

WIPO General Assembly

Thirty-Ninth (20th Extraordinary) Session Geneva, September 20 to 29, 2010

REPORT

adopted by the General Assembly

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document A/48/1): 1, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 38 and 39.
2. The reports on the said items, with the exception of items 14, 22, 23, 24, 25, 26, 27, 28, 29 and 33, are contained in the General Report (document A/48/26).
3. The reports on items 14, 22, 23, 24, 25, 26, 27, 28, 29 and 33, are contained in the present document.
4. Mr. Alberto J. Dumont (Argentina), Chair of the General Assembly, and, in his absence Ms. Yeşim Baykal (Turkey) and Mr. Mohamed Abderraouf Bdioui (Tunisia) Vice-Chairs of the General Assembly, presided over the meeting.

ITEM 14 OF THE CONSOLIDATED AGENDA

REPORTS OF THE EXTERNAL AUDITOR

5. Discussions were based on documents WO/GA/39/1, WO/GA/39/2, WO/GA/39/3 and A/48/24.
6. The Chair invited the External Auditor, Mr. Kurt Grüter, Director of the Federal Audit Office of the Swiss Confederation, to present his general report.
7. The External Auditor thanked the Chair for the opportunity to make the presentation on the work of his office, as the external auditor of WIPO. He recalled that the mandate of Switzerland as External Auditor for WIPO would come to an end on December 31, 2011. Despite this fast approaching date, external audit activities had not been scaled back, especially as the Organization was facing the challenge of the move to the International Public Sector Accounting Standards (IPSAS). The External Auditor proceeded to outline what the Swiss Federal Audit Office was doing at the moment in terms of audit for the Organization. The External Auditor explained that in order to carry out an audit of the financial statements of such a major organization as WIPO in financial terms, and in order to perform such audit in a professional manner, whilst respecting the international audit standards issued by the International Federation of Accountants, several types of different audits needed to be carried out, which required considerable investment of time and staff. For example, for the 2008-2009 biennium the external auditors carried out the following audits: an intermediate audit in preparation for the closing audit for the financial statements for the 2008-2009 biennium followed by its final audit (so as to be able to issue an opinion on the accuracy and legality of WIPO's accounts); a computer audit of the PeopleSoft software, to ensure that it had been working properly and that the application had been fully secure; financial supervision audit of surfaces and infrastructure management performed in order to compare the situation in WIPO with two other United Nations (UN) agencies for which the Swiss Confederation was also the auditor. The External Auditor added that an intermediate audit had been carried out on the new administrative building to ensure all the stages of this major project had been properly managed. The auditors also had carried out an evaluation of internal audit services in accordance with the standards of the International Internal Auditors Institute to ensure that the unit had been working properly. Other audits that had been carried out were: two audits on behalf of the United Nations Development Programme (UNDP) in New York, to assure the UNDP that the funds entrusted by them to WIPO were being managed correctly; and two annual audits for the closed WIPO pension fund carried out to ensure its beneficiaries that it had been operating smoothly and that it had been in good financial health. Apart from the reports that had already been presented to the Assemblies, these audit reports were part of the overall documentation provided for this meeting by the Secretariat. In order to carry out all the above mentioned audits, 300 working days had been put in by a team made up of specialists, including chartered accountants, computer technicians, economists and architects. The method used consisted not only of revising and the review of accounts and movements on the basis of factual evidence, but also consisted of the review of management procedures and making an assessment of the internal control system. The purpose was to arrive at a reasonable assurance that the accounts were being managed and dealt with accurately, that expenditure was legal and that the funds entrusted to WIPO were being used well. Turning to the biennium 2008-2009, the External Auditor stated that it effectively coincided with the last accounting period being submitted under the UN System Accounting Standards (UNSAS) as WIPO would now be switching over to IPSAS. On this last biennium, the result of the External Auditors' examination was fully satisfactory and no significant problem had been detected. For this reason, the External Auditor was able to issue an audit opinion without reservation and without comment. However, the External Auditor emphasized that he had refrained from making any recommendations relating to the operations involved in transiting from the UNSAS to the IPSAS standards in his report. The move to IPSAS standards was a major challenge, both for the Organization and the Organization's auditors, and that was why it had been decided to carry out a specific audit of the opening balance sheet of the financial statements presented under IPSAS. The first phase had been completed last June and the second

phase would commence in mid-September. The External Auditor added that there was a tremendously large amount of work being done by the Finance Department as it endeavored to respond to these new accounting standards. This involved a total change of approach, meaning that a lot of financial procedures had to be adapted, adjusted and overhauled. The External Auditor also added that it also meant that high performing software was needed for all areas of management. The External Auditor felt certain that WIPO was heading in the right direction. A great deal of work still remained to be done to receive certification for being IPSAS compliant (when the next financial period would be closed). The IPSAS standards were very strict and as such they did not leave a lot of room for interpretation, e.g., in the evaluation of fixed assets where very specific criteria on the make-up of these assets and depreciation had to be respected. Furthermore, if just one IPSAS standard from among the existing 26 was not respected, that meant that the entire financial statement had to be declared as not being IPSAS compliant. Thus, the auditor had no longer the possibility of issuing a reservation in his opinion, but would simply state whether the standards were being complied with or not. The External Auditor also wished to inform the Member States that, given the rate, on an annual basis, imposed by IPSAS for the establishment of the financial statements, he would have the opportunity to audit two further financial periods, i.e., in 2010 and 2011. That meant that he and his team had made a major commitment and were very motivated and certainly did not consider themselves as lame-duck auditors. The External Auditor stated that, as a member of the panel of external auditors at the UN, he personally attached great importance that his team's experience and knowledge would be handed on to those who would succeed Switzerland in 2012. The External Auditor added that he was ready to provide further comments or information and to respond to any questions that the Member States might have.

8. The Director General expressed, on behalf of the entire Organization, his very considerable gratitude to Mr. Grüter, his team as well as the Swiss authorities. The Director General added that the auditing performed by Mr. Grüter and his colleagues had been done free of charge and that the situation might change from 2012 onwards. The Director General reiterated his gratitude for the external auditors' work, dedication and the invaluable services that they had provided to this Organization.
9. The Secretariat specified that the General Assembly was invited to note the report of the External Auditor.
10. The Delegation of the United States of America particularly welcomed the evaluation of WIPO's internal audit function. The External Auditor had provided very helpful suggestions for strengthening the Internal Audit and Oversight Division (IAOD). The Delegation appreciated the Secretariat's efforts to implement the report's recommendations. In particular, it welcomed the External Auditor's recommendations related to risk analysis, and prioritization of IAOD activities, i.e., recommendations 6, 7 and 8. It wished to know more about what had been done to ensure that high risk areas had received adequate oversight attention. With regard to the New Construction Project, it also welcomed the report of the External Auditor and the very careful attention to details that the report provided. The report confirmed that transparency and clear delegation of responsibility were essential to the success of a large endeavor such as the New Construction Project. The Delegation supported the External Auditor's recommendations on uses of funds for the provision of miscellaneous and unforeseen expenses, cost control and the role of the team coordinator. It also welcomed the Secretariat's efforts to embrace and implement these recommendations.
11. The Delegation of Egypt, on behalf of the Development Agenda Group (DAG), welcomed the recommendations of the External Auditor in its evaluation of the internal audit function, and the fact that these recommendations had been fully accepted and were already being implemented. The Delegation took note, in particular, of the recommendations that aimed at improving the quality of work by IAOD, and was confident that the proposed changes would yield positive results in the near future. However, the Delegation noted with concern that the IAOD had for a long time suffered from a lack of resources and support, and urged that efforts be made to promptly redress the situation. In this regard, the Delegation drew the Secretariat's attention to the recommendations of

the Audit Committee made during its 15th, 16th and 17th meetings on internal controls as well as its recommendations on the revision of the Internal Audit Charter made during the Committee's meeting. The Delegation extended its appreciation to the External Auditor, the Swiss Federal Audit Office, for the hard work done for the Organization over the past few years.

12. The Director General addressed the concerns raised by the Delegations of the United States of America and Egypt and reiterated his statement made at the last Program and Budget Committee (PBC), i.e., that the Secretariat had undertaken to redress the situation with respect to resourcing in the IAOD. The Director General specified that, at the present time, two posts for IAOD were under recruitment and assured the membership that by the next Assemblies the situation would have been rectified.
13. The Secretariat explained that there were three documents: WO/GA/39/1 (Evaluation of the Function of Internal Audit), WO/GA/39/2 (Financial Supervision Audit of Surface and Infrastructure Management) and WO/GA/39/3 (New Construction Project: Evaluation Report of the External Auditor on the New Administrative Building and Additional Storage Construction Project – Follow-Up to the 2008 Audit), of which the General Assembly was invited to take note of. The Secretariat recalled that the PBC had taken note of these three reports at its fifteenth session held from September 1 to 3, 2010, as recorded in document A/48/24.
14. The General Assembly took note of the External Auditor's reports contained in documents WO/GA/39/1, WO/GA/39/2 and WO/GA/39/3, and of the recommendations made by the PBC as recorded in document A/48/24.

ITEM 22 OF THE CONSOLIDATED AGENDA

REPORT OF THE WORKING GROUP ON AUDIT COMMITTEE RELATED MATTERS

15. Discussions were based on documents WO/GA/39/13 and A/48/24.
16. The Chair of the PBC introduced the documents and thanked the Audit Committee for its input in the Audit Committee selection process.
17. The Delegation of the United States of America thanked the Audit Committee for its efforts. The report of the Chair of the Audit Committee gave insights critical for exercise by Member States of their governance and oversight responsibilities, in particular, staffing of the Internal Audit and Oversight Division audit and investigation sections. In this regard, the Delegation welcomed the Director General's statement that this problem would be rectified, probably within the next few months. Concerning WIPO Office Instruction No. 16/2010 "Implementation of Oversight Recommendations", the Delegation asked about consequences for managers not addressing oversight recommendations in a timely manner.
18. The Delegation of Angola, speaking on behalf of the African group, welcomed the decision on the composition of the Audit Committee. It also welcomed Member States' recognition of the important work of the Committee and the need for an intergovernmental process to discuss the Committee's recommendations, which was important to ensure good governance of WIPO in a transparent and balanced way.
19. The Delegation of South Africa supported the statement of the African Group as well as a statement to be made by the DAG. It thanked the Chair of the Audit Committee for his comprehensive report and the Committee for its important work. It supported the decision on the composition of the Audit Committee and was ready to actively engage in the selection process. It urged the Secretariat to provide the Committee with the human resources necessary to carry out its tasks effectively. The Delegation supported all the Committee's recommendations, in particular, for a new governing body, which it believed should be established as soon as possible and on the basis of geographical balance. It welcomed the decision to establish an intergovernmental process to discuss the Audit

Committee's recommendations, and believed that this should be prioritized to allow WIPO to function fully as a specialized agency of the UN. The Delegation urged the WIPO Secretariat to continue to implement the Committee's recommendations to the extent possible.

20. The Delegation of Pakistan appreciated that deliberations were now taking place in the General Assembly and commended efforts to reach consensus. This demonstrated that the discussion and negotiation process at WIPO was strong. The Delegation believed that a systematic institutional oversight mechanism must exist and flourish for an Organization to be transparent and efficient. The Audit Committee had been acting as WIPO's independent oversight function and it thanked the Committee for its hard work. However, it was unfortunate that more time had been spent discussing the Committee's composition than its recommendations. Member states should allow ample time to discuss the Committee's recommendations and it called for an institutional mechanism for this purpose. While welcoming the convening of an extraordinary session of the PBC, it reiterated that this should not be a one-time event. Unless the Committee's recommendations were discussed on a regular basis, the Committee itself would be irrelevant.
21. The Delegation of China stated that it had studied the Working Group Report carefully and a selection process based on geographical balance would help to improve both WIPO's and the Committee's work. It noted that extensive discussions had already taken place and that the selection process should now proceed according to the proposed timetable in order to ensure establishment of the new Committee without delay.
22. The Delegation of Bangladesh, speaking on behalf of the Asian Group, thanked the Chair of the PBC for his presentation and fully supported the Working Group's recommendations. It drew attention to the subsequent preparation by the Audit Committee of a detailed timetable for the selection process. It welcomed this contribution and asked the Secretariat to consider how to factor the timetable into the selection process. It further requested that the timetable be reflected in the decision on this item, which would not require substantive changes to the Working Group's recommendations. The Delegation further noted the Audit Committee's observation that the Committee's existing terms of reference would now need revision and asked the Secretariat to submit specific proposals to the extraordinary session of the PBC.
23. The Delegation of India supported the Working Group's recommendations. It appreciated the frank and constructive dialogue and demonstration of flexibility on all sides. While this was a positive achievement, the Delegation attached special importance to the as yet unresolved issue of evolving a regular long term institutional mechanism for review of the Committee's recommendations and reports. The Committee had done an excellent job, despite certain constraints, and it was unfortunate that the Member States lacked the right forum and sufficient time to deliberate on its recommendations and take decisions. Indeed, this put into question the Committee's hard work and output and defeated its very purpose. The Delegation hoped that a regular, designated, intergovernmental mechanism would be agreed upon at the extraordinary session of the PBC. To this end, it called for the extraordinary session to be preceded by informal consultations, given that consultations were the key to the success of the Working Group, and asked the Chair of the PBC to facilitate the convening of such consultations in a timely manner so as to ensure that the Committee's recommendations and the proposed new Committee composition were both addressed on an equal footing and progressed at the same pace. It was concerned that if this lacuna was not addressed in a timely manner, the independent Audit Committee, designed to serve as the external oversight body designated to assist Member States with their oversight and governance responsibilities would end up serving only as an internal oversight body whose reports and recommendations were considered only by the Secretariat. The Delegation looked forward to participating constructively in discussions on these issues.
24. The Delegation of Egypt, speaking on behalf of the DAG, thanked the Chair of the PBC for his presentation and the Audit Committee for their contribution since the last PBC meeting, in particular for notations on its terms of reference and looked forward to a

discussion of these notations. DAG appreciated the excellent work done by the outgoing Audit committee, and the dedication of its members and the high quality of their work over the past years despite the lack of an ideal working environment. It welcomed the mechanism for appointing a new Audit Committee and noted that, while Member States had striven to improve the composition, rotation and other mechanisms with a view to making the Committee more effective, they had unfortunately paid insufficient attention to the Committee's work. Member States had also not had sufficient opportunity to consider the recommendations relating to the governance and oversight structure of WIPO. It looked forward to discussing these fundamental questions starting in January 2011.

25. The Delegation of Switzerland, speaking on behalf of Group B, welcomed and supported the current proposal on the composition and selection of members of the Audit Committee, and on the way forward for continuing discussions on the Committee's recommendations. It noted that the proposal for the composition and selection of the Audit Committee clearly set the criteria of merit as a core element of the selection process for the new Committee members while ensuring geographical distribution. The solution constituted a good step towards having a more effective Committee in the future.
26. The Delegation of Nigeria supported the statement of the African Group and the recommendation made by the PBC. It saw the recommendation as evidence of transparency and accountability in governance, and as a way forward to further consolidate the exemplary performance of the Director General and the Secretariat. With respect to the composition of the Committee, the Delegation believed that regional balance should be ensured according to the established tradition in the UN system.
27. The Chair of the WIPO Audit Committee stated that the Working Group had dealt with many issues related to the Committee's mandate and work. He noted that when the Committee was created five years ago, at a difficult time for the Organization, no-one knew how it would function. However, it had worked closely with the Secretariat and somewhat less closely with Member States, as Member States themselves had pointed out. Since late 2009, the Committee had met regularly with Group Coordinators and interested Member States at the end of each of its quarterly sessions. The purpose of the Committee's publicly available reports was to advise Member States. They contained recommendations reached by consensus, all of which the Committee continued to stand by. Certain recommendations were now superseded and the Committee would undertake a review to bequeath to its successors only those still most relevant. Over the past five years, cooperation with the Secretariat had been satisfactory with proactive response to the Committee's recommendations. There had been difficulties for both the Secretariat and for the Committee but it had nevertheless been possible to work together constructively in the best interests of the Organization. Since early 2010, the Committee had interacted with the Senior Management Team under the leadership of the Director General, and the creation of the new Administrative and Management Sector had contributed to strengthening interaction. The Chair regretted that the PBC had been unable to review the Audit Committee's last four reports because they contained recommendations on items that Member States had been discussing since the previous day. Concerning the Working Group Report, the Committee welcomed its conclusions, in particular the decision on a renewal process, which the Committee had been raising for the past two years. The Committee further welcomed institutionalization of an information session for Member States at the end of each of its quarterly sessions and the decision to review recommendations contained in the Committee's 2009 assessment report. The Committee was ready to assist in the selection process and a new document would be made available shortly. The aim of the Committee's input was to facilitate the selection process by providing technical advice. The Committee did not wish to interfere with decision making by Member States. The selection timeline was very tight and much work was needed to meet the January 2011 deadline. A change to the Committee's terms of reference was also needed and the Committee stood ready to assist. Such a revision was a statutory procedure and while the Committee welcomed action, it fell short of what the revision process should be. The Chair therefore hoped that Member States would endorse the Committee's recommendation to undertake a joint review of the terms of reference of all three oversight bodies of WIPO in 2012. The Chair of the Audit Committee concluded by stating that, since this was the last time the current Committee

would be addressing Member States, he wished to thank, on behalf of the Committee, the General Assembly, the Group Coordinators and the Bureau of the PBC for their support. He also thanked all Member States who had expressed appreciation for the Committee's work. Finally, the Chair thanked the WIPO Secretariat and the Director General for their proactive cooperation and he hoped that such cooperation would continue with the new Committee.

28. The Director General, responding to the Delegation of the United States of America, stated that the approach to oversight recommendations was one of "comply or explain", and that non-compliance followed by an unsatisfactory explanation would be reflected in the staff member's or manager's evaluation within the context of WIPO's Performance Management and Staff Development System (PMSDS). The Director General thanked the outgoing Audit Committee, in particular the outgoing Chair, Mr. Gian Piero Roz, for his wise advice throughout the year. He said that the Organization was indebted to the Committee for all its work over the past five years.
29. The Chair invited the General Assembly to approve the recommendations made by the Working Group on Audit Committee Related Matters and noted that, pursuant to the request made by the Delegation of Bangladesh, the additional timetable prepared by the Audit Committee for the Audit Committee Selection Process would be included as part of the decision on this item. (See Annex to this Report).
30. The WIPO General Assembly approved the implementation of the recommendations made by the Working Group on Audit Committee Related Matters as contained in paragraphs 3 to 30 of the Report of the Working Group (document WO/GA/39/13) and decided to attach the timetable prepared by the WIPO Audit Committee for the Audit Committee Selection Process as an Annex to the present Report.

ITEM 23 OF THE CONSOLIDATED AGENDA

REPORT ON THE STATUS OF THE SELECTION OF THE EXTERNAL AUDITOR

31. Discussions were based on documents WO/GA/39/4 and A/48/24.
32. The Secretariat introduced document WO/GA/39/4 (Report on the Status of Selection of External Auditor), which consisted of the following: the invitation issued for nominations of candidates and the related call for proposals document; two lists of the questions from the candidates; and the answers given in response to these. This document had been considered by the PBC and all documents (including the evaluation matrix) had been examined by the Audit Committee. The Secretariat added that the Selection Panel, consisting of the representatives of Angola, Bangladesh, China, Kyrgyzstan, Mexico (Chair), Slovenia (Vice-Chair) and Switzerland, had met on a number of occasions and was considering the submissions received. The next meeting of the Panel was scheduled for September 30, 2010, with the aim of considering the proposals and evaluations put forward by the Secretariat and the Audit Committee in order to make a selection. The Secretariat added that the recommendation made by the PBC in respect of this progress report had been recorded in the Summary of Recommendations made by the PBC at its fifteenth session (document A/48/24).
33. In the absence of comments, the WIPO General Assembly took note of the contents of document WO/GA/39/4.

ITEM 24 OF THE CONSOLIDATED AGENDA

SUMMARY ANNUAL REPORT OF THE DIRECTOR OF THE INTERNAL AUDIT AND OVERSIGHT DIVISION

34. Discussions were based on documents WO/GA/39/5 and A/48/24.

35. 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, 2009 to June 30, 2010 (document WO/GA/39/5). Mr. Treen noted that the annual report is required by paragraph 23 of the Internal Audit Charter. Mr. Treen said he would like to highlight a few matters. He noted that his office has continued to provide the Director General and the Audit Committee with internal audit reports on high risk topics. The Evaluation Section has again done good work to validate the biennial Program Performance Report and this has been the main independent evaluation output in the period. IAOD's plans are to also validate the next biennial report, scheduled for 2012.
36. Mr. Treen noted that a significant amount of investigation activity was again completed in the period and confirmed that the division is progressing better in the regular delivery of all the internal oversight activities.
37. However, it was noted that staffing challenges still persist in the Internal Audit and Oversight Division and this has hindered progress in delivering a more reasonable amount of oversight activities and reports over the last several years. Mr. Treen nevertheless thanked the Director General for the extra resources he has continued to provide to meet immediate and urgent oversight needs in the reporting period and for his commitment to increasing the permanent resources required to support internal audit, investigation, and administrative activities in the year ahead. Mr. Treen said he was very grateful for this support.
38. Regarding Internal Audit, Mr. Treen mentioned that several audits were completed in the period. These covered: (i) WIPO's main revenue sources (PCT, Hague and Madrid), which is the first time these key business areas have been audited; (ii) the progress in improving information security and IT controls; (iii) the new construction project; and (iv) the Internal Control Gap Review, which produced valuable results and findings and dealt with high level and entity wide controls, the control environment, and included a culture survey of staff. Mr. Treen pointed out that the Director General has expressed significant interest in this report and supports the findings, which will support well several of the strategic realignment initiatives.
39. Mr. Treen made reference to the External Auditors' independent quality assurance review of the Internal Audit Section, which benchmarked WIPO internal audit against relevant international standards. Mr. Treen noted that the External Auditors concluded that the IAOD's work is in general in conformity with the standards of the Institute of Internal Auditors, which are the global standards for Internal Audit.
40. Mr. Treen also noted that the recent review of UN Auditing by the Joint Inspection Unit (JIU) showed that WIPO is amongst the best in the class of UN Internal Audit Sections and that the External Auditors mentioned that WIPO's IAOD is amongst the better performing Internal Audit sections they have reviewed in the public sector, with an 80 percent compliance with international internal auditing requirements. In addition, Mr. Treen stated that following implementation of the recommendations of the External Auditor, IAOD has the scope and ability to increase its good compliance rate, which will be very possible provided the Section is suitably staffed.
41. Mr. Treen mentioned that the Investigation Section's workload continues to be large with some very complex and difficult cases. He noted that long standing cases are being steadily completed and elapsed times for dealing with cases are being significantly reduced. Mr. Treen again welcomed the fact that the Director General has been proactive and generous in providing high quality and expert short-term investigation resources. He also pointed out that independent investigation experts have recommended the Investigation Section be increased to three posts.

42. An Investigation Procedures Manual was recently issued and made available to all WIPO staff for their information on the IAOD Homepage in English and French. A final draft of an Investigation Policy has been submitted to the Audit Committee for comments before internal consultations on the Policy are completed; and as required by the Internal Audit Charter, consultations on the Policy with Member States would also be held. In line with suggestions by the Member States, lessons learned from investigation work are identified with a view to adding value to the Organization. Details of the significant IAOD recommendations to strengthen WIPO systems and procedures are included in the Summary Annual Report. It is hoped that these recommendations will help improve WIPO systems and procedures and also help reduce the need for future investigations.
43. As regards Evaluation activities, work has been severely restricted due to the absence of staff in the Section for the majority of the reporting period. IAOD currently has no permanent staff in place as the Senior Evaluator is on maternity related leave until the New Year. However, evaluation work has continued to be delivered with plans and an evaluation strategy completed for 2010/2011. An Evaluation Section Annual Activities Report for 2009 was also presented to the Director General and the Audit Committee. The Validation of the Program Performance Report was largely completed before the Senior Evaluator went on maternity leave. In addition, the Procedures Manual for the Independent Evaluation Section was also finalized, which will complement the draft prepared last year on Self-Evaluations for WIPO managers. The evaluation of WIPO country-based activities, planning for which commenced in 2009, has been postponed until the Senior Evaluator returns. Independent evaluation of the Development Agenda will continue to be a key priority for IAOD once the Evaluation Section is functioning again.
44. On other matters, it was recorded that IAOD cooperated closely and well with the External Auditors and has established extremely good working relations with them. The IAOD Director welcomed the appreciation and interest of the PBC in the Division's work as expressed at the Committee's last meeting. The IAOD Director reminded Member States that Internal Audit and Evaluation Reports could be read by Member States in his office and welcomed Member States that wished to do so.
45. The Delegation of Japan thanked the detailed explanation made by Mr. Treen and underlined the importance of Internal Audit and Oversight for sound management of an organization and reinforcement of the organization's activities. The Delegation noted that according to the working document, 1,200 audit days were needed for the 2010-11 biennium to cover high-risk business areas and IAOD was currently able to only provide approximately 440 audit days in 2010-11. The Delegation noted the big gap between what is needed and what is provided and stressed their appreciation for IAOD efforts to carry out its mandate with limited human resources and expressed the hope that necessary human resources would be provided soon in order for IAOD to perform effectively.
46. The Delegation of the United States of America stated that some of their concerns and interests had been addressed earlier by the Director General and expressed their support for the work of the Director and his Division and noted that the Director General promised that the staffing situation would be rectified by the next meeting of the PBC. The Delegation welcomed that news and expressed hope that in the years to come, more than adequate staffing will be provided to the IAOD.
47. The Delegation of Egypt, on behalf of the DAG, thanked the Chairman and the Director IAOD for their clarifications and expressed its agreement with the statement made by the Delegation of the United States of America. The Delegation of Egypt welcomed the recommendations made by the External Auditor in document WO/PBC/15/2, and expressed an interest in them being accepted and implemented. The Delegation of Egypt underlined its support for the work of IAOD, but noted a need to improve the quality of the work done by IAOD and expressed its confidence that the implementation of the recommendations would contribute to further streamlining the IAOD's work.

48. The General Assembly took note of the summary annual report of the Director of the Internal Audit and Oversight Division.

ITEM 25 OF THE CONSOLIDATED AGENDA

REVIEW OF THE INTERNAL AUDIT CHARTER

49. Discussions were based on documents WO/GA/39/6 and WO/GA/39/6 Rev.
50. At the invitation of the Chair of the General Assembly, Mr. Treen introduced the Member States to the Internal Audit Charter document (WO/GA/39/6) and explained that the Internal Audit Charter must be reviewed every three years. He noted that the Charter was discussed at the 2010 PBC meeting and changes, with which the Secretariat concurred, were agreed.
51. The Chairman of the Audit Committee, Mr. Roz, explained the terms of reference of the Audit Committee to the Delegates and stated that they give the Committee a measure of responsibility to oversee the effectiveness of the Internal Audit Function. Mr. Roz explained that the Audit Committee had reviewed the revised draft Audit Charter at its 17th and 18th meetings and noted that the Committee had recommended that the term of office of the Director of IAOD should be five years non-renewable, and not six years as recommended in document WO/GA/39/6. Mr. Roz explained that the recommendation was made to synchronize the term of office of the Director IAOD with those of the External Auditor to minimize the risk of a concurrent vacancy of both audit functions. The Audit Committee also recommended the new term of office to align WIPO with the UN Secretariat, while noting that other UN agencies have a six year term of office for the Internal Auditor.
52. Mr. Roz made reference to the 18th session of the Audit Committee in which four recommendations were made, which were: (i) concerning the title of the Internal Audit Charter; (ii) the Director should not be part of WIPO's management team; (iii) when needed, the Director IAOD should have access to the Chair of the General Assembly; (iv) the revision clause. Mr. Roz noted that the Audit Committee's four recommendations were not reviewed by the PBC and that the Audit Committee would be replaced in 2011. He also stated that he submitted a separate report to the PBC in 2010 on the Audit Committee's work, in which he recommended that in 2012, the PBC should request the newly appointed External Auditor, the Internal Auditor and the Audit Committee to independently review their respective terms of reference, also in consultation with each other and with the Secretariat. Mr. Roz mentioned that this approach would improve the coordination of the overall oversight mechanism in WIPO which would be in the interests of the Member States and the Secretariat. He went on to say that this recommendation was in line with previous observations relating to the coordination of the three oversight bodies that the Director General had made in the past. Mr. Roz concluded by stating that he thought the coordination and cooperation amongst the three bodies had considerably improved in 2010.
53. The Delegation of Egypt requested the Secretariat, on behalf of the DAG, to limit the term of office of the Director IAOD to a non-renewable five year term, which, according to the DAG, is in line with UN best practices. The DAG requested an amendment to paragraph 4 of the draft Internal Audit Charter to the effect that the Director IAOD, should be part of the Organization and not part of WIPO's management team. In addition, the DAG requested paragraph 7 of the proposed text to be amended to provide the Director IAOD, with access to both the Chair of the General Assembly and the Chair of the PBC. The fourth request by the DAG was to amend the revision clause to provide for Charter revisions as and when appropriate. Concern was also expressed that any amendments to the Charter should not impede it from remaining a proper umbrella for all IAOD's activities.

54. The Delegation of India underscored the importance of the Internal Audit Charter to ensure an effective Internal Audit and Oversight system and requested that the Audit Committee's recommendations be incorporated into the Charter.
55. The Delegation of the United States of America requested the following four amendments to the Internal Audit Charter. These were: (i) an amendment to the Internal Audit Charter to address its concern that the proposed text in paragraph 5 applied only to the Director IAOD, and not the staff; (ii) to amend paragraph 6 to specify that all oversight activities should be impartial and not just those of Internal Audit; (iii) to stipulate that the Director IAOD, has access to the Chair of the Audit Committee; (iv) to treat draft investigation reports with the same degree of confidentiality as is given to final reports. The Delegation also inquired as to how the non-renewable term would affect the current Director IAOD, if the amendment of the term was to be adopted.
56. At the invitation of the Chair of the General Assembly, Mr. Treen responded to the points raised by the Member States. He welcomed the interest in the Internal Audit Charter expressed by the Member States. It was pointed out that all the comments made by the delegations were raised and discussed at the PBC. Mr. Treen mentioned that the Internal Audit Charter, the terms of reference for the Audit Committee and the terms of reference for the External Auditor, were revised by the respective bodies in 2007, at the same time as the New Financial Regulations and Rules. Mr. Treen expressed his concerns as to whether an internal oversight charter is the correct forum for documenting internal controls and ethics matters. Mr. Treen pointed out that WIPO is in the process of preparing its first internal controls statement and that many of the points raised by the Audit Committee will be contained in this statement. Mr. Treen welcomed the Audit Committee's agreement that a single term of office for the Director, IAOD, should be set out in the Internal Audit Charter and that non-fixed, or renewable terms of office would have an adverse effect on the independence and integrity of Internal Oversight. Mr. Treen pointed out that although a single term of office for the Director of the Oversight Division is recommended by the JIU – they suggest a term of office of five to seven years – it is true that the Heads of Oversight have permanent contracts. Mr. Treen also mentioned that the Heads of the UN OIOS have five year term of office.
57. Mr. Treen mentioned the External Auditor's advice to create an Internal Audit and Oversight Charter and he was pleased to report that evaluation activities have been incorporated into the new Internal Audit Charter, which will strengthen the independence of the evaluation function. Mr. Treen had no objection to naming the document the "Internal Oversight Charter". However, Mr. Treen stated that he welcomed the recommendation to amend the Charter to state that the Director IAOD, is independent of management in his address to the PBC.
58. Mr. Treen noted that although it was not explicitly stated in the Charter, he has had much contact with the various chairs of the Audit Committee and also had met the Chairman of the General Assembly. Although Mr. Treen had not needed access to the Chair of the PBC, he felt that he would not be refused access. Mr. Treen stated that the External Auditor's recommendation for personal meetings was also working well and did not need reference in the Charter. Mr. Treen had no objections to changing the revision clause and to the recommendation pertaining to paragraph 5 which suggested that the staff of the IAOD should be held to the same ethical and professional standards as the Director. Mr. Treen had no objections to extending paragraphs 6 and 20 to include all oversight activities and investigation materials respectively.
59. The Director General pointed out that there was a remaining question concerning paragraph 31 from the United States of America, to which an answer was going to be provided when the Charter revision was discussed later in the week.
60. The Delegation of Bangladesh requested the Secretariat to reflect the recommendations of the Audit Committee and Member States in the Internal Audit Charter and circulate the revised draft to all Member States for review.

61. A revised draft (WO/GA/39/6 Rev.) incorporating further suggestions for changes to the Charter made by Member States was circulated. At the invitation of the Chair of the General Assembly, Mr. Treen explained briefly the revised draft to all Member States, and pointed out that the changes proposed by the the United States of America, Egypt and the Chair of the Audit Committee had been taken into account, as well as the two changes that the PBC had made, as reflected in document (WO/PBC/15/23) in its report (WO/PBC/15/1). He said that delegates had informed him of their agreement to an additional change to the last sentence of paragraph 32 which should now read: "...ensure that it remains an overarching framework for all oversight activities." Also, Mr. Treen said that he understood that Member States still had to decide on whether the single, non-renewable, term of office of the next Director IAOD, should be six years or five years.
62. Mr. Roz made reference to paragraph 32 and suggested that the proposed text read "...ensure that it remains an overarching framework for all internal oversight activities." Mr. Roz further suggested that the first sentence of paragraph 4 be changed and should read: "The Director of the Internal Audit and Oversight Division (hereinafter referred to as "Director, IAOD") is responsible to the Director General and is part of WIPO staff".
63. The Delegation of the United States of America supported the revised document as well as the two suggestions made by the Chair of the Audit Committee.
64. The Delegations of India and Egypt suggested that consultations took place among the Member States to allow exchanges of views and a quick and final decision could be taken on the period of office of the Director, IAOD.
65. Delegations had an opportunity to hold informal consultations, after which the Delegation of India said that it found the new revised document satisfactory and could therefore endorse it as proposed by the Secretariat, along with the two suggestions made by the Audit Committee. Also, the Delegation agreed with the Audit Committee that by setting a term of office of the Internal Auditor as six years it would, at some stage, produce a turnover of both the External Auditor and the Director IAOD, in the same year. The Delegation felt it would not be the optimal arrangement. For this reason, the Delegation preferred a term of office for the Director IAOD, and proposed a fixed, non-renewable term of office of five years as suggested by the Audit Committee and the Delegation of Egypt.
66. The Chair of the General Assembly confirmed that the proposal made by the Delegation of India was accepted by all Member States and that the revised document was approved with the amendments proposed by the Member States.

ITEM 26 OF THE CONSOLIDATED AGENDA

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

67. Discussions were based on document WO/GA/39/7.
68. The Report of the Committee on Development and Intellectual Property (CDIP), document WO/GA/39/7, was introduced by the Secretariat. It informed that since the last session of the WIPO General Assembly in 2009, the CDIP had met in two sessions. The Fourth Session, in November 2009, had essentially reviewed progress reports on certain Development Agenda projects and activities, and also considered and approved certain new projects for implementation of the Development Agenda recommendations. The Fifth Session, in April 2010, had dealt with a number of issues. First, it considered the report of the Director General on the implementation of the Development Agenda, and a report on WIPO's contribution to the UN Millennium Development Goals (MDGs). It also considered a document on patent-related flexibilities in the multilateral legal framework and their legislative implementation at the national and regional levels, which addressed

how countries and regional institutions had adopted the various flexibilities available in international legal instruments in various fora, such as the World Trade Organization (WTO), WIPO and others. In addition, the Committee also considered a number of projects and approved a certain number of them for implementation. A breakthrough was achieved in the approval of the coordination mechanisms and monitoring, assessing and reporting modalities. The Secretariat noted that the two previous sessions of the CDIP were held in a very congenial atmosphere, and the Member States showed a spirit of cooperation and compromise, which it was hoped would continue. The Secretariat invited the Assembly to take note of the information contained in the documents and to approve the coordination mechanism and monitoring, assessing and reporting modalities affixed as Annex II of the document.

69. The Delegation of Angola, speaking on behalf of the African Group, said it shared the opinion of the majority of developing countries and least developed countries (LDCs) who viewed the CDIP as an important WIPO Committee mandated to develop a work program for implementation of the adopted Development Agenda recommendations as approved by the WIPO General Assembly in 2007. The Delegation noted that the CDIP also had the mandate to monitor, assess, discuss and report on the implementation of all recommendations adopted and, for that purpose, it should coordinate with relevant WIPO bodies. In that regard, the African Group welcomed the adoption of the coordination mechanism and monitoring, assessing and reporting modalities and requested that discussions be initiated on its implementation without further delay during the forthcoming Sixth Session of the CDIP. Finally, it was noted that the mandate of the CDIP entailed it being a venue for discussing IP and development-related issues and, in that regard, the Group encouraged Member States to undertake such discussion.
70. The Delegation of Switzerland, speaking on behalf of Group B, reiterated its commitment to the implementation of the recommendations contained in the WIPO Development Agenda. It noted that the Development Agenda was an increasingly important aspect of the daily work of WIPO and it welcomed the work that had already been undertaken to strengthen and improve development-related activities in the Organization. By way of illustration, the Delegation cited the report that the Director General submitted to the Fifth Session of the CDIP on the implementation of the Development Agenda, as well as the report on WIPO's contribution to the MDGs, both of which provided an impressive snapshot of WIPO's work. While recognizing the cross-cutting nature of the Development Agenda and the importance of the implementation of recommendations and the launching of new projects, the Delegation said that it was vital that there should be a careful prioritization of the implementation of projects and avoidance of duplication of work, so as to maximize the means available in the Organization to support IP-related development activities. Thanks to the constructive dialogue held at the Fourth and Fifth Sessions of the CDIP, Member States had been able to arrive at a positive outcome on the establishment of a proper and effective mechanism to enable the CDIP to completely fulfill its mandate, which included, *inter alia*, to monitor, assess, discuss and report on the implementation of all recommendations adopted and for that purpose, to coordinate with relevant WIPO bodies. It was important that Member States remained at the center of this work, as it was their responsibility to ensure the appropriate implementation of the Development Agenda recommendations. Therefore, Group B fully supported the implementation of the thematic project on WIPO's Results-Based Management (RBM) framework adopted during the Fourth Session of the CDIP, which it viewed as an important element in enabling the CDIP to fulfill its mandate concerning monitoring and assessing the implementation of the recommendations of the Development Agenda.
71. The Delegation of Belgium, speaking on behalf of the European Union (EU) and its member States, observed that development was one of the most important challenges facing the international community, and intellectual property (IP) played an important role in that context. It noted that the EU and its member States remain committed to further progress in this field in order to implement the 45 recommendations of the Development Agenda. The constructive work carried out to date by the CDIP proved the ability to build common ground between countries with regard to contentious issues. The Delegation thanked the WIPO Secretariat for its valuable contribution to the work of the Committee, and welcomed the results of the Fifth Session of the CDIP and, in particular, the outcome

concerning the coordination mechanism. Agreement on a coordination mechanism for monitoring, assessing and reporting on the implementation of the Development Agenda recommendations was of major importance so as to ensure that effective and concrete measures were taken and all potential was realized. The Delegation also welcomed the substantial progress on Development Agenda projects, such as in the field of the public domain. Finally, the Delegation stated that the EU and its Member States strongly maintained their commitment to cooperate further in the remaining important work to implement the Development Agenda recommendations, and were confident that such work would continue to be carried out in a positive and constructive manner.

72. The Delegation of Egypt, speaking on behalf of the Development Agenda Group, stated that the adoption of the Development Agenda at the General Assembly of WIPO in 2007, was a milestone in achieving the historic aspiration of developing countries for a paradigm shift in the international perspective on IP, from viewing IP as an end in itself to viewing it as a means to serve the larger public goals of social, economic and cultural development. While the inception of the Development Agenda marked a watershed in rebalancing the global perspective on IP, the mainstreaming and implementation of these recommendations presented a considerable challenge. The Delegation noted that the successful implementation of the Development Agenda required a sustained and multi-faceted approach to the range of activities in WIPO, as well as proactive leadership, continuous commitment, cooperation, engagement and oversight by Member States. It also required a pro-development cultural transformation within the WIPO Secretariat, and for it to remain a Member States-driven Organization, that engaged with other Intergovernmental Organizations (IGOs) and civil society organizations. Recognizing the importance of the Development Agenda and the historic opportunity it represented not only to all developing countries but also to those that were yet to benefit fully from the international IP system, and acknowledging the challenges to its meaningful implementation, the Delegation noted that two successful CDIP sessions had been held the previous year. The Delegation congratulated Ambassador Muhammad Abdul Hannan, Permanent Representative of Bangladesh, upon his election as Chair of the CDIP and praised him for handling the work of the Committee exceptionally well. The Delegation also thanked Mr. Mohamed Abderraouf Bdioui of Tunisia for his excellent efforts as former Chair of the CDIP. The Delegation stated that during the Fifth Session of the CDIP, the meeting had taken note of the Director General's Report on Implementation of the Development Agenda and thanked the Director General and Secretariat for highlighting the implementation of the Development Agenda during 2009. The Delegation particularly emphasized paragraph 25 of that Report (CDIP/5/2) which provided that "... specific proposals from Member States that could contribute to Development Agenda implementation may also be of immense value to the process, in order to enhance the Member-driven nature of the implementation phase and ensure that activities and projects respond to the real concerns behind the recommendations." Therein lay the core of effective implementation and mainstreaming of the Development Agenda in WIPO's work, the Delegation added. It was incumbent on Member States to shoulder the burden of proposing activities for the implementation of the Development Agenda recommendations. An important step had been accomplished during the Fifth Session of the CDIP, with agreement on an agreed mechanism to monitor and assess the Development Agenda implementation, as had been mandated by the decision establishing the Development Agenda in WIPO during the 2007 General Assembly. The Delegation thanked all Member States for the constructive spirit that had led to that agreement. It looked forward to fine-tuning the aspect of the mechanism necessary to put it into action, in order to begin the important task of monitoring and assessing the ever-expanding portfolio of Development Agenda implementation. Also in the context of the mandate approving the Development Agenda in 2007, the Delegation recalled that the CDIP was mandated not only to implement the 45 recommendations but also to discuss issues of IP and development. As Member States embarked upon the implementation, monitoring and assessment of the Development Agenda, the Delegation noted the need to embark on that mandated discussion of IP and development. The Delegation also welcomed the agreement reached on mainstreaming the funding for the implementation of the Development Agenda recommendations into the regular budgetary process of WIPO, as had been agreed during the previous session of the PBC. During the Fifth Session of the CDIP, the Secretariat's report on WIPO's contribution to the

MDGs provided a timely contribution in anticipation of the discussion of that important issue in New York in September 2010. It was noted that the Summit on MDGs took place concurrently with the High-Level Segment of the WIPO Assemblies. It was, however, noted that the said WIPO report included no assessment or attempt to make an empirical evaluation of WIPO's work on the MDGs. Member States were reminded that, as stipulated by the MDGs, IP ultimately aimed to provide for a better quality of life and WIPO was part of the broader mission of the UN. The report, in its paragraph 14, referred to the 2009 High-Level Task Force on the Implementation of the Right to Development and its review of the WIPO Development Agenda. That report of the High-level Task Force viewed the Development Agenda as a significant process in the context of MDG 8 Target F on transfer of technology. That review concluded that the WIPO Development Agenda was "one of the most – and arguably the most important of the current global initiatives in advancing the realization of the right to development." As such, the Delegation had proposed that the High-level Task Force be invited to the upcoming Sixth Session of the CDIP to present its findings and positive reflections on WIPO's Development Agenda. It was understood that the Chair of CDIP was undertaking consultations in that regard, and all Member States were encouraged to join consensus on the proposal to arrange such an audience. The CDIP was an important Committee that lay at the core of WIPO's work and developing and least-developed countries had made a major contribution throughout its five sessions, and would continue to do so. The Delegation urged all Member States to give development its due share of WIPO's activities, as mandated by the UN Millennium Declaration.

73. The Delegation of the Syrian Arab Republic, speaking on behalf of the Arab Group, thanked the Secretariat for the excellent report on the CDIP. The Arab Group supported capacity-building to enable developing countries and LDCs to fully benefit from the development-related work in the Committee. The Delegation also called for translation of policies into practical efforts that would go beyond the simple transfer of technology, so as to maximize projects that would be suited to the realities of each State, and enable States to create national strategies for IP on the basis of their economic, social and development needs. Technical assistance projects should reflect realities on the ground and respond to the needs of Member States, encourage local creativity and strengthen development efforts and the infrastructure for education and information. WIPO should strengthen its programs related to the development of small and medium-sized enterprises (SMEs), so that they could become stronger in the Arab region. The Arab Group was satisfied with projects under the Development Agenda, as well as the agreement that had been reached on the coordination and monitoring mechanism. WIPO should continue to conduct studies that would take into consideration the provisions of the Development Agenda in line with the general approach and the objectives of the DA. It was necessary to ensure that IP systems met the needs of developing countries and took into account the need for development activities that were suited to these countries, including through transfer of technology and by ensuring access to that technology. It was important that WIPO continued to discuss matters with Member States so as to integrate the development dimension into all its programs.
74. The Delegation of Bangladesh, speaking on behalf of the Asian Group, attached great importance to the work of the CDIP and noted that the implementation of the Development Agenda projects was proceeding at a good pace. Having set out the Group's views in its opening statement, three particular issues were highlighted. First, it was encouraged by the establishment of the agreed mechanism in the CDIP for monitoring and assessment of the Development Agenda implementation, which it felt should be duly approved. The Group also expected that the General Assembly would approve the proposed mechanism for mainstreaming the Development Agenda funding into the regular budgetary process of WIPO. Second, it was noted that WIPO had commissioned a study on IP and economic development, which was understood to be close to completion; and it looked forward to the outcome of this study. Similar studies would continue to benefit developing and least-developed countries in building well-calibrated national IP strategies conducive to their economic development. Third,

the Delegation welcomed the initiative on the independent external review of WIPO's technical assistance, and looked forward to the report of that review as agreed by the CDIP. It was confident that the report's findings would contribute to further streamlining WIPO's technical assistance projects.

75. The Delegation of China congratulated WIPO on the results obtained in the implementation of the Development Agenda recommendations. It noted that recommendations had been implemented over the course of three years with the active involvement of Member States. The Delegation stated that thanks to the flexibility of Member States, agreement on the coordination mechanism and the monitoring and follow-up mechanism had been reached, which it believed would contribute greatly to the success of the Development Agenda so that more and more countries could benefit from it. The Delegation noted that the High-Level Meeting on the examination of the MDGs was concurrently underway in New York, and that the Prime Minister of China had given a speech at that meeting. WIPO, as a specialized agency of the UN, should use that opportunity to achieve its nine strategic goals and thus integrate the Development Agenda into all its activities and promote the achievement of the MDGs.
76. The Delegation of Mexico, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), stated that since the beginning of the Development Agenda process, GRULAC had supported WIPO in integrating the development dimension throughout the Organization. WIPO should continue with such work as a member of the UN system in order to contribute to achieving the MDGs. In that context, the implementation of the Development Agenda and the work of the CDIP were moving in the right direction, although there was still work to be done which required the will and commitment of Member States. WIPO should continue its work to mainstream the Development Agenda into the work of the Organization. The Delegation hoped that the attention given to the Development Agenda would ensure the implementation of the projects covering the specific needs of Member States, and also that the coordination mechanism for evaluation, assessment and reporting would be sufficiently transparent to respect the independence and mandate of other WIPO bodies and take into consideration the resource limitations of the Organization in the implementation of the Development Agenda.
77. The Delegation of Argentina welcomed the adoption of the coordination mechanism and thanked the Secretariat for developing projects for implementation of the Development Agenda recommendations. It noted that full implementation of the Development Agenda, especially with respect to the recommendations under Cluster B and those related to transfer of technology, was very important and should be taken into account in all Development Agenda activities. It further noted that IP rules should be consistent with public policy objectives such as in the areas of public health and biodiversity.
78. The Delegation of Japan thanked Mr. Geoffrey Onyeama, Deputy Director General, for his explanations on the work of the CDIP, and supported the statement given by the Delegation of Switzerland on behalf of Group B. Approval was expressed for the agreement reached on the coordination mechanism and monitoring, assessing and reporting modalities after intensive discussions at the Fifth Session of the CDIP. The Delegation also highlighted the IP Advantage Database, which was one of the outcomes of the CDIP. The IP Advantage Database was based on the WIPO E-SPEED database, initially proposed by Japan at the Assemblies of Member States of WIPO in September 2008, and submitted to the CDIP, which subsequently approved it at its meeting in November 2009. The Delegation congratulated WIPO for launching the IP Advantage Database in collaboration with the WIPO Japan Office on September 17, 2010. The Database represented an opportunity for sharing best practices on the exploitation of IP for development in developing countries, and also provided a useful tool for developing businesses.
79. The Delegation of Paraguay noted that it was very important for WIPO Member States, and particularly developing countries, to have effective implementation of the WIPO Development Agenda because its principles corresponded with many concerns of these countries. The Delegation noted that IP policies should contribute to the welfare of citizens of these countries, and States should not allow the Development Agenda principles to be a dead letter. All projects should be supported, particularly those related to technology transfer and cooperation for development. It also welcomed the adoption

of the coordination mechanism and stressed its importance as a fundamental tool in integrating development into WIPO's work.

80. The Delegation of Brazil recalled its longstanding commitment to the Development Agenda, and its role in the Group of Friends of Development which led to the establishment of the Development Agenda in 2007. It also emphasized its role in the group of like-minded countries and the DAG which were formed to pursue common objectives within WIPO, and to seek to place IP within the appropriate development framework. The cooperation fostered by those strategies had been clearly demonstrated by the agreement that had been reached on establishment of the coordination mechanism in the CDIP. The Delegation associated itself with the statement made by Egypt on behalf of the DAG, and stated that the agreement on the establishment of the coordination and assessment, monitoring and reporting mechanism represented the fulfillment of the mandate given to the CDIP by the WIPO General Assembly in 2007, and symbolized the commitment by the entire membership of WIPO to the Development Agenda. The Delegation was confident that the mechanism would contribute toward the mainstreaming of the Development Agenda recommendations across the Organization, and hoped that the CDIP's work would result in a new series of projects in addition to those that had been given the green light and were being implemented. It would use its national experience to substantially contribute to the work of the CDIP so as to achieve tangible results. To that end, WIPO should allocate budgetary resources for the execution of the projects. The Delegation thanked the Secretariat for document A/48/5 Rev. on the review of the budgetary process applied to projects proposed by the CDIP, and welcomed the proposed model for budgetary management of CDIP projects which would have to be reviewed at a later stage. Finally, the Delegation reiterated the importance that it attached to full observance of the three 'golden rules' that were agreed upon at the Third Session of the CDIP.
81. The Delegation of South Africa supported the statement made by Angola on behalf of the African Group and by Egypt on behalf of the DAG. It affirmed that the international community pinned its hopes on the WIPO Development Agenda to bring about a balanced IP system, and thanked the Director General and the Secretariat for respecting this aspiration. The mainstreaming of the Development Agenda recommendations into WIPO's programs and activities should be fully pursued in the Organization, especially those related to norm-setting aimed at bringing about a balanced international IP system. Adequate budgetary allocations should be made to support full implementation of the Development Agenda recommendations. Appreciation was given for the consensus that had been reached on the coordination mechanism at the Fifth Session of the CDIP, and it was noted that Development Agenda implementation was a cross-cutting activity that required monitoring, assessment and reporting. The Delegation welcomed the report by the Director General on implementation of the Development Agenda, and noted, in particular, those aspects of the report dealing with project implementation at the national level. It was noted that such projects had the potential to build capacity in developing countries, and enable them to grow their IP capacity and improve access to the benefits of the IP system. One of the most important elements of the Development Agenda process was the creation of a balanced IP system that would take into account the individual needs of developing countries. The establishment of a balanced IP norm-setting exercise that took into account the interests of developing countries was, therefore, at the core of the implementation of the Development Agenda process. The Delegation also noted that, in practical terms, participation in the negotiation processes afforded an opportunity to clarify the objectives, scope and content of proposed treaties. Full implementation of the Development Agenda recommendations and principles would assist in reducing or removing incidences of breakdown in treaty-making processes after many years of discussions. On the other hand, those principles were likely to play an important role in increasing transparency in WIPO treaty-making as well as contributing to general accountability, leading to the strengthening of WIPO and enhancing its legitimacy for the benefit of all WIPO Member States and other stakeholders.
82. The Delegation of Pakistan thanked the Secretariat for the report which covered the Fourth and Fifth sessions of the CDIP. The Delegation stated that Pakistan had an abiding interest in the WIPO Development Agenda which sought development as the

ultimate aim of a global IP system which is flexible in meeting the needs of different levels of development. It considered that an IP system was essential in today's world, but the global IP system should evolve in a way where it helped the developing and LDCs rather than impede their progress and make them perpetually dependent on the developed world. In that regard, it welcomed the efforts of the Director General and his team which had undertaken a positive approach towards the Development Agenda, which was also apparent in the Director General's report presented during the Fifth session of the CDIP earlier that year. The report represented a shared commitment to delve into, and build upon, the activities undertaken under the ambit of the Development Agenda. The Delegation supported the approach undertaken to implement the Development Agenda and believed that the approach had speeded up the implementation process in many areas. The Delegation keenly looked forward to tangible results of the projects. It stated that the key challenge remained the mainstreaming of the Development Agenda. The linking of the work of the various programs of WIPO with Development Agenda recommendations was an excellent approach. However, the workability of that approach would largely depend upon the ability to deliver the expected results. It was equally important that the Member States of WIPO had the tools and mechanisms to review progress. From that point of view, the Delegation welcomed the approval of the proposal presented by Pakistan and other countries on the coordination mechanism and monitoring, assessing and reporting modalities. The future efforts of WIPO and its Member States on the question of the Development Agenda largely depended upon the collective ability to evaluate the CDIP's work. The Delegation expressed its hope that that mechanism would help in improving the implementation of the Development Agenda. The Delegation reiterated the expression "cautious optimism" that was used by the Director General during one of his statements at the CDIP sessions earlier that year. The Delegation felt it was also very important that the Organization and its Member States continued their efforts with making available the resources for the Development Agenda implementation. In that context, it welcomed the approval of the budgetary processes applied to projects proposed by the CDIP and hoped that adequate resources would always be made available. It said that WIPO, being an UN agency, had an obligation towards the international community to play its role in the alleviation of the condition of the people of the world through promoting genuine innovation, as IP is modeled as a tool and not an end in itself. It believed that the CDIP could make its contribution in that regard by continuing its work not only under the 45 recommendations of the Development Agenda but also beyond that.

83. The Delegation of Iran (Islamic Republic of), supporting the statements made by the Egypt and Bangladesh on behalf of the DAG and the Asian Group respectively, expressed its pleasure at the efforts of the Director General and the Secretariat towards mainstreaming the Development Agenda in WIPO's work. It noted with satisfaction that the Development Agenda Coordination Division (DACD) was working closely with all programs in the Organization to ensure that the Development Agenda was being implemented and integrated in all parts of the WIPO system. The Delegation supported the idea of integrating the Development Agenda concerns into expected results, performance indicators and strategic approaches taken by the various programs. It looked forward to receiving a detailed description of activities of the concerned divisions in that regard in due time. It also indicated support for the Director General's commitment to report to the CDIP on the implementation of the Development Agenda on an annual basis, since it would give a general overview of the mainstreaming of the Development Agenda into WIPO's regular program of activities. In that regard, the Delegation shared the Director General's view that a key part of the implementation was the mainstreaming of the Development Agenda so that each and every unit integrated development into its activities. The Delegation noted that it was essential for WIPO, as a specialized agency of the UN, to be guided by the broad development goals of the UN. In that context, the Delegation took note with appreciation of the timely report on the MDGs which, *inter alia*, emphasized that, "at the heart of the WIPO Development Agenda is the notion that intellectual property rights (IPRs) should not be perceived as an end in themselves, but as means to promote economic, social and cultural development". Since that report needed some improvements and amendments to cover the suggestions and observations made by a number of delegations including the Islamic Republic of Iran, the Delegation said it shared the decision of CDIP/5 meeting that the report be revised and be submitted

to the CDIP at a future session. It said it believed that the CDIP had two important and different but interrelated agendas. First, it requested the Member States and the Secretariat and all the relevant bodies of WIPO to implement the Development Agenda. Second, it tried to ensure that the implementation be immediately and effectively foreseen. It stated that it was obvious that ensuring effective implementation required a mechanism on coordination so that the outcome of the process could be independently verified. In that regard, the Delegation welcomed the agreement reached at the Fifth session of the CDIP on a coordination mechanism and on monitoring, assessing and reporting modalities whereby all WIPO Committees would, on an equal footing, report on the implementation and mainstreaming of the Development Agenda to the WIPO General Assemblies. The Coordination mechanism was essential for the CDIP to play its role in monitoring and assessing of the work done in other committees. The Delegation hoped that that mechanism would work properly and be used by other committees. Furthermore, the Delegation emphasized that sufficient time should be allocated in all committees to report on the implementation of the Development Agenda to the General Assembly. In other words, while approval of those reports by the General Assemblies was necessary and important, the Member States should, however, not lose sight of the more important matter in that regard, that was to have an effective mechanism to review the process and to ensure that the reports of the various committees were conducive to an effective evaluation of the integration of the Development Agenda in their work. In conclusion, the Delegation said that there was the need for a comprehensive approach leading to the mainstreaming of development across the different areas and bodies of WIPO. While the project based methodology constituted the conceptual component in the system, there was a need for having other approaches based on which the results of studies and concluding recommendations of projects could be regarded as the basis for subsequent but practical steps. The CDIP had focused on the first element of its mandate, that was the development of a work program for implementation of the 45 adopted recommendations. The Delegation said that it should be borne in mind that there were still some important recommendations that had not even been discussed in the CDIP. The Delegation, therefore, felt that in the medium-term plan, it would be imperative for the CDIP to go to the second phase, that was norm-setting and developing concrete solutions for IP-related challenges through setting up relevant guidelines and instruments.

84. The Delegation of India expressed its pleasure with the positive steps taken to strengthen the Development Agenda program. It said that the formation of the DAG, which was a group of like-minded countries that shared the common vision to mainstream the Development Agenda in all aspects of WIPO's activities, was a very significant development. It also welcomed the setting up of a coordination mechanism agreed to in the previous session of the CIDP for monitoring and assessing of Development Agenda implementation. The Delegation felt that that would facilitate an effective mainstreaming of the Development Agenda in the activities of WIPO. The Delegation also appreciated the mainstreaming of the Development Agenda project funding into the regular budgetary process of WIPO. The changes agreed to, and the proposed WIPO reserve policy that placed the Development Agenda implementation on par with other WIPO strategic goals *vis-à-vis* utilization of WIPO's reserve funds, was an important step and the Delegation appreciated that approach. It further stated that SMEs constituted a very important segment of the economies of most countries. They were important from the standpoint of their contribution to GDP, manufacturing and service outputs and, above all, to employment. The Delegation welcomed recognition of that in the Development Agenda. It noted that a project on IP and SMEs was being implemented in India under Recommendation 10 of the Development Agenda. While it welcomed the project as an important initiative, it felt that interventions such as those should not be treated as one-off events but that they should be regular reinforcements consistent with the requirements of the country where they were implemented. To enable effective intervention, it was also important to provide adequate funding for projects under the Development Agenda.
85. The Delegation of Cuba stated that the Development Agenda and development in general, and their integration in to the activities of the Organization, were the main challenges for the Organization and the Member States. In that regard, it was necessary to immediately introduce the coordination mechanism in the different committees of the

Organization, ensuring the Development Agenda was mainstreamed and that the development dimension was included in the discussions of all the committees. The Delegation stated that it was very important to ensure the further strengthening of international and national IP infrastructure through new projects such as the automation of trademark and patent offices, access to technical and scientific databases and the development of scientific and innovation centers. The Delegation noted that at a recent event, the aRD_i was presented and it congratulated WIPO for that initiative. The Delegation believed, however, that it was necessary to expand the list of developing countries that could benefit from that project. The Delegation supported the statements made by Egypt on behalf of the DAG and Mexico on behalf of GRULAC.

86. The Delegation of Kenya thanked the Secretariat for the CDIP report and supported the capacity building initiatives in developing countries and the technology transfer programs. It underscored the importance of technical assistance that was demand-driven and relevant to the recipient countries. It also supported the coordination and monitoring mechanism contained in the report. It expected that the monitoring mechanism would demonstrate positive aspects of resource utilization under the Development Agenda. The Delegation also looked forward to seeing an improved impact of the Development Agenda in harnessing and unleashing the creative and innovative potential of developing countries. The Delegation also supported the full and effective implementation of all the projects identified under the Development Agenda. It said the development dimensions should be taken into account in all norm-setting activities of WIPO.
87. The Delegation of Norway supported the statement of Switzerland as the Coordinator of Group B, and commended the Chairs of the Fourth and Fifth sessions of the CDIP for guiding the Committee to approve several new projects for implementing the Development Agenda recommendations. The Delegation expressed its pleasure that the Committee had reached an agreement on the coordination mechanism on how to monitor, assess and report on how implementation should take place. The Delegation remained committed to the work taking place in the CDIP, and indeed in the whole of WIPO, to ensure broad implementation and, therefore, it supported the contents of Annex II to document WO/GA/39/7. The Delegation was especially pleased to note the Committee's agreement to ensure consistency with existing WIPO governance structures and procedures. The Delegation recalled that at the Fifth session of the Committee, there was a very constructive exchange of views regarding the proposed project on IP and technology transfer. The Delegation thanked the Secretariat for the preparatory work undertaken to consolidate views on the topic and looked forward to work on the revised proposal at the next session in November this year to agree on relevant implementation activities.
88. The Delegation of Guatemala, associating itself with the statement made by Egypt on behalf of the DAG, of which Guatemala was part, expressed its optimism with regard to the progress made in the implementation of the Development Agenda. The Delegation felt that the project based methodology had indeed given a fresh impetus to the implementation of the Development Agenda and believed that pursuing the coordination mechanism for monitoring, evaluating and presenting reports to the General Assembly was another fundamental step in the ongoing exercise of the Development Agenda implementation. The Delegation said that it also welcomed, and would continue to follow with interest, the revised proposal of the Secretariat on IP and technology transfer at the next session of the CDIP. It hoped that the revised proposal would fully reflect the contributions made by Member States during the rich debate. The Delegation had similar expectations with regard to the study of flexibilities in patents in the international legal framework and their application at the regional and national levels. The Delegation stated that it understood that the study would also be revised by the Secretariat to reflect the comments of the Member States to include new flexibilities. Finally, the Delegation reiterated its commitment to work constructively for the effective inclusion of the Development Agenda in all areas of WIPO's work.
89. The Delegation of Thailand thanked the Director General for his continued support for the work of the CDIP over the past year and congratulated Mr. Muhammad Abdul Hannan, Ambassador and Permanent Representative of Bangladesh, as the new Chair of the

Committee. The Delegation concurred with the statement by Bangladesh on behalf of the Asian Group, and stated that Member States had waited long for the implementation of the Development Agenda, and in that regard, it thanked the CDIP for the approval of projects for the implementation of the Development Agenda. The Delegation was one of the countries selected for the implementation of the project on IP and Branding for business development and the country would do its utmost to ensure a successful outcome. The Delegation said that the outcome of the initiative could be used as a model for other countries to use IP for their development purposes. It looked forward to the approach that WIPO will take to utilize the findings from those projects to create a framework for its endeavors on the relationship between IP and development, particularly amongst the developing and LDCs.

90. The Delegation of the United States of America supported the statement made by Switzerland on behalf of Group B and expressed that at the last session of the CDIP in April, Member States were able to agree on a framework governing how CDIP should coordinate with other WIPO bodies. The Delegation supported the coordination mechanisms and monitoring, assessing and reporting modalities framework contained in Annex II to the Summary of the Chair of CDIP. The Delegation expressed its appreciation to the Director General and the Secretariat for preparing an outstanding report on the implementation of the Development Agenda. It noted that the report made it clear that CDIP had come a long way since the General Assembly approved its creation in 2007. The Secretariat had created new strategic goals, new secretariat sections, and new programs in response to recommendations, including a program devoted to economic studies that would focus on the empirical analysis of IP and development for use by policy makers. The Delegation welcomed the emphasis on fact-based analysis, and reiterated the importance of taking into account the work of existing committees while developing work programs to implement CDIP projects. It, therefore, suggested that in order to avoid duplication of efforts at a time of limited resources, work conducted under the auspices of CDIP should not be duplicative with work programs of existing committees. As existing committees incorporated development considerations into relevant aspects of their work programs, they should be encouraged to view those considerations as one aspect of a balanced IP system.
91. The Delegation of Nigeria endorsed the statement of Angola on behalf of the African Group and supported the work that had been done on the Development Agenda, in particular, the implementing of projects to that effect under the effective leadership of Mr. Geoffrey Onyeama, Deputy Director General. The Delegation noted that the CDIP had the mandate to develop, implement, monitor and coordinate the Development Agenda with wider WIPO bodies. It supported the idea that the coordinating mechanism collaborated with the CDIP in the monitoring process. The Delegation also saw the Development Agenda as an instrument that would invigorate further expansion of IP as an instrument of social growth and economic development. It appreciated the action taken by the PBC to reflect the Development Agenda in the budget.
92. The Delegation of Ecuador endorsed the statements made by Mexico on behalf of GRULAC and Egypt on behalf of the DAG, and reiterated its statement made during the last session of the CDIP in April this year on the importance of fully covering all aspects of patent related flexibilities in multilateral legal frameworks and their implementation in national and regional plans. The Secretariat had carried out valuable work in that field and the Delegation wished to underscore the importance of work on new flexibilities that stemmed from the analysis of norms in that area. It urged the Secretariat to continue the work it had begun and to include studies on flexibilities in other areas of IP in a non-exclusive manner including, *inter alia*, on copyright and enforcement. Ecuador had put into practice flexibilities that have been discussed in a number of multilateral agreements and especially those in HIPEC granting licenses for pharmaceutical companies for medicines that were considered essential for public health. Thus, Ecuador had been able to enhance access by the population affected by HIV/AIDS to medicines, which was so vital for survival. Moreover, the country was giving greater attention to enhancing the IP system to provide for a greater flexibility consistent with international instruments and as to be expected from a developing country. The Delegation also underscored its gratitude for the work carried out by WIPO's Latin American Bureau in

implementing projects decided upon by the CDIP, the help given to the technology and innovation centers, and all the efforts that had been carried out through the WIPO Academy to make more people aware that IP was a mechanism for growth. The Delegation reiterated its gratitude and satisfaction for the fact that it had been able to see real examples of how the Development Agenda was being implemented. The Delegation stated that the developing countries have a number of micro enterprises and SMEs and WIPO gave great help to this sector through greater access to IP which would, in turn, help the economic growth of countries.

93. The Delegation of France endorsed the statement made by Belgium on behalf of the European Union and Switzerland on behalf of Group B. The Delegation noted that the work of the Committee was moving forward in a very satisfactory manner and commended the Secretariat for its excellent work. The Delegation also expressed its satisfaction with the adoption of the mechanism for coordination that had been hammered out at the last session of the CDIP and thanked the Chair of the CDIP for the constructive work during the discussions. The Delegation was committed to the implementation of the recommendations made by the Development Agenda Group, and one of its goals was to take into account, in a cross-cutting manner, the specificities linked to development. However, the Delegation had a different opinion on the institutional implications of this implementation. Although it was essential for WIPO to take into account the specificities of developing countries, WIPO nevertheless continued to be a technical and specialized agency in which development should remain a cross-cutting issue but should not become an end in itself. Beyond the question of the financing mechanism which had been adopted by the PBC, the Delegation requested the Secretariat to indicate for the next session of the Committee how many projects could be run in parallel in terms of human resources.
94. The Delegation of Indonesia thanked the Secretariat for preparing the report of the CDIP as well as the Director General for his report on the implementation of the Development Agenda for Member States' consideration. It stated that like many other delegations, Indonesia attached great importance to the Development Agenda and was committed to engaging constructively with all members to advance development dimensions in the works of WIPO. The Delegation associated itself with the statements by coordinators of the Asian Group and the DAG respectively. The Delegation recalled that in 2007, 45 Development Agenda Recommendations were adopted, with 19 for immediate implementation and with a work program to implement all 45 recommendations to be developed. It said that after three years, it was pleased to see that progress had been made but noted that challenges remained ahead in the process. As pointed out in the Director General's report, one big challenge was how to ensure that the principles and guidelines contained in the Development Agenda recommendations were effectively applied in all activities of the Organization. These, the Delegation believed, would need careful consideration in the planning, designing and budgeting of the projects and programs of activities. In terms of budgeting, there should be a clear distinction between development activities and traditional technical assistance activities that had been conducted for a long time by WIPO. Active participation of all members was needed to decide how to implement the recommendations by the various committees in WIPO. After all, it noted, WIPO was a member-driven Organization. While development activities were to be carried out by all WIPO committees, the CDIP should play a central role in coordinating, monitoring and evaluating the implementation of the Development Agenda, and in that regard, the Delegation welcomed the establishment of the coordination mechanism and monitoring, assessing and reporting modalities that had been agreed at the Fifth session of the CDIP last April. The Delegation believed that that was an important tool in ensuring that the implementation was on the right track. It also noted that in respect of specific Development Agenda recommendations, Indonesia paid particular attention to Recommendation 40 and related Recommendations. As a specialized agency of the UN, WIPO should align its programs and activities with the broader development goals pursued by the UN family. To that end, there was the need for intensification of cooperation on IP-related issues with other UN agencies such as United Nations Conference on Trade and Development (UNCTAD), United Nations Environment Programme (UNEP), World Health Organization (WHO), United Nations Industrial Development Organization (UNIDO) United Nations Educational, Scientific and

Cultural Organization (UNESCO) and other relevant international organizations, especially World Trade Organization (WTO).

95. The Delegation of El Salvador, expressing its pleasure on the Chair's presiding over the meeting, thanked the Director General of WIPO for the report concerning activities in the CDIP. The Delegation said the report provided greater information about what had taken place during the last meeting of the CDIP from 2009 until today. One such activity was the project on IP and Product Branding aimed at developing brands in developing countries and LDCs. It said that El Salvador was greatly interested in the project. Mentioning the work on flexibilities in patents in national and regional legal frameworks, the Delegation stated that when these projects were first presented, El Salvador welcomed them with great delight because it had been looking to find solutions for problems that were raised in that context. It said that once the Member States had considered the review work on the subject, they should move to adopt this important project. Finally, the Delegation endorsed what had been said by Mexico on behalf of GRULAC in which it expressed gratitude for what took place in the Fifth session of the CDIP in April.
96. The Delegation of the United Kingdom supported the comments made by Belgium on behalf of the European Union and by Switzerland on behalf of Group B. The Delegation underlined the importance it attached to the Development Agenda and the work of the CDIP. It said it was keen to see that all Member States achieved benefits from IP. Therefore, both development projects and IP services to WIPO customers needed to work in parallel with each other. The Delegation said it welcomed the positive progress that had been made over the last year, particularly in reaching agreement on an appropriate coordination mechanism. It was also pleased by the CDIP's constructive work on approving new development projects using the Results-Based Management framework (RBM). The Delegation hoped that a similar emphasis could be placed on improving the monitoring and evaluation of those projects so that successful long-term outcomes could be achieved. Finally, the Delegation said it was pleased to see that the CDIP has become regularized within WIPO's wider budget process.
97. The Delegation of Algeria endorsed the statements made by Angola, the Syrian Arab Republic and Egypt on behalf of Africa, Arab and the DAG respectively. It said it was gratified to see the personal commitment of the Director General to implementing the Development Agenda. It also noted with interest the progress under way in setting the work programs for implementing the 45 recommendations in the form of thematic projects or activities. The Delegation expressed satisfaction with the agreement reached at the preceding session of the CDIP in April 2010 on a coordination, assessment, monitoring and reporting mechanism for implementation of the Development Agenda. The mechanism should take on board mainstreaming of the development dimensions in all activities of WIPO in order to fully fulfill the CDIP remit and the Delegation urged Member States to begin discussions related to IP and development in the Committee. In that regard, the Delegation stated that it seemed wise to invite the High-Level Task Force on the Right to Development to the next session of the CDIP for discussion. It hoped that the High-Level Task Forces' report on the WIPO Development Agenda would lead to further discussion on WIPO's role in meeting the MDGs, in particular in areas such as hunger and poverty reduction, safeguarding the environment, access to health and education. In that context, the Delegation announced that an inter-regional seminar on IP for Development would be organized jointly by Algeria and WIPO in October in Algiers. The seminar would provide the opportunity to discuss the close ties that should exist between IP and development, and the Delegation cordially invited interested participants to attend.
98. The Delegation of Trinidad and Tobago commended WIPO on the continuing work of the CDIP, and stated that it was greatly encouraged by the personal involvement of the Director General and the commitment of time and resources to this process, and to the projects which had been introduced to help the achievement of the CDIP's objectives. The Delegation noted that the process had proven to be quite accommodating as it engendered the necessary deep thought behind implementing, monitoring and re-designing in order to mainstream the Development Agenda into the work of WIPO,

even as new projects were approved and executed. The Delegation also maintained that the Development Agenda was a core issue in WIPO, and due to the cross-cutting nature of IP, it saw the further emergence of the need for other IGOs to take IP on board. The Delegation was heartened to note the support for implementation of the WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property (GSPA). It stated that this type of support will doubtlessly increase in the future as the work of WIPO may actually become core to the future work of many IGOs. It further hoped that the process would be energized so the mandate of the CDIP could be more carefully executed and achieve the mainstreaming of the Development Agenda in WIPO. Trinidad and Tobago remained confident that the Chair of the CDIP would continue the excellent work of the previous Chairman, and also supported unreservedly the mechanisms proposed for the monitoring, reporting and the mainstreaming of the Development Agenda into the work of WIPO consistent with the mandate given by the membership.

99. The Delegation of the United Republic of Tanzania was pleased to note the progress made so far in the CDIP, and supported the steps that had been taken to put in place the monitoring, assessment and reporting mechanisms to track program performance. It said the purpose of the WIPO Development Agenda was to introduce development dimensions in all WIPO norm-setting activities, and the objective was to ensure that the interests of all WIPO Member States are taken into account in all these activities. Norm-setting should go hand in hand with economic, social and cultural development, particularly in developing countries and LDCs. The Delegation said it would like to see that development should not be limited to capacity building and technical assistance only. It said development should be viewed within the broader context of challenges as approved by other UN agencies. It also said it would like to see that the financing of the Development Agenda is done under WIPO's regular budget.
100. The Representative of Knowledge Ecology International (KEI) agreed with other statements of gratitude to the Secretariat for its efforts and commitment to create a better evidence-based analysis for further work. In that context, first, it was useful to examine the gaps and difficulties in analysis and measurement in some areas in order to address whether the General Assembly would choose to consider standards for the transparency of the IP system. Consideration could be given at a policy level to transparency as a generic issue, particularly in relation to issues such as the patent landscape for important medicines, the resource or revenue flows between rights owners and artists and publishers, and North-South resource flows. The question of improved transparency of the system could form part of global best practices or norms. Secondly, it was noted that recommendations 7, 22, 23 and 32 of the Development Agenda mentioned competition policy. It was recognized that competition problems arose in certain areas in the field of medicine in the area of active pharmaceutical ingredients or in licensing practices involving movement of drugs across borders. A typical example involved a pharmaceutical company which purchased active pharmaceutical agreements in one area on the condition that the company did not sell to a generic competitor in a different area or different country. The Development Agenda could then provide an opportunity to consider what mechanisms could be applied to cross-border issues where competition problems affect consumers' rights and access to medicine in developing countries. It was noted that the United States Patent and Trademark Office (USPTO) had announced a new incentive program to assist people to license patents for humanitarian uses, particularly for use in the development of drugs targeting neglected diseases. Discussions could focus on incentives built into the patent system through the open licensing of patents, particularly in areas that were strategic for development and which had a social dimension to their use, such as climate control technologies or access to medicines. The USPTO proposal had dealt with certain examination procedures, and included suggestions for differential fees depending upon the type of license, and was a commendable initiative by the United States of America's Government. It was also noted that discussion could usefully focus on the role of open standards in the information and technology sector and the software sector, and its effect on development. Finally, it was noted that WHO had begun, in the context of its work on IP and innovation and public health, to look at the issue of delinkage of research and development costs from drug prices. Examination could be made of the relationship between the IP system and the

WHO's delinkage initiative, what consequences such delinkage would have for the IP system, and what type of IP policies and strategies and licensing practices were consistent with the delinkage strategy.

101. The Director General thanked all delegations for their positive comments about the Secretariat's involvement, and thanked his colleagues, in particular Messrs. Geoffrey Onyeama and Irfan Baloch. It was noted that progress had been made on this item in the course of the last twelve months, thanks to the constructive involvement of all Member States.
102. The Chair invited the Members to take action on the recommendations contained in document WO/GA/39/7, page 6. The General Assembly was invited to:
(i) take note of the information contained in the document; and (ii) approve the Coordination Mechanism and Monitoring, Assessing and Reporting Modalities contained in Annex II to the Summary by the Chair of the Fifth Session of the CDIP. As no delegations sought to take the floor, the recommendations were adopted.

ITEM 27 OF THE CONSOLIDATED AGENDA

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

103. Discussions were based on WO/GA/39/8 Rev.
104. The Chair introduced item 27 of the agenda which dealt with the Report on the work of the Standing Committee on Copyright and Related Rights (SCCR), and gave the floor to the Secretariat.
105. The Secretariat informed the Member States that it had prepared document WO/GA/39/8 Rev. which related to the activities which had taken place since the last General Assembly in September 2009. Two meetings of the SCCR had been held in addition to some informal meetings addressing some specific topics. The work in the SCCR had continued to address proposals for the protection of broadcasting organizations, protection of audiovisual performances and exceptions and limitations to copyright. Both at SCCR/19 in December 2009 and at SCCR/20 in June 2010, discussions on the three substantive agenda items had proceeded in a pragmatic and fairly progressive manner. However, difficulties tended to emerge in reaching agreement on the conclusions, which should capture the outcome of the substantive discussions in summary as well as identify future actions. SCCR/19 had reached conclusions; however, as had happened on two previous occasions of the Committee, SCCR/20 was unable to reach agreement on all of the paragraphs in the Chair's draft conclusions. The Secretariat had taken Member States' agreement on the paragraphs of the conclusions dealing with audiovisual performances in the context of the Committee's call for an acceleration of the work in general, and had proceeded to give notice of a consultation on audiovisual performances as agreed in the discussions in the conclusions. However, it was stated at the end of the SCCR/20 discussions on the conclusions that "Nothing is agreed until everything is agreed". The Secretariat mistakenly understood the statement to refer to the agenda items on broadcasting and exceptions and limitations, where, in each case, some paragraphs of the conclusions were not agreed. Upon the representations of some Member States, the notice for a consultation on audiovisual performances was withdrawn. The Secretariat extended its apologies to all Member States who were inconvenienced by that sequence of events. Some Member States had indicated that it could be useful for SCCR/21 to discuss the principle of "Nothing is agreed until everything is agreed" in the upcoming November Session of the SCCR, in order to ensure that this principle did not create unnecessary restrictions on the flexible working methods of the Committee. The Secretariat would be guided by any decisions made by the Committee.

106. The Delegation of Switzerland, speaking on behalf of Group B, stated that in relation to the protection of audiovisual performances, Group B members continued to support international protection based on the draft treaty since it would contribute to cultural and economic development as well as to the promotion of cultural diversity. Group B members remained engaged to further advance that issue, building on the last SCCR meeting and the consultations that had taken place in May 2010. On the issue of the protection of broadcasting organizations, Group B members remained convinced of the necessity for a treaty to address technological issues faced by broadcasting corporations. Group B was committed to reach a positive outcome on the issue in the near future. On exceptions and limitations to copyrights, Group B recognized the special needs of persons with print disabilities and remained convinced that it could find timely and practical solutions to meet these needs. Among the possible solutions, some proposals presented by some members of Group B during the last SCCR meeting could contribute to a solution in the near future. Group B stressed the need to work to find a solution where everyone can bridge differences and focus on the substance. Group B members indicated the support and great interest for the ongoing work of the Visually Impaired Stakeholder's Platform. In relation to other limitations, such as in the areas of education, libraries and archives, Group B members acknowledged with interest the submission of the African Group and remained open to advancing discussions in this field while recalling the extensive research and studies already at the disposal of the SCCR.
107. The Delegation of Angola, speaking on behalf of the African Group, welcomed the report presented by the Secretariat under Item 27 of the agenda, and supported the initiative of the consultations undertaken to facilitate discussions and to find appropriate solutions, not only in relation to limitations and exceptions but also on the two outstanding issues of the SCCR which were equally important both for developing and developed countries, namely the protection of broadcasting organizations and the protection of audiovisual performers, areas where Africa needed to protect its content as well as its broadcasters and performers. The Group had already submitted proposals for a treaty on limitations and exceptions which reflected its vision but which also addressed the needs of persons with disabilities and took into account the needs of most developing countries, including visually impaired persons and beyond. It reiterated its support for finding an effective solution at international level through negotiation of an international legal instrument, bearing in mind the obligations established by the UN Convention on the Rights of Persons with Disabilities. The key issue was to find an appropriate balance between right holders and users, but also a balance among the users themselves. It was necessary to promote progressive development of international copyright rules as well as a clarification of the interpretation of certain existing rules, in order to provide adequate solutions to the issues raised by new economic, social, cultural and technological developments. A compromise solution could be found between the various proposals and texts on the table and through developing a timetable for adoption of the WIPO treaty for the visually impaired, for educational activities, libraries, archive services and disabled persons. Regarding the protection of audiovisual performances, the SCCR was called on to resolve differences among norm setting approaches to pave the way for adoption of an international instrument. The Delegation reiterated support for advancing ongoing discussions on the protection of broadcasting organizations.
108. The Delegation of Mexico called for intensification of the work to finalize a treaty on exceptions and limitations, and stated that the instrument would have a huge impact on the life of the visually impaired. The original proposal from Brazil, Paraguay and Ecuador, later endorsed by Mexico, had received support from the regional groups and would provide a clear legal framework where the exceptions and limitations would be clearly defined. The protection of broadcasting organizations was a very important matter, and the three studies had been extremely useful to better understand how signal piracy affected not only the broadcasting organizations but also right holders at global level. Piracy was growing apace with technological developments. The time had come for concrete decisions which would permit moving out of the deadlock and constructively contributing to adoption of a treaty on the protection of broadcasting organizations. The outcome of the 2000 Diplomatic Conference should constitute the basis for negotiations on a treaty on the protection of audiovisual performances, and the 19 articles agreed upon provisionally in 2000 should serve as an appropriate basis to move forward on the

treaty. Member States had been requested to submit written proposals with wording as close as possible to treaty language, with a view to addressing new developments since the diplomatic conference. The next round of consultations would have to provide clear recommendations for the twenty-first session of the SCCR, as the international conventions currently in force did not protect fixed audiovisual performances. Mexico would contribute to further discussions by making proposals to address outstanding issues, such as the inclusion in the treaty of an article providing as follows: "Transfer. Once a performer has consented to the incorporation of his performance in an audiovisual fixation, he shall be deemed to have transferred all exclusive rights of authorization provided for in this Treaty with respect to that particular fixation to its producer, subject to written contractual clauses to the contrary. In the absence of contractual provisions, those who use the performance for commercial purposes should make the corresponding payment to the artist." International commitments had to be met to provide access to audiovisual formats to persons with disabilities in all legal systems. Rights had to be limited to ensure they were not abused and were enforced without harming collective interests.

109. The Delegation of Bangladesh, speaking on behalf of the Asian Group, took note of the report presented by the Secretariat on the work of the SCCR (document WO/GA/39/8 Rev.). While it was necessary to update the protection of broadcasting organizations, this had to be done without prejudice to the public interest, especially in regard to access to information already in the public domain. The Asian Group was committed to moving forward within the mandate given by the General Assembly in 2006 to develop a treaty to protect broadcasting and cablecasting organizations in the traditional sense. With regard to the protection of audiovisual performances, the SCCR was urged to continue its work on the proposed treaty. Appreciation for the work of the SCCR on exceptions and limitations was expressed, as well as for the studies mapping different exceptions and limitations in many countries which had helped to promote better understanding of the relevant issues. The Asian Group attached great importance to ensuring a balance between the rights holders and the larger public interest, and exceptions and limitations to copyright were crucial in this regard. Ongoing discussions in the Committee could lead to suitable norms in the area of exceptions and limitations based on the treaty proposal put forward by Brazil, Ecuador, Paraguay and Mexico, as well as other proposals. Something had to be done to alleviate the situation for persons with print disabilities. The Delegation expressed concern that the document prepared for the Assemblies gave the erroneous impression that the twentieth session of the SCCR had reached understanding on a number of issues. It proposed a modification to the decision point contained in paragraph 29 of document WO/GA/39/8 Rev., which would read: "(i) Take note of the information contained in this document, while bearing in mind that there was no agreed conclusion reached at the 20th session of SCCR."
110. The Delegation of China expressed its appreciation to the Secretariat for the various constructive and fruitful efforts made in this area, and believed that such efforts had contributed in a positive manner to the better understanding among all parties towards consensus building. It supported in principle the Work Report of the SCCR (WO/GA/39/8 Rev.), and recalled that at previous sessions, it had made a lot of comments and suggestions, which it promised to continue to do.
111. The Delegation of Brazil noted that some progress had been made over the last 12 months in relation to the three main topics currently on the SCCR's agenda, namely, protection of broadcasting organizations, protection of audiovisual performances and exceptions and limitations. The last session of the SCCR had witnessed a broad convergence of views in the area of exceptions and limitations, as several new proposals had been tabled on the matter added to the ones that had previously been introduced by Ecuador, Paraguay, Mexico and Brazil for a draft treaty to improve access towards the format accessible to persons with print disabilities. Agreement had almost been reached at the June session of the SCCR, and some more time could have led to a positive outcome of the session which ended with no agreement. The report did not reflect precisely the deliberations of the last session of the SCCR, as it did not refer to the lack of agreement on an outcome of the session. Brazil had conveyed its dissatisfaction with the report both formally and informally to the Secretariat. The explanations which had

just been provided by the Secretariat were satisfactory. The draft conclusions which had been presented by the Chair of the Committee at the 20th session were a document presented as a whole and as such could be supported by Brazil. However, it was not ready to select specific paragraphs of the draft conclusions of the Chair for immediate implementation without clear intergovernmental support by all member States. No alternative language to the reports submitted by the Secretariat would be proposed, but Brazil supported the amendment to the conclusions presented by the Delegation of Bangladesh as a clarification of what had happened in the 20th session of the Committee. It hoped that the next session of the SCCR would be able to recapture the positive momentum generated in the June session.

112. The Delegation of the United States of America fully supported the statement of Switzerland made on behalf of Group B. It expressed satisfaction with the progress made in the SCCR over the past year, and looked forward to continuing its constructive engagement to move forward on all the agenda's issues.
113. The Delegation of El Salvador stated that discussions in favor of the visually impaired were important and of interest to all Members who had at heart the interests of persons with visual and auditive impairment. It added that the ongoing technical work, which had a social dimension, should be continued on the basis of a consensual approach. The protection of audiovisual performances and the protection of broadcasting organizations should be kept on the SCCR agenda, with a view to leading to a diplomatic conference once sufficient fine tuning had taken place.
114. The Delegation of Paraguay stated it had presented a well-crafted proposal to express support for improved access for the blind, those with visual disabilities and other persons with reading impairment. Paraguay would continue to support the SCCR's work in that respect. The Delegation applauded the work of civil society groups, such as the World Blind Union (WBU), which had had a great impact in the search for appropriate solutions.
115. The Delegation of Algeria supported the declaration made by Angola on behalf of the African Group, as well as the norm-setting process undertaken by the Committee with a view to adopting instruments that could address the protection of broadcasting organizations and the protection of audiovisual performers. With regard to the exceptions and limitations of copyright, the Delegation believed that work had to be continued to resolve the various issues raised by visual impairment, following a holistic approach. The adoption of an international instrument addressing only visual impairment would lead to a proliferation of instruments and excessive costs for the Organization. Issues such as access to education, knowledge and technology had to be taken on board to the same extent as those concerning visual disabilities. The Delegation of Algeria, furthermore, welcomed the contribution of the Stakeholders Platform on access of visually impaired persons to protected works to the discussions of the SCCR. It underlined that it was necessary to increase the participation of African countries in the future, especially in the meetings of the Stakeholders Platform, given that there were around 20 million people in Africa with visual impairments. In addition, more participation of stakeholders throughout the developed and developing world would contribute to a transparent dialogue and a constructive exchange of views which would take into account the needs of different parties. The Delegation thanked the Secretariat for preparing the summary paper on limitations and exceptions, as well as the report on the questionnaire on copyright and related rights, which had enabled a range of exceptions and limitations laid down in national legislation to be identified. The Delegation was of the opinion that the Committee had sufficient information to implement, in the near future, the minimum international standards on exceptions and limitations regarding copyright and related rights.
116. The Delegation of South Africa associated itself with the statement made by the Delegation of Angola on behalf of the African Group. South Africa remained supportive to work towards the finalization of the audiovisual performances treaty. It welcomed and applauded the efforts of the WIPO Secretariat in holding consultations with Member States to build consensus concerning outstanding matters on the protection of broadcasting organizations. The Delegation remained open to continue discussions not

only on the matter of signal piracy in isolation, but also on the socio-economic dimension of such protection. It noted with appreciation the studies undertaken on the latter as well as the national and regional seminars organized by the Secretariat on the issue of the protection of broadcasting organizations which had helped the work of the SCCR. The Delegation looked forward to participating in the WIPO Regional Seminar for African Countries on the Protection of Broadcasting Organizations which would take place in Abuja, Nigeria from October 18 to 20, 2010, and expressed its hope that such meeting assisted in making the way forward on the aspect of the objectives, specific scope and object of protection for broadcasting organizations following the General Assembly's mandate. The Delegation also remained convinced that the work on international exceptions and limitations should include minimum standards for the benefit of education, research, libraries and archives and persons with disabilities. All issues relating to limitations and exceptions should be approached in a holistic manner mindful of the needs and priorities of different countries and the different levels of development. The Delegation reaffirmed the support to the proposal of the African Group as a good basis to initiate negotiations. It also regretted that the 20th session of the SCCR had failed to adopt the conclusions on the future work of the Committee. However, it looked forward to resuming discussions in the 21st session of SCCR to be held in November 2010 and stood ready to continue contributing constructively towards achieving consensus on all issues.

117. The Delegation of Norway associated itself with the statement made by the Delegation of Switzerland on behalf of Group B and remained committed to achieving further progress on normative issues in the SCCR. The maturity of discussions on the protection of audiovisual performances called for an intensified focus on negotiating outstanding issues. It was not necessary to reopen the issues which had been agreed upon during a diplomatic conference held a decade ago. It hoped to see agreement in the next session of the SCCR regarding the adoption of a timetable which reflected the Member States' commitment to conclude a treaty on the protection of audiovisual performances. As to broadcasters' rights, the Delegation strongly supported continued work to reach normative results as stated by the Delegation of Mexico on behalf of GRULAC. Technology always seemed to be ahead of the rule of law and that also applied to the broadcasting sector. The Delegation recalled that the issue of updating that protection had been in the agenda of the SCCR for 12 years and encouraged all Member States to increase the speed of the negotiations towards the adoption of a treaty. As to the important issue of exceptions and limitations, the Delegation supported the analytical work on the issue and looked forward to furthering deliberations on the access to works for blind and visually impaired persons. There were several proposals already on the table which showed the firm commitment of the SCCR's members on the issue. The Delegation stressed its strong support for the work of the Stakeholders' Platform as a very useful forum for exploring ways of facilitating access to works in formats for persons with disabilities.
118. The Delegation of Pakistan aligned itself with the statement made by the Delegation of Bangladesh on behalf of the Asian Group. It also supported the statement made by the Delegation of Angola on behalf of the African Group. It expressed its appreciation to the Secretariat for the studies and reports submitted during the 19th and 20th sessions of the SCCR regarding the protection of broadcasting organizations. It was of the view that the SCCR should hold comprehensive discussions and achieve concrete progress on the issue of exceptions and limitations. The latter was a matter of national concern in Pakistan, particularly regarding both the access to education and scientific materials, in general, and the access to published materials by the visually impaired, in particular. The Delegation expressed its commitment to work on both issues in parallel and suggested that the Committee develop a work plan to make progress on relevant international limitations and exceptions.
119. The Delegation of Japan expressed its support for the statement by the Delegation of Switzerland on behalf of Group B, and its appreciation for the meaningful discussions held at the SCCR sessions in December 2009 and June 2010. It was regrettable that the SCCR had not achieved consensus on the conclusions of its 20th session held in June 2010. With the great advances taking place in the field of digital and network

technologies, more than ever copyright infringements were occurring at a global scale across national borders. In that connection, it noted that it was essential that the SCCR continued discussions on the protection of audiovisual performances and broadcasting organizations. Japan highly valued the agreement among SCCR delegations in June 2010 on the formulation of a timetable to conclude the adoption of a treaty on the protection of audiovisual performances. Concerning the issue of limitations and exceptions, it was essential to ensure a proper balance between the protection granted to rightholders and the interests of users. Japan hoped to contribute actively to the discussions on the access of persons with print disabilities to copyrighted works. In that regard, it appreciated the efforts made by some Member States in submitting their proposals and by the Secretariat in preparing various documents to facilitate the analysis of the issues at stake. The Delegation highlighted three important points regarding the provision of concrete limitations and exceptions: Firstly, discussions should be focused on a specific scope. Secondly, any instrument, whether binding or non-binding, should not go beyond the scope of the 3-step test. And, thirdly, any international instrument should provide sufficient flexibility to allow the implementation at domestic level. As Japan had amended its copyright law in 2009 to greatly expand the provisions on exceptions for persons with disabilities, the Delegation stated that its national experience might prove useful in accelerating the discussions at the SCCR.

120. The Delegation of Iran (Islamic Republic of) noted that there was a need to move forward on all three of the important issues under consideration in the SCCR, regretting that the Committee could not agree on conclusions following its 20th session. On the issue of broadcasting organizations, the Delegation underscored the urgent need to provide broadcasting organizations with remedies against signal piracy, and supported the establishment of the new treaty to protect the signals of broadcasting organization. The Committee should agree on the object, scope and objectives of the treaty as mandated by the General Assembly in 2006. The Delegation took the view that the scope of the proposed treaty should be confined to traditional broadcasting organizations, and that the subject matter should be confined to signals and the suppression of signal piracy. The proposed treaty should not create a conflict with the rights of holders of content in programs, nor should it restrict access to knowledge, information and science, which should be supported by a robust system of limitations and exceptions. The Delegation of the Islamic Republic of Iran looked forward to the third part of the study on the socioeconomic dimension of the unauthorized use of broadcast signals. Regarding the protection of audiovisual performances, the Delegation stated that the 19 agreed articles were a good basis for starting the negotiation process towards conclusions of a treaty, and supported the opportunity for Member States to make new concrete proposals taking into account developments over the last decade, if necessary leading to reopening the 19 agreed articles. Establishing a timetable for negotiations leading to the diplomatic conference was also a good idea. On limitations and exceptions, the Delegation of the Islamic Republic of Iran welcomed the treaty proposal put forward by Brazil, Ecuador, Paraguay, and Mexico at the Session of the SCCR, noting with approval the other proposals made in this area. It stated that only a binding treaty could ensure the access of visually impaired persons to print materials, whereas voluntary recommendations could not solve existing challenges. In its view, creating a legal framework to provide access for the visually impaired and print disabled persons could be a first step in norm setting activities to be extended to other areas of exceptions and limitations. In this context, the Delegation applauded the African Group proposal and its comprehensive and holistic approach to the issue of limitations and exceptions, and supported the establishment of a work program for the SCCR aimed at extending norm setting activities on limitations and exceptions to all areas of copyright, including libraries, research, and archives as well as continuing the work on behalf of visually impaired persons.
121. The Delegation of Nigeria commended the Secretariat for the document on the SCCR prepared for the present meeting. Nigeria supported the statement of the African Group on the protection of broadcasting organizations, protection of audiovisual performances, and limitations and exceptions which should be all inclusive. The Delegation noted that Nigeria will host a regional consultation on the protection of broadcasting organizations and the protection of audiovisual performances, to take place in Abuja from October 18 to 20, 2010, and urged African countries to participate. Nigeria was optimistic that the

consultations will advance the work of the SCCR and assist Members in reaching consensus on the issues to be discussed.

122. The Delegation of Ecuador noted that, along with Brazil, Mexico and Paraguay, its country had co-sponsored a proposal for a WIPO treaty to improve access for blind, visually disabled and other people with print disabilities which incorporates the text prepared by the WBU. The Delegation noted with appreciation the support expressed by other Member States for the treaty proposal. Ecuador was disappointed by the lack of agreement on the conclusions of the most recent SCCR session, but expressed confidence that an appropriate, complete and rapid solution to the problems suffered by millions of people with reading disabilities when trying to access literary works. The Delegation welcomed the participation of Stevie Wonder, and his call for speedy progress to develop a legal instrument for those with reading disabilities. Ecuador recalled the timetable presented at SCCR/20, containing the proposal that the 2011 General Assembly should take the decision to call a diplomatic conference for adoption of the proposed treaty. The issue of visual impairment was first discussed at WIPO in 1985, and two years had elapsed since the joint treaty proposal referred to above was presented to the SCCR in 2008. Referring to the proposals made by the United States of America, the European Union and the African Group, Ecuador called for constructively moving towards specific outcomes, included an agreed timetable with deadlines and outcomes.
123. The Delegation of Trinidad and Tobago supported the statement made by the Delegation of Mexico on behalf of GRULAC and, in that regard, applauded the continuation of the work of the SCCR. The Government of Trinidad and Tobago would itself pursue to broaden the scope of copyright exceptions in order to promote better access and integration of persons with print disabilities into the universal knowledge and to shift their economic and social opportunities. The proposed WIPO treaty on the protection of the rights of the broadcasting organizations was of special interest to broadcasters in Trinidad and Tobago since the piracy of signals had become very prevalent, not only regarding television transmissions but also in relation to other media formats including radio and Internet transmissions. It observed that, at national level, piracy of broadcast signals had become especially rampant during periods when international sport and cultural events of significant public interest took place in Trinidad and Tobago. Trinidad and Tobago was, therefore, keen to see meaningful progress on those issues to find an acceptable solution to the piracy problem. The Delegation commended the work of the Committee on audiovisual performances and expressed its wish to achieve a successful outcome. It expressed continued support and enthusiasm for the work of the SCCR and looked forward to better deliberations with a view to the development of international instruments for the protection of broadcasting organizations and for the promotion of better access for the blind and visually impaired.
124. The Delegation of Australia stated that the SCCR needed to agree on a way forward to accelerate the work on the key issues of exceptions and limitations, the protection of audiovisual performances and broadcasting organizations. Australia was committed to making progress in all those areas. As to exceptions and limitations, the Delegation recognized the significant work that had been undertaken on the issue by Member States, including the four proposals that were currently on the table. In particular, it noted the broad support across the membership for the realization of a timely and effective solution to the challenges of access to copyright materials for the print disabled. It also noted the interest expressed by some Member States for considering other possible exceptions and limitations: Australia stood ready to participate in the discussions and called on all members to work together and demonstrate the flexibility, political will and pragmatism to find a way forward to an acceptable solution. Paraphrasing the famous singer Mr. Stevie Wonder, the Delegation noted that "life is short and there is no time for passing and fighting my friends, but if we work together," Member States could work it out.
125. The Delegation of Kenya expressed its appreciation for the work done by the SCCR, especially in relation to the protection of broadcasting organizations, audiovisual performances and exceptions and limitations. While taking note of the report of the

SCCR, the Delegation supported the position of the African Group. It hoped that during the next session of the SCCR, the various groups would be able to address the points of divergence and come to a consensus in relation to exceptions and limitations not only for the visually impaired but also for educational institutions, libraries and archives. Recent empirical studies had shown that access to copyrighted works by libraries, archives and educational institutions was also a critical issue to be addressed. As the SCCR had not reached agreement on the conclusions in its latest session, the Delegation believed that the Committee should continue discussing the abovementioned issues by retaining them on the agenda and holding informal consultations to ensure that progress was made. Finally, the Delegation expressed its appreciation for the work of the Secretariat in preparing the multiples studies on the issues under discussion.

126. The Delegation of Colombia stated that, in relation to limitations and exceptions, it agreed with the establishment of a general framework that would eventually enable each country to determine within its own legislation the limitations and exceptions adapted to its own particular situation, using the criteria of the 3-step test established in the Berne Convention. In that regard, Colombia was not in favor of the adoption of an international instrument which would regulate limitations and exceptions in an active manner. Notwithstanding, it believed that it was very important that the Committee addressed the issue of limitations and exceptions in the digital environment by taking into account the legislative challenges generated by the development of new technologies to achieve an unified international approach. With regard to the protection of broadcasting organizations, the Delegation stated that the work of the Committee should be guided towards the convening of a diplomatic conference which would adopt the text of an international treaty, leaving aside for the moment the issue of Internet broadcasting. With regard to the protection of audiovisual performances, Colombia supported the adoption of a treaty that recognized the rights of audiovisual performers. The Delegation considered that it was indispensable that the Committee engaged in deeper reflection on new issues, as to keep abreast with the global technological advancements. In that connection, it cited as an example the important area of the responsibility of Internet service providers. As to the principle mentioned by the Secretariat that “nothing was agreed until everything was agreed,” the Delegation stated as its preliminary reaction that the principle should only be applied to issues where there were differences or difficulties, in order not to hamper progress towards agreement in other areas.
127. The Delegation of India welcomed the WIPO Secretariat’s commendable work in preparing a questionnaire on limitations and exceptions, and the submission of several reports on the issue for the consideration of the SCCR. It recalled that the 20th session of the SCCR held in June 2010 had failed to reach agreement on the conclusions concerning the agenda item on exceptions and limitations, especially in relation to the proposed WIPO treaty on exceptions for the visually impaired. As was done during the 18th session of the SCCR, when India had given its support to the proposal made by Brazil, Ecuador, Paraguay and Mexico relating to that WIPO treaty, the Delegation reiterated its full support for the proposal. As regards the protection of audiovisual performances, it noted that the agreed 19 articles from the Diplomatic Conference of 2000 would be the basis for further discussions, and recalled that India was one of the countries that had already submitted additional comments and information related to those agreed articles before the tentative deadline of September 15, 2010. As to the protection of broadcasting organizations, it thanked the WIPO Secretariat for holding a regional seminar in New Delhi in July 2010. India continued to support the mandate given by the General Assembly in 2007 to find a solution following a signal-based approach for the protection of broadcasting organizations. In that connection, the Delegation expressed its appreciation for the two parts of the socioeconomic study relating to signal piracy which had proven to be useful to further the delegations’ understanding on that issue. It recalled that the third part of the study should include issues related to access to information in the public domain. The WIPO Secretariat should also prepare an analytical document containing the outcome of the above three parts of the study, including the outcomes of the regional seminars in order to facilitate the discussions on the protection of broadcasting organizations during the next SCCR session of November 2010. The open-ended informal discussions on the viability of international obligations following the signal-based approach should take place only after

the submission of the third part of the study as well as the holding of all the proposed regional seminars in all the regions. To sum up, the Delegation considered that the preparatory work before the consultation process should include certain prerequisites, namely that the 2007 General Assembly mandate should be followed, and that the three parts of the studies and analytical document should be completed before the next SCCR. As had been pointed out by the Delegation of Brazil, the report of the 20th session of the SCCR did not reflect clearly the important issues where there was a lack of agreement. India supported the proposed amendment suggested by the Delegation of Bangladesh on behalf of the Asian Group regarding paragraph 29 of document WO/GA39/8 Rev.

128. The Delegation of Sudan expressed its appreciation to the WIPO Secretariat for the priority given to copyright issues related to development, and for the organization of multiple activities that aimed at disseminating the knowledge on copyright matters among rightholders and users. There was a great national interest in providing all kinds of cultural and creative incentives to everyone, including those who were suffering from impediments. The Delegation supported the work on limitations and exceptions while taking into consideration technological developments, including those that facilitated unauthorized uses of works. The Delegation supported the statement made by the Delegation of Angola on behalf of the African Group.
129. The Delegation of Argentina reiterated its support for starting the negotiations on a WIPO treaty on better access for persons with visual impairments and other persons with reading disabilities, based on the text of document SCCR/18/5. As the subject was closely linked to the principles of the WIPO Development Agenda, Argentina supported a binding legal instrument that provided substantive solutions to the problem of access to reading materials by those with impairments including the legal barriers to the transfer of works in accessible formats, while striking a balance with the rights of creators and innovative enterprises. As to the audiovisual performances issue, the Delegation supported the international protection of audiovisual performances.
130. The Delegation of Cuba supported the proposal of Brazil, Paraguay, Ecuador and Mexico. Improved access for the blind and people with print disabilities was an important part of the work on exceptions and limitations and was also consistent with the principles of the Development Agenda. The Delegation of Cuba supported the statement by Mexico on behalf of GRULAC.
131. The Delegation of Chile expressed its concern on the slow progress made in the SCCR, particularly in the area of exceptions and limitations. The Delegation supported the proposal of Brazil, Ecuador, Paraguay and Mexico and believed it was urgent to achieve an agreement on an international instrument on the issue of print disabled persons. The Delegation also supported that the issue of protection of broadcasting organizations remained on the agenda of the Committee.
132. The Delegation of Egypt underlined the importance of the question of exceptions and limitations and, on behalf of the DAG, believed that the discussions in the SCCR on exceptions and limitations were a very positive development. They contributed to point out the much needed balance between private IPRs and public use in the context of national public policies and development goals. They hoped that these discussions would lead to a suitable normative framework in the area of exceptions and limitations to IPRs.
133. The Delegation of Barbados underlined the importance of exceptions and limitations to facilitate improved access to protected work for persons with print disabilities. A correct balance could be found between rights holders and people with disabilities. The Delegation thanked the SCCR for its efforts and urged that the work on this matter be continued. The Delegation endorsed the statement made by Mexico on behalf of GRULAC and looked forward to a successful conclusion to the deliberations of the Committee on exceptions and limitations.
134. The Delegation of Guatemala noted the importance of holding consultations on the protection of audiovisual performances. It underlined the importance of drafting a treaty

to grant greater access to the blind and those with print disabilities, and supported the proposal made by Brazil, Mexico, Ecuador and Paraguay. The Delegation supported the establishment of a timetable that would allow Member States to analyze the proposals from Brazil, Mexico, Ecuador, Paraguay, the United States of America, the African Group, and the European Union. That would lead to achieving a consensus on drafting a binding international instrument. The Delegation recalled that limitations and exceptions regarding education and the activities of libraries were also part of the SCCR's agenda.

135. The Delegation of Morocco expressed its support for the statement made by Angola on behalf of the African Group, and welcomed action to speed up the work of the SCCR through establishment of a schedule and definite timetable. It reiterated its support for the protection of audiovisual performances, and supported the African Group proposal regarding a holistic approach to exceptions and limitations, protecting the rights of those with print disabilities as well as the rights of libraries and archives. Morocco stated that the Committee had the necessary information, proposals and positions to clearly define the right of broadcasting organizations. The items previously agreed to in 2000 at the Diplomatic Conference were a basis for constructive consultations on audiovisual performances, to protect those types of performances and artists. The Delegation urged speeding up the discussions to achieve an international agreement on this issue.
136. Speaking on behalf of the European Union and its member States, the Representative of the European Union said that on the subject of international protection of broadcasting organizations, the European Union and its member States had found the first two parts of the study on the socioeconomic dimension of the unauthorized use of signals to be quite useful. The study confirmed the need for international protection for broadcasters. The regional seminars were also a very practical and efficient way of informing participants on the specific circumstances of broadcasting organizations and encouraging a useful exchange of views. Since many voices within the WIPO membership supported the quest for updating broadcasters' protection, the European Union hoped the SCCR would be able to proceed to the conclusion of a treaty on broadcasting organizations. The regional meetings and open-ended consultations organized on the protection of audiovisual performances provided opportunities to better understand that issue. Audiovisual performers deserved better protection internationally. The open-ended consultations organized by WIPO in May on copyright limitations and exceptions for persons with print disabilities were useful and opportune. The European Union fully supported the Stakeholders' Platform, the pragmatic approach of which would be instrumental in getting higher numbers of works in accessible format to the print disabled across the world. To complement and boost the work of the Stakeholders' Platform, the European Union and its member States submitted a proposal for general recommendations for improved access to works protected by copyright for persons with print disability on the 20th session of the SCCR. It favored an international instrument that could be adopted speedily and would have immediate, practical and positive results.
137. The Representative of Knowledge Ecology International (KEI) noted the important issues of access to knowledge, and stressed that the SCCR should address the broader issues of access to knowledge in the context of limitations and exceptions to copyright, particularly in the area of education and research. It could be useful to reflect upon the experience of Member States in using the Appendix to the Berne Convention, which was designed to address some of those issues. The Appendix was widely considered a failure in terms of the global instrument, and the SCCR might want to analyze what could be done to revisit that issue. KEI was opposed to the SCCR work program that linked progress on all issues. He endorsed the substantive position of Brazil, Ecuador, Paraguay and Mexico and of the African Group. He noted that the United States of America and the European Union have made proposals that were inconsistent with their national laws.
138. The Representative of the Trans-Atlantic Consumer Dialogue noted that a question of legitimacy and viability was at stake, legitimacy and viability of WIPO itself, since in the last 14 years no proposal had gone into effect from that Organization, in his view. Many countries were negotiating issues in other fora that should be negotiated in this room. On the issue of exceptions and limitations, he stated that many of the same governments,

negotiating both in WIPO and in other fora, were willing to sign binding international treaties for the enforcement of copyright but were not willing to move forward with exceptions and limitations to copyright that would give legitimacy to the whole system. Many countries spoke of new treaties for broadcasters and for audiovisual performers. Nevertheless, these same countries were not in favor of a binding treaty for the visually impaired, the print disabled, or other disadvantaged persons. He urged that voluntary measures should be considered in these contexts, for example, for broadcasters and audiovisual performers. The stakeholder proposal put forward by the European Union was a complex, impractical proposal.

139. The Representative of World Blind Union (WBU) noted that the WBU represented the 300 million blind and partly-sighted people from across the world. He pointed out that only 5 percent of books had been converted into accessible formats such as large print, audio and Braille. In developing countries, that dropped to a shocking 1 percent. In an ideal world, that book famine would be helped by publishers publishing their books in accessible formats. In the real world, this did not happen. The work to convert books was done by specialist organizations with low resources which were often charities. He fully welcomed voluntary agreements with rights holders such as the WIPO Stakeholders' Platform and its European counterpart. These agreements would never solve all the problems. Experience showed that licenses were not always forthcoming; they could be limited in scope. Common sense showed that voluntary agreements would never cover all books for all people in all cases. A law to allow legal pooling of their meager resources across international borders was needed. At the SCCR/20, he was heartened that there was a consensus on the need for some sort of instrument to meet these aims. However, he has been seriously disappointed at the failure in spite of that consensus to agree a way forward. He stated that the WBU would provide the Committee specialist expertise on that issue. The longer Member States failed to agree, the more print disabled people would miss out on reading and would be excluded from education, culture and indeed from full participation in society. Stevie Wonder had said on Monday that some of the world's greatest minds were assembled in WIPO. He appealed to the sense of human compassion to achieve the breakthrough that was needed for the benefit of print disabled people, to find a way to deliver the legal solutions blind people have been asking for these past several years – a binding international legal instrument. Such an instrument was essential to enabling the end of the book famine, not to mention the achievement of the MDGs and the fulfillment of the UN Convention on the Rights of Persons with Disabilities.
140. The Representative of the Computer and Communications Industries Association's (CCIA) noted that its members represented a broad cross section of the information and communications technology industries. Its members collectively generated more than USD 200 billion in annual revenue, and thus had a substantial stake in the effective operation of the international system of copyrights and related rights. There was wide agreement that effective action must be taken to deal with the problems of access to printed material by the visually impaired. As put forward eloquently by Stevie Wonder earlier in the week, an effective and binding solution was the one that all should endorse. The fundamental element of action at the upcoming SCCR must include adoption of a work plan, with timelines and milestones that lead to a binding and effective result. The work plan should also ensure that others limitations and exceptions would be discussed and dealt with fully, but that should be done in a way that cannot hold up progress on the VIP issue through linking of issues. Limitations and exceptions were essential drivers of economic development; they were relied on by many industries. To illustrate that, CCIA had commissioned two studies on the subject relating to fair use in the US economy and to the economic contribution of industries relying on limitations and exceptions in Europe. He pointed out that the credibility of the international copyright system depended upon recognizing and creating solutions for such humanitarian needs. It was entirely possible to have strong copyright protection, and for the hundreds of millions of visually impaired people to have access to protected works at the same time. He urged putting ideological differences aside. With respect to broadcasting, aside from the lack of any reasonable justification for rights beyond the prevention of signal theft, there was no change in the political landscape on that issue. Despite more than a decade of discussion, there was no consensus on the object of protection, the scope of

protection or even who the beneficiaries ought to be. This issue should not be allowed to divert energy and resources needed for action in favor of the visually impaired.

141. The Chair informed the Member States that an amendment had been proposed by the Delegation of Bangladesh, and supported by India and Brazil. The Chair read the proposal. The new version of document WO/GA/39/8 Rev., paragraph 29(i), would read:

“The General Assembly is invited to take note of the information contained in document WO/GA/39/8 Rev., while bearing in mind that there was no agreed conclusion reached at the 20th session of the SCCR.”

142. The Assembly adopted the amendment proposed by the Delegation of Bangladesh.

143. The General Assembly:

- (i) took note of the information contained in document WO/GA/39/8 Rev., while bearing in mind that there was no agreed conclusion reached at the 20th session of the SCCR; and
- (ii) encouraged the Standing Committee on Copyright and Related Rights to continue its work regarding the issues reported on in document WO/GA/39/8 Rev.

ITEM 28 OF THE CONSOLIDATED AGENDA

INFORMATION REPORTS ON OTHER WIPO COMMITTEES

ITEM 28(i) OF THE CONSOLIDATED AGENDA: INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

144. Discussions were based on document WO/GA/39/9, “Information Reports on Other WIPO Committees”, in particular on item 28(i): Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
145. The Delegation of Angola, speaking on behalf of the African Group, recognized the important role played by the General Assembly and the IGC. The Delegation supported the IGC’s fulfillment of its new mandate to begin substantive text-based negotiations. Members States and the WIPO Secretariat were thanked for their support of the negotiation process towards ensuring a successful outcome. Momentum and political will were necessary for the IGC to fulfill its mandate and present a comprehensive negotiated text to the WIPO General Assembly in 2011. The Delegation remained positive that this goal would be achieved. The Secretariat and the Chair were commended for the successful outcome of the first Intersessional Working Group (IWG) on traditional cultural expressions/expressions of folklore (TCEs) which had enhanced the ongoing negotiations within the IGC. It stood by its position that the IWGs should focus on developing conclusions on issues which might require more time and attention during the IGC’s negotiations. These included definitions, subject matter of protection, exceptions and limitations, duration, prior informed consent, moral and economic rights, beneficiaries for protection and *sui generis* options for protection. These issues had been identified by the African Group following comprehensive discussions within the IGC during the last 10 years. It reiterated that discussions in the IWGs should remain focused, with limited participation of technical experts based on each of the three issues, namely genetic resources (GRs), traditional knowledge (TK) and TCEs. The African Group remained open to finding a solution to resolve some of the outstanding issues and believed that a conclusion on procedural discussions would be reached. It welcomed any conclusive approach in the IGC that would lead to the fulfillment of the IGC’s mandate. In this regard, the Delegation continued to support the participation of the representatives of indigenous and local communities in both the IGC’s negotiations and in IWG sessions.

146. The Delegation of Belgium, speaking on behalf of the European Union (EU) and its 27 member States, took the floor and gave it to the Representative of the European Union and its 27 member States. The Delegation recognized the importance of the work carried out by the IGC and welcomed the discussions that had taken place during the last session of the IGC, in particular the agreement that had been successfully reached on the arrangements for the IWGs. He considered that this was an important step forward to improving negotiations for the accomplishment of the IGC's mandate. The European Union and its member States had been pleased to participate in the constructive discussions that had taken place at the first IWG on TCEs in July 2010 and believed that positive results had been achieved. However, it was important to remind participants that international instrument(s) to be created to provide norms for the protection for GRs, TK and TCEs should be flexible, sufficiently clear and non binding. In this framework, the legal and technical analysis provided by the IWGs to the IGC would be of particular relevance to ensuring further progress in the IGC's work. The European Union and its member States remained committed to contributing constructively to the work of the IGC in order to reach the goals that were set under the new mandate of the IGC, and would be open and willing to collaborate with all delegations to finding ways to achieving tangible results.
147. The Delegation of Bangladesh, speaking on behalf of the Asian Group, attached great importance to the work of the IGC and welcomed the progress that had been achieved. It looked forward to seeing continued progress. The Delegation also welcomed the proposal made during the High-level Segment by the distinguished Minister from Oman to host an international technical workshop in 2011 to discuss registration and documentation systems in the context of TK and TCEs. The purpose of the event would be to come up with a technical study that would later be submitted to the IGC for consideration. The Delegation looked forward to the outcome of this event, affirming the Group's continued support for both the Government of Oman and the WIPO Secretariat in making the event a success.
148. The Delegation of Mexico, speaking on behalf GRULAC, took note of the progress that had been made recently in the Food and Agriculture Organization (FAO), the Convention on Biological Diversity (CBD) and in WIPO and expressed its satisfaction given the state of the negotiations. It expressed its interest in reaching agreements in these areas, noting that this would draw the link between biodiversity and IP to adequately protect genetic and cultural resources.
149. The Delegation of Oman stressed the importance that its Government gave to cooperation with WIPO regarding the IGC. The Delegation called on WIPO to continue to follow up the recommendations on these matters of the WIPO/League of Arab States Fourth Joint Arab Regional Coordination Meeting for Directors of Industrial Property and Copyright Offices, which had been held in Tunis in June 2007. The Delegation indicated that it followed with interest the negotiations of the IGC and expressed its preference for text-based negotiations. The Delegation of Oman recalled that, as the country's Minister had stated during the High-level Segment, an international technical workshop on IP and the documentation of TK and TCEs would take place in Oman next year.
150. The Delegation of the United States of America indicated that the decision to enter into text-based negotiations did not suggest that the United States of America's red lines regarding the substantive issues had been altered. It remained concerned that any such instrument could have detrimental effects on American creative industries, technological innovation and the public domain. It considered that if the IGC were to reach agreement on any type of document, these concerns had to be addressed through properly limiting the scope of protection and establishing broad exceptions and limitations to any new forms of protection; otherwise, any proposed regime for the protection of TCEs, TK and GRs would be unworkable. In the case of GRs, the IGC had not sufficiently formulated clear objectives for their protection and no judgment could be made on the need or appropriateness of such protection. The Delegation recognized that steps should be taken to improve the challenging environment that had engulfed IP issues at WIPO; meaningful but appropriate and limited progress in the IGC could be one possible way to do that.

151. The Delegation of Paraguay stated that the mandate adopted in 2009 had given fresh momentum to the work of the IGC and hopes of achieving results in that area had been strengthened. The Committee's new task, which provided for the creation of intersessional working groups, did not envisage the procedural arrangements for making the work of such groups effective. Since the beginning, it had been perceived that negotiation on those arrangements would be intense. The Delegation was pleased that a consensus had been reached on the mandate, membership, chairmanship and other questions, which had allowed the first meeting to go ahead. The Delegation had participated with great enthusiasm in the first meeting of the IWG and said that it was convinced of the need to produce international legally binding agreements. In order to reach an agreement, the will of States to bring the discussions to a conclusion was undoubtedly necessary, based on the criteria of flexibility and compromise.
152. The Delegation of El Salvador recognized the work that had been done within the IGC and referred to the holding of the first meeting of the Group of Experts on TCEs, with whose recommendations and conclusions the Member States would have the opportunity to become familiar. In that context, the Delegation encouraged Member States to continue with that work and to devise an agreed international instrument on those intangible elements which constituted the assets of its peoples.
153. The Delegation of China stated that the IGC had already carried out a lot of work concerning the protection of GRs, TK and TCEs. It appreciated the work done by the first IWG and the effective way it had worked had achieved results. The Delegation was pleased to see that the first IWG had been successfully conducted with the joint efforts of all Member States. Important consensus had been reached. It hoped that the IWG, with the full participation and coordination of Member States, would take a more active attitude and practical measures to promote the work of the IGC so as to achieve tangible results of common concern. The Delegation, together with other Members States, would take a very active attitude to work towards a common goal.
154. The Delegation of South Africa supported the statement made by the Delegation of Angola on behalf of the African Group. The Delegation reiterated the importance of the current negotiations within the IGC. The negotiations towards a legally-binding treaty or treaties for the effective protection of GRs, TK and TCEs were a national priority and provided for innovative means to develop the country's rich and diverse GRs, TK and TCEs. It also provided an opportunity for South Africa to be competitive in this regard, thus showcasing its strength and the role that IP could play in development. The Delegation welcomed the current mandate of the IGC and recognized the valuable work undertaken at the first IWG on TCEs. The time had come to intensify the negotiations in order to allow Member States to fulfill the mandate agreed the year before and provide a consolidated text for the General Assemblies in 2011, in order to agree on a date for a diplomatic conference. The Delegation commended the valuable contribution of the negotiations undertaken in the first IWG on TCEs, which had provided the means for a speedier conclusion on TCEs, which would be followed by TK and GR. The Delegation also urged Member States and WIPO to continue to find means to replenish the Voluntary Fund for Accredited Indigenous and Local Communities to ensure the balanced participation of indigenous representatives, particularly those from the African continent. In conclusion, the Delegation reiterated its commitment to the IGC's negotiations. The Delegation said that as other negotiations, such as those under the CBD concludes its legally binding Protocol on Access and Benefit Sharing in October 2010, WIPO must conclude its work in the IGC in 2011, so as to complement those processes and Protocols, with the adoption of a legally binding instrument or instruments on TK, GRs and TCEs.
155. The Delegation of India expressed its appreciation for the progress being made in the IGC. The subjects covered by the IGC held considerable value given India's vast resources of TK, TCEs and GRs, which were available both in codified and non-codified forms. While the Delegation felt that the developments in the IGC and the commencement of deliberations of the experts in the IWG on a text for an international legal instrument on TCEs were a positive step, it underlined that discussions in the IGC had to take cognizance of, and not prejudice, developments taking place in other

international multilateral fora, such as the deliberations on the issue of access and benefit-sharing in relation to GRs and associated TK being discussed in the CBD and the developments at the TRIPS Council. Close coordination between all these bodies was needed in order to achieve effective protection of GRs, TK, and TCEs. The Delegation provided an update on the activities of India's Traditional Knowledge Digital Library (TKDL). With that initiative, language and format barriers had been overcome and TK information was scientifically structured as per the International Patent Classification (IPC) and in five international languages to facilitate access by patent examiners. The TKDL contained 34 million pages in patent-application format. The information in the digital library was continuously being updated. TKDL Access Agreements had been signed with the European Patent Office (EPO), the USPTO, the United Kingdom Intellectual Property Office (IPO), the German Patent and Trade Mark Office (GPMA) and the Canadian Intellectual Property Office (CIPO). Negotiations with other patent offices were also underway. Through the TKDL, India had succeeded in the cancellation, withdrawal or modification of claims in a number of patent cases of multinational firms at the EPO, at zero cost and in a period of a few weeks. However, new patents misappropriating TK continued to be filed. There was, therefore, a need to have a legally binding instrument on GRs, TK and TCEs. The Indian TKDL Unit had to file third party observations and file evidence of prior art. For effective utilization of the resource, it was important that it be included as part of the Patent Cooperation Treaty's (PCT) minimum documentation.

156. The Delegation of Japan commended the efforts of the Secretariat and the Member States for the work accomplished on the issue of the protection of TK and TCEs. As the first IWG meeting held in July 2010 had focused on TCEs, the Delegation touched upon TCEs in particular. The IWG had turned out to be a significant development. The Delegation emphasized that it shared the same understanding with regard to the importance of protecting traditional cultures. However, it pointed out that the methods for protection had to be considered carefully. In particular, a proper balance between protection and use had to be carefully considered. With regard to TK and GRs, the Delegation expressed its hope to have fruitful discussions at the next IGC and IWG meetings.
157. The Delegation of Iran (Islamic Republic of) stated that, in the absence of internationally binding rules for effective protection of TK, TCEs and GRs, biopiracy and the misappropriation of resources for commercial benefit had become a prevailing phenomenon all over the world and particularly in developing countries. It stated that this unfortunate and rampant situation continued to deprive developing countries of greater leverage over the use of their potential resources resulting in the undermining of their sustainable development and competitiveness in international markets. The Delegation asserted that the only way to remedy this unfair situation would be a paradigm shift in the IP regime and to establish new international norms and binding rules to help developing countries to protect and utilize GRs, TK and TCEs at the international level. The Delegation stated that the effective protection of GRs, TK and TCEs could further improve the enabling environment for development in developing countries. It stated that in the past decade, however, the IGC had seemingly failed to bear any tangible results, because of its unclear mandate, lack of focus, and unwillingness on the part of some Member States. The Delegation was pleased, therefore, to see that negotiations in the IGC had progressed in a focused manner to develop instruments for the effective international protection of GRs, TK and TCEs. It stated that the new mandate of the IGC, which had been approved at the last General Assemblies, had provided a new momentum for the fulfilment of the long-standing aspirations of developing countries. It stated that, as stipulated in the IGC mandate, it believed that effective protection at the international level could only be materialized by formulating legally binding international instruments. The Delegation wished to echo the urgent need for the protection of the heritage of ancient civilizations, as a foundation and base for TK and cultural heritage, through developing legally binding instruments. The Delegation stated that, with the assistance of the Secretariat of the IGC, the first IWG on TCEs had taken place last July. The Delegation stated that there had been fruitful discussions among the experts, including on the pivotal role of national sovereignty in the coordination, management and facilitation of the protection of the rights derived from TCEs. This meeting had shown that

there were still a lot of challenges which could be solved with the faithful cooperation of all countries. The Delegation hoped that the next IWG would achieve more tangible and concrete results to be agreed upon by the IGC. It said that, in regard to the next IWG, the IGC should not lose sight of the fact that the working documents on TK were steps ahead of those on GRs. It stated that it would be reasonable that the next IWG be devoted to TK. It hoped that the IWGs could come up with tangible results to keep the IGC's relevance and facilitate its work in formulating internationally binding instruments after several years of long debate. The Delegation concluded that it would actively participate in the IGC discussions to achieve what was necessarily needed to rectify the existing shortcomings in the respective areas.

158. The Delegation of Brazil stated that it was satisfied with the progress made in the IGC over the past few months and renewed its commitment to helping achieving a concrete outcome in the IGC, without prejudice to the negotiations being held in the WTO and the CBD on access and benefit sharing in GRs.
159. The Delegation of Trinidad and Tobago stated that it supported the statement made by the Delegation of Mexico on behalf of GRULAC. It commended WIPO on its continuing efforts to fulfill the renewed mandate of the IGC. The Delegation was heartened by the evidence of the spirit of cooperation that now formed the search for consensus. It stated that experts had been able to sit in a relaxed setting during the first IWG and this had resulted in a cleaner, more practical and streamlined text. The Delegation expressed extreme concern for the protection of its Indigenous carnival, an annual festival of artistry, craftsmanship and street theatre. It stated that a model provision entitled "Works of mas", which existed in the Copyright Act of Trinidad and Tobago, had been proposed in the IGC's text on TCEs for consideration by the IGC. The Delegation also wished to see the continuance of the WIPO Voluntary Fund for Accredited Indigenous and Local Communities because it felt that the views expressed by these communities were invaluable. Finally, the Delegation continued to strongly support the extension of the IGC's mandate for the 2010/2011 biennium.
160. The Delegation of Norway had great satisfaction with the substantive work of the IGC as now intensified under the new mandate. This was a very positive development. The Delegation said it would continue to contribute actively to fulfill the mandate of the IGC at the next sessions.
161. The Delegation of Sudan noted the importance of the work of the IGC. It believed that the IGC should continue its work on establishing protection mechanisms for GRs, TK and TCEs. The African Regional Intellectual Property Organization (ARIPO) had been in the forefront in adopting a Protocol for the protection of TK and TCEs. Sudan had been participating actively in these endeavors. Sudan, as a huge country with many different ethnic groups, many varieties of folklore and expressions of traditional culture, looked forward to continuing the work of the IGC. The mandate of the IGC provided an opportunity to move towards a form of protection as many Member States were striving to protect their TK and GRs, whilst preventing the appropriation of these resources beyond national borders. The CBD established a form of protection of TK and farmers' rights. The Delegation believed that a legally binding instrument would be the only way to ensure protection of these various resources.
162. The Delegation of Jamaica supported the statement made by the Delegation of Mexico on behalf of GRULAC and the Delegation of Trinidad and Tobago. The first IWG held in July 2010 had been a success as it allowed for more detailed, thorough interaction between experts from different regions in the informal open-ended drafting groups that focused on specific articles. The Delegation believed that this "drafting groups" approach should be carried forward into subsequent IWGs. It, however, expressed concerns that the informal drafting groups were restricted to only a few participants. Some experts felt that the process was, therefore, not inclusive enough. The Delegation believed that all informal drafting groups should be open-ended in order to allow experts to make their contribution to the process and to achieve broader consensus. The first IWG had accelerated the pace of the work of the IGC. The Delegation believed that, with some minor improvements along the lines mentioned, the second and third IWGs could

similarly produce draft texts that would serve the IGC in its endeavor to conclude a legally binding instrument to adequately protect TK, TCEs and GRs.

163. The Delegation of Kenya appreciated the work that had been done as well as the invaluable contribution by the first IWG in dealing with the technical issues to enhance the work of the IGC on TCEs. The Delegation supported the statement made by the Delegation of Angola on behalf of the African Group as well as the sentiments expressed by the Delegation of Egypt on behalf of the DAG. Kenya looked forward to the continued work of the IGC and to the negotiation and conclusion of an international instrument on the protection of TK, GRs and TCEs.
164. The Delegation of Argentina welcomed the work of the first IWG on TCEs in July 2010. It looked forward to the second and third IWGs to work on the effective protection of GRs and TK. The Delegation reaffirmed its commitment to fulfilling the mandate of the IGC for the effective protection of GRs, TK and TCEs.
165. The Delegation of the Syrian Arab Republic, on behalf of the Arab Group, welcomed the progress made in the IGC in its discussions on GRs, TK and TCEs and, in particular, the text-based negotiations at the first IWG on TCEs that had taken place in July 2010. Further, the Delegation supported the implementation of the recommendations of the WIPO/League of Arab States Fourth Joint Arab Regional Coordination Meeting for Directors of Industrial Property and Copyright Offices, which had been held in Tunis in June 2007, including the collection of GRs, TK and TCEs in order to protect these resources in the context of current IP rights. Further, it supported the proposal of the Delegation of Oman to hold an international technical workshop on the registration and documentation of TK and TCEs in 2011 as this would be useful for all participating countries. The workshop would give participants the opportunity to study experiences in regard to registration and documentation in order to prepare a text for the protection of GRs, TK and TCEs.
166. The Delegation of Egypt, on behalf of the DAG, attached high importance to the issue of GRs, TK and TCEs and emphasized that the effective protection of these resources could help to end the imbalance of the global IP system. In that regard, the Delegation welcomed the advancement of the negotiations at the IGC, including the first IWG that had made some progress on specific provisions for the protection of TCEs. In the Delegation's view, the establishment of informal drafting groups at this IWG to propose an updated text had been quite successful in helping to converge the different opinions of the experts. Nevertheless, the Delegation highlighted that challenges would lie ahead, particularly at the next session of the IGC where the real negotiations would take place. The Delegation hoped that Member States would keep a constructive approach to the negotiation of a legal instrument or legal instruments for the protection of GRs, TK and TCEs. These instruments would need to be legally binding in order to ensure the mandate of having effective protection of GRTKF. It hoped that the positive momentum at the IGC would last and that Member States would stay open to the legitimate needs of TK holders.
167. The Delegation of Egypt, speaking in its national capacity, expressed satisfaction for the efforts made by the Delegation of Oman and supported the technical workshop proposed by Oman to take place in Oman in 2011.
168. The Delegation of Guatemala expressed satisfaction that, at the sixteenth session of the IGC in May 2010, the Member States had made a step forward in the negotiations by an agreement on the arrangements for the IWGs. The Delegation emphasized that Guatemala's experts had actively participated in the IWG and it welcomed the outcomes which reflected the concerns and interests of the indigenous peoples in Guatemala. The Delegation awaited the next meeting with enthusiasm and expressed its preparedness to constructively examine the outcomes. Guatemala was a country with a majority of indigenous peoples and, therefore, it would be important to make progress in the three areas of GRs, TK and TCEs. It emphasized that the outcomes of this work should be binding in nature. Further, the Delegation stated that the protection should be simple and easy to apply. It reiterated that the Minister of Economy of Guatemala had, during the

High Level Segment, emphasized the need of furthering the work of the IGC.

169. The Delegation of Indonesia expressed its appreciation for the work of the IGC during its sixteenth session in May 2010. It congratulated the legal experts for their work during the first IWG on TCEs that had taken place in July 2010, and acknowledged the quality of the advice and analysis they had provided in relation to the legal and technical matters regarding the drafting of texts on TCEs. Although the Delegation recognized that the IWG was not a decision-making body and was merely assigned to support the IGC's text-based negotiations, it considered that its recommendations should be taken into account by the IGC in the formulation of the draft texts on TCEs. It looked forward to receiving the IWG's recommendations regarding the text or texts on GRs and TK in view of the next sessions of the IGC. The Delegation of Indonesia, referring to the statement it had made during the High-Level Segment of the General Assembly, said that Indonesia was a country with rich natural and genetic resources. It attached, therefore, great importance to the effective protection of GRs, TK and TCEs and was committed to continuing the work of the IGC and to further negotiating the details of the texts under consideration. In line with Recommendation 18 of the WIPO Development Agenda, it encouraged all Member States to speed up the IGC's work under its mandate as agreed upon by the General Assembly within the specific agreed timeline. It stated that it would be disappointing to see the efforts of the IGC go to waste and its mandate fade away. It believed that with greater cooperation and an open-minded approach, Member States could achieve their goals toward the conclusion of the desired international legally binding instrument or instruments. It added that a successful and concrete conclusion to those negotiations relating to an international legal instrument or instruments on GRs, TK and TCEs was much needed to ensure that the current imbalance that affected the global IP protection system did not continue.
170. The Delegation of Nigeria supported the statement of the Delegation of Angola made on behalf of the African Group. It took note of the progress that had been made so far in realizing the mandate of the IGC to develop appropriate legal instruments for the protection of GRs, TK and TCEs. It was pleased with the outcome of the first IWG that had taken place in July 2010 and looked forward to more rapid and constructive progress in the work of the IGC. It stated that it would continue to engage in advancing the emerging consensus on the various issues and hoped that the future sessions of the IGC would bring Member States closer to ensuring much needed effective protection of GRs, TK and TCEs through an international legally binding instrument.
171. The Delegation of Cuba continued to support the mandate of the IGC in order to achieve an international system of protection of TCEs, GRs and TK. It stated that it was a matter of great concern for developing countries. Referring to the current mandate of the IGC as agreed upon by the General Assembly, it emphasized the need for the Member States to achieve further progress in this area. It said that an international instrument or instruments would be a significant contribution to the effective protection of TK, TCEs and GRs. It reiterated its support for the recommendations of the WIPO Development Agenda, but added that all Member States were in its view not equally committed to their fulfillment.
172. The Delegation of Morocco supported the statement made by the Delegation of Angola on behalf of the African Group and also that of the Syrian Arab Republic on behalf of the Arab Group. The Delegation commended the efforts made by the Secretariat to facilitate the IGC's work. For Morocco, the protection of TK, TCEs and GRs was a high priority, as the country's Minister had said during the High-Level Segment. The Minister had expressed the wish of Morocco to see an end to the illegal exploitation and use of such resources internationally and, for this reason, the Delegation aspired to achieve the objective of the IGC's negotiations which had now reached a mature level. The Delegation was, therefore, optimistic regarding the future adoption of an international instrument that would put an end to such exploitation. The Delegation was satisfied with the progress made in the negotiations within the IGC, all the more so since during the IWG held in July 2010, there had been genuine progress. The Delegation was certain that at the next IWG there would be further progress. The Delegation paid tribute to the role played by the Voluntary Fund for Accredited Indigenous and Local Communities to

ensure that these communities could express their views within the IGC and the IWGs. This would be helpful in achieving an international instrument to protect GRs, TK and TCEs.

173. The Delegation of Barbados supported efforts at the international level for the protection of TK, GRs and TCEs. In this regard, any definition of “beneficiaries” should be broad, because in Barbados there were not identifiable indigenous communities.
174. The Representative of Knowledge Ecology International (KEI) stated that KEI had been pleasantly surprised by the success of the first IWG held in July 2010. The Representative ascribed this success to the format of the IWG, that the IWG had dealt separately with one of the IGC’s three themes and to the chair of the first IWG. The Representative agreed with the Delegation of the United States of America in respect of the importance of limitations and expectations in this area.

ITEM 28(ii) OF THE CONSOLIDATED AGENDA: STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

175. Discussions were based on document WO/GA/39/9 “Information Reports on Other WIPO Committees”, in particular on item 28(ii), “Report on the Standing Committee on the Law of Patents (SCP)”.
176. The Delegation of Angola, speaking on behalf of the African Group, reiterated its willingness and commitment to work constructively to find a balanced solution acceptable to all Member States and to improve the functioning of the patent system. The Delegation stated that the African Group believed that the patent system should play an important role in some areas of public interest and public policy, such as education, health, environment, climate change and food security. The Delegation further stated that the patent system should also facilitate technology transfer and access to knowledge. The African Group also requested the improvement of access for national patent offices to patent information systems, search and examination reports, patent databases, and patents which had fallen into the public domain. Finally, the African Group requested the establishment of medium and long term training for professional examiners of national and regional offices, and the extension of the technical assistance to African research institutions to carry out academic patenting of knowledge, as well as a specific program for research and development activities in SMEs.
177. The Delegation of Belgium, speaking on behalf of the European Union and its 27 Member States, took the floor and gave it to the Delegation of the European Union. The European Union welcomed the constructive work undertaken at the fourteenth session of the SCP held from January 25 to 29, 2010. The Delegation welcomed the fact that delegations had reached an agreement to continue discussions at the following session of the SCP on the basis of the agenda of the fourteenth session. The European Union and its 27 member States considered that the substantive discussions at the SCP contributed to a better understanding of the international patent system. The Delegation was of the view that the recommendations made by the Committee were an important step towards improving the operation of the international patent system, in particular, with regard to reducing backlogs and improving the quality of the patent system. The Delegation reaffirmed the commitment of the European Union and its 27 member States to the important work of the Committee and expressed its willingness to participate actively in discussions leading to the rapid establishment of a balanced work program for the Committee. The Delegation expressed its hope that such a work program would make it possible to proceed towards the international harmonization of patent law.
178. The Delegation of El Salvador reaffirmed its support for the agenda of the SCP, and expressed its belief that the SCP was an important Committee, particularly in areas such as exceptions and limitations, standards and patents, dissemination of patent information and client-patent advisor privilege.

179. The Delegation of Iran (Islamic Republic of) stated that the SCP should serve as a forum for developing the IP regime through providing guidance on the progressive international development of patent law. The Delegation stated that, in that process, there was an inherent link between the patent agenda and public policy issues. Therefore, the Delegation considered that any undesirable secondary implications which might occur through the evolving international patent system should also be discussed in the SCP. It further stated that the overall agenda of the evolution of the international patent system should be sensitized to the developmental aspect of societies and the different levels of socio-economic development of countries. While noting that the SCP was in the process of setting a work program, the Delegation noted that the list of issues should remain open and non-exhaustive for any new proposal. Furthermore, in its view, the work program should be broad, flexible and balanced to allow open discussions on a wide range of patent law related issues. The Delegation stated that the SCP should try to explore ways in which the patent system could contribute to the promotion of technological innovation and to the transfer and dissemination of technology in a manner conducive to the social and economic welfare of Member States. In its view, there were circumstances in which the patent system could obstruct the transfer and dissemination of technologies. The Delegation considered that all those issues should be reviewed with a view to developing a practical solution to the existing challenges. The Delegation expressed its belief that there was a strong ground to mainstream development into the SCP work program. The Delegation therefore considered that the recommendations under the WIPO Development Agenda, particularly those related to norm-setting, flexibilities, public policy and public domain, as well as limitations and exceptions to the rights and exclusions from patentable subject matter for alleviating the global challenges, could be discussed in the SCP from the patent law perspective. In conclusion, the Delegation expressed its hope that at the following session of the SCP, Member States could agree on a clear and balanced road map for the future work of the Committee.
180. The Delegation of Brazil noted that the SCP had made substantive progress in its work and provided for an extremely useful exchange of ideas on different aspects of patent law, thereby helping developing countries, such as Brazil, to calibrate their respective national legislation. It further noted that Brazil had tabled a submission on exceptions and limitations at the last session of the SCP, as it was an area that was considered vital for mainstreaming the Committee with the Development Agenda. The Delegation hoped to have a fruitful discussion on the matter at the forthcoming session of the SCP based on its country's proposal, as well as on the study submitted by external experts, and stated that the study was being examined attentively by the Brazilian authorities, whose preliminary reaction was that it was of high quality.
181. The Delegation of South Africa supported the statement made by the Delegation of Angola on behalf of the African Group. The Delegation, referring to the decisions of the SCP taken at its last session, stated that it remained positive that the Committee would find the solution to its future work in the spirit of the WIPO strategic objectives to foster the development of the patent system in a balanced way to the benefit of all Member States, giving due consideration to the WIPO Development Agenda. The Delegation expressed its firm belief in a balanced approach between the IP right holders and public use, and stated that exceptions and limitations remained an important issue for developing countries. The Delegation expressed the view that the key to success in dealing with the issues at stake was taking into account the different levels of development of Member States and how those countries could utilize exceptions and limitations. Against that background, the Delegation supported the proposal of the Delegation of Brazil on exceptions and limitations to patent rights, and further stated that the issues of dissemination of patent information and transfer of technology were also of high priority to its country in the context of building capacity at the national level.
182. The Delegation of Argentina stated that it was important that, in analyzing the different matters on its agenda, the Committee took into account the development aspects, and stated that it placed particular emphasis on those issues which were of specific interest to developing countries, such as exclusions from patentable subject matter, exceptions and limitations to patent rights, dissemination of patent information and transfer of technology. The Delegation said that, for Argentina, exclusions from patentable subject matter and

exceptions and limitations to patent rights were of particular interest and should be maintained on the agenda of the SCP, because of their inextricable link with the fundamental issues relating to development and their fundamental importance for the implementation of the WIPO Development Agenda. The Delegation stated that those exclusions were tools that countries could use in accordance with the flexibilities allowed by international instruments. The Delegation further welcomed the proposal of the Delegation of Brazil to establish a work program on exceptions and limitations to patent rights in the SCP. It stated that the proposal would contribute to the effective implementation of the Development Agenda, without prejudice to the way in which the program should be implemented, which would be a matter for discussion at the following session of the SCP.

183. The Delegation of Nigeria supported the statement made by the Delegation of Angola on behalf of the African Group, and stated that it was looking forward to a more positive outcome of the future work of the Committee. While noting the ongoing discussions on the subject of exclusions, exceptions and limitations to patent rights, the Delegation stated that it was interesting that the High Level Segment of the Assemblies had focused on innovation and development. The Delegation further mentioned that the patent system should contribute to the transfer of technology and advance the urgent needs of development on other public policy concerns. The Delegation was of the view that exceptions and limitations to patent rights should be fair, balanced and should serve the promotion of a more efficient and effective use of the patent system in developing countries.
184. The Delegation of the United States of America stated that it was important to keep in mind the numerous Development Agenda projects that were being undertaken in various WIPO Committees and especially in the CDIP. The Delegation stated that, instead of undertaking duplicative work, its country would welcome having shorter and more focused meetings. The Delegation noted that there was substantial in-depth technical work relating to the law of patents that could and should be done in the SCP to help WIPO be the forum for progress on IP that it should be.
185. The Delegation of Norway stated that it would like to see the same progress in the SCP as had been achieved in the IGC recently. The Delegation further looked forward to resuming the work of the SCP on harmonization issues.
186. The Delegation of Mexico reaffirmed its commitment to the work of the Committee. The Delegation stated that, like all other delegations, Mexico was of the view that the preliminary studies were a good starting point for discussions in the Committee, but also underlined the importance of the establishment of a balanced work program, so as to make it possible to proceed to the harmonization of patent legislation and to resume the discussions on fundamental substantive questions for which the Committee had been created.
187. The Representative of Knowledge Ecology International (KEI) stated that the work on exceptions and limitations in the SCP would benefit from looking into the relationship between the exceptions and the limitations to the rights, and the exceptions and limitations to the remedies. While the studies submitted to the SCP focused primarily on the exceptions and limitations to the rights themselves, the Representative noted that the United States of America was developing a whole series of case law and legislation where exceptions and limitations focused on remedies, and not so much on the rights. For example, in the Biosimilars legislation that had passed the US Congress this year, and that allowed for easier entry into the market for generic biologic cancer drugs and other expensive products, an active non-disclosure of the patent landscape to the generic competitors resulted in the elimination of the right of the remedy of an injunction and a limitation on the damage that one could get for infringement to either a reasonable royalty or a zero royalty, depending on the nature of the disclosure. The Representative further observed that the United States of America had also eliminated remedies in the area of patents against surgeons performing surgical procedures that infringed on patents in both the injunctions and damages areas. The Representative expressed the view that the work of the Committee on limitations and exceptions should examine the four compulsory

licenses the United States of America had issued in medical technology since 2006 as well as the ones that Microsoft had benefited from in the software area.

188. The Representative of Médecins sans Frontières (MSF) stated that the medical staff of her organization in the field was repeatedly confronted with problems of access to essential medicines, and that medicines, vaccines and diagnostic tools were not available due to a focus on research and development for profitable markets. In her view, IP, specifically patents, affected prices, availability and innovation for those desperately needed medical tools. She noted that her organization had been able to start and provide treatment for people living with HIV because of generic competition, which led to lower prices for the treatment of HIV medicine. While that had been possible in the past due to the existence of diverse national patent systems, the Representative expressed her concerns about the future when patients would need access to new medicines while the supply of affordable versions might not be available with the full implementation of the TRIPS Agreement, and about pressure on developing countries to limit health safeguards in domestic patent legislation. The Representative stated that while the world was living through a time of increased financial constraints, the tension between IP protection and public health became more acute and the need for pro-public health patenting system became even more pressing. She stressed that a world in which the fruit of innovation could only be enjoyed by the wealthy should not be accepted. The Representative considered that WIPO could and should play a more active role in addressing the issue of access to medicines. As a UN agency and in order to mainstream the Development Agenda, in her view, all of the Committees of WIPO, including those on enforcement, should ensure that a prior evidence-based analysis of any new provisions proposed be made on their effect on public health and access to medicines. The Representative specifically urged WIPO and its Member States to ensure that the SCP be balanced and reflect the needs of using the full flexibilities of the TRIPS Agreement in order to promote access to medicine for all. The Representative further stated that the SCP should engage in the debate on how to stimulate research and development for health needs, including flexible IP mechanisms to make the fruits of medical innovations available to all who need them. The Representative considered that the Member States should not move ahead with a proposal on the law of patents without an independent assessment of its likely effect on public health. In her view, the SCP had made an important start by commissioning an independent study on exceptions and limitations, and she urged the Member States to ensure that the study would be fully reviewed and further studies would be commissioned. Further, the Representative requested support for WIPO's patent database project to make it easier to find out where patent applications were filed, which was an important factor in medicine procurement decisions. Finally, the Representative requested to continue the recent joint initiative of WIPO, WTO and WHO to inform of their work by convening stakeholders, such as MSF, to share their practical experiences on procuring and supplying medicines and the challenges they faced, including patent barriers and anti-counterfeiting legislation that threatened the ability to source, store, transit and import the medicine.
189. The Representative of the Third World Network (TWN) stated that much promise had been made during the times of the negotiation of the TRIPS Agreement to induce the developing countries to accept the Agreement. In the view of the Representative, that promise had been made without any empirical evidence. He further observed that there was a need for WIPO to bring a certain degree of credible evidence in order to independently verify the propaganda around patent protection and its rationale. He further mentioned that there was more evidence regarding the adverse effect of patents on peoples' lives. Patents were undermining and compromising peoples' right to health guaranteed under Article 12 of the International Covenant on Economic Social and Cultural Rights. The binding international patent regime, in his view, also incapacitated the vast majority of developing countries from fulfilling their international obligations under the said Covenant. Further, he stated that there was an evidence of abuse of patents to prevent competition. He quoted the findings of the European Competition Commission Enquiry Report on the Pharmaceutical Sector of 2009, which had suggested that, in recent years, the originator companies had changed their patent strategies. In particular, the documents of the originator companies confirmed that some of those strategies aimed at developing strategies to extend the duration of their patent protection. The

Enquiry Report further stated that the individual medicines were protected by up to nearly 100 product-specific patent families which could lead to 1300 patents and/or pending patent applications across Member States. The Representative further expressed his concern about the implications of the IP enforcement agenda which had been pushed through unilateral, bilateral, plurilateral and multilateral fora. In his view, the IP enforcement agenda had resulted in the expansion of criminal liability to include patent infringements. He continued that the developed country IP enforcement agenda, if unchecked, would compromise the efforts of the developing countries to industrial development and might even lead to their de-industrialization. He stated that developing countries were still struggling to implement the TRIPS Agreement and in that regard were facing legal, institutional and policy bottlenecks. The Representative urged the SCP to focus on those bottlenecks in order to overcome the barriers in the implementation of the TRIPS flexibilities. In his view, there was a need to study barriers faced by developing countries' enterprises to technology transfer due to patent protection. In that regard, the Representative urged Member States to establish an international commission on transfer of technology, as requested by the like-minded group at the previous session of the SCP, instead of accepting the propaganda that patents were the only tool for inducing invention and innovation. WIPO, in his view, needed to treat patents as one of the tools for stimulating technological inventions.

190. The Delegation of Egypt, speaking on behalf of the DAG, noted that the SCP had recently resulted in developing a number of concrete and useful studies which were worthy of consideration. The Delegation therefore welcomed the recent discussions at the Committee which had been based on preliminary studies on the following six topics: (i) Standards and Patents; (ii) Exclusions from Patentable Subject Matter and Exceptions and Limitations to the Rights; (iii) The Client-Patent Advisor Privilege; (iv) Dissemination of Patent Information; (v) Transfer of Technology; and (vi) Opposition Systems. The Delegation, however, expressed its concern about the lack of consensus during the last session of the SCP to reach an agreement with regard to the session's outcome. The Delegation expressed the view that the SCP should maintain its working mechanisms based on the principle of the "non-exhaustive list of issues" that had guided the Committee in its recent sessions. It was also of the view that the list of issues should be balanced and reflective of the needs and interests of all WIPO Member States, and that it should take into account the Development Agenda recommendations. The Delegation expressed its belief that the contents of the preliminary studies prepared by the Secretariat at the request of Member States should be carefully examined, and that they should sufficiently take into consideration development implications. At the same time, the Delegation underlined the importance of the principle that there was "no one size fits all" levels of protection, including of substantive provisions in patent laws. Therefore, the Delegation stated that it was not in favor of considering issues that related to the harmonization of patent laws, and urged that the discussions on the studies should be open-ended. In the view of the DAG, a good way forward for the work of the SCP was to advance in the understanding of the issues on the bases of studies on each of the issues on the said non-exhaustive list. The Delegation considered that that could be an efficient way to broaden the SCP discussions to issues of interest to Member States, such as transfer of technology through the patent system, anti-competitive practices and problems concerning patents and standards. Further, the Delegation proposed that the current SCP deliberations be conducted in accordance with the recommendations of the Development Agenda on the basis of a deep understanding of the impact of the patent system on development concerns, the use and adequacy of existing flexibilities of the patent system to address these concerns, and further elaboration of the same. In addition, the Delegation expressed the wish for more in-depth discussions on the important issue of exceptions and limitations to patent rights.

ITEM 28(iii) OF THE CONSOLIDATED AGENDA: STANDING COMMITTEE ON
TRADEMARKS, INDUSTRIAL DESIGNS AND FOLKLORE (SCT)

191. Discussions were based on document WO/GA/39/9 "Information Reports on Other WIPO Committees", in particular on item 28(iii), "Report on the Work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)".
192. The Representative of the European Union reaffirmed the strong commitment of the European Union and its member States to the work of the SCT. The Representative of the European Union indicated that the Delegation of the United Kingdom considered the time to be ripe to bring the issue of designs to the forefront of public attention. The European Union and all its member States concurred in that effective and efficient design protection was of increasing importance for fostering innovation and creativity and that, in such a context, international harmonization and simplification of design registration formalities and procedures would bring clear benefits to both users and administrations. The European Union and its member States, therefore, welcomed the agreement reached at the last session of the Standing Committee to further advance the work on possible convergences in the industrial design law and practice of Member States and to begin work on the issue of trademarks and the Internet.
193. The Representative of the European Union stated that the SCT had repeatedly shown in the past that it can make major achievements based on its constructive spirit and dynamism, a prime example being the recent Singapore Treaty on the Law of Trademarks. Against this background and considering the promising work progress already made in relation to designs over the last five years, the European Union and its member States very much hoped that this work will be given priority in the SCT and will result in a diplomatic conference in the 2012-2013 biennium, harmonizing and simplifying design registration formalities and procedures.
194. The Delegation of El Salvador, expressing its appreciation for the work done so far by the Standing Committee, stated that the SCT was one of the most relevant and useful committees for national industrial property offices. The Delegation of El Salvador expressed satisfaction with the progress made by the Standing Committee in the fields of trademarks and industrial designs, as well as appreciation for the work on a possible extension of the Digital Access Service of Priority Documents (DAS) to trademarks and industrial designs. Concerning geographical indications, the Delegation of El Salvador expressed the hope that a consensus would be attained towards a development of the Standing Committee's work on this matter.
195. The Delegation of Jamaica stated that it remained committed to finding solutions to the problems posed by the continued exploitation of the name and reputation of "Brand Jamaica" to the disadvantage of its nation. Although the proposal by the Delegation of Jamaica made in the SCT for the protection of country names under Article 6^{ter} of the Paris Convention may not yet have received the full support of Member States, Jamaica remained undaunted in the desire to ensure that all Member States receive effective protection against the unauthorized use of their State names, and invited all Member States to recognize the importance of such international rules. The Delegation of Jamaica viewed as an important first step the compilation document containing the returns of a questionnaire on the protection of country names, which would assist the SCT to determine the legal positions and policies of Member States concerning the protection of State names.
196. The Delegation of Barbados supported the statement made by the Delegation of Jamaica regarding the protection of country names against registration and use as trademarks. As a small economy, Barbados urged the SCT to find an effective solution which would prohibit the use of country names as trademarks without the consent of a competent authority in the country concerned.

197. The Delegation of Norway, expressing its satisfaction with the work of the Committee on Industrial Designs, stated that it hoped that the SCT would make progress towards a Design Law Treaty.

198. The WIPO General Assembly took note of the progress made by the SCT in its work in the field of trademarks, industrial designs and geographical indications.

ITEM 28(iv) OF THE CONSOLIDATED AGENDA: COMMITTEE ON WIPO STANDARDS (CWS)

199. Discussions were based on document WO/GA/39/9 "Information Reports on Other WIPO Committees", in particular on item 28(iv), "Discontinuation of SCIT".

200. The Secretariat recalled that the WIPO General Assembly, at its thirty-eighth session, held in September 2009, had approved the discontinuation of the Standing Committee on Information Technologies (SCIT) and the creation of the Committee on WIPO Standards (CWS). The General Assembly referred the discussion on the recommendation for the creation of the Committee on Global IP Infrastructure (CGI) to the Standards and Documentation Working Group (SDWG). The SDWG, at the eleventh session, held in October 2009, did not reach consensus regarding the recommendation on the CGI to be provided to the General Assembly.

201. The Delegation of El Salvador expressed its satisfaction with the creation of the CWS and interest in its activities, as well as its commitment to the CWS.

202. The General Assembly noted the information on the discontinuation of the SCIT and the creation of the CWS provided by the Secretariat in document WO/GA/39/9.

ITEM 28(v) OF THE CONSOLIDATED AGENDA: ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

203. Discussions were based on document WO/GA/39/9, "Information Reports on Other WIPO Committees", in particular on item 28(v): Advisory Committee on Enforcement (ACE)

204. The Representative of the European Union and its member States thanked the WIPO Secretariat for preparing and producing various documents for the fifth session of the ACE, and for its extensive activities of technical and legal assistance over the past year. It was stated that sustained creativity, inventiveness, creation and innovation were of crucial importance to the economic well-being of every country and that IPRs were key business assets which helped to ensure that innovators and creators were incentivized to invest and create, and as such it was important that effective measures were in place to protect these rights. In that framework, the Delegation stressed that within the European Union, the European Observatory on Counterfeiting and Piracy was set up as a platform to exchange experiences and information and to share best practices on enforcement. It was underscored that it was widely recognized that organized infringement of rights was a global phenomenon and that through legitimate developments in communication technology and transportation, counterfeiters and pirates used intricate supply chains to manufacture, distribute and sell fake and counterfeiting goods throughout the world. As such, creators were deprived of their appropriate rewards, competitiveness undermined, the health and safety of consumers threatened, jobs destroyed and much needed revenue to public finances blocked. The Delegation added that there was an urgent need to support the enforcement of IPRs through better statistics and information about the scope, scale and impact of counterfeiting and piracy by improving cooperation through more effective cross-border exchanges of information and best practices in enforcement, as well as by raising public awareness about the growing risks to health and safety. The European Union and its member States placed great value on the work of the ACE and urged the Committee to intensify its efforts to build a shared understanding of the effects and impact of IPR infringements, so that effective prevention and enforcement strategies could be adopted.

205. The Delegation of El Salvador referred to the meeting of the ACE that took place in November 2009, when Member States had an opportunity to hear presentations on the creation of a framework promoting respect for IP. Moreover, it was recalled that papers on future work were submitted by Pakistan, Brazil and Group B. The Delegation mentioned that, in the context of that meeting, consensus was reached on various points, including the future work of the Committee. The Delegation felt that the ACE was the appropriate and natural forum for an exchange of experiences on the enforcement of intellectual and industrial property rights. The Delegation referred to the previous meetings of the Global Congress on Combating Counterfeiting and Piracy, and in particular, to the excellent hosting by Mexico of the last Congress in December 2009. The Delegation requested the Secretariat to consider the possibility of financing developing Member States to participate in such meetings, which were of great interest to countries such as El Salvador.
206. The Delegation of Brazil welcomed the resumption of the deliberations in the ACE and commended the agreement that paved the way to an amended work program for the ACE, which represented a substantial change in the way in which the enforcement of IPRs was approached. The Delegation felt that the use of adequate methodologies to measure the impact of counterfeiting and piracy, based on empirical evidence whilst taking due note of different economic realities, would enhance an understanding of the complexities of the issue and would constitute a pre-condition for informed deliberations. The Delegation concluded that the violation of IP rights was a global problem affecting all in different ways and to different degrees. Moreover, the Delegation counted on the work of the ACE, with substantive inputs from the Office of the WIPO Chief Economist, to play a significant role in helping member countries better understand and combat the problem of counterfeiting and piracy.
207. The Delegation of Kenya expressed its appreciation for the report presented by the Secretariat and stated that the enforcement of IPRs, especially in the wake of increased counterfeiting and piracy, needed to be addressed taking into consideration the WIPO Development Agenda. The Delegation took note of the proposals and concerns put forward by Brazil and Pakistan, whilst looking forward to the substantive studies and analysis on IPR infringements presented by the Secretariat to guide future discussions and enforcement efforts at all levels.
208. The Delegation of Mexico supported the strategic vision of WIPO on the respect for IPRs for the effective use of an IP system as a powerful tool for economic development and for the reduction of poverty. It stressed the importance of a modern legislative framework and an effective system for enforcing IP rights to limit the number of violations and to ensure that rightsholders and society as a whole could benefit from that system in the best possible way. The Delegation reiterated the significance of IP enforcement and emphasized its participation in a number of bi-lateral, tri-lateral and multi-lateral fora, as well as the in the Global Congress and the WTO. The Delegation recalled that Mexico, according to its commitment, and in cooperation with INTERPOL, the World Customs Organization (WCO), the International Chamber of Commerce (ICC), the International Trademark Association (INTA) and the International Security Management Association (ISMA), organized the fifth Global Congress on Combating Counterfeiting and Piracy in Cancun from December 1 to 3, 2009, with some 800 delegates from 80 countries attending. The Delegation thanked the Deputy Director General for mentioning that event, and also the Delegation of El Salvador for its comments.
209. The Delegation of India stated that the last session of the ACE in November 2009 was held after a lapse of time. It was pleased to note that a balanced work program had been agreed upon for the next session, in line with Recommendation 45 of the WIPO Development Agenda. The Delegation expressed the hope that further work in the Committee would continue to address the issue of building respect for IP in a holistic manner and in all its complexities, while taking into account development aspects and socio-economic realities. The Delegation noted that the 6th Global Congress on Combating Counterfeiting and Piracy would be hosted by WIPO. It also recalled that, following discussions during the last session of the ACE, the WIPO Secretariat undertook to ensure that the discussions at the 6th Global Congress would reflect a balanced

approach to combating counterfeiting and piracy and would consider, as a central theme, elements identified in the ACE as forming part of an enabling environment to promote respect for IP.

210. The Representative of Knowledge Ecology International (KEI) expressed concern about the seizure of goods in transit in relation to IP enforcement, and suggested that the matter be further examined by the ACE as it also impacted on the issue of access to medicine. KEI expressed satisfaction with document WIPO/ACE/5/6 and support for the Economics and Statistics Division within the WIPO Secretariat was reiterated. It put emphasis on the desirability to further examine the relationship between IP enforcement and issues such as privacy and civil rights, and concluded that specific public policies led to limitations on remedies to IP infringements in some countries, which had to be considered when discussing IP enforcement.
211. The Representative of Third World Network (TWN) stated that any informed discussion on IP enforcement should be based, as a pre-condition, on empirical and verifiable data and urged WIPO to direct resources to that end. TWN stressed the need to take into consideration the development implications of IP enforcement and the implications of counterfeit and pirated goods in developing countries. It added that any discussion on IP enforcement should take into account the right to enjoy the benefits of scientific progress and its applications such as enshrined under Article 15(i)(c), of the International Covenant on Economic, Social and Cultural Rights. In conclusion, TWN emphasized the need for IP enforcement-related activities of WIPO to reflect developmental concerns.
212. The Delegation of Egypt noted that the enforcement of IPRs was heavily debated not only at WIPO, but also at the WTO, the WHO, as well as in other multilateral organizations including the WCO, and in pluri-lateral and bi-lateral settings. The Delegation particularly welcomed Recommendation 45 of the WIPO Development Agenda that tackled the issue from the balanced perspective of building respect for IP. The need to ensure balance was underscored in order that the enforcement of such rights did not preclude the necessary flexibility and priorities of public policy. In that regard, the Delegation was encouraged by Recommendation 45 of the WIPO Development Agenda and the promise it held for the work of the Organization in relation to issues under discussion in the ACE.
213. The General Assembly took note of the information contained in document WO/GA/39/9.

ITEM 29 OF THE CONSOLIDATED AGENDA

WIPO VOLUNTARY FUND FOR ACCREDITED INDIGENOUS AND LOCAL COMMUNITIES

214. Discussions were based on document WO/GA/39/11.
215. The Delegation of Switzerland supported the work of the IGC within the framework of its current mandate adopted by the General Assembly for 2010 and 2011. It welcomed the concrete developments and progress which had been made in that context. However, it considered that major issues still needed to be discussed in the meantime if the Committee were to be able to submit to the General Assembly planned for 2011 the text of one or more international legal instruments to provide effective protection of GRs, TK and TCEs. It was convinced that the strong participation of the representatives of local or indigenous communities was contributing positively to the advancement of the work of both the Committee and the Intersessional Working Groups (IWGs). It fully endorsed the Committee's decision adopted at its sixteenth session to allow the participation of those representatives in the IWGs to be financed from the Voluntary Fund, and therefore supported the amendments to the Fund Rules proposed in Annex II of document WO/GA/39/11. The Delegation recalled the contribution of 250,000 Swiss francs made to the Fund by the Swiss Federal Institute of Intellectual Property. In that context, it recalled that the Committee had invited Member States and public and private organizations to contribute to financing the Fund. It emphasized that, taking into account the current level of the Fund, further contributions were required to ensure that the Fund could finance the

participation of representatives of indigenous or local communities in the following three sessions of the Committee and in the two IWGs due to be held before the 2011 General Assembly.

216. The Delegation of Angola requested clarification on the precise nature of the amendments being proposed to the Rules of the Voluntary Fund for Accredited Indigenous and Local Communities.
217. The Secretariat explained that the proposed amendments were intended to permit the Voluntary Fund to extend also to the IWGs, as had been recommended by the IGC at its most recent session in May 2010. The precise change was to add a new Article *2bis* to the Rules, which recognized the IWGs as a “related activity” for purposes of the Rules, thus enabling the Fund to extend to the IWGs. All the other proposed amendments, which were set out in Annex II to the document and underlined for ease of reference, were administrative changes in consequence of this new Article *2bis*.
218. The WIPO General Assembly adopted the proposed amendments to the Rules of the Voluntary Fund for Accredited Indigenous and Local Communities as set out in Annex II to document WO/GA/39/11.

ITEM 33 OF THE CONSOLIDATED AGENDA

INTERNET DOMAIN NAMES

219. Discussions were based on document WO/GA/39/10.
220. The Secretariat reported on WIPO’s activities in domain name dispute resolution and also in relation to developments in the domain name system (DNS) relevant to the protection of trademarks.
221. Since the adoption in December 1999, on the basis of recommendations made by WIPO in the First WIPO Internet Domain Name Process, of the Uniform Domain Name Dispute Resolution Policy (UDRP) by the Internet Corporation for Assigned Names and Numbers (ICANN), the WIPO Arbitration and Mediation Center, through September 2010, has administered nearly 19,000 domain name cases under the UDRP and related policies. In 2009, WIPO administered a total of 2,107 cases covering a record 4,685 domain names. Since then, WIPO’s UDRP caseload has increased by some 20 percent compared to the same period in 2009. Conducted in multiple languages, WIPO UDRP proceedings are decided by experts appointed from the List of WIPO Domain Name Panelists which includes some 450 trademark experts from all continents. In addition to its case administration services, the Center offers online tools to facilitate access to WIPO UDRP procedures and decisions including a globally-used *Overview of WIPO Panel Views on Selected UDRP Questions*, a searchable *Legal Index*, and an extended statistics search facility. As of mid-December 2009, the WIPO Center has pioneered an entirely paperless UDRP case filing option. Ongoing developments in the DNS, such as the evolution of pay-per-click websites, the proliferation of proxy registration services, and registrar compliance issues are presenting increasing challenges for owners of IP, in particular trademarks. The Center is monitoring these developments and communicating with ICANN and stakeholders as appropriate.
222. In addition to disputes involving generic top-level domains (gTLDs), as at September 2010, the Center provides domain name dispute resolution services for 63 country code top-level domain (ccTLD) registries, and as part of its non-profit activities, regularly undertakes consultations with further ccTLDs of Member States.
223. ICANN has announced policy developments that will present opportunities and legal and practical challenges for IPRs owners and users, notably the predicted introduction in the course of the next year or two of large numbers of new top-level domains, and the ongoing introduction of internationalized domain names (IDNs: local language scripts) at the top level. The Center regularly seeks contact with ICANN and stakeholders in the

interest of appropriate IP protection in the event new gTLDs are introduced as envisioned by ICANN. Such collaboration encompasses proposing and commenting on dispute resolution policies and procedures that respect IP, balanced with practical interests and legitimate expectations of DNS actors. In addition to previous consultations on a trademark-based Pre- (TLD) Delegation Dispute Resolution Procedure involving domain name registries, this collaboration concerns a number of rights protection mechanisms presently under ICANN consideration, namely a Post- (TLD) Delegation Dispute Resolution Procedure involving domain name registries, a Trademark Clearinghouse database, and a Uniform Rapid Suspension System intended to complement the UDRP.

224. 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, which were considered by the WIPO General Assembly in September 2002, these recommendations concern the provision of protection also for: (1) the names and acronyms of international IGOs, and (2) country names, respectively against their abusive registration as domain names (the WIPO-2 Recommendations). While the WIPO-2 Recommendations were made in the context of the DNS at that time, i.e. prior to ICANN's present plans for a broad expansion of the DNS, the extent of any ICANN-envisaged protection of such identifiers remains unclear. The Secretariat will continue to monitor any developments and provide input where possible.

225. The General Assembly took note of the contents of document WO/GA/39/10.

[Annex follows]

ANNEX TO THE GENERAL ASSEMBLY'S REPORT (FOR ITEM 22)

SELECTION AND COMPOSITION OF AUDIT COMMITTEE

DRAFT TIMELINE

(see Report of WG on Audit Committee Matters and WO/PBC/15/23 Agenda item 17 and Annex III)

<i>Selection process timeline as per WG report</i>				Possible additional action by Audit Committee
Date	Action	By	PBC proposed action by Audit Committee	
03.sept	PBC Decision	Member States	none	
29.sept	GA Approval	Member States	none	
Sept 23-Oct. 18				Audit Committee starts working at draft matrix as a basis for discussion by Selection Panel
01.oct	Secretariat invites application/ nominations from Regional Groups for composition of Selection Panel	Secretariat	none	
08.oct	Composition of Panel finalized and notified to Member States by Secretariat	Secretariat and Member States	none	
Oct. 11 to 15	Secretariat invites applications/ nominations for new Audit Committee and issues open vacancy announcement (see PBC WG report para 17(i) and (ii))	Secretariat	none	Possible assistance by Audit Committee in drafting letter of invitation and vacancy announcement concerning qualifications required
Oct. 11 to 15	Selection Panel convenes for 1st meeting and adopts its ToR	Secretariat and Selection Panel	none	
Oct. 18 to 22	Selection Panel convenes for 2nd meeting and starts consulting with Audit Committee on developing Evaluation Matrix	Selection Panel and Audit Committee	Consultations with Selection Panel re Evaluation Matrix	
05.nov.10	Finalization of Matrix			
Nov. 8 to 12	Selection Panel "screens" applications /nominations	Selection Panel	none	
Nov. 15 to 19	List of eligible candidates and their relevant particulars transmitted to Audit Committee	Selection Panel	Audit Committee input for: (a) assessing candidates as per Evaluation Matrix (b) preparation of report for Selection Panel (Qualified and not qualified - see para 27)	
Nov. & Dec	Audit Committee assesses candidates as per Evaluation Matrix	Audit Committee		
Nov 25 - Dec.3				Audit Committee 19th meeting to assess candidates (revised Agenda)
Dec. 10, 2010	Audit Committee submits its report to Selection Panel	Audit Committee		
Dec 3 - Feb 2011				Audit Committee, in consultation with Secretariat and Group Coordinators prepares training for new AC members for February 2011
Dec. 13 to 17	Selection Panel finalizes its recommendations and forwards to PBC (possible interviews and reference checks)	Selection Panel	none	
Jan. 12 & 13	Extraordinary Session of PBC	Secretariat	none	Possible attendance of AC representative
Feb. 2011	new Audit Committee in place	Secretariat	none	First meeting and Training of new Audit Committee

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[End of Annex and of document]