs. The Delegation supported the African Group in paying tribute to Dr. Idris and the impact he had had on developing IP protection and wished him well for the future.

134. The Delegation of Sweden fully supported the statements made by the United States of America on behalf of Group B and by France on behalf of the EC. The Delegation thanked Dr. Idris for his contribution to WIPO and the IP system and wished him well for the future. The Delegation of Sweden warmly congratulated Mr. Gurry on his confirmation to the post of Director General underscoring his wide experience and proven leadership abilities. It congratulated the Secretariat on the successful outcome of the Development Agenda and the constructive work of the CDIP. The Delegation encouraged other donors to the TK Voluntary Contribution Fund, stated its commitment to the SCP and looked forward to further improvements to the Madrid system and communications under article 6ter of the Paris Convention. It remained committed to the protection of audiovisual performances and broadcasting organizations and supported the Secretariat on Enforcement of IPRs. The Delegation commended the organization of SIDA-financed programs relating to various aspects of IP in the global economy. It associated itself with the role of WIPO in the international IP system and its economic, social and cultural benefits.

135. The Delegation of the Syrian Arab Republic wished to thank WIPO for its continuous support for Member States in the development and enforcement of IPRs. It warmly welcomed the new Director General of WIPO wishing him success. Conscious of the fact that the benefits of IP protection may be achieved through trade, technology development, investment and development-oriented progress, the Syrian Arab Republic took significant and crucial steps in developing the national IP system and its role in development and economic growth. The country's IP infrastructure was brought in line with international treaty standards, to which Syria had acceded, or would accede through Euro-Mediterranean partnerships or within the World Trade Organization (WTO). During the current year, major efforts had been made towards the development of the national IP system, namely the ongoing preparations for accession to IP treaties. Following accession to the Paris Convention (as revised at Stockholm), PCT, Madrid Agreement and Protocol, Nice Agreement, Berne Convention, Rome Convention and the WIPO Convention, procedures for accession to the Hague Agreement were finalized and the Agreement had entered into force on May 8, 2008 in Syria. In addition, a new Draft Law on Patents of 2008 was developed including provisions

on utility models. The Directorate of Property Protection, Ministry of Economy and Trade, participated in WIPO meetings on a regular basis, including the two Sessions of the CDIP. In order to benefit fully from the WIPO Development Agenda, work was underway to set up a national mechanism, including the creation of an inclusive national Commission which would be responsible for drafting and adopting a cross-cutting national strategy for the protection of Intellectual Property and promotion of creativity and innovation. Alongside IP legislation, competition policy and legislation have been strengthened. Finally, the Delegation wished to thank the Arab Bureau and other WIPO units for their continuous support for the modernization of the IP system. It wished that the Assembly Meetings would achieve positive results paving the way to the implementation of the Development Agenda.

136. The Delegation of Togo took the opportunity of the 45th series of meetings of the Assemblies of Member States of WIPO to express its thanks, on behalf of the Government of the Republic of Togo, to the Director General and his team, the Secretariat and the entire staff of the Organization for the good results obtained during the 2006-2007 budgetary period and the clarity of the documents submitted to the Member States for their consideration. It expressed its deep satisfaction and profound gratitude to the outgoing Director General, Dr. Kamil Idris, who, during the ten years of his two terms of office, had very much left his mark on the Organization through his well-advised leadership and his first-rate management of human and material resources. Through his determination, he had succeeded in giving more and more importance to the least developed countries (LDCs), as reflected by the establishment within WIPO, a few years before, of a Division for Least-Developed Countries and the WIPO Worldwide Academy, whose various training sessions had made it possible to build the capacities of developing-country officials and demystify IP issues. As a result of his clear-sighted guidance, a spirit of consensus had taken root within the Organization and the IP system had become a strategy for development. With regard to WIPO's contribution to the development of Member States, the Delegation of Togo welcomed the very significant results achieved through the WIPO Development Agenda and remained convinced that the Committee on Development and Intellectual Property that would shortly be established would facilitate additional progress and help implement the recommendations. The Development Agenda was a historic agreement for the Organization and reflected the desire of Member States to ensure that the IP system was a vehicle for the promotion of technological innovation, creativity and the transfer and dissemination of knowledge, thereby making intellectual property a true instrument for development. With regard to the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Delegation welcomed the decisions taken, in particular with regard to the preparation of draft analyses of gaps in the protection of traditional cultural expressions or expressions of folklore and traditional knowledge, the introduction of the WIPO Voluntary Contribution Fund for Accredited Indigenous and Local Communities, and the launch of the pilot training program to draw up an inventory of cultural traditions. It hoped that the resulting legislation in the field of genetic resources would focus on a reasoned consideration of the conservation of biodiversity, sustainable use of biological resources, preservation of food security, protection of community rights, including those of farmers and breeders, and equitable sharing of benefits, in accordance with the provisions of the Convention on Biological Diversity (CBD). The Delegation had backed the candidature of Mr. Francis Gurry for the post of Director General of WIPO because his proven expertise and the decision-making positions he had held within the Organization for over 20 years all gave hope that he would work to modernize WIPO. The Delegation was convinced that he would spare no effort to ensure that the actions of the WIPO staff as a whole were aimed at establishing balanced IP protection which reconciled the promotion of invention and

innovation with the fundamental needs of peoples in the field of health and food. Granted, IPRs were now at the heart of major commercial and development issues, and all initiatives to formulate, implement and strengthen national and/or international legal policies and instruments were also welcome. However, there was a need to ensure that the provisions of the system for IP protection were not a protectionist means of perpetuating monopolies on technology, seeds, genes and medicine and did not contradict the principle of the free circulation of ideas and knowledge, and economic and social rights. While recognizing all that WIPO had done for the benefit of Togo, especially in the field of technical assistance and training, the Delegation called for the intensification of cooperation in order better to guide it in its efforts to implement international and national commitments.

137. The Delegation of Ukraine thanked the Secretariat for the work done to prepare the numerous documents for the session of the Assemblies of the Member States of WIPO and also for the work carried out during the year. The Delegation also expressed the hope that the current important series of meetings of the Assemblies of the Member States of WIPO would do fruitful work and welcomed the significant successes of WIPO in relation to the development of a balanced and accessible international intellectual property system, strengthening of the global system of legal protection for intellectual property and also promotion of the effective use of IP throughout the world by providing stable and harmonious cooperation between various countries and regions; the organizational and legal reform of WIPO; the development and codification of international law in the field of intellectual property; the activities of the WIPO Arbitration and Mediation Center; and the introduction of new projects to disseminate knowledge on intellectual property among small and medium-sized enterprises. The Delegation expressed its satisfaction with the results of the fruitful activities of all the WIPO working committees, especially the Committee on Development and Intellectual Property (CDIP), and expressed the opinion that intellectual property was an important instrument for achieving overall national economic growth. It noted that together with WIPO Ukraine had carried out a project to conduct research on how to measure the influence of copyright sectors on the Ukrainian economy, which had drawn attention among the public to the important role of creative sectors in increasing the country's general level of wellbeing. It expressed the hope for further cooperation with WIPO on issues relating to research in the intellectual property sphere and declared its profound conviction that Member States should now assist the work of the CDIP in order to achieve the operative and reliable implementation of the Committee's program of work. The Delegation supported the proposal of the Standing Committee on Copyright and Related Rights (SCCR) to provide information on the current status of the Committee's work and continue discussion of important issues in relation to the protection of the rights of broadcasting and cablecasting organizations, as well as protection of the rights in audiovisual performances. Further, the Delegation expressed its high esteem for the work of the Advisory Committee on Enforcement (ACE) and the contribution of the Secretariat to promoting the development of legislation relating to intellectual property protection in developing countries and countries of the region to which Ukraine belonged. In particular, that concerned the provision by Ukraine of consultations concerning the drafting of a new Law on Copyright and Related Rights. In addition, it expressed its concern regarding the insufficient representation among the WIPO staff of the Regional Group of Countries of Eastern Europe, Central Asia and the Caucasus of which Ukraine was a part. The Delegation expressed certainty that by recruiting new employees representing the member countries of that Regional Group, WIPO would acquire not only true professionals in their trade but would also raise to a new level the results achieved from the cooperation in the intellectual property sphere between WIPO and the countries of Eastern Europe, Central Asia and the Caucasus. In conclusion, the Delegation thanked the WIPO

Secretariat for the assistance and cooperation given to Ukraine on matters relating to the implementation of educational programs on intellectual property, the organization of conferences and seminars for judges, teachers and specialists on intellectual property, and also the realization of technology transfer programs.

138. The Delegation of Zimbabwe extended its appreciation to outgoing Director General Dr. Idris for his significant contributions. The Delegation welcomed the newly appointed Director General, Mr. Gurry, and wished him well in his new post. The Delegation reported that in recognizing that Intellectual Property was a “Power Tool” for economic, social and cultural development and wealth creation, the government had embarked on a process of formulating a “National Intellectual Property Policy”, with the intention of putting it in place during the first half of 2009. In order to foster empowerment and socio-economic development, the Government had established the Innovation and Commercialization Fund (ICF) which was being administered by the Ministry of Science and Technology. The objective of the fund was to promote and finance research, and commercialize inventions and innovation of national importance. The Delegation appreciated the technical assistance rendered by WIPO which included the training of Government officials including judges and other stakeholders such as Collective Management Societies, who received training in different aspects of Intellectual Property through various courses organized by WIPO’s Worldwide Academy (WWA). The Delegation urged the Assembly to approve and adopt the recommendations made by the WIPO Committee on Development and Intellectual Property (CDIP) and also encouraged other WIPO bodies to implement the adopted recommendations. Due to the urgent need to implement recommendations, the Delegation requested the General Assembly to approve the WIPO Development budget as presented by the CDIP subject to the approval by WIPO’s Program and Budget Committee (PBC) which would meet only in December 2008.

139. The Representative of the African Intellectual Property Organization (OAPI) congratulated the Chair and the other members of the Bureau and said that it was convinced that they would complete their burdensome task successfully. It also congratulated Mr. Francis Gurry on his deserved promotion to the post of WIPO Director General and wished him great success in his new duties. The Delegation took the opportunity to reiterate the thanks and congratulations of OAPI to the outgoing Director General, Dr. Kamil Idris. From his two terms in office, OAPI would retain the memory of a commitment and devotion to the cause of developing countries. It reaffirmed the eminently important role which WIPO, under the leadership of its Director General, could play in the promotion of intellectual property in the world and, in particular, in its activities for development. Evidence of that was WIPO’s commitment to guide OAPI in the implementation of its strategic action and orientation plan, 2007-2012, and in particular its support for the organization of the International Conference on Intellectual Property and Economic and Social Development of the Member States of OAPI, which would be held in Dakar from November 4 to 6, 2008. In terms of WIPO/OAPI cooperation, 2008 had been a year in which the common willingness to promote intellectual property had been confirmed through the continuation of projects relating *inter alia* to the promotion of geographical indications, genetic resources, traditional knowledge and folklore. The Delegation also mentioned the accession of OAPI, on June 16, 2008, to the Hague Agreement concerning the International Registration of Industrial Designs. OAPI had 16 Member States, 12 of which belonged to the category of least developed countries. For the purposes of the uniform implementation of the Bangui Agreement which governed industrial property in each of its Member States, OAPI reiterated its request to the International Bureau that the profit from the reduction in fees granted for any

international industrial design application made by a national of a least developed country should be extended to the nationals of the four other member countries of OAPI, and it thanked the International Bureau in advance for ensuring that the Hague Union Assembly took into account OAPI's concerns. The Delegation stated that, as a United Nations specialized agency, WIPO should set a democratic example for the other intergovernmental institutions which managed intellectual property. The appointment of the new Director General would lead to new battles being launched. For developing countries, those battles focused on a number of subjects, including the use of intellectual property as a means to combat poverty and the successful completion of the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. WIPO could do that. It would do it if all the countries represented at the current session were aware of the challenges that developing countries should face in order to vanquish poverty, if it were supported in its initiatives and if the divide between the North and South were considerably reduced. It would do that by remaining attentive to the needs of all its Member States and local communities, listening to their concerns, gathering together their suggestions and proposing specific solutions to each State. It would do that by providing details of the objectives, with an explanation and justification where possible. The Delegation assured the new WIPO Director General that OAPI was ready to continue working with him and his team in order to consolidate partnership and cooperation links which existed between the two institutions. Africa in general, and OAPI in particular, had great expectations of the new Director General of WIPO. In developing countries, intellectual property management rhymed with protection. Numerous international bodies continuously referred to the requirement for ever more effective protection of intellectual property. Of course, it was important to protect intellectual property in order to secure foreign investment and allow creators to be rewarded. However, protection was not an end in itself, since in the world today, characterized by uncertainty, the growing divide between the North and South and poverty leading to violence, emphasis should also be placed on the effective use of intellectual property as a means to combat poverty. Only implementation of intellectual property translated by economic growth could completely rehabilitate the environment where poverty was rife. Only the exploitation of intellectual property with its ensuing economic benefits could establish that relationship of trust between creators, intellectual property management bodies and users of the intellectual property system. It was now a given fact that intellectual property could serve the cause of development. It was a matter of knowing what kind of use should be made of IP and what management to propose. The response lay in the capacity of WIPO and intellectual property management offices and authorities to convince political, administrative and economic decision-makers of its benefits. In that regard, particular emphasis should be placed on taking account of States' real concerns. For that purpose, it was important to avoid energy and resources being expended on things which had no influence on reality. In conclusion, the Delegation expressed the wish that the current session would achieve concrete and realistic decisions that would form part of the sustainable development of WIPO's action.

140. The Representative of the African Regional Intellectual Property Organization (ARIPO) noted with satisfaction the smooth transfer of the management of WIPO and congratulated the Director General on his election. The Representative paid tribute to the outgoing Director General for making WIPO a renowned institution supportive of socio-economic development through the intellectual property system and noted that the ARIPO Regional Training Centre building had been named after him. ARIPO also looked forward to future collaboration with him. During the 2007-2008 Biennium, WIPO had continued to lend support to ARIPO Member States including potential Member States, through the Intellectual Property

Automation Systems (IPAS) project. The IPAS project was currently being extended to include an interface with the ARIPO software POLite which would eventually enable linkages with Member States. Also, during the biennium, WIPO had facilitated the holding of regional workshops, forums and round tables on topical issues, providing Member States of ARIPO with more opportunities for sharing their experiences with a view to finding a common approach to challenges. Consultations with WIPO had culminated in a regional legal instrument on the protection of traditional knowledge, genetic resources and folklore, for which a draft protocol and administrative guidelines were currently being prepared. Furthermore, WIPO had graciously agreed to support ARIPO Member States with studies on the contribution of copyright-based industries on national economic development, a decision taken after the high-level Ministerial Forum on Copyright and Related Rights for Development which took place in Maseru, Lesotho on November 22-23, 2007, and was organized by WIPO. ARIPO and WIPO collaborations were being enhanced through the Patent Cooperation Treaty (PCT) and training in the administration and management of PCT applications was important and required continued support from WIPO. The free-of-charge state-of-the-art search services facility available to Member States of ARIPO was to be further enhanced through the PatentScope system. The Regional Training Centre of ARIPO launched on March 15, 2006, had continued to receive support from WIPO and other cooperating partners, and in August 2008, in collaboration with the WIPO WorldWide Academy and the Africa University in Mutare, Zimbabwe, a Masters Degree Programme in Intellectual Property (MIP) was launched. The high-level of collaboration between WIPO and ARIPO was an essential element in the development process of the African sub-region. The Representative concluded by underlining the role of ARIPO in Africa and the welcomed prospect of an ARIPO IP desk within the African Union (AU).

141. The Representative of the African Union (AU), speaking on behalf of the Commissioner for Human Resources, Science and Technology of the African Union Commission, congratulated Mr. Gurry on his appointment as Director General of WIPO. It welcomed the growing support WIPO had extended to African countries over the years and noted the establishment, by African Heads of State, in view of the importance of IP matters in development, of the African Intellectual Property Organization which was still in its formative stages of growth. It emphasized that that particular organization was not intended to replace OAPI or ARIPO, but to work hand in hand with them and would constitute a key area of collaboration between WIPO and the African Union. The African Union thanked Dr. Kamil Idris for his dedication and for the significant achievements associated with his tenure. It also noted that many of those who had worked closely with Mr. Gurry had been captivated by his professionalism, managerial excellence and devotion to duty. It expressed its confidence, sincere support and commitment to him in the tasks that lay ahead, looked forward to increased collaboration between WIPO and the African Union in the future, and offered its congratulations and best wishes for success during his time in office.

142. The Representative of the Eurasian Patent Organization (EAPO) welcomed the appointment of Mr. Francis Gurry to the post of WIPO Director General. The Representative noted that one of WIPO's main tasks at the current time was to seek new approaches to developing international legal regulation of intellectual property protection issues and to take account of the interests of States at different levels of economic development. An important task was to develop practical cooperation with individual regions, regional organizations and States. The Representative considered that the resolution of these complex global problems would, in many ways, depend on the position adopted by the Organization's new leader, his energy, professionalism and persistence in achieving concrete results. It went without saying

that Mr. Francis Gurry, who had been known to all the countries and had been deeply respected by them for more than 20 years during which he had worked at WIPO, possessed all those qualities. The Representative offered sincere congratulations to Mr. Gurry on his appointment to the post of Director General and stated that he would always find true allies in the Eurasian Patent Organization in relation to all WIPO's undertakings for the benefit of States in that region and the whole of the world community. In conclusion, the Representative thanked Dr. Kamil Idris, who was leaving his post as Director General, for the cooperation which had been jointly implemented throughout his time as Director General of the Organization.

143. The Representative of the Patent Office for the Cooperation Council for the Arab States of the Gulf (GCC Patent Office) expressed gratitude and appreciation for the outgoing Director General, Dr. Kamil Idris, and praised the efforts made together with WIPO staff for the development of IP on various levels. Dr. Idris had had an active role in promoting the use of IP for sustainable development, particularly in developing countries and LDCs, and therefore bridging the knowledge divide among nations. The growth and expansion achieved by WIPO during Dr. Idris' two mandates were clear evidence of his relentless efforts in serving the Organization. The Representative of the GCC Patent Office also highlighted WIPO's support and assistance for national IP Offices, including the GCC Patent Office. Those efforts also contributed to the effective modernization of national Offices during the previous years. The Representative of the GCC Patent Office then wished to congratulate the new Director General, Mr. Francis Gurry, for the support and confidence he received from Member States. The GCC Patent Office wished Mr. Gurry success in his new tasks and looked forward to further support for emerging Offices to ensure their sustainable growth. WIPO's expertise and resources were much needed for implementing various programs and activities in the field of Intellectual Property. Finally, the GCC Patent Office was convinced that Mr. Gurry's wide experience, competence and skills would enable him to lead the Organization to meet future challenges.

144. The Representative of the International Organization of La Francophonie (OIF) also expressed appreciation for the Chair's skilful conduct of the work of the 45th series of meetings of the Assemblies of the Member States of WIPO and was convinced that he would ensure, along with the members of the Bureau, the success of those meetings. The representative began by addressing, on behalf of the Secretary General of OIF, his heartfelt congratulations to Mr. Gurry on his election to become head of the World Intellectual Property Organization. There was no doubt that his in-depth knowledge of the Organization, his commitment to cultural and linguistic diversity, as well as his wealth of experience in IP development throughout the world would enable WIPO to pursue and strengthen its activities for the benefit of the Member States in a globalized and extremely competitive commercial and technological environment. The representative also paid tribute to the important work done by Dr. Kamil Idris during his two terms at the helm of the Organization. In that connection, mention should be made of the exemplary cooperation that had developed since the ratification of the framework cooperation agreement between the two organizations, at the 35th series of meetings, in 2000, which had constantly been strengthened and expanded since that time. The holding of technical meetings, during the 2006–2007 biennium, had made it possible, above and beyond the exchange of information and mutual participation in the conferences and symposia organized by WIPO and OIF, to fine-tune the terms of cooperation for the benefit of the 68 Member States or governments, in particular developing countries and countries in transition, based on WIPO's competence in the IP area. WIPO had thus participated in various training programs on cultural industries, support for the guarantee and

protection of the rights linked to literary and artistic production in the countries of the South, economic cooperation and legal and judicial cooperation. Those were all priority cooperation areas which had been included in the 10-year strategic framework adopted by the Heads of State and Government at the Ouagadougou Summit in 2004 in Burkina Faso. WIPO's participation in various regional training workshops geared to bank managers on the economic and financial analysis of cultural projects as well as cultural entrepreneurs in connection with the program of the Guarantee Fund for Cultural Industries in the music, image and publishing branches, in Madagascar in 2006 and in Egypt and in Senegal in 2007, had been a key factor in the success of those operations. Training was provided efficiently, through the pooling of skills, with a view to increasing awareness in some thirty countries of the southern Maghreb and West Africa of IP issues linked to funding for SMEs.

In that perspective, the OIF representative also recalled that WIPO had made its expertise available to the Program for the Strengthening of French-Speaking Expertise in the Negotiation of Trade Agreements by participating in various workshops in Africa, the Indian Ocean, and Central and Eastern Europe, in partnership with UNCTAD, WTO, ITC and the World Bank. He also mentioned the holding, in Dakar in 2007, of a joint training and awareness-building seminar on copyrights and related rights, for judges and police officers from some ten West African countries. All those joint activities bore witness to the convergence of the goals and concerns of the two organizations with regard to the promotion and protection of works of the mind, enhancement of traditional knowledge and cultural heritage, utilization of the new information technologies and support for social and economic development. In conclusion, the Representative assured the participants that OIF, under the guidance of its Secretary General, Mr. Abdou Diouf, would strive to intensify relations with WIPO and its new Director General, Mr. Francis Gurry, to whom it wished every success in his new duties.

145. The Representative of the World Trade Organization (WTO) congratulated the Director General on his appointment and assured him of the full cooperation of WTO on issues of mutual interest. Since its inception, WTO had had a long, fruitful and multi-faceted cooperation with WIPO based on an agreement concluded in 1995. The agreement covered areas such as technical cooperation and served more broadly as a symbol of good collaboration between the two Organizations. An example of this was the WIPO-WTO Joint Initiative on Technical Cooperation for Least-Developed Countries, launched in 2001. The Representative noted the mutual support between the Secretariats of WIPO and WTO through attendance at each other's meetings and welcomed the high-quality input from the WIPO Secretariat during technical cooperation activities.

146. The Representative of the Asian Patent Attorneys Association (APAA), stated that the Association had a membership of over 2000 in 22 jurisdictions from the Asian region. The Representative congratulated Mr. Gurry on his appointment as Director General and applauded the outgoing Director General for advancing the work of the Committee on Development and Intellectual Property (CDIP). The Representative recalled with appreciation the successful efforts of the Secretariat to restore non-governmental status to the Association. The APAA was also pleased with the comments made by Mr. Gurry outlining proposals to further enhance the rights of all stakeholders in the intellectual property regime, which would include the interest of intellectual property professionals who had, in no small measure, contributed to the advancement and protection of intellectual property rights.

147. The Representative of the Association for the Promotion of Intellectual Property in Africa (APPIA) – an organization founded by African experts and professionals and present

in some ten French-speaking and English-speaking African countries – conveyed his congratulations to the Vice-Chair and thanked the Secretariat for the quality of the documents provided. He paid a vibrant tribute to Dr. Kamil Idris, who had worked tirelessly to promote the dissemination and appropriation of intellectual property in Africa during his time in office, enabling various African countries to improve their IP legislation with regard to both the public and private sectors. In that respect, APPIA intended to propose Dr. Idris for induction as an honorary member. The Representative formally welcomed, as the new Director General, Mr. Francis Gurry, whose experience and abilities gave rise to great expectations, particularly with regard to the further development of IP on the African continent, assuring him of APPIA's support during his term of office. The Representative emphasized that every year, APPIA organized a variety of events, the most recent of which had been the African and-European Intellectual Property Seminar, which had taken place in July 2008 in Yaoundé. He wished to recall that national economic developments had an ever-increasing impact at the social, cultural, scientific, industrial and economic levels: for example, in the field of public health, intellectual property had, as a result of the negotiated cuts in the prices of drugs and the availability of generic drugs, contributed to a decline in the prevalence of certain major pandemics such as AIDS or tuberculosis (in particular in Botswana, Cameroon, Côte d'Ivoire, Democratic Republic of Congo, Kenya, Rwanda and Tanzania). The ongoing negotiations with a view to the conclusion of an economic partnership agreement with the European Community had led the African countries to consider incorporating into their legislation new IP provisions, some of which would be more binding than current provisions, as those States required useful, enlightened guidance from both local organizations and civil society as well as organizations such as WIPO in order to move on to the implementation phase. Of all the Organization's programs, the WIPO Development Agenda was the tool best suited to developing-country needs. The representative therefore hoped that WIPO would provide steady support for the implementation of the Agenda. APPIA was closely following the modest progress in the work on traditional knowledge and genetic resources, since it felt that an internationally binding protection system would necessarily benefit indigenous communities more than mere intentions. With regard to efforts to protect the programs of broadcasting organizations and ensure that universities, top-flight schools and private institutions enjoyed ongoing access to information for research purposes, he stressed that APPIA was currently cooperating with the International Research Centre in developing relevant projects. The Representative welcomed WIPO's cooperation in organizing such activities as the African and European Intellectual Property Seminar and the "Creayouth" contest for the promotion of creativity, which targeted the best young inventors and creators in such fields as mechanical engineering, design, literature and painting. In conclusion, the Representative urged the incoming Director General to consolidate gains and step up technical, material and financial assistance with a view to ensuring effective and efficient implementation in developing and least developed countries.

148. The Representative of the Centre for International Industrial Property Studies (CEIPI) and the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) conveyed to the Director General the heartfelt congratulations of the two academic organizations he represented. He expressed the hope, or even the conviction, that the new era that was dawning would see the improvement and strengthening of cooperation between WIPO on the one hand, and CEIPI and ATRIP on the other.

149. The Representative of the Computer and Communications Industry Association (CCIA) stated that its members represented a broad cross-section of the information and communications technology (ICT) and Internet industries, and collectively represented more

than \$200 billion in annual revenues across international technology markets. They had a substantial stake in the effective operation of the international system of intellectual property. The Representative offered congratulations to Mr. Francis Gurry on his election as Director General of WIPO and had no doubt that the ICT, telecommunications, and Internet industries could continue to be relied on by all stakeholders as partners in the future work of WIPO, especially in the development of an affirmative agenda for the future of IP. As Mr. Gurry had eloquently noted in his speech, humanity had always relied upon technology to help deal with challenges and create opportunities to improve the human condition. CCIA believed that this would continue to be the case and, to the extent that public policy in IP treated technological advancement fundamentally as an opportunity rather than an obstacle or a threat, all would benefit. The Representative believed that Mr. Gurry's pragmatic and practical approach to solving problems would bear real fruit, and hoped in that context that projects such as the Broadcasting Treaty which had no prospect of a positive outcome in any meaningful time period would be firmly set aside. Instead, the Representative proposed that the Organization engage in work programs founded in practical measures which addressed the challenges and took advantage of the opportunities available in the information age. Finally, the Representative welcomed Mr. Gurry's intention to develop a division of WIPO to concentrate on increasing the Organization's capacity to develop economic research and statistical information to support policy development. CCIA believed that this was the right approach: policy or normative development should always be preceded by objective research, with appropriate levels of peer review, to investigate matters under discussion and explore the opportunities and risks of various outcomes in advance of decision-making. The Representative suggested that, all too often of late, policy development in IP had unfortunately become driven by polemics or biased, even incorrect, assertions. The CCIA was of the view that facts were always the best basis upon which to make decisions.

150. The Representative of the International Association for the Protection of Intellectual Property (AIPPI) reiterated the congratulations that his Association had previously conveyed to Mr. Francis Gurry. Intellectual property professionals were happy to see a man such as Mr. Gurry take over at the helm of WIPO. AIPPI would endeavour to provide WIPO with its support on all legal and technical matters relating to intellectual property, in particular through the efforts of its members, almost 9,000 people from more than 100 countries, be they in the field of patents, trademarks or copyright. The Representative concluded by expressing his Association's overall satisfaction.

151. The Representative of the International Federation of Library Associations and Institutions (IFLA/FIAB) warmly congratulated Mr. Francis Gurry on his election as Director General of WIPO. The Representative stated that IFLA represented the world's major libraries and library associations and, through its 1,700 member organizations in 150 countries, spoke for hundreds of thousands of professional librarians around the world. The IFLA looked forward to working with Mr. Gurry and the WIPO Secretariat to promote the diffusion of knowledge throughout the world. The Representative stated that the creation and wide dissemination of information had never been more important, and WIPO had to play a key role in ensuring equitable access to people everywhere through its support of intellectual property principles and actions that maintained a defensible relationship between the rights of users and owners. Information drove modern economies. The Representative noted that, in Europe, content industries totaled some five per cent of Europe's GDP, and ever more organizations depended on access to the right information to take informed decisions. Libraries provided substantial access to this content. The

Representative referred to a recent study which had found that the British Library generated some US \$670 million worth of value per annum, both in direct value to the library's users (US \$109 million) and indirect value to society (US \$561 million). This was 4.4 times the annual government funding of US \$153 million. The Representative underlined that the British Library study quantified the Library's value not only to its direct users, but also to the public at large, who benefited indirectly from access to world class scientific research, creativity and innovation. Such studies illustrated the tangible benefits to the economy of strong library infrastructures as crucial components of any national strategy of investment in the knowledge economy, since libraries were the chief channels via which citizens obtained information for education, research and private study, whether in person or remotely through virtual learning environments. The Representative suggested that it was therefore appropriate and necessary for the international IP regime to incorporate flexibilities, including fair use/fair dealing provisions, to encourage the introduction of exceptions and limitations to copyright for developing countries on a similar basis to those enjoyed by industrialized countries such as the USA, Canada and Member States of the European Union. The Representative stressed that IFLA was very much appreciative of WIPO's increasing attention to this need by commissioning recent studies pertaining to limitations and exceptions needed for libraries, for visually impaired persons, and for education, including distance learning. Such flexibilities would foster successful knowledge economies in developing and transition countries and create meaningful access to education by their populations along with the dissemination of knowledge and technology. IFLA looked forward to working with WIPO and all the Member States broadly to share information about and initiate effective action concerning the benefits of the limitations and exceptions outlined in the recent WIPO studies. The Representative noted that all intellectual property initially arose from underlying ideas which were often first expressed in a format subject to copyright, and that it should be recognized that all creators of IP were themselves users of copyright works and would have made use of the exceptions and limitations to copyright for the purposes of education, research or private study. Such exceptions were therefore crucial to assist developing and less-developed countries in catching up with developed countries. However, in the last 10 years, international treaties, supranational directives from the EU, national legislation, and various trade agreements had worked to erode information users' rights to enjoy and use exceptions and limitations to copyright, especially in the digital environment. Thus, copyright was now creating barriers to access and the fair use of knowledge rather than promoting innovation. The Representative emphasized that this was why WIPO had a crucial role to play in promoting the establishment of an international framework that set the norms by which copyright should be managed, to ensure that user rights were established with respect to their use of information expressed in both analogue and digital forms. Another critical aspect of maintaining a balance between the needs of users and owners was the existence of a robust public domain, a balance that had recently tilted to the detriment of users and developing countries more generally through the extension of copyright terms beyond those required by the Berne Convention. Works might be in the public domain for a number of reasons – e.g., because their term of protection had expired or because the work was not subject to copyright in the first place - but the public domain had to be seen as an integral part of the copyright system. This was why the library community believed that it was proper for WIPO to take guardianship of the public domain, protecting it from erosion through extended terms of protection and ensuring that public domain content was not rendered inaccessible through Technological Protection Measures (TPMs). The Representative stressed that, in the digital age, countries could not have viable modern economies and social development without fair access to and re-use of

knowledge as expressed in copyright works. In this context, fairness in the international arena required the pro-active acceptance of agreed norms protecting both users and owners without which the world could not achieve the universally high standards of education which were critical to economic success. The Representative noted that access to knowledge was not just an issue for developing countries, but also for developed countries, since knowledge was a universal tool and equal access was an important need for all. Therefore, IFLA shared the vision expressed in the Declaration of Principles adopted by the World Summit on the Information Society in November 2003, which promoted an inclusive society based on the fundamental right of human beings both to access and to express information without restriction and in which everyone would be able to create, access, use and share information and knowledge. To this end, the Representative urged WIPO to seek and promote mechanisms, using exceptions and limitations appropriate for the digital age, to achieve a true balance between the rights of users and owners of intellectual property. WIPO could help fulfil its unique role in this arena by again making its generic model law publicly available, by emphasizing users' rights within its technical assistance program, and by ensuring that users' rights were explained alongside those of owners in WIPO-sponsored training programs around the world. The Representative stated that under the leadership of Director General Idris, WIPO had made remarkable strides in increasing its transparency and inclusiveness through welcoming active participation by a broad array of NGOs, including those representing libraries and library users. The Representative expressed deep gratitude for those changes, and in particular for the growing focus on the needs of developing countries, as indicated through the recent establishment of the Committee on Development and Intellectual Property (CDIP) and through the pioneering work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to identify issues associated with and the special measures necessary to protect these particular forms of expression. The Representative thanked Director General Idris for his role in these positive developments and pledged support to the new Director General, Mr. Francis Gurry, as he led WIPO in advancing these important and ambitious WIPO initiatives.

152. The Representative of the Library Copyright Alliance (LCA) and of the International Federation of Library Associations and Institutions (IFLA) congratulated the Director General on his appointment and thanked the outgoing Director General for his dedication and service to WIPO. The Representative referred to the important role of libraries in the preservation of copyrighted content and commended WIPO for organizing the International Workshop on Digital Preservation and Copyright in July, aimed at improving policies and practices supporting digital preservation of copyrighted content. The absence of adequate copyright laws and policies in many countries was a threat to digital information and even where efforts were being made, many works were disappearing resulting in loss of cultural heritage and historical record. It was critically important to introduce requisite flexibilities in national laws to enable digital preservation and access to copyrighted works. Also, it was generally accepted that developing a global approach to limitations and exceptions was one of the central challenges facing the international copyright regime. The Representative welcomed the work of the Standing Committee on Copyright and Related Rights in commissioning expert studies on limitations and exceptions in the digital environment for the visually impaired and for libraries and archives as well as a study on educational activities including distance education. These studies would, hopefully, provide a multi-lateral framework to counteract the heightened standards of protection established in recent years and restore the balance necessary to maintain diffusion of knowledge. The Representative approved of the progress made this year by the WIPO Development Agenda through its Committee on

Development in Intellectual Property and expressed support for activities that enabled developing and least developed countries to fully benefit from the global intellectual property system. That would mean taking new approaches beyond those already in place within WIPO and minimizing levels of protection to enable the use of existing copyrighted works in order to foster the innovation and creativity envisioned in the new proposal for the Development Agenda. That could be achieved through adequate limitations and exceptions for education, research and creativity, increased access to knowledge and technology, balanced intellectual property education, new approaches to copyright licensing and the maintaining of a robust public domain. Member States were encouraged to include the international library community in local efforts of technical assistance and capacity-building as a means towards facilitating access to information. The Representative noted that the United States library community supported the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. Librarians valued openness and the ability to meet their mission to document and preserve cultural heritage but also recognized that existing legal systems might not be appropriate or workable for all forms of cultural expression. The community encouraged a solution appropriate to the fundamental nature of traditional knowledge and cultural expression that also respected the essential need for access to information. Common to all efforts was the broad commitment to meet the needs and possibilities of the world of visual information and an acknowledgment of the diversity and richness of national experiences and cultures. The digital environment had the potential to support access to information for all members of society and satisfy the interests of all stakeholders but for this to happen, copyright laws had to remain balanced and the rights of users of copyrighted works recognized and reinforced through international instruments and effective national legislation.

153. On behalf of the Member States, the Chair of the General Assembly presented a medal and a certificate to Dr. Kamil Idris, amidst applause from the floor, in honor of 25 years of dedicated service.

ITEM 6 OF THE CONSOLIDATED AGENDA:

SUMMARY ANNUAL REPORT OF THE DIRECTOR OF THE INTERNAL AUDIT AND OVERSIGHT DIVISION (IAOD)

154. Discussions were based on document WO/GA/36/8.

155. At the invitation of the Chair of the General Assembly, the Director of the Internal Audit and Oversight Division (IAOD) presented the IAOD Summary Annual Report for the period July 1, 2007 to June 30, 2008 (document WO/GA/36/8). He noted that IAOD had completed several internal audit and investigation reports in the period and that the first evaluation review since 2004 and an improved Program Performance Reporting Framework for 2006-2007 would soon be transmitted to the Director General. He also noted that staffing issues were being solved with, at present, an Internal Auditor, an Investigator and an Evaluator in post, another Evaluator starting from December 1, and recruitment for another Internal Auditor was underway. He added that IAOD had administrative support from a short-term contracted secretary and a good level of non-payroll budget for recruitment of experts as needed. The need for additional resources to fully meet WIPO's internal oversight

needs was emphasized, with current priority for a further Internal Auditor and regularizing short term contracted administrative staff positions.

156. The Delegation of Algeria, speaking on behalf of the African Group, observed that some oversight activities were not undertaken due to the serious lack of staff and highlighted the need to bring staffing up to full levels, particularly given the increase in resources allocated to IAOD in the 2008-2009 biennium. It was proposed that ethics and integrity be handled jointly with other competent structures, including the Human Resources Management Department. Under the Organizational Improvement Program, the introduction of an internal audit system specific to WIPO was inevitable. That system was to be well-grounded in good governance principles, monitoring, risk assessment, accountability and compliance. In that respect, the African Group invited the Internal Audit and Oversight Division to base itself on the experience of the International Organization of Supreme Audit Institutions (INTOSAI). The African Group encouraged the Division to make every effort to ensure sound internal management of the human, financial and logistic resources of the Organization.

157. The Delegation of Romania, speaking on behalf of the Group of Central European and Baltic States, noted with preoccupation that little progress had been made in achieving the role assigned to IAOD in the three years since adoption of the Internal Audit Charter. Persistent understaffing was noted to be the main obstacle to proper performance, perhaps reflecting the importance placed up to now on improving management controls, accountability, stewardship and corporate governance in the Organization. The new leadership was encouraged to take all necessary steps to consolidate IAOD's appropriate functioning in respect of all its tasks. It was stressed that a new culture of accountability and evaluation would enhance the Organization's success.

158. The Delegation of the United States of America, speaking on behalf of Group B, commented on the agenda items 6 and 7 as they were interrelated. Recalling the importance of oversight and audit procedures to improved-quality WIPO services, note was taken of the IAOD report and the reports of the three meetings of the Audit Committee. IAOD was encouraged to continue its important activities. The improved situation of human resources was noted and more progress expected. It was stressed that implementation of the oversight recommendations would be a continuing priority. Regarding the report of the Audit Committee, it was noted that progress was being made to implement recommendations of the Audit Committee, particularly regarding the Desk-to-Desk assessment, IAOD activities and functions, and the New Construction Project.

159. The Delegation of France made a statement on behalf of the European Community and its Member States addressing agenda items 6 and 7. The detailed information contained in the IAOD and Audit Committee reports was noted. It was stressed that the implementation of efficient and effective management control procedures would lead to improved quality services and enhanced respect for international standards. IAOD was encouraged to continue its activities which are essential for the Organization's smooth operation and the Director of IAOD's conclusions on adequate and appropriate staffing noted. It was emphasized that all necessary efforts be made to ensure full and correct implementation of Audit Committee recommendations, in particular with respect to the Desk-to-Desk study, operation of IAOD, and in respect of the New Construction project.

160. The Delegation of the United States of America noted that it had some questions regarding item 6 that it would supply in writing and to which it would appreciate written

responses as soon as possible. Regarding paragraph 3.a) of the Summary Annual Report, the Delegation asked to be informed about the results of the Audit Review of the new Procurement System. It further asked what lessons had been learned from the two “whistleblower” complaints mentioned in paragraph 3b) of that Report and whether any analysis had been done on the reasoning for the closure of the completed case that might impact staff training. Regarding paragraph 3.c) of the Report, the Delegation asked what recommendations had been made following the inspection of the WIPO Integrity and Ethic Systems, and when improvements, if any, would be incorporated into the Staff Regulations and Rules. With respect to paragraph 4 of the Report, the Delegation inquired about the status and results of the financial declaration and disclosures research paper and what progress had been made toward developing an ethics policy for WIPO. With respect to paragraph 11 of the Report, which had noted that there were 156 recommendations of which 125 were new the Delegation inquired about the status and nature of the 31 recommendations from the previous reporting period, and whether a timeline had been established regarding the implementation of all those recommendations. The sixth question, arising from paragraph 14 of the Report, concerned what consideration had been given to the possibility of presenting the IAOD budget directly to Member States, such budgetary independence being viewed as critical to ensuring adequate internal controls. Finally, with reference to paragraph 31 of the Report, the Delegation inquired when copies of the draft Investigation Policy would be provided to Member States for review, and expressed the hope that its approval by the Director General, following consideration by the Member States, would be fast-tracked.

161. The Delegation of Kyrgyzstan sought clarification whether internal audits are financial or management-type audits.

162. The Director of IAOD thanked delegates for their comments. He said that the audits completed so far were largely reviews of management operations and noted that financial audits, particularly those relating to the financial statements, were covered by the External Auditor. The Director then responded to the questions from the delegation of the United States of America, adding that he would also provide a written response to the Delegation. It was noted that the audit report of the new procurement system was available for inspection by Member States in the Director’s office, in accordance with the Internal Audit Charter. The whistleblowing complaint had not progressed because preliminary review revealed no evidence of wrongdoing. As regards lessons learned, the intention was to be able to learn from investigation activities, and this should impact on staff training. The final report of the external expert on the inspection review of the Integrity and Ethics System would soon be received and internal consideration then given to it, to be followed by management discussion and acceptance of the recommendations, and then final IAOD conclusions and recommendations reported to the Director General and the Audit Committee. Member States would be informed of IAOD findings and the General Assembly will be advised of continued progress through the Summary Annual Report. It was stated that the Financial Declarations and Disclosures policy research paper was completed, and a Working Group had been formed by the Director General to design forms, produce ideas for training and improvements to the existing financial declarations Staff Regulation, and to consider implementation of an ethics function in WIPO. It was noted that the 31 oversight recommendations were in the course of being fully implemented, and that all had a timetable and specific persons accountable for their implementation. The Director observed that implementation of oversight recommendations was closely followed by the Audit Committee on a biannual basis, helping ensure that management responses were informative and that implementation activities were carried out. Concerning budgetary independence, further provision for this could be made in

the Internal Audit Charter. However, it was noted that no real budget process issues had yet been encountered to date with the exception of the postponed revision of the 2006-2007 budget and the delay of the approval of the 2008-2009 budget. This had affected all WIPO Programs. It was noted that more budgetary independence was a reasonably common practice especially where an Organization had an Inspector General function rather than a Director of Internal Oversight. The draft Investigation Policy had been reviewed by the Audit Committee, Office of the Director General and Office of Legal Counsel, and a draft was being finalized.

163. The General Assembly took note of the contents of document WO/GA/36/8.

ITEM 7 OF THE CONSOLIDATED AGENDA:

WIPO AUDIT COMMITTEE REPORT ON MEETINGS HELD FROM DECEMBER 2007 TO MAY 2008

164. Discussions were based on document WO/GA/36/9.

165. At the invitation of the Chair of the General Assembly, the Chair of the Audit Committee introduced the reports of the seventh, eighth and ninth meetings of the WIPO Audit Committee, held in December 2007, and February and May 2008. He outlined the main observations and recommendations made by the WIPO Audit Committee on: the work of the Internal Audit and Oversight Division (IAOD); the New Construction Project; and, the Desk-to-Desk Review. The Chair of the WIPO Audit Committee noted that, since no Program and Budget Committee meetings had been held since the Committee's seventh meeting, its last three reports had not been presented to, or discussed or acted upon by Member States. He also recalled the provision in the revised Terms of Reference of the WIPO Audit Committee for rotation of three out of nine members of the Committee by January 1, 2009.

166. The Delegation of the United States of America expressed its appreciation for the detailed introduction to the Committee's reports and requested that more details be provided, in due course, on: identification of core activities of the Internal Audit and Oversight Division; the internal audit report on procurement; and, tracking implementation of oversight recommendations.

167. The Delegation of Romania, speaking on behalf of the Group of Central European and Baltic States, expressed its appreciation for the work of the WIPO Audit Committee and took note of the provision for rotation in the Committee's revised Terms of Reference.

168. The Delegation of Pakistan, speaking on behalf of the Asian Group, noted the various recommendations made in the Committee's reports, and requested that a briefing session be organized to take place after the Assemblies.

169. The Delegation of Australia stated that a picture had been painted where many things needed resolution and, in view of the length of time this would take, asked the Chair of the WIPO Audit Committee to identify first steps.

170. Mr. Gurry, the Director General-Appointed, referring to rotational retirement of three Audit Committee members in January 2009, stated that the Terms of Reference of the Audit Committee had not envisaged a rotation selection mechanism. Noting the proximity of the next Program and Budget Committee meeting, the transition period, and the wealth of experience of the current membership, he suggested that Member States might wish to contemplate whether it would be useful to retain the current membership configuration until January 2010, and start the consultation process with a view to the Program and Budget Committee deciding on rotation in 2009 when it meets to consider the Program and Budget for the 2010/11 biennium. He further assured the Member States that he would be working extensively with WIPO Audit Committee, including at its forthcoming meeting in October to identify a roadmap.

171. The Chair of the WIPO Audit Committee thanked Delegations for their comments and stated that with respect to core and non-core functions of IAOD, the Committee had recommended that certain activities currently undertaken by IAOD be assigned to other Divisions. He also stated that the Committee was of the opinion that outsourcing could have been resorted to during the period when IAOD was understaffed. With respect to procurement, the Chair was of the opinion that a response could best be given either in writing or by meeting with officials. Concerning identification of first steps, he recalled that in his statement he had said that the Organization had reached a new juncture, and added that the Organization had a good base on which to go forward, namely: the final report of PricewaterhouseCoopers (PwC) on the Desk-to-Desk Assessment; the response of Secretariat to PwC's report, and detailed plans to be put forward by the new Director General. He assured Member States that the Audit Committee would be working extensively together with the new Director General, in its capacity as an independent external oversight body, and would try to carry out its part of the task as best it could.

172. The General Assembly took note of the contents of document WO/GA/36/9.

ITEM 8 OF THE CONSOLIDATED AGENDA:

REPORT ON THE SESSIONS OF THE COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY (CDIP)

173. Discussions were based on documents WO/GA/36/4 Rev. and 11.

174. The Chair drew the attention of the delegates to Agenda Item 8, the Report on the sessions of the CDIP, and requested the Secretariat to introduce the item.

175. The Secretariat presented the two documents under Agenda Item 8. With regard to the first document, WO/GA/36/4/Rev. "Report of the Sessions of the Committee on Development and Intellectual Property (CDIP)", the Secretariat referred to paragraph 11 which invited the Assembly to consider the report and to approve the recommendations of the CDIP, as contained in paragraph 10. With regard to the second document WO/GA/36/11, "CDIP Proposal to Convene a Donor Conference", the Secretariat referred to paragraph 7, inviting the General Assembly to take note of the information contained in the document and to approve the convening of a Donor Conference in 2009, as laid out in paragraphs 4, 5, and 6.

176. The Chair thanked the Secretariat and invited the Assembly to comment on the document.

177. The Ambassador of Barbados, Chair of the CDIP, congratulated Mr. Gurry on his appointment to the post of Director General, and said that he looked forward to working with him in his capacity not only as Permanent Representative of Barbados, but also as a member of the Caribbean Community and, most importantly, as Chair of the CDIP. He thanked Dr. Idris for his contribution to WIPO, and in particular to the Development Agenda process. The Ambassador said that it was a pleasure and honor for him to report on the progress made on the Development Agenda process since the 2007 General Assembly. He recalled that when the General Assembly had adopted the 45 recommendations for action and had agreed to the establishment of the CDIP, the Assembly had also requested him to prepare, in consultation with Member States and the Secretariat, the initial working documents which had formed the basis for discussions in the two earlier sessions of the CDIP that year. The said documents provided details on strategies and activities considered necessary to implement the recommendations of the Development Agenda. The Ambassador pointed out that the spirit of cooperation and the constructive manner in which Member States had pursued the Development Agenda in the PCDA phase continued in the formal body, the CDIP. He recalled that in order to accelerate the implementation phase of the work program, a two-day informal consultation meeting with Member States was held in April 2008. A broad agreement, purely of a provisional nature, had been reached then and subsequently confirmed at the second formal session of the CDIP held in July of that year. During the two formal sessions of the CDIP, the Committee had considered 15 recommendations out of 45. Seven of those 15 were from the list of 19 and involved no additional financial implications, while the other eight were from the list of 26, which did have new financial implications. He stressed that a very important part of the exercise had entailed the evaluation by the Secretariat of the human and financial resource requirements for the implementation of the said 26 recommendations. The Secretariat had subsequently assessed five of those, which had been considered in detail and approved by the CDIP, and the said activities and estimated costs were contained in Annex II of document WO/GA/36/4.Rev. He explained that at the end of the second session of the CDIP, Member States had expressed the need to consider the necessary mechanisms for coordinating the work of the Committee with other relevant WIPO bodies, in order to ensure the effective implementation of the adopted recommendations, while also facilitating the monitoring, assessing and reporting role of the CDIP, as mandated by the General Assembly. The Ambassador pointed out that the issues involved in the Development Agenda were of a very wide nature, cutting across the work of almost the entire Organization. Hence, it was not possible for the CDIP to monitor and review the implementation of those recommendations without the active involvement and cooperation of other WIPO bodies. The Committee had therefore decided to start discussions in its next session on the possible mechanisms and modalities for the effective coordination, with other relevant WIPO bodies. He hoped that the CDIP would attract the engagement of the Chairs and Members of those other bodies. The Ambassador stressed that the WIPO Development Agenda was one of the very important items before the Assembly and thanked members for amending the Agenda to accommodate his absence during the earlier part of that week. The issues covered in the 45 recommendations were of immense importance to developing countries, importance which had also been recognized by the developed countries. He noted that, to date, the CDIP had made modest progress and its members were well aware that there was still a lot of ground to cover before delegations would be able to complete the identification of strategies and activities for an effective work program for all 45 recommendations. In the last few years, the Development Agenda process had

demonstrated that it was possible to tackle difficult and contentious issues by showing a spirit of engagement and compromise. It was that collaboration which had encouraged delegations to continue the process of careful deliberations, at all times aimed at reaching the overall objective of the Development Agenda while respecting the various positions of Members. He was aware that formulating programs and activities for implementing the Development Agenda and preparing the necessary documents was a massive task which would not have been possible without the involvement of various divisions within the Organization, and therefore wished to express the appreciation of the Committee for the way in which the Secretariat had been facilitating the entire process. Referring to the Report to the General Assembly in which the CDIP recommended the work program in Annex II, the Ambassador urged the General Assembly to make the requested resources available in a manner consistent with the WIPO program and budgetary processes, and also urged the General Assembly to encourage all Member States, the Secretariat, and other relevant bodies, to effectively implement the adopted recommendations whose activities had thus far been scrutinized by the CDIP. He finally called for the General Assembly to approve the process of collaboration and coordination across all relevant WIPO bodies and the Secretariat, so as to facilitate the monitoring, assessing and reporting mandate of the CDIP.

178. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Secretariat for its excellent work and for document WO/GA/36/4 Rev., which reported on the sessions of the CDIP, and document WO/GA/36/11 on the Donor Conference. The Delegation also thanked the Chair of the CDIP for his effective and inspiring leadership, who had managed to build a consensus throughout the negotiations, thereby bringing together different points of views and positions. It was mainly due to the Chair's skills and efforts, that the CDIP had adopted 45 recommendations for implementation, which was indeed a landmark outcome. The Delegation stressed that the CDIP was the only Committee in WIPO, whose mandate was cross-cutting in nature and not restricted to a particular area. It could discuss matters related to all issues within WIPO that touched upon the domain of development. In that context, it believed that initiatives such as evaluation and impact studies, extended technical assistance, IP Office modernization and automation, training of national IP specialists, granting of legislative advice and the use of flexibilities, technology transfer, the interface between competition policy and IP, and a host of other essential services, were all within the purview of the CDIP. The Delegation recalled that two sessions of the CDIP had been held, during which in-depth discussions had taken place on the recommendations and the Committee's work program, and it believed that it was time to move into the implementation phase of the agreed recommendations. Back in 2007, the General Assembly had agreed to the immediate implementation of 19 recommendations, and the Delegation hoped that the Secretariat was on course with regard to those recommendations. The CDIP had also finalized the work program in respect of some of the recommendations in the list of 26, which still needed to be approved by the Assembly. In the Delegation's view, the Development Agenda was the most significant initiative in WIPO, and one of the most important items on the Agenda of the Assembly. The interest it had generated across the world, among governments, academic circles, user communities, non-governmental organization (NGO) groups, the media and the general public, was truly unprecedented. The Delegation noted that the Development Agenda had rightfully raised genuine expectations in developing countries and LDCs, as well as in many developed countries. The Delegation said that such expectations had to be fulfilled, and that they should neither be dimmed nor diluted by protracted procedural methods or disagreements on resources, which would be counterproductive and would impact negatively on the Organization. The Delegation further believed that should this happen, confidence in the IP system could be undermined. The

Development Agenda offered a unique opportunity to make IP truly a tool for social, cultural and economic development, and to establish the necessary balance between public interest and the interests of the user communities. The Delegation considered that IP should serve the whole of humanity and not just a privileged few or only the exclusive right holders. Without such balance, IP would become an instrument of alienation of the vast majority of members of the human family in terms of access to knowledge, access to medicine, bridging of the digital divide, addressing environmental concerns and, of course, in the use of flexibilities in international treaties. With the adoption of the 45 recommendations, Member States were poised to usher in a new era in the global application of IP in a just, democratic and balanced way, which was the hope and aspiration of a large section of humanity. The Delegation stressed that the recommendations now had to be implemented faithfully, impartially and without any hindrances. The Delegation also believed that the Secretariat should be given enough resources, both human and financial, to carry out its tasks and therefore fully supported the recommendations made in paragraph 10, page 3, of document WO/GA/36/4 Rev., hoping that the Assembly would approve them unanimously, as suggested in paragraph 11 of the said document. The Delegation also wished to thank the outgoing Director General, Dr. Idris, for his commitment to the Development Agenda from its inception. He had nurtured the process and seen it through to fruition and it now rested with his successor, Mr. Gurry, to carry the process forward. The Delegation was encouraged and indeed delighted by Mr. Gurry's commitment to the Development Agenda. His repeated statements as to his readiness to continue with the process and indeed to deepen its mainstreaming in WIPO had given much hope to the Delegation and it was ready to join forces with him, and with all stakeholders to achieve shared goals in that regard. With respect to the Donor Conference which had been recommended by the CDIP in July 2008, the General Assembly had to decide what action, if any, it wished to take in that regard. The Delegation welcomed the proposal aimed at increasing, through extra-budgetary financing and partners' involvement, the resources available to the CDIP. It considered, however, that Member States should not go for selective financing, "cherry picking" or to prioritize the recommendations to be implemented. It concluded by stating that part of the budgetary surplus accumulated over recent years should be allocated to the financing of the Development Agenda.

179. The Delegation of Pakistan, speaking on behalf of the Asian Group, welcomed the progress made during the last two sessions of the CDIP and expressed the need to allocate adequate resources for the implementation of the agreed recommendations. The Delegation also noted that the Assembly should also encourage other WIPO committees to effectively implement the Development Agenda recommendations in their respective work. With regard to the Donor Conference, the Group called for more details about the terms, conditions and expected outcomes of such a conference. Speaking in its national capacity, the Delegation recalled that it had been consistently highlighting the need for undertaking impact assessment and was happy to note that, in his acceptance speech, Mr. Gurry, the new Director General, had mentioned the establishment of a division for that purpose. The Delegation also requested the Assembly to mandate all subsidiary bodies of WIPO to mainstream the Development Agenda recommendations into their work and, in that regard, it looked forward to a monitoring mechanism which could be established by the Assembly at its next session.

180. The Delegation of Romania, speaking on behalf of the Central European and Baltic States, extended its congratulations to the Chair of the CDIP for the successful conclusion of the first two sessions of the CDIP. It believed discussions held during those meetings had been very enriching for all participants, and had produced a much clearer picture of the

modalities to be used by the Secretariat and the Member States for implementing the agreed recommendations that had resulted from the Development Agenda process. The next steps would be to provide the appropriate allocation of resources for each agreed recommendation, after which the focus would move away from the CDIP to the realm of practical and tangible accomplishment. The Delegation believed that the success of the Development Agenda would be measured only by the concrete results that were to follow. It supported the recommendations put forward by the Committee to the General Assembly and remained committed to the process by working with other members for an effective delivery. As for document WO/GA/36/11, it noted that while it agreed with the idea of a Donor Conference, it believed that the financial information presented in the paper needed to be considered during the future budgetary discussions in WIPO, in accordance with the financial rules. As a consequence, the Delegation could give its full support only to the first stage proposed by the Secretariat in the said document, on holding consultations with the Missions in Geneva on that issue.

181. The Delegation of Cuba, speaking on behalf of GRULAC, welcomed the establishment of the CDIP and the 45 recommendations adopted by consensus in 2007 which covered all six Clusters. The Delegation believed that the most important achievement had been to change the perception of WIPO, both within and outside the Organization, and it was not by chance that the 15 candidates for Director General had put the Development Agenda as one of their priorities. The Delegation noted, however, that implementing all of those recommendations was a major challenge. The CDIP was drawing up a work program, and it hoped that the Assembly would adopt the recommendations contained in the Report of the Committee. The Delegation was convinced that the Development Agenda should be mainstreamed throughout all of the bodies of WIPO, and the necessary financial and human resources made available in order to effectively achieve and implement those recommendations. As to the future of the Development Agenda and its Committee, given the cross-cutting nature and the importance of the issues, the Delegation welcomed the fact that it was being put under the direct supervision of the Director General. Finally, the Delegation had two comments and practical requests. First, it wondered whether the new body dealing with the Development Agenda would be established within the organization. It also wished to know, with regard to the budget for 2009, if the necessary changes would be made to ensure that the recommendations on the Development Agenda did not remain a "dead letter". The Delegation was aware that the members had the greatest responsibility to ensure that the work of the Committee moved forward, and that the Delegation was indeed committed to ensuring that there would be a lively and balanced debate with the adequate technical level. It pointed out that the participation of other international organizations and NGOs in that debate was also very useful and welcomed their presence. At the same time, it welcomed the fact that the work programs of other committees like the SCP and the SCCR were open-ended, and not merely for negotiating treaties. Their work programs needed to be balanced and not just reflect the interests of one sector or one group of countries. The Delegation was therefore prepared to move forward on the different issues before those committees. Substantive committees had the challenge of responding to the needs of the 21st Century, without forgetting that IP systems of many members were now facing new problems of the 21st Century.

182. The Delegation of China hoped that WIPO would provide sufficient human and financial resources for the effective implementation of the recommendations to bring benefits to developing countries and LDCs. It expressed its appreciation for the Member States' willingness to cooperate during the meetings of the Committee. All Member States had contributed insightful views on the relationship between development issues and IP.

Undoubtedly, development issues were still one of the major problems facing developing countries, and it was an area that had received a significant amount of global attention. It was also an issue that international organizations should pay attention to, it added. Countries were halfway to attaining the Millennium Development Goals (MDGs) in 2015, which provided an opportunity to promote development, foster creativity and motivate innovation in the international community, so as to achieve harmonious development in the world. With respect to WIPO and the CDIP, the Delegation indicated that it was important that they differentiated, according to the different developmental levels of the Member States in order to act in the interest of all parties. The attainment of the MDGs for all Member States should be ensured while a certain flexibility should be allowed for developing countries, according to their development needs. The scope, means and level of IP protection should be aligned with the Member States' level of productivity and be allowed to evolve in line with their development needs, otherwise technological innovation would not be achieved. The Delegation believed that WIPO should provide Member States with a platform to explore development patterns of different countries to ensure that developing countries and LDCs benefited from IP, thus making its due contribution to the development of the world. In conclusion, the Delegation declared that it agreed, in principle, to document WO/GA/36/4 and reiterated its commitment to play an active part in the discussions on the Development Agenda, in a constructive manner.

183. The Delegation of France took the floor on behalf of the EC and its 27 Member States. The two sessions of the CDIP had enabled the delegations to make substantial progress in drawing up a work program for implementing the 45 recommendations of the WIPO Development Agenda, in a constructive and open-minded spirit. That spirit had led to an agreement on many recommendations under Cluster A on technical assistance and consideration of some of the proposals under Cluster B on norm-setting. The Delegation thanked the WIPO Secretariat for its essential contribution to the work of the CDIP. With regard to the activities for the implementation of the recommendations, it welcomed the fact that Member States had quickly managed to reach agreement respecting the necessary procedures under the WIPO Program and Budget, to make the necessary resources available. The Delegation supported the proposed Donor Conference and called for consultations in order to identify the appropriate modalities. It looked forward to the continuing discussions on the WIPO Development Agenda in a cooperative manner that could lead to a consensus, and hoped that it would in turn show the way to comparable progress in other areas of WIPO's work.

184. The Delegation of the United States of America, speaking on behalf of Group B, welcomed and reaffirmed its commitment to the 45 recommendations agreed upon at the 2007 General Assembly, which addressed an important range of activities including technical assistance, norm-setting, and technology transfer. It believed that ensuring that the CDIP work program was implemented in a manner that was consistent with WIPO's program and budgetary processes was essential for the success of the CDIP. The Delegation noted that at the second session of the CDIP in July, such an understanding had been reached and every Member State stood to benefit from the incorporation of the CDIP into WIPO's regular budgetary processes. The Delegation looked forward to continuing its role in advancing the work of the CDIP. The Delegation further indicated that it would come back to the issue of a Donor Conference later on in the debate.

185. The Delegation of Argentina congratulated Mr. Gurry on his appointment as Director General and associated itself with the statement made by the Delegation of Cuba on behalf of

GRULAC. Speaking on behalf of the Delegations of Argentina, Bolivia, Brazil, Cuba, the Dominican Republic, Ecuador, Egypt, Iran (Islamic Republic of), Kenya, Peru, Sierra Leone, South Africa, Tanzania, Uruguay, and Venezuela (Bolivarian Republic of), it was very pleased that the 45 recommendations covering all six areas of the Development Agenda had been approved at the 2007 General Assembly. Delegations now had a big challenge ahead of them, namely to achieve the full implementation of the agreed recommendations. The Delegation expected the Development Agenda to be mainstreamed into the different WIPO bodies, and also expected that the necessary financial and human resources would be made available for its successful implementation. The Delegation recalled that the CDIP had started preparing a detailed work program in order to fully implement the agreed recommendations. To that end, it emphasized the commitment of the “Group of Friends of Development” to engage in a constructive dialogue, which would result in the completion of the work program as soon as possible. The Delegation stated that the integration of the development dimension within WIPO was a high priority for the “Group of Friends of Development”. It was only that way that WIPO would enhance its contribution to international development goals as a specialized agency of the UN system, and it therefore expected that the implementation of the Development Agenda would help to achieve that objective.

186. The Delegation of Morocco wished to associate itself with the statement made by the Delegation of Algeria on behalf of the African Group and welcomed the progress made by the CDIP. The Delegation also noted with satisfaction the commitment of the newly elected Director General, as expressed in his opening statement. The Delegation was convinced that sufficient resources would be allocated to effectively implement all the recommendations of the CDIP. That would ensure a balanced IP system, taking into account the interests of right holders and to society in general, and that played its full role in achieving development objectives, particularly in developing countries.

187. The Delegation of Nigeria thanked the Secretariat and the Chair of the CDIP, Ambassador Clarke, for his outstanding leadership. The Delegation strongly endorsed the statements made by the Delegation of Algeria on behalf of the African Group. It believed that the Development Agenda and the recommendations therein were important landmarks in making IP an effective tool for social, economic and cultural development; a mechanism to address the development concerns of all countries, in particular developing countries and LDCs. It believed it to be important, therefore, that the Secretariat be given adequate resources, both human and financial, to ensure their implementation, and the Delegation thus supported the recommendation in paragraph 11 WO/GA/36/4 Rev. on the provision of necessary resources for implementation. The Delegation expressed its deep appreciation to the outgoing Director General, Dr. Idris, for his enduring initiative in respect of the Development Agenda, and for guiding and developing the concept of the Development Agenda in the first instance. The Delegation also expressed its appreciation to the incoming Director General, Mr. Gurry, for the commitment he had already demonstrated to give leadership to the CDIP, and for the efforts that he would make in all areas, especially those that concerned access to medicines and other areas important to developing countries. The Delegation supported the organization of a Donor Conference and hoped that it would be supported by all countries, particularly by developed countries.

188. The Delegation of Thailand joined other delegations in thanking Ambassador Clarke of Barbados for his wisdom and guidance. The Delegation associated itself with the statement made by the Delegation of Pakistan on behalf of the Asian Group. The Delegation noted that

the CDIP in its first two meetings had been able to work out the work program and activities for the implementation of some of the adopted recommendations, including the activities to enhance access to and use of patent databases; to create a database to match specific IP-related development needs with available resources, and those to assist Member States in improving their national IP institutions' capacities. While it welcomed the progress made on Cluster A concerning technical assistance and capacity-building, and parts of Cluster B on norm-setting, it hoped that the issue on the necessary resources to implement those agreed activities would be addressed appropriately. The Delegation therefore stressed the importance for the CDIP to accelerate its work in its future sessions, and to develop the work program and activities for the remaining clusters, as all 45 adopted recommendations were equally important and should receive adequate attention. It was also necessary to ensure that appropriate human and financial resources were set aside in a manner that would accord a balance among regions, and be available for the implementation of all 45 recommendations. In this connection, the Delegation appreciated the strong commitment made by Mr. Gurry on the Development Agenda and hoped that the Assembly would adopt the recommendations contained in document WO/GA/36/4 Rev. Regarding the proposal for a Donor Conference, the Delegation appreciated the general thrust behind the proposal. It, however, considered that it could be premature to host such a conference until the expected outcomes were more clearly defined. The proposal merited careful and serious consideration, as the budgetary resources proposed for such a conference could also be used in a different manner, to implement the agreed recommendations. In addition, since the development dimension was horizontally present across the organization, the Delegation emphasized the importance of mainstreaming the Development Agenda, and ensuring that the other WIPO bodies and committees were involved, and took part in implementing the recommendations. The Delegation also took the opportunity to thank WIPO for organizing the Seminar on TRIPS Flexibilities in Singapore, which had been very informative and useful in enhancing its participants' understanding of the flexibilities provided by the TRIPS Agreement. In that regard, it was also in the best interest of delegations to encourage other relevant organizations, such as the World Trade Organization (WTO) and the World Health Organization (WHO), to share their work and expertise related to IP and development. In conclusion, the Delegation looked forward to working closely with the Chair and other members to ensure the effective and speedy implementation of the 45 adopted recommendations.

189. The Delegation of Iran (Islamic Republic of) associated itself with the statements made by the Delegation of Pakistan on behalf of the Asian Group and by the Delegation of Argentina on behalf of the "Group of Friends of Development". The Delegation pointed out that development undoubtedly remained one of the most important challenges facing the international community. The emergence of new technologies, the complexity of norm-setting, the different level of development of Member States together with the great concern on IP issues, all called for the Development Agenda to be mainstreamed in the WIPO work plan. Although the work on the establishment of the Development Agenda moved rather slowly, the Delegation was pleased that more and more emphasis was put on its importance, as well as on the importance of the achievements made so far. The Delegation hoped that the General Assembly would take the necessary measures to enable the negotiated and agreed proposals to be implemented, and it declared itself determined to contribute in a constructive and positive manner to the deliberations in the forthcoming sessions of the CDIP. The Delegation also noted that there was a need to discuss the necessary mechanisms for coordination with other relevant WIPO bodies in implementing the adopted recommendations, as well as the modalities for monitoring, assessing and reporting on the implementation of the recommendations. It was essential that the different WIPO committees

be instructed to integrate the Development Agenda principles concerning norm-setting and other relevant clusters into their work. Developing a work program for implementation of the adopted recommendations and monitoring, assessing, discussing and constant reporting on the implementation of all recommendations were all necessary in that context. The Delegation acknowledged the extensive work that had been carried out by the Secretariat with regard to the provision of relevant documents of the Development Agenda. The Delegation was, however, of the opinion that appropriate budgetary resources should be made available to support the implementation of recommendations following the assessment by the Secretariat of the human and financial resource requirements. The Delegation noted that the continued spirit of inclusiveness and cooperation by Member States would help to establish and mainstream the Development Agenda into all WIPO bodies. It hoped that the General Assembly would adopt the necessary decisions for making such resources available to the Secretariat through WIPO's Program and Budget Committee, to ensure the speedy and robust implementation of the CDIP work program. The Delegation was delighted that the new Director General had also emphasized the importance of the Development Agenda on different occasions, and that the issue would continue to gain priority under the leadership of the new Director General.

190. The Delegation of Venezuela (Bolivarian Republic of) gave its full support to the statements made by the Delegation of Argentina, on behalf of the "Group of Friends of Development", and of Cuba, on behalf of GRULAC. The Delegation stated that there were some real possibilities to start implementing the Development Agenda that year. It recalled that in September 2007, 45 recommendations proposed by the PCDA had been adopted, and that a new body had been set up for the discussion and implementation of those recommendations. 19 were for immediate implementation and the rest would be done under the work program established for that reason. It was necessary that in addition to the work plan, Member States, particularly those waiting for results from the Agenda, had the necessary financial resources to implement the remaining recommendations so as to achieve the objectives set in October 2004. The Delegation also believed it to be necessary for all Member States to commit themselves to the effective implementation of the adopted recommendations. Only then would it be possible to make the necessary changes required in WIPO, to bring it in line with the major goals set out for development in the United Nations (UN) and to give a more human, and less mercantile face to IP.

191. The Delegation of Tunisia associated itself with the statement made by the Delegation of Algeria on behalf of the African Group. It thanked the International Bureau for the quality of the documents provided and for the efforts made to bring the work to a significant conclusion. As had been described at length during the two former sessions of the CDIP, the particularity of that Committee was that it had a horizontal, cross-cutting mandate that concerned all WIPO bodies, hence, the relevance of paragraph 10(c) of WO/GA/36/4 Rev. The Delegation expressed its satisfaction with the atmosphere of mutual understanding present in the Committee and hoped that it would be maintained in its future sessions. The results achieved to date were very encouraging and it was important to re-double efforts and continue to work with determination and in a spirit of good will. To achieve that, the Delegation called for the Assembly to make the necessary financial and human resources available to the CDIP in order to implement the proposals and to approve the recommendations in paragraph 11 of document WO/GA/36/4 Rev. The Delegation also believed in the relevance of holding a Donor Conference and supported the adoption of paragraph 7 of document WO/GA/36/11 calling for the convening of such a conference in 2009, according to the modalities laid out in paragraphs 4, 5 and 6, of the said document. The

personal commitment of Mr. Gurry for the effective implementation of the Development Agenda and his efforts to make available the necessary human and financial resources to the CDIP were necessary requirements that the Delegation warmly welcomed.

192. The Delegation of Singapore welcomed the report of the CDIP which provided a comprehensive “snapshot” of the work program for the implementation of the 45 recommendations. The Delegation also thanked Ambassador Clarke for his leadership. It noted that substantive work and discussions had been undertaken and that there was a need to push ahead and follow through with the implementation of those recommendations. The establishment of the CDIP had offered Member States a significant opportunity to integrate existing and new development dimensions into all areas of WIPO’s work and activities. The Delegation was of the view that implementation should be pursued in a pragmatic manner that would lead to a balanced and effective international IP system. The current international IP regime, with its norms and standards, already provided space for nations to establish sound national policies to promote development and delegations should aim to build on that under the CDIP. While they worked further on the Development Agenda, on-going technical cooperation activities, capacity-building programs and exchanges of best practices should continue. Countries should also concurrently do more at the national level to use IP for development. According to the Delegation, the work of the CDIP could, and should, focus on reinforcing an international IP regime that served to support national development efforts, one that was predictable and accessible to all stakeholders, and not difficult for IP offices to administer. In the end, an international IP system that promoted and fostered innovation and creativity and took the interests of governments, the private sector and individuals into account, would eventually bring meaningful benefits to all countries, regardless of their levels of development. The Delegation welcomed the proposal for all Member States, the Secretariat and other relevant WIPO bodies to effectively implement the recommendations. As delegations mainstreamed development in all areas of WIPO’s work, the approach should respect the views of all Member States and preserve the terms of reference of other WIPO bodies and committees. As one of the core Member States that contributed to the PCDA process, the Delegation of Singapore wished to reiterate its continued commitment to engage actively and constructively under the CDIP.

193. The Delegation of the United Kingdom congratulated Mr. Gurry on his election as the new Director General of WIPO. With regard to the CDIP, the Delegation supported the statements made by the Delegation of the United States of America, on behalf of Group B, and by the Delegation of France on behalf of the EC. The Delegation strongly believed that the work proposed was not only vital for the future of WIPO, but also an integral part of Mr. Gurry’s vision. It was an area of WIPO’s work which it felt should not only be given high priority but also addressed in the short term. Notably, the issue of financial resourcing had to be considered as a matter of urgency. The Delegation’s experience in development work had shown that un-earmarked funds often had more of an impact and had proven to be most effective in the long run. The Delegation noted that budgetary oversight and governance were important to the management of such ambitious programs of work and in order to achieve success, ownership of the Development Agenda had to be the property of all WIPO Member States. The Delegation therefore urged the Program and Budget Committee to make sufficient provision in the draft budget for 2009 to allow for the immediate implementation of the work streams identified by the CDIP in its second session. The Delegation recognized the need to begin that work as soon as possible, so that Member States started receiving the initial benefits quickly. The Delegation believed that it was in the interest of all Member States that the recommendations of the CDIP be implemented effectively and successfully. It was only

by such successes that the combined goal to provide a truly effective multilateral IP system could be achieved, it added, and stressed that the success of the CDIP work program would be instrumental in developing countries achieving their own goals, whilst increasing global confidence in the future of the IP system and WIPO itself.

194. The Delegation of Trinidad and Tobago subscribed to the statement made by the Delegation of Cuba on behalf of GRULAC, and also wished to express its appreciation to the Secretariat, in particular to Dr. Idris and his team, for the excellent documentation presented on the work of the CDIP. In that regard, the Delegation also wished to acknowledge the role Dr. Idris had played in giving substantive form and content to the concept of a Developmental Agenda for WIPO. The Delegation stated that the development of an IP-oriented culture in Trinidad and Tobago pointed to the specific importance of the work of the CDIP. The Delegation made common cause with other developing countries in promoting the Development Agenda of WIPO. The Delegation's enthusiasm in that area also represented the inevitable expression in policy terms of its national development strategy to become a developed country by 2020, commonly referred to as "Vision 2020". The Delegation stressed that it had been active in the discussions from the inception of the idea to create a Development Agenda for WIPO for those very reasons. The Delegation said that its country was currently on a course of transforming itself into a knowledge-based society. Both conceptually and in practical terms, IP represented a critical transformative element at the very heart of that program of national development. The Delegation welcomed the keen interest and personal commitment shown by the new Director General at the CDIP meeting in July, and heartily applauded his undertaking to personally supervise such initiatives. As delegations turned their attention to the matter of implementation, the Delegation urged that in assigning financial and human resources, due attention be paid to the magnitude and multi-dimensional nature of the task, as well as to the skills required to properly and effectively manage it. The Delegation also strongly supported the convening of a Donor Conference in 2009. At their core, the recommendations of the CDIP constituted the fundamentals of future economic prosperity for developing countries as they grew and developed. The Delegation however pointed out that recommendations were mere recommendations, a blueprint for action. While the Delegation did not, by any means, question the will of the membership to take action on that front, that action should be unequivocal, given the results that were sought, and to bring all members into the mainstream of sustained economic prosperity. For small states with limited resources, IP was key to extracting value and creating wealth for the virtually unlimited resource of human creativity. In the statement the Delegation had made on Agenda Item 5, it had noted with satisfaction the convergence of the proposals, several of which were implementable in short order. That bore testimony to the tenacity and confidence surrounding the introduction of the Development Agenda some four years ago and to its insightful evolution since. The Delegation therefore looked forward to the speedy implementation of the recommendations and reiterated its support for the 2009 Donor Conference.

195. The Delegation of South Africa aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group and by the Delegation of Argentina on behalf of the "Group of Friends of Development". The Delegation encouraged the new WIPO management team to expand on the sound platform laid by the outgoing Director General and to establish and promote it. It re-emphasized the importance of a speedy and effective integration of the CDIP recommendations throughout all WIPO activities and, for that purpose, the allocation of adequate human and financial resources had to be ensured. Through the effective functioning of the CDIP, WIPO would play a leadership role in

ensuring that the economic, social and related benefits resulting from a balance application of the international IP system were truly made universal.

196. The Delegation of Egypt also supported the statements made by the Delegation of Algeria on behalf of the African Group and of Argentina on behalf of the “Group of Friends of Development”. It thanked Ambassador Clarke for his wisdom and the excellent way in which he had conducted the work of both sessions of that Committee. The Delegation also greeted the constructive spirit that had prevailed throughout all the discussions to date. It recalled that the WIPO General Assembly had adopted a very important resolution in September 2007 by adopting the 45 recommendations making up the Development Agenda and by setting-up the CDIP. The Delegation declared that it would make every effort to effectively implement the Development Agenda and to find a clear and lasting balance between the protection of IP rights and the guarantee of flexibilities, which would be in the interests of the general population. That would help to preserve WIPO’s credibility, it added. The Delegation was convinced that the challenges facing IP were not confined to the CDIP, they affected all WIPO bodies which should integrate them into their working objectives and make efforts to effectively implement the Development Agenda. The Delegation supported the three recommendations in paragraph 10 of the document under consideration, and reiterated the importance of the full and effective implementation of the work program for the implementation of the recommendations in Annex II, which required additional financial and human resources. As regards to the Donor Conference proposal, which the Delegation approved, it called for the necessary financial resources to be provided for, with no conditions attached to it. In conclusion, the Delegation thanked the WIPO Secretariat not only for its contribution to the Committee’s work but also for its contribution to effectively supporting the Development Agenda.

197. The Delegation of Romania, speaking in its national capacity, noted that the Development Agenda was one of the cross-cutting topics that were of particular importance to the organization, and recalled that the debate had started in 2004. Four years and many meetings later the organization was at last entering the stage of concrete actions and that was a very welcome development. The Delegation noted that the development potential of IP was an asset for all countries. Hence, the general agreement that had lately taken shape on the 45 recommendations would hopefully be extended to many others as delegations worked in the respective committees to reach solutions on the various issues there. The Delegation strongly believed that efficiency and focus on doable and measurable proposals were needed. A continuous reality check of initiatives and their implementation was a key to the success of the process. The Delegation took note and supported the intention of the Director General-elect to address “the analysis and reflection on the best means of making intellectual property work to the advantage of all countries regardless of their level of development”. The Delegation also strongly supported the implementation of projects and proposals that were closely related to the actual needs of each and every country. That meant a demand-driven process, with demands coming from the Member States and a significantly increased creativity and flexibility of the Secretariat in responding to those demands. Comprehensive information on the actual needs of the countries and wise and careful use of resources made for two of the three pillars that were needed for the success of the process. The Delegation also wished to raise some institutional aspects that it considered quite important. It looked forward to working with the Director General-elect in strengthening WIPO’s role as a part of the solution to the differential levels of development. In that respect, it hoped that the efficient management of resources, both financial and human, would be a top priority. Parallelism and duplication were to be avoided while much stronger cooperation among

various structures of the Organization like the Regional Bureaus and thematic divisions was strongly needed. That was necessary to secure the synergies that would pave the way to attain the success in implementing the Development Agenda, the Delegation concluded.

198. The Delegation of Bangladesh thanked Ambassador Clarke and the Secretariat for the presentation of the report on the CDIP and associated itself with the statement made by the Delegation of Pakistan on behalf of the Asian Group. The Delegation of Bangladesh stated that it was a time of optimism in WIPO, as the membership was looking forward to the future hoping that under the leadership of the new Director General, the Organization would become more relevant and better able to respond to the demands of all its Member States. The effective and full implementation of the 45 recommendations of the Development Agenda agreed to by all Member States would be a key test in that regard. The Delegation noted that, as mentioned by Ambassador Clarke, whose visionary guidance continued to inspire all delegations, progress had been made during the CDIP sessions. The Delegation felt encouraged by the statement of the new Director General who had highlighted the need to translate the political consensus into concrete and effective projects. A number of practical steps that could contribute in that respect had also been suggested. Most noteworthy from the point of view of the LDCs were the proposals for the construction of a global knowledge infrastructure and better service delivery by WIPO in the area of capacity-building and strengthening of national institutions. In that context, the Delegation welcomed the commitment made by the new Director General to strengthen the human and financial resources of the WIPO LDCs Division in order to address the special needs of those countries facing acute challenges to realize the MDGs. The Delegation believed that there were a number of specific proposals in the Development Agenda that could benefit the LDCs and therefore called upon the membership to reach an early agreement on the way to implement those proposals. In that regard, the Delegation highlighted the need for the early setting-up of the IP development fund for the LDCs as contained in Recommendation 2. Early implementation of the Development Agenda proposals would enable all countries, including the LDCs, to use IP effectively as a tool for economic and social development and profit from their IP assets, it believed. At the High-Level Forum on IP for the LDCs organized by WIPO the previous year, ministers and senior officials from LDCs had identified a 10-point agenda for action which called upon WIPO to assist the LDCs in creating sustainable IP institutions, making available technology that could be put to good use, promoting innovation and creativity to increase enterprise competitiveness, and protect cultural expression and traditional knowledge, among others. Mainstreaming of the Development Agenda into WIPO activities would go a long way in addressing those and other needs of the LDCs. The Delegation therefore called upon the membership to demonstrate the same speed of cooperation that had allowed a consensus on the Development Agenda when it came to implementation and it looked forward to remaining actively engaged in that process.

199. The Delegation of Brazil supported the statement made by the Delegation of Cuba, on behalf of GRULAC, and the statement by the Delegation of Argentina on behalf of the “Group of Friends of Development”. The Delegation considered the Development Agenda to be an issue of crucial and fundamental importance. Its adoption by the General Assembly in 2007 did not mean that it was the end of the debates on development in the WIPO program. Rather, it was the beginning. The 45 adopted recommendations were crucial and attested to a successful process that had been conducted diligently and democratically by Ambassador Clarke. The WIPO Secretariat, and in particular the Office for the Strategic Use of Intellectual Property for Development (OSUIPD) had had a fundamental role in the implementation of the Development Agenda. In that respect, the Delegation supported the

Delegation of Cuba on behalf of GRULAC which had enquired about the sector in the Secretariat that would deal with the Development Agenda. The Development Agenda had brought to the Organization a cultural change which was necessary and healthy for the Organization and that was a paradigm shift. It explained that like any other system, the IP system had rules but also exceptions, flexibilities and limitations associated with those rules, and those were what guaranteed the balance and the proper operation of the IP system. The Delegation stressed that the new approach of the Development Agenda was to strengthen the balance of the IP system. It noted that the development dimension was cross-cutting in nature, and WIPO needed to be able to renew itself and to offer to its Member States an effective cooperation that went beyond the traditional activities of technical assistance it had usually been involved in. The Development Agenda also had to become a tool which was able to contribute to technological innovation in the countries of the developing world. The innovating companies/enterprises and the inventors of those developing countries needed to receive training and to be able to learn how to protect their own inventions and their own creations. The Delegation hoped that Mr. Gurry would be able to bring forward the process of implementation of the Agenda. It also hoped that he would make the development program a priority of his management and would guarantee the human and financial resources necessary for its implementation. With reference to document WO/GA/36/4 Rev., the Delegation endorsed it and supported paragraph 11. It recalled, however, that when the issue of human and financial resources for implementation had been debated at the last CDIP, there had been no opposition nor objections. As far as the Delegation was aware, there was going to be a new budget and that budget would reflect the decisions of the CDIP. It would be presented to the Committee and thereafter to an extraordinary General Assembly. With regard to the proposal to convene a Donor Conference, the Delegation was not among the delegations that fully supported the idea. However, when it looked at the issues that appeared in paragraphs 4 and 5 of the document, it was reassured by the fact that the conference would be open to all the countries that were members of WIPO and that the outcome of the conference had to be in accordance with Recommendation 2. The Delegation considered that the objectives were balanced and, therefore, was ready to consider and approve the document as presented.

200. The Delegation of India associated itself with the statement made by the Delegation of Pakistan on behalf of the Asian Group. The Delegation was particularly enthused by the primacy accorded to the Development Agenda by the new Director General in his acceptance speech and fully agreed with the Director General that for it to fulfill its promise, it would be essential to translate the political consensus achieved into concrete and effective projects. The important tasks were to allocate the necessary financial and human resources for implementing the 45 recommendations, it added. The Delegation noted that while the resource requirements for implementing the Development Agenda were almost infinite, the available funds were finite, necessitating imaginative solutions such as reordering of existing priorities, redeployment of resources, exploring non-budgetary sources of funds. Further, new models of technical assistance and capacity-building that were cost-effective would need to be evolved. For instance, using technical expertise from the same country or region where the assistance was being provided, enhancing the training-the-trainer programs, and similar initiatives. The Delegation stressed that the Development Agenda went far beyond technical assistance and capacity-building activities, and that norm-setting activities were also important elements of it. As demonstrated by the slow movement in the various norm-setting exercises in the Organization in the past few years, the Delegation expressed the need to acknowledge that the process had to recognize both technical and, more importantly, social and public interest concerns. Without taking the latter on board there was little chance of

success. The model adopted by the CDIP's Chair, the Member States and the Secretariat for considering and negotiating the Development Agenda had proven to be eminently successful and it was important to continue and strengthen the same. Finally, the Delegation reiterated its strong commitment to the Development Agenda and assured it would continue to play a constructive role in such an important process.

201. The Delegation of Malaysia wished to refer to two key points it considered as challenges for the Committee. The first one was the mainstreaming of the recommendations of the CDIP into all WIPO committees. The Delegation stressed that it supported such mainstreaming on the condition that it would not lead to the establishment of new conditions tied to recommendations, since such recommendations had already been approved. Similar to the statement made by the Delegation of Brazil, the Delegation of Malaysia believed that sending the agreed recommendations before the Program and Budget Committee was merely procedural. Secondly, it wished to associate itself with the statement made by the Delegation of India which affirmed that the Development Agenda went beyond mere capacity-building and technical assistance. In that context, the Delegation recalled that 19 proposals had already been approved by the General Assembly for immediate implementation. Of these 19 proposals, nine were under Cluster A, six under Cluster B, none under Cluster C, two under Cluster D, two under Cluster E and none under Cluster F. The Delegation hoped that the Committee and the Secretariat would allocate the necessary resources in a timely fashion, so as to ensure that all recommendations received equal attention. It emphasized that in fact the challenge for the Committee and the Secretariat was to move the 26 proposals from the second list to the first list of 19.

202. The Delegation of Turkey thanked Ambassador Clarke for his eloquent presentation on the CDIP Report, adding that the progress achieved on the Development Agenda and at the CDIP would not have been possible without his astute chairmanship skills. The Delegation underscored the importance it attached to the work of the CDIP. Even if it did not consider its country as one of the main beneficiaries of the results achieved from the Development Agenda, the Delegation believed that the success of the Development Agenda would improve the functioning of the Organization. It added that the discussions on the Development Agenda had increased the interest and support of developing countries to the Organization. Moreover the work of the CDIP had increased the transparency of the functioning of the International Bureau, as Member States had a direct contact with the Secretariat. The Delegation stated that the CDIP provided opportunities to raise questions and promote dialogue, whose benefits went beyond the Development Agenda, and it hoped that such a dialogue would continue. It was satisfied with the fact that activities had been initiated for the implementation of 19 recommendations which had no budgetary implications. The Delegation further thanked the Chairman and Member States for the progress on the Development Agenda. It expressed its appreciation for the commitment made by Mr. Gurry on the Development Agenda. The Delegation then referred to the recommendations which had budgetary implications, calling for their adoption by the General Assembly, along with their indicative figures. The Delegation stressed that those recommendations would also need to be considered by the Program and Budget Committee, and that the necessary arrangements and adjustments would have to be made in the revised Program and Budget for 2009. Being a member of the Program and Budget Committee, it believed that the said Committee would be very positive and supportive of the work of the CDIP.

203. The Delegation of Canada expressed its continued support for the Development Agenda and stated that it was committed, as mentioned by Mr. Gurry, to translating the political

consensus into concrete and effective projects. The Delegation acknowledged the leadership of the Chair of the CDIP and associated itself with the statement delivered by the Delegation of the United States of America on behalf of Group B. The Delegation reiterated that it could agree to the work program in respect of the adopted recommendations 2, 5, 8, 9 and 10, as requested in document WO/GA/36/4 Rev., provided that such a work program would follow WIPO's program and budget processes. It added that Member States should continue to be mindful of the financial and human resource implications of each activity, when assessing the Development Agenda recommendations. The Delegation acknowledged the statements made by Mr. Gurry and by the Secretariat at the July Session, which assured that all decisions taken by the CDIP would first be subjected to WIPO's program and budget processes before consideration by the General Assembly. To that end, the Delegation encouraged close coordination between the CDIP, the Program and Budget Committee and the Secretariat. The Delegation further added that it supported the implementation of all 45 recommendations in a step-by-step manner, taking into account the human and financial resource implication of each. It noted that the adopted recommendations provided a comprehensive basis for mainstreaming development considerations into the work of WIPO, and reiterated that the next most important step for the Committee would be to ensure that the work moved forward in an effective and efficient manner. The speed with which discussions proceeded should not be the most important consideration, it stressed. The Delegation supported the commitment made by the Chair for further discussion on the necessary mechanisms for coordination with other relevant WIPO bodies, during the Third Session of the CDIP, which would seek to clarify the relationship of the CDIP with other WIPO committees. The Delegation concluded by stating that it looked forward to working with Member States, along with Mr. Gurry and his team, to pursue the implementation of the Development Agenda.

204. The Delegation of Japan recognized the importance of the implementation of the 45 recommendations adopted at the General Assembly in 2007 covering various elements such as technical assistance. It welcomed the progress made in the deliberations for the implementation of those recommendations at the First and the Second Session of the CDIP. The Delegation added, however, that when implementing the recommendations in the list of 26, Member States should bear in mind that the figures proposed by the Secretariat on the respective human and financial resources, stated in Annex II of document WO/GA/36/4 Rev., were indicative in nature. In that context, the Delegation associated itself with the statement made by the Delegation of the United States of America on behalf of Group B, and reaffirmed the importance it attached to the human and financial resources to be allocated in a manner consistent with the regular program and budgetary processes of WIPO. It concluded by reaffirming its commitment to the discussion at the CDIP for the steady and adequate implication of the recommendations.

205. Speaking on behalf of Group B, the Delegation of the United States of America thanked the Secretariat for its work on the proposal to convene a Donor Conference, as proposed in document WO/GA/36/11. Group B believed that a potential Donor Conference could be helpful in the efforts in the CDIP and could enable greater collaboration between current and potential donors and recipients. However, it believed that it was important to consult major stakeholders in order to determine the best way to organize such a conference. Moreover, as Group B had repeatedly stated throughout the CDIP and its preceding negotiations, the planning of any activity should strictly adhere to WIPO's normal rules and procedures, including those concerning program and budgetary functions. The Delegation underscored that such adherence was crucial for ensuring a positive result from any potential program. In that context, the Delegation wished to propose a modification to the decision paragraph in

document WO/GA/36/11 aimed at avoiding any possible confusion with respect to the General Assembly's role concerning budgetary matters and at ensuring consistency with WIPO's program and budget process. The Delegation suggested the new paragraph to read: "the General Assembly of WIPO is invited to take note of the information contained in the present document and approve the convening of the initial phase of consultations as laid out in paragraph 5 above". On behalf of Group B, the Delegation of United States of America further stated that it looked forward to participating in future discussions and consultations concerning the potential planning of a Donor Conference.

206. In its national capacity, the Delegation of the United States of America declared that over the past four years, both in the PCDA and the new CDIP, it had been actively and constructively engaged in discussions on the role of IP in development. It was pleased that WIPO Member States had reaffirmed WIPO's longstanding commitment to the development-related aspects of IP Rights during the 2007 General Assembly. It said that it was satisfied with the fact that Member States had been able to reach an agreement on how to enhance WIPO's work in areas across a broad range of activities, including technical assistance, norm-setting and technology transfer, and noted with approval that WIPO Member States at the Second Session of the CDIP in July had agreed that resources to ensure implementation of the CDIP work program should be made available to the Secretariat in a manner consistent with WIPO's program and budgetary processes. The Delegation stated that all Member States stood to benefit from the earliest possible incorporation of the CDIP into WIPO's regular administrative processes, and that it looked forward to continuing its role on advancing the work of CDIP to ensure that the agreed recommendations were implemented in a manner fully consistent with WIPO's mandate to promote the protection of IP, so that the full benefits of the global IP system could be brought to every corner of the globe. With regard to the Donor Conference proposal in document WO/GA/36/11, the Delegation thanked the Secretariat for its work and expressed its hope that a potential Donor Conference would yield wider benefits to a greater collaboration between current and potential donors and recipients. It added that it recognized the important collective work of all of the delegations to the CDIP in addressing issues related to development and IP, and hoped that such a conference could help build upon those efforts. The Delegation reiterated what it had maintained throughout the CDIP and its predecessor negotiations, that any and all planning and activity should adhere to WIPO's normal rules and procedures, including those concerning program and budgetary functions, since that was crucial for ensuring the possibility of a positive result from any potential program. It concluded by declaring that there were many substantive procedural and logistical questions and issues that would need to be addressed in order to move forward with a potential Donor Conference, and that it looked forward to remaining fully engaged in all future discussions and consultations concerning the potential planning of such a conference, and that it remained committed to the success of any such activity.

207. The Delegation of Costa Rica thanked Ambassador Clarke for his work in chairing the meetings on development and IP, which the Delegation not only attended but was also a very active member of. The Delegation further stated that without Ambassador Clarke's leadership, it would not have been possible to come up with the recommendations that appeared in document WO/GA/36/4 Rev. and its annexes, with which all were familiar at present. It confirmed its firm support for the position expressed by the Delegation of Cuba on behalf of GRULAC and approved the 45 recommendations present in the document. The Delegation further believed that the document enshrined a new strategic approach for WIPO to meet its objectives and saw the adopted recommendations as a good start for the

development of its own country. It added that Costa Rica had always worked in favor of the technical assistance program being implemented in accordance with the strategic national IP program and, as such, the implementation of the proposals should not only fully meet the needs of Member States, but form a dynamic circle which involved clarification, review and action. The Delegation believed that without those principles, one would be merely improvising. In that context, the Delegation adopted the recommendation contained in document WO/GA/36/4 Rev. and urged the General Assembly to adopt the 2009 Budget for the necessary additional resources. It further said that the task of the Committee was far from over and called for progress in the third meeting of the CDIP. The Delegation concluded by approving the convening of the Donor Conference in 2009.

208. The Delegation of Cuba supported the decision on the immediate implementation of directives pertaining to the WIPO Development Agenda. It believed it was crucial that the development dimension be present in all the activities of the Organization. Similarly, it deemed it necessary that the human and financial resources for the implementation of the WIPO Development Agenda proposals be contained in Program and Budget for 2009. It added that those resources should be established on the basis of the current budget of the Organization and not on the basis of the extra-budgetary contributions of donors which responded to specific programs. The Delegation fully supported the statement made by the Delegation of Argentina on behalf of the “Group of Friends of Development”, as well as the statement by the GRULAC.

209. The Delegation of Saint Lucia congratulated WIPO and the Chairman of the CDIP for their focused attention to the issue of IP in relation to development. It stated that Santa Lucia was a very small State, striving to develop a comprehensive, yet cohesive policy framework on IP. It added that from an economic standpoint, it was important for Saint Lucia to bring the necessary work to completion since it was about to sign the Economic Partnership Agreement (EPA) with the EU. The Delegation then wished to enumerate the issues to be addressed relating to the Madrid Union as the need for it to strengthen its regime for enforcing the rights of its performances, the need for protecting its very rich folklore and underwater heritage, and the need for the revision of the organizational structures which would help to execute its IP programs. It added that some of those needs were not unique to it and that its sister islands of the Eastern Caribbean often had a number of similar needs. The Delegation stated that as the Committee sought to implement the adopted proposals, it would urge that the problems of islands such as their’s and those of the Eastern Caribbean States be addressed on a sub-regional or regional basis.

210. The Delegation of Sudan associated itself with the statements made by the Delegation of Algeria on behalf of the African Group and by the Delegation of Argentina on behalf of the “Group of Friends of Development”. The Delegation also expressed its appreciation and satisfaction with the acceptance speech of Mr. Gurry, in particular the special focus he intended to give to the Development Agenda. The Delegation thanked the Secretariat for the excellent documentation prepared on the CDIP and paid tribute to WIPO in preparing the work of the CDIP in the past years, in particular for the special attention which had been given in order to reach effective and constructive resolutions. The Delegation expressed the importance of an effective implementation plan and concluded by supporting the convening of a Donor Conference.

211. The Delegation of Ghana associated itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation had followed with keen interest the

progress made by the CDIP and hoped that the necessary mechanisms for implementing the adopted recommendations would be expeditiously identified for the benefit of the Member States. It believed that the Development Agenda offered a unique opportunity to truly make IP a tool for social, cultural and economic development, and expressed its hope that the Secretariat would allocate the adequate resources, both human and financial, to carry out the activities envisaged for the implementation of the recommendations adopted in the report of the Committee. The Delegation further hoped for unanimous approval of resources by the General Assembly.

212. The Delegation of Kenya supported the statement made by the Delegation of Algeria on behalf of the African Group and also wished to align itself with the statement from the Delegation of Argentina on behalf of the "Group of Friends of Development". The Delegation underscored the importance of the Development Agenda to its economic development. In that context, it supported the adoption of the recommendations as contained in the report of the Committee and emphasized the role of capacity-building, staff training and development of IP databases as part of the Development Agenda. The Delegation observed that integration of development into the programs of WIPO was welcome and advocated the need to ensure that the Committee moved from resolutions to concretization of the results of the Development Agenda. It emphasized the need to provide appropriate financial and human resources to implement the programs and the activities under the Development Agenda, as well as the need to mainstream the Development Agenda in all WIPO activities, since it was eagerly looking forward to the tangible results of the program. The Delegation further endorsed the convening of the Donor Conference, as provided for in the documentation, and concluded by stating that it looked forward to working with Mr. Gurry to achieve the results of the Development Agenda.

213. The Delegation of Mauritius fully endorsed the statement made by the Coordinator of the African Group, as well as the statements made by the Delegations of Tunisia and Trinidad and Tobago on the report of the sessions of the CDIP. The Delegation added its voice to all the previous speakers in commending Ambassador Clarke for his effective leadership of the CDIP and in thanking the Committee for the detailed work program contained in Annex II of the document under review. The Delegation recognized the important role played by IP and its contribution to the development of economies, cultures and societies. As such, it believed that it was the responsibility of Member States of the Assembly to ensure that development remained central to WIPO's activities. It further stated that as the Committee was in the process of developing a work program for implementation of the adopted recommendations, the challenge would be to achieve tangible results within a reasonable timeframe. The Delegation urged the Secretariat to continue its hard work in implementing the 19 out of the 45 recommendations which did not require any additional resources and called upon Member States to support all the recommendations made by the Committee, ensuring that all appropriate human and financial resources were put at the disposal of the Secretariat. The Delegation thus urged the General Assembly to promptly adopt the recommendations contained in paragraph 10 of the document under review.

214. The Delegation of Sri Lanka associated itself with the statement made by the Delegation of Pakistan on behalf of the Asian Group and sincerely thanked the International Bureau, Chair of CDIP, and all those who are involved in producing the results that were before that august assembly. The Delegation was also grateful to all the Member States for the constructive and productive interest shown throughout the process. It was its expectation that the recommendations under consideration would be approved. The Delegation said that the

time had come for expeditious implementation of the recommendations and for producing tangible and visible results. The Members of the public should practically feel that the IP system contributed to the development and alleviation of poverty. It was essential that the necessary resources and facilities were made available for successful implementation of the recommendations. As already mentioned by certain delegations, it believed that the implementation of the recommendations embraced much broader parameters and perspectives than technical assistance and capacity building. The Delegation said that it was very much encouraged by the sentiments expressed by Mr. Gurry, in his speech of acceptance and the positive approach maintained by all the Member States with regard to IP and development.

215. The Delegation of Tanzania fully associated itself with the statements made by the Delegation of Algeria, speaking on behalf of the African Group, and the Delegation of Argentina, on behalf of the "Group of Friends of Development". It said that it would be very pleased to see all 45 recommendations adopted fully implemented. It would, therefore, urge that the necessary human and financial resources be made available for that purpose. The Delegation said that it would further be very pleased to see that development dimensions were mainstreamed in all WIPO programs. In conclusion, it hoped that that Assembly approved recommendation 11 of document WO/GA/36/4 Rev.

216. The Delegation of Indonesia expressed its sincere appreciation for the efforts made to prepare the report by the WIPO Secretariat, which would guide their discussions. The Delegation would like to take the opportunity to acknowledge the work of the CDIP in the last 12 months and also commended for upholding its mandate. It aligned itself with the statement of the Asian Group, made by the Delegation of Pakistan. Regardless of the modern and even improving and adaptable forms of technology and creations such as was now available in the digital environment, the Delegation believed that it was important to also assure the protection of existing technologies and promote their use in order to fully optimize their benefits. Additionally, the Government of Indonesia was well aware of the importance of IP rights and the positive benefits of its inter-linkage uses. Indeed, the technical assistance role of WIPO, especially when undertaken from a development oriented perspective, would enable a comprehensive and useful implementation, based on national development demand. The Delegation was thankful for the activities of WIPO which has been conducted on capacity building on a country-specific basis, especially those that also took into account the particular development needs of the country. Concerning the proposal to convene a Donor Conference as the implementation process of recommendation 2 of the WIPO development agenda, the Delegation welcomed such a proposal. The Delegation welcomed the proposals and urged that guarantees be put in place to ensure that the terms of reference in generating the funding from donors be in line with established guidelines in the WIPO Development Agenda, namely neutrality, transparency and accountability. The Delegation also expressed its commitment to cooperate with the various Member States as well as with the WIPO Secretariat in order to attain positive and beneficial results in implementing the CDIP recommendations, which were central to the IP strategies and greatly beneficial to innovation and development.

217. The Delegation of Angola also wished to endorse the statement made by the Delegation of Algeria on behalf of the African Group and by the Delegation of Bangladesh on behalf of the LDCs. The Delegation was satisfied with the content of document WO/GA/36/4 which also reflected the work carried out by the CDIP under the Chairmanship of Ambassador Clarke. The Delegation further expressed its appreciation to the new Director General, Mr. Gurry, for his commitment to the Development Agenda, and hoped that he

would continue the work that had been carried out by the outgoing Director General, Dr. Idris. The Delegation also recalled Mr. Gurry's first statement to the General Assembly in which he supported the creation of an appropriate division within WIPO dealing with the Development Agenda, and his expressed commitment to strengthening the division with the necessary human and financial resources. Yet, the Delegation believed that his goodwill would not be sufficient for all the programs to be implemented, in view of the budgetary limitations of WIPO with regard to the implementation of the 19 priority recommendations. However, despite these financial restrictions, the Delegation was of the view that Mr. Gurry was in support of the convening of a Donor Conference to address that problem. The Delegation believed that holding such a conference was important, that the funds that could be generated would enable the Organization to strengthen its financial competence to implement the activities contained in the Development Agenda. Failure to do so would impact upon national activities and create obstacles to the strengthening of the national structures, the strengthening of the database, the training of teachers and examiners for support to the SMEs, translation services, and publication of documents in the languages of the Member States, among many other priorities. If the issue of resources was not addressed, the activities of the Development Agenda would be jeopardized for lack of funds. The Delegation therefore hoped that the new Director General would commit himself to convening the Donor Conference and ensure that that Conference did indeed take place to yield the expected positive results.

218. The Delegation of Panama firmly supported the statements made by the Delegations of Cuba on behalf of GRULAC and of Argentina on behalf of the "Group of Friends of Development." The Delegation believed that the development of a national strategy for IP was part of the modernization of the public policies of Panama which had been carried out by the Government. In that respect, the Delegation felt that the cooperation which WIPO had been providing with regard to the creation of networks and IP centers was important. That had also included IP inventories, it added. The Delegation therefore hoped that the cooperation that WIPO could provide should happen in the context of the new Development Agenda approach. That would enable countries to embed these concepts in each and every one of the programs which Member States implemented for the development of their social welfare. The Delegation further believed that that would also enable States to come up with a concept of IP, more in accordance with the development of public policies that were holistic and based on consensus involving all the players in the IP system. The Delegation finally wished to pay tribute to the work of the Committee and expressed its full support for its various recommendations.

219. The Delegation of Germany wholeheartedly associated itself with the statement made by the Delegation of France on behalf of the EC and by the Delegation of the United States of America on behalf of Group B. Moreover, the Delegation endorsed the language proposed by the Delegation of the United States of America namely with regard to the decision paragraph contained in document WO/GA/36/11 and wished to clarify it a little bit further. The Delegation believed that the decision paragraph, which mentioned funding, was in contradiction with what had been concluded in the second session of the CDIP, when after intensive deliberations and skillful drafting of a wording prepared by Ambassador Clarke in his Summary, paragraph 12(d), where it was mentioned, consistent with the usual WIPO program and budgetary process. The Delegation stressed that this was more an argument of process than of substance and that it was not opposed to the idea of the Donor Conference, but it was simply to highlight that the issue of funding as laid out in the working document was premature at this stage.

220. The Delegation of Jamaica endorsed the statement made by the Delegation of Cuba on behalf of GRULAC. The Delegation of Jamaica also wished to thank Ambassador Clarke for his skillful and effective leadership of the CDIP. The Delegation had always been of the opinion that the Development Agenda had a potential to strengthen WIPO's existing work in the area of development. Since development itself was cross-cutting then, invariably, the Development Agenda should address all aspects of the Organization's work, it added. It declared that it had been very pleased when the General Assembly in 2007 had adopted the recommendations for action on the 45 agreed proposals, with the immediate implementation of the 19 proposals identified by the Provisional Committee. Since then, considerable progress had been made and the Delegation of Jamaica was prepared to support the recommendations in the document before the Assembly, reiterating the point made earlier on by another delegation that the activities that were envisaged in the various recommendations should be measurable and would make a qualitative difference to the development objectives of individual states.

221. The Delegation of Equatorial Guinea commended the Chair for the way in which he had guided the proceedings of the Assembly. The Delegation was firmly convinced that the Chair would successfully lead the meetings until the very end. It also expressed its congratulations to Mr. Gurry for his election. The Delegation believed that thanks to his experience he would be able to meet the challenges of development. The Delegation thereafter endorsed the statement made by Delegation of Algeria on behalf of the African Group and recommended that the Development Agenda program be given the requisite human and financial resources necessary for its effective implementation, taking into account the interests and special characteristics of all the stakeholders in the process of the implementation of this IP Development Plan.

222. The Delegation of Oman associated itself with the Delegation of Pakistan on behalf of the Asian Group. It considered the question of development as a priority, especially with regard to achieving developmental objectives and, therefore, the Sultanate of Oman emphasized the importance of having the developmental dimension in all the activities of this Organization. In that context, the Delegation welcomed what had been said by the new Director General, Mr. Gurry, in the sense that he had said that he would put this item as a priority and the Delegation wished to support the implementation of all the 45 recommendations equally and to provide the necessary resources for this purpose.

223. The Delegation of Uruguay expressed its great appreciation for and commended the way in which the Chair had been guiding the proceedings, congratulating Ambassador Clarke for his work in the CDIP throughout the year. The Delegation endorsed the statement made by the Delegation of Cuba on behalf of GRULAC and by the Delegation of Argentina on behalf of the "Group of Friends of Development". The Delegation stated that as a developing country, which required a balanced and fair use of IP, it was of fundamental importance for human and financial resources to be allocated for the speedy implementation of the 45 recommendations approved by the WIPO General Assembly in 2007. To the extent that States could use that tool as a driver of productive development, efforts had been made to ensure that the IP systems could benefit both developing countries and developed countries in a balanced manner. In that respect, the Delegation supported the statements made by the Delegations of China, Singapore and Panama.

224. The Delegation of Ecuador said that since it was speaking for the first time, it wished to begin by reiterating its congratulations to Mr. Francis Gurry on his election and appointment

as the new Director General, and it was sure that through his professionalism, experience and abilities he would achieve success in high office. It also reiterated its desire to work with him for the benefit of all States and the Organization. The Delegation expressed pleasure at seeing the Chair and Ambassador Martin Uhomoibhi guiding the work of the Assemblies. Ecuador attached particular interest to the fight against piracy and counterfeiting. As to piracy, Ecuador was making great efforts to combat that illegal activity through a national campaign in which the most representative national creators, authors and performers were participating. The campaign was designed above all for educational purposes and was aimed mainly at children and young people to whom the ethical aspect involved in the lack of respect for the work of creators was transmitted. As for counterfeiting, the work done by the customs authorities had been extremely satisfactory, in particular in the sphere of marks and other distinctive signs. While supporting the statement made by the Delegation of Cuba on behalf of GRULAC, the Delegation said it was appropriate, from the next meeting onwards, for the Advisory Committee on Enforcement (ACE) to broaden the range of its discussions, as thus far the exchange of experiences had focused on the subjects of piracy and counterfeiting which, although extremely important, should also be accompanied by the Committee dealing with aspects of enforcement in the promotion of technological innovation and the transfer and dissemination of technology, within the framework of the social and economic wellbeing of nations. In other words, the ACE should deal with the content of Proposal No. 45 of the Development Agenda. ""

225. The Delegation of France, speaking on behalf of the EC and its 27 Member States, wished to express its support for the proposed amendment to paragraph 7 in document WO/GA/36/11 submitted by Group B., for the same reasons as those put forward by the Delegation of Germany.

226. The Chair, thereafter, directed the attention of the delegations to document WO/GA/36/4 Rev. which was subsequently adopted as proposed.

227. The Delegation of the United States of America reminded the Chair that Group B had made a proposal on the Donor Conference to be held the following year.

228. On the issue raised by the Delegation of the United States, the Delegation of Chile wondered whether it was the understanding that the Donor Conference would have to be approved by the next General Assembly or if it would be approved by the 2008 General Assembly conditionally.

229. The Chair then read the amended paragraph as follows: "the General Assembly of WIPO is invited to take note of the information contained in the present document and approves the initial phase of consultations, as laid out in paragraph 5".

230. The Delegation of Tunisia observed that adopting a phase and not adopting a follow up to that phase in some sense could be seen as rejecting the entire program. It would seem that no one, in principle, objected to the idea of convening a conference in 2009. Therefore, the Delegation did not see why the meeting should talk here about adopting a phase and not talk about adopting a logical consequence to that phase.

231. The Delegation of Barbados observed that it was not sure that the amendment to paragraph 7 changed anything as long as paragraph 7 endorsed paragraph 5. The first phase that did not require additional budgetary resources and the second phase that says "the

conference would be initiated as soon as the requisite resources are made available through the regular program and budget processes". So the control of the PBC was there built in for the second phase. Therefore, the Delegation wanted to ensure that the United States' intention covered both the first and second phases.

232. The Delegation of the United States of America assured that it contemplated both phases being covered and being subject to the normal budgetary process.

233. The Chair observed that he did not think there was anyone who was averse to following due process. This had to be in accordance with WIPO rules and regulations.

234. The Delegation of Algeria, speaking on behalf of the African Group, highlighted some points within the proposal of the United States of America and reiterated that it would be necessary to refer explicitly to the two phases in order to ensure that a global consensus was reached on the issue.

235. The Chair thought that those indications were very explicit in paragraph 5 of document WO/GA/36/11, so he suggested that the meeting adopt the paragraph as amended.

236. The Delegation of Egypt indicated that it supported the comments made by the Delegation of Algeria, on behalf of the African Group. The Delegation suggested that the amendment could make reference to the initial and second phases which should satisfy the questions raised by some of the delegations.

237. The Chair thought the suggestion made by the Delegation of Egypt did no harm by way of clarification regarding the initial and the second phase.

238. The Delegation of Romania asked the Chair to kindly repeat the amended paragraph 7, and also for the Delegation of the United States its own formulation of the paragraph in question.

239. The Chair repeated the paragraph and proposed its adoption.

240. The Delegation of Romania recalled the last sentence in the statement on behalf of its Group: "As a consequence we can give our full support only to the first stage proposed by the Secretariat". The Delegation made it clear that it did not have a position of rejecting the amended paragraph, but it noted that it should be well understood by the Assembly that it had to back to the Group, and consult on that amendment as long as the amended paragraph made reference to both stages.

241. The Delegation of Chile stated that its understanding of paragraph 5, the fourth line, was that the Assembly would have to first approve the Donor Conference and then initiate the two phases. The Delegation was of the view that that was what the paragraph said. The Delegation was willing to accept the amendment on commitment that after the PBC the next day the General Assembly would approve the Donor Conference. The Delegation reiterated that the initial and the second phase were conditional upon the approval of the Donor Conference.

242. Mr. Gurry noted that the whole question was simply a question of process that delegations were confronting and not a question of substance. He had not heard any

delegation speak against the Donor Conference, but a number of questions had been asked about it. A number of delegations would like more information about it, how it was going to be conducted, what the program would look like and that was indeed the objective of the initial stage of consultations. A number of delegations had, however, said that as far as the funding was concerned, they felt that the proper sequencing was that once a more concrete proposal had been developed through those consultations, a proposal could go forward in the revised program for 2009. That proposal, which would be considered by the Program and Budget Committee, would be a much more detailed one and indeed would have a budget associated with it, and subject to the approval of the Program and Budget Committee, the funding would be approved by the Assemblies when it adopted the revised Program and Budget for 2009 in December that year. What was at issue was confronting a process question and everyone was in agreement that immediately after the Assemblies, consultations would start on the details of the Conference. Mr. Gurry indicated that in late October, an outline of the revised Program and Budget for 2009 would be put before Member States and that part would contain the proposal for the Donor Conference.

243. The Delegation of Argentina suggested the elimination of the preface of paragraph 5 because there was some confusion with the paragraph as it spoke about the second phase of consultations and then the determination of the place for the convening of the Conference whereas in paragraph 3, it said that it was going to be held in Geneva and then again in paragraph 5, there was no reference to Geneva. So perhaps it should just say that the General Assemblies should approve the consultations on the topic of the Conference.

244. The Chairman emphasized that any agreement on the procedure to be followed would have to comply with the existing rules within WIPO. Based on that understanding, he declared that there was no opposition to the holding of the Donor Conference and reiterated that in terms of its actual implementation, it would be done according to the internal rules and practices of WIPO.

245. After a break, the Chairman noted that new language had been circulated among coordinators that had been carefully drafted by the newly elected Director General and read as follows: "The General Assembly of WIPO took note of the information contained in the present document and decided, with a view to convening a Donor Conference in 2009, to approve the initiation of consultations in Geneva concerning the program and other details of the conference, for the purpose of submitting the budgetary requirements to the next Program and Budget Committee."

246. The Delegation of Algeria said that it had held consultations within the African Group and believed that the new language perfectly reflected the concerns of the Group. It commended the drafters of the new paragraph.

247. The Chairman noted that no other delegation wished to take the floor on the issue and, therefore, considered the resolution adopted.

248. With regard to Agenda Item 8, the General Assembly:

- (a) decided to approve the recommendations, as contained in paragraph 10 of document WO/GA/36/4 Rev; and

(b) took note of the information contained in document WO/GA/36/11 and decided, with a view to convening a Donor Conference in 2009, to approve the initiation of consultations in Geneva concerning the program and other details of the conference, for the purpose of submitting the budgetary requirements to the next Program and Budget Committee.

ITEM 9 OF THE CONSOLIDATED AGENDA:

REPORT ON THE WORK OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR), INCLUDING THE PROTECTION OF AUDIOVISUAL PERFORMANCES AND PROTECTION OF THE RIGHTS OF BROADCASTING ORGANIZATIONS

249. Discussions were based on document WO/GA/36/5.

250. The Secretariat reported briefly on the work of the Standing Committee on Copyright and Related Rights (SCCR), including the protection of audiovisual performances, protection of the rights of broadcasting organizations, limitations and exceptions and future work of the SCCR. He noted that the document prepared for the present Session of the General Assembly was WO/GA/36/5. At earlier sessions of the Assemblies of Member States of WIPO, copyright issues had only been dealt with when specific decisions had been required, such as regarding the convening of diplomatic conferences and the direction of the work on particularly difficult issues. At the present session, a more general report on the work was made, in line with the practice followed by the other Standing Committees of WIPO. The 34th Session of the WIPO General Assembly had decided that the issue of protection of the rights of broadcasting organizations should be retained on the Agenda of the SCCR for its regular sessions. In accordance with that decision, the SCCR had discussed the issue at its 16th Session from March 10 to 12, 2008, and decided to continue those discussions at its 17th Session, from November 5 to 7, 2008, based on an informal paper, prepared by its Chair. Thus, this was a point of information for the WIPO General Assembly. At its 16th Session, the SCCR had continued its discussions regarding limitations and exceptions to copyright and related rights protection, based on a proposal by Brazil, Chile, Nicaragua and Uruguay. Those discussions would also continue at the 17th session of the SCCR, where information sessions would take place with the aim of providing introduction to four studies, commissioned by the Secretariat, and where the Committee would consider a more detailed work plan for these issues. The SCCR would also use its 17th session to discuss its general work plan, including the possibility of adding additional issues to its Agenda. Finally, at its 16th Session, the SCCR exchanged information on developments regarding the protection of audiovisual performances, including information on national and regional seminars, organized by the Secretariat. It was recalled that the issue was the subject of a Diplomatic Conference in the year 2000, which did not lead to the adoption of a treaty, mainly due to lack of agreement on the issue of transfer of the rights. Since then, the issue had been on the Agenda of the WIPO General Assembly, but not on that of the SCCR. Several attempts had been made to restart substantive negotiations, but without success, and at the last two sessions of the General Assembly it had encouraged the Secretariat to continue organizing national and/or regional seminars in order to promote developments on the issue, both at the levels of national legislation and international consensus-building. At the Session, the SCCR had requested that the outcome of its deliberations be reported to the General Assembly, including the fact that

all delegations that took the floor expressed their willingness to take up further discussions on the substance with the aim of finding a way forward. Accordingly, document WO/GA/36/5 in its paragraph 12, invited the General Assembly to request the Secretariat to report to next year's session of the General Assembly on the deliberations of the SCCR. If the General Assembly so decided, it would give the SCCR the mandate to discuss the substance of the matter which the Committee did not presently have, and for which reason the Committee had only been able to exchange information on the issue.

251. The Delegation of Algeria, on behalf of the African Group, welcomed the recurring questions before the SCCR as a means to overcome the divergent positions of stakeholders on the issues. On the issue of protection of broadcasting organizations, a consensus on key issues such as the purpose, specific objectives and scope of protection was a precondition to proceeding to a diplomatic conference. Protection in this respect should not extend to webcasting, especially as developing countries were struggling to overcome the detrimental effect of the digital divide. The agenda of the SCCR covered numerous issues on which there was room to advance. On the issue of exceptions and limitations, it was noted that these limitations had always co-existed with authors' rights to ensure the free circulation of information and knowledge to protect the fundamental rights of users, particularly with respect to the right to education and access to knowledge. At the same time, such exceptions and limitations assist creators who may have recourse to exceptions in the production of their works. A balance needed to be struck between the interests of creators and the general public interest. Focusing on those issues would respond to the developing countries' concerns with respect to the development dimension. Support was given for the implementation by the Secretariat of a study on exceptions and limitations for educational activities including distance education and its cross-border aspects. With respect to the protection of audiovisual performances, support was given for an instrument that would not prejudice the public right to information, and for the organization of national and regional seminars that would effectively progress work in this area.

252. The Delegation of Cuba, speaking on behalf of GRULAC, expressed interest in issues relating to exceptions and limitations before the SCCR, in particular, so as to generate greater benefit for libraries and the disabled, and noted that Members should not lose sight of the proposal that had been made in this respect. Support was given to the issues relating to protection of audiovisual performers and the protection of broadcasting organizations remaining on the agenda of the SCCR. It agreed with the commissioning of a study on exceptions and limitations for educational purposes, and took note of the planned information meeting on exceptions and limitations in the digital environment for disabled users, educational purposes and libraries. There was a need to improve access for visually impaired persons and the disabled to audiovisual works. Any report by the Secretariat should reflect the position of Members in this regard. The issue of protection of broadcasting organizations should be retained on the agenda of the SCCR, and support was given for the decision to prepare an unofficial document on divergences of views for dissemination at the next meeting of the SCCR. While aware of the burden of work borne by the Secretariat, it was requested that documentation be delivered in a timely manner to assist Members to prepare for the sessions. The Delegation suggested to add a further decision paragraph to the document WO/GA/36/5 on exceptions and limitations on copyright equivalent to that related to protection of audiovisual performances along the following lines: "Request the Secretariat to inform the General Assembly at its meeting in September 2009 on discussions in the SCCR with regard to exceptions and limitations to copyright."

253. The Delegation of Venezuela (Bolivarian Republic of) affirmed the statement made by the Delegation of Cuba on behalf of GRULAC. The work of the SCCR had made progress, but needed further progress before its final report. Authors', performers' and artists' rights needed protection without excessive restriction, and protection also needed to be given to the right to enjoy the benefit of works, and to the need to disseminate works and provide access to works across the general community. It was difficult to accept a treaty that provided an asymmetrical increase in the protection of rightsholders without taking into account the public interest, and which could thereby prejudice creativity and innovation. Support was given to previous GRULAC proposals, which merited consideration. Copyright and related rights should promote social and collective interests, avoid monopolization and protect users' rights so as to enhance society.

254. The Delegation of Iran (Islamic Republic of) noted that the discussions on the rights of broadcasting organizations had been one of the most challenging at WIPO, involving complexity and differences of view in understanding the subject matter as well as diversity of concerns of different stakeholders. The SCCR needed to acknowledge the views of all Member States and use its experience to avoid deadlock in its agenda. With respect to the protection of broadcasting organizations, the decision of the General Assembly to work on the objectives, scope and object of protection with a view to reaching agreement should be respected. As to the protection of audiovisual performances, support was given to retaining this item on the agenda, and to exchanging information with a view to finding a way for Members to overcome differences of view. The planned information meeting would assist in clarifying the subjects on the agenda of the SCCR. With respect to exceptions and limitations to copyright and related rights, more attention was required.

255. The Delegation of Indonesia acknowledged the efforts of the General Assembly to reach consensus on the protection of audiovisual performances and broadcasting organizations, and noted that such protection was of vital importance to all countries including least developed and industrialized countries because it had an impact on freedom of opinion and expression and the use of information, particularly with the emergence of digital technologies. The Secretariat's report provided an update on the status of work that had been ongoing for a decade. It supported the decision taken at the March 2008 meeting of the SCCR to restart deliberations on exceptions and limitations, and also the undertaking of a study on exceptions and limitations for educational activities including distance learning. The visually impaired persons also needed improved services to access audiovisual media. The development of audiovisual services and protection for audiovisual performances would need to find a balanced solution to take account of the needs of disabled persons to access such resources. The performing arts and audiovisual services reflected the cultural values and traditions of each country, and provided a social forum for the community where information about social, cultural and economic development was shared on a daily basis. However, persons with visual or other handicaps could not always enjoy the benefits of the media, and the Delegation was committed to enhance their access and enjoyment of these resources. The SCCR should move from inconclusive discussions to concrete outcomes, and further work needed to be undertaken in that regard before its next session in November 2008.

256. The Delegation of Pakistan welcomed the progress that had been made and looked forward to the forthcoming reports on exceptions and limitations, and on divergences of views on the protection of broadcasting organizations for discussion at the next SCCR Session. The problems faced by the visually impaired and other disabled persons in accessing protected works should be addressed.

257. The Delegation of Mexico requested that the Secretariat report to the General Assembly at its session in September 2009 on the deliberations on the protection of audiovisual performers, given that Members were aware of the importance of audiovisual performances and the need for audiovisual performers to receive appropriate and fair remuneration. The Secretariat should also report on the deliberations on exceptions and limitations to copyright and on the protection of broadcasting organizations. It fully supported the considerations by the SCCR in the area of protection of broadcasting organizations, and protection of audiovisual performers, and it hoped that future debate on those important issues would progress.

258. The Delegation of Brazil supported the statement by the Delegation of Cuba on behalf of GRULAC concerning the environment and line of future work in the SCCR on the three issues. It also supported including the proposed addition to paragraph 12, requesting the Secretariat to inform the General Assembly on debates within the SCCR concerning exceptions and limitations.

259. The Delegation of France, on behalf of the European Community and its Member States, welcomed the inclusion of the protection of audiovisual performances and broadcasting organizations on the agenda of the SCCR at its meeting in March 2008 as well as its forthcoming meeting in November 2008. With respect to the protection of audiovisual performances, it appreciated the Secretariat's organization of national and regional seminars and the information meeting at the November Session of the SCCR, because it was important to make progress in that area. With respect to the protection of broadcasting organizations, it noted that in the absence of agreement on the issues, no Diplomatic Conference could be convened. It hoped that the analysis of the convergence and divergences of views to be undertaken by the Chair of the SCCR for examination at the next session would enable progress to be made towards consensus. The themes for future work by the SCCR notably included: collective management, orphan works, the resale royalty right (*droit de suite*) and applicable law, and they would provide a basis for work on which the European Community and its Member States would constructively engage.

260. The Delegation of Kenya gave support to the statement by the Delegation of Algeria on behalf of the African Group with respect to the protection of audiovisual performances and broadcasting organizations, and acknowledged the work of the SCCR on those issues. With respect to the issue of exceptions and limitations to copyright, it supported the statements made by Algeria, Cuba and Pakistan, and requested the SCCR to continue discussions with a view to enable full and equal access to information and communication for persons who are visually impaired or otherwise disabled in terms of reading. Examination should be made of formats for access by visually impaired persons, and they should be addressed by comprehensive exceptions and limitations. Exceptions and limitations should also be provided for teaching and learning materials in such a way that would balance the rights of authors and other rightsholders, and at the same time look into the interests of users especially for educational purposes. Appreciation was expressed to the Secretariat for the studies on the issue, which provided useful guidance for Members' deliberations, and it was noted that countries such as Kenya were already looking at national laws to expand exceptions and limitations in the digital environment for the visually impaired and for libraries and archives.

261. The Delegation of Sudan noted the efforts that had taken place since 1998 to update the protection of the rights of broadcasting organizations. Although broadcasting organizations

were covered by the Rome Convention for the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations (the Rome Convention) and other WIPO treaties, technical developments had led to further discussions on protection of signal contents and debates on the best way to protect signals and programs while taking account of cultural specificities. Important warnings were being given by the broadcasting organizations of the need to protect signals; however, negotiations had taken place for 10 years because of the complexity of the issues and the technology involved. There was a need to discuss issues such as the scope of protection, and Internet broadcasting, particularly because millions of people accessed programs broadcast over the Internet and Internet broadcasts were often different from traditional broadcasting channels. The Delegation also noted that studies were needed on the issue of exceptions and limitations, taking into account the interests of visually impaired persons. It was important that such issues be negotiated at future meetings to find the appropriate approach, taking into account the interests of all stakeholders.

262. The Delegation of Japan stated its appreciation for the efforts of all Members to find solutions to the issues before the SCCR. The development of digital technologies had resulted in copyright infringement becoming more complex, and required greater international cooperation and a strengthening of international copyright protection. Despite that effort, since 1996, there had been no progress towards adapting copyright to modern developments, and the Delegation supported retaining the issues of protection of audiovisual performances and protection of broadcasting organizations on the agenda of the SCCR. With respect to exceptions and limitations to copyright, it appreciated the sharing of information between countries so as to find a balance between the rights of users and rightsholders, however, the manner in which exceptions and limitations were introduced should be flexible and not mandated, so that countries could find solutions reflecting both their national situation and international obligations. The Delegation asked why only audiovisual performances had been mentioned in the document proposing a report to the General Assembly, and suggested that if it was accepted to add a further item to the document, then the report to the General Assembly should also include a report on the protection of broadcasting organizations.

263. The Delegation of Malaysia associated itself with the views of other delegations on the issue of exceptions and limitations to copyright. While the Rome Convention and WIPO Performances and Phonograms Treaty (WPPT) mentioned protection of performers, such protection was confined to aural performances and not to audiovisual performances. That was an unfortunate exclusion of artists who enriched social life with their talent, and who needed acknowledgement and respect. Despite such need, differences in views among Members persisted, and the issue should therefore be kept on the agenda of the SCCR. With respect to the protection of broadcasting organizations, it supported the statement made by the Delegation for Japan. Malaysia had been an active participant in the lively discussions which had taken place over the past decade, and it was unfortunate that no concrete progress had been possible because of the divergences on scope of protection. Rapid developments continued to take place in the digital environment giving rise to new challenges, and there was a need to prevent the rapidly increasing cross-border theft of broadcasting signals. The issue should be retained on the agenda of the SCCR, as a clear indication of its importance.

264. The Delegation of South Africa supported the statement by the Delegation of Algeria on behalf of the African Group. With respect to the protection to be given to broadcasting and cablecasting organizations it was important to ensure access to knowledge and information as a fundamental principle and constitutional right, and discussions should continue on that basis. With respect to exceptions and limitations to copyright, the Delegation welcomed

progress on relevant issues that should be prioritized on the agenda of the SCCR. It supported the holding of an information session, as well as national and regional seminars to move the work of the SCCR in a positive direction. The issue of protection of audiovisual performances should remain on the agenda of the SCCR, and should take into consideration the ongoing discussions of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore.

265. The Delegation of Trinidad and Tobago endorsed the statement made by the Delegation of Cuba on behalf of GRULAC. With respect to the issue of protection of broadcasting organizations, the Delegation had, since the beginning of discussions, supported the development of an international instrument to deal with the rights of broadcasting organizations. While delegations had made good efforts to agree on issues, work remained to understand each others' positions. In that regard, Trinidad and Tobago had issued a broadcast code for public comment, and discussions at the international level would be helpful at the national level in ensuring that the rights of broadcasting organizations were legitimately balanced with the rights of the public to access information. It hoped that discussions would continue in the SCCR, and that consideration would be given to convening a diplomatic conference at some point. On the issue of protection of audiovisual performances it encouraged the reopening of substantive discussions. It also encouraged discussions on exceptions and limitations to copyright and related rights and, in particular, towards identifying the need for rapid action to improve access of visually impaired persons to protected works, and to work on educational activities. The report to the General Assembly at its session in September 2009, on the work of the SCCR should include the protection of audiovisual performances.

266. The Delegation of Ghana noted that the report on the activities of the SCCR provided a clear reflection of its work, and a balanced view of Members' sentiments. It supported the statement by the Delegation of Algeria on behalf of the African Group. While the issues of protection of the rights of broadcasting organizations and protection of audiovisual performances had previously been the preserve of a few Members, increasingly in Ghana, as in other developing countries, the fact that nationals were setting up private FM and television stations while others were investing in movie production, meant that protection was also required for those broadcasting organizations and performers in movies in order to meet modern challenges. Unfortunately, the SCCR had not made a great deal of progress because of divergent views on the issues. The Delegation of Ghana had been the technical coordinator for the African Group at the Diplomatic Conference for the Protection of Audiovisual Performances in December 2000, where, as noted in paragraph 8 of document WO/GA/36/5, the point of divergence had been the issue of transfer of rights. The issue of protection of audiovisual performances had not subsequently been the subject of substantive discussions in the SCCR, however, as noted in paragraph 11 of document WO/GA/36/5, several delegations supported reconvening a diplomatic conference on this issue and expressed their willingness to reopening substantive discussions with a view to finding a way forward and resolving outstanding issues. The WPPT updated protection for the rights in performances in phonograms, not only to performances of copyright works but also to expressions of folklore. Any further delay in arriving at a convergence on the outstanding issues on protection of audiovisual performances would only benefit the pirates. For that reason, the issue should remain on the agenda of the SCCR and substantive discussions should begin as soon as possible. With respect to protection of the rights of broadcasting organizations, broadcasters and Internet broadcasters in Ghana were suffering losses due to piracy. It was necessary to mandate the SCCR to iron out differences in opinion in favor of a treaty for the protection of

broadcasting organizations. With respect to the issue of exceptions and limitations for visually impaired persons, the work was laudable and necessary; however, more time was required to study the proposal put forward by Brazil, Chile, Nicaragua and Uruguay so as to make an informed choice in balancing the rights and interests involved. The rights of visually impaired persons in Ghana were constitutionally guaranteed, and therefore there was interest in further discussion of the issue.

267. The Delegation of the United States of America expressed appreciation for the efforts to reach a consensus on updating the rights of broadcasting organizations, especially in response to technological developments in the field of communication, including the Internet. However, major differences needed to be resolved before the convening of a diplomatic conference, which was to consider signal piracy and unauthorized retransmission of signals over the Internet and other channels. Support was given to retaining the issue of international protection for audiovisual performances on the agenda of the SCCR, although significant differences remained, especially on the issue of transfer of rights, that needed resolution before progress could be attained. With respect to exceptions and limitations, Members had agreed to share national experiences, including such practices as 'fair use' in the United States of America, in order to develop understanding of cultural and economic influences in policy-making. However, the three-step test as set out in the Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention) and incorporated in the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) and the WIPO Copyright Treaty (WCT), was working well, and it was premature to undertake norm-setting activities in that regard. A review of exceptions and limitations at the national level would enable a determination to be made as to whether certain exceptions and limitations which were not available in all jurisdictions should be made universal. Although one might not preclude norm-setting in the area in the future, it was premature at the present point in time. The proposal made by the Delegation of Cuba on behalf of GRULAC requesting the Secretariat to report back to the General Assembly on progress on exceptions and limitations was too narrow, and the Delegation proposed that the SCCR should report to the General Assembly on progress on all topics on its agenda.

268. The Delegation of Colombia noted the report which urged Member States to consider convening a diplomatic conference to adopt a treaty recognizing the rights of audiovisual performers, and a diplomatic conference on the protection of broadcasting and cablecasting organizations. Both protection of audiovisual performances and broadcasting organizations were important issues for consideration by the General Assembly.

269. The Delegation of Morocco supported the statement by the Delegation of Algeria on behalf of the African Group. It was not fair for audiovisual performers to remain without protection, while other performers benefited from protection under the WPPT. The issue should remain on the agenda and the Director General should find the most appropriate means to protect audiovisual performers in view of the negative effects of technical developments on their rights. With respect to the important issue of protection of broadcasting organizations, the Delegation supported the adoption of a binding international treaty. The SCCR was requested to make rapid progress to update the rights granted to broadcasting organizations under the Rome Convention that were no longer sufficient in the face of rapid technological developments. There was a need to prevent signal piracy while realizing the need for balance between the rights of broadcasting organizations and the need of the public for access to knowledge. The results of the SCCR had been modest and insufficient to date, and there was

a need to agree on an international mechanism for protection. With respect to the issue of exceptions and limitations, support was given for examination at the next session.

270. The Delegation of China attached importance to the protection of audiovisual performances and the rights of broadcasting organizations, which had been under discussion since 1998. With respect to the issue of protection of broadcasting organizations, it supported convening a diplomatic conference once consensus would be reached on the issues under discussion. It was important to find a fair balance between the rights of broadcasting organizations and rightsholders, with a view to promoting culture and education. While progress had been made, in light of the current state of protection, the issue should remain on the agenda of the SCCR. With respect to the protection of audiovisual performances, the issue should remain on the agenda of the next Session of the SCCR, and the Delegation supported the organization by the Secretariat of national and regional seminars on the issue.

271. The Delegation of the Hong Kong Special Administrative Region of China noted that the Special Administrative Region had amended its copyright legislation with respect to performers' rights and rental rights, and its legislation was now fully compatible with the WIPO Internet Treaties. Hong Kong SAR was taking steps to inform the Secretariat that the application of the WIPO Internet Treaties would be extended to the territory of Hong Kong SAR. It noted that respect for intellectual property rights in the marketplace had been reinforced in Hong Kong SAR through the 'No Fakes' pledge, which celebrated its 10th anniversary, and had found solid support among retailers and served to strengthen business and consumer confidence.

272. The Delegation of Chile conveyed its best wishes to Mr. Kamil Idris, and congratulated Mr. Francis Gurry on his appointment as Director General of WIPO and conveyed to him Chile's full support. With respect to the issue of exceptions and limitations in particular for the disabled, libraries and educational purposes, it noted that it had been a concern of Chile's for four years and remained an ongoing concern for which there was significant support among Members, and it hoped that support would continue at the next session of the SCCR. The studies on exceptions and limitations for libraries and educational purposes were highlighted, as well as the forthcoming information session at which the authors of the studies would be present to enrich the decision-making. It noted that the proposal by the Delegation of the United States of America to examine national positions before reaching a decision on an international instrument was similar to the proposal made by Brazil, Nicaragua and Uruguay for progressive work on this area, although the work should be accelerated with respect to access for disabled persons. There should be an exchange of information on exceptions and limitations, without conclusions, particularly as some countries perceived the issue from the perspective of the digital future while other countries still related it to the analog world. The Delegation supported the inclusion of a new paragraph in document WO/GA/36/5 to the effect that the SCCR should report to the General Assembly on its work on exceptions and limitations.

273. The Delegation of El Salvador supported the statement by the Delegation of Cuba on behalf of GRULAC. First, with respect to the protection of audiovisual performances, progress was needed after many years of work to find a solution on that important matter following the Diplomatic Conference in 2000. A list of Members' activities in the field would be useful in finding a consensus. Second, with respect to exceptions and limitations to copyright, it supported the proposal made by Brazil, Chile, Nicaragua and Uruguay at the last session of the SCCR and which was of vital importance to developing countries, and

El Salvador in particular. Benefit would be gained by taking a decision on the way forward. It also supported a study on exceptions and limitations especially for educational purposes, and in that context it noted that the Berne Convention and other relevant treaties needed updating, particularly in the context of distance learning and the cross-border aspects thereof. Third, the issue of protection of broadcasting organizations was important to El Salvador and there was a need to see tangible results and convene a successful diplomatic conference. The study currently being undertaken by the Secretariat to identify convergences and divergences of views on that issue would be important to enable decisions on the matter and to demonstrate whether discussions had reached sufficient maturity to proceed to a diplomatic conference.

274. The Delegation of India noted that, in the context of exceptions and limitations to copyright and related rights and in the context of work under the SCCR, 'digital inclusion' was an important national issue for many countries and international organizations, and a key theme was to carefully design applications and delivery models where information and communication technologies (ICT) could be used to benefit the poor and underprivileged in society, and to change the digital divide into digital opportunity. Such applications included e-governance, tele-medicine, tele-education, helping the physically challenged and aged, and the recent use of ubiquitous low-cost mobile phones as a delivery device for payment from various schemes of the Government delivered to beneficiaries, thus eliminating intermediaries. Delivery models included common service centers and public-private partnerships to achieve digital inclusion. There were significant opportunities for digital inclusion using a bottom of the pyramid model and collaborative innovation, including through Web 2.0. As such, new technologies and associated service delivery models were continuously emerging. As had also been stated by other delegations, the SCCR should continue to work on exceptions on copyrights and related rights under SCCR and report to the General Assembly on its deliberation in its session in September 2009.

275. The Delegation of Egypt supported the statement by the Delegation of Algeria on behalf of the African Group. With respect to the protection of audiovisual performances further work was required, particularly on the balance of rights among users, performers and producers. With respect to exceptions and limitations to copyright, it supported the proposal of the African Group to initiate a study on exceptions and limitations especially for educational uses, including distance learning and the cross-border aspects thereof. Any decision in the SCCR on that issue must reflect the work of the CDIP, which would impact upon the discussion. It supported the GRULAC proposal, and hoped that the Secretariat would produce a report on the SCCR deliberations on limitations and exceptions for the next session of the General Assembly.

276. The Delegation of Uruguay supported the statement by GRULAC, in particular, on the issue of exceptions and limitations to copyright, in which respect the Delegation agreed with the statement by the Delegation of Chile, and emphasized that the SCCR should produce a definite text on exceptions and limitations for the next session of the General Assembly.

277. The Delegation of Turkey noted that it had consistently supported a treaty for the protection of broadcasting organizations in the SCCR, but progress there had been suspended in light of divergent views. The issue should, however, be kept on the agenda and the momentum of work should be revived, and the Delegation hoped that the explanation of main positions and divergences of view to be provided by the SCCR Chair would expedite the work of the SCCR. In that respect, it fully supported that work should be accelerated on

unfinished business before the SCCR. On the issue of exceptions and limitations, it supported the purpose of the proposal by Brazil, Chile, Nicaragua and Uruguay. While further study was needed to finish work on that proposal, it agreed that there was a need for speedy action to improve the access of visually impaired persons to protected material, as currently provided under Turkish legislation.

278. The Chair invited proposals from Members as to the wording of a replacement decision paragraph 12 as it appeared in document WO/GA/36/5, requesting the SCCR to report on its progress to the next session of the General Assembly in September 2009. Several proposals were made. Following a discussion on these proposals, the Chair proposed, and the General Assembly accepted, the amendment of WO/GA/36/5, paragraph 12, and replacement with the following text:

279. The General Assembly is invited to:

- (i) take note of the current status of the work of the SCCR;
- (ii) request the Secretariat to report to the General Assembly at its Session in September 2009 on the deliberations of the SCCR on:
 - (a) the protection of audiovisual performances;
 - (b) the protection of the rights of broadcasting and cablecasting organizations;
 - (c) limitations and exceptions to copyright and related rights protection;and
- (d) any other matter discussed in the SCCR.

ITEM 10 OF THE CONSOLIDATED AGENDA:

REPORT ON THE WORK OF THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE), AND THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

280. Discussions were based on document WO/GA/36/2.

281. The Secretariat introduced document WO/GA/36/2. It recalled that the Advisory Committee on Enforcement (ACE), established in September 2002 in accordance with a decision by the WIPO General Assembly at its twenty-eighth session, had met in June 2003, June 2004, May 2006, and November 2007, to discuss agreed topics and to foster an exchange of information and experiences. During the 2007 session, the Committee had addressed the issue of national, regional and international cooperation and coordination in the field of intellectual property enforcement, with a particular focus on criminal remedies. The deliberations, as well as a number of specific requests by Member States, had paved the way for the updating of the 2005 edition of the WIPO Case Book on the Enforcement of IP Rights, prepared by the Honorable Judge L.T.C Harms. The second edition of the Case Book broadened the scope of the work to embrace recent trends in IP jurisprudence in both common and civil law countries. It was currently in print and would be launched shortly. The Secretariat further pointed out that, in line with the mandate of the ACE, and due to the need for a global response to combat the cross-border trade in fake goods, WIPO had participated in the organization of the last Global Congress on Combating Counterfeiting and Piracy, held in Dubai from February 3 to 5, 2008, in partnership with INTERPOL, the World Customs Organization (WCO) and a private sector alliance. The Secretariat also had rendered

enforcement-related technical assistance and legislative advice in response to the large, and growing, number of requests by Member States, taking into account the priorities and the special needs of the countries concerned. The ACE had encouraged these efforts of WIPO, and had recommended that the Secretariat continue these activities in cooperation with other organizations and the private sector. The Secretariat recalled that, following informal consultations at the end of the fourth session of the ACE, that body had not been able to agree on the theme to be considered in its fifth session. The Chair had invited the Groups to further consult and provide the Secretariat with proposals by the end of February 2008. Within this timeframe, the Secretariat had received proposals from several regional groups. The Secretariat, through the Group Coordinators, then had extended the deadline to June 27, 2008, to offer those Groups that had not yet done so another opportunity to submit their proposals. Following briefing sessions with the various Groups in preparation for the General Assemblies, the Secretariat had also briefed the Group Coordinators and it had been agreed to offer a final deadline, to September 19, 2008, to submit proposals for a theme for the next session of the ACE. Some Groups had provided the Secretariat with refreshed proposals, whereas others had requested the Secretariat to note that they could not submit a refreshed proposal prior to September 19, 2008. The Secretariat pointed out that, having analyzed all the proposals, it intended to schedule a meeting with the Group Coordinators to conclude the selection of the theme for the next ACE.

282. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Secretariat for the preparation of Document WO/GA/36/2. The Delegation of Algeria reaffirmed that the ACE should continue its work according to its mandate. It was a useful forum for discussions and exchanges of views on issues related to intellectual property enforcement. The Delegation of Algeria further emphasized the role played by WIPO in the protection and enforcement of intellectual property rights, and the efforts that it made to provide appropriate responses to the problems of piracy and counterfeiting. WIPO should remain the main body competent to discuss the enforcement and the protection of intellectual property rights. Initiatives undertaken at the international level in different forums, such as the WCO and the Universal Postal Union (UPU), would only create additional obligations that would not necessarily be in line with those already provided for by the international intellectual property system. The Delegation of Algeria further stated that the ACE should consider the development dimension. The enforcement of intellectual property rights should be a means for promoting the transfer of technology, contributing to economic and social well-being, and establishing a balance between rights and obligations. The Delegation of Algeria thanked the Secretariat for its technical assistance and the legal advice provided to certain Member States in line with their national needs and priorities. With regard to document WO/GA/36/2, the Delegation of Algeria stated that the document should have better reflected the discussions of the last session of the ACE on issues relating to the Development Agenda and the choice of speakers. The Secretariat was invited to annex the Conclusions by the Chair of the ACE to document WO/GA/36/2.

283. The Delegation of Cuba, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), said that the Group had been one of those that had made the proposal that the future discussions of the Advisory Committee be based on Recommendation No. 45 of the WIPO Development Agenda, as approved by the General Assemblies in September 2007, i.e. "To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual

advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations”, in accordance with Article 7 of the TRIPS Agreement.” As the Secretariat’s consultations with the Regional Coordinators had not reached agreement on a topic for the next meeting, the Delegation suggested that the Secretariat should hold one-day informal consultations open to interested Member States. Once the topic for the next meeting was agreed, GRULAC considered it important that Member States participated in the selection of speakers to be invited to the next meeting of the Advisory Committee on Enforcement (ACE).

284. The Delegation of Ecuador congratulated Mr. Gurry on his election as the new Director General of WIPO. As a result of his professionalism, experience and ability Mr. Gurry would be a very successful Director General. The Delegation of Ecuador reiterated its willingness to cooperate with him for the benefit of the organization and its Member States, and expressed its pleasure in seeing Mr. Gurry and Ambassador Thompson Chacón chairing the work of the Assembly. Ecuador attached particular importance to the fight against piracy and counterfeiting. The country was making major efforts to combat piracy, and was doing so through a national campaign in which creators, performers, artists and innovators were participating. Ecuador had an education program directed at children and young people, focusing on the ethics underlying the protection of creative works. Ecuador also had done a great deal of very satisfactory and fruitful work in the national customs services, particularly with respect to trademarks and other distinctive marks. The Delegation of Ecuador supported the statement made on behalf of the Group of Latin American and Caribbean countries. From its next meeting onwards, the ACE should expand the range of its debates. So far, the exchange of experience had been focusing on counterfeiting and piracy. While those issues were extremely important, they needed to be tackled along with others, such as promoting technological innovation and the distribution and transfer of technology, in order to promote social and economic well-being in the country. The Delegation of Ecuador, therefore, believed that the ACE should tackle the issues included in Recommendation No. 45 of the WIPO Development Agenda.

285. The Delegation of Romania, speaking on behalf of the Group of Central European and Baltic States, thanked the Secretariat for the report provided under agenda item 10. The Group had taken an active part in the last session of the ACE, and had found the presentations and exchange of views extremely valuable, especially in terms of practical experience. The Delegation believed that it was worth considering how further advantage could be taken from the conclusions of the ACE, in order to increase the value of those events. One option in that respect would be to develop meaningful follow-up projects that were tailored to meet the specific needs of Member States in developing and improving enforcement tools and methods of work. Regarding the next session of the ACE, the Delegation regretted that after more than one year discussions did not result in a consensus on a topic to be addressed. That situation also had prevented the Secretariat from starting preparations to organize the next session. The Delegation recalled that, in the period since the last session of the ACE, the Group of Central European and Baltic States had taken a constructive approach and had made several proposals for topics that could be used in order to achieve a compromise. The Delegation welcomed the Secretariat’s approach how to move on, and was looking forward to arriving at a decisive outcome following the General Assembly. Finally, the Delegation expressed its appreciation for the training programs and the projects of capacity building in the area of intellectual property enforcement that had been run by WIPO in Member States of the Regional Group. The Secretariat was encouraged to continue to develop similar projects.

286. The Delegation of Pakistan, speaking on behalf of the Asian Group, took note of document WO/GA/36/2. The Group was of the view that WIPO should play a key role in any debate on intellectual property enforcement. There were three proposals for a topic of the next session of the ACE. These were subject to ongoing consultations on the issue. The Delegation welcomed an in-depth discussion to finalize the topic for the next session of the ACE. In its future work, the ACE should take a more balanced and development-orientated approach, in accordance with Article 7 of the TRIPS Agreement. Moreover, the future work of the ACE should be in accordance with the Committee's mandate.

287. The Delegation of Tunisia thanked the Secretariat for the preparation of document WO/GA/36/2. The Secretariat had made a commendable job and had summarized in a compact and clear manner the activities undertaken by the ACE. The Delegation of Tunisia noticed that the Secretariat had changed the title of the document. Assembly documents reporting on previous sessions of the ACE had been entitled "Matters concerning the ACE". That was a neutral title and in line with the legal status of this body. According to the title of the current document, the Secretariat this year was not issuing an information document, but a report, and it was reporting on both the activities of ACE and on the enforcement of intellectual property rights. The Delegation of Tunisia sought clarification on the purpose of this change and pointed out that reporting on the enforcement of intellectual property rights in general might not be in accordance with the mandate of ACE as specified in paragraph 114 of document WO/GA/28/7. Moreover, document WO/GA/36/2, though well structured and elaborated, perhaps could have been further balanced and could have reflected a number of key issues treated during the fourth session of the ACE. For instance, a reference to the proposals of certain delegations would have been desirable, such as those regarding specific topics for the next session of the ACE, the recommendation regarding the list of speakers, or the proposal that the work of the ACE be framed by the WIPO Development Agenda, particularly by Recommendation No. 45. All these were important subjects that might have needed to be directly reflected in document WO/GA/36/2. The Delegation of Tunisia, therefore, made three proposals. First, to rename document WO/GA/36/2 "Matters concerning the ACE"; second, to attach to document WO/GA/36/2 the Conclusions by the Chair contained in document WIPO/ACE/4/10; and third, to add the phrase "and its annex" at the end of paragraph 6 of document WO/GA/36/2. The Delegation of Tunisia welcomed the proposal made by the Secretariat to convene with the regional coordinators after the Assemblies in order to select a topic for the next session of the ACE.

288. The Delegation of Burkina Faso echoed the congratulations which had been addressed to Mr. Gurry on his appointment by the Delegation of Algeria on behalf of the African Group. The Delegation wished to assure Mr. Gurry of the support and cooperation of Burkina Faso. The Delegation also expressed its thanks to the outgoing Director General for the many years that he had put into leading WIPO. The Delegation of Burkina Faso further noted the information proposed in document WO/GA/36/2, and congratulated WIPO for the decisive role which it had been playing in the enforcement of intellectual property rights. Issues such as piracy and counterfeiting were phenomena which were not limited in scope. There were some countries where infringements of intellectual property rights originated. However, there were other countries which received pirated or counterfeit products, and the African countries in the room knew perfectly well what the Delegation was referring to. Since there were these two sides of the problem, an international reaction to the problem was needed. However, the Delegation of Burkina Faso believed that specific action at the regional level was also needed to ensure that efforts became really effective. No country could fight effectively against these scourges on its own because they were international. Therefore, while strongly supporting the

statement made by the delegation of Algeria on behalf of the African Group, the Delegation of Burkina Faso encouraged WIPO to continue to play its role in the enforcement of intellectual property rights. At the same time, the Delegation called upon regional and sub-regional organizations, especially those based in Africa, to provide their contribution by including these issues among their priorities. This would help to ensure that intellectual property rights really were a tool for promoting development in countries.

289. The Delegation of Bahrain referred to the statement by Mr. Gurry regarding international legislation that required modification and modernization, especially in this age of rapid technological progress. The Delegation pointed out that there also was a need to examine how modern piracy benefited from technological means because many acts of piracy were undertaken through modern communication methods. These acts had a negative impact at the national level, especially in the field of TV rights and other broadcasting rights, and prevented national organizations from defending their rights. At present, pirated productions were not only smuggled from hand to hand, but were rather smuggled through remote communication. Therefore, the Delegation requested cooperation between the specialized agencies and WIPO in order to identify those enterprises which developed modern technologies that played a special role in acts of piracy, and that had no other technological innovative effect or impact. No country could remain silent vis-à-vis such technologies that had a negative effect on national economies. National legislation and international legislation appeared to be unable to put an end to such violations which further hindered the activities of national institutions in combating piracy in all its forms. The Delegation of Bahrain further found that coordination was necessary between the League of Arab States and the Arab Bureau of WIPO in order to examine the possibility of undertaking such a study. Many of the production companies which now invaded the Arab market were indeed having a negative effect on the economies of the Arab countries.

290. The Delegation of Brazil confirmed its commitment to the very important work of the ACE and stated that the committee should continue to be the fundamental multilateral forum in which all these issues related to the enforcement of IP rights were discussed. Brazil was ready to contribute as actively as possible with the work of the ACE. It was reiterated that Brazil had already develop a model to fight against piracy and counterfeiting and had already achieved internationally acknowledged results, embracing the various aspects to this work, including the education, economic and criminal aspects. It was pointed out that the economic aspects covered discussions and negotiations with businesses and with the private sector, basically discussing business strategies to adapt supply and demand, while bearing in mind the demand for services. The Delegation of Brazil reiterated its support for the GRULAC position as outlined by the Cuban Delegation and underscored their support for Recommendation 45 to guide the work of the ACE, and stated that the report by the Secretariat should meticulously reflect the discussions that had been held. In addition, the Secretariat was requested to translate the proposal of GRULAC with respect to Recommendation 45 for discussion in the ACE.

291. The Delegation of France, speaking on behalf of the European Community and its 27 Member States, welcomed the work done by the ACE since 2002. In the course of the fourth session of this body, there had been very interesting exchanges of experience on the issue of cooperation and coordination internationally, regionally and nationally. It had become clear from the discussion that the scope of counterfeiting and piracy called for a better coordination between the various parties worldwide responsible for fighting those illegal activities. The damage and the negative impact of counterfeiting and piracy were considerable for business

activity and for the wider economy. They threatened creativity, innovation and development and could have a very bad effect on the health and safety of people. The Delegation of France reiterated that, in response to an invitation from the Chair of the ACE, a list of proposals covering various aspects of the fight against counterfeiting and piracy had been submitted in order to define a work program for the fifth session of the ACE. The European Community and its Member States regretted that the consultations held by the Secretariat had, as yet, not resulted in an agreed topic, and the Secretariat was urged to continue with its efforts to make the necessary preparations for the next session of the ACE. Counterfeiting and piracy were such appalling scourges that those issues were now being discussed in various international forums, not just in the ACE. WIPO was the international agency for dealing with intellectual property issues, and it should be the leading and most ambitious forum for dealing with enforcement-related topics. In this context, the European Community and its 27 Member States encouraged the Secretariat to expand and step up its activities on fighting counterfeiting and piracy, so as to better respond to respective requests for technical assistance by its Member States. The Delegation of France further welcomed the results of the latest Global Congress on Combating Counterfeiting and Piracy, held in Dubai in February 2008. It had been a very useful occasion for many parties to hold fruitful and lively discussions on a wide range of issues relating to counterfeiting and piracy.

292. The Delegation of Canada welcomed WIPO's intention to host the fifth session of the ACE in 2009. Counterfeiting and piracy were a global problem affecting all WIPO Member States. Member States should explore how the work undertaken by the ACE fitted with that of other organizations. Canada had engaged in discussions on intellectual property enforcement in other forums such as APEC, the Heiligendamm Process, the OECD, the Anti-Counterfeiting Trade Agreement, the Intellectual Property Crime Action Group, and the North American Security and Prosperity Partnership with the US and Mexico. The Delegation of Canada stated that it looked forward to working with other WIPO Member States on the important issue of intellectual property enforcement in the ACE. The Delegation also underscored the ongoing dialogue on IP and innovation between the G8-countries and five other countries, namely Brazil, India, China, Mexico and South Africa, within the Heiligendamm Process which started in the second half of 2007. A final report of that process was to be submitted to the G8 summit in Italy in 2009. The Delegation of Canada emphasized the importance of avoiding duplication of similar work being undertaken in other international forums such as APEC which had developed comprehensive steps of model guidelines and best practices. Based on that experience, the objectives for developing such instruments should be clearly outlined from the beginning, particularly with respect to potential implementation. In his acceptance speech on Monday, Mr. Gurry had mentioned the question of respect for IP, and that reflection was needed on the appropriate role in this area for WIPO. In that regard, the Delegation of Canada pointed out that the ACE provided a useful forum for discussions and exchange of views on matters relating to intellectual property enforcement, particularly technical assistance. That body could, therefore, play a more proactive role in the multilateral discussions relating to intellectual property enforcement.

293. The Delegation of the United States of America expressed its full support of WIPO's work in reinforcing cooperation among enforcement authorities and other organizations in that field. WIPO's efforts to coordinate and enhance the enforcement aspect of its technical assistance were applauded and supported. The United States of America fully intended to continue working closely with WIPO in their efforts to assist developing and least developed countries to improve intellectual property enforcement. Strong intellectual property

enforcement would benefit developing countries by encouraging, protecting and rewarding innovation and creativity, as well as by encouraging foreign direct investment. Effective intellectual property enforcement could lead to job and wealth creation, increase a country's tax base, promote public health and safety, and discourage organized crime. The ACE provided a valuable forum in which to exchange information on members' efforts to intellectual property enforcement. The discussions at the last session of the ACE on cooperation and coordination at international, regional and national levels with respect to intellectual property enforcement had been timely, particularly the focus on effective criminal remedies. The Delegation of the United States of America looked forward to the next session of the ACE and hoped that the topic of that next meeting could be finalized in the near future. Greater coordination between the Regional Bureaus and the ACE was encouraged to identify and address technical assistance needs of WIPO Member States.

294. The Delegation of Uruguay recalling its initial statement, whereby WIPO should be the main forum for debating the enforcement of intellectual property rights, said that it considered the study and the analysis of its causes to be fundamental. The Delegation supported the statements made by Cuba, on behalf of the Group of Latin American and Caribbean countries (GRULAC), and by Ecuador to the effect that Recommendation 45 of the Development Agenda should be taken into account, and that the promotion of innovation and actual technology transfer should also be dealt with by the Advisory Committee on Enforcement (ACE). That subject should be included in the discussions within the ACE.

295. The Delegation of the Russian Federation announced that it would make a specific proposal in order to broaden the mandate of the ACE. Before that, the Delegation wished to comment on the statement made by Mr. Gurry. In his speech, Mr. Gurry had emphasized how damaging the trade in counterfeit products and the violation of intellectual property rights was. He also had drawn attention to the enormous volume of counterfeit trade which was worth more than 200 billion U.S. dollars. That figure was based on information provided by law enforcement agencies at the international level. However, in fact this figure simply represented what had been stopped at the borders by law enforcement agencies. The actual volume of the trade in counterfeit products, therefore, was much higher, and at least 2 or 3 times bigger than the above figure. Obviously, this undermined the whole intellectual property system because right holders needed protection, and they needed the power to protect their rights. At the moment, this was not possible which clearly undermined the rights of intellectual property rights holders and of SMEs which were prevented from pursuing the protection of their services and products in the market. The Delegation of the Russian Federation believed that it was necessary to look at the root causes of these issues. There were two of these causes. By studying the experience gained of the activities of organized crime, in the Russian Federation the conclusion had been reached that organized crime relating to IP used the same methods as organized crime in drug and human trafficking. It was, therefore, impossible to say that an individual country was the source of counterfeit trade, and to condemn such countries. That would be an unfair undertaking. All countries were taken hostage by criminal organizations dealing in counterfeit goods. The best solution was to enforce the law. Where there were gaps in the law, these shortcomings needed to be rectified. Where counterfeit goods were sold it was necessary to organize law enforcement to ensure that the demands for illegal products were not met. The Delegation of the Russian Federation pointed out that it was not possible to take this approach mainly at the regional level, but that it was necessary to cooperate at the international level. Cooperation with the law enforcement agencies and the exchange of information to locate the origin of counterfeit goods were important issues. However, these issues were not enough. It needed to be

ensured that prohibitions were in place. Legislation in all countries needed to be analyzed in order to identify where legislation was facilitating the production of, or the trafficking in, counterfeit goods. Intellectual property law in this area needed to be enhanced, and the work on these issues would be a very important contribution at the international level. Obviously, this contribution needed to take place in cooperation with law enforcement agencies, and the work needed to include coordination and the identification of knowledgeable experts in the area of intellectual property. It was important to work with the recognized leaders in this field. The Delegation of the Russian Federation further referred to the roots of counterfeit products which were unfair competition. Loopholes in the law were being used in order to bring counterfeit goods to the market. However, quite often also the reputation of firms that were already established in the market and that successfully sold their wares were being exploited. Quite often, it was important to recognize the fact that sometimes these firms were also culpable. Illegal circulation of counterfeit goods needed to be countered, however, it also needed to be ensured that preventive measures were taken to prevent unfair competition between established competitors on the market. Within the mandate of the ACE, it was necessary to be able to minimize that kind of unfair competition which had an impact on trade and competition. A clear identification and definition of piracy and of unfair competition was needed. It might be that individual countries had their own different interpretation of what unfair competition was, or what counterfeit goods were. For instance, in the Russian Federation counterfeiting was defined as goods that simply did not have the authorization from the right holders to be sold. This definition might mean that it was possible for violations of patents to take place, but at the moment any unauthorized use of all protected intellectual property was a counterfeit under Russian law, and these violations were subject to prosecution, both civil and criminal. Measures were at disposal to ensure that enforcement takes place. The crucial issue was a criminal needed to be put behind bars. That was the only effective way that enforcement would work. Crimes needed to be punished and the system had to work regardless of changing circumstances. It would have to show no discrimination whether the criminals were rich or poor, or whether they were long established or just appeared. What needed to be protected was the system of intellectual property. That system needed to survive, and if it was undermined by counterfeit products then right holders would simply not be able to survive by fighting alone and their efforts would be far less effective than if actually being integrated into the system. Therefore, the mandate of the ACE needed to be broadened, not just for coordination of regional and international law enforcement agencies, but also to ensure that it was involved in drafting preventive measures in the area of unfair competition.

296. The Delegation of El Salvador fully supported the statement made by Cuba on behalf of the Group of Latin American and Caribbean countries, in particular with a view to the proposals concerning the next meeting of the ACE. The Delegation had information on the next Global Congress on Combating Counterfeiting which, it had understood, would take place in a Latin American country. The Delegation had further understood that in the meeting there were a number of rapporteurs who would be able to present subjects relating to the Regional Group. The Delegation believed that the sharing of experience would be very useful for Latin American countries. The consideration of Latin American rapporteurs, therefore, was requested. Finally, the Delegation of El Salvador stated that the main forum for the discussion of intellectual enforcement issues was WIPO.

297. The Delegation of Papua New Guinea congratulated Mr. Gurry on his election, and, on behalf of the people of Papua New Guinea, wished him all the best as he took office of a very important position. The Delegation also thanked Mr. Idris for his work generally, and

specifically for the support he had given to the country in relation to technical assistance. With a view to document WO/GA/36/2, the Delegation of Papua New Guinea stressed that the country was just beginning to address the issues of counterfeiting and pirating. The Delegation, therefore, was very happy to know the work plan of the Secretariat, and to know that support would be provided to the country when the issues faced in the Pacific region were addressed. Document WO/GA/36/2, particularly paragraph 2, was very encouraging because in Papua New Guinea the support of the judiciary, the customs agencies and the police was needed. There was a lack of awareness in these groups in the country. Therefore, in order to work together to address the issue of counterfeiting, the Delegation of Papua New Guinea welcomed these issues to be addressed, and was looking forward to working with WIPO in ensuring that counterfeiting and piracy were eliminated in that part of the Pacific region. This would enable everyone to work together for fair and equitable commerce and governance.

298. The Delegation of Morocco supported the work of the ACE and considered that the discussions that had taken place in that forum on the exchange of experience could make a positive contribution to combating piracy and counterfeiting. As Mr. Gurry had emphasized in his statement, it was a scourge which had a detrimental effect on all economies. Morocco was putting into effect measures across the private and public sectors which lead to combating these evils. The Delegation believed that the ACE needed to continue its work according to a specifically designed program.

299. The Delegation of the Islamic Republic of Iran emphasized the importance of the enforcement of intellectual property rights and announced that new legislation in the country carried tough civil and criminal punishments. The Delegation appreciated the work done by the Secretariat in line with the mandate and objectives of the ACE, including consultation meetings and briefings, particularly those with regard to international efforts to fight counterfeiting and piracy. Cooperation with other international organizations was positive in the field of IP enforcement. WIPO, however, in line with its mandate, should be the initiator, and the core of negotiations, in this field. Experiences had shown that education, training, technical and legal advice in different regions had led to results. Therefore, such activities needed to be stepped up. The Delegation concluded that the ACE was the right forum for the exchange of information and for the introduction to Member States of guidelines how to use best practices. The ACE should continue discussions on subjects presented by Member States in its previous sessions.

300. The Delegation of Chile expressed its full support of the statement made on behalf of the Group of Latin American and Caribbean countries. The work of the ACE needed to be reflected within the framework of Recommendation No. 45 of the WIPO Development Agenda. The work which took place in Advisory Committees, and in particular in the ACE, inspired the work undertaken at national level in countries like Chile. That work essentially consisted of modernizing the intellectual property systems in line with international standards which had been mutually agreed upon reflecting the needs of individual countries. With regard to enforcement, particularly in the area of copyright and related rights, there was a draft law being discussed in Chile which was looking to reform copyright law, including with a view to its enforcement. It would provide additional tools for the prosecution of piracy and establish standards for limiting the liability of internet users, and also addresses limitations and exceptions with regard to new technologies. At the same time, in connection with the legal reforms in January 2008, the Chilean Police Force had established a special unit competent for the prosecution of these crimes. That unit would focus on the network of piracy, and as a result, in the first quarter of 2008, a large number of seizures had been made

which had exceeded the total of all seizures in 2007. Those efforts complemented the work which Chile was already carrying out at the borders and at the Ministry of Interior concerning the prosecution of crime within the Chilean territory. Awareness campaigns on intellectual property rights and the negative impacts of piracy were being carried out by the Chilean government. The government had also carried out a number of training seminars in order to raise the awareness of the law enforcement agencies and public officials. At the same time, at the country's regional level, measures were undertaken to combat piracy and counterfeiting. These included fines for those who actually bought counterfeit goods. The first campaign took place in October and December 2007, and the second campaign took place between March and June of 2008. Those campaigns had been organized by the Ministry of Interior in cooperation with the authorities of the principal regions in the country. The Delegation of Chile expressed its willingness to participate in the consultations which the Secretariat was carrying out concerning the agenda of the ACE. The items might include for example issues relating to the methodologies used by some countries and by the private sector to quantify the level of counterfeiting and piracy in a number of countries.

301. The Delegation of Mexico underscored the particular importance of the enforcement of IP rights for Mexico and highlighted its participation in a number of trilateral and multilateral forums as well as in the WTO and in the ACE. Reference was made to the Agreement on Security and Prosperity Partnership of North America, with the USA and Canada, within the context of which partnership the major areas of importance were detection, detention and seizure of pirated and counterfeit goods. Public awareness was another area of utmost importance but an even more complicated issue was the identification of the scale of counterfeiting and piracy. The first phase of a recent global study by the OECD concluded that at the global level the total amount of piracy per year of a cross border nature was 200 billion US dollars. The Delegation was of the view that this was an understatement as what was measured was not counterfeiting and piracy within a country's territory, but what actually crossed international borders and as such the scale seemed even greater. Attention was drawn to the participation of Mexico in negotiations within the framework of the Anti-Counterfeiting Agreement with another 10 countries under the guidance of the United States and Japan which led to several fruitful meetings. Mexico therefore believed that it was crucial for Member States to endow themselves with all the tools needed within the framework of the ACE and not lose sight of the fact that progress was also being made in other fora. The Delegation suggested that work within WIPO should continue to build upon the work that had been done elsewhere. To underscore the political determination of the government of Mexico, the Delegation mentioned the establishment of a special protection area for IP Rights with around 150 lawyers. It was anticipated that during 2009 3,500 *ex officio* inspections would be carried. Mexico had also carried out a second competition for children from 6 to 12 called "Children against Piracy," embracing an element for children with special talents, information of which was available on the WIPO website. The Delegation commended Canada on the excellent work done on public awareness and reiterated that all had to contribute to the effectiveness and the strength of the ACE.

302. The Delegation of Ghana acknowledged the work of the ACE and the enforcement of IP rights within the WIPO system. The aim was to enforce laws and the Delegation viewed it as timely for WIPO to have established the ACE as a forum for the international IP community to coordinate its activities in the fight against counterfeiting and piracy. These were serious phenomena that were increasing all over the world, particular in the audio-visual area, and needed to be combated. It was suggested that Member States collaborated to reduce piracy by entering into affordable licensing regimes which would minimize the importation of pirated

goods. The current Copyright Act of Ghana recognized the negative impact of piracy and had introduced punitive penalties to deter piracy. Provision had also been made in the Copyright Act for collaboration between the Ministries of Justice and the Interior to assist the Copyright Office with police officers to redress infringements of the Copyright Act. The Copyright Office also organized anti-piracy events which resulted in prosecutions. As such, the Delegation of Ghana looked forward to participating in the activities of the ACE and to share and gain the experience in combating piracy of other countries, in particular those within the sub-region.

303. The Delegation of Sudan stated that the work of the ACE had paved the way for the enactment of enforcement related legislation which assisted in fighting counterfeiting and piracy. It remained a challenge to achieve the objectives of enhanced levels of trust and consumers' confidence in the products on the markets in the Sudan, which would also promote international trade. It was pointed out that enhanced consumer protection could only be attained through effectively combating counterfeiting and piracy. That, however, called for a joint effort made by governments and by the broader public - a *sine qua non* for effective IP rights enforcement globally, including enhanced border measures. In addition to a proper legal framework, effective enforcement required the sharing of experiences among all the concerned law enforcement agencies.

304. The Delegation of Kenya stated that the issue of intellectual property enforcement was very important in the proper administration and enforcement of intellectual property rights. The Delegation endorsed the position articulated by Algeria on behalf of the Africa Group. While recognizing the goals of the WIPO Development Agenda, especially in relation to access to knowledge, the enforcement of the rights was an issue that needed to be addressed. In the recent past, counterfeiting and piracy had had a negative impact on economic development. The efforts of WIPO efforts at the international level were commendable with reference to the Global Congress on Combating Piracy and Counterfeiting, a joint initiative by WIPO, WCO and Interpol, with the support and cooperation of the International Chamber of Commerce (ICC), the International Trade Marks Association (ISMA). The Delegation of Kenya further pointed out that there were various enforcement efforts that had been made at the regional and national levels, and that it would be useful to inform Members States on best enforcement practices. In this regard, the Delegation encouraged the technical assistance that had been extended by WIPO in various countries, especially in Africa. Kenya had recently set up an enforcement unit within the Kenya Copyright Board that handled the investigation and prosecution of copyright infringement cases. That unit was a collaborative effort between the Kenya Copyright Board and the Kenya Police. In the last year, over 100 cases had been handled by the enforcement unit. Moreover, awareness campaigns and workshops had been carried out to raise awareness among the law enforcement agencies as well as the users and rights holders. However, more needed to be done, especially to deal with cross-border counterfeiting and piracy. There was a need for regional coordination to counter this problem. The Delegation of Kenya encouraged the ACE to continue discussions, and to come up with solutions to counterfeiting and piracy. In this regard, the Delegation of Kenya suggested that the Secretariat, like in other areas, build on existing enforcement mechanisms around the world, and prepare a document that could be circulated to all WIPO Member States. This would also help the ACE to define its parameters, and to agree on suitable topics for discussion. The Delegation encouraged the ACE to analyze, apart from the legal regime, social, economic and political factors that contributed to the escalating levels of counterfeiting and piracy.

305. The Delegation of Gambia associated itself with the statement of the Delegation of Algeria on behalf of the African Group, and reiterated the importance of cooperation at all levels in the area of enforcement of intellectual property rights, especially with regard to piracy as a cross-border cutting issue. There was little or no coordination between the relevant stakeholders at national level to enhance an effective enforcement system, largely due to a lack of sufficient awareness of intellectual property rights, and the effects of non-enforcement. The Copyright Act of the Gambia made provision for the enforcement of copyright and related rights. However, the scourge of piracy was ever increasing, due to a lack of enforcement and effective criminal remedies. The Delegation of Gambia commended the work of the ACE. There was a need for information sharing and collaboration at the regional and international levels in order to detect cross-border movements of counterfeit and pirated goods, and to combat illegal trade. The Delegation further recognized the need for training and capacity building within the judiciary, police, customs, prosecutors and other stakeholders. These were crucial for an effective implementation of intellectual property enforcement, and would enable protected right holders to benefit from the labor of their works.

306. The Chair noted the many comments and observations by the Delegations during the course of the discussion, all of which were to be reflected in the meeting report. The Chair then referred to the original proposal contained in document WO/GA/36/2 in paragraph 6 “The WIPO General Assembly is invited to take note of the information contained in this document”. It was further noted that the delegation of Tunisia had made a proposal for three modifications: (a) to modify the title of the report; (b) to annex “the Conclusions of the Chair;” and (c) a slight modification to be made to paragraph 6 to reflect that an annex would indeed be attached to the report. The Chair then suggested that it would be more appropriate to include a comment in the report whereby it would be indicated that the delegation of Tunisia had requested that in the future a report of that meeting be entitled “Matters concerning the ACE,” rather than changing the title of an official report which had already been circulated. That would also be the title for future documents to be prepared by the Secretariat. On the second proposal to attach an annex “Conclusions of the Chair,” the Chair suggested that, at the request of the Delegation of Tunisia, the “Conclusions of the Chair” would be attached to each subsequent report of the meeting.

307. The Delegation of Tunisia requested clarification of the understanding, pertaining to the second proposal, on whether the annex would be attached starting from the fourth or fifth session of the ACE.

308. The Chair stated that, upon the request of Tunisia, the “Conclusions of the Chair” would be attached to future reports on the ACE to the Assembly, but not to document WO/GA/36/2, whereupon the Delegation of Tunisia conveyed its agreement.

309. The Delegation of Algeria drew the attention of the Chair to the intervention of Algeria on behalf of the African Group, in which the Secretariat was invited to annex the “Conclusions of the Chair” and requested the Chair to note that the request was made by the African Group and supported by Tunisia, to which the Chair agreed.

310. The General Assembly took note of the contents of document WO/GA/36/2.

ITEM 11 OF THE CONSOLIDATED AGENDA:

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

311. Discussions were based on document WO/GA/36/3 Rev.

312. The Secretariat introduced the progress report on the work of the Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore ('the IGC') contained in document WO/GA/36/3 Rev.

313. The Delegation of Algeria, on behalf of the African Group, noted that a number of African countries had promulgated laws that provided for *sui generis* measures aimed at protecting traditional heritage against all forms of illegal action that prejudiced the rights of the holders. At a regional level, the two African intellectual property organizations, ARIPO and OAPI, had adopted legal instruments to protect traditional knowledge ("TK") and folklore. These instruments could constitute a point of reference of great utility for work which could lead to the elaboration of an international treaty under the aegis of WIPO. The meeting that the African Group had convened in Durban in June 2008 had led to the adoption of a proposal on the protection of folklore, genetic resources and TK which would be examined as a working document during the next session of the IGC, due to be held in Geneva in October 2008. At the international level and in the framework of a new African-Asian Strategic Partnership, a declaration on intellectual property relating to folklore, TK and genetic resources had been adopted at Bandung in June 2007. This Declaration underlined, among other things, the necessity to take measures to prevent all forms of misuse, distortion and misappropriation of traditional cultural expressions (TCEs), TK and genetic resources. These various initiatives illustrated clearly that the issue of the protection concerned was a transnational one and it therefore required a global response, which was clearly reflected in the IGC's mandate which recognized the international dimension of the issues for which the IGC was responsible. The African Group therefore remained convinced that the protection of those expressions of the cultural and intellectual diversity of indigenous communities would be achieved through the drafting of an international legally-binding instrument. That instrument should be based on a set of principles such as disclosure of the origin of genetic resources and TK derived therefrom, prior informed consent and the equitable sharing of the benefits arising from the use of those resources and knowledge. It was clear that since its creation in 2000, the IGC had allowed detailed discussions to be launched on the above issues and the exchange of views between Member States on that subject, although no substantive progress had been made. The African Group hoped that the renewal of the IGC's mandate for two additional years, covering the period 2008-2009, would provide an opportunity to accelerate its work and make substantive progress in drafting a multinational treaty which met the aspirations of the majority of indigenous, local and traditional communities of Member States. In that regard, the African Group was in favor of holding inter-sessional meetings and remained determined to contribute positively and constructively to the negotiations in progress. The African Group welcomed with satisfaction the successful launch of the WIPO Voluntary Fund which was intended to ensure the increased participation of the representatives of indigenous and local communities in the work of the IGC. The African Group expressed thanks for the goodwill shown by the donors and encouraged the other Member States to pay their contributions to the Fund.

314. The Delegation of Cuba on behalf of GRULAC considered that the most important issues for it were linked to the work on IP, GR, TK and folklore. GRULAC was one of the proponents of setting up the IGC in 2000. Since the very first meeting of the IGC in which GRULAC submitted a basic document for the work of the IGC, it had been an active participant in its work. After seven years of work, the IGC had made some progress in consolidating knowledge on the various solutions available to states to protect GR, TK and folklore and to confront issues connected with misappropriation. But it had not made a lot of progress on the effective international dimension of the problem. The GA last year had agreed to renew the mandate of the IGC on the understanding that it needed to speed up its work to deal with this situation at multilateral level and for GRULAC it was very important that some of the progress had been made thanks to the Secretariat which had drawn up so many documents which might be the basis for drawing up an international instrument without prejudice to the results of such an instrument. It was behind that. GRULAC thought it should have a concrete response to satisfy the needs of their peoples and their indigenous communities through a secure and effective protection of their knowledge and creations in the international IP system.. GRULAC knew about the personal involvement of the new Director General in this work, and hoped and trusted that under his leadership the IGC could consolidate its work and get a concrete solution to these problems.

315. The Delegation of Peru supported what the Delegation of Cuba had said on behalf of GRULAC and reiterated the importance of the work of the IGC for this group. When the new Director General accepted his post, he had referred to GR, TCEs, and pointed out it was now time for this process to start to achieve concrete results, to enable WIPO to fulfill its role and provide a more universal service. Thanks to the work done by the Secretariat under the leadership of Francis Gurry and his very effective staff, there were a number of documents now available which could be the basis to draw up an international instrument with a modern and pragmatic vision for ensuring the protection of TK and folklore. But this did not mean that the IGC should not focus on GR as well. For Peru, the declaration of origin was very important for patents. In order to move forward with this issue, for the moment it was much more effective to focus on some areas where the most progress had been made. The documents on the current gaps in the system to be submitted in the next session in October would be another step forward in trying to understand the problems but at the same time, the IGC should try to get closer to taking effective decisions because it had been working for almost ten years. It was important to have a political decision to transform all the progress that had been made at technical level into practical concrete steps at the international level, to enable to avoid misappropriation and give more certainty to the communities and in particular indigenous communities so that they could be aware that the IP system could be an effective instrument and a positive instrument for their development.

316. The Delegation of India complemented the Secretariat for the extensive research and excellent documentation of the work of the IGC since its first session in April 2001. The important issue for the Assembly concerned the continuation of the IGC so as to ensure the completion of the unfinished business of providing protection for TK, TCEs and GR. The Delegation fully supported the continuation of the IGC till such time an internationally agreed, legally binding instrument on the protection of TK, TCEs and GR could be evolved which would be of enormous economic value to the Member States of WIPO and in particular developing countries which were rich in TK, genetic resources, etc. Regarding the future work of the IGC, the Delegation recalled that during its twelfth session, the IGC had agreed that the WIPO Secretariat should make available in draft form two documents containing a gap analysis on the protection of EOF and TK. These documents had been circulated by the

Secretariat and had also been commented upon by the Member States and were to be discussed in the thirteenth session. The Delegation wished to remind the Assembly that the Secretariat had completed a number of detailed analyses of the entire scope of TK and TCEs since the first session of the IGC in 2001, including WIPO/GRTKF/IC/1/5, WIPO/GRTKF/IC/2/3, WIPO/GRTKF/IC/3/9, WIPO/GRTKF/IC/4/INF/5, and the list continued. It should therefore be remembered the documents on the draft gap analysis would only be an addition to the exhaustive and impressive list of studies already carried out by the Secretariat. India, along with other developing countries, was looking for a legally binding international instrument so that it could address the issue of misappropriation of its knowledge and resources. It was well known that India was extremely rich in TK and GR. Its systems of traditional medicine, i.e. Ayuverda, Yoga, Unani and Siddha were known internationally and were unfortunately being misappropriated extensively at the international level. India had shared in the past with the IGC and the international IP community the problem of wrong patents, based on Ayuverda, Yoga, Siddha and Unani systems of medicine which had been granted internationally. Extensive expert studies had revealed that more than two thousand wrong patents based on India's codified systems of knowledge were granted every year internationally. India had developed a five language TK Digital Library (in English, French, German, Japanese and Spanish) containing around two hundred thousand medicine formulations with information running into thirty million pages. The TKDL was now being made accessible to international patent offices under an access agreement. This would address the issue of misappropriation of TK in the systems of Indian medicine. However, India continued to believe that an optimal solution would be a legally binding international instrument concerning TK and TCEs, not anything else. Through TKDL and with the co-operation of international patent offices, India was confident that the issue of the misappropriation of its TK in the future would largely be addressed. However, India was equally concerned about the necessity for rectification of past grants i.e. invalidation of patents which were granted due to non-availability of information on prior art to examiners. For resolving these concerns and to make TK, TCEs and GR a tool for wealth creation for the holders of these knowledge systems, India urged the international IP community to develop a legally binding international instrument for the protection of TK, TCEs and GR.

317. The Delegation of South Africa supported the statement from the African Group. The Delegation viewed the discussions in the IGC as an important agenda item. South Africa was committed to numerous processes, nationally, regionally and internationally to work towards the conclusion of the internationally legally binding instruments for the protection of TK, TCEs and GR. On a national level, four fundamentally important processes had been completed in the past eight months, bringing South Africa closer to its goal to protect its TK. These included *inter alia* the Intellectual Property Laws Amendments Bill, the Cultural Amendments Bill, the Policy on Traditional Medicine, and the promulgation of the Access and Benefit-Sharing regulations. On its access and benefit sharing regulations, South Africa conceded that this potential regulatory structure had been recently put in place, and was yet to be developed into a substantive regime. The gap analyses, prepared by the Secretariat, were thorough and fair-minded analyses of the challenges facing the discussions in the IGC. The gap analyses, however, revealed a very wide range of uncertainties. To make progress, consensus had to be achieved at the basic level, on concepts and on goals. Within this context, South Africa participated in two intersessional meetings of the African Union, one of which South Africa was proud to host in Durban. The primary purpose of these meetings was to take into account the previous work of the IGC, and prepare a working document which defined clear medium- and long- term strategies and related activities on the future work beyond the fourteenth session of the IGC. The Delegation reiterated that the compelling

contextual factor for these meetings under the auspices of the African Union was a common desire to quickly and constructively act upon the gap analyses produced by the Secretariat, as well as augment their initial position emerging from the African group proposal submitted at the twelfth session of the IGC. South Africa recognized the need for intersessional work as highlighted by the Secretariat's gap analyses and as part of the IGC's mandate to accelerate its work. In view of this proposal and in line with the decision of the twelfth session of the IGC to consider intersessional work at its next meeting, South Africa's position remained that expert groups to be established to meet intersessionally to discuss certain issues to generate recommendations which the IGC might agree on. South Africa thanked WIPO for its continued support to South Africa. Currently, South Africa together with WIPO was in the process of adapting implementing and field testing an IP-TK toolkit on the documentation and protection against misuse and misappropriation of TK and related GR.

318. The Delegation of Venezuela (Bolivarian Republic of) supported the statement made by GRULAC. Since the previous General Assembly, when the IGC's mandate had been renewed for two years, the Bolivarian Republic of Venezuela had had high hopes concerning the results of the IGC's work with regard to the development of binding international standards on that subject. It was a race against time given that for the IGC meeting to be held in October 2008, the Member States had finally to reach a more concrete level of commitment. It was vital to remember the importance of the subjects dealt with by the IGC and the lack of results in that regard after several years of discussion, given that those subjects were of particular importance for WIPO's developing country members since it was those countries which were the most affected and had the highest expectations and greatest needs in that regard. The Bolivarian Republic of Venezuela was among the richest countries in the world in terms of biological diversity and the Delegation therefore requested the establishment of an international regime on access to genetic resources which was binding and which would ensure the conservation and sustainable use of the biological diversity in countries of origin and would guarantee the benefits derived from its use, in order to improve, by means of Government measures, the social and economic conditions of the local and indigenous communities which contributed, with their ancestral knowledge on genetic resources, to the use of those resources for purposes such as food and health. The immediate establishment of concrete strategies in legal terms for the effective protection, at the international level, of genetic resources, cultural expressions, TK and folklore, would move beyond being a request to become a demand by the Bolivarian Republic of Venezuela and all those delegations which had been calling for such strategies for some time from WIPO. In view of the all the above, the Bolivarian Republic of Venezuela considered that the work carried out by WIPO should focus on (1) generating databases to help resolve the issue of misappropriation; (2) establishing disclosure of origin as a compulsory requirement; (3) devising policies to guarantee respect of the rights of indigenous communities relating to associated practices for the protection and use of genetic resources. In the period which had begun with the appointment of a new Director General, the subjects relating to the IGC would continue to be among the priorities for the Bolivarian Republic of Venezuela. For that reason, the Delegation hoped that the Director General would show the greatest commitment and the strongest support so that the Bolivarian Republic of Venezuela could also collaborate, insofar as possible, in all the other spheres of WIPO. Concrete political undertakings by all those concerned would be vital to the future of WIPO.

319. The Delegation of France, on behalf of the European Union and its Member States, stated that it would like to pursue the work of the IGC in the same constructive spirit as in the last session. The detailed work program on TK and folklore that the member states had given

to the IGC will enable to make progress with the work quite substantially. It thanked the Secretariat for having prepared two analysis documents on the gaps. The final version of the gap analysis should soon be published and considered by the IGC at its thirteenth session. The draft gap analysis on protection of TK will enable the IGC to establish the main thrust for the work and define and ensure adequate protection for such knowledge. The European Community and its Member States reaffirmed its full support for drawing up *sui generis* international models or other non-binding options to provide legal protection for TK. Furthermore, it attached great importance to the issue of GR and welcomed the progress which had been made possible thanks to the decision of the IGC to consider it in detail during the next session by giving it a fair status among the three issues that the IGC had to deal with according to its mandate. The gap analysis showed, that for many of the concerns expressed by indigenous communities, some legal instruments already available could provide satisfactory responses to these problems. The European Community underlined the work of the IGC which showed the importance of TCEs for all people and all communities in the world. Nevertheless, that work had also shown that there were major differences between the definitions of TCEs and the treatment that should be provided to that issue.

320. The Delegation of Jamaica took full note of the work which had taken place in the IGC since the last General Assembly and that the draft documents prepared by the Secretariat on the gap analysis on the protection of TK and TCEs were expected to be considered at the October 2008 session of the IGC. It expressed the hope that these new initiatives would move the IGC closer to adopting an international legal binding instrument or instruments on TK and the other forms of IP such as GR and TCEs. It added that Jamaica was rich in TK and GR which they were seeking to safeguard and protect particularly at the international level given the high rates of piracy and misappropriation of IPR of indigenous and local communities. It was of particular significance to the Rastafarian community and the Maroon community which suffered great loss from acts of infringements of their rights. The Delegation had listened keenly to the interventions made on the previous items concerning, enforcement of IPRs and the call for the need to mobilize and for greater efforts to be concentrated on the fight of piracy. It believed that the Delegation of Mexico had raised concern with respect to the value of trade in pirated goods, estimated at around USD 2000 billion. If the data was correct, this was cause for concern. Another result of the concerns which were expressed by Delegations on the item on enforcement, and it shared those concerns, reinforced the need to move very swiftly on an international legal binding instrument to deal with the issue of TK, GR and TCEs. It thanked WIPO for assisting its local communities in better understanding how IP could be used in their economic benefits. Given the fact that the protection of TK and other forms of IP was central to the existence and survival of the indigenous communities in Jamaica, it had always supported the participation of representatives from local communities in the work of the IGC. It was please to know that, for the first time, the Jamaican Rastafarian community would be seeking NGO status in the IGC and the Delegation was confident that this community would contribute significantly to advancing the work of the IGC on these important forms of IP. It finally supported the statement made by GRULAC, the African Group and other developing countries which had spoken before.

321. The Delegation of China stated that discussion within the IGC was of great importance to developing countries. The items on its agenda were particularly important when it came to the preservation of biological and cultural diversity throughout the world. They were also very important in allowing to bring about balanced sustainable development throughout the world. Over recent years, thanks to the efforts deployed by the Secretariat and Member States, results had been achieved on all of the agenda items. However, the Delegation also

noted that there was still a long way to go to achieve the goal. Many questions including some relating to fundamental concepts were still being discussed although there was a certain level of consensus on some of them. It welcomed the decision taken by the twelfth session of the IGC, namely that the Secretariat was going to prepare a document on the current situation. Within that document, there would be a gap analysis in the area of TK and TCEs. The gap analysis would allow to better identify the problems that exist and see where there were gaps. It would also lay the foundation upon which one could work to obtain tangible results in the course of future discussions. China was developing legislation on disclosure of origin and GR. During the third revision of the patent law, the relevant authorities called for certain steps to be taken. They referred to the fact that they may be inventions based on GR. Where such a patent was requested, the applicant had to indicate the source of the GR concerned. A patent would not be granted for inventions based on illegally obtained GR. This could be described as legislative progress in China. What has been achieved had been inspired by discussion within the IGC. It therefore hoped that through the efforts of all member states discussion on the protection of IP, when it came to GR, TK and folklore, it would proceed and would go into greater depth within the IGC. It also hoped that it would help make significant progress at national, regional and international level. This would include the conclusion of a binding international treaty.

322. The Delegation of Panama stated that it had followed very closely the work of the IGC. It had taken part quite actively in the discussion on TK. The model of collective IPRs was now starting to be applied to groups who already had territorial protection so that they could make the most and use the special programs on technical assistance and financing that Panama had and gain access to international markets with that protection. It had heard many times about the need to try to find a way of extending territorial protection which in Panama was regulated through *sui generis* laws. There was however the need to have some kind of regulations or legal instruments to provide protection at international level in order to complement national efforts. It reiterated its support for the work that had been carried out in the IGC as it tried to find a way of providing a protection mechanism for TK at an international level and guarantee a balance between the use of GR and the benefit derived from that use. It was grateful for the studies made, which had been the key source of progress made on these issues. Finally, it endorsed the statement made by the Delegation of Cuba on behalf of the GRULAC.

323. The Delegation of Tunisia endorsed the statement made on behalf of the African Group by the Delegation of Algeria. Like many other countries, its country was convinced it was essential that the work be focused on the achievement of more tangible results and this included moving towards the establishment of a *sui generis* international legal instrument that would be legally binding. This would meet the aspirations of member states, local communities and indigenous peoples. The Delegation specified that it was welcoming the holding of inter-sessional meetings and it remained firmly convince that it would be able to make a constructive and dynamic contribution to the negotiations underway. Lastly, it expressed its thanks to the government of South Africa and the International Bureau for the African meeting held in Durban in June 2008. That meeting did indeed allow to adopt a document which would prove to be useful during the next session of the IGC.

324. The Delegation of Pakistan, on behalf of the Asian Group, reiterated the importance of this subject under discussion in the IGC and was of the view that the IGC should concentrate its work on the international dimension with a view of tangible results as soon as possible and within a timeline decided by the member states. It looked forward to the progress in the work

of the IGC with a view that no outcome of its work was excluded including the possible development of an international instrument or instruments. It looked forward to the gap analysis on the protection of TCEs and TK. Its understanding was that all the three resource documents on principles, objectives and the key issues would help in setting the IGC towards its logical conclusion.

325. The Delegation of Indonesia associated itself with the statement made by the Delegation of Pakistan speaking on behalf of the Asian Group. It also appreciated and supported the African Group for referring to the Bandung Declaration that confirmed the strong commitment of Asian and African countries to take measures to prevent all forms of misuse, distortion and misappropriation of GR, TK and folklore. It took note of the substantive progress which had been made since the previous year session and, in particular, it acknowledged the efforts of the IGC to get efforts further ahead. The Delegation considered the development of an effective IP system to be a vital component of any efforts to protect and promote TK and the respect of established indigenous traditions and intangible cultural heritage. In this regard, it was looking forward to witnessing more productive and concrete outcomes at the next sessions of the IGC given the significant importance of the issue of the protection and recognition of GR, TK and folklore, the government of Indonesia was expecting that by the end of this decade an international instrument or instruments for the protection of GR, TK and TCEs would be established and implemented. It had always appreciated the assistance both at the technical and advisory level which had been offered by WIPO in the past. This assistance had been very useful in assisting efforts to develop their national capacity in terms of IP knowledge. It had also been vital in helping them define the scope and application of TK and folklore. Furthermore, it was committed to the promoting cultural diversity for all as it was the living heritage for the present and future generations. This valorization of culture applied to all including indigenous communities. To this effect, it firmly supported the recently launched WIPO Voluntary Fund which aimed to promote initiatives that positively impact the local and indigenous communities. It hoped that any issues relating to the gap analysis and the pertinent amendments and additions thereof would be resolved during the thirteenth session of the IGC scheduled to be held the following month. By way of conclusion, the Delegation took this opportunity to reiterate its commitment to the efforts aimed at the protection of GRTKF as a whole. The important role played by WIPO in helping countries effectively harness these cultural riches was crucial for their future appreciation and more importantly survival. Indonesia would continue to support the mandate of the IGC in order that it may further deal with objectives.

326. The Delegation of Bangladesh thanked the new Director General for his introductory statement on item 11 and expressed its appreciation to the International Bureau for the extensive and rich documentation, including the gap analyses, that was produced in the view to the next IGC. It associated itself with the statement made by the Delegation of Pakistan on behalf of the Asian Group. The Delegation stated that it valued the work done by the IGC. It stressed the critical need to make significant progress in a time bound manner, after years of discussion and analyses at the IGC. Given the importance of these issues to the holders of GR, TK and folklore in the developing countries, including the LDC's, and their potential benefit to poverty alleviation, livelihood and employment generation, promotion of the SME's and overall economic development, the Delegation urged the intensification of the work in the IGC in order to achieve an internationally binding legal instrument or instruments. In this context, it recalled that at the High Level Forum on Intellectual Property for the Least Developed Countries, organized by WIPO on December 12, 2007, Ministers and high level participants from the LDC's stressed, among others issues, the need for protection

of cultural heritage, TK, GR and GIs from misappropriation. The High Level Forum urged WIPO to assist the LDC's more intensively in ensuring that these resources make greater contributions to their economic and social development. The Forum also called upon WIPO to undertake a increased number of projects to map out and codify the resources that are available to the LDC's, in order to help them to protect these resources from misappropriation and take profit from their economic potentialities. The Delegation was encouraged by the remarks made by the new Director General when he mentioned in his inaugural statement that it was time to move the IGC's work towards concrete outcomes. It expressed the hope that his support and leadership would contribute in accelerating the process towards the conclusion of binding legal instruments on TK and TCE's.

327. The Delegation of Iran (Islamic Republic of) associated itself to the statement made by the Delegation of Pakistan on behalf of the Asian Group. Developing countries had always reiterated their interest and concerns for the subject matters under discussion in the IGC in order to move forward its work. It recalled that in the first biennium, following the decision of the General Assembly in 2003, considerable progress had been made on substantial work. It stated however that the IGC was going far away from its preliminary mandate, namely to produce tangible results and to move towards the conclusion of a legal instrument or instruments to fight international piracy. The Delegation observed that until the eight session of the IGC, sufficient, substantial and organized work have been done in framing the views of Member States, with the result that the subject matters had scattered and divided into new issues. It added that this way of proceeding might procedurally postpone any tangible outcome. It recognized that it was useful to conduct negotiations on substantial subjects in order to address the different aspects of the issues involved. It noted however that the substantial discussion should be guided by a clear outcome that would meet the expectations of the indigenous peoples and other right holders. The Delegation requested that the IGC concentrated its work in considering the international dimension of the subject matters in order to adopt a concrete and specific approach and produce tangible results in a foreseeable future. It added that any endeavors should reasonably lead to a comprehensive internationally binding instrument for the benefits of all relevant stakeholders.

328. The Delegation of Brazil reiterated that the issues dealt with the IGC on GR, TK and folklore are of key importance to its country and indeed for the regional group GRULAC to which it belongs. It supported the negotiation of an international binding instrument to provide effective and substantive protection to expressions of folklore and TK. Brazil had an extensive indigenous population who spoke more than hundred different languages and had an extremely rich cultural heritage. The value of this heritage should now extend to the international intellectual property system. The Delegation stated that there was a need for a proper response to misappropriation of such knowledge. The intellectual property system needed to evolve in order to be capable of responding to the needs of indigenous communities by providing normative and innovative solutions. With regard to GR, the Delegation believed that the WTO TRIPS Agreement should be amended in order to incorporate GR into the WTO system. There should be an obligatory disclosure of origin requirement with regard to GR when patents are applied for. The Delegation recalled that over the past eight years, the work made by the Secretariat and the member states in the IGC had been quite extraordinary. It stated that what we needed now was to bring about the sincere political will in order to reach an agreement. It expressed the hope that WIPO could achieve that common objective with the help of the new Director General.

329. The Delegation of Trinidad and Tobago endorsed the statement made by the Delegation of Cuba on behalf of GRULAC. It said that the folklore and TK of Trinidad and Tobago had shaped the lives of its people, their culture and their continued development. It stated that as many developing countries, Trinidad and Tobago continued to seek ways to protect its folklore and TK and to pursue national initiatives. It expected that Trinidad and Tobago would complete a national law by December 2008 to deal with that matter. It said that its country was participating in a regional initiative in the Caribbean, which was initiated by a resolution passed by Ministers responsible for intellectual property in the Caribbean at a 2006 meeting. It added that third parties had free access to Trinidad and Tobago's GR and used it outside of the country without any recognition of where it came from, without compensation and no reward. While congratulating the IGC for what it had reached so far, the Delegation of Trinidad and Tobago urged its members to accelerate its work. It took note of the use of the Voluntary Fund for indigenous and local communities and said that their participation was crucial to the entire process and the development of any instrument at the international level. It welcomed the documents provided by the Secretariat which included gap analyses on the protection of TCE's and TK. It looked forward to the in depth discussions which would follow upon during the next session of the IGC in October 2008. The Delegation encouraged the IGC to intensify its work, since it believed that at some point, a legally binding international instrument would evolve from these discussions.

330. The Delegation of Switzerland commended the work that had been done by the IGC and supported the progress made in recent years. Nonetheless the work had not yet concluded and there were still important matters to be dealt with. It said that the work of the IGC was indispensable if solutions to the major complex problems WIPO faced in the area of IP, TK, GR and folklore were to be found. It is vital that the IGC began by establishing the definitions and the purposes of protection before it started to get involved in the drafting of a possible legal instrument. The Delegation of Switzerland expressed the view that the gap analyses on the protection of TK, TCEs was very useful. As far as GR were concerned, it recalled the proposal it had submitted on disclosure of origin of GR and TK in patent applications. More detailed information on this could be found in document WIPO/GRTKF/IC/11/10. The Delegation of Switzerland also recalled the fact that CHF 100,000 was donated by the Swiss Federal Institute for Intellectual Property to the Voluntary Fund for accredited indigenous communities. This happened in February 2008, and this was its second such payment. The Voluntary Fund was set up by the WIPO General Assembly in 2005 in order to fund participation in the work of the IGC of representatives of local and indigenous communities. In addition, the Swiss Federal Institute for Intellectual Property organized in cooperation with the International Center for Trade and Sustainable Development in February 2008 a seminar with the representatives of indigenous and local communities who had been financed by this Fund in the view of the twelfth session of the IGC. It demonstrated the importance that Switzerland attached to direct participation on the part of indigenous representatives in the work of the IGC. The Delegation of Switzerland was convinced that this enhanced participation would have a beneficial effect on progress being made in the work of the IGC and would help its members in finding practical solutions to the problems they faced. The Delegation asked the Secretariat to prepare a brief document of two or three pages documents in view of the forthcoming meeting of the IGC that would sum up all of the activities and all of the specific practical measures taken by the IGC since its establishment. This document could include for instance the draft provisions related to the protection of TCEs and TK or the databases that we were set up on existing practices in this area. Having a list of all those elements would allow the participants to see what the Committee had actually done so far.

331. The Delegation of Burkina Faso took due note of the work done by the IGC. It commended WIPO on the successful launching of the Voluntary Fund which had made it possible for representatives of local and indigenous communities to attend its meetings. Having them involved in the work of the IGC was something that was of paramount importance. The Delegation supported the statement made by the Delegation of Algeria on behalf of the African Group. It stated that it was not in an impatient mood in expressing its comments, being well aware that within the IGC divergent interests were to be found. It commended the IGC for the work that it had managed to do thus far. Nonetheless the Delegation said that after so many years of discussions it might be reasonably expected that greater progress be made in the work of the IGC. There was a need to understand why some regional organizations like OAPI and ARIPO had in the meantime developed their own legal instruments on TK and TCE's. What was at stake were the interests of its right holders in this area, of those who actually owned and transmitted TK to future generations. It recalled that the world had entered an era of globalization when every country was trying ways and means of promoting its own development. It expressed the wish that its TK, its traditional cultural expressions and genetic resources might be used to contribute to its economic development and to bring about social and economic prosperity in its society. It therefore believed that the IGC had to make headway in its work in order to achieve more tangible and concrete results. In line with the expectations of Burkina Faso, the IGC had to meet the aspirations of African and many other delegations and agree on an international legally binding instrument. The IGC had been looking at these issues for years. The fact that it had looked to those for so long demonstrated de facto that the current instruments were not appropriate and did not afford sufficient protection.

332. The Delegation of Morocco endorsed the statement made by the Delegation of Algeria on behalf of the African Group. It thanked the Secretariat and particularly the new Director General for what had been done in the course of the twelve sessions of the IGC and for the documents that were submitted to its consideration. It said that the gap analyses of the current systems would allow the IGC to have a clearer vision of where it stood with the view to making progress into achieving tangible results. The Delegation attached great importance to the protection of TK, cultural expressions and folklore. Protection was vital to prevent the numerous misuses and misappropriation of such knowledge from occurring and getting out of hand. It stated that national legislation as it stood was inadequate and insufficient to deal with a problem of this scale. It was firmly convinced that discussions within the IGC could move towards the adoption of an international instrument that would enable its members to legislate at the international level and ensure proper use of TK. This could be done through a legally binding international instrument. The Delegation extremely concerned about the abuses and misuses taking place. During all the working sessions of the IGC, it has been calling for further progress to be made and for progress to be made urgently. It had been saying also that all proposals should be used and taken duly into account. As the new Director General said yesterday and again today, it was high time for the IGC to achieve results, as this was the common goal of its members. The Delegation welcomed the establishment of the WIPO Voluntary Fund and expressed its thanks to the donors. Their donations made it possible for representatives of indigenous communities to attend the meetings, submit proposals and make their voices heard. The Delegation added that those people were the most concerned by those issues. It intended to participate actively and positively in the forthcoming session of the IGC. It expressed the hope that the IGC would forge compromises and find solutions as quickly as possible in order to attain its goals.

333. The Delegation of Kenya expressed gratitude for the excellent documentation the WIPO Secretariat had provided throughout the sessions of the IGC. It associates itself with the statement by Algeria on behalf of the African Group. The work of the IGC should lead to the adoption of an international legally binding instrument, something that developing countries had consistently sought after. Such an instrument was an important milestone on the road towards addressing the needs, desires and expectations of local and indigenous communities. The gaps in existing IP regimes had to be addressed urgently as they failed to fully deal with issues relating to protection of TK, genetic resources and folklore thereby defeating collective rights and interests of communities who were custodians of these resources. Only an international legally binding instrument would do this. Kenya was making steady progress in the development of policies and laws for the protection, management and regulation of TK, genetic resources and folklore. Such policies and laws would afford protection from misappropriation of these resources with the result that its people would reap the benefits from the commercialization of products derived there from. The guiding principles and policy objectives developed by the IGC had been of great use in providing guidance during this policy formulation process. The IGC had come a long way in discussions but tangible results had been evasive. It therefore urged Member States to work speedily towards a favorable conclusion of the issues. The outcome of the discussions would impact on the livelihood of a vast number of people particularly in developing countries. The Delegation therefore supported the extension of the IGC mandate.

334. The Delegation of Ecuador said that it was particularly interested in and gave priority to the work that the IGC had been carrying out, to such an extent that, at the national level, the Ecuadorian Intellectual Property Institute (IEPI) had created a specialist administrative unit for dealing exclusively with those fundamental subjects. At the same time, Ecuador was concerned at the lack of concrete decisions within the IGC aimed at the adoption of international and legally-binding *sui generis* norms for the protection of TK and TCEs, since the level of documents existing in the IGC already offered that alternative. In that regard, the Delegation expressed its support for the statement made by the Delegation of Cuba in its capacity as coordinator of GRULAC and said that it was looking forward to the organization of regional meetings aimed at promoting and strengthening the work of the IGC, along the lines of the meeting that had been held in Durban, South Africa the previous July. Finally, the Delegation congratulated and thanked the WIPO Secretariat for its valuable work on that extremely important subject.

335. The Delegation of Canada thanked the Secretariat in preparing the progress report of the IGC as required by last year's General Assembly. It acknowledged the support and leadership of the Chair of the IGC at its twelfth session, Mr. Jaya Ratna of Singapore, and the integral role he played in the process. Progress had been accomplished and the discussions held at the twelfth session of the IGC were of a notably substantive nature. The Delegation looked forward to continuing to work with all Member States and accredited observers on the list of options to pursue substantive work on genetic resources on the gap analysis on TK and TCEs and moving the process towards concrete outcomes. The issue of genetic resources gave momentum in the discussions of the IGC and the decision of the IGC adopted at its twelfth session concerning future work played a crucial role in setting the stage for evidence based discussions on the interface between IP and genetic resources. The Delegation drew attention to a missing reference in document WO/GA/36/3/Rev which referred to a decision of the IGC at its twelfth session on future work. Document WO/GA/36/3 Rev should be amended to include the following sentence at the end of paragraph 6: "Member States and accredited observers will be invited to submit comments on the documents in advance of the next session

if they so desire". The Delegation looked forward to engaging with all member states and accredited observers at the thirteenth session of the IGC the following month.

336. The Delegation of the United States of America thanked the Secretariat for producing document WO/GA/36/3 Rev, which provided a progress report of the recent activities of the IGC. The IGC was making progress in clarifying and developing a deeper understanding of the complex issues related to the protection of the TK and folklore. In particular, a sustained discussion of the lists of ten issues related to the protection of TK and folklore was extremely valuable. The Delegation looked forward to the IGC's deliberations on the recent gap analyses, with a view toward identifying concrete outcomes that would accelerate the work of the IGC. It welcomed the re-issuance of document WIPO/GRTKF/IC/12/8(a) and the update to document WIPO/GRTKF/IC/12/8(b) to enhance a full, in-depth discussion at the next session of the IGC, as well as the clearer reference to the need for continued work in all three areas of the IGC. Genetic resources were an important and integral component of the IGC's mandate and yet genetic resources had received disproportionately less time and attention than other agenda items. Proposals were made by other Member States at previous meetings to rotate the order of the agenda items so that each item received equal treatment and adequate time for discussion. The General Assembly should suggest this approach to the IGC in order to enable the IGC to deepen and enrich the discussion of that topic. The Delegation shared the opinion of Canada that a continued discussion of GR was a necessary and important task for the IGC in its future work. It also supported the recommendation of Canada that the full sentence regarding comments by Member States and accredited observers be added to the end of Paragraph 6 in the Progress Report.

337. The Delegation of Thailand associated itself with the statement by the Delegation of Pakistan on behalf of the Asian Group. It emphasized the need to have adequate and appropriate protection of GR, TK and folklore at the international level with a view to preserving its national culture and values and protecting them against misuse and misappropriation, particularly from those occurred abroad, outside the jurisdiction of national laws by using the effective core measures such as mandatory disclosure of origin, prior informed consent and fair and equitable benefit-sharing. Unfortunately, the progress of the IGC to achieve this ultimate goal was disappointingly slow despite a long series of discussions, and yet members seemed to restate their old positions and be reluctant to substantially move forward. Members should make headway and come up with a constructive and productive approach, which, in a way, would also support work on paragraph 18 of Cluster B of the WIPO Development Agenda and on IP and development as these issues were of paramount importance to the wellbeing and social and economic value of its local communities. The Delegation thanked the Secretariat for conducting the gap analysis on the protection of TCE and TK. It was a useful document and could be used as a basis for further discussion among members. This exercise could help speed up the IGC work and serve as the significant next step to build on areas where there was insufficient legal protection. Given that much substantive groundwork remained on the table, it also supported intensifying the inter-sessional consultations to facilitate the work of the IGC. The Delegation urged WIPO to render technical assistance and capacity building to member countries in need so as to develop the effective database system and institution in TK with a view to addressing the problems of misuse and misappropriation. It reiterated the urgency and the importance in addressing this matter. Thailand stood ready to work with the other members to achieve the protection of GR, TK and folklore through legally binding instruments.

338. The Delegation of Nigeria commended the Secretariat for the tremendous efforts put into the preparation of the documents at that meeting, especially the gap analysis. It emphasized the importance of the key elements of the mandate of the IGC to developing countries and LDCs. In this regard, it strongly supported the position of the African Group as expressed by the Delegation from Algeria. It looked forward to an acceleration of work on the development of the legal instrument. It commended the establishment of the Voluntary Fund which has helped developing countries and indigenous people to attend various meetings.

339. The Delegation of Oman endorsed the statement made by the Delegation of Pakistan on behalf of the Asian Group. The Sultanate of Oman gave great importance to protecting TCEs and TK because of their impact on Omani society. The Delegation reiterated the importance of using the Arabic language in all documents of the IGC. The Delegation quoted from the acceptance speech of Dr. Gurry in stating that if WIPO were to face the challenges ahead it had to be active and efficient and this referred not just to the Secretariat but also to the Member States. Mr. Gurry had said that he would work hard to increase and strengthen dialogue between all parties. It would, however, not be possible to do so and to achieve the strategic vision that Mr. Gurry had laid out unless the indispensable linguistic tool for the Dialogue is provided through the publication in Arabic of all WIPO documentations pertaining to the different committees, in particular IGC. The Delegation restated the need to reach an international agreement to protect TK and TCEs, as had been stated also by the Delegation of Pakistan on behalf of the Asian Group.

340. The Delegation of Malaysia attached great importance to this subject and referred with support to Mr. Gurry's references thereto in his acceptance speech. While a first test of international cooperation had been passed by the smooth transition of leadership, a real test of such cooperation was for all of Member States to deliver on its commitment to this subject matter. The Delegation supported what had been stated by the Delegation of Brazil that what was needed was a sincere political will to move forward. The Delegation was also appreciative of the IGC granting ad hoc accreditation to two Malaysian non-governmental organizations, and welcomed the successful launch of the WIPO Voluntary Fund. Mr. Gurry had mentioned the need to improve service delivery and it was necessary to deliver also in this area. Short presentations on the gap analyses in advance of the forthcoming IGC session would have been helpful, the Delegation concluded.

341. The Delegation of Paraguay expressed support for the statement made by Cuba representing GRULAC. Paraguay attached tremendous importance to this issue. First, because the objectives of the IGC were legitimate and fair. Second, because Paraguay had brought to humanity many things from its genetic resources and cultural heritage and most of those were from indigenous origin. The TK and expressions of folklore of the country's indigenous peoples were of great value and it was only fair to protect them and to ensure that the benefits went to those peoples. The Delegation welcomed the words of Mr. Gurry on this matter in his acceptance speech. Paraguay would help as effectively as it could to try to make significant progress so that the work of the IGC could be completed in the form of an instrument acceptable to members of the IGC. It was hoped that other members would adopt the same constructive approach.

342. The Delegation of Colombia endorsed the comments made by the Delegation of Paraguay. Previous statements had demonstrated the importance of this issue and the need to speed up the work of the IGC. The Delegation also endorsed the statement made by the

Delegation of Peru on behalf of GRULAC. The Delegation agreed with the Delegation of Switzerland that a detailed report on the work of the IGC so far would be useful as much important work had been done. The gap analyses were also very helpful. The database referred to by the Delegation of India was a very useful initiative. While the IGC continues and tries to speed up its work, such initiatives could provide results in the interim.

343. The Delegation of St. Kitts and Nevis congratulated Mr. Francis Gurry on his appointment as Director General and stated that it had full confidence in his ability to lead WIPO into the next millennium. The Delegation wished to extend its profound gratitude to Dr. Kamil Idris for his unstinting contribution to the world of intellectual property. He had left a rich legacy to build upon. The Delegation wished him all the best in his future endeavors. The Delegation thanked the Secretariat for the presentation of the progress report on the work on genetic resources, TK and expressions of folklore. St. Kitts and Nevis, although the smallest country in the western hemisphere, was rich in traditional knowledge, genetic resources and folklore. These were of great economic value to the country and their protection was of vital importance. Recently, St. Kitts and Nevis had circulated for comment draft legislation for the protection of traditional arts, craft, song and the spoken word and for the conservation of natural resources. The Delegation aligned itself with the statement made by Cuba on behalf of GRULAC in this regard. It looked forward to the IGC escalating its work which would eventually culminate in a binding legal document for the protection of TK, folklore and genetic resources.

344. The Delegation of Mexico indicated its support for continuing the dynamic in the negotiations taking place in the IGC. The gap analyses were welcomed and it was hoped that they would be a basis for making progress in the negotiations of the IGC. The Delegation also thanked those who had contributed to the Voluntary Fund. Referring to an earlier intervention by the Delegation of Jamaica, the Delegation quoted from a study on piracy prepared by the OECD and available at www.oecd.org. This study had indicated that international trade in counterfeit and pirated products could have been up to US\$ 200 billion in 2005. The piracy of genetic resources, TK and folklore was not included in this figure and that was a cause for even greater concern.

345. The Assembly took note of the progress report on the work of the Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, noting also that Member States and accredited observers had been invited to submit comments on documents WIPO/GRTKF/IC/12/8(a) WIPO/GRTKF/IC/12/8(b) in advance of the next session of the Committee if they so desire.

ITEM 12 OF THE CONSOLIDATED AGENDA:

REPORT ON THE WORK OF THE STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

346. Discussions were based on document WO/GA/36/10.

347. The Delegation of Algeria, speaking on behalf of the African Group, expressed thanks to Ambassador Manalo for the efforts he had deployed to re-boost the work in the SCP, which had eventually led to the establishment of a non-exhaustive list of questions that should be

considered by Member States in the course of the forthcoming session of the Committee in early 2009. The African Group considered that list to be a very good starting point for discussion within the Committee and for developing a future work program. This had to be done in a balanced manner reflecting both the concerns of the developed world as well as those of developing countries. The future work of the Committee was to be guided by recent trends relating to the WIPO Development Agenda. The African Group had further taken note of the following four issues upon which preliminary studies would be undertaken: dissemination of patent information, exceptions from patentable subject matter and limitations to rights, patents and standards, and client-attorney privilege. The African Group reiterated its view that those four questions should not be given a particular priority; rather, all of the questions on the non-exhaustive list should be discussed by the Committee. The Delegation further welcomed the proposal relating to the convening of a conference on patents and their implications on other areas of general interest, such as health, the environment, climate change and food security within the framework of the SCP. This initiative would contribute to building a cooperation program with other UN specialized agencies and constituted an opportunity for WIPO to demonstrate openness to other public policy processes. The Delegation invited the Secretariat to draft a document describing in greater detail the possible format, the objectives and the program of such a conference.

348. The Delegation of Pakistan, speaking on behalf of the Asian Group, welcomed the progress made during the twelfth session of the SCP and stated that it looked forward to the studies on the four issues identified for discussion at the next session of the SCP and to a balanced analysis of those four issues. The Delegation's understanding was that the list of issues was not exhaustive and that the four issues identified for further study did not have priority over other issues on the list. The Delegation also supported the convening of a conference in 2009 on the implications, including the public policy implications, of patents on certain areas of public policy, such as health, the environment, climate change and food security.

349. The Delegation of Cuba, speaking on behalf of the Group of Latin American and Caribbean countries (GRULAC), expressed thanks for the Report on the International Patent System and welcomed the fact that the SCP had resumed its work after a break of two years. Furthermore, the Delegation welcomed the fact that the SCP was now working towards a work program that did not exclude any topic and on an agenda that would be satisfactory to all Member States. The recent session of the SCP was a demonstration of the fact that members could agree to make progress on areas of common interest and to leave aside, at least for a given time, other positions. The Delegation furthermore welcomed the decision of the Committee to hold a conference on the implications, especially public policy implications, of patents on certain areas of public policy, such as health, the environment, climate change and food security. According to the Delegation, this conference was in line with what the Director General had proposed, namely, that WIPO should, within its mandate, be involved in public policy processes related to IP in other fora. The Delegation therefore requested the Director General to consider making provision, in the revised 2008/09 Budget, for the holding of that conference.

350. The Delegation of France, speaking on behalf of the European Community and its 27 Member States, welcomed the holding of the twelfth session of the SCP in June 2008, during which the operation of the international patent system had been reviewed and the possible future work of the Committee had been considered. The European Community and its Member States welcomed the fact that the delegations had reached an agreement and had

instructed the Secretariat to undertake preliminary studies on four topics, as identified in document SCP/12/4 Rev. In this connection, the European Community and its Member States recalled that those four subjects should not be considered as enjoying priority over the other questions that were also on the non-exhaustive list. The Delegation hoped that future discussions would be undertaken in a spirit of openness, and would allow the Committee to move rapidly towards a situation where its work program could be determined in a properly balanced manner, which was particularly crucial in that very important area. The Delegation also welcomed the idea of holding a conference that would deal with the public policy implications of patents.

351. The Delegation of Egypt, supporting the Delegation of Algeria speaking on behalf of the African Group, expressed its gratitude to the Chair of the SCP, Mr. Maximiliano Santa Cruz, for his effective stewardship. The Delegation believed that the subjects discussed in document SCP/12/3 would be further examined, and announced that the Secretariat would receive comments to that document by the end of October 2008. The Delegation found that the preparation of a non-exhaustive list was a new starting point for a working program and that the four issues for preliminary studies represented a new area of work for the Committee, while those four issues did not enjoy any given priority in comparison with the other issues mentioned in the non-exhaustive list, neither did they enjoy a given priority for discussion during the future sessions of the Committee. The Delegation considered that there was much potential for convergence in what was due to be examined by the CDIP and the work of the SCP, and looked forward to the discussion on a mechanism regarding such convergence at the forthcoming meeting of the CDIP in 2009. The Delegation also expressed its support for the convening of a conference regarding the impact of patents on issues pertaining to public policy.

352. The Delegation of the United States of America expressed its satisfaction with the cooperative spirit exhibited by all delegations at the last SCP meeting to identify common ground for further work in that body. The Delegation was hopeful that the spirit of cooperation would carry over to the discussions at the next SCP meeting, and that that meeting would develop a work plan that would help promoting innovation and bring benefits to stakeholders of the international patent system. The Delegation was very interested in seeing the four preliminary studies to be prepared by the Secretariat for the next SCP meeting, in particular, the preliminary study on information dissemination, including a database of search and examination reports. The Delegation believed that such a database could hold great promise in helping IP offices, both large and small, to manage their increasing workloads.

353. The Delegation of Romania, speaking on behalf of the Regional Group of Central European and Baltic States, expressed its satisfaction with the renewal and outcome of the SCP session in June. The Delegation believed that both the preliminary studies to be prepared by the Secretariat and the conference on the implications of patents on certain areas of public policy, such as health, the environment, climate change and food security, were offering a new breath to the SCP, and laid the ground for very interesting debates. The Delegation hoped that an increased awareness of the benefits of an effective patent system and of the challenges that the current system faced would be conducive to more openness in relation to the future work program of the Committee, and that everyone would be able to pursue its goals.

354. The Delegation of South Africa, supporting the Delegation of Algeria speaking on behalf of the African Group, supported a balanced approach towards the future work of the SCP. In the future deliberations of the SCP, the Delegation wished to see due consideration being given to the public policy aspects, cross-cutting the operation of the international patent system.

355. The Delegation of Iran (Islamic Republic of) associated itself with the statement made by the Delegation of Pakistan speaking on behalf of the Asian Group. The Delegation expressed its appreciation to the Chair of the SCP, Mr. Maximiliano Santa Cruz, for his good management. The Delegation stated that the discussion on the harmonization of substantive patent law in the SCP, taking into account its complexity, had become more challenging in WIPO. The Delegation was of the view that the importance of the subject matter under discussion, the diverse concerns of Member States, the cross-cutting implications of the patent law as well as the complexity of the discussions, gave rise to a very thorough and lengthy process to organize the work program of the SCP. Although the SCP, in a recent past, had been characterized by a couple of years of absence of consensus with respect to substantive patent law harmonization based on a reduced list of items, the Delegation considered that reopening the SCP after two years of suspension was a great step towards finding new answers to the needs and interests of all Member States with respect to the international patent system. With regard to the outcome of the SCP, the Delegation appreciated and supported the work of the Secretariat to prepare, for the next session of the SCP, preliminary studies on four issues, which were not to be considered prioritized over the other issues contained in the non-exhaustive list. The Delegation also supported the outcome of the previous SCP session to organize a conference on patents and their relationship with other areas of public policy, inviting other international organizations, such as WHO, FAO and WTO. The Delegation was of the opinion that holding such public hearings and in-depth studies on the implication of the harmonization of patent systems, in particular on their interrelation with public policy objectives, would contribute to the enrichment of the discussion and provide comprehensive information to Member States to make a clear decision. The Delegation understood of the process that all options were open based on the non-exhaustive list, which would give an idea of the preliminary views of the delegations on items that were of interest to them for the future work program. The Delegation was in favor of an open and inclusive approach based on a consensus-based outcome, which reflected the interests of all Member States in an equal manner. The Delegation noted that, at this point of the negotiation, it was premature to produce any specific approach on negotiating commitments with respect to any kind of treaty. The Delegation also expressed its readiness to participate constructively in the process, and supported any kind of outcome with respect to arranging any work program for the SCP which would cover the concerns of all Member States.

356. The Delegation of Brazil stated that it was very much in favor of a gradual resumption of work being adopted by the SCP. It welcomed the idea that was now put forward that the scope of the Committee be gradually advanced, and it noted the questions that had been identified and the fact that there was no doubt that those particular questions did not enjoy any special level of priority over others. What was important in considering all of those issues was that a proper balance be struck and that due account of all views be taken. The Delegation observed that it was in favor of holding a conference to consider the public policy implications of patents in looking at certain areas such as health, climate change, the environment or food security.

357. The Delegation of Nigeria endorsed the statement made by the Delegation of Algeria on behalf of the African Group. It stated that the meeting of the SCP in June had been very productive and that it welcomed the modalities of work which provided for the identification of a non-exhaustive list of issues that would be elaborated without a set of priority. The Delegation also endorsed the method of picking, without priority, four major issues on which to engage in further discussions at the next meeting. The Delegation observed that the recommendation for a conference that would deal with public policy in relation to patents, that is, with the relationship and implications of patents on certain areas like the environment, health, climate change, food security was quite pertinent.

358. The Delegation of Trinidad and Tobago associated itself with the comments made by the Delegation of Cuba on behalf of GRULAC. It also commended WIPO and the participants on the work of the SCP which had recently being completed under the expert guidance of its Chair, Mr. Maximiliano Santa Cruz of Chile. It also wished to commend the participants for the level of agreement achieved and noted the promising start of the work of the SCP. The Delegation observed that it shared the desire of many nations that saw the discussions of the Standing Committee eventually lead to consent amongst countries. The Delegation stated that it was quite optimistic that agreement could be achieved on the four areas. It hoped that the outcome of those discussions could then facilitate the certainty of patent prosecution outcomes when applications were examined in different states. Hopefully, the end result would be the creation of a patent system that raised more confidence and was more sensitive to other public policy areas. The Delegation further endorsed the progressive thinking for future work as outlined in the document.

359. The Delegation of El Salvador supported the statement made by the Delegation of Cuba on behalf of GRULAC. The Delegation welcomed the resumption of work within the SCP and expressed support for the holding of a conference on the issue of the public policy implications of patents, especially looking at certain areas of general interest. Further, the Delegation wished to recall that it was particularly delighted to see that a member of its regional group had been chairing the SCP. The Delegation stated that the four issues upon which the Secretariat had been requested to prepare preliminary studies were very interesting subjects, and that it awaited those preliminary studies with interest.

360. The General Assembly took note of the information contained in document WO/GA/36/10.

ITEM 13 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING INTERNET DOMAIN NAMES

361. Discussions were based on document WO/GA/36/7.

362. The Secretariat reported on WIPO's domain name-related activities, related developments in the domain name system (DNS) perilous to the protection of trademarks, as well as relevant future DNS developments.

363. Since the establishment of the Uniform Domain Name Dispute Resolution Policy (UDRP) by the Internet Corporation for Assigned Names and Numbers (ICANN) as of

December 1999, on the basis of recommendations made by WIPO in the First WIPO Internet Domain Name Process, the WIPO Arbitration and Mediation Center through September 2008 has administered some 14,000 cases under the UDRP and related policies. In 2007, WIPO witnessed an 18% increase over the preceding year, administering a total of 2,156 cases. This represents a record number of cases administered by WIPO since the year 2000. WIPO UDRP proceedings have been conducted in 15 different languages and the List of WIPO Domain Name Panelists who decide UDRP cases includes some 400 trademark experts from 55 countries from all continents. The Center offers tools to facilitate access to the WIPO UDRP procedures and decisions, including an online Legal Index, an Overview of WIPO Panel Views on Selected UDRP Questions, and an extended statistics search facility. In addition to disputes involving generic top-level domains (gTLDs), as at September 2008, the Center provides domain name dispute resolution services to 55 country code top-level domain (ccTLD) registries and is in consultation with a number of additional ccTLDs. The Center also works towards enhancing the protection of trademark rights during the introduction of a gTLD, notably the development of start-up policies for gTLDs, including .ASIA, .BIZ, .INFO and .MOBI, and has administered over 15,000 cases under such policies.

364. Recent developments in the DNS, such as domain name tasting (the practice of registering domain names during a five-day registration fee grace period for pay-per-click revenue), proxy registration services and registrar issues, are presenting greater challenges for intellectual property owners, in particular trademark owners, in policing and enforcing their rights. The Center is monitoring these developments and communicating with ICANN as appropriate.

365. ICANN has announced policy developments that will present opportunities and legal and practical challenges for intellectual property rights owners and users: the introduction in the course of 2009 of further new top-level domains broadly expanding their currently limited number, and the introduction in the course of 2009 of internationalized domain names (IDNs: non-Latin script) at the top level. The Center monitors these developments, maintaining regular contact with ICANN, to attempt to safeguard the observance of general principles of intellectual property protection in the introduction of new gTLDs and in the introduction of IDNs at the top level.

366. The Secretariat also reported on the status of the recommendations made following the Second WIPO Internet Domain Name Process, which examined the relationship between domain names and certain identifiers other than trademarks. Based on the findings of this Process, the WIPO General Assembly recommended in September 2002 that the UDRP be amended to provide protection also for (1) the names and acronyms of international intergovernmental organizations (IGOs) and (2) country names against their abusive registration as domain names (the WIPO-2 Recommendations). The Secretariat transmitted these Recommendations to ICANN in February 2003. ICANN informed the Secretariat that, while it was not likely that consensus would be achieved among ICANN's various constituencies to move forward with the WIPO-2 Recommendations as a whole, progress may be possible, in particular in the context of the foreseen introduction of new gTLDs, with regard to the protection of the names and acronyms of IGOs for which an established basis exists in international law. The Secretariat will monitor developments in this regard.

367. The Delegation of the United States of America stated that it wished to continue to disassociate itself from the WIPO-2 Recommendations, noting that an amendment to the UDRP may affect the legitimacy of the UDRP which has been functioning well, and that

Article 6*ter* of the Paris Convention for the Protection of Industrial Property is not an appropriate basis to extend UDRP protection to IGOs. The Delegation stated that IGO protection mechanisms should be discussed through the International Union for the Protection of Industrial Property (Paris Union). The Delegation expressed its support for an orderly introduction of new gTLDs and IDNs.

368. The Delegation of Finland noted Finland is experiencing problems involving abuse of company names in the DNS.

369. The General Assembly took note of the contents of document WO/GA/36/7.

ITEM 23 OF THE CONSOLIDATED AGENDA:

PROGRESS REPORT ON THE NEW CONSTRUCTION

370. Discussions were based on document WO/GA/36/6.

371. The Secretariat introduced the document and recalled that the preparations for the implementation of the new construction project had taken some time because the Secretariat had taken great care in establishing sound principles and rules throughout the process, with regular advice sought, and audit received, from the WIPO Audit Committee, the External Auditor and, more recently, also the Internal Auditor; it had greatly benefited from professional expertise in the field of large construction projects (in particular, from the *Fondation des immeubles pour les organisations internationales* (FIPOI), the *Institut pour le droit suisse et international de la construction* and a financial expert). The Secretariat also wished to thank the Presidents and Members of the Selection Board, composed of representatives of Member States, whose mandate had been to select the external project pilot, the general contractor and the banks. The worksite having re-opened in April 2008, the Secretariat was able to confirm that it was fully satisfied with the ongoing construction work, which was proceeding according to the timetable and under the most able direction of the project pilot.

372. The Delegation of the United States of America expressed appreciation for the progress report and indicated that it was looking forward to future reports, while noting that it would be closely following the budgetary aspects of the project in the framework of the upcoming session of the Program and Budget Committee. It stressed that it was fully confident that the Secretariat would continue to manage the project with the utmost prudence so as to limit or avoid additional increases in the project cost whenever possible.

373. The Delegation of Algeria, speaking on behalf of the African Group, considered that the financing of the New Construction project - as far as WIPO reserves were concerned - should not compromise the availability of resources necessary for implementation of the Development Agenda.

374. The General Assembly took note of the Progress Report and of the comments made by delegations.

ANNEX

INDEX OF INTERVENTIONS BY DELEGATIONS OF STATES; REGIONAL GROUPS,
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¹ On behalf of the African Group.

² On behalf of the Group of Least Developed Countries (LDCs).

³ On behalf of the Group of Latin America and the Caribbean (GRULAC).

⁴ On behalf of the European Community (EC) and its 27 Member States.

⁵ On behalf of the Asian Group.

⁶ On behalf of the Group of Central European and Baltic States.

⁷ On behalf of the Group of Central Asian, Caucasus and Eastern European Countries.

⁸ On behalf of ASEAN.

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⁹ On behalf of Group B.