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WIPO General Assembly

**Fifty-First (24th Ordinary) Session
Geneva, September 30 to October 9, 2019**

REPORT

adopted by the WIPO General Assembly

1. The WIPO General Assembly was concerned with the following items of the Consolidated Agenda (document A/59/1): 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 32 and 33.
2. The reports on the said items, with the exception of items 10, 11(i), 11(iii), 12, 15, 16, 17, 18, 19, 20, 21, 22, 26 and 27 are contained in the General Report (document A/59/14).
3. The reports on items 10, 11(i), 11(iii), 12, 15, 16, 17, 18, 19, 20, 21, 22, 26 and 27 are contained in the present document.
4. Ambassador Duong Chi Dung (Viet Nam), Chair of the WIPO General Assembly, presided over the meeting.

ITEM 10 OF THE CONSOLIDATED AGENDA

COMPOSITION OF THE PROGRAM AND BUDGET COMMITTEE

5. Discussions were based on documents WO/GA/51/1 and WO/GA/51/17.

6. The Chair said that the Program and Budget Committee (PBC) was to consist of 53 members. He stated that the membership of the PBC was established once every two years during an ordinary session of the WIPO General Assembly and recalled that the current mandate of the members of the PBC would expire at the close of the ongoing session of the Assemblies and new members should therefore be elected to serve for two years. The Chair, however, regretted to inform delegations that, so far, consensus had not been reached among delegations with regard to the composition of the PBC. He recalled that as indicated in the list of documents, one additional document had been received from the Delegation of Singapore, on behalf of the Asia and the Pacific Group and offered the floor to the Delegation of Singapore to present their document.

7. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, recalled that the PBC was a very important body of WIPO, and decisions made therein were directly relevant to all Member States. All countries who wished to be involved in the PBC should therefore be able to contribute, in full, as neither WIPO's rules of procedure nor existing guidelines provided a basis for the current limitation on either the number of seats in the PBC or the allocation of seats to each regional group. In that context, the Asia and the Pacific Group had once again tabled its proposal on the composition of the PBC which, as mentioned by the Chair, was circulated as document WO/GA/51/17. While taking into account the latest accession of Solomon Islands to the WIPO Convention, the proposal, once again, stressed that the PBC should be opened to the full participation of all interested WIPO members. The Asia and the Pacific Group looked forward to constructive discussions with the other regional groups on this issue so that WIPO could benefit from an inclusive PBC that takes into account geographical representation of the WIPO membership.

8. The Chair noted that he had conducted informal consultations on the issue and recalled that the WIPO General Assembly last year had decided that "The Chair of the WIPO General Assembly will undertake consultations on an inclusive, transparent and effective PBC, taking into account, among other considerations, geographical representation, with a view to making a decision at the WIPO General Assembly at its fifty-first session in 2019". He stated that he had held several informal consultations seeking to find a way forward and expressed his appreciation for the commitment of all delegations that had worked in a constructive manner. Regrettably, however, consensus had not been achieved in the lead up to the present Assemblies. The Chair advised that Group Coordinators wished to have more time for informal consultations and he, therefore, proposed that delegations revisit the matter in plenary session at a later stage. Seeing no objection, the Chair adjourned the session.

9. Reverting to the agenda item, in the second week of the meetings, the Chair recalled that the item had been opened in the previous week when it was agreed to engage in informal consultations.

10. The Legal Counsel informed delegations that, unfortunately, so far no consensus had been reached among delegations with regard to the composition of the PBC and the Secretariat hoped to receive additional nominations for completion of the PBC membership.

11. In view of this, the Chair proposed to adjourn the deliberations on the agenda item for resumption at a later stage.

12. Reverting to the agenda item on the last day of the Assemblies, the Chair invited the Legal Counsel to provide an update on the item.

13. The Legal Counsel noted that, regrettably, informal consultations among delegations had not yielded consensus on the full composition of the PBC. He pointed out that considering the late hour, it was being proposed that the agenda item be taken up again at the next extraordinary session of the WIPO General Assembly scheduled in May 2020.

14. The Delegation of Canada, speaking on behalf of Group B, said that in order to make progress on the issue, Group B wished to suggest language for a decision paragraph, as an alternative to waiting until the extraordinary session in May 2020, whereby the WIPO General Assembly would elect those members that had already been nominated following agreement on such nominations. Furthermore, the proposed decision would contain the following language: "The General Assembly further decides to elect no more than nine members to be communicated by the Asia and the Pacific Group to the International Bureau no later than December 1, 2019. The International Bureau is requested to transmit the complete composition of the Program and Budget Committee to Member States upon receipt of this communication. If the communication is not received by December 1, 2019, those seats shall remain vacant". In this respect, an informal document containing the suggested proposal was circulated to delegations for discussion.

15. The Delegation of Croatia, speaking on behalf of the Central European and Baltic States (CEBS) Group, expressed its support for the proposal by Group B which it considered as the best way to resolve the situation.

16. The Delegation of Mexico, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), also expressed its support for the proposal by the Delegation of Canada on behalf of Group B.

17. The Delegation of Uganda, speaking on behalf of the African Group, was of the view that the proposal by Group B was a pragmatic one and added that it saw no reason why those regional groups that had submitted their nominees for the composition of PBC should need to wait for the decision to be taken at the extraordinary session in May 2020. Its Group therefore endorsed the proposal as circulated by Group B.

18. Referring to the informal document containing the suggestion by the Delegation of Canada, on behalf of Group B, that had been distributed to delegations, the Chair inquired whether there were objections to the proposed decision paragraph.

19. The Delegation of Iran (Islamic Republic of) stated that it had no issue with the proposed decision paragraph as circulated to delegations with the exception of the last sentence of paragraph 3, which it proposed should be deleted.

20. The Delegations of India, United Arab Emirates and Malaysia expressed support for the deletion of the sentence as proposed by the Delegation of Iran (Islamic Republic of).

21. Seeing no objection to the proposal by the Delegation of Iran (Islamic Republic of), the Chair concluded that the draft proposal as introduced by the Delegation of Canada on behalf of Group B and with the deletion of the relevant sentence of the proposal, could be adopted.

22. Following informal consultations among Member States, the following States are unanimously elected by the General Assembly as members of the Program and Budget Committee for the period October 2019 to October 2021: Algeria, Angola, Azerbaijan, Belarus, Brazil, Canada, Chile, China, Czech Republic, Dominican Republic, Egypt, El Salvador, France, Gabon, Germany, Greece, Guatemala, Hungary, Italy, Japan, Kazakhstan, Kenya, Latvia, Mexico, Morocco, Nigeria, Panama, Peru, Republic of

Moldova, Romania, Russian Federation, Senegal, Serbia, Slovakia, South Africa, Spain, Sweden, Switzerland (ex officio), Tajikistan, Tunisia, Turkey, United Kingdom, United States of America, Uruguay (44).

23. The General Assembly further decided to elect no more than nine members to be communicated by the Asia and the Pacific Group to the International Bureau no later than December 1, 2019. The International Bureau is requested to transmit the complete composition of the Program and Budget Committee to Member States upon receipt of this communication.

24. The WIPO General Assembly decided to consider the composition of the Program and Budget Committee; in this context, the Chair of the WIPO General Assembly will undertake consultations on an inclusive, transparent, and effective PBC, taking into account, among other considerations, geographical representation, with a view to making a decision at the WIPO General Assembly at its session in 2021.

ITEM 11 OF THE CONSOLIDATED AGENDA

REPORTS ON AUDIT AND OVERSIGHT

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

25. Discussions were based on documents WO/GA/51/2 and A/59/7.

26. The Chair of the WIPO IAOC, made the following statement:

“As Chair of the IAOC, I'm pleased to present the annual report of the IAOC, contained in document WO/GA/51/2.

“First and foremost, I would like to express on behalf of the IAOC, our deep gratitude to the outgoing Chair and Vice-Chair of the Committee, Mr. Gabor Amon and Mr. Egbert Kaltenbach, respectively, whose terms of office will expire in January of 2020. Their dedicated service to the Committee for six years has been invaluable. A number of policies and rules adopted by WIPO during their tenure in office at the Committee is testament to their tireless work for WIPO. We wish them lots of success in their future endeavors.

“The IAOC engages in a number of oversight and advisory activities. You will find a complete record of our work in our report. During the reporting period, the Committee held four in-person meetings and extensive consultations, as required. My presentation will cover a brief summary of the IAOC's salient activities. I will discuss External Audit, questions raised on the methodology for election of new members, Internal Oversight and Ethics.

“First, with respect to External Audit, I wish to record that during the reporting period, the Committee interacted regularly with the new External Auditor, the UK National Audit Office, to discuss both their audit planning and audit results. The Committee was satisfied that the audit plan covered significant audit risks, including areas of special interest or of potential concern to Member States. The Committee was very pleased to note that WIPO has obtained an unqualified audit opinion; that the External Auditor attested to the high quality of WIPO's Financial Statements, and acknowledged the excellence and maturity of WIPO's internal control framework. The Committee commends the External Auditor on the quality, reader-friendliness and timeliness of the report and looks forward to continued interaction between the IAOC and the External Auditor.

“Second, the IAOC wishes to share a few observations with Member States concerning the established methodology for selection of new members of the IAOC. As the mandate of the two members representing the CEBS and Group B will expire in 2020, the Committee was asked to assist in the selection process of new members pursuant to the relevant rules that have been established by this body. Should Member States wish to consult the methodology, they will find the rules in paragraph 28 of document WO/GA/39/13. In accordance with the process that was established by Member States, the applications submitted for the IAOC’s assessment contained candidates from Regional Groups that were already represented in the Committee. In other words, it contained candidates from groups other than Group B or CEBS, and were therefore highly unlikely to be selected. In the Committee’s view, the process would be less unwieldy and more efficient if in future, the selection process focused exclusively on applications from the priority groups, that is to say, those groups who will no longer be represented on the Committee. The Committee is very aware that any procedural changes would require a revision of the process of selection and rotation of IAOC members, and therefore wishes to signal to you, at this early stage, this issue for consideration by Member States prior to the commencement of the next selection process.

“Third, I will discuss Internal Oversight, which is one of our main responsibilities. At its session in December 2018, the Committee reviewed and provided comments on the proposed Oversight Annual Workplan for 2019, throughout the year, and on the basis of quarterly activity reports provided by the Director, Internal Oversight Division (IOD). The Committee has reviewed the progress in implementing the oversight workplan. The Committee wishes to express its satisfaction with the progress made by IOD in implementing workplans and the overall quality of the results produced. We acknowledge especially the efforts made by the Director, IOD to achieve planned results, and endorse the level of resources for Program 26 in the proposed Program and Budget for the 2020/21 Biennium.

“Lastly, when reviewing the draft Annual Report by the Director, IOD, the Committee noted that it shares the view of the External Auditor that it would be desirable to align the current reporting period, which is July 1 to June 30, with the period of the IOD Annual Workplan, which is from January to December. This would not only ensure that planning and reporting are matched, but would also prepare the ground for an annual assurance statement on internal controls.

“Fourth, with respect to Evaluation, in accordance with the Internal Oversight Charter, the Committee reviewed the Terms of Reference of the External Quality Review of the evaluation function, which is required every five years.

“Fifth, with respect to Investigations, at each of the sessions, the Director, IOD apprised the Committee on the status of investigation cases and caseload trends, providing a breakdown of complaints received and complaints substantiated by category of misconduct. In accordance with the Internal Oversight Charter, in cases involving potential conflict of interest on the part of the Director, IOD, the Committee reviewed each case in detail and provided advice to the Director and to others. The Committee is satisfied with the overall timeliness in which IOD addressed complaints and completed investigations; however, the Committee reiterated its concerns about significant delays in certain cases due to the lack of cooperation by investigation subjects or complainants during the investigation. I must also note that delays have sometimes occurred due to conflict of interest situations or other reasons which required the engagement of external investigators. At the recommendation of the Committee, the Director, IOD is establishing a roster of preselected investigation consultants for use by the Committee. The Committee is convinced that this roster, when operational, will facilitate the engagement of external investigators in a more timely manner.

“Sixth, with respect to the Ethics Office, unfortunately, Committee has found it somewhat challenging to discharge its functions in the ethics area. According to its Terms of Reference, the Committee shall, at its last session of the year, review and advise on the proposed Annual Workplan of the Ethics Office. The Committee did not receive the proposed 2019 Ethics Workplan for review and was obliged to review and take note of the workplan that had already been approved by Management. The Committee suggested to further improve the content and format of future workplans. At its forthcoming meeting in December 2019, the Committee expects the Chief Ethics Officer to submit the proposed Annual Workplan for the Committee's review and advice, prior to its finalization and prior to its submission to Management. The Terms of Reference of our Committee also require us to review and advise on proposed ethics policies. Currently, the work of the Ethics Office is still governed by the outdated June 2010 Office Instruction on the WIPO Ethics Office. In May 2018, we provided extensive comments and suggestions on the proposed new Office Instruction to the Ethics Office. The Committee held numerous discussions on the matter and at the last session in July 2019, discussed yet again a revised draft. At the time of my address to this Assembly, a revised Office Instruction has not been issued, in spite of extensive and repeated comments provided.

“Finally, at the 53rd session, the Committee reviewed and proposed changes to the WIPO Policy on Financial Disclosure and the Declaration of Interest and was satisfied with the result.

“Lastly, to conclude, I will mention some special projects in which the Committee has been involved. At its 28th session, the PBC requested the IAOC to review and propose amendments to the WIPO Internal Oversight Charter and on the Investigation Policy with a view to providing clarification of targeted timelines in the reporting and investigation processes. Having reviewed the applicable WIPO policies, and taking into account relevant reports of the Joint Inspection Unit (JIU) and best practices in other UN organizations, the Committee has concluded that the targeted timelines established by WIPO were generally adequate and that no amendments to the WIPO Internal Oversight Charter were warranted. The Committee has recommended certain amendments to the Investigation Policy and the Policy to Protect against Retaliation with a view to enhancing, clarifying and ensuring consistency in the application of established timelines. The PBC has adopted the IAOC's recommendation on Targeted Timelines for the Investigation and Related Processes, and the document is contained in the PBC's report to the General Assembly.

“And finally, Mr. Chairman, I would like to express on behalf of the IAOC, my appreciation to the Director General, the Director, IOD, the Legal Counsel, the Chief Ethics Officer and other Senior Managers, as well as the External Auditor, for their availability, their openness and their regular interaction with the Committee.

“And with this, I conclude and thank you, Mr. Chairman.”

27. The Delegation of Canada, speaking on behalf of Group B, expressed its gratitude for the work of the IAOC, the Internal Oversight Division (IOD) and the External Auditor in relation to all oversight activities presented to the Assemblies. The Group stated that a well-functioning oversight system was essential to meeting the effectiveness, efficiency and relevance of the Organization. The Group also thanked the Controller and Auditor General of the United Kingdom, and the National Audit Office of the United Kingdom for taking on the challenge of serving as the External Auditor of the Organization. The Group encouraged the Secretariat to implement the recommendations from the internal and external auditors in a timely manner, and to continue regular engagement with the relevant managers on those recommendations.

28. The Delegation of Croatia, speaking on behalf of the CEBS Group, commended the work of the External Auditor, the IAOC and the IOD, and their interactions which the Group found crucial in ensuring sound oversight of the management of the Organization. In particular, the Group thanked the previous Controller and Auditor General of India for the work undertaken, and wished the current National Audit Office of the United Kingdom every success in performing that important duty. The Group had studied with interest the information contained in the Report of the External Auditor, and had noted with satisfaction that the revenue and the expenses had been applied to the purposes intended by the WIPO General Assembly, and that the financial transactions conformed to the Financial Regulations and Rules of the Organization. The Group appreciated the External Auditor's review of the results-based management framework and human resources, and queried which areas of the work of WIPO the External Auditor was planning to review in the future. The Group was equally grateful to Management and to the Secretariat for carrying out the relevant recommendations and noted with pleasure that WIPO was considered to be at the forefront of governance development within the UN system. The Group was convinced that both WIPO management and the Secretariat would continue on that part.

29. The Delegation of the United States of America supported the statement made by the Delegation of Canada on behalf of Group B. The Delegation thanked the IAOC for its informative report and for its work throughout the year. The Delegation recognized IAOC's valuable efforts to strengthen oversight of the Organization, and appreciated the Secretariat's support to the IAOC's mission. The Delegation requested a status update regarding the ongoing revisions to WIPO's anti-fraud policy, and clarification as to whether the IAOC would review the policy before its implementation. Regarding the ethics function, the Delegation noted that the revised Office Instruction on the Ethics Office's Terms of Reference had not been implemented. The Delegation believed that ensuring the Ethics Office was aligned with current best practices, and recent changes to WIPO ethics and oversight policies should be made a priority. Lastly, the Delegation strongly agreed with the IAOC's view that Member States would benefit from the information contained in the Activity Report of the Ombudsperson and requested information regarding the status of the 2018 Ombudsperson Report.

30. The Delegation of Uganda, speaking on behalf of the African Group, commended the Chair of the IAOC and other members for the Report by the IAOC, document WO/GA/51/2, which provided an overview of the Committee's activities for the period under review. The Group appreciated the diligent and committed service of the outgoing members of the IAOC. The Group welcomed the newly elected members and assured the entire team of the Group's support to further enhance its oversight function. The Group noted that the IAOC played an important oversight and advisory function to the Organization and to Member States by providing checks and balances to various WIPO bodies in the execution of their functions, and also ensured that there was efficacy in policies that governed those bodies. Those checks and balances ensured that the Organization was able to achieve its mandate in an efficient manner. The Group was pleased with the IAOC's overall conclusion that the responsible oversight bodies of the Organization generally complied with established procedures in the planning and the execution of various organization programs and activities, reporting mechanisms, internal investigations, as well as the progressive improvement of internal policies. As had been previously stated, the Group was always pleased with the manner in which the IAOC conducted its work, including interaction with various WIPO bodies, and Senior Program Managers and their teams, in order to gain practical insights and comprehensive overviews of their functions and activities. That guaranteed that the IAOC made its findings and recommendations from an informed point of view but it also ensured that those recommendations should be acceptable to those responsible for implementing them. The Group welcomed the positive projection by the IAOC of the Organization and its positive outlook in the planning and execution of various organization programs and activities, reporting mechanisms, internal investigations, and internal policies. The Group saw a lot of merit in those recommendations, especially those relating to planning processes, investigation mechanisms as well as reporting mechanisms, and urged all

bodies to which those recommendations were made to ensure that they were fully implemented, prioritizing those that were long outstanding.

31. The Delegation of China expressed its appreciation for the work of the IAOC, the IOD and the External Auditor, and thanked the IAOC for its report. The Delegation believed that the work of those functions played a very positive role on the well functioning of the Organization, and suggested that the Secretariat actively implement the reasonable recommendations proposed by the above-mentioned functions.

32. In addressing the aspect of the anti-fraud policy update, the Secretariat explained that it was a part of the internal control framework and system that had been discussed with the IAOC as part of its review, and another update would probably be provided at the next IAOC meeting. The Secretariat assured the Delegation of the United States of America that it would revert to them on the issues it raised on the Activity Report of the Ombudsperson and the Office Instruction on the WIPO Ethics Office.

33. The WIPO General Assembly took note of the “Report by the WIPO Independent Advisory Oversight Committee (IAOC)” (document WO/GA/51/2).

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

34. Discussions were based on documents WO/GA/51/3 and A/59/7.

35. The Director, IOD, in line with the Internal Oversight Charter, presented an overview of oversight activities undertaken by IOD during the reporting period, July 1, 2018 through June 30, 2019. The annual report was included in document WO/GA/51/3. The IOD Oversight Plan for 2019 had been prepared considering a number of factors including: risk ratings; relevance; country impact; the oversight cycle; and feedback received from WIPO Management, Member States and available resources. In line with paragraph 28(a) of the Internal Oversight Charter, prior to its finalization, the draft Oversight Work Plan had also been submitted to the IAOC for its review and advice. At the reporting date, IOD had fully implemented the 2018 Oversight Plan and the implementation of the 2019 Work Plan was on track. During the reporting period, IOD audits and evaluations covered the following key operational areas: Physical access security systems; Enterprise Resource Planning Portfolio; Funds-in-Trusts (FIT) Managed by WIPO: Implementation of WIPO Information Assurance Strategy; PCT Netting Pilot; the Pilot Program on Professional and Career Development (Phase 2); and the Regional Bureau for Asia and the Pacific. IOD also issued two Management Implication Reports on *ex officio* corrections to the Madrid Registry and customer query management systems. IOD had taken a number of new initiatives: technology would be integrated in IOD's toolbox with continued use of audit management systems, to encourage integrated workflows; the use of business intelligence dashboards to better inform on recommendations management; expansion of data analytics tools to support internal controls and risk management; and the use of infographics to streamline evaluation reports. A computerized Case Management System (CMS) had been developed in-house and implemented in the IOD's Investigation Section early that year. The CMS was intended as a repository for all investigative records and documentation. As such, it allowed for the tracking of investigative activities and facilitated access to documents and evidence for each investigation case. IOD had set a path to encourage organizational learning by developing an online module to learn how to use evaluations as part of the management cycle. IOD had also initiated joint exercises between audit and evaluation sections to, among others, leverage on the potential synergies, avoid duplicated efforts, and add more value. The joint audit and evaluation of the WIPO policy on gender equality served as a pilot. With regard to Investigations, during the reporting period, 21 new cases were registered, which constituted a 47 per cent decrease over the previous reporting period and 19 cases were closed. As of June 30, 2019, 14 cases were pending, including four at a preliminary evaluation stage, eight at a full investigation stage, and

two on hold because of the prolonged absence of a concerned staff member or pending action by another entity. Of the pending cases, six were opened in 2019, six in 2018, one in 2017, and one in 2016. As of July 1, 2019, the average length of time it took for cases to be processed was five and a half months, which was well below the targeted timeline of six months. Concerning the follow-up on open oversight recommendations, IOD continued to manage and report on recommendations using the TeamCentral system, which enabled interactive dialogue with Program Managers and their delegates, for an effective follow-up of implementation of open recommendations. At the date of the present report, there were 155 open recommendations, including 68 of high and 87 of medium priorities. IOD recommendations constituted 85 per cent of all open oversight recommendations. No IOD recommendations were closed without implementation during the reporting period. The External Auditors closed four recommendations from a compliance audit of travel and fellowship undertaken in 2015-16, on the basis that management had accepted the related risks. In addition to its planned oversight work, IOD continued to provide professional advice on organizational policy and procedures, risk management and internal controls. IOD had continuing interaction with the IAOC, reporting on the implementation of the internal oversight plan, discussing oversight results and other aspects concerning the work and functioning of the Division, and seeking IAOC's advice from time to time. IOD maintained good working relations with the External Auditor by having regular meetings on audit, internal control and risk management issues. IOD met regularly with the Ombudsperson and with the Chief Ethics Officer to ensure good coordination and complimentary support. As part of its ongoing effort to better explain and advocate for the internal oversight function, IOD continued to reach out to colleagues within WIPO through presentations given to new staff at the induction training, the IOD newsletter, the IOD dashboard and presentations to Directors and Senior Managers as and when required. IOD also continued to seek feedback from colleagues on the quality of its oversight work through client-satisfaction surveys after each assignment. The analysis of the consolidated survey results indicated an average satisfaction rate of 85 per cent for post assignment surveys and 77 per cent for after one-year surveys. During the reporting period, IOD continued its active and useful collaboration and networking with other UN system organizations and entities. In particular, IOD actively participated in annual networking meetings of the UN representatives of audit, evaluation and investigation. Coming to Oversight resources, to discharge its mandate, IOD had been provided with a biennial budget of 5.072 million Swiss francs, which represented 0.73 per cent of WIPO's budget for the 2018/2019 biennium. Overall, the level of current human and financial resources had been adequate for IOD to effectively cover the high priority areas as identified in its Work Plans. For continued professional development, IOD staff attended various training activities to acquire new knowledge, technical skills and other competencies to increase IOD's operational effectiveness and efficiency in undertaking oversight assignments. On an average, each IOD staff member attended 10 days of training, which included fraud prevention and detection, investigative research techniques, data analytics, Tableau visualization application, digital data capturing, cybersecurity, conflict management, evaluation of science and innovation policies, and TeamMate. The Director, IOD, informed the Committee that having accepted the recommendations from the External Auditors, IOD had decided to align the planning and reporting cycle to the financial period allowing outputs to feed into the statement of internal control assurances instead of the current period of July 1 to June 30. Consequently, the next annual report during 2020 would cover a six-month period during the transition. From the year 2021 onwards, reporting would be on a calendar year basis aligned with the annual financial statements. The Director, IOD, thanked delegations for their kind attention and stated that he was available to answer questions or receive comments.

36. The Delegation of the Russian Federation thanked the IOD and its Director for his report. The Delegation highlighted the conclusions about the possibility of including the mechanism of the governance of the FIT and for increasing access to and transparency about career development and professional development of staff. The proposal on working on the recommendations which had not yet been implemented by the IOD would be interesting so as to ensure that the work being done and the expenditure made by WIPO were effective.

37. The Delegation of the United States of America appreciated the work of the IOD over the last year and thanked the IOD for the comprehensive report. The Delegation encouraged the Secretariat to implement open IOD audit recommendations as soon as possible, especially the high priority recommendations prior to 2017, which exposed the Organization to significant risk the longer those recommendations remained open. The Delegation thanked the Secretariat and the IOD for their continued efforts to implement and close audit recommendations. The Delegation stated that the IAOC had suggested a periodic review of audit recommendations to ascertain the continued relevance and reassess the risk level of the 34 pending recommendations from 2011 to 2015. The Delegation noted that the IOD intended to review these outstanding recommendations by the end of the year. Lastly, the Delegation would welcome more details on the progress of implementation of the high priority recommendations especially for those programs that had a significant number of open audit recommendations during the last reporting period as well.

38. The WIPO General Assembly took note of the “Annual Report by the Director of the Internal Oversight Division” (document WO/GA/51/3), and of the PBC request in that respect as set out in document A/59/7.

ITEM 12 OF THE CONSOLIDATED AGENDA

OPENING OF NEW WIPO EXTERNAL OFFICES

39. Discussions were based on document WO/GA/51/4.

40. Introducing the item, the Chair recalled that the issue of new WIPO External Offices was a longstanding one, which had been before the WIPO General Assembly for many years. It was clear that further consultations were required concerning External Offices, to find a way forward on this issue. Consequently, he appointed Ambassador Janis Karklins (Latvia), to act as Facilitator with respect to External Offices. The Chair encouraged all interested delegations to engage constructively with Ambassador Karklins with a view to finding a solution and a decision by consensus.

41. The Delegation of the United Arab Emirates recalled that the opening of new External Offices was a question for WIPO and its Member States ever since Member States had agreed on the Guiding Principles following a decision of the 2015 Assemblies. The Delegation added that a decision had been taken to open two offices in Africa in 2016. The Delegation reminded that a proposal for opening another four offices was before the Member States and they were required to take a decision. Respecting the Guiding Principles, the Delegation reiterated its proposal, which was submitted by the United Arab Emirates to host a new office in Abu Dhabi. It hoped that its proposal was submitted in accordance with the Guiding Principles and that it would be well received. In that context, the Delegation further hoped to participate effectively in the meetings organized by the Facilitator and it wished him every success in his role. The Delegation emphasized that it would do its utmost to work in a positive and open spirit so that Member States could reach a decision, which would be of the greatest benefit for the Organization. At the same time, the Delegation felt that safeguards needed to be in place in the event that there was another failure to reach consensus. The Delegation stressed that since the previous Assemblies, it had worked towards building a roadmap to come up with a mechanism so that a recommendation could be advanced to the WIPO General Assembly. It called on Member States to respect the decisions of the 2015 Assemblies and underscored that a deadline for decisions was needed for these series of Assemblies, on the basis of previous discussions. The Delegation underscored that all submitted proposals needed to be considered and it thanked all Member States for their active participation and it hoped that a conclusion could be reached for the benefit of all.

42. The Delegation of Qatar noted the considerable importance which it attached to the opening of new External Offices. These would be very important for the provision of services for the region and the choice of country that, following the Guiding Principles and according to consensus, must be a stable country, with excellent relations with all of the other countries in the region. It also must, of course, respect IP rules and international cooperation. The Delegation referred to its letter submitted to all Member States on this item and it welcomed the choice of the Facilitator for the negotiations. The Delegation emphasized that Qatar would always participate in a positive spirit for the good of the Organization.

43. The Delegation of Mexico, speaking on behalf of GRULAC, recalled the commitment that Member States undertook in October 2015 to adopt the Guiding Principles for the opening of new WIPO External Offices. In doing so, Member States had felt that this issue was mature enough, on the basis of the agreements reached, to go ahead with the opening of new offices during 2016/2017 and 2018/2019. In accordance with that decision, the countries of GRULAC were assured of the need to move ahead and, in 2016, the Group carried out internal consultations with a view to agreeing on a consensus candidate, that is, Colombia. That process was carried out with the conviction that the Group agreed with the process of decision making that should have taken place in the Assemblies, choosing between a number of candidates from the region. GRULAC pointed out that the proposal for an office in Colombia was solid and technical, in accordance with the Guiding Principles, and it would strengthen the presence of WIPO in the GRULAC region. GRULAC added that three years later, having submitted that candidate, the Assembly continued to have not made a decision on it. GRULAC was grateful for the efforts of previous Chairs of the Assembly, in recognizing the value of that consensus candidate from GRULAC, and for the specific mention of Colombia in the decisions that were adopted in 2017 and in 2018. GRULAC remained convinced of the need to take into account the principle of geographical balance in opening new WIPO External Offices and it reiterated the need that any decision that was taken must take geographical balance into account, not only for WIPO, but for the UN as a whole. GRULAC understood the difficulties that other regions may have had in reaching a similar decision, as this was challenging. However, GRULAC reiterated that only through dialogue and flexibility would the Member States be able to reach consensus among those who legitimately wished to host a WIPO External Office. GRULAC also welcomed the decision to appoint the Facilitator, noting his negotiation skills. GRULAC thought that Member States could find consensus on this important issue. It hoped that these Assemblies would take a decision to put an end to the deadlock that had been experienced since 2016 and that, at the least, the External Office in Colombia would be agreed upon. GRULAC stated that it was vital for members of the Organization to remember the importance of having a consensus candidate meeting the Guiding Principles as established by the WIPO General Assembly in October 2015. GRULAC urged Member States to show a degree of responsibility and commitment in fulfilling the promises that had previously been made, in fulfilling the WIPO General Assembly's decisions, and in avoiding prolongation of this decision on the opening of an External Office in Colombia once again. GRULAC hoped that during the course of this meeting, Member States would agree on a decision to open these four WIPO External Offices during the biennium, including the office in Colombia.

44. The Delegation of India welcomed the appointment of the Facilitator to find a way out of the long pending matter of opening new External Offices. The appointment of the Facilitator on the subject of WIPO External Offices was long overdue. The Delegation looked forward to the informal consultations and it extended full cooperation to the Facilitator. The Delegation hoped that consultations would be transparent, inclusive and outcome-oriented based on the 2015 Guiding Principles on the establishment of External Offices.

45. The Delegation of Croatia, speaking on behalf of the CEBS Group, thanked the Chair and all stakeholders for their engagement in trying to find a solution to the issue of opening new WIPO External Offices. The CEBS Group reiterated its opening statement and reminded of the tradition in WIPO that decisions were reached by consensus and that, once again, Member

States were faced with a request for a vote. The CEBS Group pointed out that this solution would change the spirit of the Organization. The CEBS Group noted that all delegations acknowledged the importance of WIPO's presence around the world. At the same time, Member States should recognize their own decision adopted at the WIPO General Assembly in 2015. The CEBS Group firmly believed that any decision on the offices should be based on the 2015 Guiding Principles. Those Principles stated that equitable geographical distribution should be taken into consideration. The CEBS Group added that the evaluation of the work of the External Offices should be carried out in 2021. The CEBS Group considered that the evaluation should be merit-based. The CEBS Group underlined that the network of External Offices should provide added value to WIPO and this could only be decided after an independent evaluation. The CEBS Group recalled that so far, no members of CEBS had hosted an External Office and Romania was the only CEBS member which had applied for an External Office. In closing, the CEBS Group thanked the Facilitator for accepting the role of Facilitator and the Group wished him every success in trying to resolve this issue.

46. The Delegation of Iran (Islamic Republic of) congratulated the Facilitator and expressed its readiness to work with him in the most professional manner to resolve this long-standing issue. The Delegation reaffirmed its support for having a global and sustainable network of External Offices which provided clear value to program delivery and which responded to the respective needs and priorities of the countries and regions which they served. The Delegation was of the view that in the course of the discussions, serious consideration should be given to the current distribution of External Offices, which obviously did not exhibit a balance of geographical realities. The Delegation pointed to paragraph 13 of the Guiding Principles which stipulated that any decision should be made according to the principles of sustainability, equitability and efficiency. It should become too obvious that successful conclusion of this topic depended, first and foremost, on recognition of the priorities of all applicant countries and it also depended on a constructive and positive approach to the negotiations ahead of the Member States. The Delegation underscored that multilateralism and consensus building by all had always been a key ingredient of success. The Delegation recalled that the decisions of all WIPO bodies and committees had always been made by consensus as the WIPO institutional norm. An indispensable factor was to find a mechanism and all applicant countries had to be flexible. The Delegation urged Member States not to confine themselves only to some duplicative acts and thoughts. Rather, Member States should seek for innovative ideas which might have the potential to achieve consensus. The Delegation expressed the hope that the discussion on this important issue would lead to a consensual outcome.

47. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, expressed the need for progress to be made on the issue of External Offices based on the Guiding Principles that were agreed at the 2015 Assemblies and based on mutual respect among Member States. The Asia and the Pacific Group and the six applicants from the Group namely, India, Iran (Islamic Republic of), Oman, the Republic of Korea, Saudi Arabia, and the United Arab Emirates, reaffirmed their ability to be part of the solution and they looked forward to engaging in fruitful and constructive dialogue that would lead to a positive outcome.

48. The Delegation of Canada, speaking on behalf of Group B, noted that the issue of the opening of new WIPO External Offices had been a topic of intense discussion and, indeed, contention among Member States since at least 2013. It had particularly been the case in the course of the application process for the 2016/2017 biennium, as well as the 2018/2019 biennium. As foreseen by the decision of the WIPO General Assembly in 2015, the process expired this year. Group B regretted that a decision on the opening of additional WIPO External Offices could not be reached until now. Member States had to do their best to find a consensus-based agreement during the current WIPO General Assembly, and Group B looked forward to the assistance to be provided by the Facilitator. Group B recalled that the 2020/2021 biennium would be dedicated to an independent evaluation of WIPO's External Office network, according to the 2015 General Assembly decision. The inability of Member States to

successfully arrive at a well-informed decision could be, in large part, due to the fact that many felt that they lacked sufficient information. Group B noted that additional data and information could be learned from an evaluation of the size and the performance of the entire External Office network and this would make a significant contribution to the discussions. Group B proposed to consider the next steps in regards to WIPO's External Office network, first and foremost, in the form of the requisite evaluation of the current WIPO External Offices, as contemplated in and, indeed, required by, the Guiding Principles which formed part of the 2015 General Assembly decision. It was the view of Group B that this evaluation would provide Member States with firmer, more objective grounds on which to make an informed decision as to the needs of the Organization as a whole, its External Office network, and the contribution to delivery of WIPO's objectives. Group B emphasized that it was willing, once again, to continue consultations on the matter during the current session and it encouraged the Chair to appoint a Facilitator. It welcomed the appointment of the Facilitator which had been made to assist Member States navigate this issue towards a consensus.

49. The Delegation of Uganda, speaking on behalf of the African Group, expressed its gratitude to the Chair for his personal engagement with all candidate countries since the last WIPO General Assembly, to open a dialogue to try to find a solution. The African Group welcomed the appointment of the Facilitator. The Delegation noted the importance of regional balance and it remained convinced that new WIPO External Offices would have an added value for the Organization and the Member States and regions where they were established. The African Group thanked all Member States that expressed their interest in this matter and which had viewed in a positive spirit the impasse on this issue. For the African Group, this showed the great importance of each candidate country as well as the importance of previously submitted proposals to host an External Office. The African Group hoped that discussions could be finalized on a consensual basis in accordance with the procedure laid down in the 2015 Guiding Principles regarding WIPO External Offices. The African Group looked forward to having meaningful and substantive discussions on this issue, and it stood ready to support reaching an agreement ahead of the deadline set by the WIPO General Assembly.

50. The Delegation of Pakistan looked forward to working with the Facilitator. The Delegation said that its position on the issue of WIPO External Offices was well known. The interminable debate on External Offices made it self-evident how much this project had become politicized. The Delegation stated that time and again, it had expressed its serious reservations and it added that these were now being also shared by other Member States. As proposed, External Offices were increasingly creating discord and ill-will between the Member States and as such, this issue was causing more harm than good. The Delegation had been stressing the need to identify the need for the expansion of the network and the value addition of External Offices for WIPO. It observed that the ongoing stalemate had occurred because the basics of this project had not been figured out from the very beginning. The Delegation emphasized that to date, there was no vision document on External Offices. The Delegation added that it had made a perennial request for a transparent cost-benefit analysis, with the help of a dispassionate, credible assessment from external resources, comparing the deliverables of External Offices. This request had still not been addressed. The Delegation felt that to mire the debate further, criteria and methodology pursuant to the Guiding Principles also could not be agreed. Furthermore, the Delegation pointed out that there was not any assessment document on the regional implications of External Offices for Member States, which was a very important consideration in this debate. The Delegation underscored that WIPO was not a humanitarian organization, where field presence was required. WIPO was a technical organization. The digital transformation of WIPO was well on its way, and information technology (IT) was aimed at transforming the internal operation of the Organization and whole methods of service delivery to stakeholders. Consequently, there remained no space for further wasting Member States' time and energy on External Offices. This was especially the case given the fact that the proposed External Offices were not able to do even a single activity that could not otherwise be achieved in national IP offices. The Delegation believed that resources should be invested in

technical cooperation that could benefit the entire membership rather than a handful of Member States. The Delegation noted that it was important to mention that Member States agreed to open External Offices in Africa and Algeria due to overwhelming support for developmental aspects. The Delegation felt that this was not the case anymore with the existing applicants. All of the applicants had optimal IP credentials. In the first place, if Member States were to open External Offices, then they should be opened in countries whose IP credentials could not stand without the External Offices. The Delegation stated that had there been clarity with respect to the rationale for External Offices, then the project would not have been so politicized. With respect to decision-making, the Delegation reiterated the cherished rule of consensus-based decisions at WIPO, and its adherence by all Member States. The Delegation added that the review was approaching, and it strongly recommended that further decisions on External Offices should await the outcome of this planned review. The Delegation said that it was high time to resist these issues, including External Offices, that did not add value to the Organization's work and which only resulted in divisive debate.

51. The Delegation of China thanked the Facilitator for agreeing to the appointment and it offered its cooperation. It noted that with the growth of IP, External Offices had been established in more areas and WIPO should adapt itself to this increasing trend of operations. The Delegation stated that the work of Headquarters was to change and update the global services. Headquarters played a very important role in that respect and the Delegation expected Member States to exercise a constructive and positive attitude as progress on this issue was pushed forward.

52. The Facilitator thanked Member States for placing confidence in him and he recalled that this issue had not been resolved for the last four years. As such, the chance that this issue proceeded smoothly this year were not overly large. The reason for this was that he had not heard much that was different from what had been heard last year and the year before that. The Facilitator noted that, consequently, his approach would be to not engage in any exploratory discussions any longer. All delegations knew what they wanted to say, and every delegation's position was well known. The Facilitator stated that he would proceed constructively to build a decision. In that respect, he planned to hold two rounds of public consultations and one round of private consultations with the applicant countries, aimed at proposing a draft decision by the end of the week. If that draft decision was adopted, then that would be a cause for celebration. Should it not be adopted, then he would propose a procedural decision. There would not be any night sessions longer than two and a half hours. There would be only one attempt at a draft decision. In that respect, the Facilitator encouraged delegations to come to the consultations with a spirit of compromise and flexibility. This was important as there were four vacancies and 10 applicants, which meant that at least six of them would not be selected. The Facilitator added that there was an opinion in the room that maybe Member States did not need to rush with any decision but, rather, wait for the review that was scheduled during the next biennium. The Facilitator underlined that that was not in contravention of the decision of the WIPO General Assembly in 2015, which provided for up to three External Offices in each of the two biennia. A decision had been made concerning two External Offices in Africa in the previous biennium and if Member States were not able to agree on External Offices in this biennium, then there would not be any contradiction with the decision of 2015. The Facilitator emphasized that he was not suggesting that there not be a decision. However, he was saying that no decision would not be in contradiction with the decision of 2015.

53. The Delegation of Romania expressed satisfaction with the appointment of the Facilitator and emphasized its readiness to work constructively in the informal discussions. The Delegation recalled that Romania announced its intention to host a WIPO sub-regional External Office located in Bucharest in 2010 and this offer, designed strictly according to the Guiding Principles, had been repeated since then. The Delegation underlined that it attached great importance to the Guiding Principles as agreed at the 2015 WIPO General Assembly and any

decision on External Offices should correspond to the actual needs of the Organization and priority should be given to any regions without any External Office. Equitable geographic distribution should be considered and respected. The Delegation emphasized that the CEBS region was the only one which did not have an External Office and it hoped that consensus could be found during these Assemblies.

54. The Chair of the WIPO General Assembly encouraged delegations to engage in constructive dialogue and to work with the Facilitator with a view to finding a solution by consensus to this very longstanding issue.

55. Reverting to the agenda item, the Chair noted that a decision on this issue had evaded Member States for several years. The Chair underlined that the need to take a decision during this WIPO General Assembly arose from the fact that any failure to do so would result in no decision being taken on the remaining up to four offices. With this in mind, the Chair reminded that he had appointed a Facilitator. The Facilitator had conducted several rounds of consultations with interested delegations. The Chair thanked the Facilitator for his efforts towards trying to reach a consensus on this matter. The Chair noted that at the invitation of the Facilitator, he had also attended the informal consultations with interested delegations that morning, at which the Ambassador presented his proposals. Following intense discussions, these proposals also could not achieve consensus. In view of the fact that this was the last day of these Assemblies, the Chair decided to hold further informal consultations with the 10 applicant countries, namely, Azerbaijan, Colombia, India, Iran (Islamic Republic of), Oman, the Republic of Korea, Romania, Saudi Arabia, Turkey and the United Arab Emirates.

56. Reverting to the agenda item, the Chair said that he had provided the 10 applicant countries with the broad elements which would be contained in his proposal for presentation to Plenary as the Chair's proposal. The Chair noted that he received very valuable inputs from the 10 applicant countries on the basis of which he drafted his proposal which was before the Member States. The Chair informed the WIPO General Assembly that there was consensus from among the 10 applicant countries on his proposal, although one applicant country did express its disappointment. Based on the preceding, the Chair placed before the Member States his proposal and he hoped that it would attract consensus in the WIPO General Assembly. The Chair also assured delegations that all statements made on this agenda item following the adoption of this proposal, should it attract consensus, would form part of the formal records of this session of the WIPO General Assembly.

57. The WIPO General Assembly decided to:

- (i) recall the decision of the 2015 WIPO General Assembly on External Offices and the Guiding Principles Regarding WIPO External Offices (document A/55/13);
- (ii) conduct an evaluation during 2021 of the entire network of the WIPO External Offices. The Terms of Reference of such an evaluation would be decided by the Program and Budget Committee during its 31st session in 2020;
- (iii) pending the results of the evaluation during 2021, defer the consideration of the current 10 applications of Member States for the 2018-2019 biennium to host new WIPO External Offices;
- (iv) consider opening up to 4 new WIPO External Offices, including in Colombia, from the current 10 applications in the biennium 2022-2023.

58. The Delegation of the Republic of Korea expressed its gratitude to the Chair for his hard work and underlined its support for the proposal which had been agreed.

59. The Delegation of Mexico, speaking on behalf of GRULAC, expressed its gratitude to the Facilitator and to the Chair for their efforts to reach agreement on a subject that had required a great deal of time and dedication of the Member States and the Secretariat to honor the decision of the WIPO General Assembly in 2016. GRULAC stressed how disappointed it was at the results of the consultations. It found that there was no justification for stopping Colombia and the region from having an office, in spite of the fact that this office complied with all of the Guiding Principles adopted in 2015. GRULAC recalled that since 2016, it had been ready to receive WIPO in the region in an External Office in Colombia. It did not agree that this consensus decision was the same as those offices which had not received the support of their regions. GRULAC had observed the way in which some delegations had ensured avoiding a decision or impeding a decision that would allow the opening of an office in Colombia. Unfortunately, this was the third time that there had been a lack of political will which had stopped the adoption of a decision and this had had a negative impact for the GRULAC region, where WIPO already had the space and the support to strengthen its presence and consolidate its work in the area of IP. GRULAC regretted that Member States had not honored the commitment they entered into in 2015 and it believed that Member States needed to think about what they really wanted for the Organization.

60. The Delegation of India thanked the Chair for his perseverance for the better part of one year which had brought about this consensus. The Delegation also expressed its appreciation for the efforts of the Facilitator.

61. The Delegation of the United Arab Emirates acknowledged the efforts of the Chair and of his Facilitator for coming up with an agreeable solution on this challenging subject. The Delegation noted that it had been engaged in the process of the consultations with a positive and constructive spirit, together with all distinguished delegations. However, the Delegation regretted that no flexibility was shown. The United Arab Emirates offered to host an External Office based on the Guiding Principles with the purpose of adding value to WIPO's network. The Delegation recalled that according to documents WO/PBC/26/7 and WO/PBC/27/7, the proposal of the United Arab Emirates was on behalf of a group of countries, namely, Bahrain, Jordan and Kuwait. The Delegation assured the WIPO General Assembly that the WIPO External Office in Abu Dhabi would serve with a very efficient infrastructure, in terms of connectivity, ICT and stability. The Delegation noted that Abu Dhabi had great experience in hosting UN organizations, such as the headquarters of International Renewable Energy Agency (IRENA). In the spirit of continuous confidence in the wisdom of the Member States and in the spirit of compromise so as to reach a future solution, the Delegation appreciated the proposal before the WIPO General Assembly. It urged Member States to focus on the importance of the merit-based approach methodology to be addressed, in order not to, in the future, fall into the same situation which Member States had been going through in the last years.

62. The Delegation of Oman welcomed the efforts made by the Facilitator who facilitated and moderated discussions. The Delegation also thanked the Chair for the efforts which he had made and which led to this solution. The Delegation expressed its support for the proposal which was now supported by consensus. The Delegation also noted that there would be an evaluation in 2021.

63. The Delegation of Colombia expressed its support for the statement made by Mexico on behalf of GRULAC. The Delegation was grateful to the Chair and the Facilitator for their great dedication in promoting dialogue on such an important issue at these Assemblies. The Delegation also noted how constructive the support of GRULAC had been throughout this period, adding that this went all the way back to the negotiation of the Guiding Principles that were adopted in 2015. The Delegation pointed out that it was at that point in time that Colombia started an important institutional task which led to a proposal for an External Office by the Intellectual Property Intersectoral Group. In February 2016, Colombia put forth its proposal for

the 2016/2017 biennium. In order to show flexibility in the negotiations, GRULAC carried out an internal process which led to six equally important GRULAC candidates ceding. The Group wanted to present one single unified candidate office, and this meant that this proposal from Colombia had a different standing from the other delegations that presented themselves to host the offices. The Delegation stated that, unfortunately, after three years of negotiations, this had not been carried through and it believed that the lack of consensus in this WIPO General Assembly to conclude this agenda item and, specifically, to decide to open an office in Colombia, led to unjust treatment for Latin America and the Caribbean. The Delegation added that the Group had constructively and responsibly carried through a process to arrive at a single regional candidate office. The Delegation hoped that in the future, there would be true commitment to help Member States and the Organization in taking a decision. The Delegation was more than happy to continue to find options that would overcome obstacles and, in the future, enable a decision that would be satisfactory and beneficial for all, along the lines of the principles of the Organization.

64. The Delegation of Turkey expressed gratitude to the Chair and to the Facilitator for their efforts. The Delegation recognized that the text of the Chair was a compromise for many Member States, even those who were not applicants. The Delegation noted that some Member States, for a variety of different reasons, expressed frustration at yet another deferral. However, the Delegation pointed out that, one way or another, for the first time, this presented an opportunity to shed some light for the future on how to move forward in selecting these offices. The Delegation thanked all who had actually contributed to the discussions to arrive at this conclusion and it hoped that this matter could be resolved in a timely fashion.

65. The Delegation of Romania thanked the Chair and the Facilitator for their continuous efforts to advance the work on the issue of opening new WIPO External Offices, and for facilitating consultations between the Member States during this WIPO General Assembly. The Delegation pointed out that it was well known that Romania announced its intention to host a WIPO External Office in Bucharest nine years ago in 2010. After agreement on the Guiding Principles in 2015, Romania, in 2016, submitted a formal proposal drawing on what had been decided. The offer was reiterated in March 2017, in full accordance with the established procedure. While emphasizing that CEBS remained the only region without any External Office, the Delegation reiterated the importance of the Guiding Principles, stating that besides corresponding to the actual needs of the Organization, priority should be given to regions without any External Office and equitable geographical distribution should be considered and respected. The Delegation stressed and reminded that its offer, from the beginning, was formally supported by a number of countries from its region, without being contested by any Member State of its Group. The Delegation attached equal importance to the last compromise solution reached a few hours previously, after lengthy negotiations carried out in good faith. In order to reach a compromise solution and reaffirming the fact that WIPO was a consensus-based organization, the Delegation could support the current proposal that was in front of the Member States.

66. The Delegation of Iran (Islamic Republic of) expressed appreciation to the Chair and the Facilitator for their efforts over the course of these Assemblies. The Delegation noted that as an applicant country, it had contributed to the discussions constructively to resolve this long standing issue. Regrettably, Member States could not reach a consensual agreement, but the proposal of the Chair had been adopted. The Delegation considered that the Chair's proposal was the most feasible compromise solution before the Member States and the Delegation was happy to support it.

67. The Delegation of Saudi Arabia thanked the Chair for his efforts on the subject of External Offices. The Delegation noted that this issue had been discussed for many years. There had been consultations and quite enough time had been devoted to this issue. The Delegation felt that the text of the Chair was good and it supported the text. The Delegation congratulated the

Facilitator who had spared no effort to facilitate dialogue and agreement. This had enabled Member States to reconcile their viewpoints and to move closer to each other.

ITEM 15 OF THE CONSOLIDATED AGENDA

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

68. Discussions were based on document WO/GA/51/5 Rev. Reference was made to document A/59/INF/5.

69. The Secretariat highlighted the information contained in document WO/GA/51/5, the "Report on the Standing Committee on Copyright and Related Rights (SCCR or Committee)". The Secretariat stated that over the previous year, the SCCR had continued its efforts to find solutions to some outstanding issues relating to the draft treaty on broadcasting organizations and commended all Member States for progress made through continued constructive engagement. The Secretariat underscored the contributions of the Delegations of Argentina, the United States of America and India, which had helped facilitate exchanges and improve understanding of the various issues discussed. Based on the SCCR Chair's text containing the elements of the treaty, the Committee had continued its work through formal and informal discussions facilitated by the Chair. The Secretariat noted the constructive engagement reflected in the agreement of the Committee to transmit the recommendation to the WIPO General Assembly on the possibility of convening a diplomatic conference during the 2020/2021 biennium, provided a consensus was reached by the Member States in the Committee on a number of key issues. With respect to limitations and exceptions, the Committee's work was focused on two action plans with regard to libraries, archives, museums, and research and teaching institutions and exceptions related to persons with disabilities other than those covered by the Marrakesh Treaty. Since the previous Assembly, analysis and synthesis work had continued. The Secretariat had also organized three regional meetings in Singapore, Nairobi and Santo Domingo, respectively, at the request of Member States. To conclude work on the action plans, a conference for all Member States and interested stakeholders would take place on October 18 and 19, 2019, prior to the SCCR session in Geneva. Delegates were referred to the WIPO website for the conference program. The Secretariat explained that the resale royalty right was proposed for inclusion in the SCCR agenda by the Delegations of Senegal and the Congo. An expert group of Member State representatives and professionals was set up to further clarify the work that had been done by the Committee by considering the technical and legal aspects of implementing the resale royalty right. Work was underway on the subject of copyright in the digital environment. The current work was focused on the music industry, and in the future it would be extended to the audiovisual sector and the publishing industry. A study providing an initial picture of the global music sector in the era of online services would be available on the SCCR web page in the next few days. Following the proposal from the Delegation of the Russian Federation for the Committee to undertake an analysis of the rights of theater directors, a scoping study was underway. The Secretariat concluded by referring to the Beijing Treaty on Audiovisual Performances. Over the previous year, several Member States had ratified or acceded to the Treaty and many others were taking concrete steps in that direction. The Secretariat noted that 30 contracting parties were required for the Treaty to enter into force and two more contracting parties were needed to reach that point.

70. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, noted that some progress had been made in SCCR discussions on updating protection for broadcasting organizations in response to technological developments. The Group noted the key engagement of members in addressing the issue of limitations and exceptions to copyright guided by the action plans agreed to at the thirty-sixth session of the SCCR. Following the

series of regional seminars conducted that year on limitations and exceptions for libraries and archives and educational and research institutions, which had attracted a healthy degree of engagement, the Group looked forward to discussing the developments from the regional seminars at the next SCCR session. The Group also noted the progress made on the issues of the resale right, copyright in the digital environment, and the protection of theatre directors' rights. In accordance with the recommendation of the Committee at its thirty-eighth session, the Group was ready to engage constructively in the discussion during that session of the WIPO General Assembly on the appropriate action towards convening a diplomatic conference for the adoption of a treaty on the protection of broadcasting organizations. The Group was aiming for the 2020/2021 biennium, subject to members reaching consensus on fundamental issues including specific scope, object of protection, and rights to be granted.

71. The Delegation of Croatia, speaking on behalf of the CEBS Group, expressed satisfaction in the ability of the SCCR Members to show flexibility and reach agreement on the recommendation regarding the longstanding issue of the broadcasting treaty, including the Committee's suggestion of a 2020/2021 diplomatic conference, subject to consensus by Member States. The CEBS Group reiterated the need to have a contemporary treaty that would take into account different types of broadcasting with forward-looking provisions. The CEBS Group hoped for an efficient legal instrument that would include protection for transmissions of broadcasting organizations over computer networks, thus reflecting contemporary technological realities as well as the rapidly evolving digital environment. For that purpose, the CEBS Group would welcome preparation of a list of outstanding issues and a roadmap of future work. The CEBS Group welcomed further discussions on the topic of exceptions and limitations, noting with appreciation the three regional seminars organized in 2019. The CEBS Group was keen to learn about the outcome of these seminars during the International Conference on Copyright Limitations and Exceptions for Libraries, Archives, Museums, and Educational and Research Institutions, to be held in Geneva on October 18 and 19, 2019, with the understanding that no normative work was envisaged. The CEBS Group expressed support for the resale right to be included as a standing SCCR agenda item. The CEBS Group believed that the resale right was highly relevant to the mandate of the SCCR and that it was of common interest to have a concrete, well-structured discussion on the matter. The CEBS Group was ready to engage constructively in the discussion.

72. The Delegation of Mexico, speaking on behalf of GRULAC, reiterated the importance of the work of the SCCR, including having a balanced approach among the various items of the agenda, including the protection of broadcasting organizations and exceptions and limitations to copyright and related rights for libraries, archives, educational and research institutions, and persons with other disabilities. GRULAC supported consideration of other current issues related to copyright and related rights, such as the GRULAC proposal for analysis of copyright in the digital environment. GRULAC looked forward to reviewing the study on digital musical services being developed by the Secretariat. With regard to the protection of broadcasting organizations, GRULAC was grateful for the efforts made by the SCCR Chair to move forward with the analysis of the text. It also recognized the constructive engagement shown by the delegations in an attempt to move forward with the deliberations. GRULAC hoped to continue the constructive dialogue with a view to reaching consensus in order to advance the work of the Committee and move to convening a diplomatic conference for the adoption of a treaty for the protection of broadcasting organizations in the 2020/2021 biennium. GRULAC reiterated its position with regard to exceptions and limitations to copyright and related rights, including the need to retain the right balance between the interests of right owners and the public interest as well as the interest in the development of society as a whole. GRULAC worked on drawing up the action plans and its members participated effectively and actively in the regional seminar for the GRULAC region on libraries, archives, museums, and educational and research institutions relating to copyright which was held in Santo Domingo in July. GRULAC was set to participate in the international conference on limitations and exceptions for copyright and related rights for libraries, archives, museums, and educational and research institutions to be held in Geneva on

October 18 and 19, 2019. GRULAC reaffirmed its commitment to move forward with the work of the SCCR in the spirit of flexibility and with a view to establish better dialogue, which would help to reach consensus on various issues.

73. The Delegation of Canada, speaking on behalf of Group B, attached importance to the negotiation of the treaty on the protection of broadcasting organizations. Group B highlighted that WIPO, as a specialized agency focused on IP, had the responsibility to keep being relevant in updating the existing international framework, taking into account technological developments and the voices of stakeholders. The Group noted the common ground on the signature value of broadcasting and the need for the appropriate protection. Keeping this in mind, Member States ought to avoid outdated objectives and respond to the present and foreseeable challenges. Group B pointed out the Committee's continued progress in the last few sessions on substantive issues related to the protection of broadcasting organizations. The Group noted the Committee's recommendation to the WIPO General Assembly regarding the importance of continued work in the SCCR towards a treaty on broadcasting organizations, including on the issues of specific scope and rights to be granted, and welcomed the progress made in recent sessions of the Committee as well as the cross-regional engagement in the SCCR. Group B looked forward to continued constructive discussions towards further progress and thanked the Chair for the updated text contained in SCCR/38/10. Group B would continue to contribute to the SCCR's work on that subject matter including during the following session. Group B welcomed progress made on the action plans concerning limitations and exceptions for libraries, archives, and museums, as well as for educational and research institutions and persons with other disabilities. The Group also welcomed the three regional seminars on exceptions and limitations and looked forward to interesting discussions during the international conference on copyright limitations and exceptions for libraries, archives, museums, and educational and research institutions scheduled for October immediately prior to the next SCCR session. Group B would also continue to participate in constructive discussions on the other topics before the Committee.

74. The Delegation of Uganda, speaking on behalf of the African Group, reaffirmed the Group's commitment to the ongoing negotiations in the SCCR. The African Group stressed the importance and value of all topics on the agenda of the Committee, and the need to continue developing a more balanced work program, which accommodated the diverse interests of all Member States. From the main topics of the Committee's agenda, the proposed international instrument on limitations and exceptions for libraries, archives, museums, and educational and research institutions, as well as for people with other disabilities, were of utmost importance to the Group. Copyright limitations and exceptions contribute significantly to the development of a balanced international IP system and foster innovation and creativity. Access to knowledge that would result from limitations and exceptions would contribute to a sustainable environment and bridge the gaps posed by the digital economy. The African Group was pleased with the progress made by the Committee in recent sessions, and particularly with the success of the recently adopted Marrakesh Treaty, which had enjoyed rapid accessions including many from the Group's region, serving as a testament to the great interest of the WIPO membership on that subject. There was a great opportunity to build on this success. The African Group welcomed most of the activities in accordance with the agreed-upon action plans, including extensive studies on various subjects and regional workshops on limitations and exceptions and looked forward to the international conference on limitations and exceptions to be held later that month. The African Group emphasized the need to ensure that all activities and action plans were geared towards enabling the Committee to determine what international action should be taken on the subject of limitations and exceptions in accordance with the 2012 WIPO General Assembly decision that directed the Secretariat to work towards the establishment of an appropriate international instrument on limitations and exceptions. The African Group hoped that the WIPO General Assembly would give recommendations to the Committee to finalize the work on limitations and exceptions in the near future. With regard to the protection of broadcasting organizations, the African Group recalled that it had always supported the

convening of a diplomatic conference for the adoption of the proposed treaty for the protection of broadcasting organizations in accordance with the 2007 WIPO General Assembly mandate. Though it expressed its unwavering commitment, the African Group bemoaned the Committee's inability to make extensive progress, and added that unless Member States demonstrated political will and flexibility, it was feared that negotiations would be brought to a state of inertia. The African Group recognized the importance of other issues introduced for inclusion in the work program of the Committee and reiterated its strong support for the proposal from the Delegations of Senegal and the Congo to include the resale royalty right on the future program of the Committee. It also stressed the importance of compliance by various WIPO bodies with the decision of the 2010 WIPO General Assembly regarding the coordination mechanism and urged the SCCR to include a description of the contribution to the implementation of the Development Agenda (DA) Recommendations in the next annual report.

75. The Delegation of China thanked the Secretariat for the substantial amount of effort made to promote positive progress on relevant issues. The Delegation expressed its support for discussions on the protection of broadcasting organizations and limitations and exceptions for libraries, archives, museums, educational and research institutions, and persons with other disabilities. It urged all SCCR Members to reach consensus on the treaty for the protection of broadcasting organizations as soon as possible and maintained its willingness to participate actively in discussions on other issues as well as its support for comprehensive studies and research to be conducted to further facilitate the substantive negotiations. The Delegation urged Member States to pay critical attention to the provisions of the Beijing Treaty on Audiovisual Performances and its significance in the SCCR, and encouraged the Treaty's early entry into force.

76. The Delegation of Tajikistan, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), expressed its support for intensification of work on the draft treaty on the protection of broadcasting organizations within the SCCR in order to decide on the convening of the diplomatic conference for its adoption in the nearest future. The CACEEC highly appreciated the decision of the SCCR to analyze the rights of directors of performances of theatrical works and hoped that the work in this regards would go on.

77. The Delegation of the European Union, speaking on behalf of the European Union and its member states, continued to play an active part in the discussions on the treaty for the protection of broadcasting organizations, as it believed they were of great importance and should ultimately result in a meaningful treaty, which would efficiently address the current and future needs of broadcasting organizations. The Delegation thanked the SCCR Chair for the consolidated text on definitions, object of protection, rights to be granted and other issues. The Delegation reaffirmed its support of the recommendation by the SCCR to the WIPO General Assembly on the matter. To ensure progress on that longstanding issue, the Delegation suggested that a list of outstanding issues be established together with a roadmap on future work on the treaty in the SCCR. The Delegation hoped this would allow the Committee to reach a level of consensus and maturity of the text that would lead to the convening of a diplomatic conference within the timeframe indicated in the recommendation. The Delegation remained committed to pursuing fruitful discussions on exceptions and limitations and appreciated the work carried out under the action plans, particularly the regional seminars carried out over the year. The Delegation hoped to hear more about their outcome at the upcoming international conference on copyright limitations and exceptions for libraries, archives, museums, and educational and research institutions to be held ahead of SCCR 39. The Delegation was convinced that the work carried out in the context of the action plans would serve as a good basis for deepening understanding on the challenges faced by libraries, archives, museums, as well as educational and research institutions and persons with other disabilities, and would serve as a useful tool and framework for future work. That was based on the understanding as expressed consistently by the Delegation that the intention of the action plans was not to undertake normative work. The recent reports of the Committee revealed divergent views on

the topic. A meaningful outcome of the work under the agenda items could serve as guidance to Member States regarding best practices, taking advantage of the flexibility of the international copyright legal framework to adopt, maintain or update national exceptions that adequately respond to local needs and traditions. The Delegation reiterated the repeated discussions held for a substantial period on certain agenda items of the SCCR without tangible outcomes and noted that there had also been proposals to reflect on the future agenda of the Committee. In this vein, the Delegation, along with many other delegations, was in favor of including the topic of the author's resale right on the permanent agenda of the SCCR. The Delegation indicated that for the purposes of the future agenda, issues of common interest ought to be identified in a concrete manner, with objectives of various discussions agreed at the start to ensure the best chances for success.

78. The Delegation of the Russian Federation believed that the SCCR had made significant progress, but needed to adopt even more effective measures or speed up the work to address the various challenges created by digital technology. The Delegation acknowledged the efforts of the Committee's predecessors in the adoption of the Rome and Berne Conventions, which had become a core foundation of its work. The Delegation stressed that the generation of digital technology possessed a unique opportunity to create a new instrument that would enable decision makers to make effective use of copyright as an instrument of economic policy. Reiterating the significant influence of the copyright law on the development of economic challenges, the Delegation underlined progress made on the treaty for the protection of broadcasting organizations. It believed the treaty could pave the way in the convening of a diplomatic conference provided Member States and the Committee were willing to forgo all the minor disagreements in the document. On tackling exceptions and limitations in the era of the Internet and digital technologies, the Delegation indicated the need for rigorous international legal instruments that would lead to protecting the interests of authors as well as society. The Delegation acknowledged the adoption of the proposal to study theater director rights and their protection and called for support for that item to be included in the agenda of the SCCR. The Delegation also noted studies being conducted on the matter by experts in the Russian Federation and Canada and looked forward to contributing to the future instrument on the protection of the rights of theater directors. The Delegation supported the new proposal on resale right, which would make it possible to effectively protect the interests of artists across the globe. The Delegation believed that the SCCR would make very important progress in creating new international instruments, starting first with the imminent convening of a diplomatic conference and the adoption of the new treaty on the protection of broadcasting organizations.

79. The Delegation of Iran (Islamic Republic of) attached great importance to the work of the SCCR describing it as the main global forum to address copyright related issues. The Delegation believed that on the issue of the broadcasting treaty, creating a balanced system for the legitimate interests of all parties and stakeholders in society was always a principle of the IP system. The Delegation cautioned against attaching too much importance to the legitimate concerns of some Member States at the potential additional cost to the public of limiting access to broadcasting content in developing countries by drafting an unbalanced treaty for the protection of broadcasting organizations. The Delegation took note of the recommendation made to the WIPO General Assembly by the SCCR and expressed readiness to continue consultations aimed at reaching consensus on the fundamental issues. On exceptions and limitations, the Delegation welcomed the SCCR's commitment to continue its work through a global and inclusive approach. The Delegation believed there were sufficient grounds to move towards the harmonization of minimum international standards on exceptions and limitations. The Delegation aligned itself with the view that the work of the SCCR on limitations and exceptions should provide a clear and important example of development-oriented norm setting activities and efforts for the implementation according to mandates. It noted the Committee's difficulties in fulfilling the mandate on exceptions and limitations and expressed concern at the position of some delegations to defy and challenge the mandate that was given to the Committee by the WIPO General Assembly. The Delegation believed that the work of the

Committee on limitations and exceptions was not intended only to reach a common understanding among Member States, but rather it was mandated to work towards an appropriate international legal instrument or instruments with the target of submitting recommendations on exceptions and limitations to the WIPO General Assembly. The Delegation welcomed the implementation of the actions contained in the action plans, particularly the successful organization of regional seminars, and hoped that after these preparatory actions the Committee would start a drafting exercise to fulfill its mandate.

80. The Delegation of Thailand aligned itself with the statement delivered by the Delegation of Singapore on behalf of the Asia and the Pacific Group. The Delegation was pleased to see the steady progress made over the previous year on issues discussed during the SCCR, including the protection of broadcasting organizations, limitations and exceptions for libraries and archives, and limitations and exceptions for educational and research institutions and for the people with disabilities other than visual impairments. Taking into account the balance of all stakeholder interests, the Delegation recognized that national policy development in line with the international standard was one of the key factors to enhance IP protections. Following that, an amendment to the Copyright Act related to accession to the Marrakesh Treaty entered into force on March 11, 2019. Subsequently, on April 20, 2019, Thailand became the 49th contracting party to the Marrakesh Treaty. The Delegation believed that the Treaty was a balanced instrument responding to the specific need of persons who needed equitable access to information and knowledge by removing barriers to accessibility. The Delegation urged other members to join the Marrakesh Treaty and to promote the achievements of global sustainable development that improved the social well-being of all. It also recognized the importance of developing robust copyright protection in response to the rapid technological changes, adding that it was in the process of amending the Copyright Act and preparing for the accession to the WIPO Copyright Treaty. To promote the effective potential of copyright in the digital era, the Delegation expressed support for the future work of the Committee and believed that work would be beneficial to Member States. It looked forward to participating in a constructive work with the Committee on all issues.

81. The Delegation of India showed its support for the early finalization of a balanced treaty for the protection of broadcasting organizations. The Delegation believed that the Committee would work towards factoring in concerns and interests of all Member States on the fundamental issues to make the draft text more balanced and acceptable. In view of the rapidly evolving broadcast industry and the increasing use of the digital medium for broadcasting, the Delegation believed that broadcasting should cover all types of broadcasts, irrespective of the platform or medium, including the Internet. The Delegation noted that protection in the proposed treaty should not be limited to traditional broadcasters but should also include broadcasting over the Internet. The Delegation would continue to support the signal-based approach, without ownership rights in content granted to broadcasters. On limitations and exceptions, the Delegation believed that obtaining the right to education and access to knowledge for all should be the guiding principle for the work on exceptions and limitations. The limitations and exceptions for libraries and archives, for educational and research institutions, and for persons with other disabilities were of critical importance for the holistic, inclusive development of society. The Delegation welcomed the organization of the three regional seminars on limitations and exceptions and looked forward to further progress on the implementation of the action plans on limitations and exceptions. The Delegation stressed its willingness to contribute constructively in the deliberations in the future sessions of the SCCR.

82. The Delegation of Ecuador said that copyright and related rights were of the utmost importance to different economies owing to their global technological significance, as well as to the direct link between their protection and human development potential. In that context, it emphasized the need to promote and bolster the efforts made in the Committee. Ecuador reaffirmed the importance of continuing to discuss the protection of broadcasting organizations, whose rights must be analyzed in depth in order to reach a consensus suited to the

expectations of developing and developed countries. It called on Member States to observe the 2007 mandate and promote a discussion focused on signals in order to protect them. The SCCR had consistently worked to promote limitations and exceptions for libraries and archives, although it had yet to find a satisfactory solution. It would be advisable to take full advantage of the discussion to promote the proposals of Members in order to finalize a binding legal instrument that recognized their interests and promoted access to education, information and knowledge, and the achievement of the Sustainable Development Goals (SDGs). Of equal importance was the discussion on the limitations and exceptions for educational and research institutions, and the Delegation encouraged analysis within the Committee with the aim of creating a binding international instrument that guaranteed private rights while supporting groups that, by their nature, required the use of limitations and exceptions to access certain works, thereby promoting teaching and research. In view of the importance of those issues and the work to be carried out in the regional meetings planned for the present quarter and the coming year, the country invited Member States to participate and adopt positions in the interest of those who they wished to protect and who benefited from the ease of access facilitated by limitations and exceptions, with the aim of creating a balanced system. It was of vital importance to Ecuador that persons with disabilities other than those benefiting from the Marrakesh Treaty were able to access information. The Delegation invited other delegations to agree on joint work with the aim of developing a legal instrument that would guarantee access to knowledge through specific limitations and exceptions that covered their needs. Lastly, other issues on the SCCR agenda must not be neglected as, irrespective of their significance, they required careful and comprehensive analysis.

83. The Delegation of Senegal aligned itself with the statement made by the Delegation of Uganda on behalf of the African Group. The Delegation continued to attach great importance to the subjects under discussion in the SCCR, including the protection of broadcasting organizations, exceptions and limitations, and the other matters on the agenda. Regarding the protection of broadcasting organizations, the Delegation supported the recommendation to the WIPO General Assembly for the SCCR to continue its work towards convening a diplomatic conference for the adoption of a treaty on the protection of broadcasting organizations. In view of that, it believed that an agreement would be reached on the main issues, for example, the scope, the object of protection, and rights to be granted. On limitations and exceptions, the Delegation welcomed the activities highlighted in the action plans and agreed upon by the Committee, including the regional seminars like the one held in Nairobi for African countries. The Delegation recalled that there was a need to achieve consensus on the understanding of the concept of balance, specifically the balance of interests between the right holders and the general public. The Delegation reiterated its commitment to the topic of resale rights which was at the core of the copyright system. It drew attention to its joint proposal with the Delegation of the Congo, which had been on the table since the thirty-first session of the SCCR. The Delegation pointed out that all activities undertaken, for example, the international conference and international study on the impact of the resale right on economic activities showed the strength of the proposal. The Delegation looked forward to the presentation of the results of the expert group at the thirty-ninth session after a brief glimpse had been highlighted during the thirty-eighth session of the Committee. The Delegation was following the other matters on the agenda, which were just as relevant, for example, copyright in the digital environment and protection of the rights of theater directors, proposed respectively by GRULAC and the Delegation of the Russian Federation.

84. The Delegation of Qatar aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. The Delegation fully supported the efforts undertaken to reach an international agreement on protection for broadcasting organizations. It noted that their channels were being pirated and were objects of a vicious campaign and bemoaned the losses of all broadcasting organizations that had fallen victim to piracy. It pointed out that the cost of such pirate actions was not only assumed by broadcasting organizations, but by everyone, as pirate actions reduced the value of content as broadcasting

organizations would receive less value for what they produced in the future. Consequently, that would affect production, which relies on licensing for income. The Delegation noted that consumers would be affected in turn when producers would no longer wish to allocate funds to produce the appropriate content. Piracy of content and of broadcast programming affects everyone. The Delegation called on Member States to stand up in the face of attempted piracy and to adopt a positive attitude to complete the negotiations and reach agreement on the provisions of a multilateral agreement protecting broadcasting organizations. The Delegation reaffirmed its readiness to host a diplomatic conference if an agreement were reached.

85. The Delegation of Indonesia aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. The Delegation hoped to see the finalization of a bold treaty on the protection of broadcasting organizations. It hoped that the WIPO General Assembly would endorse the recommendations made at the previous session of the SCCR to mandate the Committee to work to resolve outstanding issues towards the convening of a diplomatic conference. Any treaty on the protection of broadcasting organizations would not only take care of the well-deserved protection for broadcasting organizations, but also safeguard access to knowledge, culture, and information, especially to those works that were already in the public domain. The Delegation reiterated that exceptions and limitations had important roles in obtainment of education and access to knowledge and culture. The Delegation commended the Secretariat and all Member States for the successful convening of the three regional seminars on exceptions and limitations and looked forward to the convening of the international conference on exceptions and limitations. The Delegation hoped that after the conference, there would be concrete results from the long discussions pertaining to the issues of exceptions and limitation, either in the form of guidelines or in other forms reflecting harmonization on exceptions and limitations. The Delegation supported the discussions in the SCCR on resale rights including its addition as a standing item in the Committee, copyright in the digital environment, and the protection of the rights of theater directors. Issues discussed under the mandate of the SCCR were very important. It noted that the development of new technologies underpinning the knowledge economy was one of the reasons why there was a need to continue to support creativity, innovation, education and access to culture through a balanced and effective copyright regime. Copyright and related right regimes stimulated investment and the production of cultural and knowledge-based goods while exceptions and limitations to copyright created a balanced system that would allow for the use of creative works to support innovation, creation, and competition for the wider public interest. The Delegation reaffirmed its commitment to the work of the SCCR.

86. The Delegation of Brazil aligned itself with the statement made by the Delegation of Mexico on behalf of GRULAC. The Delegation noted that the main issue addressed at the previous meeting of the SCCR related to the treaty for broadcasting organizations. The Delegation expressed its commitment to move forward and progress with the negotiations. The Delegation referred to the flexibility it showed in its national position in order to support constructive movement forward, and stated that Member States themselves were responsible for moving negotiations forward within WIPO in a spirit of multilateral progress. There were similar movements from others, and other Member States needed to show the same flexibility, especially those who were very involved in the work of the Committee. The Delegation noted that a recommendation to the WIPO General Assembly was agreed upon for continuation of negotiations on a treaty for broadcasting organizations and for the convening of a diplomatic conference in the 2020/2021 biennium, provided consensus was found among members regarding the vital issues, including the scope of protection, the object of protection, and the rights to be granted. On limitations and exceptions to copyright for libraries, archives, and museums, and educational and research institutions, the Delegation of Brazil defended the balance between guaranteeing access to education and knowledge on the one hand and legal certainty for the rights owners on the other hand. The Delegation showed an interest in ensuring that limitations and exceptions for those issues did not prejudice the legitimate rights of rightholders, while avoiding unnecessary exposure to a legal liability for libraries, archives and

educational and research institutions, provided they continued to act within the scope of the permitted activities. On copyright in the digital environment, Brazil hoped that the Secretariat's update on the work done on the study on the digital market for music, which was approved at the thirty-seventh session of the Committee on the basis of a Brazilian proposal, would shed light on various aspects of the copyright environment which would demonstrate the reasons for its position on the matter. The Delegation reiterated its position in favor of a treaty on broadcasting organizations and on the convening of a diplomatic conference. It stated its firm commitment to a balanced copyright system and reiterated its commitment to the legitimate rights of authors while providing legal certainty so that libraries, universities, and others could guarantee access to knowledge.

87. The Delegation of Colombia revealed that its government had drawn up a plan for the protection of the economy in order to guarantee the protection of products protected by IP, the Orange Economy, which would provide added value throughout the value chain from consumers to producers. The Delegation noted that there was a great opportunity for Colombia to continue to support the development of creative industries and promote IP in all sectors. The Delegation commended the Secretariat for its support in the international seminar on the past, present, future of copyright, held in Colombia in September to commemorate 133 years of the copyright register. It noted the great participation during the seminar at a time when the creative industries were creating a great opportunity for IP to be more visible and therefore to develop the sector as a whole. The Delegation expressed its support for the convening of a diplomatic conference for the adoption of a legally binding instrument on the protection of broadcasting organizations. The Delegation also noted that it was imperative for countries to take advantage of the flexibilities provided by the IP system, including exceptions and limitations to copyright and related rights in order to ensure benefit for sectors such as education and culture.

88. The Delegation of Guatemala aligned itself with the statement made by the Delegation of Mexico on behalf of GRULAC. The Delegation acknowledged that the work of the SCCR had contributed to great progress and hoped to continue to work in that positive spirit especially with regard to exceptions and limitations. It was necessary to have the relevant norms in place to ensure that the tools needed to guarantee access to knowledge and culture were provided. The Delegation believed that results achieved in the three regional seminars on the matter would provide great contributions to the work of the Committee. It looked forward to the conference on exceptions and limitations that would be held in the run-up to the SCCR and urged delegations to continue to show proactive, constructive engagement on the issues and to meet the objectives already outlined by the Committee.

89. The Delegation of Malawi aligned itself with the statement made by the Delegation of Uganda on behalf of the African Group. On the issue of broadcasting, the Delegation welcomed the report of the SCCR and noted progress made on its work, particularly on the treaty for protection of broadcasting organizations. The Delegation called on the SCCR to continue with negotiations on the fundamental issues, namely object of protection, scope of protection and specific scope, with an aim of reaching consensus. The Delegation commended the Secretariat for implementing the action plans on limitations and exceptions, including organizing three successful regional seminars, and looked forward to the international conference that would take place later that month, which would inform the discussions of the SCCR. It remained committed to engaging with other Member States on the issues pertaining to those areas with the intention of achieving a balanced and effective international copyright system that would benefit the rightholders and the general public. Regarding the resale right and other topics on the SCCR agenda, the Delegation supported discussions and inclusion of the resale right as a substantive SCCR agenda item, and stood ready to constructively engage on that matter as well as on copyright in the digital environment and the rights of theater directors.

90. The Delegation of Japan recognized that some progress had been made with regard to the protection of broadcasting organizations based on fruitful discussions. The Delegation welcomed the recommendation that was made to the WIPO General Assembly as agreed at the last SCCR. It recognized that consensus on the fundamental issues including specific scope, object of protection and the rights to be granted had not yet been reached at this stage. Therefore it hoped that further discussions would be held in order to reach consensus on the fundamental issues and to conclude that longstanding agenda item of the Committee soon. The Delegation was willing to contribute to further substantial progress toward achieving the common goal. Concerning limitations and exceptions it was essential for the Committee to work to achieve an appropriate balance between the interests of the rightholders and the interests of the general public. The Delegation noted that the three-step test had worked well as a properly balanced international standard. Member States had established balanced and suitable exceptions and limitations based on the three-step test, while taking into account the respective social and cultural backgrounds in every country. Under the circumstances, the Delegation hoped that the discussion on the issue would focus on the sharing of national experiences and practices. The Delegation welcomed the progress on the action plans and the holding of regional seminars. The Delegation wanted to contribute to further discussion in the SCCR in a constructive manner.

91. The Delegation of the Holy See continued to attach importance to the negotiation of a treaty on the protection of broadcasting organizations. Due to the service provided by broadcasters and the significant value of broadcasting, the Delegation called on WIPO Member States to continue their work on updating the existing international framework to reflect technological developments. At the previous session of the Committee, as a tangible sign of steady progress, Member States agreed to recommend that the SCCR continues its work towards convening a diplomatic conference for the adoption of a treaty on the protection of broadcasting organizations, aiming for the 2020/2021 biennium, subject to Member States reaching consensus in the SCCR on the fundamental issues. The Delegation thanked the SCCR Chair for the updated version of document SCCR/38/10 and looked forward to contributing positively to the constructive discussions and making further progress. The Delegation stressed that the copyright system should continue to play its essential role of incentivizing and rewarding creativity and innovation. At the same time, it should take into account the broader interests of our society, especially such areas as education, research, access to information and creative content. Four years ago, the international community formally decided to designate the financial resources needed for lifelong learning opportunities that help all people to acquire the knowledge and skills needed to explore opportunities and to participate fully in society. The action plans concerning limitations and exceptions for libraries, archives and museums, for educational and research institutions, as well as for persons with other disabilities proposed by the Chair and approved by the SCCR reflected the constructive, useful approach to that very important matter. A complete, inclusive education, one that was solid and open, had the potential to break down the walls of exclusivity, promote the flourishing of individual talents, and extend the parameters of knowledge to every corner of the social experience to facilitate solidarity, sharing and communion. The Delegation observed that the nature of education seeks to build a foundation for peaceful dialogue and a better world, allowing every citizen to be an active contributor to the common good of the human family.

92. The Delegation of Tunisia commended and supported the statements made by the Delegation of Uganda on behalf of the African Group. It reaffirmed its commitment to move forward constructively with the SCCR discussions. The Delegation added that the matters before the Committee were of high importance in order to preserve the cultural institutes and educational academies and to enable the public to benefit from the fruit of their creative work. With regard to the economic development and the sustainable socio-economic development, these elements affirmed the central role played by the SCCR in developing international legal tools that guarantee a balance between the interests of the rightholders and the users of protected works, and that also take into account the level of development for each country.

93. The Delegation of the United States of America aligned itself with the statement made by the Delegation of Canada on behalf of Group B. The Delegation provided a brief update of developments since the previous WIPO General Assembly. On February 8, 2019, the United States of America deposited with the Director General its instrument of ratification for the Marrakesh Treaty, becoming the 50th country to do so. The Delegation was delighted to participate in a ceremony at WIPO on April 1 celebrating the occasion. The Treaty entered into force in the United States of America in May, making more than half a million accessible texts available to visually impaired persons including those in other Marrakesh Treaty member countries. As noted by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), the Marrakesh Treaty established an important mechanism to protect property rights and expand access to information and resources. The Delegation continued to support updating the protection for broadcasting organizations under the terms of the 2007 WIPO General Assembly mandate, which called for a signal-based approach to provide protection for the activities of broadcasting organizations in the traditional sense. Consistent with that mandate, the Delegation believed that such protection should be narrowly focused. It proposed a focus on unauthorized retransmission of the broadcast signal to the public over all platforms, including over the Internet, as one of the most significant problems facing broadcasting organizations. At the same time, rapid changes in the industry and divergent legal treatment at national level presented significant challenges to establishing international norms. As a result, it had been difficult to achieve consensus on such fundamental issues as the object of protection and rights to be granted under the treaty. The Delegation was pleased that meaningful progress had been made over the previous months and that the Committee was developing ideas that could lead to greater consensus on the issues. Nonetheless, given the complexity of the issues, both legally and technologically, delegations were taking the time needed to deliberate. The Delegation anticipated that those deliberations would continue in a constructive spirit for at least the next two sessions of the SCCR, which would take place in October 2019 and during the spring of 2020. On the basis of the progress made at those sessions, Member States would be in a better position to evaluate a possible recommendation to the 2020 WIPO General Assembly on convening a diplomatic conference for the adoption of a treaty on the protection of broadcasting organizations. While the Delegation remained committed to work on a treaty to protect broadcasters against signal theft in the digital age, it could not agree to set a specific date for a diplomatic conference. It noted that the SCCR was not yet at the point at which it had developed a mature treaty text that would enable a successful diplomatic conference. In its view, the current international framework for copyright exceptions and limitations provided the appropriate flexibility consistent with well-established international standards for countries to adapt limitations and exceptions to their own social, cultural and economic policies. It did not believe that it was advisable for WIPO to engage in further norm setting work that would impose minimum requirements in this area. The Delegation was pleased to participate as an observer in all three WIPO regional seminars on exceptions and limitations in 2019, which were held in Singapore, Nairobi and Santo Domingo. It believed that the seminars had fulfilled their principle objective, advancing understanding of copyright limitations and exceptions for libraries and archives, and for educational activities, by drawing on local expertise. At the seminars, it observed that there was strong support for future work at the national and regional levels, but less support for international norm setting. The Delegation looked forward to the discussion of the reports from the seminars at the international conference on exceptions and limitations on October 18 and 19, which would make recommendations to the next SCCR on possible ways forward for the Committee's work on limitations and exceptions. The Delegation believed, consistent with its past proposals, that the most productive approach would be for the SCCR to develop high-level principles and objectives to be drawn on by national policymakers to improve national copyright exceptions and limitations for libraries and archives and educational activities. Once these principles were developed, WIPO members could work together to improve and update their national laws. The principles would provide a framework of common understanding and best practices, which would be useful among other things in conducting workshops and

providing technical and/or legislative assistance for the benefit of all WIPO members. At the following session of the SCCR, the Delegation would request that the Chair generally focus attention on objectives and principles, using the Delegation's existing documents previously introduced in the Committee as a point of departure for discussion. The Delegation also supported continued work aimed at deepening the Committee's understanding of national copyright limitations and exceptions for persons with disabilities other than visual impairment.

94. The Delegation of Malaysia associated itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. It welcomed the report and appreciated the progress made so far. It supported the convening of the WIPO conference on copyright limitations and exceptions for libraries, archives, museums, and educational and research institutions. The conference would contribute significantly to addressing issues relating to limitations and exceptions identified in the previous regional seminars. The Delegation looked forward to the positive outcome of the conference in facilitating Member States in their efforts to formulate new and suitable policy with regard to limitations and exceptions. It encouraged the SCCR to continue work on other areas such as copyright in the digital environment, resale rights, and working towards convening a diplomatic conference on broadcasting organizations.

95. The Delegation of the Republic of Korea believed that the enhancement of rights of broadcasting organizations should be discussed taking into consideration technology and the relevant industry developments. It hoped that discussions would be carried out at the upcoming SCCR with a focus on the protection of broadcasting organizations. It further hoped that the opinions of interested parties would be taken into consideration and that the discussions would lead to tangible results.

96. The Representative of the International Federation of Library Associations and Institutions (IFLA) thanked the Secretariat for the hard work in delivering on the action plans on limitations and exceptions and looked forward to the international conference. Hopes were high for a discussion to deliver fully on the mandate delivered to Member States to consider opportunities and challenges provided by various international solutions. In order to ensure value and legitimacy from that event, it would be important to maximize the opportunity to hear from people who had real expertise in what was needed to support access to information, education and research. The Representative acknowledged the efforts of the Secretariat to achieve the SDGs in the case of libraries, archives and museums, and encouraged the same focus across the agenda. The Representative focused on the importance of enabling preservation of and access to heritage. It was hard to imagine an activity with a higher risk of market failure and a higher cost of inaction. There were too many disasters and losses were made worse for want of comprehensive preservation policies or the possibility for heritage institutions to work together across borders. Some were of the view that national policies were not enough for countries whose very existence was threatened. The Representative believed WIPO and Member States had a special role to play as they alone could provide certainty for governments in passing their own laws and certainty for libraries, archives, and museums in carrying out the mission of preserving the past for the future.

97. The Delegation of Uganda, speaking in its national capacity, fully aligned itself with the statement it had made on behalf of the African Group. The Delegation focused on the main topics of the Committee's agenda. The proposed international instrument or instruments on limitations and exceptions for libraries, archives and museums, limitations and exceptions for educational and research institutions, and for persons with other disabilities, were of particular importance to Uganda. The Delegation observed that limitations and exceptions could promote education and equality of access to learning materials in its country. It was hopeful that the WIPO General Assembly would give appropriate direction to the SCCR to enable the Committee to conclude its work on limitations and exceptions in the near future. The Delegation fully supported a balanced work program of the SCCR to accommodate the diverse interests of all Member States. In line with that, it commended the tremendous support received from

WIPO, particularly in the copyright area, for the activities that were implemented in Uganda that year.

98. The Delegation of Argentina aligned itself with the statement made by the Delegation of Mexico on behalf of GRULAC. The Delegation highlighted the need to maintain a balance in the Committee as regards limitations and exceptions for libraries and archives and for educational and research institutions and persons with other disabilities. On this point, as was confirmed in the regional seminars held that year, there were cross-border difficulties. In respect of an international treaty, focus should be given to harmonizing the interests of users. The Delegation was also interested in the GRULAC proposal on copyright related to the digital environment. The Delegation hoped for consensus to be able to achieve updated protection for broadcasting organizations. Progress in the SCCR showed that there was a sufficient level of agreement to convene a diplomatic conference for 2020/2021.

99. The Representative of Knowledge Ecology International (KEI), speaking on the broadcasting treaty, proposed that WIPO publish a report on the ownership concentration and nationality of ownership of the new streaming services that were rapidly replacing traditional broadcasting in many markets. The Representative stated that it would be irresponsible to adopt a treaty that would include any Internet streaming without taking stock of where the technology and ownership of the technology was headed, particularly if all one had to do to qualify as a broadcasting organization was to buy a broadcasting license, something that Pandora as well as other streaming services were doing at that time to qualify for other benefits. For most countries, the broadcaster right would turn out to be a massive transfer of income from their nationals, including artists, to foreign-owned streaming companies. On limitations and exceptions, the Representative suggested that the SCCR evaluate if norm setting for archives and preservation was an achievable objective in the near term. That appeared to be an area where harmonization was less challenging, and the global and social issues were significant while conflicts with the right owners were not significant. With regard to education and other exceptions, the Representative asked that the SCCR review the exceptions in the 1976 Tunis model law for copyright as well as the modalities that were used for the development of that model law. The Representative reaffirmed KEI's support for work at the SCCR on an artist resale right for physical works of art and suggested that the treaty not extend to copies of works.

100. The WIPO General Assembly:

- (i) took note of the "Report on the Standing Committee on Copyright and Related Rights" (document WO/GA/51/5 Rev.);
- (ii) in accordance with the recommendation of the SCCR, invited the SCCR to continue its work towards convening a Diplomatic Conference for the adoption of a treaty on the protection of broadcasting organizations, aiming for the 2020/2021 biennium, subject to Member States reaching consensus in the SCCR on the fundamental issues, including specific scope, object and protection and rights to be granted; and
- (iii) directed the SCCR to continue its work regarding the other issues reported on in document WO/GA/51/5 Rev.

ITEM 16 OF THE CONSOLIDATED AGENDA

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

101. Discussions were based on document WO/GA/51/6.

102. The Secretariat introduced document WO/GA/51/6, which contained a report on the work of the Standing Committee on the Law of Patents (SCP). The Secretariat noted that the document described the progress of discussions at the twenty-ninth and the thirtieth sessions held from December 3 to 6, 2018, and from June 24 to 27, 2019, respectively. The Secretariat stated that during those two sessions, the Committee had continued to address the following five topics: (i) exceptions and limitations to patent rights; (ii) quality of patents, including opposition systems; (iii) patents and health; (iv) confidentiality of communications between clients and their patent advisors; and (v) transfer of technology. The Secretariat particularly noted the fact that the Member States had proactively participated in the Committee's work by sharing information, making presentations, submitting proposals, and being engaged in discussions with constructive spirit which had led to the adoption of a full set of SCP future work activities at those sessions. The Secretariat further invited the WIPO General Assembly to take note of the information contained in the document.

103. The Delegation of Finland, speaking on behalf of the European Union and its member states, thanked the Chairs, the WIPO Secretariat and Members of the SCP for the smooth progress made since the previous Assemblies. The Delegation noted that there had been constructive discussions and developments on the five topics in the agenda of the SCP, i.e., quality of patents, including opposition systems; confidentiality of communications between clients and their patent advisors; exceptions and limitations to patent rights; patents and health; and transfer of technology. It stressed that the topic of quality of patents, including opposition systems, was of particular importance to them. Noting that high quality patents could guarantee the proper balance between the interests of rights holders, industry and other stakeholders, on the one hand, and of the society, on the other hand, the Delegation stated that it would continue to advance and contribute to the work on that topic, in particular, on the subject of artificial intelligence (AI). The Delegation expressed its belief that the SCP should also serve as a venue for discussions on the existing differences of patent law systems, and substantive patent law in the future. The Delegation stated that the European Union and its member states attached great importance to the topic of confidentiality of communications between clients and their patent advisors, and in particular to the issue of recognition of foreign patent advisor privilege. In its opinion, the same protection should be given to communications between a client and its foreign patent advisor and communications between a client and its national patent attorney, as was applicable under national law. The Delegation stated that it looked forward to continuing discussions on that topic in the future sessions of the SCP. Further, the Delegation stated that the information exchange regarding patent law provisions that supported technology transfer was of high interest for its Group, keeping in mind that the SCP should avoid duplicating the efforts of the Committee on Development and Intellectual Property (CDIP) in that respect. The Delegation stated that IP rights, such as patents, incentivized innovation and led to new and improved treatments, thus contributing to better health for all. Noting further that, during the previous years, the SCP had addressed the topic of patents and health extensively, the Delegation welcomed the work of the Committee in the field of capacity building activities, notably, in the area of negotiations of licensing agreements. The Delegation noted that capacity building, increasing transparency and awareness raising were promising initiatives that could help to foster innovations for benefits of all. The Delegation wished to recall that, with respect to the mandate of the SCP, they could not go beyond it and that there was a need to continue to reflect a balanced approach, taking into account the various factors of relevance to patents and health. Further, the Delegation stated that, while the European Union and its member states regarded all topics on the agenda of the Committee as important, it wished to reiterate that they had special interest in enhancing international

cooperation and improving the technical knowledge on patentability requirements. The Delegation stated that, ensuring a more efficient, effective, and higher quality patent system in all Member States was a way to remove trade obstacles and contribute to economic prosperity. In conclusion, the Delegation reiterated its commitment to contribute to the work of the Committee in accordance with the agreed work plan in future meetings. The Delegation looked forward to continuing the interesting discussions and information sharing in the SCP with the anticipation to achieving tangible results in the future sessions.

104. The Delegation of Croatia, speaking on behalf of the CEBS Group, thanked the Chairs of the twenty-ninth and thirtieth sessions of the SCP for guiding the work of the SCP during those two sessions, as well as the Secretariat for the preparation of those sessions. The CEBS Group noted with satisfaction the relevance of the work of the Committee and the opportunity it provided to exchange experiences and share best practices in relation to all five topics in the agenda. The CEBS Group reiterated that the quality of patents, as well as the confidentiality of communications between clients and their patent advisors, remained the main issue for the CEBS Group. The CEBS Group noted in particular, the importance of protecting the confidentiality of communications between clients and their patent attorneys. In that regard, the CEBS Group stated that when dealing with communications with a foreign patent advisor, the protection should be ensured to those communications as was applicable under national law for communications between a client and its national patent advisor. The CEBS Group was of the view that future discussions were needed as patents should ensure proper balance between the interest of society and those of inventors and industries. The CEBS Group thanked all delegations that had contributed to the discussions, especially those delegations that had tabled written proposals.

105. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, thanked the Chairs, the two Vice-Chairs, and the Secretariat of the SCP for the excellent work done during the previous sessions of the SCP and for the preparation of the report contained in document WO/GA/51/6. The Group noted that, as stated in that report, without prejudice to the mandate of the SCP, the Committee's work for the following session should be confined to fact-finding and should not lead to harmonization at that stage. The Group reiterated its support for the work of the SCP to continue to address the topics of exceptions and limitations to patent rights, quality of patents, including opposition systems, patents and health, confidentiality of communications between clients and their patent advisors, and transfer of technology. The Group welcomed the future work program and, in relation to the topic of exceptions and limitations to patent rights, it looked forward to discussions on the draft reference documents on exceptions regarding compulsory licensing and prior use. On the topic of quality of patents, including opposition systems, the Group welcomed the study on approaches to the quality of the patent grant process; the sharing session on the use of AI for the examination of patent applications and the information sharing session on issues related to the patentability of inventions, such as AI software as computer-implemented inventions; and the discussions on the further study of inventive steps. On the topic of patents and health, the Group welcomed the convening of the sharing session on challenges and opportunities in relation to types of patent licensing provisions in the healthcare technologies; the review of existing research on patents and access to medical products and health technologies; and updates on publicly accessible databases of patent status information concerning medicines and vaccines. With regard to the topic of confidentiality of communications between clients and their patent advisors, the Group welcomed the sharing session on recent developments and experiences with respect to confidentiality of communications between clients and their patent advisors. On the topic of transfer of technology, the Group welcomed the sharing session on patent law provisions and practices that contributed to effective transfer of technology, including sufficiency of disclosure.

106. The Delegation of Canada, speaking on behalf of Group B, thanked the two SCP Chairs for presiding over the twenty-ninth and thirtieth sessions of the SCP. Group B also thanked the

Secretariat for the hard work over the previous past year and for the preparations of the WIPO General Assembly. Noting five topics addressed by the SCP, Group B expressed its appreciation for the efforts and willingness of all Member States during those two sessions that had resulted in agreements on, and the implementation of, an overall balanced work program. Group B also welcomed the collaborative spirit of Member States, including work on cross-regional proposals, which showed a welcome openness toward working together on the issues of mutual interest. It stated further that the SCP was a multilateral forum in the field of patents, and that Group B strongly believed that the SCP had a responsibility to provide a venue for technical discussions on issues of substantive patent law in line with its mandate. In addition, Group B noted that the Committee's work should be beneficial for the evolving real world, including IP offices, innovators, patent practitioners and other users of the patent system. Group B stated that, for example, programs to improve the quality of IP offices work products, work sharing and other forms of technical cooperation to promote the healthy innovation ecosystem should be of practical benefits to all offices regardless of their size or experience level. Group B expressed its belief that the Committee should continue to build on the importance many Member States placed on the work on technical topics that contributed to a higher quality of patent prosecution. The national and regional patent examination processes, quality of patents, as well as confidentiality of communications between clients and their patent advisors, remained priority agenda topics for Group B. In conclusion, it noted that the objective and mandate of the SCP was to facilitate coordination and to provide guidance concerning the progressive international development of patent law, including harmonization.

107. The Delegation of Uganda, speaking on behalf of the African Group, thanked the Secretariat for the preparation of the report on the work of the SCP during the previous two sessions, and the Chairs and Vice-Chairs of the Committee for their hard work and guidance over the course of those two sessions, which had contributed to advancing its mandate. The African Group reaffirmed the importance of the SCP as a multilateral forum for substantive discussions and advancing norm setting, where relevant, on the international aspects of patent law and related issues. It stated that its Group supported the ongoing exploratory discussions on agreed issues on the agenda of the Committee that were being undertaken without the expectation of norm setting at that stage. The African Group noted that those discussions were important to assist Member States to identify gaps or challenges, if any, in Member States' national patent laws, and to identify which norm setting activities might be undertaken in the future. Noting further that patent law was territorial in nature, the African Group expressed its strong belief that a balanced and well-functioning set of international IP rules and norms enhanced the degree of success of national IP systems to stimulate innovation, research, and development which resulted in societal progress and sustainable development. The African Group continued that, to achieve that objective, the international IP system should strive for an optimal balance between the interests of the right holders and the legitimate interest of the public to access to knowledge and innovation. The African Group noted that, indeed, a wide range of policy options and flexibilities were built into the international patent system that could be used to pursue the development objectives by developing countries and LDCs, including exceptions and limitations to patent rights, exhaustion of rights, the criteria for grant of patents, and opposition procedures, among others. The African Group welcomed the work program of the Committee and stressed the importance of all topics in the agenda that should be discussed in a balanced manner. Further, the African Group stressed that the discussions on the interplay between patents and public health was of high importance in its agenda. The African Group was convinced that those discussions were vital in ensuring a coordinated approach to the legal and policy factors affecting the production and dissemination of affordable and essential medicines and medical technologies to developing countries. The African Group stated further that the discussions on exceptions and limitations to patent rights as well as transfer of technology were also of great importance to its Group. In concluding, the African Group urged the Committee to desist from discussions that would fall outside its mandate.

108. The Delegation of Tajikistan, speaking on behalf of the CACEEC, commended the work of the SCP and expressed its hope that the Committee would continue its work on the basis of the balanced program for the development of the international patent system, from which all the Member States would benefit. The Delegation noted that a number of proposals related to the examination of inventions in the field of information and communication technologies and to the use of breakthrough technologies to improve the efficiency of the patent offices had been submitted to the SCP. The Delegation expressed its hope that a productive exchange of experiences and views would take place at the following sessions of the SCP, laying the foundation for a harmonized approach by the offices on those issues.

109. The Delegation of Colombia thanked the Secretariat for its excellent work in the preparation of the SCP sessions and in the promotion of activities that improve the overall functioning of the patent system. In addition, the Delegation noted that the work of the Secretariat had been extremely useful in delivering the Inventor Assistance Program (IAP) in Colombia since 2015, which had already benefited 30 Colombian inventors who had received the assistance of more than 40 *pro bono* lawyers. The Delegation welcomed further work of the SCP on the topics as contained in its agenda, particularly the topics of exceptions and limitations, the quality of patents, including opposition systems and patents and health.

110. The Delegation of Iran (Islamic Republic of) thanked the Chairs and the Secretariat for the successful organization of the twenty-ninth and the thirtieth sessions of the SCP. The Delegation noted that the agenda of the SCP included important issues which covered essential areas for developing countries. By recalling the significance of SCP's contribution to the implementation of respective DA Recommendations, the Delegation highlighted that the work of the Committee on different agenda items should be structured around the DA, which was the general reference point for WIPO in terms of development issues. Turning to the topic of exceptions and limitations to patent rights, the Delegation welcomed the progress made in preparing the draft reference documents on various exceptions and limitations, in particular documents on compulsory licensing, which provided valuable information on the use of those exceptions by shedding further light on their legal and technical aspects. Concerning the agenda item on patents and health, the Delegation expressed the view that the SCP was the most appropriate forum for Member States to discuss and address the asymmetry and gaps between the profit-driven innovation models and public health priorities. Recalling the patent-related barriers to access to medicine, the Delegation expressed its support to the Committee's deliberations on that topic, examining ways to overcome those barriers in a balanced manner and for the benefit of the right holders and the public. While noting the importance of the topic of quality of patents, the Delegation expressed its view that that topic should be left to the national level to be decided by national authorities, taking into account each specific country's priorities. Moreover, the Delegation stated that the work sharing as a matter of procedure should be left to the bilateral or regional levels. As regard the topic of confidentiality of communications between clients and their patent advisors, the Delegation wished to reiterate that it fell outside of the substantive patent law issues and that the Committee's discussions on that issue should not lead to any norm-setting practice. With regard to the topic of transfer of technology, the Delegation supported the decision reached by the SCP at the previous session, i.e., continuing compiling information on patent law provisions and practices that contributed to effective transfer of technology, including sufficiency of disclosure. The Delegation also looked forward to a sharing session by Member States on that topic in the upcoming session of the Committee.

111. The Delegation of India believed that as the principal norm setting body in the field of IP in the world, WIPO had an enormous responsibility in ensuring a fine balance between innovation and socio-economic development and priorities. The Delegation noted that the significant flexibility provided by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in the design of domestic patent law was critical. In the Delegation's view, such flexibility allowed policymakers in developing countries and LDCs to ensure that domestic

patent laws were in line with their socio-economic development realities. The Delegation stated that it was strongly against any attempt aimed at harmonization of patent law, which was neither desirable nor acceptable. The Delegation further stated that ensuring quality of patents was the most essential element of the patent process and that any substandard patent had an enormous social cost which could have serious implications for developing countries and LDCs. In addition, the Delegation stated that both the patent examination process and the opposition systems had an important role to play in ensuring the quality of patents. The Delegation was of the view that the Committee needed to move towards a tangible progress that included primary studies on the subject of transfer of technology and its relationship to the patent system, as there remained a significant scope of work in that area. On the subject of confidentiality of communications between clients and their patent advisors, the Delegation was of the view that the topic was not a patent law issue and should be dealt under the law of evidence.

112. The Delegation of the Russian Federation noted that during the twenty-ninth and thirtieth sessions, the SCP had made great progress in considering the various items on the agenda, such as quality of patents, including opposition systems, exceptions and limitations to patent rights, and patents and health. The Delegation thanked the Secretariat for having prepared excellent documents on the topic of exceptions and limitations to patent rights, especially on the topic of compulsory licensing, which helped make such information fully accessible to stakeholders and society as a whole, helping them to understand the implications of the TRIPS flexibilities and thus creating a more balanced patent system. The Delegation also expressed its support to the work of the Committee on the further study on inventive step. The Delegation said that, although there was no normative activity, it attached considerable importance to the various items of the agenda and the sharing sessions and information exchanges on the various items discussed. In particular, the Delegation recalled its proposal at the thirtieth session to carry out a study on the management of timeframes for processing of applications by national patent offices, and invited Member States to participate actively in the related discussions. The Delegation further expressed its interest in studying how the new technologies such as the blockchain and AI might assist in the examination of patent applications, and considered that there should be an information system on the advantages of applying AI in that area. The Delegation stated that further studies on inventiveness in the area of pharmaceuticals and chemicals were important. Finally, the Delegation expressed its support to continuing discussions within the framework of the SCP on issues related to access to medicines, while giving importance to protection of IP.

113. The Delegation of Brazil congratulated the Secretariat of the SCP for its leadership in the Committee's complex and challenging matters. The Delegation reiterated its view expressed in the twenty-ninth and thirtieth sessions of the SCP that exceptions and limitations were an integral part of the balance between the rights of patent holders and social values. The Delegation stated that the use of compulsory licensing helped to provide an integral balance between right holders and social values, especially in the context of public health. On the topic of patents and health, the Delegation noted that such topic should be of interest for all countries. The Delegation reiterated that access to medicines was a pillar of Brazil's public health system, thus, databases with precise information on patented substances of interest to the public and public health were key for making informed purchasing policies and decisions. In the Delegation's view, such issue was closely linked to the topic of quality of patents since the lack of details in a patent application might be prejudicial for the users who were dependent on the information provided in the application. The Delegation also supported discussions on the use of emerging technologies, including AI, as it was a fast developing area, and noted that such resources were already being used by Brazil's national office to promote the productivity in the examination of application process. The Delegation was of the view that there should be additional discussions, exchange of experiences and possibly normative discussions regarding the criteria for the patentability of inventions containing AI. The Delegation also stated that the Committee's discussions at the following session should be focused on databases of patent status information concerning medicines and vaccines and the confidentiality of

communications between clients and their patent advisors. In that regard, the Delegation reiterated its support to the proposal by the Delegations of Argentina, Brazil, Canada and Switzerland (document SCP/28/9 Rev.) to conduct a review of existing research on patents and access to medical products and health technologies, and to the proposal by the Delegations of Argentina, Brazil and Switzerland (document SCP/28/10), requesting a regular update on publicly accessible databases of patent status information concerning medicines and vaccines. The Delegation expressed its intention to continue facilitating dialogue and consensus and prevent polarization between regional groups and called on Member States to do the same.

114. The Delegation of Japan aligned itself with the statement made by the Delegation of Canada on behalf of Group B. The Delegation welcomed the fact that they had shared a great deal of information on various issues through the discussions at the twenty-ninth and thirtieth sessions of the SCP, and that the Committee had been able to reach an agreement on its future work at the previous session. The Delegation appreciated the Secretariat's efforts and Member States' flexibility in that regard. The Delegation stressed that the most important issues for Member States were the quality of patents and the confidentiality of communications between clients and their patent advisors. The Delegation expressed its belief on the importance of considering the quality of patents from a practical perspective because it was effected by various factors such as collecting prior art and the decision-making process in patent examination and opposition procedures. The Delegation also noted that work sharing activities contributed to improving the quality of patents for all Member States, as they constituted an effective framework for sharing prior art. In addition, the Delegation expressed its interest in the discussions on the use of AI for the examination of patent applications that would be held during the thirty-first session of the SCP, and the sharing information session on the patentability of inventions relating to emerging technologies, such as AI, that would be held at the thirty-second session of the SCP. The Delegation was of the view that such discussions would be of interest for all IP offices. With respect to confidentiality of communications between clients and their patent advisors, the Delegation considered that allowing patent advisors to claim confidentiality enabled open and frank communications between them and their clients and allowed the latter to obtain appropriate legal advice. The Delegation said that such privilege enhanced the reliability and stability of the IP system. The Delegation expressed its hope that the issue would continue to be discussed at the following sessions of the SCP. In conclusion, the Delegation expressed its strong belief that the SCP should keep on discussing global patent issues and reiterated its commitment to continue to contribute positively in discussions on important patent issues.

115. The Delegation of the United States of America thanked the Secretariat for the preparation of the twenty-ninth and thirtieth sessions of the SCP, as well as for the hard work of the Secretariat towards the preparation of the meeting. The Delegation welcomed the spirit of cooperation in the SCP that had allowed Member States to agree on future work programs on five agenda topics. The Delegation supported a balanced work program at the SCP and expressed its belief that the five topics addressed in the SCP provided a good basis for such discussions, as they were intended to reflect issues of interest to Member States at all levels of development. The Delegation supported further study of those issues in a balanced manner as a way to reach consensus on a work program that would take into account the range of interest represented by all Member States. With regard to quality of patents, the Delegation noted the progress that had taken place on that topic. The Delegation was of the view that that work would promote practical ways to improve the operation of patent offices. Further, the Delegation noted that discussions on topics of substantive patent law such as quality of patents, work sharing, as well as on the confidentiality of communications between clients and their patent advisors would provide tangible benefits to all Member States that expressed an interest in improving the operation of their patent offices. The Delegation was pleased to note that some of its earlier proposals had been incorporated in the SCP's work plan. The Delegation expressed its interest that the SCP continued to study programs that had proved to be effective, such as quality management systems and work sharing initiatives. The Delegation expressed

its belief that such programs within the SCP provided examples that might be adopted by the patent offices of the Member States. The Delegation noted that work sharing programs were especially effective for patent offices with limited resources to conduct high quality search and examination. In particular, the Delegation was interested in studying how work sharing concepts could be best used to amplify the capacities of offices. The Delegation was of the view that adoption of the programs such as Patent Prosecution Highway (PPH) and the interest shown by many offices joining other work sharing pilot programs attested the benefits of such programs. Further, the Delegation supported the efforts made by the Delegation of Spain, as well as other delegations, to build consensus among a variety of countries to carry out useful work in the areas of quality of patents. On patents and health, the Delegation supported the balanced approach to studying solutions to the public health challenges in developing countries and LDCs. The Delegation stated that the approach should not be limited to patent flexibilities, such as compulsory licensing and patent exhaustion, but it should also recognize the benefits of a strong IPR regime and study the effect of non-IPR barriers to delivering healthcare. The Delegation noted that the SCP had already conducted an extensive review of exceptions and limitations, including compulsory licensing and exhaustion of patent rights, and had already produced a large amount of information on those topics. In the Delegation's view, additional work in the SCP on patent flexibilities specific to health issues would be duplicative of the work already done and being completed under the agenda topic "exceptions and limitations to patent rights". However, the Delegation supported information exchange sessions on those issues, which could help Member States better understand the resources that were available to them from WIPO, the World Health Organization (WHO), and other sources. The Delegation was satisfied to see that several Group B Member States had shown a willingness to propose work on patents and health that was supported by a wide range of other Member States.

116. The Delegation of Cuba stated that the SCP should continue to work on studies on exceptions and limitations to patent rights with an emphasis on the barriers posed by patents for technology transfer. Further, in the Delegation's view, the study on exceptions and limitations to patent rights should look into issues connected to development and the conditions for their implementation.

117. The Delegation of the Trinidad and Tobago wished to commend and acknowledge the work that WIPO, through the SCP, had completed to date and urged that the work should be earnestly pursued. The Delegation acknowledged that the Committee's work had advanced, and commended the Committee for working through complex issues and for its attempts to attain consensus. The Delegation looked forward to the elaborations on various working documents and proposals, in particular, on the draft reference documents on exceptions and limitations to patent rights and discussions on their effectiveness and implementation issues. The Delegation highly anticipated the proposal on the work sharing programs as it was related to the effectiveness of the search and examination process. The Delegation stated further that it had been expectantly awaiting a common definition of the term "quality of patents" as a means to better gain an understanding on the inventive step requirement. The Delegation also looked forward to future discussions at the thirtieth session of the SCP on the proposals put forward by the African Group and by the United States of America with respect to the topic of "patents and health", and other studies on the topic of "transfer of technology" which should prove useful to actual IP office operations. The Delegation stated that it was desired that the end result of the deliberations would be the genesis of an enabling environment which would seek to foster and encourage more confident use of the patent system. In conclusion, the Delegation assured that its country continued to be an ardent follower of the Committee's work on the review of the patent system and that it remained ready to participate constructively in the Committee's discussions.

118. The Representative of the Knowledge Ecology International (KEI) proposed that the Secretariat's review of the existing research on patents and access to medical products and health technology should include the 2014 WIPO study on "Alternatives to the Patent System

that are used to Support R&D Efforts, Including both Push and Pull Mechanisms, with a Special Focus on Innovation-Inducement Prizes and Open Source Development Models” contained in document CDIP/14/INF/12 and the 2005 WHO-UNDP publication entitled “Remuneration guidelines for non-voluntary use of a patent on medical technologies”. The Representative noted that the 2019 World Health Assembly had passed Resolution WHA 72.8 for improving the transparency of markets and vaccines and other health products, which required WHO’s Director General to continue to support existing efforts to determine the patent status of health products and promote publicly available user friendly patent status information databases for public health actors. The Representative reiterated its interest in WIPO’s trilateral cooperation to focus on supporting the implementation of such Resolution by addressing questions like the lack of transparency for patent landscapes relating to biologic drugs and new cell and gene therapies, and also what should be done to have better information sharing over the litigation over patent validity and scope. The Representative also questioned whether a UN agency should rely upon the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) to manage its project and whether a conflict of interest might arise. Further, the Representative proposed that the SCP discuss the role of patents in the development and access to new cell and gene therapies, including the extent to which patent exceptions for the treatment of humans apply as well as the high costs and anticompetitive nature of licensing and the emerging figures of patents relating to those treatments.

119. The WIPO General Assembly took note of the “Report on the Standing Committee on the Law of Patents (SCP)” (document WO/GA/51/6).

ITEM 17 OF THE CONSOLIDATED AGENDA

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

120. Discussions were based on document WO/GA/51/7.

121. The Secretariat indicated that document WO/GA/51/7 referred to the two sessions held by the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) during the period under consideration. With respect to trademarks, the Committee had continued its work on the protection of country names and considered revised proposals by a group of 13 countries, namely Georgia, Iceland, Indonesia, Italy, Jamaica, Lichtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates. It had also considered again a proposal by the Delegation of Jamaica. The SCT had further dealt with a proposal by the Delegation of Peru for the recognition and protection of nation brands. In addition, the Committee had taken note of developments concerning the exchange of International Nonproprietary Names for Pharmaceutical Substances (INNs) data between WHO and the World Intellectual Property Organization (WIPO), as well as recent developments in the Domain Name System (DNS). As regards industrial designs, the Secretariat indicated that the SCT had considered a document compiling the returns to a questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs. Following the proposal by the Delegation of Spain, the SCT had agreed on the content of a questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property. The SCT had also taken note of the progress in the implementation of the Digital Access Service (DAS) for priority documents for industrial designs. With respect to geographical indications, the SCT had considered the returns to two questionnaires, one on National and Regional Systems that can Provide a Certain Protection to Geographical Indications and another on the Use or Misuse of Geographical Indications, Country Names or Geographical Terms on the Internet and in the DNS, where 34 returns had been received. Given the large amount of information, and in order to facilitate easy access to the data, the

Secretariat had worked on a database that would allow horizontal retrieval of information. The database had been presented to the fortieth session of the SCT. The Committee had also agreed to hold a half-day Information Session on Geographical Indications, in conjunction with the forty-second session of the Committee, and discussed a program for that session, consisting of three panels: the evaluation of genericness; geographical indications as intellectual property (IP) titles in the operation of the DNS and in the dispute resolution policies; and notions of identity, similarity, and imitation between geographical indications and trademarks in the context of registration and commercial use.

122. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, thanked the Secretariat for the report contained in document WO/GA/51/7, as well as the Chair and Vice-Chairs of the SCT. The Group welcomed the progress made in the Committee, including discussions on GUI, Icon and Typeface/Type Font Designs and the protection of country names. The Group acknowledged that the SCT had agreed to hold a half-day Information Session on Geographical Indications at the next SCT session.

123. The Delegation of India said that it took note of the efforts made at the SCT to bring consensus among Member States. The Delegation reiterated its support for restricting the misuse of country names as trademarks, as well as for achieving consensus on that issue among Member States.

124. The Delegation of the European Union, speaking on behalf of the European Union and its member states, welcomed the continuing progress made by the SCT during its last two sessions and noted with appreciation that the SCT had moved forward on all key topics in a constructive spirit. The Delegation noted that the Committee, through intense discussions, had made some progress in seeking a compromise solution on the topic of country names. As regards designs, the Delegation noted the Committee's agreement on a more defined scope of future work concerning GUI, Icon and Typeface/Type Font Designs and embarked on exploring the topic of international exhibitions. The Delegation also expressed the hope that, in the end, progress on geographical indications could also lead to clear and tangible results within the SCT mandate and framework, which had a positive impact on stakeholders. Moreover, the Delegation reiterated that the SCT should not aim at interpreting or revising provisions of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration or the Geneva Act of the Lisbon Agreement. With regard to trademarks, recalling that the Committee had been discussing the protection of country names against registration and use as trademarks, the Delegation pointed out that, at its fortieth session, the SCT had processed the conclusions reached based on a fruitful information session on divergent office practices. Discussions had started on a new proposal by 13 countries and continued at the forty-first session on the basis of revised proposals prepared by the co-sponsors, as well as another proposal on nation brands, where two revised proposals were expected for the next SCT session. While remaining open to participate in, and continue, discussions on all proposals on the table, in particular as regards the policy rationales set out in document SCT/41/6, the Delegation looked forward to providing its comments at the next session of the Committee. The European Union and its member states appreciated the valuable updates regarding trademark-related aspects of the DNS, as well as trademarks and INNs, which had been shared within the SCT. In relation to industrial designs, the Delegation reiterated its position that the DLT should not be discussed within the SCT and that the WIPO General Assembly should continue to pave the way towards the convening of a diplomatic conference for the adoption of the treaty, on the basis of a draft text that could lead to consensus. Turning to GUI, Icon and Typeface/Type Font Designs, the Delegation recalled that, at the fortieth session of the SCT, a questionnaire had been finalized with a focus on the requirement for a link between a GUI and the product and the methods allowed by offices to represent animated designs. Pointing out that the SCT had discussed a compilation of all returns to that questionnaire at the forty-first session, the Delegation expected the finalization of the compilation for the next session and looked forward to discussions on future work on the

issue. The Delegation shared the common understanding that currently existing divergences should be addressed and that further work on those issues could pave the way to a more harmonized approach. The Delegation also welcomed the progress made on the topic of the temporary protection provided to industrial designs at certain international exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property, and awaited the discussion of a compilation of the returns to the questionnaire at the next session. With respect to geographical indications, welcoming the compilation of the replies to the two questionnaires for the fortieth session and its finalization for the forty-first session, the Delegation reiterated the view that the process had been a valuable and constructive exercise in advancing the international debate on geographical indications. Sharing the understanding that the exercise should be advanced by agreeing on a limited number of topics to be addressed in the information sessions in future SCT meetings, the Delegation was of the view that such topics should address significant challenges confronting the global IP community. The Delegation further pointed out that, considering that the handling of geographical indications as intellectual property rights (IPRs) on the Internet was an area where there were significant lacunae and unjustified divergences of treatment from other IPRs, the European Union and its member states had recommended a list of topics for the forty-first session. Welcoming the agreement on the holding a half-day information session at the next SCT session, as well as on a work program comprising three panels on three topics, the Delegation looked forward to giving its own contribution on the topic of geographical indications as IP titles in the operation of the DNS and in the dispute resolution policies. Looking forward to participating constructively in the discussions of the other two topics in the program, the Delegation awaited the discussion on the topics of further information sessions, and encouraged the wider membership to table proposals for debate on subjects of concern regarding geographical indications. Expressing its appreciation for the positive tendencies, the Delegation concluded by saying that the European Union and its member states remained actively engaged in continuing work in all three key areas of the SCT.

125. The Delegation of Croatia, speaking on behalf of the CEBS Group, took note of the report of the SCT and thanked the Chair of the Committee, Mr. Alfredo Carlos Rendón Algara, for his able guidance during the fortieth and forty-first sessions of the SCT. The Delegation also thanked the Secretariat for its efforts in preparing SCT sessions, and the Member States, including Georgia, for providing discussion papers. Recognizing the importance of the Committee's work and seeing value in the discussions on various topics during the last two sessions, the Delegation said that the Group looked forward to future discussions on the Committee's major themes, including the protection of GUI, Icon and Typeface/Type Font Designs, the protection of country names and geographical names of national significance in the DNS, INNs and geographical indications.

126. The Delegation of Uganda, speaking on behalf of the African Group, congratulated the Chair and Vice-Chairs of the SCT for their professionalism and excellent leadership, enabling the Committee to achieve its goals, and thanked the Secretariat for its efforts in preparing the report of the SCT to the WIPO General Assembly. Highlighting the importance of all topics discussed within the SCT, the Delegation considered that the current discussions would contribute to advancing the Committee's mandate. Reaffirming its support for the ongoing discussions on the protection of country names and geographical names of national significance in the DNS, as well as on the protection of country names against their registration and use as trademarks, the Delegation indicated that the Group urged all Member States to engage constructively on those issues, so as to achieve convergence in future Committee's sessions and to address the legitimate interests of countries. Welcoming and lending its support to the continued collaboration between WIPO and WHO on the exchange of data on INNs, the Group encouraged WIPO to strengthen that collaboration and welcomed the inclusion of INNs in the Global Brand Database. Having noted the explanatory discussions on new technologies, including GUI, Icon and Typeface/Type Font Designs, the Delegation pointed out that the Group strongly cautioned against proceeding to norm-settings at the present stage, as the topic was

yet to evolve substantially. In the Group's viewpoint, the Committee should continue the exploratory activities, with a special focus on the economic impact of IPRs protection on such technologies and innovation in developing countries. Regarding the protection of industrial designs at trade fairs, the Group shared its willingness to engage positively. Finally, the Delegation indicated that the Group welcomed the renewed discussions on geographical indications, as well as the agreed work program on the issue. Looking forward to the next session of the SCT, the Delegation announced that the Group would continue to engage constructively in the Committee's discussions.

127. The Delegation of the Russian Federation, taking note of the report of the SCT on trademarks, industrial designs and geographical indications, expressed its interest in continuing the work on all items of the Committee's agenda. Informing the Member States on the newest changes in the legislation of the Russian Federation, the Delegation announced that the law provided for temporary protection of industrial designs whereas the Civil Code provided for legal protection of geographical indications as a separate subject of IP through the means of State registration with the patent office. Noting that global experience and the discussions at the Information Session on Geographical Indications had been taken into account when drafting those amendments, the Delegation looked forward to continuing the work, with a view to sharing the best practices of patent offices. In conclusion, the Delegation informed that the Russian Federation continued to work on technical issues related to the accession of the Russian Federation to the Digital Access Service (DAS), which allowed the exchange of priority documents in digital format via secure channels.

128. The Delegation of Iran (Islamic Republic of), taking note of the report of the SCT as contained in document WO/GA/51/7, recognized that most of the agenda items had advanced in a constructive spirit. With regard to the DLT, the Delegation invited all Member States to address the topic with mutual understanding, pragmatism, political will and flexibility in order to achieve an agreement for the benefit of all. As regards GUI, Icon, Typeface/Type Font Designs, the Delegation would continue to actively participate in the relevant discussions and listen to experiences and concerns shared by Member States. Meanwhile, the Delegation expressed the view that the current international framework provided adequate flexibility for ensuring the protection of new technological designs. Therefore, Member States should preserve the policy space to adopt national legislation according to their needs and priorities. On the topic of protection of country names, the Delegation expressed its regret that the Committee's deliberation could not lead to any tangible outcome in spite of substantive and extensive discussions. The Delegation reiterated that there was a need for international action to prevent the undue registration or use of country names whether in the trademark system or in the DNS, and thus prevent the monopolization of those names by private entities. The Delegation thus looked forward to substantive discussions aiming at more consistent and effective protection of country names and geographical names of national significance, based on the proposals submitted by some Member States. On the issue of geographical indications, the Delegation expressed its appreciation to the Secretariat for having designed a database that reproduced all Member States' returns and inputs to the questionnaires on geographical indications. Welcoming the agreement reached during the Committee's last session on the topics to be discussed during the half-day Information Session on Geographical Indications, the Delegation expressed the hope that the information session would advance the debate on geographical indications.

129. The Delegation of China, welcoming the SCT report prepared by the Secretariat, expressed its appreciation for the significant work and positive achievements made, and assured its continuing participation in the work of the Committee.

130. The Delegation of Trinidad and Tobago, expressing wholehearted support for the continuing efforts of the SCT, pointed out that the issues arising from the deliberations within the SCT continued to inform Trinidad and Tobago's legislative agenda in respect of the laws of

trademarks, industrial designs and geographical indications. Reporting that the Senate of Trinidad and Tobago had assented to the Trade Marks Act, 2015 on June 12, 2015, the Delegation indicated that the new Act would replace the existing Trade Marks Act, facilitate the electronic filing of trademarks and the registration of new types of marks, and implement the most recent version of the Nice Classification system. A proclamation would bring the new Act into effect upon completion of the Trade Marks Regulations by the Trinidad and Tobago Intellectual Property Office (TTIPO) and the Chief Parliamentary Counsel. The Delegation also reported that the TTIPO had done its final review of its Trade Marks Regulations, Trade Marks (International Registration) Regulations and Trade Marks (Border Enforcement Measures) Regulations. The package of legislation accompanying the Trade Marks Act No. 8 of 2015 was going to be sent to Parliament later during the year. Moreover, the Delegation informed the WIPO General Assembly that Trinidad and Tobago had signed the Singapore Treaty on the Law of Trademarks (STLT) on September 3, 2019, and would formally accede to the treaty during the WIPO General Assembly. With respect to industrial designs, the Delegation indicated that Trinidad and Tobago had sought technical assistance from WIPO to draft its national legislation, in preparation for its accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs. Trinidad and Tobago expected to be in a position to accede to the Hague Agreement at the 2020 WIPO General Assembly. Looking forward to the continuing work within the SCT, that sought to guide Member States along their developmental paths, the Delegation expressed gratitude to WIPO for its assistance in developing and preparing the Trade Marks Act and Regulations and the proposed legislative amendments for the accession to the Hague Agreement. The Delegation looked forward to working together with other Member States regarding their operations. Finally, the Delegation also expressed gratitude to WIPO for the support and training offered to the staff of the TTIPO.

131. The WIPO General Assembly took note of the “Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)” (document WO/GA/51/7).

ITEM 18 OF THE CONSOLIDATED AGENDA

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

132. Discussions were based on document WO/GA/51/8.

133. The Secretariat introduced the item, indicating that, with respect to the convening of a diplomatic conference for the adoption of a Design Law Treaty (DLT), two topics had been outstanding for some time, namely technical assistance within the framework of a future DLT and disclosure of the origin or source of traditional knowledge (TK), traditional cultural expressions (TCEs) or genetic resources (GRs) utilized in an industrial design. The Secretariat recalled that, after discussion on those two questions during the last WIPO General Assembly, delegations had not reached an agreement to convene a diplomatic conference in 2019. Therefore, the 2018 WIPO General Assembly had decided that, at its next session, it would continue considering the convening of a diplomatic conference on the DLT, to take place at the end of the first half of 2020. Since then, the SCT had held its fortieth and forty-first sessions. Although the DLT had been formally on the agenda of both sessions, the matter had not been actively discussed by delegations. After both sessions, the Chair of the SCT had concluded that the Committee had taken note of all statements made by delegations on that item, and while the DLT would remain on its agenda, the SCT had also noted the decision of the WIPO General Assembly to continue considering the matter at its session in 2019.

134. The Chair noted that, in their general statements, several delegations had expressed support for the convening of a diplomatic conference for the adoption of the DLT, so as to bring

that longstanding item to a conclusion. Therefore, the Chair proposed to move the matter directly to informal consultations and asked Ambassador Socorro Flores Liera (Mexico), to act as Facilitator and to conduct those consultations on his behalf.

135. The Delegation of Mexico, on behalf of Ambassador Socorro Flores Liera, thanked the Chair and said that it was an honor for Ambassador Socorro Flores Liera to accept that responsibility.

136. The Delegation of Canada, speaking on behalf of Group B, thanked the Chair of the fortieth and forty-first sessions of the SCT, as well as the Secretariat for its work over the past years, including the preparation for the WIPO General Assembly. Recalling the long history of the issue under discussion, the Delegation expressed its regret that considerations falling outside the scope of the treaty were currently preventing users from benefitting from simplification of formalities in the industrial design system. The Delegation recalled that, at the 2014 WIPO General Assembly, Group B had stood ready to agree on sending documents SCT/31/2 Rev. and SCT/31/3 to a diplomatic conference in 2015. At the thirty-fifth session of the SCT, the Group had expressed agreement to join a consensus on sending the Chair's proposal, subject to the deletion of Note 3.08, as the framework for negotiation at a diplomatic conference. The Delegation, thanking the Facilitator at the WIPO General Assembly in 2018 for her efforts in trying to reach a consensus and for putting forward a concrete proposal, indicated that, as in previous occasions, Group B had been ready to engage constructively on the proposal, and regretted that no further progress had been possible on the basis of the Facilitator's efforts. Group B still trusted that Member States could, at the present session of the WIPO General Assembly, reach an agreement on a diplomatic conference regarding a text that could fulfil its fundamental objective of simplifying registration formalities, without a reference to a disclosure requirement. The Group looked forward to actively participating in the discussions on that matter.

137. The Delegation of Uganda, speaking on behalf of the African Group, thanked the Secretariat for the update on the state of the discussions regarding the DLT and expressed its gratitude to the Chair and Vice-Chairs of the SCT for their tireless efforts in guiding the work of the Committee. Stressing the potential positive impact of industrial designs on African economies, the Delegation highlighted the great importance for the Group of the proposed DLT, which aimed at harmonizing industrial design registration formalities. Indicating that the Group was disappointed that, in previous attempts, the WIPO General Assembly had failed to reach a consensus on a decision to convene a diplomatic conference, the Delegation stressed the need for Member States to make further efforts to advance the process. The Delegation reiterated the Group's commitment to finding a mutually agreeable outcome, pointing out that it had approached negotiations with pragmatism, and open and full engagement. Moreover, the fact that the Group had moved away from a binding disclosure requirement to a non-binding one demonstrated its spirit of compromise and reflected its fair engagement in the process. In the Group's viewpoint, the treaty text should take into account the diverse and legitimate interests of all Member States in a balanced and inclusive manner, and respond to the practical implementation realities or challenges of all Member States. Reaffirming its long-held position - which now enjoyed the support of a large majority of Member States across regions - for the inclusion of a disclosure requirement in the main text of the DLT, as well as a binding substantive provision on technical assistance, the Group held the view that those outstanding issues should be resolved before convening a diplomatic conference. Looking forward to positive and constructive engagements in negotiations, and welcoming the appointment of Ambassador Socorro Flores Liera as Facilitator, the Group expressed its willingness to work with her to find a mutually agreeable solution.

138. The Delegation of Croatia, speaking on behalf of the CEBS Group, thanked the Chair of the SCT for his efforts in guiding the discussions within the Committee. It also recalled that, at its forty-first session, the SCT had taken note of all statements made by delegations on the DLT,

as well as of the 2018 WIPO General Assembly decision to continue considering the matter at the present WIPO General Assembly. The Delegation pointed out that, already in 2014, the text of documents SCT/31/2 Rev. and SCT/31/3 had been ready to be sent to a diplomatic conference in 2015. Expressing its gratitude to the previous Facilitator, Ms. María Inés Rodríguez, for her efforts, and to the current Facilitator, Ambassador Socorro Flores Liera, the Delegation regretted that the previous WIPO General Assembly had been unable to move forward to a decision on convening a diplomatic conference. Pointing out that the Group had demonstrated its constructive spirit in the process, the Delegation noted that some delegations from one regional group had not been prepared to engage in the discussions on the basis of the text proposed by the Facilitator. Recalling the Group's flexibility to achieve compromises in 2019 on issues such as the Intergovernmental Committee on Intellectual Property and Genetic Resources (IGC) and the draft treaty for the protection of broadcasting organizations, the Delegation expressed the hope that other regional groups would show the same flexibility on the DLT, so as to enable the 2019 WPO General Assembly to reach a decision on the convening of a diplomatic conference for the adoption of the treaty. The Delegation concluded by declaring the Group's readiness to engage constructively.

139. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, recalled the 2018 WIPO General Assembly's decision and commended all Member States and regional groups for their positive contributions to the discussions on the DLT. The Group announced its readiness to engage constructively towards complete resolution of the outstanding issues, in particular to bridge the gap between positions pertaining to the disclosure requirement and technical assistance, as contained in Articles 3(1)(a)(ix) and 22 of the draft treaty. In that regard, the Group reiterated the view that developing countries should have ample policy space to shape their industrial design protection systems in accordance with national interests, as envisaged in the TRIPS Agreement.

140. The Delegation of Iran (Islamic Republic of), aligning itself with the statement made by the Delegation of Singapore, on behalf of the Asia and the Pacific Group, said that it recognized the endeavors made in recent years with respect to the draft DLT. The Delegation recalled the divergent views among Member States pertaining to draft Article 3 on the disclosure requirement and draft Article 22 on technical assistance. Considering that the development of an instrument should be accompanied by enhanced capacity of Member States to carry out the obligations arising from the treaty, the Delegation expressed the view that the provision on technical assistance should be reflected in the form of an article. This would reinforce the fact that the adoption of national legal systems and practices to adapt to DLT procedures could require technical assistance from WIPO. Furthermore, technical assistance would allow offices of least developed countries (LDCs) and developing countries to fully benefit from the implementation of the DLT, taking into account the different levels of development among countries. Expressing support for the inclusion of a disclosure requirement in the instrument, the Delegation underlined the importance of disclosure as a way to enhance the transparency and integrity of modern IP systems. Considering that the instrument should provide policy space for Member States to include components deemed important to complete the formalities for industrial design protection within their jurisdictions, the Delegation said that the discussions and the final decision on the issue required an inclusive approach, taking into account all parties' legitimate concerns. The Delegation expressed its willingness to engage in a constructive discussion to overcome all remaining differences and looked forward to a decision based on consensus and to the satisfaction of all Member States. The Delegation concluded by welcoming the Chair's decision to appoint Her Excellency the Ambassador of Mexico as Facilitator and by expressing its readiness to work with her to resolve the issue.

141. The Delegation of the European Union, speaking on behalf of the European Union and its member states, said that the basic text of the DLT had been stable since 2014 and ripe for the convening of a diplomatic conference for the adoption of the treaty. In view of the benefits of

harmonizing and simplifying design registration procedures for users and members of WIPO across the spectrum of development, the Delegation considered that the continued delay in the adoption of the treaty was unfortunate. It therefore expected the WIPO General Assembly to continue to pave the way towards solutions to the two remaining open issues, namely the proposal for the inclusion of a disclosure requirement in Article 3 of the treaty and the specific nature of the instrument on technical assistance and capacity building to assist developing countries in implementing the treaty. As regards the first outstanding issue, the Delegation believed that the inclusion of a disclosure requirement in the treaty would work against the original aim of WIPO membership of simplifying and harmonizing current design registration procedures. Pointing out that such a requirement was not relevant for the DLT and that the WIPO IGC was the appropriate forum to explore the underlying issues, the Delegation said that it stood ready to continue discussions on the subject in the IGC framework. In that context, the Delegation referred to the discussions held during the thirty-sixth session of the IGC on GRs, also reflected in the Chair of the IGC's draft of an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources. In the light of the ongoing discussions in the IGC, and the possibility of finding a more thorough solution in that specialized Committee, the Delegation invited the proponents to reconsider their proposal for a disclosure requirement in the DLT. Regretting that no decision to convene a diplomatic conference had been made at the 2018 WIPO General Assembly, the Delegation recalled its willingness to engage in the discussions on the Facilitator's text. Trusting that the Chair of the WIPO General Assembly would find the right course to handle the issue, the Delegation welcomed a constructive approach to find a way forward, and looked forward to participating at the informal discussions on the matter. In respect of the various proposals discussed at the 2017 and 2018 WIPO General Assemblies, the Delegation recalled its engagement in the efforts to agree on an appropriate wording for Article 3, having come a long way from its initial position. The Delegation stated that it stood ready to explore possible options and work together with other delegations in order to find a solution that could be acceptable for all. Concerning technical assistance, the Delegation indicated that it continued to support the effective delivery of technical assistance and capacity building in implementing the DLT and remained flexible with regard to the options on the table, noting that the form agreed upon should be geared towards the requirements of end users. The Delegation invited all parties to engage in the discussions in a cooperative spirit that would facilitate a successful conclusion of the DLT, as such outcome would serve the interests of designers and WIPO members across the globe.

142. The Delegation of China expressed its support for the work made on the DLT and hoped that all parties would demonstrate more efforts, pay utmost attention to each other's position and actively cooperate for an early consensus on the convening of a diplomatic conference. On technical assistance and disclosure requirement, the Delegation expressed the hope that the proposals from developing countries would be taken into account in order to achieve substantive progress. In addition, the Delegation suggested that the use of reservations would be considered to make the treaty more flexible and acceptable to Member States. The Delegation looked forward to actively participating in the discussions and hoped that the subject, under the leadership of the Ambassador of Mexico, would achieve substantive progress during the WIPO General Assembly.

143. The Delegation of Indonesia, aligning itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group, took note of the decision taken at the 2018 WIPO General Assembly to continue considering the convening of a diplomatic conference on the DLT, to take place at the end of the first half of 2020. The Delegation expressed the hope that Member States would start a real and concrete discussion towards a complete resolution of the outstanding issues, namely those pertaining to disclosure requirement and technical assistance, as contained in Articles 3 and 22 of the draft treaty. As highlighted in the Asia and the Pacific Group's statement, the Delegation pointed out that developing countries should have ample policy space to shape their industrial design protection

systems in accordance with national interests, as emphasized in the TRIPS Agreement. Thanking Ms. María Inés Rodríguez for her efforts in facilitating the discussion last year, the Delegation expressed regret that delegations had been unable to reach a conclusion and hoped that, during the 2019 WIPO General Assembly, discussions would be more productive towards a resolution. The Delegation believed that the outstanding issues would be completely resolved if both the proponents of a disclosure requirement and the proponents of simplifying and harmonizing formalities for design applications expressed flexibility, so as to achieve a middle ground. The Delegation said that it stood ready to work with Ambassador Socorro Flores Liera, and remained confident that her wise and able guidance, if combined with balanced perspectives and constructive spirit from all Member States, would allow finding a solution to the outstanding issues.

144. The Delegation of the Russian Federation said that the adoption of the DLT would reduce the filing costs for applicants, enhance the quality of examination and make the applications quicker to process. Therefore, it considered that it would be appropriate to convene a diplomatic conference for the adoption of a DLT in a place and at a time decided by the Preparatory Committee. Expressing support for the granting of technical assistance to developing countries, for the efficient implementation of the treaty, the Delegation stressed the importance of reaching the consensus necessary for the adoption of the DLT.

145. The Delegation of Pakistan, aligning itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group, believed that the development of a balanced and effective IP system was important to meet the developmental challenges and needs of all Member States. Pursuant to that aim, the Delegation considered it necessary to balance the needs of rights holders and societal interests, which needed to be reflected in norm-setting activities. In that respect, the Delegation believed that Member States were not keeping the pace with fast evolving technological and economic developments. Even procedural instruments such as the DLT remained mired in interminable discussions. The Delegation recalled that the DA Recommendation 18 called explicitly to accelerate the process on normative agenda items. Welcoming the appointment of the Facilitator, the Delegation expressed the hope that Member States would build on the momentum of work done so far and resolve the issues on technical assistance and disclosure requirement. In conclusion, the Delegation expressed support for the inclusion of those two provisions in the treaty and for the convening of a diplomatic conference on the DLT as soon as possible.

146. The Delegation of the United States of America, thanking the Chair of the SCT, Mr. Alfredo Carlos Rendón Algara, for his steadfast work, recalled that the United States of America had long supported work to simplify the filing procedures and formalities for industrial design applicants pursuing protection in jurisdictions around the world. Finding commonalities and best practices in those procedures would help design innovators, especially small and medium-sized enterprises (SMEs) and individual designers, to navigate the sometimes complex filing procedures for pursuing protection for their designs rights that aided in commercializing their designs. Recalling that there had been long standing and widespread agreement in the SCT on the core provisions of the DLT, the Delegation expressed the hope that those widely agreed provisions could be moved forward for the benefit of design applicants across the globe, especially SMEs and individual designers that eagerly awaited their implementation. The Delegation further stressed the fact that the United States of America were a frequent provider of technical assistance generally and specifically in the area of industrial designs, and expressed support for technical assistance necessary to implement the provisions of the DLT. However, being consistent with its long-standing position on that topic, the Delegation could not support convening a diplomatic conference with a pre-condition for an article on technical assistance. The Delegation concluded by expressing its readiness to constructively participate in informal discussions on the topic.

147. The Delegation of India, aligning itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group, expressed the hope for the early finalization of the DLT and welcomed the appointment of a facilitator on that agenda item. Expressing the view that the provisions on technical assistance and a disclosure requirement were essential, the Delegation believed that they would enable developing countries and LDCs to shape domestic protection systems in line with flexibilities provided for in the TRIPS Agreement. Hoping that Member States would constructively work with the Facilitator to find a common ground on those two pending issues, the Delegation expressed support for an early convening of a diplomatic conference for the adoption of the DLT.

148. The Delegation of Tajikistan, speaking on behalf of the CACEEC, restated its position on the convening of a diplomatic conference for the DLT and highlighted the desirability of holding such a conference on the territory of its region. The Group considered, nonetheless, that, prior to making the decision to convene a diplomatic conference, all differences on key issues, including disclosure requirements, should be resolved. Such an approach would inspire confidence in the successful adoption by the conference of an international treaty, which would reflect the needs and interests of WIPO Member States. The Group also indicated that CACEEC supported the inclusion of the terms related to technical assistance and capacity building into the treaty, as they were very important for the development of IP infrastructures in developing countries, economies in transition and LDCs. The Group confirmed the commitment of the CACEEC to continue its constructive participation in the topic under consideration.

149. Reverting to the agenda item, the Chair invited the Facilitator, Ambassador Socorro Flores Liera, to inform the Plenary of the informal consultations that had taken place.

150. The Facilitator reported that, over the last few days, she had conducted a series of informal consultations with regional group coordinators and interested delegations, with a view to finding a solution allowing the General Assembly to take a decision on the convening of a diplomatic conference for the adoption of a DLT. Explaining that, based on the consultations and delegations' input, she had subsequently presented three proposals to WIPO Members - the last one being contained in Non-Paper No. 3 of October 9, 2019 - the Facilitator reported that she had quickly realized that one of the main contentious issues lay in the formulation of a provision in the basic proposal, allowing sufficient policy space for countries to implement national requirements pertaining to the protection of TK and TCEs, as part of industrial designs legislation, without precluding the ongoing work within the IGC. The Facilitator informed the Plenary that she had therefore proposed a compromise text including a draft Article on General Principles setting out that Contracting Parties had entire freedom to legislate on substantive requirements concerning industrial designs. A sub-item for draft Article 3 had also been proposed to make clear that Contracting Parties could require, as part of an application for an industrial design, *inter alia*, an indication of other information, of which the applicant was aware, that was relevant to the eligibility for registration of the industrial design. The term "other information" was further referenced in a footnote to include, among others, information relating to TK and TCEs. In the Facilitator's viewpoint, the proposed text constituted a real compromise between the different positions of delegations. Reminding the Plenary that the negotiations were only one step to pave the way to the convening of a diplomatic conference, where the final text would be negotiated, the Facilitator underlined the fact that the proposed solution created policy space to apply national legislations in the area of TK and TCEs, while offering the possibility to further discuss and negotiate the provision at the diplomatic conference. Pointing out that the proposal, as contained in Non-Paper No. 3, reflected the maximum possible outcome that she could reach to approximate the positions of six regional groups and their respective delegations, the Facilitator said that, like every compromise, the proposal felt short of satisfying entirely all delegations but was, however, broad enough to safeguard the concerns of many delegations that, in addition, had the option to record their particular position, it being understood that the diplomatic conference would be the forum where final negotiations would take place. Bearing in mind that the diplomatic conference would be entirely sovereign to

negotiate and discuss the final treaty text, the Facilitator believed that the proposal was a sound compromise to enable the WIPO General Assembly to take a decision on the convening of a diplomatic conference, that had been pending since 2015. Hoping that the proposal could bring WIPO Members close to a consensus, the Facilitator concluded by thanking all the delegations for their engagement, participation and suggestions, on which the substance of the proposed text had been built.

151. The Chair thanked the Facilitator for her tireless efforts to elaborate and submit the proposal, which read as follows:

“The WIPO General Assembly:

- (i) decided to convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2020, at a date and venue to be decided by a preparatory committee;*
- (ii) agreed that the aforementioned preparatory committee would meet in January 2020;*
- (iii) agreed that the Basic Proposal for the Diplomatic Conference would include the following text:*

Article 1bis
General Principles

(1) [No Regulation of Substantive Industrial Design Law] Nothing in this Treaty or the Regulations is intended to be construed as prescribing anything that would limit the freedom of a Contracting Party to prescribe such requirements of the applicable substantive law relating to industrial designs as it desires.

(2) [Relation to Other Treaties] Nothing in this Treaty shall derogate from any obligation that Contracting Parties have to each other under any other treaties.

Article 3
Application

(1) [Contents of Application; Fee] (a) A Contracting Party may require that an application contain some, or all, of the following indications or elements:

[...]

(ix) an indication of any prior application or registration, or of other information¹, of which the applicant is aware, that is relevant to the eligibility for registration of the industrial design;

[...]

- (iv) agreed that the Diplomatic Conference will consider a provision on technical assistance and capacity building.”*

Footnote 1. Other information could include, among other things, information relating to traditional knowledge and traditional cultural expressions.”

152. The Chair said that he wished to submit the proposed decision for adoption. But before doing so, he wished to know if any delegation wanted to take the floor at that stage.

153. The Delegation of Uganda, speaking on behalf of the African Group, expressed its gratitude to Ambassador Socorro Flores Liera for her hard work and dedication to assist Member States in finding a mutually acceptable outcome to the negotiations regarding the convening of a diplomatic conference for the adoption of a DLT and thanked all Member States for their constructive engagement. In the African Group's viewpoint, despite the progress on the agenda item made during the session, there were still some concerns to be addressed to ensure the success of the diplomatic conference to be convened. The Delegation added that, as it believed that all Member States' interests should be reflected in an instrument on an equal footing, the African Group wished to see its position duly and unambiguously reflected in the main text and not in a footnote. For that reason, the Delegation informed the Plenary that the African Group was unable to join the consensus at the present stage but remained open for further discussions, building on the fruitful deliberations held so far.

154. The Chair said that it was clear that the proposed decision could not be adopted. Instead, he proposed the same decision that the WIPO General Assembly had already adopted the previous year.

155. The WIPO General Assembly decided that, at its next session in September 2020, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2021.

ITEM 19 OF THE CONSOLIDATED AGENDA

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

156. Discussions were based on documents WO/GA/51/9, WO/GA/51/10 and WO/GA/51/11.

157. The Chair stated that there were three documents for consideration under the agenda item as indicated in the List of Documents, namely the "Report of the Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda Recommendations" (document WO/GA/51/9), the "Decision of the Committee on Development and Intellectual Property (CDIP) on 'Women and Intellectual Property'" (document WO/GA/51/10), and the "Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations" (document WO/GA/51/11).

158. The Secretariat introduced the documents. With regard to the first document (WO/GA/51/9), it recalled that the CDIP had met twice since the last session of the WIPO General Assembly in October 2018. The CDIP had met from November 19 to 23, 2018 and from May 20 to 24, 2019. As agreed by the Committee, the document contained the Summaries by the Chair of those two sessions. It also contained the tenth annual "Director General's Report on Implementation of the Development Agenda for 2018", discussed by the Committee at its 23rd session in May. With regard to the second document (WO/GA/51/10), the CDIP at its 22nd session had adopted a proposal presented by the Delegation of Mexico on "Women and Intellectual Property", contained in document CDIP/22/16 Rev. 2. That proposal had been discussed under the agenda item on IP and Development approved by the WIPO General Assembly at its previous session. In approving the Mexican proposal, the Committee had also decided that the decision would be forwarded to the WIPO General Assembly, with the request to take note of its content. The decision was reflected in paragraph 9.1 of the Summary by the Chair for that session. The third document (WO/GA/51/11) contained the Contribution of

the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations. In that regard, the document included the reports on the SCP, document WO/GA/51/6, paragraph 8, and the IGC, document WO/GA/51/12, paragraphs 14 and 15, section V. The WIPO General Assembly was requested to take note of the information contained in document WO/GA/51/11 and to forward it to the CDIP.

159. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Organization of Islamic Cooperation (OIC), stated that IP occupied a unique position in the economic system and its essential link with development had been increasingly recognized as a cross-cutting policy issue that touched everyday life. The CDIP was the only multilateral forum established for the purpose of exchanging ideas, experiences, and best practices on topics related to IP and development. Development considerations touched upon all sectors of the Organization and required adequate cooperation among different divisions for addressing those considerations. It underlined that LDCs and developing countries put high expectations on the CDIP, due to its mandate and place in the structure of WIPO. It also highlighted that it was enthusiastic to work with WIPO on capacity building activities that comprised practical training workshops on effective technology commercialization and IP management to make national IP institutions more efficient and to promote fair balance between IP protection and public interest. It further referred to the Director General's Report on the Implementation of DA Recommendations (document CDIP/23/2), and stated that it was important that WIPO continued to provide the necessary information on how DA Recommendations were being incorporated into the activities of the Organization. It supported the commitment and contribution of the Organization to improving and expanding relevant work with regard to DA Recommendations. It welcomed the structure of the Report, which enabled the recipient to navigate smoothly and to get a quick review. Analytic description of each project as well as a self-evaluation exercise was a welcomed inclusion. However, there was room for improvement in future reports by stipulating the specific activities that were undertaken under each Recommendation. With regard to the WIPO contribution to the SDGs, it was of the view that the implementation of the SDGs first and foremost depended on innovation and developing new solutions. Therefore, the contribution of WIPO in this regard was multiple and diverse through many services of the Organization. It was pleased that the SDGs constituted an important feature in WIPO's programs and activities, and were mainstreamed across all WIPO strategic goals and expected results. The SDGs required a revitalized global partnership. Hence, it welcomed WIPO's active and continued engagement in activities of the UN family, particularly those related to innovation, within the framework of its mandate and strategic objectives.

160. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, believed that a fair and balanced IP system was an important tool for economic development and welcomed the steps initiated by WIPO Member States and the Secretariat to enhance the Organization's development orientation in its work. The CDIP, as an important Committee in WIPO, should continue to be guided by the principle of mainstreaming development in all WIPO's activities. The Group welcomed the various reports by the Secretariat as well as the outcomes of the 22nd and 23rd sessions of the Committee, including the agreement on various implementation strategies of the "Secretariat's Proposal on Modalities and Implementation Strategies for the Adopted Recommendations of the Independent Review and Options as Regards the Reporting and Reviewing Process" (document CDIP/23/8). The Group looked forward to further discussions on the other implementation strategies at the following session of the Committee. It also noted the CDIP agreement on the proposal by Mexico on "Women and IP", as contained in document WO/GA/51/10. The Group looked forward to the Secretariat's stocktaking, in the context of IP office utilization, to identify the respective infrastructure needs of developing countries and LDCs, and the provision of a list of suggested activities enabling implementation of the relevant WIPO DA Recommendations based on the stocktaking.

161. The Delegation of Croatia, speaking on behalf of the CEBS Group, recognized the importance of the work carried out by the CDIP and took note of the Report of the Committee.

The Group expressed satisfaction that the DA was incorporated into the work of WIPO as an important integral part, and the support provided by WIPO in the continuation of its work in achieving the SDGs. It noted with appreciation the progress achieved in the implementation of the 45 DA Recommendations and expressed its commitment to future work on the issue. At the same time, the Group underlined that WIPO should continue playing a very important role in ensuring the functioning of a balanced and effective international IP system that supported creativity and innovation globally. The Group encouraged Member States to make utmost use of IP as a tool for development, and reminded that demand driven projects were the most efficient way to ensure development.

162. The Delegation of Mexico, speaking on behalf of GRULAC, emphasized the importance of the work of the CDIP. Since 2007, it had made good progress on the implementation of the 45 DA Recommendations and on designing and carrying out projects and broader issues related to IP and development. The “Director General’s Report on the Implementation of the Development Agenda” (document CDIP/23/2) provided a broad picture of the activities which had been undertaken by WIPO in order to ensure that the DA was integrated into all relevant WIPO programs. The Group was grateful for the Organization’s determination to implement all the 45 DA Recommendations through its substantive programs. The issues related to sustainable development and the SDGs were extremely important for GRULAC. The Group underscored the value of the Report on WIPO’s contribution to carrying out Agenda 2030, of which, of course, the SDGs were an important and cross-cutting part. The Group believed that the SDGs should continue to be integrated into all work done by WIPO. Furthermore, it believed that the decision taken by the Secretariat to align its activities with the SDGs was correct. The close links between development and IP had enabled Member States and the Secretariat to realize that they shared a commitment to take further action together. Member States had had the opportunity to learn about various policies and to share among themselves practices followed and lessons learned by countries and other parties on the subject of “Women and IP”. In November 2018, the Committee had adopted a decision on “Women and IP”, which had been submitted to this Assembly for information. The Group attached considerable importance to project design because the practical impact that projects had on promoting development was of the utmost importance. IP as a tool was extremely important when it came to development, and it was not an exaggeration to state that many countries were participating in projects on specific issues. These included the projects Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to use the Intellectual Property System (document CDIP/21/12 Rev.), Intellectual Property and Gastronomic Tourism in Peru and Other Developing Countries: Promoting the Development of Gastronomic Tourism through Intellectual Property (document CDIP/22/14 Rev.), and Copyright and the Distribution of Content in the Digital Environment (document CDIP/22/15 Rev.). The Group was particularly interested in project design, and it reiterated its request for developing a handbook on the preparation and submission of DA projects, which would be extremely helpful in increasing the number and quality of contributions that Member States could make in the Committee. The Group reiterated its interest in technical assistance, and anything else which might contribute to ensuring that the needs of Member States in that area were met. It expressed its hope that the work of the CDIP would continue to be strengthened and that Member States would continue ensuring that IP was used as an important tool for promoting development.

163. The Delegation of Uganda, speaking on behalf of the African Group, stated that it had high regard for the CDIP and its work in pursuit of the developmental goals of WIPO. The Group had been very active in the work of the Committee, since it was aware of the benefits that accrued not only to the Group but to all WIPO Member States when the CDIP achieved its objectives as set out in its mandate. The DA Recommendations had challenged WIPO to change the way in which it viewed IP and had introduced a paradigm shift in the international perspectives of IP. The recommendations had further recognized IP to be an enabler and catalyst for development and a tool to address challenges affecting developing countries and LDCs. The DA

Recommendations had also sought to ensure that WIPO's programs and activities contributed to the broader development imperatives guiding the work of the UN, of which WIPO was an important part. The implementation of the DA Recommendations was an ongoing process; they could not be implemented instantaneously. The test for the successful implementation would be the practical impact of DA activities and programs on the communities. There was a need to continue seeking concrete results that conveyed the message that WIPO programs and activities enabled IP to play a key role in encouraging and promoting innovation for the benefit of society. The Group welcomed the progress made in the implementation of DA Recommendations through mainstreaming, which remained an issue of major interest to the Group, as well as the efforts made to ensure that all programs responded to one or more DA Recommendations and the links between DA Recommendations and programs in the Proposed Program and Budget for the 2020/2021 biennium. A coordinated approach to the implementation of the DA Recommendations would bear concrete results. There was a need for all WIPO bodies to report on all the contributions to the DA Recommendations. It would be interesting to measure the implementation of the DA Recommendations by each Committee, e.g., how the IGC process had contributed to the implementation of DA Recommendation 18, which was marked for immediate implementation. The Group stood ready to engage positively to ensure that mainstreaming was fully realized. In the absence of mainstreaming, the DA would become irrelevant and there would be severe negative consequences, especially for developing countries. It welcomed the wide range of initiatives deployed by the Organization to ensure the impactful implementation of DA Recommendations. A plethora of technical assistance and capacity building activities, CDIP projects, IP platforms, reports, databases, and partnerships with the UN system had been undertaken, as well as public-private partnerships such as WIPO Re: search and WIPO Green. The Organization's structural changes had contributed to further implement the DA, with the help of specialized units such as the Regional Bureaus, the WIPO Academy, and the WIPO Judicial Institute, among others. The Group welcomed the successful convening of the first of the three high level biennial Conferences on IP and Development, which provided a platform for Member States and other stakeholders to engage in political, technological and socio-economic discussions on IP, including recent developments in IP and the efforts of developing countries to harness gains from the IP system. The African Group had always advocated for gender equality and for an inclusive IP system, because all Member States would benefit from such an IP system. It would appreciate extensive discussions and exchange of information on enhancing policies that enabled a larger participation of women in IP and it welcomed the approval of the proposal submitted by the Delegation of Mexico on that topic in the framework of the CDIP. The IP system had enabled significant technological advances across a number of developed countries and some fast advancing developing countries, including AI and machine learning, among others. It had also brought significant benefits to the world. Nevertheless, those significant technological advancements continued to expand the digital divide, a problem for which long-term solutions were necessary. The Group welcomed the decision adopted by the Committee to encourage the Secretariat to take an extra step to identify infrastructure needs of developing countries and LDCs, as proposed by the Delegation of the Russian Federation. It appreciated the collaboration between WIPO and other UN agencies, other international organizations and national and regional IP offices on issues related to technical assistance, capacity building and development-oriented cooperation. Such collaboration also sought to address the achievement of the SDGs, where WIPO had an important role to play. The Group's expectations from the CDIP remained very high and would remain steadfast in engaging with all Member States and the WIPO Secretariat to pursue its legitimate interests in future CDIP sessions.

164. The Delegation of Canada, speaking on behalf of Group B, wished to reiterate its position that WIPO should lead a balanced and effective international IP system that enabled innovation and creativity for the benefit of all in pursuit of its main objective, namely, to promote IP throughout the world, while noting that development considerations were part of its work. IP was a tool for development and it should continue to be at the heart of the CDIP's work. At the 22nd and 23rd sessions of the CDIP, the Committee had considered and adopted a number of

worthwhile projects in different areas. The Group thanked all Member States involved and welcomed such country proposals in the future.

165. The Delegation of China noted the positive results achieved by the CDIP since 2018. The Committee had reached agreements on several long-term outstanding issues, including the adoption of the African Group's proposal and the convening of the first International Conference on IP and Development in May 2019. Under the agenda item on IP and Development, the Committee had held discussions on the topic "Women and IP" and "IP and Development in the Digital Environment", and Member States had exchanged views and best practices. The Committee had also approved four DA projects that would enable more countries to benefit from development-oriented activities in the field of IP. Two completed DA projects had been mainstreamed into WIPO's work. The Delegation commended the WIPO Secretariat and the Chair of the CDIP for their important contributions to the promotion of the Committee's various agenda items and the implementation of the DA Recommendations, as well as the flexibility and cooperative attitude of Member States during the discussions. It expressed hope that the Organization would continue to pay attention to development-related matters and to promote the mainstreaming of the DA to respond to the needs of developing countries in relation to technical assistance and capacity building. The Delegation would continue to actively participate in the work of the Committee and promote the implementation of the DA Recommendations.

166. The Delegation of Finland, speaking on behalf of the European Union and its member states, expressed its continued support to the important work carried out by the CDIP. The Committee had successfully followed its mandate by developing and updating a work program for the implementation of the 45 DA Recommendations and by discussing various IP and development issues, such as the SDGs and the impact of digitalization and new technologies. The Committee's report to the WIPO General Assembly showed that continued progress had been achieved in implementing the DA Recommendations and in mainstreaming them into the work of WIPO. The European Union and its member states particularly commended the diverse technical assistance and capacity building activities, which were development-oriented, demand-driven and tailored to the specific needs of beneficiaries. They emphasized their commitment to achieving the SDGs. WIPO had an important role in supporting and assisting its Member States in the efforts to reach the SDGs, focusing especially on those that were most relevant to WIPO's mandate and the aim of promoting the protection of IP. WIPO should make the most of its new web page on the SDGs by disseminating information and sharing best practices on how to use IP for achieving the SDGs. It appreciated the decision taken by the Committee at its 22nd session on "Women and IP". Promoting gender equality was a priority for the European Union and its member States and it fully supported the objectives of the decision. Encouraging innovation and creativity among women and fostering their talents in science, technology and arts, together with an increased IP education, would benefit all countries and all levels of society. It looked forward to more interesting and thought-provoking discussions under the agenda item on IP and Development, namely on the topics of "MSMEs, Innovation and IP" and "IP and Creative Economy" at the following two sessions of the CDIP. It acknowledged and remained committed to the extensive work of the CDIP, especially through the DA projects conducted, bearing in mind WIPO's objective to promote the protection of IP through cooperation among States.

167. The Delegation of Bolivia (Plurinational State of) welcomed the work done in the CDIP. Having a space to generate programs and projects that contributed to the implementation of the 45 DA Recommendations, and their contribution to the achievement of the SDGs, was of the utmost importance. That work should be cross-cutting throughout the Organization. Hence, it appreciated the contributions of other WIPO bodies (the SCP and the IGC) to the implementation of the DA Recommendations. IP was very important in order to achieve economic and social development of peoples and, therefore, the implementation of projects needed to be in line with the realities of different countries so as to allow them to strengthen

their capacities. The Delegation had put forward a project proposal at the previous session of the CDIP on the registration of collective marks of local enterprises (document CDIP/23/15). The project proposal responded to DA Recommendations 4, 13 and 42 and sought to improve the local development and registration of collective marks in order to provide the support that SMEs needed to be able to reap the benefits of IP rights and ensure their protection. The Delegation had worked hard with the Secretariat in order to further develop the project proposal and it hoped that it would be approved at the CDIP session of November 2019 with the support of Member States.

168. The Delegation of Bangladesh aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group and the statement made by the Delegation of Iran (Islamic Republic of) on behalf of the OIC . It noted that IP had come to be recognized as having a determining impact on development. The crucial relationship between IP and development was not only significant but had also emerged as a key focus, particularly for developing countries. It agreed with the objectives of the DA; the successful implementation and mainstreaming of the DA Recommendations into WIPO's regular activities would bring expected results for the development of Member States. It appreciated the efforts of the CDIP in spearheading the activities of WIPO in line with the DA and thanked the Chair of the CDIP for his leadership and the Director General for the support. It commended the various DA projects, including on IP management and transfer of technology, professional training and judicial institutions, establishment of start-up national IP academies, use of appropriate technology, IP product branding for development and IP and the informal economy. It appreciated the work of the CDIP in planning, monitoring, and assessing the projects. Bangladesh was one of the countries benefiting from the DA projects and valued WIPO's assistance in establishing two Technology and Innovation Support Centers (TISCs) and in implementing the projects on appropriate technology and product branding for business development in Bangladesh. It looked forward to further engagement with WIPO with regard to its graduation from the group of LDCs by 2024. Innovation, the use of appropriate technology and development efforts bore great significance for Bangladesh. There was a need to establish and promote an innovation friendly IP environment with skilled management. The Delegation urged WIPO to consider designing and planning the delivery of required programs in order to graduate from the group of LDCs and to help address the challenges both before and in the wake of graduation. It noted with appreciation the CDIP's decision at its twenty-third session on Women and IP proposed by Mexico. The acknowledgment of women's contribution to innovation and enterprise, as well as the need for science, technology, engineering and mathematics (STEM) education for women, was timely. It expressed hope that the Secretariat would implement the decision as mentioned in document WO/GA/51/10 in due course, and that the CDIP would continue its efforts and promote further constructive ideas and discussions on the needs and challenges of Member States.

169. The Delegation of the Russian Federation highlighted the results achieved by the CDIP and the progress made in implementing the DA Recommendations. It believed that the DA should be fully integrated into WIPO's work and appreciated that WIPO took into account the project proposals made by different Member States. It supported enhancing the practical work done through the implementation of projects under the DA, including on transfer of technology and technical assistance. The Delegation highlighted the successful discussions on IP and Development in the Digital Environment under the agenda item on IP and Development. Digitalization was the focus of everyone's attention and the Delegation supported an intensive expert dialogue on digital changes and the consequences of the Fourth Industrial Revolution. A major international conference on digital transformation had been held in Moscow a few years ago. Experts from around the world had presented their conclusions on issues surrounding the question of how to bring digital technology into the work of patent offices. Those were cross-cutting issues on which it was important to share lessons and experiences. The work undertaken within the CDIP would make it possible to carry out major projects on the topic. The

Delegation supported the continuation of work within the CDIP and expressed its intention to continue being an active and constructive participant in the CDIP.

170. The Delegation of Oman aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. It reaffirmed the importance of the CDIP in implementing the DA Recommendations and commended the role of WIPO in sustainable development. It noted the mainstreaming of the DA in WIPO's technical assistance and the participation of WIPO in the UN efforts towards achieving the SDGs. It appreciated the recently held webinar on technical assistance for countries of the Arab Region. Holding the seminar in Arabic had enabled participation of the larger audience and the Delegation looked forward to further similar efforts in the Arab Region.

171. The Delegation of Pakistan aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group and the Delegation of Iran (Islamic Republic of) on behalf of the OIC. It highlighted that the work of the CDIP was important to support the development of a balanced and effective international IP system for the benefit of all. The "Director General's Report on Implementation of the Development Agenda" (document CDIP/23/2) highlighted the positive trends in the implementation and mainstreaming of the DA Recommendations in WIPO's activities. The Report in the future should enhance focus on issues and activities on fair and affordable access to IP-protected technologies or knowledge for developing countries. Future reports could also provide a roadmap to overcome IP-related challenges in terms of the cost of development of IP laws and policies, particularly for developing countries. Further, future discussions and reports on the SDGs should include an assessment of best practices on the implementation of SDGs by other UN agencies and international organizations for comparative analysis. Future discussions on the agenda item on IP and Development should include more case studies and focus on the use of IP flexibilities by developing countries. The WIPO Academy played an important role in providing training on IP-related issues. The content of the WIPO Academy courses should be regularly evaluated and updated to ensure that they remained development-oriented. The CDIP had taken a good initiative on women, innovation and entrepreneurship. Pakistan would participate in the project and it would like to build upon the recommendations and key lessons learned from it to enhance the role of female innovators in using the IP system.

172. The Delegation of Brazil aligned itself with the statement made by the Delegation of Mexico on behalf of GRULAC. It indicated that, together with the Delegation of Canada, it had put forward a project proposal that would be considered at the following session of the CDIP on the development of a manual of procedures for the presentation of projects in the CDIP for developing countries. The Delegation of the United Kingdom had also decided to participate in the proposal and there was consensus from the rest of Member States. It was also working together with Bolivia (Plurinational State of) on the project on the registration and use of collective marks by SMEs. The Delegation welcomed the initiation of negotiations to adopt the modalities and implementation strategies of the adopted recommendations of the Independent Review of the DA on the basis of the Secretariat's proposal. Different areas of WIPO had made presentations on the topic "IP and Development in the Digital Environment" that had been proposed by Brazil and the Russian Federation at the 21st session. They had discussed the impact of AI, big data, Internet of things, among other matters, on the different sectors of IP and on economic development. In that context, the Delegation had supported the proposal that had been put forward by the Russian Federation and approved by the Committee. It looked forward to the discussion on the topic "MSMEs, Innovation and IP" at the 24th session of the CDIP, proposed by Group B and the Delegation of Brazil. It was of utmost importance to positively address that issue, keeping in mind the need of the proponent countries to work together on assisting Micro, small and medium-sized enterprises (MSMEs). Lastly, it suggested that the CDIP ensured the establishment of the web forum on technical assistance.

173. The Delegation of Cuba stated that the DA was an essential pillar of WIPO and its Member States, bringing development aspects to all WIPO activities, continuing the dialogue on IP and development as part of the third pillar of the CDIP's mandate, and advancing on the implementation of the 45 DA Recommendations, which was still a challenge for Member States. Incorporating the SDGs into the work of WIPO also remained a challenge.

174. The Delegation of the United States of America stated that the CDIP had made significant progress since it was established in 2007. The CDIP had approved over 40 projects, implementing 34 DA Recommendations, with allocated financial resources of over 32 million Swiss francs. WIPO had made great progress in implementing the DA Recommendations. Many Member States that had benefitted from the projects had indicated the positive impact experienced in their countries. WIPO should continue its efforts in promoting the positive role of IP for development by, for instance, increasing access to patent information, supporting TISCs, national IP academies, national IP offices, SMEs and creative industries, and capacity building in the areas of IP protection, management and commercialization in LDCs, developing countries and countries with economies in transition. It looked forward to additional project proposals in the CDIP, especially following the discussions held under the agenda item on IP and Development on "Women and IP" and "IP and Development in the Digital Environment".

175. Ambassador Hasan Kleib (Indonesia), delivered a statement in his capacity as the Chair of the CDIP, expressing its gratitude to the Secretariat for the continuous effort to mainstream development in the work of the Organization. He congratulated all Member States for all the progress made within the framework of the CDIP, including the conducting of the International Conference on IP and Development. He considered that if the constructive and positive spirit shown in previous sessions of the CDIP was maintained, the upcoming session would yield that result and fulfill the expectations of all Member States.

176. The Delegation of Uganda, speaking in its national capacity, aligned itself with the statement made by the African Group and took note of the Report on the CDIP and the review of the implementation of the DA Recommendations. It commended WIPO for the completion of a project that entailed a study on Uganda's agro-food sector and provided insights for the coffee and fruit sectors in the country. The Delegation said that two CDIP projects were under implementation in Uganda, and recalled the necessity to accelerate the implementation of the project on the Transfer of Appropriate Technology. As part of the pilot phase of the Project on Increasing the Role of Women in Innovation and Entrepreneurship, Encouraging Women in Developing Countries to Use the Intellectual Property System, the Delegation expressed its hope for an increasing role of women in Uganda's innovation and entrepreneurship sector. To conclude, the Delegation emphasized that IP was an important tool for development and recalled that this space was an opportunity to ensure that policy and other WIPO mechanisms allowed other countries to participate and benefit equitably in the use of IP for development.

177. The Delegation of India aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. The Delegation stated that in order to have a balanced and effective international IP system, it was essential to take a holistic view of its impact. It noted the necessity to factor both the benefits of IP with respect to fostering innovation as well as the costs entailed on the ability of developing countries and LDCs in meeting the socio-economic development and concerns. The Delegation stated that among the most important developments in WIPO in recent years there had been the adoption of the WIPO DA and correlating WIPO's work with the realization of the SDGs. The commendable work undertaken by the CDIP to further the WIPO DA had a bearing on the development aspects of the work in all the WIPO committees. The Delegation commended the Secretariat for the successful convening of the International Conference on IP and Development in May 2019, and requested the Secretariat to ensure that the list of panelists in future conferences had a balanced representation from all geographical regions. The Delegation considered that DA Recommendations were for the implementation of all the SDGs, hence DA Recommendations

should not be confined to any particular committee of WIPO but fit into the discussions of other WIPO standing committees. The Delegation considered the SDGs as universal, integral, and indivisible.

178. The Delegation of Ecuador stated that the possibility of identifying new themes with regard to IP and research was a positive tool that should be utilized by countries for their growth, whether they were developing or developed nations. The Delegation noted Ecuador's positive past year in terms of work on IP and development as the Project on Intellectual Property, Tourism and Culture: Supporting Development Objectives and Promoting Cultural Heritage in Egypt and Other Developing Countries had concluded. The project had two main outputs, oriented towards education and eco-tourism. The first output was an academic report on IP, tourism, and culture which was expected to be used at schools, universities and other educational centers. Second, a study on the importance of IP as a tool to promote and preserve ecological tourism, which assisted communities that depended on this activity, as well as other tourism-related actors. The study would be available in October and it would be easily accessible to Member States for their implementation if they wished to do so. The Delegation recognized the progress made by the CDIP and believed that the new projects that were being put forward had great merit. It urged Member States to have an active exchange of information on all of the results of projects in other committees and not to duplicate efforts.

179. The Delegation of Japan aligned itself with the statement made by the Delegation of Canada on behalf of Group B. The Delegation attached great importance to the work done towards the implementation of the DA and to the development of activities in areas like technical assistance and capacity building. In that regard, Japan had been providing various types of assistance through the Japan FIT. Activities were performed mainly in Africa and the Asia Pacific Region, and included organizing regional, sub-regional, and national seminars, workshops, training courses, expert advisory missions, long-term fellowship programs, and translating selected WIPO materials. Through those channels, Japan supported a number of WIPO administrated projects and activities. It also shared its experience in the use of IP to create wealth and to enhance competitiveness. The Delegation expressed its belief in improving the IP systems in order to achieve a self-sustained economic development in developing economies and to contribute to the development of the global economy. Furthermore, it supported the adopted proposal by Mexico on "Women and IP" and the initiative to empower women. It also deemed it important for Member States to create an environment that encouraged the advancement of female innovators for the future of societies.

180. The Delegation of Algeria supported the statement made by the Delegation of Uganda on behalf of the African Group. The Delegation welcomed WIPO's commitment to technical assistance activities and to capacity building, which helped to create an environment conducive to innovation and creativity. It encouraged the Secretariat to continue its efforts to fully integrate the 45 DA Recommendations in the substantive programs of WIPO. The Delegation considered that this could be done particularly through the Program and Budget, which had systematically and dynamically highlighted the links between the expected results and what had been achieved. Additionally, it noted the importance of developing, in the framework of the DA, new tools for transfer of technology and access to knowledge. That would enable developing countries to fully benefit from the global IP system for their economic and social development. The Delegation underlined the importance of the role played by the WIPO Academy in dispensing training programs, and highlighted the success of the International Conference on IP and Development held last May, which was an excellent initiative.

181. The Delegation of Brazil, speaking on behalf of Brazil, Russian Federation, India, China and South Africa (BRICS), welcomed the discussion on the topic of "IP and Development in the Digital Environment" under the agenda item on IP and Development, proposed by Brazil and the Russian Federation. It noted that the digital transformation of the IP field was an obvious trend, and that IP offices had to address the challenges of the transition to a digital environment. The

Delegation appreciated the role of WIPO in providing a forum for discussions devoted to the impact of AI, big data, robotics, and other advanced digital technologies of the IP system, as well as the work of the CDIP as a good platform for the implementation of pilot projects aimed at taking full advantage of such technologies. BRICS looked forward to studying the results of the stocktaking prepared by the Secretariat and suggested activities that aimed at the implementation of the WIPO DA.

182. The Delegation of the Syrian Arab Republic joined the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group. The Delegation considered that a fair and balanced IP system was an important tool for economic development, thus it welcomed the important steps taken by the Member States and the Secretariat to further improve the activities towards that end. It noted the importance of the CDIP, which should continue to operate and develop activities, as well as to ensure that development activities were an integral part of the Organization's work. The Delegation looked forward to the Secretariat's stocktaking on the digitalization of IP offices and to meet the challenges faced by developing countries and LDCs. The Delegation expressed its hope that based on the stocktaking, a list of proposed activities would be submitted in order to further implement the WIPO DA.

183. The WIPO General Assembly:

- (a) took note of the "Report on the Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda Recommendations" (document WO/GA/51/9);
- (b) took note of the "Decision of the Committee on Development and Intellectual Property (CDIP) on "Women and Intellectual Property"" (document WO/GA/51/10); and
- (c) with respect to document WO/GA/51/11 entitled "Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations",
 - (i) took note of the information contained in the "Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations" (document WO/GA/51/11); and
 - (ii) forwarded to the CDIP the reports referred in that document.

ITEM 20 OF THE CONSOLIDATED AGENDA

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

184. Discussions were based on document WO/GA/51/12.

185. The Secretariat stated that the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) had been requested to submit to the WIPO General Assembly the results of its work in accordance with the objectives as reflected in the mandate for the 2018/2019 biennium. The IGC's report to the WIPO General Assembly was contained in document WO/GA/51/12. That document reported on the IGC sessions that had taken place since the 2018 WIPO General Assembly (IGCs 38, 39 and 40), and attached the latest draft texts on genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs) that were under negotiation in the IGC. IGC 40, which had taken place in June 2019, had agreed on recommendations to the WIPO General

Assembly, including the terms of a new mandate and work program for the 2020/2021 biennium, as contained in document WO/GA/51/12. The IGC Chair's Text of a Draft International Legal Instrument relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources was also attached to the document. The same document also contained statements made by delegations at IGC 40 on the contribution of the IGC to the implementation of the DA Recommendations. The document reported as well on the two Ad Hoc Expert Groups on Traditional Knowledge and Traditional Cultural Expressions, which had taken place in December 2018 and March 2019. The WIPO General Assembly was invited to note the report, renew the mandate of the IGC for the 2020/2021 biennium on the terms and according to the program set out in paragraph 9 of document WO/GA/51/12. Recognizing the importance of the participation of indigenous peoples and local communities in the work of the IGC, the IGC had noted that the WIPO Voluntary Fund for Accredited Indigenous Peoples and Local Communities was depleted (there had been developments since IGC 40, but that point still held largely true), encouraged Member States to consider contributions to the Fund, and invited Member States to consider alternate funding arrangements.

186. The Delegation of Croatia, speaking on behalf of the CEBS Group, extended its thanks to the IGC Chair, as well as the Vice-Chairs, the Friend of the Chair and the Facilitators. It thanked the Secretariat for preparing the documents and its general dedication to the work of the IGC. It noted with pleasure the progress achieved at different sessions since the 2018 WIPO General Assembly, especially at IGC 40, where it had been decided by consensus to finalize an agreement on the IGC issues during the 2020/2021 biennium. The IGC had recommended to the WIPO General Assembly to renew the IGC mandate. Future work should be based on sound working methods and rely on an evidence-based approach. That would ensure further narrowing the gaps among different groups' positions and the members to constructively engage on a balanced protection of GRs, TK and TCEs. At the same time, the different challenges of each proposal should be carefully studied to ensure innovation and creativity. Indigenous peoples and local communities had to be included in every discussion of the IGC, together with other stakeholders. It thanked the Governments of Finland and Germany for their future contributions to the WIPO Voluntary Fund, as those would ensure the participation of indigenous peoples and local communities at the IGC sessions. It reassured the Chair of its readiness to engage constructively in the IGC's future work. It hoped to achieve a realistic and universally acceptable outcome.

187. The Delegation of Mexico, speaking on behalf of GRULAC, underscored the importance of the IGC for the region. The IGC was where Member States came together to discuss a legal framework to ensure the effective protection, through the IP system, of creations and inventions relating to GRs, TK, and TCEs of indigenous peoples and local communities. It was urgent to reach an agreement on one or more international legal instruments on the issues for the consideration of the IGC, including the need to conclude negotiations on the various texts so as to convene a diplomatic conference as quickly as possible. It welcomed the fact that the discussion that had taken place over the previous biennium had been very positive and had helped clarify a number of concepts and ideas about the alternatives contained in different documents. It paid tribute to the work done by the Facilitators in cleaning up the texts and called upon Member States to show as much flexibility and commitment as possible in their response to the texts under consideration by the IGC. Member States needed to trust the work of the Chair and the Facilitators more and redouble efforts to come together with positions. If all Member States did that, the IGC would be able to move forward towards a conclusion of the negotiations. In that process, the opinions and views of representatives of indigenous peoples and local communities were key and their participation was vital if the IGC was to better understand their vision, views and needs. On that basis, the IGC had to ensure that the instrument(s) coming out of the work of the IGC could combine the needs of indigenous peoples and local communities with the IP system. It was not a question of giving precedence to one over the other, but finding the right balance to ensure that IP could be a useful and effective tool

for all. Bearing that in mind, it appreciated the Governments of Germany and Finland for their decision to provide resources to the WIPO Voluntary Fund. That would have a very positive impact by enabling the IGC to benefit from the views expressed by the representatives of indigenous peoples and local communities. It welcomed the decision adopted by IGC 40 to renew the mandate for the 2020/2021 biennium and it hoped, in accordance with the work plan proposed by the IGC, to be able to move forward with the text-based negotiations, trying to bring different positions together in order to find consensus on key issues. It would continue to show active participation and commitment so that the IGC could, with the necessary flexibility and political will, move forward with its work with a view to concluding an agreement on one or more international IP legal instruments, without prejudging the outcome(s), to ensure the effective and balanced protection of GRs, TK and TCEs.

188. The Delegation of Singapore, speaking on behalf of the Asia and the Pacific Group, thanked the IGC Chair and Vice-Chairs. It thanked the IGC Secretariat for the preparation of the report contained in document WO/GA/51/12. It noted the progress made in the draft articles for the protection of TK and TCEs at IGCs 38, 39 and 40. It also noted the discussions that had taken place on the GRs text. It hoped that the positive and constructive spirit in the discussion on those draft articles would be maintained. It noted and welcomed the agreement on the Ad Hoc Expert Groups at IGC 40 and welcomed their contributions to the IGC. It welcomed the recommendations by the IGC to the WIPO General Assembly that the mandate be renewed for the 2020/2021 biennium and it welcomed the terms of the mandate, as contained in the recommendation, with the objective of finalizing an agreement on international legal instrument(s), without prejudging the nature of the outcome(s), relating to IP which would ensure the balanced and effective protection of GRs, TK and TCEs, as well as existing work carried out by the IGC, including text-based negotiations aimed at narrowing the gaps. It noted the importance of indigenous peoples and local communities in the work of the IGC. It supported the call to consider contributing to the WIPO Voluntary Fund and to explore alternate funding arrangements.

189. The Delegation of Uganda, speaking on behalf of the African Group, thanked the Secretariat and the Traditional Knowledge Division for the hard work during the 2018/2019 biennium and for their efforts in the preparation of the IGC report to the WIPO General Assembly. It thanked the IGC Chair, Vice-Chairs and Facilitators for their dedication to the IGC and their skillful leadership which had enabled the IGC to make significant progress in the 2018/2019 biennium. It underlined the high value it attached to the work of the IGC to advance the effective protection of the knowledge assets that were created, held and disseminated. Over nearly two decades of work, it was becoming abundantly clear that the current international IP system failed to fully protect traditional forms of creativity and those associated with TK. The absence of international and national protection had allowed continued misappropriation of traditional assets and had contributed significantly to the imbalance of the global IP system. A large majority of WIPO Member States across regions believed that a regulation through an IP-related system for the protection of GRs, TK and TCEs would stimulate innovation and creativity and, as a result, lead to economic development. In accordance with the agreed IGC work program, the WIPO General Assembly was invited to take stock of the 2018/2019 biennium and consider the texts. It believed that significant progress had been made on the texts of the international instruments for the protection of GRs, TK and TCEs. In particular, the GRs text had become much more aligned and cleaner, with significant reduction of square brackets. The best framework for international agreement had been laid down during the informal sessions at IGC 36. The IGC had almost reached agreement on all core issues in that text. It also became abundantly evident that there were some outstanding issues that would only be resolved with strong political will at a diplomatic conference. To its dismay, despite the agreement on the methodology used, some Member States had rejected the results of IGC 36 on mere technicalities. It paid tribute to the Chair for his text on GRs, which came to address the practical implementational model. It could be a useful reference document of the IGC in future sessions. Turning to the IGC's future work, it was pleased that with the

constructive engagement and flexibility extended by all regional groups and stakeholders, the IGC had unanimously agreed on the recommendation that invited the WIPO General Assembly to renew its mandate and associated work program. The African Group called on the WIPO General Assembly to task the IGC to find an appropriate mechanism to ensure the participation of indigenous peoples in future sessions. The renewal of the IGC mandate was not an end game. Experience had shown that despite the previous renewal of mandates, working with clear intent to expedite the work of the IGC, the IGC remained a never-ending process with no concrete outcomes. Apart from the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, almost all other legally binding treaties managed by WIPO had been initiated by developed countries and diligently supported by developing countries. The only claim from developing countries had been for a single treaty concerning TCEs, TK and GRs. However, multilateralism could not work one way. The African Group invited developed countries to support that process. The time had come for all WIPO Member States to speak with unanimity on the need to take bold political steps in good faith, to speed up the negotiation process with full and open engagement with the elevated ambition to finalize an international legal instrument(s) relating to IP which will ensure the balanced and effective protection for GRs, TK and TCEs in the 2020/2021 biennium. Historically, international IP instruments had been the result of compromises. By submitting to the multilateral process, Member States conceded some of their law-making authority to a supranational authority. It would never be fair in the context of IGC negotiations for any Member State to attempt to derail the IGC's work on the pretext that their individual national interests had not been taken care of without due regard to the interests of a large majority of Member States, stakeholders and right holders.

190. The Delegation of China thanked the Secretariat, the IGC Chair and Vice-Chairs as well as the Facilitators for their efforts. The IGC played an important role for the establishment of an international regime(s) for the protection of GRs, TK, and TCEs. At the IGC sessions held during the 2018/2019 biennium, thanks to the efforts and the coordination by the Secretariat, and with the efficient and able guidance of the IGC Chair, Member States had thoroughly shared their national experiences and advanced discussions on the international regime(s). Many countries had demonstrated substantial flexibility and a positive attitude. However, the current progress did not meet its expectations. It welcomed that the WIPO General Assembly would renew the mandate and the work program for the IGC in the next biennium. It supported the establishment of a legally binding instrument(s) relating to IP which would ensure effective and balanced protection of GRs, TK and TCEs. It also called on all Member States to accelerate the negotiation process, demonstrate political will, and resolve disagreements so as to generate early concrete results. It would continue, with an open attitude, to constructively participate in the work of the IGC.

191. The Delegation of Canada, speaking on behalf of Group B, thanked the IGC Chair for his continued dedication and efforts in furthering the work of the IGC. It thanked the Vice-Chairs, the Friend of the Chair and the Facilitators for their important contributions, as well as the Secretariat for preparing the documents and organizing the IGC sessions. It acknowledged the progress achieved at IGCs 38, 39 and 40. At the same time, more work needed to be done to reach a common understanding on the core issues related to those three subjects. It was pleased to support the new mandate of the IGC and understood that working methods would be open and inclusive and allow engagement with all texts, ideas and concepts, all in a spirit of mutual trust. It acknowledged the valuable and essential role of all participants and stakeholders for the work of the IGC. In particular, it recognized the importance of the active participation of indigenous peoples and local communities in the work of the IGC. It was pleased to note that the Governments of Finland and Germany would each contribute 15,000 Euros to the WIPO Voluntary Fund. It hoped other Member States would join in the positive movement to allow indigenous peoples' participation. It looked forward to alternative funding arrangements. It remained committed to achieving a mutually acceptable result at the IGC under the new mandate.

192. The Delegation of Tajikistan, speaking on behalf of the CACEEC, supported the renewal of the mandate of the IGC.

193. The Delegation of the European Union, speaking on behalf of the European Union and its member states, recognized the unique importance of the work carried out by the IGC. It acknowledged and commended the commitment of the IGC Chair, Vice-Chairs, Facilitators and Friend of the Chair to promote progress in the IGC through their excellent and hard work. It thanked the Secretariat for its precious support in administering the IGC sessions. In the 2018/2019 biennium, the IGC had held six thematic sessions in accordance with its mandate and work program. A new and more layered methodology including Ad Hoc Expert Groups and small contact groups had been introduced, in order to have focused discussions on key issues. Building on such exercises, and as a result of discussions, new revised versions of the texts on GRs, TK and TCEs had been elaborated, as adopted by IGC 40 for transmission to the WIPO General Assembly. It stood ready to continue discussions on the basis of those revised texts. It thanked the IGC Chair for his draft GRs text. It was appreciative of the IGC Chair's endeavors to facilitate progress on GRs by means of providing the text, serving as a positive alternative for further discussions. That personal initiative provided an opportunity to be considered for future work on GRs. It welcomed the transmission of the Chair's text to the WIPO General Assembly, as well as its inclusion as a working document of the IGC as a Chair's text, as decided at IGC 40. It also welcomed that IGC 40 had managed to reach consensus on a recommendation to the WIPO General Assembly on the terms of the IGC's mandate and work program for 2020-2021. That was a significant achievement. It thanked all delegations for maintaining a positive spirit of cooperation through the discussions related to future work at IGC 40. It fully supported the IGC's recommendations as contained in document WO/GA/51/12. It reiterated its support for the renewal of the IGC mandate for the 2020/2021 biennium, on the terms and according to the program set out by IGC 40. It highlighted the importance of active participation of indigenous peoples and local communities in the work of IGC. It was therefore pleased that two of its Member States, Finland and Germany, had made pledges to contribute 15,000 Euros each to the WIPO Voluntary Fund. It hoped that other WIPO Member States would join in the positive movement to ensure the participation of indigenous peoples and local communities in the work of IGC in the future. It remained engaged to continuing negotiations on all three topics and looked forward to participating constructively in the work of the IGC under the new mandate.

194. The Delegation of Indonesia, speaking on behalf of the Like-Minded Countries (LMCs), thanked the Secretariat for the excellent work and the preparation of the report. It appreciated the IGC Chair and Vice-Chairs for their stewardship in guiding the IGC. IGC 40 had recommended to the WIPO General Assembly that the mandate of the IGC be renewed for the 2020/2021 biennium. It congratulated all Member States on the agreement on the mandate and work program of the IGC for the upcoming biennium. Based on the terms of the mandate agreed at IGC 40, it was important to underline that the objective of the work of the IGC was to finalize an agreement on an international legal instrument(s), without prejudging the nature of the outcome(s), relating to IP which would ensure the balanced and effective protection of GRs, TK and TCEs. It stood ready to work constructively based on the existing work carried out by the IGC in the 2018/2019 biennium, including the work as reflected in documents WIPO/GRTKF/IC/40/18 and WIPO/GRTKF/IC/40/19 and the Chair's text on GRs. It thanked and commended the IGC Chair for all the efforts in coming up with the aforementioned text. Despite some ups and downs, progress had been made in the past biennium, in particular on GRs. The draft articles reflected in the Chair's text focused mostly on the patent system and had moved from a substantial disclosure requirement into an administrative one. The draft articles reflected a lot of flexibilities and constructive spirit towards an outcome that bridged gaps and expectations. Unfortunately, those efforts could only take the IGC so far, when some parties in the negotiations had zero expectations in the process. It fervently hoped that the positive and constructive spirit shown at IGC 40 would remain for the upcoming biennium. The LMCs had been engaging in good faith and with the belief that every Member State would be

involved in the process and invest time and resources to achieve the same objective as agreed in the IGC mandate. It hoped that the terms of the mandate and work program for the 2020/2021 biennium would give Member States another chance to trust each other in their intention to negotiate and find a way to finalize an agreement. It urged the WIPO General Assembly to renew the IGC mandate for the 2020/2021 biennium on the terms and according to the program set out in document WO/GA/51/12. It acknowledged the importance of the participation of indigenous peoples and local communities in the work of the IGC. It thanked the Governments of Germany and Finland for their pledges to contribute to the WIPO Voluntary Fund. It encouraged other Member States to also consider contributing to the WIPO Voluntary Fund. It was time to reach the final line. The LMCs were committed to staying constructive for as long as the expectations were in line with the IGC for the effective protection of GRs, TK and TCEs. No one could undo the process that had started in 2001, when the IGC had been established, and the progress made through text-based negotiations since 2010.

195. The Delegation of the Russian Federation noted the substantive discussion in the IGC sessions in the previous few years. It was necessary to continue the work and to reconcile the positions on outstanding issues. It was necessary to continue the work to find a balanced outcome on TK, TCEs and GRs. It noted the usefulness of studies by patent offices. There should be a flexible approach to get mutually acceptable solutions to the outstanding issues.

196. The Delegation of Iran (Islamic Republic of), speaking on behalf of the OIC, said that it was a longstanding aspiration of the right holders and beneficiaries in many countries to see their TK, TCEs and GRs be protected against misappropriation and misuse. Establishing legal regimes for the protection of those three subject matters would move the IP system in a more balanced direction and increase the interest of developing countries in the IP system by allowing more contributions to global knowledge and global cultural partnerships. To realize all those objectives, the establishment of international legally binding instruments to protect TK, TCEs and GRs was essential. Along with the great majority of WIPO Member States, it believed that the protection of GRs, TK and TCEs was of pivotal significance. In line with the objective in the mandate, it was a fact that so much uncertainty and contradictions had been showcased in the exercise of the IGC mandate. The IGC should develop a mechanism to ultimately bring comfort to the owners of TK, TCEs and GRs, to ensure their legitimate interests and, through that, to promote creativity and innovation. By breaking the habit of always throwing the ball into the camp of the next mandate, fulfilling the mandate of the IGC was possible. It welcomed the renewal of the IGC mandate and its terms, as well as its future work program. Bearing in mind the progress made in the text-based negotiations on all three draft instruments, it hoped that the IGC would conclude its discussion by finalizing an agreement on all three drafts at the end of the next mandate. It remained committed to engaging constructively in negotiating a mutually acceptable outcome on the protection of all three subject matters. It appreciated the Traditional Knowledge Division for delivering technical assistance and capacity building activities to Member States in order to assist them in formulating national regimes, as well as to explore methods for commercialization of the subject matters for the benefit of their owners.

197. The Delegation of India thanked the Secretariat for the preparation of the report. It noted with appreciation that Member States at IGC 40 had decided by consensus to recommend to the WIPO General Assembly the renewal of the IGC mandate. It fully supported the renewal of the mandate for the 2020/2021 biennium. All sessions of the IGC held since the 2018 WIPO General Assembly had identified outstanding issues which facilitated the structured and focused discussions. Gaps in the texts had been narrowed and a sincere effort had gone into achieving consensus on the texts on TK and TCEs. The primary focus of the IGC should be text-based negotiations. There was a need to further bridge the gaps on core issues in all three texts. Recognizing the complexity of the issues and divergence of positions, a strong political will was needed to come to a common landing zone. In the absence of legally binding instruments, the continuous misappropriation and piracy of GRs and TK would result in an imbalance in the

global IP system. It supported the inclusion of the Chair's text on GRs as a working document for future IGC sessions. However, its understanding was that the text would complement the other working documents for future discussions on GRs and not be the sole basis for the discussions on GRs.

198. The Delegation of Brazil thanked the Director General, the IGC Chair, Vice-Chairs and Facilitators, the Secretariat and all delegations. It associated itself with the statement made by the Delegation of Mexico, on behalf of GRULAC. It also associated itself with the spirit of the statement made by the Delegation of Indonesia, on behalf of the LMCs. The IGC was one of the most interesting and important negotiations in WIPO. Despite that, to date, negotiations had been unable to reach a conclusion. There was room for flexibility, scope for bridging gaps, and, for at least a very committed number of countries, leeway for balancing the rights and interests of users, providers and knowledge holders. Primary commercial use of GRs within the IP system was within the patent system's scope. Reconciling differences in the realm of WIPO was in that sense advisable in view of ongoing discussions in other international fora, and particularly across different and diverse national laws, which were proliferating. According to the notes prepared by the IGC Chair, there were currently 30 national and regional disclosure regimes worldwide, and a number of Member States were seriously considering the introduction of such regimes which would undoubtedly create risks, challenges, inconsistencies and legal uncertainty as to the users, providers and holders. WIPO, in that context, needed to step up and foster real engagement of all interested Member States, at the risk of not fulfilling its mission. IGC 40 had agreed on the renewal of the mandate for a further two years, inviting the WIPO General Assembly to adopt that decision on the recommendation. The work program was also adopted, and the WIPO General Assembly should approve the decision on the IGC mandate. In spite of that major step forward, the Delegation lamented the lack of progress in the negotiations. The IGC needed to go beyond certain textual elements, including the scope, the objectives, and exceptions and limitations. It supported the documents drawn up by the Facilitators. The texts should be the basis of the negotiations. Major divergences remained among countries, though. That was perhaps an opportunity for regional groups within WIPO to show greater flexibility in their positions, even in a crosscutting way. It was not impossible for Member States to start thinking more carefully about a package within WIPO with a view to resolving the common challenges and open up new negotiating pathways, in particular on GRs, TK and TCEs. At the end of the day, Member States had to be creative and that was something in the DNA of WIPO. It supported the convening of a diplomatic conference when those three issues would be close to a consensus. It was an opportunity to actively transform the IGC into a permanent committee so as to give greater legitimacy to the issues under discussion. It recommended giving greater support to the Facilitators and looking for common languages to get over the deadlock in the conversations. With regard to the WIPO Voluntary Fund which was depleted, it thanked the Governments of Germany and Finland that had pledged money. It shared the concern of many Member States of the risks associated with the fragile financial situation of the WIPO Voluntary Fund.

199. The Delegation of New Zealand joined other Member States in recognizing the significant progress made in the IGC during the biennium. It acknowledged the leadership of the IGC Chair. The emergence of the Chair's draft text on GRs represented an important milestone in the IGC's work towards better recognition of the rights and interests of indigenous peoples and local communities in the IP system. It acknowledged the collaborative approach taken by the IGC Chair in the development of that draft text, which provided a strong foundation for further constructive discussions. It looked forward to working with the Chair, other Member States and the Indigenous Caucus to further refine that high-quality draft and to moving closer towards a concluded instrument that provided for an international disclosure of origin requirement in the patent system. It looked forward to playing an active role in the IGC's work to finalize an agreement on an international legal instrument(s) to ensure the balanced and effective protection of GRs, TK and TCEs.

200. The Delegation of Thailand conveyed its appreciation to the IGC Chair, Vice-Chairs, Facilitators and all Member States for their dedication in furthering progress in the latest mandate of the IGC. It reaffirmed the need for a legally binding instrument(s) providing balanced and effective protection to GRs, TK and TCEs. Despite the fact that the maturity of the texts had not allowed the IGC to reach a common understanding, it recognized the progress in various perspectives made by the IGC during the latest mandate. The negotiation on the protection of GRs, TK and TCEs should continue towards a positive outcome at a global level. It was committed to engaging constructively in the future work of the IGC for the next biennium and was hopeful that the text-based negotiation would be concluded in the near future.

201. The Delegation of Bolivia (Plurinational State of) thanked the Secretariat for preparing the working documents for the WIPO General Assembly, in particular the report of the IGC. It associated itself with the statement made by the Delegation of Indonesia, on behalf of the LMCs. It was grateful for the work done by the Facilitators, the IGC Chair and Vice-Chairs, and the Secretariat for preparing those IGC sessions. IGC 40 had made a recommendation to the General Assembly to renew the mandate for the 2020/2021 biennium. The Delegation supported a flexible work program that was transparent, creative and inclusive and where all delegations could participate. The mandate was to adopt one or more legally binding instruments for the protection of TK, GRs and TCEs. It reaffirmed its readiness to work on the basis of the work done so far in the IGC, including all the proposals on the table. Without forgetting that the lack of outcomes was not an impossibility, it did require a lot of commitment and good will on behalf of everyone. The IGC needed a clear, substantive and transparent discussion under the mandate to achieve effective and balanced protection for TK, GRs, and TCEs. That was essential for the protection of the knowledge of indigenous peoples, so as not to neglect years of hard work by the IGC. It emphasized the need to recognize the importance of the role played by indigenous peoples in that process.

202. The Delegation of Oman supported the statement made by the Delegation of Singapore, on behalf of the Asia and the Pacific Group. It thanked the IGC Secretariat for its untiring efforts. It attached particular importance to that subject. Oman had TK, such as traditional remedies, knowledge regarding sea fishing, management of biological resources and more. It had tangible and intangible heritage, and it had set up a body to develop a national action plan to protect TK, TCEs and GRs. It assured the Chair of the importance it attached to the IGC's work and supported the renewal of its mandate. It was imperative to make more efforts, make progress, and push forward in order to have a legally binding instrument(s) that would protect GRs, TK and TCEs.

203. The Delegation of Bangladesh thanked the Secretariat for preparing the report on the IGC. The need to protect GRs, TK and TCEs and its significance were well known and recognized. Those resources were integral to the identity of most nations. In addition, they had proven potential for commercial use and national development. The need to protect GRs, TK and TCEs for the benefit of a host of national communities was not new either. It was reflected in many existing instruments, though not always directly and perhaps adequately. However, due to the absence of a comprehensive legal instrument(s) on GRs, TK and TCEs, many challenges and gaps could not yet be addressed. Consequently, the actual and potential benefits from the valuable resources could not also be direct. While it appreciated the tireless efforts of the IGC since 2001 to reach an agreement on an international legal instrument(s), it noted with regret that success had so far eluded the IGC. Through continued formal and informal negotiations and consensus over the years, particularly the last biennium, Member States had been able to minimize their differences, and all Member States deserved recognition for that. It commended the IGC Chair, Vice-Chairs and Facilitators for their important contributions during IGC 40 which had helped prepare the draft articles on GRs, TK and TCEs. It hoped that Member States would continue to demonstrate political will and a compromising approach towards finalizing the draft texts. It was happy to note the significant progress achieved in the past biennium, particularly the agreement on the renewal of the IGC for the

2020/2021 biennium, and the terms of the mandate and the work program, which indicated the good will of Member States to continue the discussions and negotiations. That meant that there was still hope. It fully supported the renewal of the mandate and underlined the need for its successful realization. Member States would come to a conclusion on a legally binding instrument(s) on GRs, TK and TCEs with a provision of the requirement keeping in view the interests of all Member States, particularly developing countries.

204. The Delegation of Colombia supported the statement made by the Delegation of Mexico, on behalf of GRULAC. It welcomed the report of the IGC and reiterated the importance of renewing the mandate for the 2020/2021 biennium. The IGC had made significant progress over the past biennium reflecting its interests, in particular, it had greater biological diversity and that was why the IGC needed to focus on outstanding issues so as to have effective and balanced protection. It appreciated the constructive engagement shown in the work of the IGC enabling it to move forward in reaching a common understanding of the main issues regarding GRs, TK and TCEs. It welcomed the draft submitted by the IGC Chair, which would be a good starting point for balanced proposals on the core issues. It reiterated its commitment to step up the work to move forward on negotiating texts in order to have active participation and, in the future, a diplomatic conference. It was vitally important to ensure the participation of indigenous peoples and local communities in future sessions of the IGC with a view to building opportunities for discussion. It welcomed the pledges of the Governments of Germany and Finland and called for voluntary contributions from others to ensure that representatives of indigenous peoples and local communities could attend.

205. The Delegation of Côte d'Ivoire supported the statement made by the Delegation of Uganda, on behalf of the African Group. It had taken note of the Secretariat's report on the IGC and thanked the Secretariat and paid tribute to the IGC Chair for his tireless efforts in trying to move that process forward. It thanked the Facilitators and all those that had been involved in efforts to reach a common understanding on those issues. It welcomed the work program established and the renewal of the IGC mandate for the 2020/2021 biennium. Côte d'Ivoire had a rich heritage in terms of GRs and TK. The Delegation called on all Member States to remember that one of WIPO's key missions was to ensure that there was a global IP system that was balanced and accessible to all, and took into account the level of development of Member States. It invited all delegations to show commitment and a spirit of compromise and good faith so as to move to the conclusion of one or more legally binding international instruments. It hoped that in the next biennium the IGC would make even more significant progress before completing its mandate.

206. The Delegation of Gabon was delighted to see the Chair and indicated its full support for his work. With his experience and the support of the Vice-Chairs, the WIPO General Assembly would achieve tangible and successful outcomes. With regard to the IGC, it took note of the Secretariat's report and welcomed the progress made under the chairmanship of the IGC Chair over the last three sessions. It was very appreciative of his tireless efforts in trying to bring positions together and narrow existing gaps. Progress had been made on the draft texts under discussion, in particular the text relating to GRs, and those efforts had to be supported by strong political will to reach a mutually acceptable solution. The renewal of the mandate should be seen as an opportunity to pursue text-based discussions to achieve a tangible outcome so that the discussion would not be reopened on issues where consensus had already been reached. It supported the decision of IGC 40 to renew the mandate of the IGC for the next biennium. It associated itself with the statement made by the Delegation of Uganda, on behalf of the African Group.

207. The Delegation of Ghana aligned itself with the statement made by the Delegation of Uganda, on behalf of the African Group, and reaffirmed its commitment to engage in a constructive dialogue towards achieving the objectives for which the IGC had been established. It continued to believe in the need to protect TK holders from infringement of their rights through

misappropriation, misuse and exploitation beyond the traditional context. Ghana had a rich culture and had over the years made efforts to protect its customs and culture. The IGC had not been able to move forward in a direction that inspired hope for right holders for almost two decades. It appreciated the constructive spirit in which Member States had engaged within the IGC and hoped the Member States would build upon the good will and progress made in recent meetings to find common grounds. It trusted that the 2019 WIPO General Assembly would adopt the recommendation of the IGC to renew its mandate for the 2020/2021 biennium. It hoped that the IGC would focus on the content and process to securing a legally binding instrument(s) that served the interests of all parties.

208. The Delegation of Ecuador aligned itself with the statement made by the Delegation of Mexico, on behalf of GRULAC. As a megadiverse country with a very rich culture, the Delegation placed great importance on the work of the IGC, as the matters it discussed were of priority. Acknowledging the IGC's efforts, the Delegation stressed the importance of reaffirming and accepting what was set out in the draft articles on the protection of TK with respect to the rights of indigenous peoples and local communities to manage their TK, in particular the right to a fair and equitable share of benefits arising from its use. It was important to promote the protection of TK, whether or not it was associated with GRs, using mechanisms such as consultation on access to and use of that TK through free, prior and informed consent. That would require a series of measures aimed at preserving the collective rights of indigenous peoples and local communities in the IP system, supported by international regulations. For that reason, Ecuador, like other countries, recognized the protection of TK in its national legislation, making use of national experience and the tools resulting from the IGC's work since 2000. Affirming its active support of the IGC's efforts, the Delegation urged Member States to strive towards a consensus on one or more international instruments recognizing the needs of biodiverse territories by protecting their GRs and TK. Lastly, the Delegation encouraged Member States to accede to international instruments (such as conventions, treaties and protocols) promoting international governance that benefitted and recognized the TK of indigenous peoples and local communities.

209. The Delegation of Australia commended the commitment from the IGC to continue its critical work on TK, TCEs and GRs. Those were important issues for Australia and for Aboriginal and Torres Strait Islander peoples. It welcomed the Chair's text on an international GRs instrument. That document offered a practical way forward and recognized the important role of indigenous innovation, without impacting the role of the patent system in incentivizing innovation. It thanked the IGC Chair for his tireless efforts to develop a simplified text which attempted to address the concerns of all Member States. The 2020/2021 biennium was a defining moment for the IGC. The Delegation urged all Member States to maintain the momentum evidenced at IGC 40 when the IGC had unanimously agreed to a new mandate and strive to resolve outstanding issues and reach agreements on a disclosure mechanism for GRs. It had heard the call from the Indigenous Caucus as well as indigenous Australians and was reminded of the indispensable role that indigenous representatives played in the IGC negotiations. The long-term sustainability of the WIPO Voluntary Fund was of critical importance. Without their attendance at the sessions, indigenous representatives found it challenging to stay up to date with the full spectrum of the IGC's agenda. It was extremely pleased to hear the announcement that the Governments of Finland and Germany would contribute substantial amounts to replenish the WIPO Voluntary Fund.

210. The Delegation of the Holy See thanked the IGC Chair for his continued dedication and efforts to furthering the work of the IGC. It thanked the Vice-Chairs, Friend of the Chair, and Facilitators for their important contributions, as well as the Secretariat for preparing the documents and organizing the sessions of the IGC. During the last biennium, the IGC had made a considerable effort towards the development of an international legal instrument(s), and at IGC 40 it had elaborated a recommendation to the WIPO General Assembly regarding the renewal of the IGC's mandate, which should be adopted to allow it to continue that important

work. The Delegation remained engaged in the activity of the IGC and emphasized a few elements. Intellectual manifestations of tradition or folklore deserved particular attention, first because they constituted a means of constructing and projecting the identity of the members of the community concerned and, secondly, because they were a common asset of that same community. Many biological resources bearing great economic and social importance were located in territories inhabited since time immemorial by native communities within the jurisdiction of countries different than those where industrial development of genetic material took place and patents were obtained. Native populations' rights over their biological environment should be protected, even where modern systems of property protection did not foresee their recognition and protection to a sufficient extent. Respect for the rights of traditional communities in regard to the IP protection of GRs required a perspective that considered TK as a common asset of that same community, which had grown with small, anonymous contributions over many generations. The complexity and length of the negotiations combined with the discretionary and irregular nature of voluntary contributions had made it difficult for potential donors to maintain an adequate level of financial resources in the WIPO Voluntary Fund. It noted with concern that the WIPO Voluntary Fund was once again practically depleted, despite a contribution by the Government of Canada in 2019. It hoped that the WIPO Voluntary Fund would be replenished in due time in order to ensure the participation of indigenous peoples and local communities in the work of the IGC. The crucial role played by indigenous communities in relationship with their ancestral lands called for a different model of development which took into consideration the connection between the human person and the environment, a model which found important elements in many indigenous customs and values. An eventual international legal instrument(s) should guarantee the achievement of equitable economic participation of native populations in the benefits stemming from the commercial exploitation of biological resources and the promotion of effective means of ensuring respect for the collective ownership of TK. The ethical challenge was that of reconciling the various rights and interests at stake in such a way that the legitimate economic interest did not compromise higher values such as the social function of inventions and knowledge and the rights of the peoples from which the knowledge and resources originated. It supported a unified approach of law that was structured on fundamental human rights. According to that conception, the correct determination of the scope of ownership rights had to be made in relation to another, higher principle of justice, which was the universal destination of the goods of Creation.

211. The Delegation of Uganda fully aligned itself with the statement it had made on behalf of the African Group. It reaffirmed its faith in the ongoing IGC negotiations and commended the progress made. It noted the positive engagement that had resulted in a consensus recommendation for the renewal of the IGC's biennial mandate and the associated work program. That renewal, however, should not be viewed as an opportunity to continue talking without an end in sight. It reiterated its position that the current IP system did not sufficiently protect TK, GRs and TCEs and therefore, it urged all Member States to exercise the necessary political will and work towards finalization of an international instrument(s) especially in areas where the text was mature. It was, with the support of WIPO, formulating an action plan for the protection of TCEs, TK and associated GRs.

212. The Delegation of Switzerland welcomed the progress made by the IGC on GRs, TK and TCEs under the mandate 2018-2019. It thanked the IGC Chair, Vice-Chairs, Facilitators and the Secretariat for the considerable amount of work done. It supported the renewal of the IGC mandate and the continuation of work and the work program as suggested by IGC 40. Having said that, the Delegation believed that greater efforts and greater pragmatism should be seen within the IGC in order to find an agreement on one or more international legal instruments for the balanced and effective protection of those issues. Progress in work in the IGC did not just depend on political will, but also on a better understanding of those issues from a technical viewpoint. Both issues were interconnected, better understanding from a technical point of view could facilitate the process to find political support. With regard to GRs, the Delegation would continue to support the creation of a disclosure requirement in patent applications. Such an

obligation should contain minimum standards and indeed maximum limits in order to guarantee the legal certainty of the system and offer benefits to everybody, including the providers of GRs, indigenous peoples and local communities, innovators, researchers, and industries. In that context, it welcomed the IGC Chair's text on GRs, which would be part of the working documents under the new mandate. The text contained a clearer model of the disclosure requirement, which would enable the IGC to have a more open and frank discussion on the positive and negative consequences of that disclosure obligation. Nevertheless, the Chair's text still required further improvement, in particular regarding the content and the trigger as well as the maximum standards regarding the sanctions and reparations, and better recognition of the rights and interests of indigenous peoples and local communities. Turning to TK and TCEs, the Delegation stated that it was vital not just to negotiate a textual element in draft instruments, but also to have a more in depth conceptual discussion in order to find an approach that offered effective and balanced protection for that knowledge and those expressions, guaranteeing the appropriate use of existing IP systems. The Delegation was still confident that tangible outcomes and progress could be made within the following two years under the new IGC mandate. The Delegation thanked the Governments of Finland and Germany for their pledges to the WIPO Voluntary Fund.

213. The Delegation of Zimbabwe aligned itself with the statement made by the Delegation of Uganda, on behalf of the African Group. It welcomed the report of the IGC and extended its gratitude to the IGC Chair and Vice-Chairs for their dedication towards the deliberations. It attached great significance to the work of the IGC, with the protection of TK, TCEs and GRs being a top priority in its development agenda. Indeed, according to Section 33 of the Constitution of Zimbabwe, the Government had to preserve, protect and promote indigenous knowledge systems, including knowledge of the medicinal and other properties of animal and plant life possessed by indigenous peoples and local communities. It welcomed the recommendation of the IGC to renew its work for the next biennium. Negotiations had been prolonged over 20 years. It called for Member States to negotiate in good faith to reach a common ground which was workable for all. It hoped that in the future the IGC would become a standing committee, as that issue had become longstanding on the WIPO agenda.

214. The Delegation of Nigeria commended the IGC Chair, Vice-Chairs, Facilitators and the Secretariat for their efforts put into the preparation of the insightful report of the IGC. It aligned with the statements delivered by the Delegation of Uganda, on behalf of the African Group, and the Delegation of Indonesia, on behalf of the LMCs. It thanked the IGC Chair for his stewardship and the entire Secretariat for its hard work and resourcefulness to provide guidelines which facilitated efficient deliberations during previous IGC sessions. It welcomed the progress made at IGC 40 which had resulted in a consensus recommendation for the IGC mandate and related working program. It strongly believed that the IGC needed a strong mandate that gave it a sense of urgency to complete its work with a well-thought-out methodology. For so long, the work of the IGC had remained sluggish, a situation that seemed to lead the IGC to believe that it would continue negotiations ad infinitum. The IGC had to aspire to a mandate pushing it with a sense of urgency to finalize negotiations in order to make the convening of a diplomatic conference a reality. While recognizing the very complex nature of the subject matters, it believed that with the right political will the IGC could arrive at a fair and balanced legally binding outcome of an international IP system. The failure of the IGC would create a sense of disillusion with consequential loss of faith in the WIPO process and the DA. As a measure to promote inclusiveness, it was imperative to support a boost in indigenous peoples' participation in the IGC sessions. It therefore called on WIPO to look into the possibility of alternative funding arrangement in support of indigenous peoples' participation. It thanked the Governments of Finland and Germany that had pledged their voluntary contributions in that regard. It remained fairly open in the spirit of constructive engagement with regard to how to collectively envision the accelerated progress of the next IGC mandate for posterity.

215. The Delegation of the United States of America thanked the Secretariat, the IGC Chair, Vice-Chairs and Facilitators for the work in 2019. It supported the work of the IGC. It had been a constructive participant in the IGC discussions since the IGC had been established. It supported an inclusive process that included all relevant stakeholders, took into account the views of all WIPO Member States, and used open and inclusive working methods. The IGC had a significant amount of work to do in order to reach a common understanding of the objectives that supported its work. A common understanding on objectives would pave the way for a common understanding on core issues such as beneficiaries, scope of protection, subject matter of protection, and sanctions and remedies.

216. The Delegation of South Africa aligned itself with the statement delivered by the Delegation of Uganda, on behalf of the African Group. It was regrettable that notwithstanding concerted efforts by the African Group and many other Member States from across different regional groups, after almost two decades, the IGC had not concluded its negotiations on an international legal instrument(s) for the effective protection of GRs, TK and TCEs. It reiterated the call for a balanced and effective global IP system that accommodated all legitimate interests of the WIPO Member States, consistent with the WIPO Development Agenda and the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals. There was adequate evidence strongly advocating for the conclusion of an international legally binding instrument(s) for the protection of GRs, TK and TCEs which recognized the diverse interests of Member States. It commended the IGC Chair for assisting Member States to work towards consensus and welcomed the introduction of the Chair's text on GRs. It thanked the entire Traditional Knowledge Division for the support provided to Member States. However, it was deeply concerned with the slow progress on a range of issues which were of great importance to Member States due to the lack of political flexibility. While it was disappointed with the slow progress, it reaffirmed its commitment to the work program of the IGC. With sufficient political will, the issues could be concluded successfully. It called upon the Member States from all groups to demonstrate political will and good faith in the negotiations.

217. The Delegation of Pakistan aligned itself with the statements delivered by the Delegation of Singapore on behalf of the Asia and the Pacific Group, and the Delegation of Indonesia on behalf of LMCs. It thanked the IGC Chair, Vice-Chairs and the Secretariat for the excellent work done and the preparation of the report. A balanced evolution of the international normative framework for IP was crucial to harness the full potential of IP for all Member States, as it included subjects that mattered most for the entire WIPO membership. It noted with regret that progress on the normative framework was still lagging behind and international protection of GRs, TK and TCEs continued to elude the IGC in spite of over a decade of deliberations. It welcomed the recommendation made by the IGC and appreciated the progress made at IGC 40 for the renewal of the IGC mandate and work program. However, Member States should go beyond mere renewal of the mandate and expedite the momentum of progress to reach a productive solution of legally binding instrument(s) on GRs, TK and TCEs to ensure the balanced and effective protection. It looked forward to the finalization of one or more legally binding instruments at the completion of the renewed mandate.

218. The Delegation of Turkey extended its appreciation to the IGC Chair, Vice-Chairs, Facilitators and the Secretariat for their tireless efforts during IGC sessions and preparation of the report. It recognized that the IGC had made progress on various issues during the previous mandate. It noted the Chair's efforts in drafting a compromise text on GRs and associated TK which aimed to balance the whole efforts and priorities in that area. It welcomed the recommendation for the renewal of the mandate and work program for the next biennium. It hoped that significant progress would be made to finalize the legal instrument(s) on the protection of GRs, TK and TCEs.

219. The Delegation of Samoa echoed the statement made by the Delegation of Indonesia, on behalf of the LMCs, and emphasized the position expressed at IGC 40 on the conclusion of

such discussions and the development of an international agreement or even separate agreements for the proper governing of the utilization of GRs, TK and TCEs. It acknowledged and congratulated the hard work of the IGC to-date, but as it continued discussion, it recalled that climate change was very real in the Pacific islands. Member States had learned that the Pacific islands were playing an important role in shaping TK and TCEs and available GRs. Climate change would have a great impact on Samoa and other Pacific island states. It was important to note that the legal framework might provide effective protection of GRs, TK and TCEs but exploitations were transborder and trans regional, and therefore it was important to arrive at some point to an international instrument(s) that not only streamlined the currently fragmented protection of GRs, TK and TCEs, but also promoted international collaboration towards protection and enforcement hand in hand. Therefore, it supported the renewal of the IGC mandate and pledged its support.

220. The Delegation of Azerbaijan shared the concern about the stage reached by the IGC. It supported the renewal of the IGC mandate. It hoped that political will and a constructive attitude would facilitate work and lead to international legally binding instrument(s) and the convening of a diplomatic conference.

221. The Delegation of Japan extended its appreciation to the IGC Chair for his continued dedication and efforts for the work of the IGC. It also extended its appreciation to the Vice-Chairs, Friend of the Chair and Facilitators for their contributions as well as the Secretariat for its hard work. The IGC had been making progress based on the efforts of all Member States at IGCs 35 and 36 on GRs and IGCs 37, 38, 39 and 40 on TK and TCEs. There was no consensus reached on the fundamental issues such as objectives, subject matter and disclosure requirement in all three texts. At the same time, huge differences in positions among Member States existed in regard to the main articles of the texts. To fill in those gaps, the Delegation believed that the IGC should not focus only on texts, but place more emphasis on the Member States' respective national experiences and practices, as well as factual studies. Some study proposals had been submitted to the IGC, which it supported, understanding that they could be the key materials establishing evidence-based discussions. Given the current circumstances, it was not mature enough or appropriate to hold a diplomatic conference until all Member States had exhausted discussions about the provisions and had reached agreement. The IGC needed to continue further discussions on all outstanding issues, including technical matters without prejudging the outcome. To that end, it welcomed the IGC's recommendation regarding the renewal of the IGC mandate and work program. It remained committed to contributing constructively in the sessions under the new mandate.

222. The Delegation of Malaysia aligned itself with the statement made by the Delegation of Singapore on behalf of the Asia and the Pacific Group, the Delegation of Indonesia on behalf of the LMCs, and the Delegation of Uganda on behalf of the African Group. It recognized that the protection of TK, GRs and TCEs was very much concerned with the issues of misappropriation and piracy. It welcomed the work program for the coming biennium and supported the renewal of the mandate in order to work towards the finalization of the legal instrument(s) to ensure balanced and effective protection.

223. The Delegation of Trinidad and Tobago commended WIPO on the work of the IGC to date. It noted that tremendous discussions had taken place and considerable progress had been made in the past year. It thanked the IGC Chair and Vice-Chairs for their astute leadership and sterling guidance during the sessions held in the 2018/2019 biennium. It wholeheartedly supported the continuing efforts of the IGC. The IGC had been steadily working toward consensus. The Delegation noted the tremendous amount of progress made. The issues arising from the deliberations in the IGC were of critical importance. It was pleased to note that the inclusion of the term "works of mas" under TCEs remained in the proposed text. It applauded the work of the Ad Hoc Expert Groups on Traditional Knowledge and Traditional Cultural Expressions. The mandate of that group to provide advice and analysis on legal, policy

or technical issues was welcomed. It was pleased that the indigenous representatives continued to be active participants in the IGC. The WIPO Voluntary Fund ensured there was wide participation whose views would prove invaluable at that level of discussion. It was imperative that Member States who were financially able continue to contribute to the WIPO Voluntary Fund. The future of the protection of the global GRs, TK and TCEs rested in the hands of WIPO Member States. It therefore encouraged all Member States to work together to ensure that the IGC mandate was realized in the shortest possible timeframe.

224. The Representative of Maloca International said that it had been 20 years since WIPO had started discussing the IP of indigenous peoples without reaching any consensus on the legal measures to be adopted. Faced with that situation, the IGC had to recognize the existence of regional instruments on the matter. In the case of the Andean community, Decision No. 391 Establishing the Common Regime on Access to Genetic Resources recognized the rights of indigenous communities to their knowledge, traditional practices associated with GRs and derived practices. In GRULAC countries, there were indigenous peoples whose ancestral medicines and methods had been diffused worldwide, such as the peyote medicine and the shamanic mushroom in Mexico, and there were other Indian countries that used, for example, coca leaf and other traditional medicines. In the European Union and the United States of America, they were looking into those mushrooms and other medicines and were doing research without recognition of the rights of indigenous peoples. The IGC should adopt a realistic approach. For example, in Venezuela (Bolivarian Republic of), there was a recognition of the collective rights over those resources and knowledge.

225. The Chair of the IGC, Mr. Ian Goss, thanked the Chair for the opportunity to make a few remarks as the IGC concluded its mandate and the WIPO General Assembly needed to consider the recommendations. He thanked the Member States, the Secretariat, the Vice-Chairs, and in particular, the regional coordinators for their support entrusted to him in the biennium. While there had been challenges within the IGC reflecting the complexities and scope of the negotiations, they had all ensured that the meetings had been conducted in an efficient, respectful and friendly manner. He said his comments were his alone, and without prejudice to any Member State's position. The negotiations were complex with potential for impacts across the full spectrum of IP rights. However, the greatest challenge in negotiations was addressing the conceptual and legal divide in relation to how indigenous peoples' belief systems, customary laws and practices interacted with the policy intent and the laws and practices of the IP system. The IGC was trying to bridge a divide between two different views of the world, something indigenous peoples well understood, as they themselves stated: they lived in two worlds, not their choice, but their reality. It was a view also reflected in the Sami film showed by the Delegation of Finland at a side-event. Indigenous observers were active and positive participants in bridging the divide. He asked Member States to bear that in mind when they considered the IGC recommendation relating to funding indigenous observers. He was particularly pleased to note the commitment of funds from the Governments of Finland and Germany to the WIPO Voluntary Fund. Regarding the status of negotiations, in relation to GRs, the IGC had essentially reached a point at which there were two policy approaches: a disclosure requirement and a proposal related to defensive measures such as databases, voluntary codes of conduct and due diligence mechanisms at the national level. The differences reflected the different policy priorities of Member States, as reflected in the alternative objectives in the working document. In addition, the lack of a clear understanding of the modalities of an international disclosure requirement had hindered the ability of policymakers and users to make informed decisions regarding the costs, risks and benefits of the disclosure requirement. From his perspective, the IGC was reaching a point at which it needed to decide on the final form of the instrument. In order to facilitate that decision making, on his own authority, he had prepared a Chair's text on GRs and TK associated with GRs. That text was an attempt to balance the interests and rights of the providers and users of GRs and associated TK without which a mutually beneficial agreement would not be achieved. He was pleased that the IGC Member States had recommended that his Chair's text be transmitted to

the WIPO General Assembly and had decided to include it as an IGC working document as a Chair's text. He was hopeful that it was a positive contribution and he looked forward to further engaging with Member States on the text. In relation to TK and TCEs, during the biennium, the IGC had focused on the core issues reflected in the current mandate. While the working documents introduced a number of opinions on that issue, significant progress had been made in key areas, such as policy objectives, subject matter, including eligibility criteria for protection, and scope of protection, reflecting that progress was also a clear shift towards framework documents which established a set of standards or mechanisms which provided flexibility for implementation at the domestic level. Those developments were critically resulting in the emergence of a clearer single framework linking the subject matters, objectives, eligibility criteria for protection, scope of protection and exceptions and limitations. Those were the essence of the IGC's deliberations. The establishment of such frameworks would enable the IGC in the next biennium to significantly advance the work with the aim of finalizing its work. He commended the IGC recommendations, in particular the terms of the new mandate. The fact that the IGC was able to reach consensus on that matter at IGC 40 was particularly noteworthy, noting challenges in that area in the past. The IGC had built significant positive momentum in the last biennium. The challenge in the next biennium was to bring that work to a conclusion.

226. The WIPO General Assembly:

- (i) took note of the information contained in document WO/GA/51/12;
- (ii) agreed to renew the mandate of the IGC for the biennium 2020/2021 as below:

“Bearing in mind the Development Agenda recommendations, reaffirming the importance of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee), noting the different nature of these issues and acknowledging the progress made, the WIPO General Assembly agrees that the mandate of the Committee be renewed, without prejudice to the work pursued in other fora, as follows:

“(a) The Committee will, during the next budgetary biennium 2020/2021, continue to expedite its work, with the objective of finalizing an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).

“(b) The Committee's work in the 2020/2021 biennium will build on the existing work carried out by the Committee, including text-based negotiations, with a primary focus on narrowing existing gaps and reaching a common understanding on core issues¹.

“(c) The Committee will follow, as set out in the table below, a work program based on open and inclusive working methods for the 2020/2021 biennium, including an evidence-based approach as set out in paragraph (d). This work program will make provision for 6 sessions of the Committee in 2020/2021, including thematic, cross-cutting and stocktaking sessions. The Committee may establish *ad hoc* expert

¹ Core issues include, as applicable, *inter alia*, definitions, beneficiaries, subject matter, objectives, scope of protection, and what TK/TCEs are entitled to protection at an international level, including consideration of exceptions and limitations and the relationship with the public domain.

group(s) to address a specific legal, policy or technical issue². The results of the work of such group(s) will be submitted to the Committee for consideration.

“(d) The Committee will use all WIPO working documents, including WIPO/GRTKF/IC/40/6, WIPO/GRTKF/IC/40/18 and WIPO/GRTKF/IC/40/19, and the Chair’s Text on the Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, as well as any other contributions of Member States, such as conducting/updating studies covering, inter alia, examples of national experiences, including domestic legislation, impact assessments, databases, and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert group(s) established by the Committee and related activities conducted under Program 4. The Secretariat is requested to continue to update studies and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GRs and associated TK, with a view to identify any gaps, and continue to collect, compile and make available online information on national and regional *sui generis* regimes for the intellectual property protection of TK and TCEs. Studies or additional activities are not to delay progress or establish any preconditions for the negotiations.

“(e) In 2020, the Committee is requested to provide to the General Assembly a factual report along with the most recent texts available of its work up to that time with recommendations, and in 2021, submit to the General Assembly the results of its work in accordance with the objective reflected in paragraph (a). The General Assembly in 2021 will take stock of progress made, and based on the maturity of the texts, including levels of agreement on objectives, scope and nature of the instrument(s), decide on whether to convene a diplomatic conference and/or continue negotiations.

“(f) The General Assembly requests the Secretariat to continue to assist the Committee by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula for the IGC.

Work Program – 6 Sessions

Indicative Dates	Activity
February/March 2020	(IGC 41) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.

² The expert group(s) will have a balanced regional representation and use an efficient working methodology. The expert group(s) will work during the weeks of the sessions of the IGC.

Indicative Dates	Activity
May/June 2020	(IGC 42) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
September 2020	(IGC 43) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Possible recommendations as mentioned in paragraph (e) Duration 5 days.
October 2020	WIPO General Assembly Factual report and consider recommendations
November/December 2020	(IGC 44) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
March/April 2021	(IGC 45) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Duration 5 days, plus, if so decided, a one day meeting of an <i>ad hoc</i> expert group.
June/July 2021	(IGC 46) Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s) Stocktaking on GRs/TK/TCEs and making a recommendation Duration 5 days.
October 2021	WIPO General Assembly will take stock of the progress made, consider the text(s) and make the necessary decision(s)."

and

(iii) recognized the importance of the participation of indigenous peoples and local communities in the work of the Committee, noted that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities was depleted, encouraged Member States to consider contributing to the Fund, and invited Member States to consider other alternate funding arrangements.

ITEM 21 OF THE CONSOLIDATED AGENDA

REPORT ON THE COMMITTEE ON WIPO STANDARDS (CWS)

227. Discussions were based on document WO/GA/51/13.

228. The Secretariat noted that this report covered two sessions of the Committee on WIPO Standards (CWS), since last year's session, which was held just after the 2018 WIPO General Assembly. The sixth session of the CWS was held in October 2018 and the seventh session in July 2019. The Secretariat highlighted three points from the reporting period. Firstly, the Secretariat reported that one new standard was adopted and six existing standards were revised. The new WIPO Standard ST.87 concerned data elements and the format for exchange of industrial design legal status data among IP Offices and the International Bureau of WIPO. The six revised standards also included a standard for the exchange of patent legal status data. IP rights legal status depended on different IP laws, and the definition of legal status such as expiry and lapse of rights varied from one country to another. There was a need for common interpretation of the legal status data. Secondly, the Secretariat reported that the CWS had explored new projects for potential development of WIPO Standards. This was in response to requests from the Member States, reflecting their efforts in digital transformation and the possible use of emerging technologies. The projects include technical preparation for comprehensive and coordinated ICT strategies for IP Offices and the WIPO Secretariat aimed at effective production, sharing, and utilization of IP data by the IP community. In that regard, the CWS organized two special workshops on the potential of blockchain technology for IP administration, and on possible ways to standardize names of applicants and inventors. Thirdly, the Secretariat reported that the CWS reinforced its support for effective implementation of WIPO Standards by conducting an international survey on the use of WIPO Standards and by monitoring their implementation. The Secretariat also made continuous efforts for capacity building by responding to requests for technical advice and assistance. This included the development of a new global common software tool called WIPO Sequence that would enable IP Offices to implement WIPO Standard ST.26 for amino acid and nucleotide sequence listing data without the need for each IP Office to develop its own tool.

229. The Delegation of Canada, speaking on behalf of Group B, thanked the Delegations of Germany and Canada for chairing the CWS in 2018 and 2019, respectively. Group B welcomed the technical discussions that took place in the CWS in the 2018/2019 biennium, believing that the work done by the Committee and the International Classifications and Standards Division was key to the fruitful international exchange of IP information, which supported the respective stakeholders and users of the IP system as a whole. The Delegation indicated that Group B looked forward to engaging in the CWS in future sessions.

230. The Delegation of the Russian Federation expressed its great appreciation for the work of the CWS, and thanked all Member States that played an active role in the work of the Committee and its Task Forces, including in the intersessional period. The Delegation remarked that, at this stage, the CWS had achieved significant results in the standardization of IP. The Delegation considered that the efforts of the International Bureau of WIPO and the Member States were important for digitizing and automating the work of Offices, including the revision of international standards to adapt them to the digital environment. The Delegation, as co-leader of the 3D Task Force and Blockchain Task Force, noted the work done and the progress made in those groups, and appreciated the contributions of all participants. The Delegation expressed particular thanks to Australia for their joint work in the Blockchain Task Force, which concentrated on studying the potential applications of distributed ledger technology and its subsequent standardization for IP. The Delegation noted that the 3D Task Force would work on a draft recommendation on 3D models, to be based on the results of an internal survey of members of the Task Force and the results of a survey on the use of 3D by the Member States and applicants. The Delegation called on all interested organizations to

participate actively in this survey. The Delegation expressed its hope to host a meeting of the 3D Task Force in the Russian Federation in 2020. The Delegation noted the high level of organization of the workshop on blockchain hosted by the Secretariat and thanked the Republic of Korea for the organization of the XML4IP Task Force meeting held in Seoul that year. The Delegation expressed its hope that the CWS would continue to do good work in the future for the development and revision of WIPO Standards.

231. The Delegation of India thanked the Secretariat for its outstanding efforts in preparing the various documents, and for making them available on time to the Member States for discussion. The Delegation noted that the Committee was a collaborative forum for discussing and reaching agreements on WIPO Standards, their revision and their development as well as other information and documentation relating to industrial property. The Delegation expressed that so far the CWS had made significant progress in adopting and revising WIPO Standards which would lead to dissemination of IP information. The Delegation believed that the latest technologies like AI, blockchain, IoT, etc., had immense potential and these technologies, if deployed effectively, would be helpful in better processing IP information. The Delegation invited expressions of interest from agencies having a proven track record of education of similar work. The Delegation also stated that awareness-raising activities, technical assistance and capacity building were very important for developing countries for implementing WIPO Standards to the maximum possible degree. The Delegation looked forward to fruitful deliberations on the technical issues, which would play a positive role in guiding the work of the CWS.

232. The WIPO General Assembly took note of the “Report on the Committee on WIPO Standards (CWS)” (document WO/GA/51/13).

ITEM 22 OF THE CONSOLIDATED AGENDA

REPORT ON THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

233. Discussions were based on document WO/GA/51/14.

234. The Secretariat introduced the document, which reported on the fourteenth session of the Advisory Committee on Enforcement (ACE), which had taken place from September 2 to 4, 2019. The fourteenth session had addressed: “exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among general public, especially the youth, in accordance with Member States’ educational or any other priorities; exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner; exchange of information on national experiences in respect of WIPO legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States’ priorities; and exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant DA Recommendations and the ACE mandate”. The exchange of information was facilitated through 33 expert presentations, one Secretariat presentation and four panel discussions. At the fourteenth session, the Committee had agreed to continue, at its fifteenth session, with the current work program.

235. The Delegation of Croatia, speaking on behalf of the CEBS Group, attached great importance to the work of the Committee, thanked the Chair and the Vice-Chairs of the fourteenth session of the ACE for their leadership and expressed its gratitude to the Secretariat

for having organized a very interesting session. The CEBS Group recognized the importance of the Committee, as it continued to provide a forum for the exchange of experiences and best practices in the area of IP rights enforcement, an issue of importance to all Member States. The CEBS Group expressed the view that the protection of IP rights played an essential role in encouraging creativity and innovation. In order to ensure this, it was vital to provide technical assistance that would enhance Member States' capacities to combat counterfeiting and piracy and to enhance IP rights in general. To realize this, adequate legislation together with a commitment from various stakeholders should be ensured. The CEBS Group underlined its readiness to engage actively in the future work of the ACE.

236. The Delegation of Canada, speaking on behalf of Group B, thanked the Chair and the Vice-Chairs of the ACE. Group B reiterated the importance that it continuously attached to the Committee and its subject matter, namely, the enforcement of IP rights. Group B expressed the view that, without effective and balanced enforcement mechanisms, IP rights could not fulfill one of their central objectives of contributing to economic development through the promotion and protection of innovation. The effective enforcement of IP rights also protected the public from substandard or unsafe goods. In that regard, Group B considered enforcement a subject that all WIPO Member States should take seriously, remain engaged in and consider as a common interest. Group B recognized that while the sound enforcement of IP rights depended on appropriate laws and regulations, implementation was key, and that this depended on political commitment. Therefore, it was very important to learn lessons from the experiences of others, and the ACE was the place where the Group could do so. Group B emphasized that it was also important that the work program of the ACE be in line with the Committee's mandate, namely, technical assistance and coordination with a view to supporting the enforcement of IP rights and combating counterfeiting and piracy. Group B expressed its satisfaction with the balanced nature of the current work program, which covered a wide range of topics and allowed for constructive technical discussions and the exchange of experiences. Group B looked forward to continuing its active participation in the important work of the ACE, recognizing the benefits of sharing diverse experiences.

237. The Delegation of the European Union, speaking on behalf of the European Union and its member states, welcomed the positive and constructive cooperation in the ACE. The Delegation strongly supported the work of the ACE and noted with satisfaction the wealth of quality contributions from WIPO Member States shared at the fourteenth ACE session. The Delegation recognized that focusing discussions on the practical experiences of WIPO Member States enabled them to learn from other countries and build on each other's best practices. In that context, the Delegation particularly welcomed discussions on the use of new technologies, on the role of intermediaries in IP enforcement and on arrangements to address online IP infringements. With regard to the future work of the ACE, the European Union and its member states welcomed the continuation of discussions, under the current well-balanced work program, on education and awareness-raising initiatives, not only to sensitize society on the negative consequences of IP rights infringements, but also to demonstrate how to promote easy access to legal content and genuine products. The Delegation believed that new technologies and measures that supported SMEs in their efforts to combat counterfeiting and piracy should remain a focus of the Committee's work. The European Union and its member states saw WIPO as the global forum for all IP-related matters and believed that WIPO had an important role to play in coordinating Member States' efforts to more effectively combat IP rights infringements. The Delegation was confident that fruitful collaboration between delegations would continue in a manner that ensured that a fair balance was kept between incentivizing and enabling access to innovation.

238. The Delegation of Thailand commended the Secretariat for the excellent organization of the fourteenth session of the ACE and the various fruitful workshops, seminars and meetings on IP enforcement and building respect for IP. The Delegation pointed out that, under the National Committee on Intellectual Property Policy, chaired by the Prime Minister of Thailand, the

Government of Thailand continued to implement the *20 Years IP Roadmap*, which had set the policy direction of the development of the Thai IP system since 2016. Noting that the IP system played an important role in enhancing prosperity and well-being, the Delegation considered it beyond a doubt that effective IP enforcement was one of the key factors in contributing to such enhancements. In order to combat piracy and counterfeiting, the Government of Thailand attached great importance to strengthening cooperation between public and private agencies, as well as ensuring the positive engagement of all stakeholders, including relevant enforcement agencies, right holders and intermediaries in carrying out legal cooperative measures against both physical and online infringement of IP rights. Furthermore, the Government of Thailand had taken steps in raising IP awareness and building respect for IP. In that regard, both traditional and non-traditional means of communication, such as social media platforms, had been used to reach out to a wide range of people, especially the youth. The Delegation expressed its appreciation for the work of the Committee and looked forward to engaging in the future work of the ACE, sharing its experiences and exchanging information on awareness raising and IP enforcement.

239. The Delegation of Oman recognized the important role of the ACE in allowing Member States to exchange data and information on campaigns, awareness-raising and promotional activities on IP in society and among the youth. The Delegation expressed the view that this was an important part of the work of WIPO and that WIPO needed to support Member States in these efforts. The Delegation noted that the fourteenth session of the ACE had been particularly fruitful. Oman had closely followed a number of interesting presentations and had itself presented to the Committee an activity carried out in 2018/2019. The activity had been designed to raise awareness amongst school children of the importance of IP and had focused on copyright and the need to combat infringements and piracy. In addition, a video had been shown.

240. The Delegation of the United States of America associated itself with the statement delivered by the Delegation of Canada, on behalf of Group B. The Delegation noted that the ACE provided a valuable forum for exchanging information and best practices regarding the enforcement of IP rights. The Delegation considered the experiences shared in prior ACE meetings to have been informative and useful in providing Member States with information on enforcement strategies and coordination, as well as educational and awareness-raising programs in the field of IP enforcement. The Delegation congratulated WIPO for its efforts in coordinating and enhancing the IP enforcement aspects of its technical assistance efforts and noted that the United States of America was fully committed to working with WIPO in the shared commitment to assisting developing countries and LDCs in improving their enforcement of IP rights.

241. The Delegation of Brazil expressed its appreciation to the ACE Chair, the Secretariat and all Member States that had shared their experiences at the fourteenth ACE session. Brazil was conducting efforts in combatting counterfeiting, smuggling and piracy. Brazil's National Council on Combating Piracy and Intellectual Property Crimes (CNCP) had developed important actions in the field of IP enforcement. In that regard, the President of the CNCP had presented the CNCP's work and its significant results in combating IP infringements at the fourteenth ACE session. In addition to the presentations delivered by a number of ACE members on their national activities to combat counterfeiting and piracy, the Secretariat had introduced its Building Respect for IP Database project. Some Delegations had expressed reservations and criticism of the project, in particular with regard to a potential lack of a due process that would enable sites considered as violators to demonstrate the legal nature of their activities. While the Delegation understood these reservations, they should not serve to justify or excuse the financing of electronic markets that sold pirated and counterfeit products and served as a vehicle for IP infringements, threatening public health, undermining the rights of consumers and concealing illegal operations on the part of criminal and even terrorist organizations in some cases. The Delegation pointed out that, during a working lunch on the Building Respect for IP

Database project in the margins of the fourteenth session of the ACE, Brazil had signed a letter of understanding with WIPO, under which Brazil committed to regularly forwarding lists of websites that stored and made available pirated content in order to prevent these websites from being funded through advertising revenue.

242. The Delegation of Tajikistan, speaking on behalf of the CACEEC, commended the work of the ACE as a forum for information exchange between countries of various regions in the field of IP rights enforcement, including in the digital environment. The Group was of the view that, to solve that global issue, cooperation and coordination at the national and international level were paramount, especially between the competent authorities, and noted that mechanisms such as expert missions, field missions, seminars and practical trainings would be very helpful in that regard.

243. The Delegation of Trinidad and Tobago thanked WIPO for its continued support in enabling Trinidad and Tobago to strengthen its capacity to enforce IP rights and to build respect for IP. The Delegation expressed its gratitude to WIPO for providing assistance in developing training materials for law enforcement authorities and prosecutors entitled *Investigating and Prosecuting IP Crime in Trinidad and Tobago* and in producing an educational video aimed at raising awareness for IP rights in Trinidad and Tobago, which had enjoyed a successful premiere at the fourteenth session of the ACE. The Trinidad and Tobago Intellectual Property Office intended to promote this video across all of its advertising and social media platforms and believed that its format was appropriately suited to reach audiences of all ages. The Delegation reported that the other elements of the Trinidad and Tobago building respect for IP program included a roving IP exhibition and IP clinic named *IP Mobile*; the formalization of the *ad hoc* committee on IP enforcement into a unit dedicated to designing policing activities and training programs; the partnership between the Trinidad and Tobago Police Academy and the Customs training unit to deliver training programs on IP, including IP enforcement; the establishment of an IP help desk at the University of the West Indies; and the implementation of a strategy designed to integrate IP education into the curriculum and textbooks used in both primary and secondary schools in Trinidad and Tobago, officially named the *IP 4 TT KIDS* strategy. The Delegation recognized that these initiatives had started to show positive results. The Delegation would continue to attend and take part in the meetings of the ACE and looked forward to future dialogue and the development of strategies that would control the levels of IP infringement in the online environment. The Delegation also looked forward to continuing the exchange of success stories and strategies employed by Member States in the enforcement of IP rights. Finally, the Delegation commended the Secretariat for developing the Building Respect for IP Database and expressed its wish for this resource to be a resounding success.

244. The WIPO General Assembly took note of the “Report on the Advisory Committee on Enforcement (ACE)” (document WO/GA/51/14).

ITEM 26 OF THE CONSOLIDATED AGENDA

WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

245. Discussions were based on document WO/GA/51/15.

246. The Secretariat noted that the document provided an update on the Center’s activities as an international resource for time- and cost-efficient alternatives to court litigation of IP disputes. The Secretariat recalled that the Center administers cases and provides legal and organizational expertise in alternative dispute resolution (ADR), including for Member State IP and copyright offices. The Secretariat noted that the document also provided an update on the domain name related activities of WIPO. It covered the Center’s administration of domain name disputes especially under the WIPO-initiated Uniform Domain Name Dispute Resolution Policy

(UDRP). It furthermore covered policy developments, including the review by the Internet Corporation for Assigned Names and Numbers (ICANN) of the UDRP, and the status of the recommendations made by the Member States in the context of the Second WIPO Internet Domain Name Process.

247. The Delegation of the Republic of Korea acknowledged the significance of ADR as a time and cost efficient alternative to existing judicial processes, particularly for international IP disputes. The Delegation highlighted ongoing cooperation with the Center in the field of ADR, notably the Memorandum of Understanding signed in November 2018 between the Ministry of Culture, Sports and Tourism (MCST) and WIPO, which established FIT for the promotion and use of ADR services; the Ministry and the Center have thus collaborated on such projects as WIPO-MCST seminars and workshops. The Delegation noted that the Ministry also signed the WIPO Mediation Pledge for IP and technology disputes in June 2019. Additionally, the Delegation noted the Korean Intellectual Property Office's support of the organization of WIPO ADR seminars in various countries. The Delegation reaffirmed its commitment to promoting ADR and collaborating with WIPO and Member States in the field of ADR.

248. The Delegation of the United States of America likewise noted its strong support of ADR procedures. In the area of domain name dispute resolution, it further noted that any rollout of new generic Top-Level Domains (gTLDs) must have appropriate mechanisms in place to protect IP interests to avoid trademark abuse, consumer confusion and fraud and general undermining of public trust in the Domain Name System (DNS). The Delegation continued to monitor the adequacy of rights protection mechanisms as effective tools to combat cybersquatting in light of the gTLD expansion. The Delegation also strongly supported the periodic evaluation of the effectiveness of such mechanisms, including the review of the rights protection mechanisms (RPMs) currently underway within ICANN, as well as ICANN's UDRP review expected to commence next year.

249. The WIPO General Assembly took note of the document "WIPO Arbitration and Mediation Center, Including Domain Names" (document WO/GA/51/15).

ITEM 27 OF THE CONSOLIDATED AGENDA

PATENT LAW TREATY (PLT)

250. Discussions were based on document WO/GA/51/16.

251. The Secretariat introduced document WO/GA/51/16, which contained information on the activities of WIPO that had facilitated filing of communications in electronic form in developing countries, LDCs and countries in transition, reflecting item 4 of the Agreed Statements by the Diplomatic Conference for the Adoption of the PLT. The Secretariat further invited the WIPO General Assembly to take note of the information contained in the document.

252. The WIPO General Assembly took note of the information on "Technical Assistance and Cooperation regarding the Patent Law Treaty" (document WO/GA/51/16).

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