

WIPO General Assembly

Fifty-Fifth (30th Extraordinary) Session
Geneva, July 14 to 22, 2022

REPORT

adopted by the WIPO General Assembly

1. The WIPO General Assembly was concerned with the following items of the Consolidated Agenda (document A/63/1): 1, 2, 3, 4, 6, 8, 9, 10, 11, 14, 19, 20 and 21.
2. The reports on the said items, with the exception of items 9, 10(i), 10(iii) and 14, are contained in the General Report (document A/63/10).
3. The reports on items 9, 10(i), 10(iii) and 14 are contained in the present document.
4. Ambassador Tatiana Molcean (Ms.) (Republic of Moldova), Chair of the WIPO General Assembly, presided over the meeting.

ITEM 9 OF THE CONSOLIDATED AGENDA

REPORTS FROM WIPO COMMITTEES

(i) The Standing Committee on Copyright and Related Rights (SCCR)

5. Discussions were based on document WO/GA/55/1.

6. The Secretariat introduced document WO/GA/55/1, the Report on the Standing Committee on Copyright and Related Rights (SCCR or Committee). After holding two largely remote and truncated sessions without substantive discussions since 2019, the Committee's most recent session in May 2022 was held in hybrid format and comprised five full-day sessions. Over 600 registrations demonstrated that there was great interest in the meeting. With many participants joining in person and others intervening through Interpretrefy, the Committee was able to have open and meaningful dialogue. Nevertheless, no decisive conclusions were reached on the main agenda items. The work would therefore continue and discussions would resume the following year. An interesting point was that during the May SCCR session, the Committee introduced a new format on the first day of the session: a half-day information session on the impact of the COVID-19 Pandemic on the Copyright Ecosystem. Member States welcomed that format and requested the organization of a similar information session on the music streaming market for the next SCCR session, to be held in 2023.

7. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, commended the Chair, Vice-Chairs and the facilitators for their efforts in preparing the revised draft text for the WIPO broadcasting organizations treaty. The Group observed that the determination of how and whether rights would apply with respect to broadcasting was an issue that required careful balancing. They welcomed the proposal by the African Group for a draft work program on exceptions and limitations and looked forward to further engagement on the proposal with the aim of advancing the work in the Committee. The Group looked forward to the scoping study on limitations and exceptions for research, and a toolkit on preservation, which could help guide Member States to craft appropriate policies. The Asia and the Pacific Group reaffirmed its commitment to engage constructively in discussions during the session in order to make progress on issues and discussions on the Committee agenda.

8. The Delegation of Germany, speaking on behalf of Group B, welcomed the Report on the Standing Committee on Copyright and Related Rights and thanked the Secretariat for the presentation. Group B showed keen interest in continued discussions of a draft broadcasting treaty that would take into account technological developments and the needs of broadcasting organizations. The Group reaffirmed its commitment to engage constructively in future SCCR sessions. On limitations and exceptions, Group B looked forward to the presentations, the scoping study on research, and the toolkit on preservation to be considered at the following session of the SCCR. Group B was ready to continue the discussions on the proposal of the African Group for a draft work program on limitations and exceptions.

9. The Delegation of the Dominican Republic, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), thanked the Secretariat for the organization of the information session on the impact of COVID-19 on the copyright ecosystem. GRULAC noted that the region was one of those most affected by the pandemic, and found the information presented during the session useful. One of the most relevant topics of the Committee was the revised text on broadcasting organizations, on which GRULAC was ready to work. However, the text was presented recently and was still being analyzed by the SCCR, so that it was difficult to move toward a diplomatic conference. GRULAC reiterated its position with regard to the continuation of discussions and believed that it was necessary for copyright systems to provide a balance between the rights of rightsholders and the collective development of society as a whole. GRULAC welcomed the African Group's proposal

contained in document SCCR/42/4 on a new work program for exceptions and limitations. GRULAC looked forward to a revised update of the proposal. GRULAC underscored the importance of the SCCR for the multilateral system and the regulation of copyright and related rights, and urged Member States to reach agreement on the pending topics on the agenda.

10. The Delegation of China commended the SCCR Secretariat for making considerable efforts in promoting progress on relevant items. The Delegation supported the continuation of work on the protection of broadcasting organizations, limitations and exceptions, and other agenda items. The SCCR was encouraged to reach consensus as soon as possible on substance of the protection of broadcasting organizations, which would build a solid foundation for the diplomatic conference. The Delegation noted the need for in-depth research and investigation to promote the discussions on limitations and exceptions. The Delegation showed its readiness to support and engage in constructive deliberations with other delegations to ensure progress on that and other agenda items.

11. The Delegation of Slovakia, speaking on behalf of the Central European and Baltic States (CEBS) Group, acknowledged the Chair, Vice-Chairs and Secretariat for their excellent work during SCCR/42. After two years of the pandemic, the forty-second session of the SCCR was the first session opened to full-fledged, in-person participation. The implications of COVID-19 influenced different areas, including copyright and related rights. The CEBS Group welcomed the information session on the impact of COVID-19, which clearly indicated how the pandemic affected the cultural, creative and education copyright ecosystems. While taking note of the report of the Committee, the CEBS Group reaffirmed its long-standing commitment to work towards convening a diplomatic conference and adopting a treaty for the protection of broadcasting organizations. The CEBS Group expressed the need for a meaningful treaty that would reflect the digital environment and would meet the needs of broadcasting organizations. The CEBS Group emphasized that such a treaty should take into account different types of transmissions of broadcasting organizations over computer networks in view of rapidly evolving technologies, and should contain forward-looking provisions. The CEBS Group welcomed the revised draft text of the treaty for broadcasting organizations presented at the previous SCCR, which, to some extent accommodated various positions of Member States and streamlined the previous proposal. The CEBS Group believed that on the basis of that new revised text, the two SCCR meetings the following year would allow for in-depth discussions in order to reach a common understanding on the outstanding issues, and lead the Committee to a treaty. The CEBS Group looked forward to the revisions of the text to be prepared by the Chair, Vice-Chairs and facilitators for the upcoming SCCR, based on the comments and inputs from delegations. As regards the Committee's work on limitations and exceptions, the CEBS Group acknowledged the important role played by libraries, archives, and museums, as well as educational and research institutions, in the social and cultural development of society. It was also in the interest of the CEBS Group that the global copyright infrastructure would ensure access to works for people with disabilities. The CEBS Group noted with interest the proposed draft work program submitted by the African Group, and recommended further deliberations on some of the proposed steps, which could complement the evidence-based approach. The CEBS Group was ready to examine a revised African Group proposal at the next meeting of the SCCR. The CEBS Group also expressed support for the two agreed lines of action, including, in particular, the presentations on cross-border issues, a scoping study on limitations and exceptions for research, and a toolkit on preservation. Concerning the Committee's work on other matters, the CEBS Group reaffirmed its support for inclusion of the resale right into the agenda of the Committee as a standing item. The CEBS Group noted that the inclusion of the resale right was highly relevant to the mandate of the SCCR.

12. The Delegation of the Russian Federation thanked the Secretariat for the presentation and SCCR report. The Delegation also acknowledged the Chair, Vice-Chairs and all the representatives who had played a critical role in developing the work for the protection of broadcasting organizations. The Delegation noted with keen interest the positive efforts

towards minimizing alternative proposals within the text, and hoped that the revised document would enable delegations to reach consensus and speed up the work on a text for the treaty. The Delegation underlined that with regard to the rights of theater directors, it was still waiting on research results and analysis, and looked forward to that presentation at the following session of the Committee. On that basis, the Delegation hoped for the formulation of framework recommendations that would enable theater directors to protect their intellectual property rights (IPRs). The Delegation also addressed the extremely important issue of exceptions and limitations for museums and libraries and educational and research institutions, which contain the cultural records of the whole of humanity and ensure quality education and scientific research. The Delegation expressed continued support for dialogue on exceptions and limitations for such institutions. The Delegation noted that the information session had shown that the pandemic had demonstrated the global importance and significance of digital technology, including in providing long-distance access and the possibility of trans-border access and transmission. The Delegation observed the gaps and backwardness of the international system, and noted with concern the threat to the work of millions of libraries and archives. Many of those organizations were required to change the format of their work considerably, although that did not affect all of them. The Delegation stressed that the absence of international guidelines, and significant differences with regard to copyright and related rights in different national contexts, made it difficult to make progress on a global front.

13. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Secretariat for the preparation of the Report on the Standing Committee on Copyright and Related Rights. The Group underscored the importance of the work of the SCCR in the development and harmonization of international copyright, notably with the digital revolution, which had created both challenges and considerable opportunities for creators and users. The Group called for progress and continued work on all agenda items in a transparent, inclusive and balanced manner. The issue of limitations and exceptions was of vital importance to the African Group, which continued to plead for an international system that was fair and balanced, and that supported creativity, advanced the public interest, and promoted education, research and cultural patrimony. The Group welcomed constructive discussions on its proposal for a work program on exceptions and limitations, contained in document SCCR/42/4. That proposal contained a certain number of actions aimed at promoting equitable access to education and research and to cultural heritage, and promoted the adaptation of exceptions and limitations to the online and cross-border spheres. The Group was pleased that the SCCR was engaged in working on a revised proposal, and invited the Secretariat to prepare presentations on cross-border issues, an exploratory study on research, and a toolkit on preservation. With regard to the protection of broadcasting organizations, the Group emphasized its support for the Committee to move towards an international treaty updating the protection of broadcasting organizations, especially given the evolution of the violation of rights and signal piracy within and across borders. The Group thanked the Chair of the SCCR, and the facilitators for the updated draft text. The Group reiterated the importance of equitable access to public research, education and culture, and to technological innovation, particularly in developing countries. The Group called for the removal of unjust barriers to the right to information. The Group explained that it was essential to guarantee the level of exceptions and limitations that were adequate within the framework of the treaty for protection of broadcasting organizations and aligned with the priorities and action plan for limitations and exceptions. The Group also invited Member States to intensify their efforts to bring positions closer together with regard to the diplomatic conference on the adoption of the treaty for the protection of broadcasters, according to the decision of the WIPO General Assembly. The Group welcomed the work of the previous sessions of the SCCR on the issue of copyright in the digital environment, noting the in-depth discussions in that area with regard to the complexity of the subject, which should be continued at the forty-third session of the SCCR. The Group aligned itself with the proposals presented by the Delegations of Senegal and Congo to have the resale right on the standing agenda of the SCCR. The Group underlined that universal application of the resale right would be advantageous for artists themselves and would bring in significant revenue to the art market in

terms of creativity, effectiveness and transparency. The Group urged Member States to work together in order to adapt to the international copyright system to technological evolution and advances.

14. The Delegation of Indonesia aligned itself with the statement delivered on behalf of the Asian and the Pacific Group. The Delegation thanked the Secretariat, as well as the Chair and Vice-Chairs, for the leadership, guidance and assistance within the framework of the SCCR. The Delegation reiterated its commitment to cooperation especially on pertinent items such as the protection of broadcasting organizations. With respect to discussions on the draft treaty on the protection of broadcasting organizations, the Delegation reaffirmed its call for an open, transparent and inclusive negotiation process within the SCCR, including the mechanism of the Friends of the Chair, noting that progress would be harder to achieve if the negotiation process was not open. The Delegation reiterated the importance of continued discussion on exceptions and limitations and regretted the inability to reach a consensus on the African Group's proposal and on a program of work at the previous session of the Committee. Notwithstanding, the Delegation was optimistic that a positive decision on that matter would be reached at the following session of the SCCR. The Delegation called for the Committee to work towards an appropriate international instrument or instruments for libraries, archives, educational and research institutions and for persons with other disabilities, in accordance with the 2012 WIPO General Assembly mandate.

15. The Delegation of India, speaking in its national capacity, appreciated the efforts of the Chair, Vice-Chairs and facilitators in the preparation of the revised draft text of a treaty to protect broadcasting organizations contained in document SCCR/42/3. The Delegation looked forward to future discussions and showed readiness to support the early finalization of a balanced treaty for the protection of broadcasting organizations, which would address the impact of the development and convergence of information and communication technologies that led to possibilities of unauthorized use of broadcasting signals within and across borders. The text needed balance to address the requirements of the developing countries and least developed countries (LDCs). It was critical to address the social welfare issues of preservation, reproduction, access and cross border exchange of works for education, research, concerns of persons with disabilities, and for libraries, museums and archives through digital means in a fair and balanced manner whilst safeguarding the interests of copyright holders. The Delegation welcomed the proposal by the African Group for a draft work program on exceptions and limitations, which aimed at advancing the work on the option of an appropriate international legal instrument on exceptions and limitations.

16. The Delegation of the European Union thanked the SCCR Chair, Vice-Chairs, and facilitators for the important work done to advance the negotiation process on the treaty for the protection of broadcasting organizations. The Delegation remained committed to progressing towards a worthwhile treaty. The Delegation observed that the revised draft text presented at the previous SCCR, which simplified and streamlined the previous proposal, ensured a good basis for the work. The Delegation hoped the SCCR meetings in 2023 would allow the discussions on the text to advance in order to ensure a meaningful appropriate protection to broadcasting organizations. The Delegation attached importance to the support of cultural heritage, educational, and research institutions and people with disabilities, both in the analogue and digital world. The Delegation showed readiness to continue constructive engagements under those agenda items. The Delegation was ready to continue the discussions on the proposal of the African Group for a draft work program on exceptions and limitations, and to engage with other WIPO Members on the lines of action included in the Chair's summary of the forty-second session of the SCCR. However, as consistently expressed in the past, the Delegation noted that it could not support work towards legally binding instruments at the international level. The Delegation explained that the focus should be for WIPO to support capacity building for WIPO Members and improve national legislation within the existing international copyright framework. In terms of agenda items, should the SCCR agenda be

expanded to cover additional items in the future, the Delegation recommended as already indicated in the past, to include the topic of the artists' resale royalty right on the permanent agenda of the SCCR.

17. The Delegation of the Republic of Korea stated that the enhancements of the rights of broadcasting organizations among related rights should be achieved in accordance with recent developments in technology and the relevant industry. Despite the COVID-19 pandemic, the Committee had continued to discuss copyright related issues. Although the circumstances did not permit deep discussions and engagement on substantive issues during the pandemic, the Committee had meaningful exchanges among Member States. The Delegation hoped to have even more meaningful exchanges the following year, in order to make progress on the treaty. The Delegation acknowledged the WIPO Secretariat, scholars and professors for their extensive work on copyright limitations and exceptions on libraries and archives and for educational institutions. Based on those studies, the Delegation believed that Member States would be able to discuss limitations and exceptions for copyright and related rights effectively by sharing experiences and practices. The Delegation hoped to achieve the appropriate balance of the system for copyright and related rights and hoped that a wide range of studies in that field would be carried out in the future.

18. The Delegation of France aligned itself with the statements made on behalf of Group B and the European Union. The Delegation thanked the Secretariat for preparing and presenting the SCCR Report. A treaty for the protection of broadcasting organizations was a priority for Member States in accordance to what had been decided at the 2019 WIPO General Assembly. The Delegation noted the progress made and indicated that the treaty should take into consideration the technological advances witnessed in previous years. The Delegation called for the resale right to be included in the standing agenda of the Committee.

19. The Delegation of Japan commended the Chair, the Vice-Chairs, and the Secretariat of the SCCR for their continuous efforts. The Delegation considered broadcasting a high priority and important agenda item in the SCCR. Thanking the Chair, Vice-Chairs and facilitators for the draft text, the Delegation highlighted its concerns. The Delegation believed that the process of submitting comments and questions was good from the perspective of transparency, and hoped that comments submitted by Member States would be shared soon so that all Member States could refer to them. The Delegation recognized that based on the comments submitted, the draft text would be revised under the authority of the Chair, and expected that the next revised text would appropriately reflect the views of each Member State. The Delegation expected that the next revised text would be shared with Member States with adequate time for consideration. The Delegation looked forward to further discussions, and reaffirmed its commitment to discuss issues in a constructive manner.

20. The Delegation of Pakistan aligned itself with the statement delivered by the Asia and the Pacific Group. The Delegation reaffirmed its support for the work of the SCCR. While it supported the broadcasting treaty, the Delegation maintained that the development of the draft treaty should be transparent and open to all Member States. Additionally, before creating a brand new set of exclusive rights for broadcasters, cablecasters and webcasters, there should be a demonstrated need for such rights and a clear understanding of how they would impact public educators, existing copyright holders, online communications and new Internet technologies. For the Delegation, it would be essential in the draft treaty that adequate attention was paid to: (a) the importance of mandatory exceptions and limitations; (b) further limitations especially for online education along with additional layers of rights for broadcasting and (c) the need to protect the right to access for educators. The Delegation commended the African Group for the proposed draft program on exceptions and limitations and looked forward to a positive decision on the subject at the following SCCR.

21. The Delegation of the United States of America aligned itself with the statement made by Group B. With regard to the protection of broadcasting organizations, the Delegation reaffirmed support for continued discussions on the protection of broadcasting organizations in the digital age. Given the complexity of the issues, both legally and technologically, the Delegation noted that delegations were taking the time needed to deliberate on those complex questions. Turning to exceptions and limitations, the Delegation believed that the current international framework for copyright exceptions and limitations provided the flexibility, consistent with well-established international standards, for countries to adopt exceptions and limitations to advance their own national social, cultural, and economic policies. Thus, the Delegation believed it was not advisable for WIPO to engage in norm-setting work that would impose minimum requirements in that area. At the same time, the Delegation believed that an informed discussion of exceptions and limitations within the SCCR was useful for Member States interested in tailoring exceptions and limitations to their own needs and circumstances.

22. The Delegation of Nigeria aligned itself with the statement delivered by the African Group and acknowledged the Secretariat for the Report of the Standing Committee on Copyright and Related Rights contained in document WO/GA/55/1. The Delegation remained resolute in advancing the work of the SCCR to ensure an effective and balanced system, which supports creativity and grants access to knowledge for the benefit of society. The Delegation reiterated its unwavering support for the proposal made by the African Group for a draft work program on exceptions, which was essential for access to information for the public interest, cultural expressions, and education and research. In that regard, the Delegation called on the SCCR to continue expanding the work on exceptions and limitations, by monitoring and providing input to the action plans for 2023, especially regarding the presentations on cross-border problems. The Delegation stated that while it welcomed the proposal to organize an information session on the music streaming market, which was scheduled for the forty-third session of the SCCR, it looked forward to a more elaborate engagement on the issue of copyright in the digital environment.

23. The Delegation of South Africa aligned itself with the statement delivered by the Delegation of Algeria on behalf of the African Group. The Delegation reaffirmed its commitment to the work of the SCCR, which it regarded as critical and essential in advancing a balanced copyright regime that contributes to social, economic and cultural progress. The Delegation noted with concern the slow pace in concluding some of the core agenda items. As highlighted in the information session on the impact of COVID-19 on the cultural, creative and educational ecosystem held during the forty-second session of the SCCR, the pandemic had caused a severe impact on the copyright ecosystem, reaffirming the need for a clear, balanced and effective international legal framework. In particular, the absence of an effective and harmonious international framework for exceptions and limitations had negatively affected access to information, including educational, cultural heritage, and other material. The advancement of the digital economy, while bringing many benefits and contributing to growth, also presents challenges which if not attended to may lead to dire consequences including stifling innovation and restricting access to knowledge in its various forms. In that regard, the question of copyright in the digital environment deserved the SCCR's full attention. The Delegation affirmed its support for the African Group's work plan proposal on exceptions and limitations. The Delegation recognized the importance of the digital environment and prioritized adaptation of exceptions to online and cross-border environments. The discussions that took place in the forty-second session ignited hope that progress could be made on that subject if Member States continued to engage constructively. The Delegation looked forward to the continued consideration of the proposal in the forty-third session and the implementation of those activities that were agreed to in the forty-second session. The Delegation reiterated the need to finalize discussions on the broadcasting treaty that would enable broadcasting organizations to benefit from the treaty while ensuring that the treaty did not have a negative impact on access to information and culture. The Delegation stressed the need to give

prominence to the artist resale right, including by making it a permanent agenda item of the SCCR.

24. The Delegation of Brazil commended the Secretariat for the extensive work done. The Delegation stated that it was committed to the agenda of the SCCR, and explained that it was important to keep moving forward on the agenda for exceptions and limitations for copyright. Based on the debate in the Committee, the Delegation believed that the SCCR could move forward on discussions on preservation, cross-border issues, and other issues that had not been covered by the Marrakesh Treaty. In the previous session of the SCCR, the Delegation had supported the work program presented by the African Group and believed that was the right way to advance on that agenda item. The Delegation affirmed its commitment to move forward with discussions to have a new treaty for broadcasting and its willingness to participate in negotiations to reach consensus and have a diplomatic conference as soon as possible. The Delegation supported the GRULAC proposal for an information session on streaming, which would take place during the following session of the SCCR. A better understanding was needed of that market and its impact on copyright. The Delegation was convinced that copyright in the digital environment should be a standing agenda item because of the great impact it has on copyright, and called for a deep discussion with Member States on the status of this topic on the agenda. The Delegation was ready to contribute constructively to copyright at WIPO.

25. The Delegation of Iran (Islamic Republic of) noted that limitations and exceptions were critical in ensuring a balanced copyright system. The Delegation noted the extensive work done to better understand the limitations and exceptions landscape, including the regional and international conferences on limitations and exceptions that had taken place in 2019. Maintaining a balanced work program with regards to the issue of limitations and exceptions for libraries and archives, as well as for educational and research institutions, was of great importance. The Delegation urged the SCCR to continue to work actively towards a fair and balanced copyright system that supported creativity and advanced the public interest, including by promoting digital access to education, research and cultural heritage. Progress on future work on limitations and exceptions should be a priority for the Committee. The Committee was also expected to continue to work towards an appropriate international legal instrument or instruments on limitations and exceptions of libraries, archives, museums, and educational and research institutions. In that context, the Delegation hoped the Committee would have productive and constructive deliberations on the revised proposal by the African Group, a draft work program on exceptions and limitations, which was based on lessons learned from regional and international conferences on limitations and exceptions that took place in 2019.

26. The Delegation of Malawi aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation appreciated the work of the SCCR in preparing the text for the protection of broadcasting organizations. The Delegation affirmed its commitment to engage constructively on that topic with a view to adopting an international treaty for the protection of broadcasting organizations. The Delegation pointed out the importance of the issue of limitations and exception to copyright, and called for a fair and balanced system that encouraged creativity, fostered the public interest and promoted access to copyright work. The proposed work program from the African Group formed a good basis for negotiations with a view to reaching conclusions on that matter. The Delegation welcomed the proposal to organize an information session on the music streaming market during the forty-third session of the SCCR. The Delegation called for the inclusion of the resale right as a standing item on the SCCR agenda.

27. The Delegation of Botswana aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation encouraged the continuation of work in the SCCR. The Delegation noted the submission of the draft text on the protection of broadcasting organizations and said the SCCR should make concerted efforts to finalize

ongoing negotiations with the aim of convening a diplomatic conference to adopt the treaty. The Delegation called upon the community to adopt concrete steps that would progress and finalize the discussion on limitations and exceptions for copyright. The Delegation looked forward to the adoption of the draft work program presented by the African Group as a basis on which the Committee would advance its work on exceptions and limitations. Further, the Delegation looked forward to the music streaming information session to be organized for the forty-third session of the SCCR, and looked forward to the inclusion of the resale right on the standing agenda of the Committee. The Delegation reiterated its commitment to working with other Member States to advance the work of the SCCR.

28. The Delegation of Uganda aligned itself with the statement made by the African Group. The Delegation noted the important work of the SCCR and the need for clear guidance and robust exceptions and limitations to support education, research and access to archives in the online environment, including all the situations experienced by users of the copyright system during the COVID-19 pandemic. The pandemic highlighted the role of exceptions needed to support online education and learning during lockdowns when there was no time for teachers, students and libraries to prepare. The Delegation acknowledged the Committee's constructive discussions on the African proposal for a draft work plan on limitations and exceptions. The work plan was linked to WIPO's Development Agenda (DA) recommendations to facilitate access to knowledge and would contribute to WIPO's efforts to achieve the Sustainable Development Goals (SDGs). On the issue of the protection of broadcasting organizations, the Delegation believed it was in the interest of all to ensure fair access to copyright protected content for social, educational and public interest reasons. Libraries of all types had broadcast materials for teaching, research and civic education, and without exceptions for those uses, the new treaty risked harming public interest activities, as rights clearance would become more time-consuming and complex. When the transaction costs increased, these projects would stop altogether.

29. The Delegation of Sweden thanked the SCCR Chair, Vice-Chairs and facilitators for the important work done to advance the negotiation process on the treaty for the protection of broadcasting organizations. The Delegation aligned itself with the statements by Group B, and the European Union and its Member States. The Delegation explained that the revised draft text presented at the previous SCCR simplified and streamlined the previous proposal and provided a good basis for the work. At the upcoming SCCR sessions, the Delegation looked forward to advancing discussions on the text, to ensure meaningful and appropriate protection to broadcasting organizations. The support of cultural heritage, educational and research institutions, and people with disabilities was important both in the analogue and digital worlds. The Delegation stood ready to continue to engage constructively on those agenda items. The Delegation stated that the focus should be on wider support and capacity building for WIPO Member States, and improving their national legislation within the existing international copyright framework.

30. The Representative of the Intellectual Property Latin American School (ELAPI) thanked the Secretariat for preparing the document. The Representative stated that the Committee had been working for a number of years on protecting broadcasting organizations and called for the Committee to move forward to convene a diplomatic conference with a final document. ELAPI had sent a document to the Chair of the SCCR with its comments and proposed text. The Representative recommended that the development of the debates within the SCCR should ensure that the protagonists of protection were at the heart of the debate. ELAPI hoped to move forward on copyright and related rights, and an international treaty on limitations and exceptions was not the right way forward, as the sovereignty of countries must be respected. In that light, ELAPI welcomed the toolkit, which could help countries formulate their laws and policies, and ELAPI was already working on a proposed action plan. Regarding the other issues discussed by the Committee, the Representative maintained that the issue of copyright in the digital environment should be established as a standing item on the SCCR's agenda.

ELAPI supported GRULAC's proposal to have an information session on the streaming music market. Copyright and related rights had to be brought into the 21st century. The Representative called for the Committee to continue to advance its discussions on the resale right, rights of theater directors, and the public lending right.

31. The Representative of Electronic Information for Libraries (EIFL.net) thanked the Secretariat for the report on the SCCR. The Representative observed that the COVID-19 pandemic had changed how we work, interact and use technology. During the pandemic, libraries learned that clear rules backed by law were necessary to properly support online education, research, and digital access to library collections. In that context, EIFL.net welcomed the proposal by the African Group for a work plan on limitations and exceptions. The Representative noted that limitations and exceptions were an integral part of the copyright system. They were essential for reducing copyright barriers to the creation and sharing of knowledge, including across borders, and they supported the WIPO DA and key SDGs on education, innovation and protecting the world's cultural heritage. EIFL.net looked forward to progress on that topic in 2023, in particular through the toolkit on preservation. In addition, limitations and exceptions in the draft broadcasting treaty should be strengthened. At that time, there was no obligation in the text to provide exceptions of any kind for social, education, or information purposes.

32. The Representative of the Copyright Research and Information Center (CRIC) explained that broadcasting was an important agenda item for WIPO. The Representative expressed gratitude to the Chair, Vice-Chairs and facilitators for the new draft prepared in order to promote that discussion. However, the text was rather drastic and complicated, not only in terms of its technical aspects but also in its conceptual aspects, especially on the crucial point of whether the transmission over computer networks should be included in broadcasting. There were also other issues to be considered, and the Committee needed a certain amount of time to discuss the text. CRIC called for a special session or sessions for the broadcasting treaty immediately after the Committee was able to hold normal meetings.

33. The Representative of Knowledge Ecology International, Inc. (KEI) first recommended that the Chief Economist of WIPO make a presentation to the SCCR to explain how the work of the Chief Economist could provide insight on the impact of rights, exceptions and business models on various stakeholders in the copyright system. Second, the Representative noted that the Delegation of the United States of America, in its statement made in the SCCR, expressed some hesitation about the nature of norm setting as it relates to copyright exceptions, while KEI expressed a lot of opposition to the idea of norm setting in the form of a treaty as it relates to broadcasting. The Representative noted that it would be interesting to explore the experience in the copyright field related to model laws that had been done in the past, including but not limited to those in which WIPO or the United Nations Educational, Scientific and Cultural Organization (UNESCO) had been involved. The Representative also indicated that it would be interesting to explore whether or not a more appropriate form of work would be to look at the modalities for and experience of model laws as opposed to immediately moving to binding treaties if it did not look like there was a basic consensus on the most important key items. Finally, with respect to the broadcasting treaty, the Representative pointed out that there was a lot of confusion about how the proposals would affect people using information on the Internet and how many new clearances users of Internet services would be required to make if there were post-fixation rights associated with the broadcasting rights. The Representative stated that that was its main concern.

34. The Representative of the International Federation of Library Associations and Institutions (IFLA) stated that strong limitations and exceptions to copyright enabled libraries to serve patrons and facilitate research and support the public, students and researchers to access and work with information. Those activities underlay other rights to culture, education and research and in turn supported intellectual property (IP) and innovation in multiple sectors, including for

the benefit of society as well as the preservation of records that tell the story of how we got to the present time. IFLA recognized the initiative taken by the African Group and its work plan supporters, including the Delegations of Brazil, Iran (Islamic Republic of), Malawi, South Africa, and Uganda, among others. The Representative expressed gratitude to Member States that had helped move forward initiatives on the cross-border preservation toolkit, limitations and exceptions, and other items. Nevertheless, IFLA bemoaned the limited urgency from the Committee as a whole to support limitations and exceptions and facilitate international collaboration on cross-border factors that could not be addressed by any nation alone and which WIPO was equipped to address. IFLA called for immediate action, as the pandemic and climate change had demonstrated that overly restrictive IP clauses created confusion around how the libraries could offer digital access to material when crises forced temporary physical closure of facilities. Natural disasters risked regrettably destroying facilities permanently and with them, the only potential copy of materials. If clear exceptions did not allow backups to be made and to be accessible, there would be crises. Innovations had happened because people were able work with IP. IFLA called for the mitigation of challenges and urged delegations to seize opportunities with a robust copyright system to ensure that researchers and the public were not stalled by overly restrictive licenses and laws, such that when buildings temporarily closed, people could not access digital content, or when a flood or fire destroyed an archive, that material was lost forever because there was no backup. The Representative cautioned that if that happened, the IP affected would not benefit anyone. The Representative asked delegations to use their power to make an impact.

35. The Representative of Third World Network (TWN) pointed out that discussions in the SCCR on exceptions and limitations should at least lead to concrete outcomes. However, the Representative noted a qualitative change in the approach of the Secretariat. Over the previous days, the Secretariat had not prevented anyone from recording the musical performances, which was a welcome change. TWN welcomed such changes across the board, especially as they related to the expansion of limitations and exceptions in support of access to knowledge. In recent years, big publishing companies had sued Internet service providers and governments in various countries to block websites like Libgen (Library Genesis), which provided access to scholarly content to students and scholars in the developing world. Copyrights could not exist in a vacuum and needed to respect the right to science and education. The Representative noted that some publishing houses provided access to articles during the pandemic. However, it was important to discuss and create a framework to provide uninterrupted access to articles and books related to medicines and public health. Furthermore, there was a need to examine the implications of copyright on the availability and affordability of health products such as diagnostic equipment etc. The Representative called on Member States to undertake a work program in that regard in the SCCR. The Representative called upon WIPO to examine the implications of copyright on the affordability and accessibility of education and research materials in higher education as well as health products.

36. The Chair thanked the delegations and observed that they were committed to the work of the SCCR. The Chair noted that the Committee had a very complex agenda and there was still a very strong interest in information sessions and capacity building. The Chair commended the Secretariat for the work presented.

37. The Delegation of Algeria, speaking in its national capacity, noted a slight technical difference between the decision paragraph in the Secretariat Report on SCCR and the Summary of the Chair, concerning the outcome of discussions on the African Group proposal for the work program on limitations and exceptions. For example, the report stated that the Committee agreed to work towards a revised proposal for the SCCR and asked the Secretariat to prepare some presentations on cross-border issues, a scoping study on research and a toolkit on preservation. However, the Summary by the Chair indicated that the Secretariat would invite presentations by experts and Members, and would develop the toolkit on preservation in consultation with experts and beneficiaries. Secondly, there was no reference to

paragraph B, which was very important. Paragraph B was about drawing on the work completed to date and further discussions by Member States as a basis for the Secretariat to develop toolkits to guide targeted technical assistance programs that help Member States. The Delegation requested clarification from the Secretariat on the status of the Summary of the Chair in relation to the Report, and indicated that the Report was not accurate regarding the discussions the Committee had on the African Group proposal for the work program on exceptions and limitations.

38. The Secretariat clarified that the Summary of the Chair from the forty-second session was incorporated into the SCCR Report that was presented to the Committee. The Report itself was a briefer summary of all the work that was described in the Summary of the Chair. All aspects of the agreed work program that were included in the Summary of the Chair were incorporated by reference into the Report, and would be undertaken by the Secretariat. The Secretariat confirmed that they were in the process of fully carrying out all of the work that had been indicated in the Summary of the Chair for the forty-second session.

39. The WIPO General Assembly:

- (i) took note of the “Report on the Standing Committee on Copyright and Related Rights” (document WO/GA/55/1); and
- (ii) directed the SCCR to continue its work regarding all issues reported on in document WO/GA/55/1.

(ii) The Standing Committee on the Law of Patents (SCP)

40. Discussions were based on document WO/GA/55/2.

41. The Secretariat introduced document WO/GA/55/2, which contained a report on the work of the SCP. The Secretariat noted that the document described the progress of discussions at the thirty-third session of the SCP, which was held from December 6 to 9, 2021, in a hybrid format. The Secretariat stated that during that session, 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 actively participated in the Committee’s work by sharing information, making presentations, submitting proposals, and being engaged in discussions with a constructive spirit that led to the adoption of a full set of SCP future work activities relating to all of the above five topics. The Secretariat further invited the WIPO General Assembly to take note of the information contained in the document.

42. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Secretariat for the preparation and presentation of document WO/GA/55/2. The Group further thanked the efforts of the Chair of the SCP in guiding the work of the Committee during the thirty-third session of the Committee. The Group wished to stress the importance it attached to the work of the Committee as the only forum where issues concerning the progressive international development of patent law were discussed, including harmonization of laws. The Group considered that the SCP should continue its work of collecting and sharing factual information on the national laws and practices of Member States without engaging at that stage to a normative work, leading to harmonization. While acknowledging that the patent system was designed to promote innovation and sharing knowledge, the Group noted that it did not solve the problem of innovation in developing countries, especially, in the pharmaceutical sector. Referring to the COVID-19 pandemic, the Group stated that, to guarantee an efficient response to a global crisis, it was imperative to ensure that the transfer of technology between developed countries and developing countries took place. The Group further stressed the

importance of minimizing the negative effects of the patent system on competition, and of ensuring access to vital technologies with an objective to serve the society. The Delegation noted that, for its Group, the question of patents and health had never been more relevant, particularly given the global health crisis, which exposed a massive inequality in relation to access to COVID-19 vaccines. The Group expressed its regret that, during more than two years, the SCP could not engage in deep discussions relating to the role of patents in the fight against the pandemic. Having stated that, the Group welcomed the proposal to invite the Representatives of the World Health Organization (WHO), WIPO and the World Trade Organization (WTO) to present their patent-related activities with respect to the COVID-19 pandemic in the context of the trilateral cooperation. The Group also looked forward to an update on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines. Further, with respect to the topic “confidentiality of communications between clients and their patent advisors”, the Group was of the view that the topic was not a substantive patent law matter, but a matter of the law of evidence. Noting that the SCP should look at policies related to promotion of transfer of technology to developing countries, the Group welcomed the organization, at the thirty-fourth session of the SCP, of an information sharing session to highlight, *inter alia*, the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries. The African Group concluded by stating that, with respect to the work of the SCP on patentability of artificial intelligence (AI), while such work was useful, it should not lead to normative work.

43. The Delegation of India, speaking on behalf of the Asia and Pacific Group, thanked the Chair and Vice-Chairs of the SCP for their work during the thirty-third session of the SCP, as well as the Secretariat for the preparation of excellent documents. The Group welcomed the information sharing sessions on patentability of inventions using AI and by AI, as well as on expedited patent examination mechanisms at IP offices, to be organized at the thirty-fourth session of the SCP, as those activities would contribute to improving the quality of patents. With respect to the topic “patents and health”, the Group expressed its appreciation to the trilateral cooperation between the WHO, WIPO and WTO in relation to patent-related activities with respect to COVID-19, and it looked forward to hearing more on those activities in the upcoming SCP sessions. With respect to the topic “transfer of technology”, the Group welcomed an information sharing session, to be organized at the thirty-fourth session of the SCP, to highlight the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries as well as challenges therein.

44. The Delegation of Slovakia, speaking on behalf of the CEBS Group, thanked the Chair and Vice-Chairs of the thirty-third session of the SCP, and the Secretariat for their work in preparation of that SCP session and of the Sixty-Third Series of Meetings of the Assemblies. The CEBS Group considered the SCP to be the main platform to discuss current trends and future developments of the patent system. The Delegation noted that, for the CEBS Group, as in the past, the quality of patents and the confidentiality of communication between clients and their patent advisors remained the main focus of interest. The CEBS Group expressed its support to the enhancement of cooperation among Member States because, in its view, the exchange of knowledge and work-sharing could further improve patent-grant processes. In that regard, the CEBS Group noted its special interest in an information sharing session on patentability of inventions using AI and by AI. The CEBS Group further stated that high quality patents were essential to ensure that the patent system incentivized innovation, facilitated knowledge transfer and rewarded new development. The CEBS Group also noted that a well-functioning patent system was a priority, as it facilitated the socio-economic development of countries and regions. Furthermore, the Delegation expressed its belief that the work of the Committee enhanced the international cooperation and enabled Member States to find solutions for cross-border challenges, including on cross-border aspects of confidentiality of communications between clients and their patent advisors. On the topic of “exceptions and limitations to patent rights”, the CEBS Group was of the view that future discussions were needed in order to achieve the proper balance between the interests of society or public in

general, and, on the other hand, of patentees. Together with mentioned priorities, the issue of patents and health was at the center of attention of the CEBS Group. The CEBS Group stated that effective and timely measures as response to the COVID-19 pandemic, including licensing of patents, were essential for ensuring global access to vaccines, medicines and health technologies. The CEBS Group looked forward to hearing from the Representatives of the WHO, WIPO and WTO on patent-related activities with respect to the COVID-19 pandemic in the context of the trilateral cooperation. At the same time, the CEBS Group welcomed the update of document SCP/31/5 containing the review of existing research on patents and access to medical products and health technologies, covering the updated period of the COVID-19 pandemic. Further, the CEBS Group was pleased to note that the balanced work program for the next session was achieved and the work of the next SCP would be confined to fact-finding, accompanied by the organization of interesting sharing sessions. Finally, the CEBS Group expressed its hope that the SCP would find more synergies and common lines by building upon the existing positions of Member States and moving closer to discussions on harmonization of patent laws in the near future.

45. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, stated that discussions in the SCP were of particular relevance to GRULAC. GRULAC noted in particular that issues such as exceptions and limitations to patent rights, quality of patents, including opposition systems, and patents and health, and other issues, were of crucial importance, particularly in light of the COVID-19 pandemic. GRULAC further urged WIPO, as the main body dealing with IP, to continue its work in areas that had critical importance to development and innovation. GRULAC also encouraged initiatives, such as those contained in document SCP/31/5 and those taken as part of trilateral cooperation between the WHO, WIPO and WTO. While expressing its hope that an agreement on patents related to COVID-19 vaccines could be reached, GRULAC stated that WIPO should explore mechanisms to speed up the transfer of technology and to have a fair access to the benefit of innovation protected by patents in the area of health and food security. Turning to the future activities of the Committee, the Delegation stated that GRULAC would actively participate in the sessions of the SCP in the hope of building consensus in ensuring a balance between the interests of the right holders and the society.

46. The Delegation of the Russian Federation thanked the Secretariat for preparing the report on the work of the SCP, contained in document WO/GA/55/2. The Delegation expressed its belief that the work of the Committee was important for the development of the patent system and for discussing substantive issues of patent law as well as recent trends in the work of patent offices. The Delegation was pleased to note that the SCP members had exchanged their practices and information on the use of AI for examination of patent applications at the thirty-third session of the Committee, and it looked forward to continuing the discussions relating to the patentability of inventions using AI and by AI, as well as the use of AI in processing the patent applications. The Delegation noted that, with respect to inventions in the area of information technology (IT), particularly inventions relating to new information and communications technology, network services and computer modelling, there was often a challenge to find the dividing line between the mathematical methods, algorithms, and solutions that made it possible to solve a specific technical task. The Delegation noted that the issue required the sharing of information between Member States using practical examples. The Delegation attached great importance to the topic of quality of patents, including opposition systems, and, in that regard, looked forward to discussion of various proposals on that topic, including the timeliness of processing patent applications. The Delegation further informed the Member States that, for some years, the Federal Service for Intellectual Property (ROSPATENT) had been carrying out a program on accelerated examination of patent applications relating to viruses and other diseases, and that it planned to expand the program to the field of IT technologies. The Delegation stated that, under the program, the average time to complete the first substantive examination action was 28 days. The Delegation also stated that there was no additional cost for applicants to participate in the program. The Delegation further

stated that, in order to promote international cooperation and assist inventors in obtaining legal protection for their inventions as soon as possible, it encouraged the Member States to consider adopting similar measures expediting patent examination of international applications under the Patent Cooperation Treaty (PCT) entering the national phase, and accelerating the exchange of patent information in the various fields of technology. The Delegation also informed Member States that they had also been working on changing national rules on unity of invention to align them with the PCT rules. In addition, amendments providing for an earlier publication of the information on international applications under the PCT, which had entered the national phase, had been prepared. The Delegation added that, that would make it possible to give third parties the opportunity to make comments on the patentability of the claimed inventions immediately after the transfer of the PCT application to the national phase, which in turn would further improve the quality of patents. The Delegation further stated that, in March 2022, a project had been launched to attract industry specialists from scientific and educational organizations to conduct prior art search and preliminary assessment of patentability of inventions. In its view, the evaluation by such specialists would also improve the quality and reliability of the patent. With respect to the topic “patents and health”, the Delegation referred to the decision of the previous session of the SCP that update on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines would be made at the upcoming SCP session. It noted that the Russian Federation was actively working on the creation of the Pharmaceutical Registry of active substances protected by patents. The Delegation considered it important to further study the issue of assessment of the inventive step in the field of chemistry and pharmaceuticals, which would improve the approaches of offices in granting legal protection to inventions related to innovative pharmaceuticals. In conclusion, the Delegation emphasized its interest in working on various topics in the Committee’s agenda and continuing to study the practices of Member States.

47. The Delegation of Iraq thanked the Chair of the SCP for its work in guiding the Committee, as well as the Secretariat for preparation of document WO/GA/55/2, which contained a report on the work of the SCP during its thirty-third session. The Delegation welcomed the results achieved at that session and noted positively the organization of a number of sharing sessions on various topics discussed within the Committee. Specifically, with respect to the thirty-fourth session of the Committee, the Delegation expressed its interest in the information sharing sessions relating to AI and transfer of technology.

48. The Delegation of Nigeria aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation thanked the Secretariat and the Chair of the Committee for their efforts in guiding the work of the Committee, as well as the Secretariat for the preparation of document WO/GA/55/2. Considering the progress made over the last years in the Committee’s engagements, the Delegation was pleased to note that the SCP continued to serve as the platform to exchange ideas and information, to facilitate coordination and provide guidance concerning the progressive development of international patent law. Further, the Delegation expressed its appreciation to the Secretariat for the organization of the sharing session on the use of AI for examination of patent applications at the thirty-third session of the SCP. In its view, the presentations made during that session provided a good opportunity for the Member States to share their views and experiences, challenges and solutions, on the subject matter. Further, the Delegation expressed its satisfaction with the acceptance of its future work proposals by the Committee at the previous session, in particular, a presentation on the COVID-19 Technology Access Pool (C-TAP) initiative by the Representative from the WHO and a presentation by the Representatives of the WHO, WIPO and WTO on their patent-related activities with respect to COVID-19 pandemic in the context of the trilateral cooperation. In conclusion, the Delegation expressed its hope that future engagements within the Committee would be conducted in line with the DA Recommendations, and taking into account existing patent flexibilities.

49. The Delegation of South Africa thanked the Secretariat for the presentation of the report. The Delegation aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation underlined that the SCP continued to be a Committee of significance for it. The Delegation considered that the work done by the SCP was critical, and that the Committee was a means to enhancing the understanding of Member States on patent law broadly and in particular the five topics that the SCP had been focusing on since its sixteenth session. The Delegation noted that the patent system was at the heart of the IP system, and had contributed to some of the greatest inventions known to humankind. At the same time, the Delegation stressed that the patent system needed to be constantly evaluated and modernized to ensure that it did not perpetuate the problem of lack of access to medicines and other public health needs. The Delegation underscored the importance of technology transfer and considered that the patent system should also be evaluated on its ability to facilitate technology transfer and the dissemination of technical information. The Delegation acknowledged the work that had already been done in the SCP on patents and public health. It also noted the useful information obtained from the update on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines as well as the review of existing research on patents and access to medical products and health technologies. The Delegation stated that it looked forward to the updated review of the data covering the critical period from 2019 to 2021, where issues of access to COVID-19 vaccines and other medicines came to the fore. The Delegation took the opportunity to highlight the key insights gathered from the patent landscape report on COVID-19 related vaccines and therapeutics published earlier in 2022, which focused on patenting activity that had taken place in the field of COVID-19 vaccines and therapeutics. The Delegation thanked the team that had worked on that report. The Delegation was of the view that the aforementioned report, which was part of the WIPO COVID-19 response package, would also benefit from an update, given the amount of patenting information on COVID-19 that had not been considered by the first report. The Delegation further anticipated with interest the presentations at the upcoming session of the SCP, including presentations made by WIPO, WHO and WTO on the patent related activities of the three organizations with respect to COVID-19. Similarly, the Delegation believed that the SCP would greatly benefit from the presentations by the representatives from the WHO and Medicines Patent Pool (MPP) on the C-TAP and MPP's licensing activities, respectively.

50. The Delegation of Brazil supported the statement made by the Delegation of the Dominican Republic on behalf of GRULAC. The Delegation underlined that sufficiency of disclosure was fundamental for granting quality patents and for a balanced patent system. The Delegation stated that accordingly, it had presented the proposal on two main activities: drafting documents by the Secretariat, including the practices on sufficiency of disclosure for granting of patents and carrying out information sessions for exchanging experiences. The Delegation further explained that the first proposal on sufficiency of disclosure had been presented in the thirty-first session of the SCP, focusing mainly on the sufficiency of disclosure in the chemical sector, and that due to the proposal of the Delegation of Spain that had suggested to broaden the initial proposal and to include, for example, sufficiency of disclosure in patent applications in the field of microorganisms and AI, those fields had been included in the initial proposal put forward by Brazil. The Delegation thanked the Member States for the adoption of that proposal contained in document SCP/31/8 Rev. during the previous session of the SCP. The Delegation noted that, consequently, the Secretariat would present a study on the sufficiency of disclosure, based on the information received from Member States, at the upcoming session of the SCP in September, while indicating that the Delegation of Brazil had already submitted such information to the Secretariat. The Delegation believed that more studies on the sufficiency of disclosure, which could be a source for consultation by patent offices, should be done. The Delegation expressed its willingness to continue contributing to the better quality of patents. Also on the topic of quality of patents, the Delegation highlighted its readiness to put forward its experience at the national level in those exchanges of information sessions on AI and on the expedited patent examination mechanisms at IP offices,

which would be addressed in the subsequent session of the SCP. The Delegation assured its contribution to the progress of the work in the SCP.

51. The Delegation of Spain thanked the Secretariat for the work done in the SCP over the past year and stressed the Delegation's continued active participation in the work of the SCP. The Delegation also personally thanked the Chair of the SCP for effectively leading the Committee, and thanked the SCP members who had supported the Chair. Regarding exceptions and limitations, the Delegation was very positive about the work of the Secretariat on exceptions and limitations as well as on the exhaustion of rights. The Delegation underlined the importance of quality of patents, including opposition systems. The active participation of the Delegation in creating studies on a substantive aspect of quality of patents, for example, the series of documents on the inventive step, which was based on a proposal by the Delegation, was underlined. The Delegation expressed its willingness to continue working on the granting of quality patents, such as the sufficiency of disclosure as having been mentioned by the Delegation of Brazil. In that regard, the Delegation highlighted its anticipation regarding the reports on the patentability of inventions that use AI or that were created by AI as well as the expedited patent examination mechanisms. The Delegation noted that working in a speedy manner did not mean to lower the quality of patents, but in fact, meant to be more efficient. The Delegation was of the opinion that the cross-border aspect of confidentiality of communications between clients and their patent advisors presented a barrier to greater international protection, and believed that the SCP would be the right place to find a solution. Noting that the confidentiality of communications between clients and their patent advisors was a vitally important issue, the Delegation highlighted the current change of the patent law in Spain intended to strengthen regulation in that regard. The Delegation highlighted its continued commitment to addressing public health and patents, particularly access to medicines, in the SCP. The Delegation stressed its understanding of patents as the main incentive for innovation in that sector. Therefore, the Delegation expressed its positive view on the initiative on publicly accessible databases of patents status information concerning medicines and vaccines, which in its view, would facilitate greater technology transfer. The Delegation reiterated that harmonizing the law of patents should be one of the objectives of the SCP. The Delegation affirmed its active participation in the work of the SCP as a multilateral forum where delegations from throughout the world and their respective Regional Groups discussed the patent system.

52. The Delegation of Uganda aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation thanked the Secretariat for the preparation of the documents under discussion and the Chair of the SCP for guiding the work of the Committee. The Delegation reaffirmed its commitment to the work of the SCP, as it had been agreed in its thirty-third session, particularly on the items on patents and health, transfer of technology as well as exceptions and limitations to patent rights. With regard to patents and health, the Delegation noted that Uganda's Industrial Property Act of 2014 incorporated the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) flexibilities to make Uganda's legislations responsive to the public health needs, while balancing the rights of the inventors. The Delegation noted that their exploitation of TRIPS flexibilities had helped to reduce the cost of antiretroviral drugs and led to increased access of over 85 per cent to those drugs and treatment between 2021 and 2023. The Delegation accordingly commended the work of WIPO in respect of the COVID-19 pandemic in the context of the trilateral cooperation with the WHO and WTO, and anticipated with interest the proposed presentation as indicated in the report. The Delegation was of the opinion that the collaborative approach would clarify the evolving interplay of the distinctive policy domains of health, trade and IP. The Delegation stressed the critical importance of maintaining that item in the agenda of the SCP so that all members would benefit from the experiences of other Member States for the benefit of the people. The Delegation considered discussions in the SCP on exceptions and limitations of patent rights and technology transfer as equally important, and noted that it looked forward to the information sharing session that would highlight the positive contribution of the patent system in enhancing innovation, technology transfer and industrial development.

53. The Delegation of the United States of America thanked the Secretariat for the preparation of document WO/GA/55/2. The Delegation emphasized its continued support for the work of the SCP. The Delegation underscored that in light of the rapid progress of innovation and technology, the SCP, with its collection of global patent experts, could be an important forum for the global patent system of today and of the future. The Delegation expressed its pleasure to participate in important discussions including information sharing regarding expedited patent examination of IP offices across the globe during the subsequent session of the SCP. Referring to its general statement made during the WIPO General Assembly, the Delegation highlighted that the United States Patent and Trademark Office (USPTO) had recently announced the launch of a Climate Change Migration Pilot Program. The Delegation noted that that Program was designed to positively influence the climate by accelerating the examination of patent applications for innovations that reduced greenhouse gas emissions. The Delegation added that information on that Program was available on the USPTO website for any interested parties. Regarding the aforementioned Program and other similar programs around the globe, the Delegation highlighted the manner in which IP, and patents in particular, served as an effective mechanism for bringing innovation to market expeditiously to address global challenges. The Delegation welcomed the SCP's broad support for discussions on expedited patent examination mechanisms with patent offices across the globe, based on document SCP/33/4, and looked forward to continuing those and other discussions at future SCP sessions and further discussions on important cutting-edge patent issues in the SCP.

54. The Delegation of the Czech Republic, speaking on behalf of the European Union and its member states, thanked the Chair of the SCP, the WIPO Secretariat and the members of the SCP for the continuous effort and progress made since the last WIPO General Assembly. The Delegation highlighted that there had been constructive discussions and developments on all five main topics on the agenda of the SCP, namely: (i) exceptions and limitations to patent rights; (ii) the 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 Delegation stated that quality of patents, including opposition systems, was of particular importance to the European Union. In that regard, the Delegation highlighted that high-quality patents could guarantee the proper balance between the interests of inventors, industry and other stakeholders, on the one hand, and of the society, on the other hand. Further, the Delegation stated that it looked forward to addressing the work of the SCP, in particular with regard to the topic of AI. The Delegation noted that future work related to the topic of the quality of patents consisted of, *inter alia*, discussions on a study of sufficiency of disclosure as proposed by the Delegations of Brazil and Spain (document SCP/31/8 Rev.), on sharing experiences and information on the patentability of inventions using AI and by AI following the proposal submitted by the Delegations of France and Spain (document SCP/30/9) and on expedited patent examination mechanisms at IP offices as proposed by the Delegation of the United States of America (document SCP/33/4). The Delegation further stated that in addition to contributing to the technical quality of patents, it continued to believe that the SCP should serve as a forum for discussions about the differences between existing patent law systems as well as the harmonization of substantive patent law in the future. Further, the Delegation underlined that the European Union and its member states attached great importance to the topic of confidentiality of communications between clients and their patent advisors. The Delegation looked forward to continuing discussions on recent developments and experiences as well as to an information sharing session focusing on cross-border aspects of confidentiality of communications between clients and their patent advisers, which would take place at the thirty-fourth session of the SCP. The Delegation expressed its belief that technology transfer was an important tool that helped foster innovation and development. The Delegation underlined that technology transfer could create win-win situations in international economic relations, and it remained a topic of great importance to the European Union and its member states. Therefore, the Delegation looked forward to an information sharing session at the thirty-fourth session of the SCP that would highlight the positive contributions of the patent system in enhancing innovation, technology transfer and industrial development of countries, as

well as the changes therein through the presentation of concrete cases by various stakeholders. As regards patents and health, the Delegation stated that researchers and the pharmaceutical industry, supported by public funding, put extraordinary efforts in the development of vaccines and treatments against COVID-19. The Delegation emphasized that effective incentives supporting those efforts as well as licensing of patents had been crucial. Further, the Delegation stated that broad, affordable, equitable and global access to safe and effective vaccines, diagnostics and treatments was equally crucial in the fight against COVID-19. The Delegation underlined that a well-functioning, transparent and predictable system for IPRs, including its exceptions and flexibilities, proved not to be the problem, but part of the solution. Therefore, the Delegation looked forward to the exchange of updates on the initiatives on publicly accessible databases of patent status information concerning medicines and vaccines, and to the updated document by the WIPO Secretariat on the review of existing research on patents and access to medical products and health technologies at the next SCP session. Further, the Delegation looked forward to the presentations by the WHO, WIPO and WTO on their patent-related activities with respect to the COVID-19 pandemic, in the context of the trilateral cooperation, as well as to the presentation by the WHO on the C-TAP initiative in which Spain had taken part with regard to the COVID-19 serological antibody technology. In addition, the Delegation emphasized that while the European Union and its member states considered all topics on the agenda of the SCP important, it wished to reiterate its special interest in enhancing international cooperation and improving the technical knowledge on the patentability requirements. The Delegation expressed its view that ensuring a more efficient, effective and higher-quality patent system in all Member States was the right way forward in removing trade obstacles and could prominently contribute to economic prosperity. The Delegation expressed its commitment to continued efforts to advance the work of the SCP in accordance with its agreed workplan. The Delegation stated that it looked forward to interesting discussions and information sharing in the SCP, in the hope of achieving tangible results in the future.

55. The Delegation of India, speaking in its national capacity, thanked the WIPO Secretariat for the excellent documentation. The Delegation welcomed the inclusion of the exception regarding the use of articles on foreign vessels, aircrafts and land vehicles in the draft reference document, which would be submitted by the WIPO Secretariat in a future session of the SCP. The Delegation emphasized that pre-grant opposition systems, by allowing third parties to place the relevant information on record, contributed effectively towards improving the quality of granted patents. The Delegation expressed its interest to participate in an information sharing session related to transfer of technology, as part of the objectives of the TRIPS Agreement was to achieve the transfer and dissemination of technology and specifically to promote the transfer of technology in developing countries.

56. The Delegation of Kenya associated itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation commended the WIPO Secretariat for preparing the report on the SCP, contained in document WO/GA/55/2. The Delegation took note of the said report and acknowledged the progress made by the SCP so far. The Delegation supported the ongoing discussions in the SCP and looked forward to fruitful outcomes. It believed that the SCP should give priority to issues that needed to be expedited, such as the study on sufficiency of disclosure as well as technology transfer. Further, the Delegation stated that the SCP should look into matters related to the improvement on exchange of information on patent examination reports between IP offices, which was very useful for small IP offices in particular. The Delegation assured the SCP of its continued support.

57. The Delegation of Morocco congratulated the WIPO Secretariat on preparing excellent working documents on the work that had been done and the future work to be done by the SCP. The Delegation took note of the report contained in document WO/GA/55/2 and stated that it hoped that the debate would continue in the SCP on the various items on its agenda. The Delegation emphasized that it supported the proposals made by Member States to ensure that

activities on those various items continue. The Delegation underlined that it wished to, in the forthcoming meetings, continue the activities related in particular to the exchange of experience amongst Member States on the various items, which were being discussed in the SCP. The Delegation stated that it was particularly attached to the work in respect of the use of AI.

58. The Representative of ELAPI affirmed that there must always be respect and confidentiality between a person developing an invention and a person advising on a process for the protection of the invention. It noted that the existence of confidentiality meant providing overall security and a guarantee that the information that was being shared would be treated in the best possible way, avoiding the unauthorized disclosure of the information. Regarding the information session that was proposed to analyze whether inventions created by AI were patentable or not, the Representative stated that although for many years, inventors had been natural persons as such, if human beings and technology evolved, it would also be necessary to be open to the idea of including new concepts in relation to use of new technology, recognizing the help that AI could give to the society, especially in the time of pandemic, so as not to risk the health of natural persons. The Representative noted that while inventors must be recognized, it was crucial not to stop using and taking advantage of the existing technology. The Representative offered its academic cooperation to the Assemblies, Committees and Member States, especially to GRULAC in order to give patent law the warranted value.

59. The Representative of KEI stated that, in light of the recent developments on COVID-19, it would be interesting for the SCP to examine the options for manufacturers to export medicines under compulsory licenses, including the flexibility offered under Articles 44.1 and 44.2 of the TRIPS Agreement regarding the possibility of limiting the availability of injunctions. The Representative noted that, according to a report on the country response to compulsory licensing requests during the COVID-19 pandemic, several developed and developing countries had not considered the COVID-19 pandemic to be a sufficient ground for justifying the use of compulsory licenses. The Representative observed that there was some conflict between the statements made in Geneva on those issues and the actual decisions at the national level. The Representative further stated that it might also be good for the SCP to have presentations from those who had requested compulsory licenses in order to share their experiences in terms of why they had made the request, what kind of practical difficulties they had faced, and what had happened when they had made those requests. The Representative was of the view that while the TRIPS flexibilities and compulsory licenses were addressed in an abstract, high-minded theoretical manner in policy debates, international conversations should be blended with concrete cases happening on the ground. It added that there had been quite a few requests made in the context of the COVID-19 pandemic, particularly for therapeutics, which should be discussed at the SCP.

60. The Representative of TWN observed that there was no focused agenda on patents and COVID-19 medical products within the SCP, and expressed its concern about the inaction during the pandemic period and the lives of people. The Representative noted that it was important for the SCP to take note of the fact that patents were increasingly sought as a tool to manage competition rather than invention, which in its view, had been revealed by the stories of insulin patents and monoclonal antibodies. The Representative flagged its concern on the push for expedited patent examination, considering that the expedient examination and work-sharing might compromise the flexibilities related to the scope of patentability. It also noted that using AI-based technologies by developing countries posed a danger of harmonizing patent laws and thus undermined flexibilities, which would ultimately result in the proliferation of patent monopolies. In its opinion, developing countries should approach AI with extreme caution. In addition, the Representative drew the attention of Member States to the United Nations Conference on Trade and Development (UNCTAD) Report 2021, which called for the transformation of rules regarding IPRs, such as through the WTO Ministerial Declaration on TRIPS and climate change.

61. The WIPO General Assembly took note of the “Report on the Standing Committee on the Law of Patents (SCP)” (document WO/GA/55/2).

(iii) The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)

62. Discussions were based on documents WO/GA/55/3 and WO/GA/55/3 Corr.

63. The Secretariat indicated that, during the period under consideration, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) had held its forty-fifth session from March 28 to 30, 2022. One hundred and thirty eight delegations had attended the session, chaired by Mr. Alfredo Rendón Algara (Mexico). The SCT had made progress on its work in the three areas covered by the Committee, namely trademarks, industrial designs and geographical indications. In the area of trademarks, in addition to its work on the protection of country names, the Committee had concluded a comprehensive fact-finding exercise on nation brands, based on the replies from 65 Member States to an electronic questionnaire on Nation-Brand Protection in Member States. The SCT had also considered the Proposal by the Delegations of Colombia, Ecuador and Peru for a program for an Information Session on nation brands and had decided to continue discussing the proposal at its next session. Turning to the industrial design area, the Secretariat reported that the SCT had considered an updated proposal by the Delegations of Canada, Israel, Japan, the Republic of Korea, the United Kingdom, the United States of America and the European Union and its member states, for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUIs). Finally, in the area of geographical indications, the Committee had considered a proposal for topics for an Information Session on Geographical Indications, presented by the Delegations of the United States of America and Switzerland, and had agreed to hold an Information Session on Geographical Indications in conjunction with its forty-sixth session.

64. The Delegation of Jamaica thanked the Secretariat for the report on the work of the SCT, as contained in document WO/GA/55/3, and the Chair of the SCT for its guidance of the Committee’s work. The Delegation stated that it had continued to participate actively in the work of the SCT, which it valued. The Delegation recalled that, over the years, it had engaged with SCT members on its proposal, aiming at providing a guide to members for trademark examination at the national and regional levels in order to promote a consistent and comprehensive protection for country names. For the Delegation, the SCT continued to serve as the appropriate forum to discuss those matters. The Delegation was of the view that, although some protection for country names could be available through the existing national trademark laws of some Member States, such protection was inadequate and inconsistent, resulting in the free-ride on the goodwill and reputation of the country, without any genuine connection. That continued to be the experience of Jamaica. The Delegation announced that constructive feedback and comments on the proposal, made by members at the last SCT session, would be taken on board in preparing the next SCT session. Adding that, along with co-sponsors, it would undertake consultations on the proposal, the Delegation declared its availability to engage with Member States regionally and bilaterally in that regard. The Delegation looked forward to receiving any additional feedback on the proposal to achieve consensus on an agreeable solution for the protection of country names in the international trademark system. Turning to geographical indications, after thanking the Secretariat for the organization of a half-day Information Session on Geographical Indications, the Delegation recommended that the SCT continue holding information sessions on matters of interest to Member States. The Delegation looked forward to continuing the collaboration with members to further advance the SCT work.

65. The Delegation of Slovakia, speaking on behalf of the CEBS Group, thanked the Chair and the Vice-Chairs of the Committee for their able guidance of the work of the forty-fifth

session of the SCT, the Secretariat for its efforts in preparing SCT sessions and Members States, including countries from the CEBS Group, for their inputs on different topics. While appreciating the discussions on country names and geographical names held at the last SCT session, the CEBS Group, recognizing that the proposals had gained cross-regional support from Member States, looked forward to the revision, and possible merging, of the relevant documents and to further discussions on the issue within the Committee. As regards industrial designs, the CEBS Group believed that the proposed Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces could serve as a basis for the modern protection of designs in interested jurisdictions and for further identification of best practices. Hence, the CEBS Group expressed hope for a joint recommendation by the Committee in the near future. Additionally, on industrial designs, the CEBS Group, noting that a compromise solution on the draft Design Law Treaty (DLT) had not been found yet, reiterated its regret on the inability to reach an agreement on the remaining outstanding articles of the DLT. Pointing out that the work should not revert back to the SCT, the CEBS Group said that the WIPO General Assembly should continue to undertake efforts on reaching a reasonable and compromised outcome on the text. Welcoming the creation of the database prototype on the temporary protection of industrial designs at certain international exhibitions, based on the replies to the related-questionnaire, the Delegation expressed the CEBS Group's support as regards the full development of such database, in compliance with the necessary and estimated cost. Finally, as regards geographical indications, the CEBS Group noted the valuable information provided during the Information Session on Geographical Indications at the forty-fifth session of the SCT. The CEBS Group expressed its satisfaction on the agreement reached on the future work program on geographical indications, according to which the information session, to be held at the next SCT session, would comprise two panels, including one on geographical indication protection for non-agricultural goods and services. The CEBS Group concluded by welcoming the valuable exchanges among the delegations concerning different practices and practical issues, as well as the deliberations on various proposals, which were of the benefit of all Member States.

66. The Delegation of Algeria, speaking on behalf of the African Group, noted the report on the work of the SCT, as contained in document WO/GA/55/3, and thanked the Secretariat for its preparation and the Chair and Vice-Chairs of the Committee for their devoted efforts for the proper conduct of the Committee's work. Highlighting the importance of the issues dealt with by the Committee, the African Group reaffirmed that the Committee should strive for progress on all the examined questions in an inclusive and balanced manner, while taking care to nurture a shared understanding of new topics, before moving on to any standard-setting activity. As regards the DLT, the Group noted that discussions on the matter within the Committee had been broken off because of the insistence of some delegations to bring the question to the WIPO General Assembly's attention. The Group regretted that the WIPO General Assembly had not yet been in a position to agree on the convening of a diplomatic conference for the adoption of a DLT. The Group observed that no consensus had been reached yet on some articles, including Article 3 of the draft DLT for which the African Group had proposed the inclusion of a disclosure clause relating to the origin or source of traditional cultural expressions (TCEs), traditional knowledge (TK) and genetic resources (GRs) used for, or included in, an industrial design. Expressing its readiness to discuss its proposal, as demonstrated by its constructive involvement in the past within the Committee and the WIPO General Assembly, the Group remained optimistic about the possibility of reaching a mutually agreed solution, which would take into account its legitimate concerns. Turning to the area of trademarks, the Group recognized the interest of the proposals on the protection of country names and geographical names of national significance against their registration and use as trademarks and on the protection of country names and geographical names of national significance in the Domain Name System (DNS). The Group hoped that the work on those proposals would go beyond a mere collection of information and would lead to concrete results, which would bring an end to attempts to monopolize names of sovereign countries and the misleading use of those names by private entities. Noting with interest the Committee's work on

the protection of GUIs as industrial designs, the Group expressed the wish for the continuation of exploratory activities, based on factual data, on the impact of the protection of technological designs on innovation, including in developing countries, before moving on to any standard-setting activity. Finally, the Group maintained that the Committee should intensify its activities on the question of the protection of geographical indications, with a focus on handicrafts and agricultural products, and their role in the protection of certain types of TK.

67. The Delegation of the Dominican Republic, speaking in its national capacity, expressed gratitude for the work of the Chair and Vice-Chairs of the SCT. The Delegation pointed out the considerable increase of regulations to prevent the use of trademarks over the years. In particular with plain packaging reducing or prohibiting the use of trademarks, the Delegation believed that there was a high risk that those type of provisions be extended beyond cigarettes' packaging and could affect other sectors, such as foodstuffs and drinks, which would further restrict IP. In the Delegation's viewpoint, those measures reduced the benefit of IP and, in particular, trademark rights. The Delegation considered that plain packaging shifted consumers' preferences away from premium brands to cheaper brands and lower quality items. The Delegation added that, while not reducing the consumption of tobacco products, plain packaging increased the consumption of lower quality products and counterfeited goods, created confusion and made it difficult for consumers to make a wiser choice from the point of view of health. For those reasons and many others, the Delegation concluded by appealing to WIPO to study that important matter and the effects of the constant erosion of trademark rights on society.

68. The Delegation of the European Union, speaking on behalf of the European Union and its member states, welcomed the continued progress achieved by the SCT during its last session. The Delegation also noted with appreciation that, in March 2022, the SCT had been able to hold its first full broad negotiation session, since the outbreak of the COVID-19 pandemic, with considerable physical attendance and some informal discussions reviving. As regards the designs area, the Delegation commended the progress made on the topic of GUIs, icon and typeface/type font designs. At the last SCT session, the Delegation had welcomed an updated proposal from the Delegations of Canada, Israel, Japan, the Republic of Korea, the United Kingdom and the United States of America, as reflected in document SCT/44/6 Rev.3. The Delegation had been delighted to join the co-sponsors of the said updated proposal, as it was supportive of its text. Reiterating the view that the adoption of recommendations on GUIs designs would further contribute to the modernization of practices on designs, the Delegation looked forward to continuing discussions on the updated proposal at the next SCT session and to working together with other delegations to finalize the recommendations in order to foster a more harmonized approach. Concerning the temporary protection of industrial designs at certain international exhibitions, the Delegation welcomed the presentation of the database prototype, as developed by the Secretariat for the last SCT session, and expressed support for the extension of the prototype into a full database. As to the DLT, the Delegation reiterated its view that the WIPO General Assembly was the appropriate forum to continue negotiations aiming at achieving a compromise on outstanding issues. The Delegation stood ready to explore constructive proposals towards the finalization of the DLT. Turning to the trademarks area, on the topic of country names, the Delegation reiterated that it would welcome an attempt to merge some underlying concepts previously submitted and long-debated proposals on the table. The Delegation would appreciate the effort to simplify discussions by reducing the number of competing revised proposals. While recommending a spirit of seeking consensus, as reflected in the joint proposal contained in document SCT/43/6, the Delegation looked forward to continuing discussions on that proposal. Concerning the topic of nation brands, the Delegation recalled that, at the last SCT session, it had welcomed the revised compilation of Returns to the Questionnaire on Nation-Brand Protection in Member States, as prepared by the Secretariat in document SCT/43/8 Rev. The Delegation said that it remained open to continue exploring the state of play as regards nation brand protection in Member States. Finally, as to geographical indications, the Delegation thanked the Secretariat and SCT members for the

work in preparing and delivering the Information Session on Geographical Indications. The process of advancing the international debate on geographical indications had been a valuable and constructive exercise, which had been received with great interest among the participants. Considering that information sessions should address topics of significant importance and relevance for geographical indications, the Delegation maintained its concern over the treatment of geographical indications on the Internet, particularly in relation to the Internet domain name disputes. At the same time, the Delegation looked forward to the next information session, where topics on geographical indication protection for non-agricultural goods and services would be presented and discussed. The Delegation announced that it was considering the submission, at the forty-sixth session of the SCT, of a topic for an Information Session on Geographical Indications that would be held in conjunction with the forty-seventh session of the SCT. The Delegation concluded by stating that it remained actively engaged in continuing the work in all the three key areas of the SCT.

69. The Delegation of Kenya associated itself with the statement made by the African Group and thanked the Secretariat for the preparation of the documents under consideration. The Delegation was of the view that the proposed amendments aimed at streamlining and expediting the office procedure of the International Bureau, which was both beneficial to the applicants and the International Bureau. The Delegation added that the main objective of the Madrid System was to facilitate the procedure of trademark registration at the international level.

70. The Delegation of Serbia expressed support for the important work of the SCT and thanked the Secretariat for its hard work relating to the Committee's activities and for the comprehensive and informative report under consideration. The Delegation associated itself with the statement made by the Delegation of Slovakia on behalf of the CEBS Group. The Delegation indicated that its IP Office had been actively participating in the Madrid Goods and Services Manager (MGS) project for more than eight years. In the course of last year, the IP Office had prepared a translation of the eleventh edition of the Nice Classification into the Serbian language. Moreover, the IP Office had set class headings, explanatory notes and amendments to update the Serbian version of the database on WIPO's website. To ensure that the Serbian version was always up-to-date, the Delegation reported that its IP Office regularly offered assistance to WIPO, where needed. The Delegation was delighted to report that its IP Office and WIPO had a smooth and effective cooperation in that regard. Adding that, as per WIPO's request, its IP Office had recently prepared the translation of the latest version of the Frequently Asked Questions (FAQs), including an updated Serbian translation, the Delegation indicated that it would continue to support actively the work of the Committee.

71. The Delegation of Ukraine, after thanking the Secretariat for the preparation of the report under consideration, expressed support for the statement made by the Delegation of Slovakia on behalf of the CEBS Group. The Delegation highlighted the utmost importance of the SCT work for the development and protection of trademarks, industrial designs and geographical indications. The Delegation recalled that, in meetings over the past years, it had addressed different WIPO platforms and mechanisms repeatedly on the crucial issue of false indications in applicants' address, where the Russian Federation was indicated as the address of applicants from temporarily occupied territories of Ukraine. From the Delegation's point of view, that practice violated the United Nations (UN) common position on the territorial integrity of Ukraine. In view of the territorial scope of trademarks, industrial designs and geographical indications, the Delegation requested that, as regards the IPRs in WIPO registers, Ukraine's internationally recognized borders be fully respected and that any IPR with the holder's address in the temporarily occupied territories of Ukraine be marked as Ukraine as country of origin. The Delegation indicated that the Russian Federation's aggression and disrespect for international law, including IP, continued to undermine WIPO's ability to advance a balanced and effective IP system worldwide. The Delegation concluded by stating that it was convinced that WIPO and its Member States would stand by Ukraine and take jointly immediate corrective actions on the territorial issue to prove the effectiveness and respect of IP in the world.

72. The Delegation of Spain thanked the Secretariat for the excellent document under consideration and the Chair of the Committee for his work. The Delegation also welcomed the efforts and contributions made by delegations, which had allowed the Committee to move forward on all of the items of its agenda. As regards its Proposal on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions, the Delegation was delighted that a large number of delegations had supported the proposal. The Delegation observed that activities related to international exhibitions had contributed to the global Gross Domestic Product (GDP) in 2018, having led to the creation of numerous jobs at a global level and to visits by tourists from more than 180 countries. The Delegation welcomed the development of a complete database on the matter, which would have economic and human benefits and would allow the provision of relevant information to protect temporarily industrial designs at certain international exhibitions. The Delegation expressed support for the Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces, as the recommendation would, without any doubt, ensure the protection for designs in the digital environment. In that regard, the Delegation thanked the Delegation of the United States of America as well as other co-sponsors for their initiative. In the field of trademarks, the Delegation pointed out that the protection of country names and geographical names of national significance, as reflected in a number of proposals made by Member States, enabled the identification of shared concepts and approaches to facilitate discussion and progress on all of those points. The replies to the Questionnaire on Nation-Brand Protection in Member States had given rise to an important debate on the economic and legal aspects of the issue. Turning to geographical indications, the Delegation informed Member States that Spain was the third largest European Union country with protected geographical indications and appellations of origin. In the Delegation's viewpoint, adequate protection of geographical indications was needed. The Delegation welcomed the forthcoming information session on the protection of geographical indications for services and in the handicraft and industrial spheres, in line with the proposal for a Regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products. Finally, the Delegation expressed its commitment to carry on its active participation in the Committee's work to continue to have a multilateral forum allowing for debates on trademarks, industrial designs and geographical indications among delegations.

73. The Delegation of Uganda, expressing its support for the statement made by the Delegation of Algeria on behalf of the African Group, commended the Secretariat for the preparation of the documents and thanked Mr. Alfredo Rendón Algara, the Chair of the SCT, for guiding the work of the Committee. The Delegation further positively acknowledged the input of the Member States for the proposals made on different agenda items, as well as the information session prepared by the Secretariat. Notwithstanding the fact that some items remained unresolved for prolonged periods, particularly the protection of country names and geographical names of national significance, the Delegation believed that a coordinated approach on the international level would be the most viable option to prevent misappropriation or monopolization of country names by individual applicants. In conclusion, the Delegation was of the view that such topics should be prioritized in order to enable the Committee to conclude them.

74. The Delegation of the Central African Republic, thanking the Chair of the SCT, Mr. Alfredo Rendón Algara and the Secretariat for the work done thus far, expressed its support for the statement made by the Delegation of Algeria on behalf of the African Group. Pointing out that the African Intellectual Property Organization (OAPI), together with WIPO and other partners, had implemented a project on geographical indications and collective marks, the Delegation was of the view that the project had proved that IP was a development tool, in particular with regard to agriculture and handicrafts. The Delegation also believed that the project responded to the needs of rural populations, helped the young people and women, as well as small and medium-sized enterprises (SMEs), to organize themselves in a dynamic local production system so that they could improve their lives. The Delegation also indicated that a Ministerial

Conference of OAPI Member States had recently taken place in Côte d'Ivoire on the promotion of geographical indications, proving a great opportunity for an exchange of experience and information. In conclusion, the Delegation expressed the view that, by increasing the budget of the relevant unit in WIPO, a continuous support in that field would be ensured, which would be welcomed by Member States.

75. The Delegation of Colombia thanked the SCT for the work done during the period under consideration and, in particular, the Chair Mr. Alfredo Rendón Algara, who had contributed to the progress made in the discussions on trademarks, industrial designs and geographical indications. Underscoring the importance of the information sessions on geographical indications, the Delegation believed that such discussions were useful for Member States, as they allowed them to share experiences and understand how the different protection systems work. Finally, the Delegation believed that information sessions on other issues such as nation brands would also prove to be beneficial for Member States in the context of the current discussions within the Committee.

76. The Delegation of Ghana, aligning itself with the statement made by the Delegation of Algeria on behalf of the African Group, thanked the Secretariat and the Chair of the Committee for the guidance and the dedication to the work of the Committee. Pointing out that it followed with keen interest the work of the Committee, the Delegation informed the WIPO General Assembly of Ghana's accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications in November 2021. Welcoming the agreed work program by the Committee to hold an Information Session on Geographical Indications in conjunction with its forty-sixth session, the Delegation looked forward to the Information Session on Geographical Indication Protection for Non-agricultural Products and for Services. The Delegation also looked forward to the updates by the Secretariat on the developments in the DNS. Expressing its appreciation for the work carried out by the SCT, the Delegation believed that the progress made in the field of designs was encouraging. The Delegation hoped that the progress and subsequent work of the Committee would lead to a consensus on pending issues, particularly for the convening of a diplomatic conference for the adoption of the DLT.

77. The Delegation of the Russian Federation thanked the Secretariat for preparing the report on the work of the SCT and the Member States that provided information and took part in the discussion on the issue of granting temporary protection to industrial designs at certain international exhibitions. The Delegation noted that, while in some Member States there were no statutory criteria for the classification of exhibitions as "official" and "officially recognized", other countries did have such criteria. However, there was no uniform or universal approach to the definition of such criteria, which complicated or even made it impossible for right holders to use their rights to establish exhibition priority, in particular, for applications for industrial designs in foreign States. The Delegation expressed the view that the issue of establishing exhibition priority was still relevant for many applicants exhibiting new designs, including at international exhibitions that currently did not fall under the category of official and officially recognized international exhibitions under the Paris Convention on International Exhibitions. Taking into account the foregoing, the Delegation proposed to develop recommendations for Member States regarding the definition of criteria for classifying exhibition events into categories, in order to harmonize approaches for setting exhibition priority. The Delegation further supported the work of the SCT on the development of a database, in all six official languages of the UN, containing information obtained in the replies to the questionnaire on exhibition priority. In addition, the Delegation expressed its interest in further discussing balancing approaches to the issue of the protection of country names. Indicating that the recommendations developed within the framework of the Committee would be of great use to all Member States, the Delegation expressed the hope to continue a constructive dialogue on that issue. Paying great attention to the issue of the protection of geographical names as part of trademarks, as well as to the protection of geographical indications and appellations of origin, the Delegation thanked the Secretariat for the organization of the Information Session on Geographical Indications in

March 2022. The Delegation also pointed out that the latest changes in Russian legislation regarding the registration of trademarks with a geographical connotation were aimed at protecting regional producers by prohibiting or restricting the registration of such trademarks in the name of applicants from other regions. In addition, the Russian Federation was completing domestic procedures in order to become a full member of the Lisbon System. In terms of recent changes in Russian trademark legislation aimed at harmonizing national practice with international best practices, the Delegation noted the expansion of the right to file trademark applications to individuals as from next year. The Delegation explained that, currently, the right to file trademark applications was limited to legal entities and individual entrepreneurs.

78. The Delegation of Lithuania, aligning itself with the statements made on behalf of the CEBS Group and on behalf of the European Union, concurred with delegations that had expressed concerns related to addresses in international registrations under the Madrid Protocol. The Delegation recalled that those concerns had been raised by the Delegation of Ukraine on several occasions, including in the last session of the SCT. In particular, addresses in the illegally annexed territories, such as Crimea and Sevastopol, were indicated to be in the Russian Federation as the country of origin. Recalling the UN General Assembly's Resolution 68/262 of 2014, on the territorial integrity of Ukraine, the Delegation expressed the confidence that WIPO international registries would reflect Ukraine's internationally recognized borders. Concluding that the policy of non-recognition of the illegal annexation of those territories should be respected as regards IPRs, the Delegation called for WIPO's actions on that matter.

79. The Delegation of Indonesia conveyed its appreciation to the Secretariat, as well as to the Chair and Vice-Chairs of the SCT, for their leadership, guidance and assistance. The Delegation expressed its support for the discussion of the revised proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names, as well as for the Joint Proposal Concerning the Protection of Country Names and Geographical Names of National Significance, both in the trademark and DNS. The Delegation believed that a positive decision on those matters was within reach. With regard to geographical indications, thanking the Secretariat and the Member States for the informative discussion on geographical indications in *sui generis* and trademark systems, the Delegation looked forward to the upcoming Information Session on the Protection of Geographical Indications for Non-agricultural Goods and Services. Finally, the Delegation expressed its commitment to the work of the SCT, including to the discussion on industrial designs and GUIs.

80. The Delegation of Morocco thanked the Secretariat for the quality of the working documents. Underlying the importance it attached to the work undertaken in the framework of the SCT, the Delegation considered that the protection of country names and geographical names was of great interest, as it had observed an increased use of those names. The Delegation therefore encouraged the SCT to continue working on that issue.

81. The Delegation of Poland aligned itself with the statements made by the CEBS Group and the European Union, and supported the declaration made by the Delegation of Ukraine. The Delegation called on WIPO to adapt the policy of non-recognition of the illegal annexation of Ukraine territories – such as Crimea or Sevastopol – with respect to international intellectual property rights, in cases where the address of the right holder in the temporarily occupied territories of Ukraine bore the indication of the Russian Federation as country of origin. Expressing support to Ukraine's legitimate interest that data regarding parties' addresses in WIPO registries reflect Ukraine's internationally recognized borders, the Delegation recommended a revision of WIPO's registries in order to reflect internationally recognized borders by the UN, where applicable.

82. The Delegation of Latvia supported the statements made by the CEBS Group and the European Union, and shared the concerns expressed by the Delegations of Ukraine, Lithuania and Poland. The Delegation stressed the importance of taking into account the UN General

Assembly's resolution on the territorial integrity of Ukraine, as well as the policy of non-recognition of illegally annexed territories of Ukraine with respect to IPRs.

83. The Delegation of India thanked the Chair of the SCT for his guidance, as well as the Secretariat for the preparation of the report. Underlying the fact that domestic norms on the protection of geographical indications varied in different jurisdictions, the Delegation welcomed the information gathering exercise in that regard, as it would improve Member States understanding on the issue. The Delegation considered that this was a matter of general policy, dealt with by the different Member States according to the relevant circumstances in their jurisdictions, and that such flexibility should be preserved. Pointing out that it attached great importance to the discussions on geographical indications, the Delegation expressed appreciation for the decision to hold an Information Session on the Protection of Geographical Indications for Non-agricultural Products, following the proposal made by the Delegation of the United States of America. The Delegation was confident that the session would shed light on the role of non-agricultural geographical indications that had earned a reputation for their high quality and traditional skills, as elements of local identity and culture that attract tourism and create jobs.

84. The Delegation of Estonia aligned itself with the statements made on behalf of the CEBS Group and the European Union, and expressed full support to the statement delivered by the Delegations of Ukraine, Lithuania, Poland and Latvia. The Delegation shared the concerns relating to addresses in international registrations made under the Madrid Protocol.

85. The Delegation of Peru thanked Mr. Rendón Algara for his work as Chair of the SCT. Indicating that the country name issue was particularly relevant to its country, the Delegation thanked the Secretariat for the document compiling the replies to the online survey, which had shown the importance of the topic for a large number of Member States, at the time of designing and implementing public policies to promote and enforce their identity and image. The Delegation reiterated the importance of organizing an Information Session on Nation Brands to enable dialogue on that matter, in particular on the impact, benefits, challenges, as well as on legal and enforcement aspects of nation brands. The information session would also allow for the exchange of different experiences of the Member States.

86. The Delegation of the United States of America thanked the Secretariat for the documents, as well as those delegations which had expressed support for the updated proposal by the Delegations of Canada, Israel, Japan, the Republic of Korea, the United Kingdom, the United States of America and the European Union for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces. Considering that industrial designs and their protection were significantly impacted by the advance of technology, the Delegation felt it was important for the SCT to use its expertise for discussions on industrial designs in new technological environments, from projections to holographic imagery, virtual and augmented realities and other digital interfaces. While reserving its intervention on the DLT for later, the Delegation considered that work on that matter should continue within the SCT until a consensus recommendation could be reached.

87. The Delegation of Trinidad and Tobago, applauding the tireless work of the SCT, expressed its support for the statement made by GRULAC. The Delegation was pleased to announce that, since the operationalization of the Madrid Protocol in Trinidad and Tobago on January 12, 2021, Madrid designations had accounted for 31 per cent of its trademark filings. In addition to the numerous designations of Trinidad and Tobago, the Delegation reported that the Madrid System had received multiple filings from its local inventors and entrepreneurs, in particular through the carnival industry. Through the newly established National Intellectual Property Training Centre (NIPTC), which incorporated WIPO's IP Diagnostic Tool, as customized for Trinidad and Tobago, the Madrid System was being promoted locally to SMEs and large multinational corporations. The Delegation wished to express its support for a

balanced approach regarding the revised proposal made by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names, as contained in document SCT/43/9. With respect to industrial designs, the Delegation thanked WIPO for its assistance in the preparation of its draft legislation to facilitate its accession to the Geneva Act (1999) of the Hague Agreement. The Delegation anticipated accession to that Agreement by the next WIPO General Assembly. The Delegation expressed its support for the discussions pertaining to the convening of a diplomatic conference on the DLT. As regards geographical indications, the Delegation mentioned that it was working on fostering and promoting geographical indication registrations. Finally, the Delegation stated that it looked forward to the continuing work of the Committee as it sought to guide Member States along their developmental paths.

88. The Representative of ELAPI thanked the Secretariat for preparing the report, as well as the SCT for the discussions on the proposals to regulate nation brands and geographical names of national significance and their application to the DNS. Currently, global competition in investment markets had strengthened the idea of protecting, handling and maintaining national brands, so that they became a differentiating factor in international markets and a national identifier for those countries that requested them. Expressing appreciation for the progress made on industrial designs, including the proposed DLT, the Representative believed that such a piece of legislation would harmonize the examination criteria and the handling of industrial designs around the world. Considering the increase and impact of digital platforms, the Representative would welcome the implementation of a Joint Recommendation on the Protection for Graphical User Interfaces as industrial designs. The Representative reaffirmed ELAPI's commitment with the WIPO General Assembly and the SCT to continue with the work proposed in order to promote, educate, and reinforce international and national regulations on industrial property.

89. The WIPO General Assembly took note of the "Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)" (documents WO/GA/55/3 and WO/GA/55/3 Corr.).

(iv) Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT)

90. Discussions were based on documents WO/GA/55/4 and WO/GA/55/11.

91. The Secretariat introduced the agenda item, indicating that document WO/GA/55/4 presented an overview of the work of the WIPO General Assembly with respect to the convening of a diplomatic conference for the adoption of a Design Law Treaty (DLT). The Secretariat recalled that, at its session in 2021, the WIPO General Assembly had revisited the matter under consideration and that informal consultations with the different groups had taken place under the guidance of former Ambassador Ms. Socorro Flores Liera (Mexico), Ambassador Ms. Alicia Arango Olmos (Colombia) and Ambassador Mr. Muhammadou Kah (the Gambia). Finally, the Secretariat recalled that the WIPO General Assembly had decided at that session that it would continue considering the convening of a diplomatic conference on the DLT, to take place no sooner than 2023.

92. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, regretted that the 2021 WIPO General Assembly had not reached an agreement on the convening of a diplomatic conference for the adoption of the DLT. In that regard, the Group expressed the view that Member States needed to tackle that issue with pragmatism, political will and flexibility in order to reach an agreement, which would be beneficial to all. Reiterating the willingness to work with all Member States to achieve the necessary consensus, the Delegation expressed its full support for the convening of a diplomatic conference for the adoption of the DLT.

93. The Delegation of Germany, speaking on behalf of Group B, thanked the Secretariat for preparing document WO/GA/55/4. The Delegation said that, despite all the efforts and goodwill, the discussions remained unfortunately at a stalemate since 2015, when a new provision in an article had been proposed to a nearly finalized draft treaty text. Recalling the long history of the issue under discussion, the Delegation expressed its regret that the lack of consensus was preventing users from the benefit of clarified and simplified formalities for registering industrial designs. In conclusion, Group B hoped that Member States would be able to reach agreement regarding a text that would fulfill its fundamental objective of simplifying registration formalities.

94. The Delegation of Slovakia, speaking on behalf of the CEBS Group, took note of all the statements made by the delegations and the proposal made by the Delegation of the United States of America presented at the forty-fifth session of the SCT in March 2022. Taking into account the decision of the 2021 WIPO General Assembly to continue considering the convening of a diplomatic conference on a DLT, the Group reiterated its preference for the remaining open areas of the DLT to be further negotiated and resolved within the WIPO General Assembly. Considering that the DLT text had already been ready, the Delegation recalled the Group's flexibility, as well as the flexibility expressed by other regional groups, which could have brought the issue to a real outcome. The Group said that, despite all the efforts and attempts invested into finding a workable solution for a treaty that would provide enhanced protection for designs, as well as simplify and harmonize the existing registration procedures, Member States had not been able to move forward with an appropriate decision on convening of a diplomatic conference. Recalling that at the 2021 session of the WIPO General Assembly no substantive negotiations had been held on the DLT and that the white paper had not been substantively discussed, the Group expressed the hope that the current session would provide a better opportunity to engage constructively in discussions and achieve positive outcomes on the remaining open questions, namely those concerning disclosure requirements, technical assistance and capacity building. Reiterating the great importance attached by the CEBS Group to the DLT, the Delegation expressed the Group's readiness to demonstrate its constructive spirit, expecting a similar approach from other Member States. Finally, the Group expressed its readiness to exchange views on the new proposal and find a solution acceptable to all, which would enable the WIPO General Assembly to recommend the convening of a diplomatic conference as soon as possible.

95. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, said it attached high importance to the adoption of the DLT. Recalling its constructive contribution to the discussions, the Group expressed appreciation for the efforts made by the facilitator and the friends of the Chair to reach a consensus on the outstanding issues, including on the convening of a diplomatic conference. The Group held the view that developing countries should have ample policy space to shape their industrial design protection systems in accordance with national priorities, and reaffirmed its readiness to engage constructively towards bridging gaps on provisions concerning technical assistance and a disclosure requirement, as contained in the draft text.

96. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Secretariat for the preparation of document WO/GA/55/4, which provided for the state of play of the discussions on the question relating to the convening of a diplomatic conference for the adoption of a DLT. Expressing gratitude to the Chair of the WIPO General Assembly, Ambassador Ms. Tatiana Molcean, for her efforts to make real progress on that agenda item, the Group was however disappointed to see that the WIPO General Assembly had not been able to take a decision on that question, despite the sincere efforts put in over many years to find a mutually acceptable solution. The Group recalled that extensive discussions had taken place on the text of the future DLT, without agreement on the inclusion of certain key provisions relating to technical assistance and disclosure requirements, which were of great importance for many developing countries. Recognizing the important contribution of industrial designs in job creation and economic growth in all countries, the Group underlined the positive impact of an

international instrument on registration formalities, on innovation and national industries competitiveness. However, the Group held the view that such an instrument should be balanced and take account of the legitimate interests of all Member States, whatever their level of development. The Delegation recalled that the Group had shown flexibility in accepting a non-binding disclosure clause, in order to reach consensus, as it believed it would not be realistic to envisage the DLT without a provision concerning the disclosure of TK and cultural expressions, given its impact on assets protection in Member States legislations. Moreover, the Group considered that the DLT should provide for a binding provision on technical assistance, to take into consideration the reality and practical challenges facing Member States. Expressing the wish that a diplomatic conference on the DLT would be convened as soon as possible, the Group noted with appreciation the expressions of interest from Member States to host the diplomatic conference. The Group expressed its commitment to work with all Member States to reach agreement on the convening of the diplomatic conference on the DLT.

97. The Delegation of Brazil reiterated its support for the convening of a diplomatic conference to finalize the text of the DLT. The Delegation conveyed its appreciation for the facilitators' efforts over the last years, and expressed its readiness to consider different legal solutions that could overcome the stalemate impeding negotiations to move forward, while taking into consideration the different concerns raised.

98. The Delegation of Indonesia associated itself with the statement made by the Delegation of India on behalf of the Asia and the Pacific Group. The Delegation thanked the Secretariat for the report contained in document WO/GA/55/4, as well as the Chair and Member States for their positive contribution to the discussion to reach an agreement on the draft DLT pending issues. Reiterating its willingness to participate in all negotiations, the Delegation expressed its commitment to engage constructively in the effort to bridge the remaining gaps towards a complete resolution of the outstanding issues and the convening of a diplomatic conference for the adoption of the DLT.

99. The Delegation of Colombia aligned itself with the declaration made by the Delegation of the Dominican Republic on behalf of GRULAC, and declared that it attached the utmost importance to the existence of international regulatory instruments allowing the harmonization of IP systems to the benefit of all users. The Delegation urged the Member States to continue joining efforts, and reiterated its support to a prompt convening of a diplomatic conference for the adoption of a DLT.

100. The Delegation of China expressed its support for the development of the DLT and hoped that all parties would join efforts, consider each other's requests and demonstrate flexibility to reach a consensus as early as possible to hold a diplomatic conference. As regards the disclosure requirement, the Delegation advocated for a balance between innovation development and the protection of traditional culture, through the principle of benefit sharing. Finally, concerning the provisions where no consensus had been reached yet, the Delegation suggested the use of reservations that would offer more flexibility to gain broader support from Member States.

101. The Delegation of the European Union, speaking on behalf of the European Union and its member states, said that it took note of the proposal made by the Delegation of the United States of America in document SCT/45/4 to continue discussions on the draft DLT within the SCT. However, the Delegation indicated that the European Union and its member states did not support that proposal, although no solution had been found on the two remaining open issues, namely the proposal for a disclosure requirement to be included in Article 3 of the treaty and the specific nature of the instrument on technical assistance and capacity building in implementing the treaty. With regard to the first outstanding issue, the Delegation recalled its active engagement in efforts to agree on an appropriate wording for Article 3. Regretting that a decision to convene a diplomatic conference had not been made by the WIPO General

Assembly in the past years, the Delegation considered that, given the benefits of harmonizing and simplifying design registration procedures for users and WIPO Member States across the spectrum of development, the continued delay in its adoption was unfortunate. Recalling that the basic text of the DLT had been stable since 2014, the Delegation feared that the text could become outdated. The European Union and its member states expressed appreciation for the efforts of the 2021 WIPO General Assembly and the friends of the Chair, as well as for the committed endeavors of the facilitator Ambassador Ms. Socorro Flores Liera in conducting informal consultations with regional coordinators on the DLT. The Delegation however found that some questions raised would call for substantive exchanges, which had not been possible during the last session given its hybrid format. The Delegation held the view that the 2022 WIPO General Assembly might be in a much better position to continue discussions on the DLT, and expressed the readiness of the European Union and its member states to discuss and explore constructive solutions on the two remaining open issues.

102. The Delegation of the Gambia welcomed the various calls to convene a diplomatic conference on the DLT, and aligned itself with the African Group on that matter. As one of the friends of the Chair having circulated the white paper on the DLT together with the Delegation of Colombia, the Delegation expressed support for any progress on the agenda towards the convening of the diplomatic conference. The Delegation said that the proposed DLT aimed at helping designers to obtain easier, faster and cheaper protection for their designs in home markets and abroad. Given the benefits for the design industry, not only in terms of GDP but also for education, sustainability and community building, the Delegation believed that the DLT would streamline the global design protection system by eliminating the administrative formalities and accelerating protection procedures. As these changes would benefit all designers and particularly small and medium-sized designers, many of which were located in the African continent and had less access to legal support, the Delegation considered that the DLT would facilitate design protection for SMEs in low and medium income countries. Expressing full support for any flexibility that would ensure progress on the text and the convening of a diplomatic conference, the Delegation called for a full multilateral engagement, bearing in mind the need to redress the existing unequitable balance that might retard progress on that matter.

103. The Delegation of India, speaking in its national capacity, highlighted the importance of the DLT, which aimed at introducing simplified design registration procedures and several solutions for efficient design protection in the legislations of WIPO Member States. Recalling its participation and significant contribution to the discussions on the treaty, the Delegation believed that the WIPO General Assembly, according to its mandate, would take a firm decision on that matter. The Delegation reaffirmed its support to the provisions on technical assistance and disclosure requirement to be included in the treaty, as they were highly desirable for capacity building and for enabling LDCs and developing nations to adapt their design laws. The Delegation trusted that consensus was the only way forward and affirmed its commitment to constructively participate in the discussions.

104. The Delegation of Uganda expressed its support for the statement made by the Delegation of Algeria on behalf of the African Group and thanked the Secretariat for the preparation of the document under consideration, reflecting the state of the discussions on the question of the convening of a diplomatic conference for the adoption of a DLT. While regretting that previous WIPO General Assemblies had been unable to find solutions to the matter, the Delegation recalled its consistent approach on the DLT negotiations, based on pragmatism, flexibility, and open engagement to find a mutually acceptable outcome. However, in the Delegation's viewpoint, the final treaty should include a substantive provision on disclosure requirements of the origin or source of TK or traditional designs used in industrial designs, as well as a provision on technical assistance and capacity building. The Delegation concluded by stating that it stood ready to engage constructively to find a mutually agreed outcome.

105. The Delegation of the Russian Federation thanked the Secretariat for the preparation of document WO/GA/55/4. The Delegation stated that it welcomed the idea of convening a diplomatic conference for the adoption of a DLT, indicating that it was convinced that the international treaty would allow applicants to reduce the cost of applications for registration of industrial designs, improve the quality of examination and speed up examination procedures. The Delegation highlighted the importance of bridging divergences between developing and developed countries on the issues relating to the treaty, particularly regarding capacity building and technical assistance, to find a compromise agreement on the text as a whole. The Delegation added that it supported the idea of technical assistance to be provided to developing countries to enable them to implement the treaty effectively. As flexibility needed to be shown to find a consensus, the Delegation concluded by stating that it favored positive approaches aiming at finding a compromise on the various areas of the treaty.

106. The Delegation of Botswana aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group and thanked the Secretariat for the preparation of document WO/GA/55/4. The Delegation lent support to the convening of a diplomatic conference for the adoption of a DLT. However, as the issues of technical assistance and disclosure of TK and TCEs remained important to Botswana, as well as to other developing countries, the Delegation was of the opinion that negotiations to address those outstanding issues should remain within the WIPO General Assembly, instead of being reverted to the SCT. Finally, the Delegation reiterated its commitment to work with other Member States to progress towards the finalization of the DLT.

107. The Delegation of Pakistan aligned itself with the statement delivered on behalf of the Asia and the Pacific Group and thanked the Secretariat for the preparation of document WO/GA/55/4. Pointing out that matters concerning the convening of a diplomatic conference to adopt a DLT had been pending for a long time, the Delegation acknowledged that further consultations were necessary to reach a common position on the provisions on technical assistance and the disclosure requirement, before convening a diplomatic conference. For the Delegation, in order to have a balanced treaty addressing the needs of developing and developed countries, it was essential that the issues of technical assistance as well as mandatory disclosure requirements be both adequately reflected in the basic provisions of the treaty, rather than being left to be addressed under the draft DLT Regulations. Observing that, despite the lack of consensus on the issues, the SCT remained the appropriate forum for the negotiations, the Delegation urged Member States to engage constructively on the issues at the next SCT session to find a mutually acceptable solution.

108. The Delegation of Nigeria thanked the Secretariat for document WO/GA/55/4 and announced its readiness to engage on the subject matter, which had been ongoing for a long time. Expressing its willingness to agree to convene a diplomatic conference if Member States could find a solution to the outstanding issues, the Delegation remained committed to engage with good faith and hoped to reach a good decision on the topic at the current WIPO General Assembly. As regards the suggestion to revert the agenda item back to the SCT to discuss it further, the Delegation was of the view that the two remaining issues had already been largely litigated within the SCT. The Delegation recalled that several presentations were made over several SCT sessions and that Member States had then decided that a higher level of decision-making was needed to be able to move forward. The Delegation recognized that, at present, moving forward remained essentially a political decision. Hence, for the Delegation, reverting the agenda item back to the SCT would not be fruitful to the process. In such a case, the Delegation announced that it would not support focusing solely on a disclosure requirement in the text of Article 3 and on technical assistance, as it had shelved a certain number of other elements it had raised in the interest of moving forward. Therefore, the Delegation wished that the whole draft Articles and draft Regulations be open if they were to be reverted back to the SCT. The Delegation concluded by stating that it stood ready to engage.

109. The Delegation of the United States of America thanked the Secretariat for the preparation of document WO/GA/55/4 and lent its support to the statement of Group B in relation to the DLT and the negotiations towards the convening of a diplomatic conference for the adoption of a DLT. The Delegation recalled that it had been a supporter of the concept of the DLT as a mechanism to bring more clarity and to streamline filing formalities to industrial design applicants across the globe. The Delegation reminded the WIPO General Assembly that it had regularly pointed out that SMEs and, particularly, individual designers were among those most likely to benefit from a successfully agreed DLT. Many of them did not have the benefit of sophisticated legal counsel to navigate through global filing formalities in order to protect their designs from copying. However, not just SMEs, but all designers, would benefit from more efficient and focused filing formality requirements. Observing with regret that many years had passed since the draft texts had been essentially completed, the Delegation considered that Member States seemed no closer to a completed formalities treaty for industrial designs. Member States could even be further from agreement due to the introduction of topics widely recognized as not pertaining to industrial design protection and, in particular, to formalities for design registrations. As stated at last year's WIPO General Assembly, and at the forty-fifth session of the SCT, the Delegation believed that discussions needed to continue in a manner consistent with Member States' past practice. For the Delegation, continued discussions on the draft DLT and, in particular, discussions towards reaching an agreement on a recommendation to convene a diplomatic conference on the DLT, should be coming from the committee of jurisdiction, namely the SCT. The Delegation recalled that the process for normative work – where the committee of jurisdiction first provided a consensus recommendation to the WIPO General Assembly for a decision – had served Member States well in the past. The Delegation indicated that, through that process, subject matter experts would be able to provide input and make decisions on the text with the benefit of preparation, time and thoughtful consideration.

110. The Delegation of Cuba believed that the text of the DLT should reflect the interests of all Member States and, in particular, the inclusion of technical assistance and disclosure of the origin of the TK associated with a design.

111. The Delegation of Canada noted that much time had passed since the actual substantive discussions on the DLT and the issue of a disclosure requirement had taken place. Exchanges at recent WIPO General Assemblies, since at least 2016, had merely been the reiteration of Member States' respective principle positions – namely as to whether a disclosure requirement should be included in the DLT – rather than going back to first principles and engaging in substantive discussions to understand why a disclosure requirement was necessary in the context of industrial design applications. For that reason, the Delegation also supported the notion of continuing discussions on the draft DLT within the SCT, with a focus on the remaining areas of divergent views. As a great deal of time had passed since first raised, it would be prudent to better understand what experiences in the industrial design regimes of proponent members had necessitated the continued request for a disclosure requirement. In the Delegation's viewpoint, one manner to engage on that basis would be to undertake a stock-taking exercise in the SCT of disclosure requirements in industrial design legislation and IP administration of WIPO Member States. Such an exercise would assist members to understand better the request in today's context – rather than when it was first proposed – and to fully assess the implications on all WIPO members.

112. The Delegation of Australia, thanking the Secretariat for the preparation for the present WIPO General Assembly, expressed support for the convening of a diplomatic conference for the adoption of a DLT to take place in 2023 for all the reasons already stated by many other delegations in relation to a stronger and more predictable system for the international protection of designs. The Delegation encouraged Member States to realize the benefits of all the work already involved in the development of the DLT, for the benefit of designers around the world. The Delegation concluded by expressing support for the continuation of discussions in the SCT

because of the usefulness of technical solutions and discussions among experts to shift the conversation.

113. The Chair expressed its appreciation to all delegations for having shared their position and for their statements. Being aware of the range of views on the next steps, including on which body should take forward discussions on the outstanding issues concerning the DLT, the Chair proposed keeping the agenda item open to allow Member States to continue discussing those issues further in the coming days. The Chair declared its availability to support the discussions.

114. The Delegation of Algeria, speaking on behalf of the African Group, shared the Chair's views that the issue had not been sufficiently explored prior to, and during, the WIPO General Assembly. Expressing its interest in having sufficient consultations before concluding on the agenda item, the Group suggested deferring the decision on the agenda item and reverting to it later on. The Group also stated that it counted on the Chair's support to facilitate consultations in that regard.

115. The Chair indicated that the WIPO General Assembly would revert to the agenda item at a later stage. (See below).

(v) The Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda

116. Discussions were based on document WO/GA/55/5.

117. The Secretariat introduced document WO/GA/55/5, entitled "Report of the Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda Recommendations". The Secretariat noted that the CDIP had met twice, in a hybrid format, since the last session of the WIPO General Assembly in October, 2021, namely, for its twenty-seventh session, held from November 22 to 26, 2021, and its twenty-eighth session, held from May 17 to 20, 2022. As agreed by the Committee, document WO/GA/55/5 contained the summaries by the Chair of those two sessions. It also contained the twelfth annual Director General's report on the Implementation of the WIPO DA for 2021, first such report under the current administration of WIPO, which was discussed by the Committee at its twenty-eighth session. The Secretariat mentioned that there had been several notable developments over the past year. It emphasized the holding of the International Conference on IP and Development on the theme "Innovation in Green Technologies for Sustainable Development" during the twenty-seventh session of the CDIP. That Conference brought together 1,300 participants, in a hybrid mode, to explore the role of IP in contributing to green innovation to address the current challenges faced by developing countries. The Secretariat recalled that, as agreed by the CDIP, the next International Conference would be held in 2023, with the topic of "Intellectual Property and Innovation for Sustainable Agriculture". The Secretariat also mentioned that in line with the strategic directions contained in the Program of Work and Budget 2022 – 2023, the Director General's report on the Implementation of the DA was restructured. The current report portrayed information on the DA, clustered under main areas of work of different Sectors of the Organization. Such an approach was intended to illustrate connections between the DA and its mainstreaming across WIPO more clearly, emphasizing the impact-driven approach for development and important role of the DA in guiding the work of the Organization. The Secretariat recalled that the Committee had agreed on next topics for the agenda item on "IP and Development", namely, the topic "IP and Youth: Investing in the Future" would be discussed at its thirtieth session, while the topic "Addressing Climate Change: IP Helps Achieve the Goals of Carbon Peaking and Carbon Neutrality" would be discussed at its thirty-first session.

118. The Delegation of Algeria, speaking on behalf of the African Group, took note of the report on the CDIP. The Group underscored the vital role of the CDIP as a forum of discussions

related to IP. It further reiterated its firm support for the work of the Committee in guarantying the mainstreaming of the 45 DA Recommendations into the substantive activities of WIPO. The Group believed that an effective and balanced IP system must support the equitable sharing of benefits of scientific and technological progress, as well as the socio-economic development of all countries, contributing to the achievement of the SDGs. The DA of WIPO was the best tool for putting the Organization at the heart of Member States' development strategies, enabling them to harness the advantages of the system. The Group welcomed the progress made in implementing the DA in 2021, despite the constraints stemming from the COVID-19 pandemic. It noted that several programs and activities contributing to the DA took place virtually, which was a challenge because of the digital divide among countries. The Group believed that an effective implementation of the DA would require a continuous improvement of the Organization's methods for management, delivery and evaluation of technical assistance activities and projects, so that they could be adapted to the needs and specific circumstances of beneficiary countries. It further encouraged WIPO to continue to strengthen the activities of the Technology and Innovation Support Centers (TISCs) in order to ensure that technological support services become more accessible to developing countries and are adapted to local needs and contexts. The Group welcomed WIPO's numerous activities that had contributed to the achievement of several SDGs in the context of major challenges faced by the international community, including climate change, health and food crises. The Group encouraged WIPO to step up its efforts to contribute to the achievement of the SDGs, by putting in place innovative mechanisms to facilitate technology transfer and dissemination of vital and sustainable technologies for developing countries and LDCs. The Group welcomed WIPO's joining the United Nations Sustainable Development Group (UNSDG) in 2021, and encouraged the Secretariat to step up its commitment to that Group, as well as to inform the CDIP of the results achieved in that UN coordination mechanism. It supported the work of the CDIP on technical assistance issues and believed that a new examination or assessment of WIPO's technical assistance in the area of cooperation for development was needed, in accordance with Recommendation 41 of the DA. South-South and Triangular cooperation were extremely important for generating ideas and specific projects. Such collaboration enabled countries in the South to work together in order to stimulate innovation for development. The Group welcomed the CDIP decision on choosing the sub-theme "Intellectual Property and Innovation for Sustainable Agriculture" for the third International Conference on IP and Development, scheduled in 2023. It underlined the importance of the sub-topic at the time when developing countries were suffering from the effects of climate change, loss of biodiversity, and food insecurity. The Group also reminded of the importance of WIPO Bodies to report on the implementation of the DA Recommendations to the WIPO General Assembly and transmit the report to the CDIP, in accordance with the WIPO General Assembly decision of 2010.

119. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, thanked the Chair of the CDIP for her excellent stewardship of the twenty-seventh and the twenty-eighth sessions of the CDIP, as well as thanked the Director General for his report on the Implementation of the DA. The Group stated that the summaries by the Chair of the two CDIP sessions displayed that the Committee's activities continue to highlight IP as a powerful tool for development and to support activities undertaken by WIPO for implementation of the DA and its mainstreaming across substantive activities of the Organization. The Group believed that a fair and balanced IP system was an important contributor to economic development. It welcomed the efforts of Member States and the Secretariat in maximizing the developmental impact of WIPO's activities on the ground. The Group looked forward to the Committee's well-structured and result-oriented work to continue to strengthen the development orientation of WIPO's activities across its Sectors.

120. The Delegation of the Czech Republic, speaking on behalf of the European Union and its member states, expressed its continued support for the important work of the CDIP. The Delegation appreciated that despite the constraints arisen from the COVID-19 pandemic, the Committee had fulfilled its mandate during the reporting period. It also welcomed WIPO's active

engagement with relevant UN agencies, other intergovernmental organizations (IGOs), and non-governmental organizations (NGOs) aimed at encouraging IP, innovation and creativity. The Delegation appreciated the valuable contribution of WIPO to the implementation of the SDG's and its associated targets. The Delegation took note of the Director General's report on the Implementation of the DA for the year 2021, as well as of the Review of the Implementation of the DA Recommendations. It emphasized the positive developments in the implementation of the DA projects and technical assistance, which contributed to significant improvements in the IP framework of the beneficiary countries. In that respect, the Delegation underlined the importance of skills and knowledge building, as well as the enhancement of infrastructure and platforms, as presented in the CDIP report. It stressed the value of exchanging of views, sharing of best practices and deliberating on new topics and ideas within the CDIP. The Delegation stressed the significance of participation of dedicated experts from Member States and other observer organizations in the sessions of the Committee, valuing the presence of representatives of 97 Member States and 20 Observers at the last CDIP session. It was also pleased by the attendance of 1,300 participants at a two-day International Conference on IP and Development on the theme "Innovation in the Green Technologies for a Sustainable Future", which took place during the twenty-seventh session of the CDIP. The Committee had proved its dedication to IP and technology related issues for development in a changing world. In that context, the Delegation was delighted by the decision on the new sub-topic of "Intellectual Property and Innovation for Sustainable Agriculture" for the upcoming International Conference to be held in 2023. It also welcomed the agreement on the two topics to be addressed under the agenda item on "IP and Development", namely, the topics of "IP and Youth: Investing in the Future" and "Addressing Climate Change: IP Helps Achieve the Goals of Carbon Peaking and Carbon Neutrality", to be discussed at the thirtieth and the thirty-first sessions of the CDIP, respectively. In conclusion, the Delegation appreciated the extensive work performed by the CDIP. It expressed its continuing commitment to contribute to further progress of the Committee's work, bearing in mind WIPO's objective of promoting the protection of IP, as reflected in its current Medium-Term Strategic Plan (MTSP) 2022-2026.

121. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, welcomed the positive results reflected in the report on the CDIP. GRULAC congratulated the Chair of the CDIP, whose excellent work had enabled the Committee to make progress in its work. GRULAC appreciated the Director General's report on the Implementation of the DA and was pleased that WIPO continued to prioritize women and youth in its training and education programs. GRULAC commended the Strategy for Future Enhancement of WIPO Match (document CDIP/28/5). The WIPO Match platform operated on the principles of building partnerships between donors and those requesting technical assistance and support in order to facilitate technology transfer. As the Strategy had indicated, those were the principles, which should be basis of South-South, North-South and Triangular cooperation. GRULAC expected that, as a result of the implementation of that Strategy, the WIPO Match platform would be upgraded and would be able to provide valuable services, avoiding duplication and redundancy of information. GRULAC was pleased to see that the WIPO Program and Budget for 2022/23 had aligned the priorities set in the 2030 Agenda for Sustainable Development to the work undertaken by 7 out of 8 Sectors of the Organization, and had linked them to the relevant SDGs and DA Recommendations. For GRULAC, the work of the Committee and the implementation of the DA were of fundamental importance, particularly, when Member States continued to face the effects of the COVID-19 pandemic, making the use of WIPO's capacities in the area of development cooperation particularly important.

122. The Delegation of Slovakia, speaking on behalf of the CEBS Group, recognized the importance of the work carried out by the CDIP. The Committee was working on many useful projects and activities, covering different areas of IP, as well as adapting to the COVID-19 pandemic and challenges stemming from it. The CEBS Group took note of the report of the Committee and acknowledged with satisfaction that the DA had been incorporated as an integral part into the work of the Organization. The CEBS Group appreciated that WIPO had

joined the UNSDG, which gathered all UN entities to work to advance the SDGs by 2030. The CEBS Group welcomed the results of the last two CDIP sessions that had adopted some meaningful projects, for example, the project on Identifying and Using Interventions in the Public Domain (document CDIP/27/6) and the project on Empowering Small Businesses through IP (document CDIP/27/7). The CEBS Group believed that the most effective projects were the demand-driven ones and encouraged Member States to come up with further proposals that corresponded to their particular needs. With regard to the Director General's report, the CEBS Group took positive note of the broad spectrum of the mainstreamed and ongoing projects reflected therein, which were clustered under the relevant Sectors of WIPO. The CEBS Group found useful to see the linkages between the DA Recommendations and the WIPO expected results, reflected in that report. The CEBS Group appreciated that WIPO, with the cooperation of Member States, had successfully managed to address unique challenges faced in 2021, and to mainstream the DA Recommendations across WIPO Sectors with the aim of building a balanced and effective global IP ecosystem. The CEBS Group was pleased that, based on its active involvement, the Committee agreed on two topics to be addressed under the agenda item on "IP and Development", namely, "IP and Youth: Investing in the Future" and "Addressing Climate Change: IP Helps Achieve the Goals of Carbon Peaking and Carbon Neutrality", to be discussed at the thirtieth and the thirty-first sessions of the CDIP, respectively. The CEBS Group further welcomed the decision of the Committee on the sub-topic "Intellectual Property and Innovation for Sustainable Agriculture" for the International Conference to take place in 2023. It believed that the upcoming Conference would follow the success of the previous one, on the theme "Innovation in Green Technologies for Sustainable Development". Furthermore, the CEBS Group attached great importance to discussions under the agenda item on "IP and Development" and supported the activities in that direction, finding those discussions extremely relevant. WIPO should continue to play a central role in ensuring the functioning of an IP system that supported creativity and innovation at a global level. In that regard, the Group encouraged Member States to make good use of the IP system, while pursuing their development goals. In conclusion, the CEBS Group reiterated its commitment to the further work of the CDIP.

123. The Delegation of China noted that 2022 marked the first year of the implementation of WIPO's current MTSP. Over the past year, WIPO had made positive progress in the implementation of the DA and its mainstreaming, for which the Delegation expressed its appreciation. In particular, thanks to the joint efforts of all parties, the CDIP agreed on a theme for the third International Conference on IP and Development, to be held in 2023. It stated that the theme of "Intellectual Property and Innovation for Sustainable Agriculture" was an issue of great concern and importance to the majority of developing countries, and expressed its wishes for a successful convening of the upcoming International Conference. The Delegation noted that WIPO's MTSP proposed to use IP more effectively in order to support the growth and development in all Member States, as well as their regions and sub-regions, including through the mainstreaming of the DA Recommendations. China supported WIPO's continued efforts to strengthen the implementation of the 2030 Agenda for Sustainable Development, as well as WIPO's DA, which mainstreamed development into WIPO's work and the work of the Organization with all Member States through demand-driven projects. The Delegation stated that for the current year it would continue to contribute 1.8 million RMB (amounting to approximately 300,000 USD) to the WIPO Funds-in-Trust (FIT). Through the FIT, China would continue to support WIPO's implementation of the DA, and would contribute to the realization of the MTSP of the Organization.

124. The Delegation of Germany, speaking on behalf of Group B, reiterated its strong position that, in pursuit of its main objective, the Organization should continue to seek a balanced and effective international IP system to enable innovation and creativity for the benefit of all. At the same time, the Organization should ensure that development considerations are an integral part of its work. Group B expressed its firm belief that an understanding of IP, as a tool for development, should continue to be at the heart of the CDIP's work. Group B commended the

success of the International Conference on IP and Development, which took place during the twenty-seventh session of the CDIP. It further welcomed that the Committee had agreed, at its twenty-eighth session, on the timely and pertinent sub-topic of “Intellectual Property and Innovation for Sustainable Agriculture” for the International Conference scheduled in 2023. Furthermore, Group B appreciated the agreement on two topics to be addressed under the agenda item on “IP and Development”. In conclusion, Group B recognized the wide variety of activities undertaken for the achievement of the DA Recommendations, and applauded the ongoing commitment of Member States to the development projects, encouraging them to continue to bring forward well-defined project proposals under WIPO's mandate.

125. The Delegation of Brazil commended the Secretariat of the CDIP for its work and the Member States for their constructive engagement in helping to ensure that the Committee, over the years, had become an excellent place to showcase WIPO projects. Many of those projects had been mainstreamed into the substantive activities of the Organization, helping to reformulate WIPO's action in order to meet its mandate. The Delegation expressed its pride in being able to contribute to the history of the Committee. It also reiterated its commitment to ensure that the CDIP remained a platform for projects of real impact in the Member States, in accordance with the objectives of the WIPO DA, as well as the UN Agenda for Sustainable Development. The Delegation welcomed the implementation of projects in which Brazil had been a proponent or a beneficiary country. For example, the project on Copyright and the Distribution of Content in the Digital Environment (document CDIP/22/15 Rev.), the project on Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue (document CDIP/24/9), and the project on Empowering Small Businesses through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post-registration Period (document CDIP/24/7), which were currently in various phases of implementation. For the last two projects, the Delegation underscored the enormous potential of WIPO's work, along with small producers and traditional communities in developing countries, to ensure that IP became an instrument for attaining different SDGs and supporting socio-economic development of beneficiary countries. The Delegation expressed its hope to further collaborate with WIPO in order to implement successful projects in the framework of the DA, and in accordance with the SDG's.

126. The Delegation of Indonesia aligned itself with the statement made by the Delegation of India on behalf of the Asia and the Pacific Group. The Delegation welcomed the efforts of Members States and the Secretariat to deliver concrete impact of WIPO's activities on the ground. The Organization's work in the field of development had never been more important to ensure that innovation and creativity worked for the benefit of all. In that context, the Delegation emphasized the importance of the CDIP to guide and support the activities undertaken by WIPO for the implementation of the DA and its mainstreaming across the Organization's activities. It further welcomed the Director General's report on the Implementation of the DA, as well as the report on WIPO's Contribution to the Implementation of the SDGs and its Associated Targets. In that regard, it welcomed that WIPO had joined the UN Sustainable Group in 2021. The DA, sitting at the core of what WIPO did, was placed at the center of common efforts for an inclusive global IP system, where IP acted as a powerful catalyst that benefited all, as articulated in WIPO's MTSP 2022 – 2026. The Delegation looked forward to continuing discussions at the upcoming CDIP session on 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). Resolution of those matters were pertinent to the work of the Organization and the mainstreaming of the DA. The Delegation further looked forward to the discussions on the topic “IP and Youth: Investing in the Future” that would be discussed at the thirtieth CDIP session, as well as on the topic “Addressing Climate Change: IP Helps Achieve the Goals of Carbon Peaking and Carbon Neutrality” that would be discussed at the thirty-first session of the Committee. The Delegation expressed its congratulation for the successful convening of the International Conference on IP and Development on the theme “Innovation in Green Technologies for Sustainable

Development”, held in 2021. The Delegation welcomed the agreement reached by the Committee on the sub-topic “Intellectual Property and Innovation for Sustainable Agriculture” for the next biennial International Conference on IP and Development to take place in 2023. In that regard, it hoped that a future agreement would be reached on the continuation of organizing such conferences in subsequent biennia. Lastly, the Delegation reiterated its commitment to support the work of the CDIP.

127. The Delegation of Pakistan acknowledged the efforts of the CDIP Secretariat to cooperate closely with Member States to implement DA projects. It also commended that the Secretariat ensured transparency through comprehensive progress reports. The work of the Committee formed an integral part of WIPO’s overall mission to develop a balanced and effective international IP system for the benefit of all. It was also crucial for the implementation and mainstreaming of the DA Recommendations. The provision of tailor-made interventions through various project proposals was an important contribution by the Committee in the area of development cooperation. The DA Recommendations and their implementation were even more relevant in the context of the COVID-19 pandemic and the socio-economic challenges associated to it. The Delegation expressed its support for a project-based approach and emphasized the importance of a continuous mainstreaming of the DA Recommendations into the overall work of the Organization. It also welcomed WIPO’s contribution to the implementation of the SDGs. As a specialized agency of the UN, WIPO should have a shared responsibility for implementing the 2030 Agenda. The Delegation noted that, in addition to reaching the SGD 9, innovation should be regarded as an enabler to achieve other SDGs. In that context, it believed that the challenges related to the COVID-19 offered an opportunity to redirect the focus of the Organization’s activities in that area and to extend it to attain other SDGs, such as 1, 2, 3, and 4. The Delegation looked forward to a successful organization of future events in the framework of the CDIP, including the upcoming International Conference on IP and Development. It hoped that the Conference would promote agricultural innovation and help mitigate challenges posed by food insecurity and climate change in developing countries.

128. The Delegation of Bolivia (Plurinational State of) supported the statement made by the Delegation of the Dominican Republic on behalf of GRULAC. The Delegation believed that when utilized in a balanced way, IP could contribute to economic development and ensure the rights of the most vulnerable. The Delegation highlighted the importance of implementing projects for sustainable development and stated that the DA allowed to tailor projects to the specificities of each country. For example, the DA project on Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue (document CDIP/24/9) presented recommendations related to the local development and the development of collective marks in beneficiary countries. In that context, Bolivia (Plurinational State of) worked very closely with many local associations and civil society to find ways of improving local development through IP. The Delegation recognized the support of the Secretariat. Despite the difficulties caused by the pandemic, significant progress had been made in the context of the above-mentioned DA project.

129. The Delegation of South Africa aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation considered the DA to be central to the activities of WIPO. The mainstreaming of the DA was critical in advancing the development aspect of IP, so that the IP system could truly be developmental and inclusive and it could serve the interests of all Member States. 2021 had marked the fifteenth year since the adoption of the DA. In that context, the Delegation believed that it was important for WIPO and its Member States to commit to the implementation of the DA. It further stated that the CDIP had an important responsibility of ensuring an effective implementation of the DA Recommendations and appreciated the regular report of the Director General on the Implementation of the DA. The Delegation reiterated that the implementation and the mainstreaming of the DA should take place across all Sectors of WIPO. It reaffirmed the role of all WIPO Bodies and Committees to contribute to the mainstreaming of the DA. The Delegation believed that the CDIP was a

platform for meaningful discussions on IP and Development. Such discussions allowed for a better understanding of development challenges, opportunities and successes in deploying IP for sustainable development and technology transfer. The biennial conferences on IP and Development had also contributed to an enhanced understanding of the intersection between IP and development-related issues. The upcoming Conference on “Intellectual Property and Innovation for Sustainable Agriculture” would be important and timely given the food security challenges faced by developing countries. Finally, the Delegation underlined that the provision of targeted and customized technical assistance and capacity building to developing countries and LDCs remained important for assisting them to benefit from the IP system.

130. The Delegation of Iran (Islamic Republic of) aligned itself with the statement made by the Delegation of India on behalf of the Asia and the Pacific Group. The Delegation underlined that the work of the CDIP was central in leading the development orientation of the work of WIPO and addressing related challenges. The Delegation emphasized the overarching objective behind the DA and the establishment of the CDIP, namely, to ensure that development considerations form an integral part of WIPO's work. The Delegation reminded that the Committee needed to serve as a vibrant and effective forum for discussing the interrelation between development, in all its aspects, and the protection of IP. In that context, the CDIP should exercise full vigilance not to limit its work to projects aimed at strengthening the IP regime worldwide. Rather, it should also focus on exploring ways to ensure that protection of IP did not hinder the efforts by developing countries in their pursuit of development. The COVID-19 pandemic had been a manifestation of how global awareness of the need to increase flexibilities in the field of IP protection could serve global good. The same understanding with regard to the needed flexibilities for the benefit of sustainable development, in all its dimensions, was necessary in order to further the cause of the DA and the CDIP. Furthermore, the Delegation believed that the role of WIPO should not only be limited to promotion of creative and intellectual activities, but it should also expand to facilitation of the related technology transfer to developing countries in order to accelerate their economic, social and cultural development. IP should not be considered as an end in itself, but rather as an instrument for development for the benefit of all. To that end, the Delegation attached particular importance to the work and mandate of the CDIP. It reiterated its support to activities related to the DA, as well as to the implementation and further development of the international IP regime. The Delegation appreciated the Director General's report on the Implementation of the DA, which was considered as an essential monitoring mechanism for assessing WIPO's activities. The Delegation congratulated both the Secretariat and Member States for the successful organization of the International Conference on IP and Development on the theme “Innovation in Green Technologies for Sustainable Development”, held in 2021. The Delegation looked forward to constructive discussions at the upcoming International Conference. Finally, the Delegation reminded that the implementation and mainstreaming of the DA Recommendations in the work and activities of WIPO was of great importance. In that context, the Delegation underlined that all WIPO Committees were expected to provide reports on how and to what extent they had implemented the DA Recommendations in their work and activities.

131. The Delegation of India, speaking in its national capacity, acknowledged that the CDIP was working on many relevant projects and activities catering to different areas of IP. The Delegation found the tools, developed in the framework of the project on Tools for Successful DA Project Proposals (document CDIP24/14 Rev.) of extreme pertinence, as they would work as a guidebook for bringing forward and implementing new DA project proposals by Member States. In so doing, these tools could contribute significantly to addressing local concerns and IP challenges faced by various stakeholders in their territories. The Delegation mentioned the TISCs as one of the successful outcomes of the CDIP. Those Centers had been very instrumental in countries like India in stimulating local innovation and creating an innovation ecosystem, which provided a platform for networking. The Delegation commended WIPO's role in expanding the TISCs network and providing adequate training to beneficiaries. The Delegation further supported WIPO's development endeavors and the implementation of the

DA. It looked forward to submitting proposals for DA-related projects with direct and sustainable domestic impact. The delegation affirmed constructive engagement in the important work of the Committee in pursuing the DA, as well as the SDGs.

132. The Delegation of Uganda supported the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation appreciated the report contained in document WO/GA/55/5. Uganda had been a beneficiary of technical assistance in the framework of the CDIP, including the project on 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.), and the project on Capacity-Building in the Use of Appropriate Technology Specific Technical and Scientific Information as a Solution for Identified Development Challenges. The Delegation appreciated the support of WIPO for those projects. It also acknowledged the work of the CDIP to promote the use of IP for development among Member States. The COVID-19 pandemic had changed the world forever, requiring a re-evaluation of assistance and support provided by the CDIP. The Delegation was of a view that the interventions by the Committee and by WIPO, as a whole, should meet Member States at their point of need, which was even more pertinent in light of other global challenges, including climate change, associated food security threats, as well as youth unemployment. To that end, the Delegation welcomed the topic “Intellectual Property and Innovation for Sustainable Agriculture” for the upcoming International Conference, as well as the topic “IP and Youth: Investing in the Future”, to be discussed under the agenda item on “IP and Development”.

133. The Delegation of Eswatini aligned itself with the statement delivered by the Delegation of Algeria on behalf of the African Group. The Delegation was pleased with the general direction within the CDIP, which had put an emphasis on the use of IP for development and commercialization purposes. In particular, it appreciated the evaluation report of the project on Intellectual Property Management and Transfer of Technology: Promoting the Effective Use of Intellectual Property in Developing Countries, Least Developed Countries (LDCs) and Countries with Economies in Transition (document CDIP/27/5). The Delegation reiterated that IP protection must always be a balance between protection and utilization. In that regard, Eswatini continually monitored how the protected IP was commercialized and/or appropriately diffused into the value of assets of the public domain.

134. The Delegation of the Russian Federation thanked the Secretariat for the report on the CDIP. It supported the efforts of WIPO to improve the methods for the implementation of the DA projects. The Delegation noted that the DA was integrated organically into the work of the relevant WIPO Bodies, and that the implementation of various DA projects had been positively assessed by independent experts. The Delegation thanked WIPO for its seminars on IP management and strategies for SMEs. Those seminars were aimed at strengthening the national and regional potential in the area of protection of the results of creativity, innovation, and inventions created in the Russian Federation. Of particular interest was the topic on IP Policy for Research Institutions, which had a focus on the development of legal basis and supportive structures, including technology transfer offices, techno parks and IP centers. It also addressed the development of human capital, as well as the fundraising, marketing and evaluation of IP. Another current topic of the DA was the development of the anti-monopoly and unfair competition legislation in the context of IP, which was in line with the DA Recommendations 7 and 32. The Delegation noted that the latest research in that area was conducted a long time ago. Thus, it believed that more research could be undertaken in this domain, including on issues of IP and Competition Policy, which were included in the WIPO Program of Work and Budget for 2022/23. Because of the pandemic, the work of most agencies had become virtual. In that regard, the topics of digital transformation and overcoming of the digital divide had become more timely than ever, attaching additional importance to the DA recommendations 9 and 24. The Delegation further supported the proposal by the Secretariat for organizing webinars in all official UN languages on topics of interest to Member

States. It supported the broadening of the scope of webinars and the need to ensure synergies in coordinating the efforts of all relevant units of WIPO, as well as of the External Offices of the Organization. The Delegation expressed its readiness to work with target groups in promoting such events. It also noted the importance of the development of TISC networks, which had allowed to broaden access of specialized agencies and the broader public to IP information, stimulating active use of such information for innovation and creativity. The Russian Federation was working actively in cooperation with its regions to promote inventive, innovative and creative initiatives through the use of IP in the domestic economy. The Delegation highlighted that a TISC network played a vital role in that process, and mentioned that it was important to not only fund projects, but also to provide information and analytical support, particularly, on the patenting system and commercialization of the results of intellectual activity.

135. The Delegation of Japan aligned itself with the statement made by the Delegation of Germany on behalf of Group B. The Delegation appreciated that WIPO had been steadily working towards implementing the DA Recommendations. It attached great importance to development-related initiatives, including to technical assistance and capacity building. Through the FIT Japan Industrial Property Global, Japan had been supplying various types of IP assistance to developing countries all over the world. For example, FIT Japan Industrial Global had been used to finance: (i) Master's Degree in IP (MIP) programs at universities in Africa; (ii) workshops on the promotion of IP education among young people; (iii) digitization of IP documents; and (iv) IP Advantage initiatives. The Delegation expressed its high expectation from the WIPO GREEN platform. To further develop that platform, its utilization should be promoted by creating best practices and sharing them with others. Since the world's largest number of WIPO GREEN partners were in Japan and each partner had been proactive in terms of participating in related activities, the Delegation recognized that Japan could contribute significantly to the development of WIPO GREEN through collaboration with WIPO, including with the WIPO Japan Office. The Delegation looked forward to working with WIPO and relevant partners in that regard.

136. The Delegation of the United States of America aligned itself with the statement made by the Delegation of Germany on behalf of Group B. The Delegation stated that the CDIP had made significant progress since it was created in 2008. It further noted that WIPO had made great progress in implementing the DA Recommendations through a number of projects and discussions. Many Member States had benefited from CDIP projects and activities. The Delegation believed that Member States' efforts in CDIP should focus on DA-related projects, with concrete and practical benefits, as well as direct and sustainable domestic impact. The Delegation recommended that WIPO continue its efforts in promoting the positive role of IP for development by, for example, increasing access to patent information, supporting TISC's, National IP Academies, National IP Offices, SMEs and creative industries, as well as building capacities in areas of IP protection, management, commercialization in LDCs, developing and transition countries. The Delegation looked forward to additional project proposals following the discussions that the Committee had had under the agenda item on "IP and Development", including on the topic of "IP and Innovation: Trademark and Design Strategies for Entrepreneurs", which had been discussed at the twenty-eighth session of the Committee.

137. The Delegation of Namibia aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation considered the work of the CDIP to be of utmost importance to positioning the IP system as a catalyst for national development in Namibia. It stated that the challenge of unlimited national needs demanded prioritization in keeping with the SDGs. In that regard, it was essential that the IP system served as a driver for socio-economic development. The Delegation expressed its support for the work of the CDIP, as a mechanism to advance a balanced and pro-development IP system. Namibia had participated in various WIPO projects, which enhanced the development of the local IP ecosystem, including projects on Women and Youth Entrepreneurs, various capacity-building initiatives, such as the IP Judges Forum, Smart IP Institutions project (document CDIP/3/INF/2),

Balanced Enforcement Mechanism, and TISCs. The Delegation looked forward to further cooperation with WIPO on the role of IP in several areas, including: (i) the role of IP in the development of the Green hydrogen, and oil and gas sectors; (ii) the role of the future IP Office; (iii) development of the IP and innovation Ecosystem to drive enterprise growth, especially for SMEs; and (iv) data mining and analytics. Lastly, the Delegation reiterated its commitment to advance and promote the work of the CDIP for a balanced and pro-development IP system.

138. The Delegation of Thailand supported the statement made by the Delegation of India on behalf of the Asia and the Pacific Group. The Delegation appreciated the report on the CDIP and expressed its keen interest in some of the topics that had been proposed under the CDIP, particularly, the topic “IP and Youth: Investing in the Future”, as well as the topic “Intellectual Property and Innovation for Sustainable Agriculture”. The Delegation looked forward to further collaboration with WIPO and Member States in those areas.

139. The Delegation of El Salvador commended the Chair of the CDIP for her excellent guidance of the work of the CDIP, and recognized the efforts by the Secretariat to implement the DA Recommendations, which were evident in the report on the CDIP. The Delegation reiterated its support for the activities of the Organization, which promoted dialogue to find solutions to current challenges, including climate change and sustainable development. El Salvador participated actively in discussions that were taking place in the Committee on various current challenges. The Delegation looked forward to participating in the upcoming International Conference on “Intellectual Property and Innovation for Sustainable Agriculture”. The Delegation underscored the importance of the work of the CDIP. It stated that the function of the Committee was key for the design and implementation of projects to support Member States and help them to harness IP as a tool for socio-economic development, including development for historically vulnerable groups and regions. El Salvador had benefited from the project on Systematization of Statistical Data and the Design and Implementation of a Methodology for Developing Impact Assessments on the Use of the Intellectual Property System (CDIP/26/4). The Delegation affirmed that it would engage constructively in reaching a consensus for WIPO’s technical assistance in the area of cooperation for development.

140. The Delegation of Morocco noted that despite the challenges stemming from the COVID-19 pandemic, numerous projects in the DA had been implemented or were currently being implemented. Those projects would help to strengthen the use of the IP system. Moreover, they would also support capacity building in various countries, and the promotion of technology transfer for achieving the SDGs. The Delegation supported the topic “IP and Youth: Investing in the Future”, to be discussed under the agenda item on “IP and Development”. It also supported the holding of the upcoming International Conference on IP and Development on the topic “Intellectual Property and Innovation for Sustainable Agriculture”. The Delegation reiterated its interest in the work of the Committee.

141. The Representative of ELAPI stated that ELAPI, as an organization led by young people working in IP, believed that the work of the CDIP with communities was vital in generating a better development of societies as a whole. The Representative welcomed various activities carried out by WIPO in that regard. It mentioned that Latin America had great potential in the areas of technology and creative industries. It came mainly from young people with an entrepreneurial spirit and collective awareness, as well as commitment to sustainable development. In that regard, the Representative believed that the implementation of WIPO projects should focus on: (i) IP education of young people and children; and (ii) support, assistance and empowerment of young entrepreneurs through IP. The Representative also highlighted the importance of continuing to promote gender policies that favored equity and inclusion of all members of the community. The Representative commended that WIPO had focused on the theme of “IP and Youth: Innovating for a better Future” in 2022, and reinforced its commitment to further collaborate with WIPO.

142. The Representative of TWN stated that the DA was adopted to ensure that the IP system responded adequately to the development needs of WIPO Member States, by addressing both opportunities and challenges arising from the IP system. However, there was a long way to go in order to achieve that objective. The Representative noted that during the unprecedented COVID-19 pandemic, the CDIP had had limited discussions on challenges arising in respect of access to medicines, diagnostics and vaccines, and provided limited online learning materials and linkages of the IP system in those areas. The Representative highlighted that despite the WIPO General Assembly decision on the CDIP Coordination Mechanisms, there was no reporting of activities from other WIPO Committees to the CDIP regarding their contribution to the advancement of the DA. The Representative called upon the Secretariat to implement the DA in good faith.

143. The Delegation of Nigeria aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group. The Delegation welcomed the Director General's report on the Implementation of the DA for 2021. It believed that an effective implementation of the DA required a continuous improvement of the organizational environment, management, delivery and evaluation of technical assistance activities and projects, with a view of adapting to specific needs and circumstances of beneficiaries. The Delegation took note of the Secretariat's report on the progress made by WIPO, especially of the SMEs-related activities for strengthening national and regional capacities for the protection of domestic creations, innovations and inventions. In that regard, the Delegation welcomed WIPO's support and focus on stakeholders. It looked forward to the work of the Committee to provide such support to women, youth, start-ups and SMEs in order to use IP as a tool for social and economic development to create future opportunities and training for all. In view of the surging demand for digital solutions, a challenge resulted from the COVID-19 pandemic, the Delegation commended that WIPO had adapted its technical assistance activities and training content to deliver them online. In that regard, the Delegation encouraged WIPO to assist Member States in developing and improving national IP institutional capacity, infrastructure and other facilities, as well as to assist in supporting national IP institutions to become more efficient and responsive to current needs. Finally, the Delegation reiterated its call for concrete mainstreaming of all the DA Recommendations into WIPO's programs, policies and activities. It further called for the inculcation of the DA into WIPO's new workforce. The Delegation welcomed the new direction of TISCs to include other IP areas in addition to patents.

144. The Representative of the Health and Environment Program (HEP) emphasized that SMEs in Africa had very few financial and technical resources. In that regard, capacity building was necessary for such enterprises. The Representative drew particular attention to women's cooperatives, which were still mostly operating in the informal sector and were not able to take advantage of the benefits linked to their knowledge and skills. The Representative underlined the need for training and capacity building for women, particularly with regard to the use of IP.

145. The Secretariat expressed its appreciation for the active participation and contribution of all delegations to the work of the CDIP. It took note of all observations and suggestions expressed by Member States. The Secretariat announced that an Expert Roundtable would be convened on October 14, 2022, on South-South and Triangular Cooperation in the Context of the WIPO DA. The Roundtable would serve as a platform for sharing experiences, good practices and lessons learned, as well as deliberating on the way forward for such cooperation.

146. The WIPO General Assembly 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/55/5).

(vi) The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

147. Discussions were based on documents WO/GA/55/6 and WO/GA/55/11.

148. The Secretariat recalled that in 2021, the WIPO General Assembly had renewed the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) for the 2022/2023 biennium, and agreed on a work program for the IGC. Pursuant to that mandate, the IGC was requested to provide a factual report to the 2022 WIPO General Assembly with possible recommendations. Document WO/GA/55/6 reported on IGCs 42 and 43 that had taken place so far this year. It also attached the most recent drafts of the texts on GRs that were currently under negotiation in the IGC. IGC 43 had agreed on recommendations to the 2022 WIPO General Assembly, as contained in document WO/GA/55/6. The 2022 WIPO General Assembly was invited to note the factual report and to consider the recommendations contained in document WO/GA/55/6.

149. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, highlighted the importance for GRULAC of developing a legal framework, which guaranteed the effective IP protection of creations and inventions in the field of GRs, TK and TCEs of indigenous peoples and local communities (IPLCs). It appreciated and supported the commendable effort made by the IGC Chair, Ms. Lilyclaire Bellamy, at IGC 43 to try to advance its work. It regretted that at IGC 43, Member States had been unable to reach a consensus on the methodology to be followed. GRULAC participated in good faith and had shown its flexibility to achieve consensus that would allow progress. It was convinced that there was an emerging consensus in the IGC regarding a fundamental principle of the instrument on GRs, which was the creation of a regime for disclosing the origin of GRs and associated TK in patent applicants. GRULAC expressed its flexibility and firm willingness to expedite the IGC's work with the objective of finalizing the negotiation and convening a diplomatic conference. It maintained its participation and commitment, and believed that with flexibility and political will, the IGC could make progress and finalize an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to IP, which would ensure the balanced and effective protection of GRs, TK and TCEs.

150. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, thanked the IGC Chairs for their efforts in trying to move the discussions forward in the last two IGC sessions. It thanked the Secretariat for the efforts that facilitated discussions. It also thanked Member States for the engagement and contributions that allowed the IGC to resume substantial negotiations in the last two sessions. However, the Group underscored the need to expedite the IGC's work with the objective of finalizing an agreement on international legal instrument(s), without prejudging the nature of outcome(s), related to IP, which would ensure the balanced and effective protection of GRs, TK and TCEs. In that context, the Group welcomed consultations on the methodology of the IGC with a view to agreeing an adapted methodology to continue the work of the IGC in the future sessions.

151. The Delegation of Germany, speaking on behalf of Group B, was pleased that the work regarding the proposed way forward for the biennium 2022/2023 agreed upon at the 54th Session of the WIPO General Assembly had been taken up and that discussions continued as intended. The exchange among delegations at IGC 43 demonstrated that further work needed to be done in order to narrow the existing gaps with a view to reaching a common understanding on core issues. The virtual activities that the Secretariat would conduct following the recommendation of IGC 43 would hopefully contribute to the work of the IGC on GRs, as well as the consultations which the IGC Chair would conduct on the methodology of the IGC. Group B remained committed to contribute constructively towards achieving a result acceptable to all Member States under the current mandate.

152. The Delegation of Slovakia, speaking on behalf of the CEBS Group, extended its thanks to the IGC Chair, Ms. Lilyclaire Bellamy, and also to the former Chair of the IGC for their efforts, commitment and leadership. Each of them chaired one IGC session on GRs preceding the 2022 WIPO Assemblies. It equally thanked the Secretariat for preparing documents and for general dedication to the work of the IGC. Based on the renewed mandate, it welcomed that Member States had once again, after limitations caused by the COVID-19 pandemic, the full opportunity to engage in restarting negotiations during the two IGC sessions, particularly devoting to the topic of GRs. It reiterated that the CEBS Group still favored the evidence-based approach, which it considered instrumental for substantive discussions on reaching a common understanding of the key issues. It noted the progress made at IGC 42 on the Consolidated Document relating to Intellectual Property and Genetic Resources (the Consolidated Document). At the same time, it regretted that due to the divergent views of Member States at IGC 43, the IGC had been unable to reach consensus on transmitting Rev. 2 document to the stocktaking session, IGC 47. It believed that further discussions were needed on the Chair's Text on a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources (the Chair's Text), which could complement the deliberations. At the same time, it looked forward to the revised version of the Chair's Text to be crafted by the Chair for IGC 47. Furthermore, it took positive note of other agreed activities such as organization of virtual meetings of experts or issuing an online survey on information systems, registers and databases of GRs, TK and TCEs. The IGC had not been able to reach an agreement on the methodology for the future session. In the view of the CEBS Group, it should be based on sound and inclusive working methods, which would ensure further narrowing of gaps among different groups and Member States, and allow the IGC to constructively engage in a balanced protection of GRs, TK and TCEs. It emphasized that the involvement of IPLCs is crucial in the process, and it encouraged efforts to enable their participation. The CEBS Group endorsed the proposed recommendations as contained in document WO/GA/55/6, and reassured its readiness to engage constructively in the future work of the IGC. It hoped to achieve realistic and universally acceptable outcomes of the IGC.

153. The Delegation of Algeria, speaking on behalf of the African Group, took note of the report in document WO/GA/55/6. It thanked the Chair and the Vice-Chairs of the IGC and the Secretariat for their work, competence and professionalism. It underlined the major role that the IP system should play in preventing the misuse of GRs, TK and TCEs. However, the system had been encouraging repeated misuse of TK in the developing countries. Although the protection of GRs, TK and TCEs was the most important issue on the normative agenda of WIPO for a number of years, it was regrettable to note that no tangible result had been achieved in the negotiations at the IGC. That situation led to a questioning of the credibility of the international IP system, and its capacity to protect the interests of various Member States in a balanced and equitable manner. The African Group regretted that because there was a barely veiled desire to derail the process of negotiation, when there had been any progress, for example at IGC 43, the IGC had been unable to transmit Rev. 2 document due to lack of consensus. That impasse was partly because the synthesized document was structured in a way that barely enabled Member States to make any progress, given the number of options, which made it impossible to show what the parties meant. The African Group wished to focus on the Chair's Text as contained in document WIPO/GRTKF/IC/43/5, which constituted a balanced basis for convocation of a diplomatic conference as soon as possible. It awaited with interest the revised version of the Chair's Text. It reiterated the importance of virtual activities to expedite the work of the IGC. Member States needed to explore all possible options so as to make progress. It pleaded for a revision of the working methodology of the IGC to guarantee inclusive and transparent sessions that were result-oriented and to strengthen intersessional work by establishing special groups. It awaited with interest the consultations to be carried out by the IGC Chair. The African Group was ready to engage in discussions in good faith and in a constructive manner in order to achieve a consensus for convocation of a diplomatic conference for adoption of a legal instrument that would guarantee the effective protection of GRs and associated TK. It believed that greater efforts were needed towards a decision on that.

154. The Delegation of Indonesia, speaking on behalf of the Like-Minded Countries (LMCs), thanked the Chair and Vice-Chairs of the IGC and the Secretariat for their efforts in continuing to advance the work in the IGC despite the many challenges faced. It was hopeful that the 2022 WIPO General Assembly would guide and direct the IGC towards a positive decision, which could help expedite its work and fulfill its mandate in finalizing an agreement on an international legal instrument or instruments for the protection of GRs, TK and TCEs. It could not stress enough the strategic role the work of the IGC played in contributing to a balanced, sustainable and inclusive IP system. Yet after over 20 years since its establishment, its primary goal had not been fulfilled. That was not to say that progress had not been made. On the contrary, it believed that progress on the GRs text had been sufficient, particularly through the development of the Chair's Text. Most of the members of the LMCs considered the Chair's Text as the best way forward as a basis towards the convening of a diplomatic conference. It therefore urged the 2022 WIPO General Assembly to direct the IGC to expedite its work as laid out and agreed in the mandate. In that regard, in line with the recommendations of the IGC, the LMCs welcomed and looked forward to working with the Chair of the IGC in conducting consultations with Member States on the working methodology of the IGC, with a view to agreeing on a more streamlined and effective methodology to be used in the future sessions of the IGC. It also welcomed and would actively contribute to the activities to be conducted by the Secretariat, including the *ad hoc* virtual meetings of experts on possible disclosure requirements, and a virtual seminar and/or other virtual technical meetings on information systems, registers and databases of GRs, TK and TCEs before IGC 47. The normative agenda of the IGC to conclude a legally binding instrument or instruments must not be stalled any longer. It could not let the misuse, misappropriation and exploitation of GRs, TK, and TCEs continue. It urged all parties to conduct text-based negotiations in good faith and with the spirit of compromise. The LMCs Group remained committed in engaging constructively towards a mutually acceptable outcome for the benefit of all Member States.

155. The Delegation of Brazil reiterated its commitment to the negotiations underway within the IGC on GRs, TK and TCEs. It welcomed the new IGC Chair, Ms. Lilyclaire Bellamy, and her willingness to accelerate the IGC's work, in particular, to take advantage of the time to continue the negotiation through intersessional work on the basis of the Chair's Text, provided by Mr. Ian Goss. In that regard, it wished to thank the tremendous contribution of Mr. Goss to the progress in the negotiations and in building bridges that brought Member States closer to consensus for a text on GRs, TK and TCEs. It welcomed the spirit of consensus that seemed to be emerging around the Chair's Text as a negotiating basis for the convening of a diplomatic conference. In that regard, the Delegation encouraged all Member States and stakeholders to pay specific attention and give consideration to the Chair's Text. It believed that on that basis, the work of the IGC should focus on making small changes to the Chair's Text and try to preserve its integrity and its main objectives, so that as quickly as possible, the IGC could have an agreed consensus for convening a diplomatic conference. It knew that patents should be used to provide support for innovation and development. Disclosure of the origin of GRs was extremely important for enjoying the benefits of technological progress, providing legal certainty to all business models, providing lower cost on transactions, and respecting the social and environmental objectives of the international community and, in particular, IPLCs. The discussion which had been going on for more than 20 years was very important for Brazil, and for other mega-diverse countries, even developing and developed countries, because GRs, TK and TCEs provided enormous cultural growth. It encouraged all Member States to engage in good faith within the IGC, with a view to achieving a tangible outcome as quickly as possible.

156. The Delegation of Pakistan aligned itself with the statement delivered by the Delegation of India, on behalf of the Asia and the Pacific Group, and the statement made by the Delegation of Indonesia, on behalf of the LMCs. It valued greatly the work of the IGC. It thanked the IGC Chair, the Vice-Chairs, the Secretariat and the Facilitator for their constructive work during the last two sessions. It also conveyed its sincere gratitude to the previous Chair, Mr. Ian Goss, for his useful contribution to the IGC process. It reaffirmed its support for the participation of IPLCs

at the IGC. Early finalization of international legally binding instrument(s) on GRs, TK and TCEs was necessary to prevent their misappropriation and unauthorized export. A mandatory disclosure requirement is necessary to adequately address the issue of misappropriation of GRs, TK and TCEs. Furthermore, a reference to mutually agreed terms, prior informed consent and access and benefit-sharing system should also be included in the draft instrument(s) with ample policy space for Member States to enact appropriate national legal frameworks on GRs, while it recognized the significance of the Consolidated Documents contained in WIPO/GRTKF/IC/43/4. The Delegation, like many other delegations, believed that the Chair's Text should be the basis for further negotiations on the basis upon which a diplomatic conference should be convened. It looked forward to the resumption of substantial negotiations on TK and TCEs in the upcoming IGC sessions in the current biennium with a view to finalizing legally binding instruments on those subjects as well.

157. The Delegation of Vanuatu associated itself with the statement delivered by the Delegation of India, on behalf of the Asia and Pacific Group. It thanked the Chair of the IGC. The progress as set out in the report was noted. It acknowledged that the last two IGC sessions had made some progress and the support of the Secretariat was commended. Although Member States had been engaged, it wished to express its desire to see a much more substantial progress. It held key interests in the work of the IGC, as that would support the cultural industrial communities. To allow for substantial progress on future work, it called on those Member States, who held some views to slow down the negotiations, to engage in a more positive manner and support the Member States which considered GRs, TK and TCEs as their way of life. GRs, TK and TCEs must be protected, and to be used for the betterment of the people for the economic social, cultural and development aspirations. Insofar as the future work was concerned, the Delegation asked that the negotiations be expedited to finalize international instrument(s), that would be legally binding. It, despite its resource constraints, supported the proposed modality of consultations, and looked forward to speedy resolutions and final instruments. Member States could make progress quickly, and Member States must.

158. The Delegation of the Russian Federation thanked the Secretariat for preparation and presentation of the report of the IGC. It expressed its appreciation to all those who had participated in informal consultations and the *ad hoc* expert group on GRs. It noted the progress achieved in the IGC sessions in the latest period and also the need to continue discussions to bring closer together positions on key unresolved issues, including subject matters for protection, beneficiaries, scope of protection, and find balanced decisions on GRs, TK and TCEs. Moreover, it noted the usefulness of holding seminars on issues related to the IGC, discussing national experience of various countries, and creating special expert groups for discussion of legal, conceptual or technical issues. It supported the continuation of the IGC's work in accordance with the work program in the biennium 2022/2023.

159. The Delegation of China believed that the IGC discussion had been going on for many years, and had made some progress. It was necessary to be more focused and continue to work on related topics. It supported the IGC to continue to conduct exchanges and discussions on GRs, TK and TCEs, and hoped that all parties would show greater sincerity, be more focused, handle differences flexibly, and push for an early conclusion of international instruments. In the second half of 2022, the Government of China and WIPO would jointly hold an IGC international symposium, hoping that all parties would take that opportunity to further exchange views, share experiences and promote the progress of the negotiations at the IGC.

160. The Delegation of Nigeria aligned itself with the statement delivered by the Delegation of Algeria, on behalf of the African Group, and wished to appreciate the Secretariat for the preparation of document WO/GA/55/6 on the IGC. In the same way, it extended its appreciation to the IGC Chair and Vice-Chairs, and the Facilitator for their hard work in preparing and steering the work of the IGC. It wished to echo the concerns raised by the African Group and other Member States on the lack of political will to advance negotiations within the IGC towards

the adoption of a legally binding instrument to guarantee the protection of GRs and associated TK. It believed, along with the rest of the African countries, the LMCs, as well as overwhelming majority of Member States, that continuing negotiation on the basis of the Consolidated Document would result in a radical departure from the IGC's mandate to narrow gaps and work towards finalizing negotiations. In view of the need to ensure progress and adherence to the IGC's mandate towards narrowing gaps and finalizing negotiations, the Delegation saw the Chair's Text as the viable pathway forward. The Chair's Text was a product of extensive consultations and the broadest attempt to synergize interest, bring about convergences and narrow gaps. As the negotiations had been finalized, it believed a decision by the 2022 WIPO General Assembly to convene a diplomatic conference on GRs and associated TK would send the strongest signal of commitment and good faith as an impetus to outstanding negotiations on TK and TCEs. It hoped that Member States would continue to engage in good faith with renewed energy and willingness to make progress in the work of the IGC. The Delegation also wished to mention that one of the foremost negotiators from Africa lost his life between the last session of the IGC and the 2022 WIPO General Assembly. He was a very smart and intelligent negotiator from Kenya, Mr. Evans Mboi Misati.

161. The Delegation of the Iran (Islamic Republic of) associated itself with the statement delivered by the Delegation of India, on behalf of the Asia and Pacific Group, and the statement made by the Delegation of Indonesia, on behalf of the LMCs. There was a long-standing aspiration of the right-holders and beneficiaries in many countries to see that GRs, TK and TCEs were protected against misappropriation and misuse. It was imperative for the IGC to continue to explore ways in which an effective mandatory disclosure requirement would be established, while recognizing the value added of establishing databases and other information systems. It might be emphasized that the issues of disclosure requirements and benefit-sharing based on prior informed consent and mutually agreed terms should be adequately addressed to ensure sustainability of the result of the IGC's work. The aforementioned terms would move the IP system forward in a more balanced direction, ensuring legitimate interest of the developing countries in the IP system, improving the enabling environment for development and enhancing the contribution of the developing countries to the global knowledge, and promoting creativity and innovation. Therefore, to fill the gaps in the international IP system, the finalization of international legally binding instruments to provide effective protection of GRs, TK and TCEs was essential. It believed that political will, good faith, flexibility and pragmatism were of critical importance in the engagement and deliberation, so that the long-standing item could be brought to a successful conclusion. The Delegation supported the consultation regarding the methodology of the IGC with a view to reaching an agreement, which would enable the IGC to move forward in the future sessions.

162. The Delegation of Uganda aligned itself with the statement made by the Delegation of Algeria, on behalf of the African Group, and the statement made by the Delegation of Indonesia, on behalf of the LMCs. It was concerned that negotiations at the IGC had taken over two decades and progress had been hindered by some Member States that were resisting progress for narrowing gaps in the texts. Some Member States continued to exhibit absence of flexibility and compromise by introducing obstructing perspectives in the text that undermined the constructive and good faith efforts of most Member States. The deviating views were delaying the adoption of an important necessary agreement on the protection for TK and GRs from misuse. The Chair's Text contained in WIPO/GRTKF/IC/43/5 was more mature. It had narrowed the gaps and significantly captured in a balanced manner the interests of most Member States. Therefore, the Delegation believed that the Chair's Text should be the basis for further negotiations on GRs, upon which a diplomatic conference should be convened. It supported the call for revision of the working methodology at the IGC in the future sessions to ensure transparency and inclusiveness. In conclusion, the Delegation hoped that the 2022 WIPO General Assembly would provide necessary guidance for the IGC to finalize the international instruments on TK, GRs and TCEs without any further delay.

163. The Delegation of India, speaking in its national capacity, thanked the IGC Chair and the Secretariat for preparing the report. It also thanked the former IGC Chair for preparing the non-paper as a reference document for subsequent discussions at the IGC on GRs. It appreciated that the non-paper had given due consideration to the recommendations made by the Delegation of India at IGC 42. India was a strong advocate of the establishment of mandatory disclosure requirements, and the same had been reflected in the non-paper amended by the former IGC Chair. Likewise, it wished to see the same spirit replicated in the Consolidated Document. The discussions in the IGC had been productive but moderate. It hoped that the Secretariat would expedite the work of the IGC on GRs by engaging in virtual activities with an *ad hoc* expert group and Member States. The establishment of an *ad hoc* expert group(s) was a positive development. The Delegation encouraged Member States, both *demandeurs* and non-*demandeurs*, to reach a common understanding on core issues and agree on an international legal instrument(s), so that the IGC was in a position to make a constructive recommendation for convening a diplomatic conference in the next WIPO General Assembly. The Delegation also assured active participation in the discussions on TK and TCEs in the coming meetings under the biennium 2022/2023.

164. The Delegation of the European Union, speaking on behalf of the European Union and its Member States, reiterated its commitment to engage constructively in the work of the IGC. The last two IGC sessions on GRs were unfortunately not able to generate much progress towards a draft legal instrument on GRs and TK associated with GRs. To recover momentum, it supported the decision of the last IGC session to invite the new IGC Chair to revise the Chair's Text as contained in document WIPO/GRTKF/IC/43/5 for IGC 47, while maintaining its integrity as the Chair's Text. It reiterated its view that the Chair's Text was clean and more focused, and its scope was better defined than the latest version of the Consolidated Document emerging from IGC 42. The Chair's Text would therefore constitute a better basis for further discussions. It was hopeful that virtual activities to be conducted in the current biennium to expedite the work on GRs would contribute to fine-tuning the Chair's Text. Turning to the upcoming sessions of the IGC under its current mandate for 2022/2023 on TK and TCEs, it endorsed the recommendations of IGC 43 to welcome the IGC Chair conducting consultations with Member States and the Indigenous Caucus for the methodology to be used in the future sessions. It was hopeful that consensual solutions could be found to duly prepare for the next IGC session. It stood ready to continue substantive work in the IGC as foreseen in its current mandate.

165. The Delegation of South Africa aligned itself with the statement made by the Delegation of Algeria, on behalf of the African Group, and the statement made by the Delegation of Indonesia, on behalf of the LMCs. It appreciated the presentation of the report on the work of the IGC. Like others, it was pleased that the IGC had resumed its important work of negotiating an international legal instrument for effective protection of GRs, TK and TCEs. It had had high hopes that the first two IGC sessions in the biennium on GRs and associated TK would take several steps forward and lead closer to the convening of a diplomatic conference. However, despite the best efforts of the majority of delegations, no meaningful progress had been made, and the objective of narrowing gaps had not been realized. The Delegation was encouraged by the constructive approach of many delegations that recognized the need to expedite and finalize the protracted negotiations in the IGC, even as others sought to delay the negotiations. It had taken note of the broad support for the Chair's Text, and believed that was the document that should guide the deliberations of the IGC, including the convening of a diplomatic conference. The Delegation considered how to proceed with two texts in the future, especially since one of those texts had proven to lead nowhere. It continued to believe that the main objective of the instrument on GRs should be the prevention of misappropriation of GRs and associated TK, and that could be best achieved by the introduction of mandatory disclosure of source and origin. It looked forward to the consultations that the IGC Chair would take on the methodology to be used by the IGC, as it had become apparent that the IGC needed a more efficient and effective methodology that would help to deliver the results.

166. The Delegation of Saudi Arabia supported having an agreed position on GRs and TK, and achieving a balance between different goals. Member States needed to have extensive discussions in order to come up with a consensual text.

167. The Delegation of Colombia supported the statement made by the Delegation of the Dominican Republic, on behalf of GRULAC. It wished to underscore the importance of moving forward with the work within the IGC on GRs, which would enable Member States to reach a consensus. It encouraged all Member States to continue with discussions with a view to building a single instrument containing the different common legal instruments on the disclosure of origin of GRs and associated TK. The basic proposal for promoting the socio-economic development of all countries must be based on the use of biodiversity under clear rules based on the principle of reciprocity. Access to GRs and associated TK was dynamic, and the discussion must move in the context of the relevant IT.

168. The Delegation of Ethiopia thanked the Chair and her team for their wisdom and excellent leadership. It conveyed its profound appreciation for providing the document. The Delegation fully aligned with the statement made by the Delegation of Algeria, on behalf of the African Group. It had always been committed. As clearly expressed by the African Group and other Member States, the discussion at the IGC had been going on for many years. It wished to echo those concerns, and hoped that WIPO could take the Chair's Text as the basis to expedite and finalize the negotiations. A necessary work was to have a diplomatic conference as early as possible.

169. The Delegation of Zambia supported the statement made by the Delegation of Algeria, on behalf of the African Group, as one of the countries that had enacted a national law on the protection of TK, GRs and TCEs. On the work of the IGC, it appreciated the progress made in considering various options for a draft legal instrument. It urged the IGC to continue its work, focusing on addressing the unresolved issues. Therefore, it welcomed the work program of the IGC, and looked forward to the finalization of international instrument(s) to pave the way for a decision on the convening of a diplomatic conference.

170. The Delegation of Morocco thanked the Secretariat for preparing the document. The work of the IGC was extremely important for WIPO. Its success was vital for the international IP system to play its full role in protecting the rights holders in a balanced and fair way. It hoped that the negotiating process could continue in accordance with the mandate and with a collective engagement to bridge the gaps in the text, in order to move forward with the negotiations in the IGC and reach consensus.

171. The Delegation of Botswana supported the statement made by the Delegation of Algeria, on behalf of the African Group. It thanked the Secretariat for the preparation and presentation of the document. It was regrettable that even though the work of the IGC had been going on for many years, there was still no tangible outcome yet. TK and TCEs were very important, and it was in the process of including the protection of TCEs in the Copyright Act. The Delegation, like other delegations, believed that that gave a tremendous opportunity for social, economic and cultural development. That made it important to ensure that GRs, TK and TCEs used in IP development, commercialization and any other uses benefited communities where they originated. Only through an international instrument could the protection be harmonized. Therefore, it supported the review of the working methodology for a more focused, transparent and inclusive one. It believed that the Chair's Text was balanced and took into consideration all interests. Therefore, it could be used as a basis for finalizing work towards convening a diplomatic conference to adopt a binding instrument on the protection of GRs and associated TK.

172. The Delegation of Jamaica supported the statement delivered by the Delegation of the Dominican Republic, on behalf of GRULAC. It commended the IGC Chair,

Ms. Lilyclaire Bellamy, for her leadership, as well as the Vice-Chairs. It thanked the Secretariat for preparing the report. The Delegation indicated that it had always actively participated in the work of the IGC, given its importance in establishing a legal framework for the protection of IP, dealing with GRs, TK and TCEs. The Delegation highlighted that like many other countries, it possessed a wealth of GRs, TK and TCEs, which must be protected, as they played a critical role in the local communities and overall economic development. At the last session of the IGC, it was regrettable that significant progress had not been made, as it was envisioned, particularly concerning the discussions on the methodology going forward. The Delegation had always maintained the need for high-level pragmatism in its approach towards advancing the work of the IGC and ensuring that the outcome(s) reflect the views of the Member States. The Delegation highlighted that the IGC's mandate provided latitude for the Committee to utilize all working documents, including the Chair's Text. At this stage, it was important that Member States exercised flexibility as well as explored creative approaches to advance the work of the IGC. It stressed the need for the IGC to be constructive and welcomed the plan for continued extensive consultations on this matter, with a view to concluding the work. The IGC Secretariat should continue to provide Member States with necessary expertise and funding to parties. It reiterated its willingness to continue engaging with Member States, as all Member States worked collectively to deliver an effective and balanced legal instrument(s) for the protection of GRs, TK and TCEs.

173. The Delegation of Cuba underscored the importance of the work of the IGC on GRs, TK and TCEs. It recognized that progress had been made, with a view to reaching an agreement on international legal instruments to ensure the balanced and fair protection of GRs, TK and TCEs.

174. The Delegation of Australia thanked and acknowledged the contribution of the former IGC Chair, Mr. Ian Goss. It thanked the new IGC Chair, Ms. Lilyclaire Bellamy, and indicated that it looked forward to working with her to expedite the progress in the IGC. The Delegation highlighted that it was keen for the IGC to continue its work, as the subject matter was important for Australia and for all people. It echoed the voices across the regional groups in looking for progress and supporting the Chair's text on GRs. It indicated its hope that positive, inclusive and constructive work could allow Member States to bridge the remaining gaps, including through virtual sessions. It looked forward to consultations with the IGC Chair on the methodology for the future IGC sessions, noting that fresh approaches, where possible, might help progress this important work. It highlighted that it had heard from the Indigenous Caucus, as well as its aboriginal peoples, on the importance of action on this issue, and was reminded of the indispensable role that indigenous representatives played in the IGC, which should be supported.

175. The Delegation of Thailand congratulated the Chair on her excellent work that she had been doing the week before. It associated with the statement delivered by the Delegation of India, on behalf of the Asia and the Pacific Group, as well as the statement made by the Delegation of Indonesia, on behalf of the LMCs. Like many other developing countries, the issue was very pertinent and very important to Thailand. It conveyed its appreciation to the previous IGC Chair and the current IGC Chair with whom it would continue working closely in the near future. It expressed its appreciation to all Member States, as well as the contribution of the Secretariat. It confirmed its stance on the IGC, developing international legally binding instruments that gave balance of rights of owners and users, and effectively protected GRs, TK and TCEs. Though gaps in views of some aspects of GRs remained, it recognized the progress made by the IGC over the years. It strongly supported that the negotiations on the protection of GRs, TK and TCEs continued with a clear and practical approach to streamline the discussion. After hearing how sensitive the issue was and the passionate statement delivered by the Delegation of Vanuatu, it reassured its commitment to engaging constructively in the future work of the IGC on all texts. It hoped that the text-based negotiations would be concluded in the near future.

176. The Delegation of the Bolivia (Plurinational State of) supported the statement made by the Delegation of the Dominican Republic, on behalf of GRULAC. It thanked the Secretariat for the report and the IGC Chair, Mrs. Lilyclaire Bellamy for her work. It believed that tangible results had been achieved. These questions had been on the agenda for many years and it was important to make progress in the briefest time possible. It exhorted Member States to act in good faith and to work constructively to try and find consensus and convergences.

177. The Delegation of Samoa, speaking on behalf of the Pacific Islands Forum, supported the statement made by the Delegation of India, on behalf of the Asia and the Pacific Group. The work of the IGC was a long-standing priority for the Pacific Island Forum. It recalled that at IGC 4 in 2002 the Pacific Islands Forum had presented the Pacific Model Law for the Protection of Traditional Knowledge and Expressions of Culture. This pioneering work, the first of its kind, was a *sui generis* mechanism that contributed to the early work of the IGC. Subsequently, in 2004, a Pacific Model Law on Traditional Ecological Knowledge and Genetic Resources was developed and adopted by the region. The Pacific Island Forum had indicated that they would be exploring the extraterritorial application of the model law, in the absence of an international treaty in WIPO. The Delegation noted that work in the IGC had significantly evolved and that text-based negotiations were taking place, but 20 years had passed since IGC 4 and there were still no international instruments. TK continued to be unprotected and rights continued to be undermined. It was important to step up the work of the IGC to advance and conclude these international treaties. The Delegation had taken note of the state of play in the factual reports of the IGC in respect of the draft. The Pacific Island Forum fully supported the IGC's mandate for the 2022/2023 biennium as set out by the 2021 WIPO General Assembly and was hoping that work would advance. It noted that there were two texts on the table for GRs, the Consolidated Document developed by IGC 42 and the text developed by the former IGC Chair. It also noted that Member States had expressed divergent views on the way forward at IGC 43 and had been unable to decide which text should be the basis for negotiations on GRs. Nevertheless, it welcomed the decision made at IGC 43 for the Secretariat to organize further *ad hoc* virtual meetings of experts on possible disclosure requirements, seminars and/or other virtual technical meetings on information systems, registers and databases of GRs, TK and TCEs. It also noted that the experts attending those meetings would include experts reflecting different interests and balanced geographical representation. The Pacific Island Forum therefore registered its interest to be included in those meetings and to possibly have webinars in the coming weeks in which its members could be updated on the work of the IGC so as to better prepare for the forthcoming meetings. On TK and TCEs, it noted with appreciation that the workplan of the IGC would focus on advancing the texts in upcoming meetings. It was of significant interest to the Pacific Island Forum to advance and conclude negotiations at the earliest opportunity. However, the momentum and efforts in the work on GRs should not be hindered or delayed and it wished to see the work in all three areas progress before IGC 47. As expressed in an earlier general statement, it would actively engage in the IGC meetings planned during this period to advance the texts for adoption during the WIPO General Assembly next year.

178. The Delegation of the United States of America thanked the Secretariat for the preparation of document WO/GA/55/6. It aligned itself with the statement made by the Delegation of Germany, on behalf of Group B. It recalled that the IGC had been established by the WIPO General Assembly in 2000 and that the mandate of the IGC had been regularly renewed every two years since its inception to allow continued conversation. It reminded that Member States had been however unable to come to an agreement on IP issues arising in the context of the IGC and that constructive discussions continued, as the current IGC's mandate would not expire until 2023 as the Secretariat had indicated in its introduction. The Delegation looked forward to continuing discussions consistent with that mandate. Focusing specifically on the discussions relating to GRs, it noted that it was widely recognized that no consensus currently existed on these issues. It found it understandable as Member States had not yet come to a shared understanding of the issues to be solved and the precise boundaries of the subject matter to be protected. The United States of America had been an active participant in these discussions on

GRs and other IGC discussions since the establishment of the IGC to develop a common understanding of these complex issues and to arrive at practical outcomes that would not disincentivize innovation. To help clarify these complex issues, the Delegation had encouraged discussion of specific examples drawn from national experience or domestic legislation. It recalled that at IGC 43, which had taken place a few weeks ago, a proposal had been tabled at the end of that session suggesting that Member States abandon the Consolidated Document, a heavily negotiated document that had been the basis for the work of the IGC, and adopt a yet to be negotiated Chair's Text instead. It also recalled that consensus had not been found for proceeding with this newly tabled Chair's Text at IGC 43. The Delegation was of the view that at this point discussions had yet to sufficiently progress to reach agreement on a single text to work off, much less on the content of that text. It believed that a workable outcome from the IGC process was only possible through a consensus-based approach, with the full partnership of providers and users of GRs. Consequently, it was clear that these discussions were not ripe for action and that discussions would need to continue in the IGC. It did not support a departure from well-established practices of seeking consensus to move forward on normative outcomes that ensure the interests of all had been taken into account.

179. The Representative of the *Ordre Suprême des Ancêtres* (OSA) thanked the Secretariat and the Chair for the organization of the WIPO General Assembly and wished the IGC the best in its work. It reminded that OSA was a federal organization regrouping more than 530 traditional chiefdoms in Africa and that its members were defined or identified themselves through differentiation of geographical, ethical, spiritual nature. It recalled that the use of GRs was frequently and often intrinsically linked to religious rites and mystical practices of the indigenous religions in Africa. It explained that when GRs were used for religious ends, their properties were related to a specific ceremonial and metaphysical context. It wished to raise awareness among the members of the IGC to the importance of taking into account in their work that GRs associated with TK which were used for spiritual ends or in ritual practices needed to be protected, so that rituals be not desecrated and the right to freedom of religion - which was a human right recognized by international institutions and fundamental law - not diminished.

180. The Representative of ELAPI thanked the Secretariat for the relevant documents and welcomed the efforts made by Member States in moving forward the discussions taking place at the IGC. However, it emphasized that the issue was becoming very urgent for the Latin American region. It was more difficult every day to deal with the misappropriation of TK and misuse of GRs in the context of research or innovation of a low ethical status due to the absence of an IP instrument that would enable national offices to protect TK, TCEs and associated GRs. It was vital to take into account key principles like the acknowledgement of the country of origin, protection against unauthorized access to TK, the acknowledgment of TK associated with GRs in the GRs-related digital sequences, and above all, the fair and equitable sharing of benefits of the legitimate owners. It called upon Member States to speed up the discussions of the documents proposed in the IGC and reach consensus upon a final document to be brought up to a diplomatic conference. It recalled that the diverse and mega-diverse countries urgently required instruments for protection and that the struggle for the protection of GRs and TK was global. It noted that such protection had been accommodated more expeditiously in other fora and that the IP system should not lag behind. It assured that ELAPI stood ready to collaborate with the WIPO General Assembly, the IGC and the Member States, especially from Latin America and the Caribbean, as a contribution to the development of a *sui generis* IP system of protection, more so as a follow up to the decisions taken by IGC 43 in relation to the work of the IGC.

181. The Representative of TWN referred to the discussions that had taken place on Agenda Item 9(iv) ("Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT)"). He noted that during the discussions many Member States had forcefully argued the need to hold a diplomatic conference to conclude a DLT. It emphasized in this regard that the mandate to develop three international legal instruments at the IGC was

more than 20 years old, which was older than the discussions regarding a DLT. It pointed out that the COVID-19 pandemic again showed the need to have an international instrument preventing biopiracy. It added that the developing countries shared the pathogenic samples or genetic sequencing information on pathogens that really helped in the development of many vaccines including Ebola and COVID-19. It noted however that neither the vaccines nor the technology developed were shared in a fair and equitable manner. It said that from a public health perspective, it was important to have a mechanism that facilitated the sharing of pathogens and digital sequencing information through a fair and equitable framework. It emphasized that preventing misappropriation of GRs as well as associated TK was essential to develop credible mechanisms to share GRs for public health purposes. It called for the speedy conclusion of the IGC negotiations.

182. The Representative of KEI was skeptical about the idea of combining all the three topics into a single instrument at this point, given the differences between the issues relating to TK, TCEs and GRs. It was aware that there were several trade agreements that included copyright, patents, trade secrets and other types of IP in the same agreements, but it noted that those agreements usually worked on norms that had been established in separate instruments that focused on just one topic, like treaties on copyright, or agreements on trademarks. It found that putting all three topics into the same remit was asking a lot. It attributed partly the lack of progress to this sort of mandate that include the three topics in the same instrument. It encouraged therefore to think about treating these topics within the framework of separate instruments.

183. The Representative of HEP recalled that its organization had been attending the IGC for 20 years and that its purpose was to promote a healthy environment to support people in the world in which we lived. It noted that peoples of traditional culture were very vulnerable and that their TK and GRs were often misappropriated by the rich. It said that the rich found it very easy to manipulate these vulnerable communities, while those peoples often had no idea of the potential value of these resources and sold them for a small price because they were poor. New options and huge piles of paper had been presented in the IGC, while indigenous peoples were very often not able to read and write, nor did they have the time to read through all of these options and WIPO documents. Indigenous peoples needed something very simple, in terms of understanding the protection available for the resources that they hold, when for instance researchers come to them. It recalled that such situations occurred in the context of the COVID-19 epidemic. It pointed out that there were many traditional resources that peoples had managed to use to heal people, while they could not commercialize them because they were not scientifically proven. Those peoples needed the assistance of persons who would help them to market their products, as well as additional legal instruments. The IGC would never make progress, if it did not move towards a consensus, so that a diplomatic conference could be organized, the rule within WIPO being that no progress could be made without consensus. It reminded that people in the meantime kept using TK and GRs and patented products based on them, while there was still no common understanding on how to deal with the protection of these resources. It said that an international legal instrument that could be used for such protection was necessary, that such result was what was expected from the IGC and that the work of the IGC must not stop. It asked how many more generations would it take until such result be reached.

184. The Chair thanked all delegations for their statements. She had taken note of the broad interest in the importance of the draft international legal instrument(s) on IP, GRs, TK and TCEs. After hearing quite a range of different views on the next steps, she had the strong feeling that moving ahead with that decision would not be what all delegations would share. The Chair proposed to suspend the plenary for further consultations. (See below).

(vii) The Committee on WIPO Standards (CWS)

185. Discussions were based on document WO/GA/55/7.

186. The Secretariat presented developments from the ninth session of the Committee on WIPO Standards (CWS) held in November 2021. First, the Secretariat noted that WIPO Standard ST.26 for biological sequence listings was implemented globally on July 1, 2022, in line with the WIPO General Assembly decision made last year. The Secretariat expressed appreciation for IP Offices around the world implementing the Standard in their legal and IT systems. WIPO Sequence Suite software developed by the International Bureau (IB) has supported patent applicants and Offices with generating and validating biological sequence listings in compliance with ST.26. Gratitude was expressed to the CWS Sequence Listings Task Force for their kind collaboration. Training webinars for ST.26 were provided in 10 languages, with future trainings available upon request and subject to available resources. The Secretariat also reported the results of the ninth session of the CWS including the adoption of one new Standard ST.91 on digital three dimensional (3D) objects. The new Standard provides recommendations for IP Offices and others to manage, store, process, exchange or disseminate IP data containing 3D digital objects. The Committee also approved or noted revisions to five existing Standards. The CWS considered two working papers: Improvement of copyright orphan work metadata, and Blockchain Whitepaper for IP Ecosystem. The Blockchain Whitepaper is now published on the WIPO website. The CWS also noted three surveys conducted in 2021 and approved the publication of one survey result on the WIPO website. The CWS reviewed and agreed on its revised work program consisting of 25 Tasks and 17 Task Forces. Two Tasks were discontinued as they are considered completed.

187. The Delegation of the Russian Federation thanked the Secretariat for the report on the CWS. It noted the productive work done by the Committee and its Task Forces, particularly the Task Force on 3D images and models. The Delegation underscored that the Committee deals with the preparation and review of WIPO Standards on the basis of which the work of the Organization, IP Offices, and cooperation with applicants take place. Standardization and harmonization of approaches and practices promote effective and agreed works with information contained in IP documents. The Delegation expressed gratitude to the Secretariat and Member States for their contributions to the preparation of the new WIPO Standard ST.91 on digital 3D models and 3D images, which was adopted at the ninth session of the CWS. It also noted with satisfaction the efforts of Member States and the Secretariat to deal with the move to WIPO Standard 26, which deals with the presentation of nucleotide and amino acid sequence listings using XML. The Delegation was also grateful for the preparation of instruments on consistency and for holding training seminars in various different languages.

188. The Delegation of Serbia thanked the Secretariat for preparing the excellent documents regarding the work of the CWS and welcomed the report by the Secretariat. Since the last WIPO General Assembly, the IP Office of the Republic of Serbia had continued to actively participate in monitoring the work of the WIPO Sequence Listings Task Force for the implementation of WIPO Standard ST.26. As one of the WIPO ST.26 contributors, the IP Office has actively tested WIPO Sequence and WIPO Sequence Validator and reported the results to the WIPO Sequence Team. In the course of 2022, the Serbian Team had tested all new versions of the WIPO Sequence Validator in preparation for its integration into their IT system for electronic filing of patent applications. That enabled the IP Office to implement online filing of patent applications with XML sequence listings. Moreover, it also enabled the IP Office to make a full validation of the filed sequence listings in ST.26 XML format starting from July 1, this year. Preparation of the instructions for applicants and timely notification of the public were also part of the transition from the WIPO Standard ST.25 to ST.26. Both patent examiners and IT experts from the Serbian Office were engaged in testing and improving the new WIPO Sequence tools through consistent communication with the WIPO Sequence Team. The Serbian Team was ready to provide support to patent applicants and will address any reported

issues or consider proposed improvements. The Delegation thanked the International Bureau for developing both WIPO Sequence for applicants and WIPO Sequence Validator for Offices.

189. The Delegation of Spain thanked the Secretariat for its excellent work. For several years, the Spanish Office has actively participated in the CWS. The Delegation was particularly happy to highlight the entry into force on July 1, the new WIPO Standard ST.26 on the presentation of nucleotide and amino acids using XML. The Spanish Office had participated very actively and had been very much involved in three areas, namely, the carrying out of tests on the WIPO Sequence Suite developed by WIPO to reach the WIPO sequence tool and the WIPO validation tool for the detection of errors and the suggestion for personal improvements. The Spanish Office also participated in the trainings on ST.26 and the WIPO Sequence tools in Spanish, and cooperated and helped with the translation of these tools into Spanish. The Delegation thanked the Secretariat for the Committee's work.

190. The Delegation of the United States of America thanked the Secretariat for the preparation of document WO/GA/55/7 and took note of the report. The Delegation supported WIPO's ongoing work in the development of WIPO Sequence tools for the implementation of Standard ST.26 for nucleotide and amino acid sequences in patent applications. Use of the authoring tool by applicants and use of the Validation tool by IP Offices will be key to successful implementation of ST.26. The Delegation also said that continued support for these tools in the coming years will be of importance as applicants and IP Offices use the tools for ST.26. The USPTO was pleased to work closely with the IB and the Sequence Listings Task Force members in providing training webinars and input to the FAQs, which would aid applicants seeking to create ST.26 sequence listings. The USPTO also continued to work closely with the IB in support of the ongoing development and updates to WIPO Standard ST.96, and in the preparation of a new WIPO standard on JavaScript Object Notation (JSON).

191. The Delegation of Saudi Arabia expressed gratitude to the Secretariat for producing the document for this agenda item. The Delegation welcomed the report and the work that had been done. The Office of Saudi Arabia organized a seminar in the Arabic language to build awareness about the importance of WIPO Standard ST.26 to make the implementation of the Standard easier in Arabic speaking nations. The Delegation also prepared a document to bring to the attention of all participants at the next session of the CWS.

192. The Delegation of India thanked the Secretariat for its tremendous work and efforts in preparing the document. Standards in IP are very important and common framework among IP Offices facilitates the data processing and dissemination of information. The Delegation welcomed the recent revisions of the WIPO Standards, ST.26, ST.27, ST.37, and ST.88. WIPO technical assistance and efforts to raise awareness regarding WIPO Standards among the Member States were deeply appreciated. The Delegation suggested that WIPO might like to increase the geographical coverage of the awareness program so that stakeholders could benefit.

193. The Delegation of the Republic of Korea expressed its appreciation for the Secretariat's work in preparing document WO/GA/55/7. The Delegation noted that WIPO's Whitepaper on Blockchain and Intellectual Property, which was published under the support of Korea's FIT, was now available on the WIPO website. The Delegation hoped that this would establish a catalyst for more active international discussion on how frontier technologies such as blockchain could be applied to IP administration.

194. The Representative of ELAPI thanked the Secretariat for the preparation of the document. The Representative expressed gratitude to the CWS for the work, which had been done, on the adoption of new WIPO technical standards and the review of others so as to enable WIPO to better cooperate with IP Offices worldwide. In respect of presentation, examination, publication and granting of IP rights, all IP Offices aim at simplicity and reducing expenses. Guarantees in

transparency, efficiency, harmony, and speed in processing and procedures will be to the benefit of society at large. The development of innovation and use of new technologies will become a constant across the world in all regions, and that was where IP Offices needed to be prepared to meet the challenge, to ensure that everybody could enjoy and exercise their IP rights in full. The Representative reiterated its commitment to the Assemblies to continue with the work proposed to promote the provision of services by IP Offices and to educate people in what they are and cooperate with people in using them.

195. The WIPO General Assembly took note of the “Report on the Committee on WIPO Standards” (document WO/GA/55/7).

Conclusion: Agenda Items (iv) Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT) and (vi) The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

196. Reopening the agenda item, the Chair reported that a proposal had been submitted to Member States by the African Group in the late afternoon of July 19, 2022, on which consultations had taken place. Stressing the importance of letting all delegations examine the proposal and actively participate in the related discussions, the Chair invited the African Group to present its proposal.

197. The Delegation of Algeria, speaking on behalf of the African Group, stated that the Group was pleased to submit to the WIPO General Assembly, for its consideration, a proposal to advance the WIPO normative agenda on the subjects of GRs associated with TK and the DLT. Pointing out that the proposal had already been shared with Member States and the Secretariat, the Group wished to assure all Member States of the well-thought out nature of the proposal, as well as of its alignment with the mandate of the IGC and the envisaged timeline of the DLT. Specifically, the proposal allowed sufficient time for the IGC to conclude a special session and to bridge the remaining gaps prior to the diplomatic conference, which was anticipated for no later than 2023. As both subjects under consideration had been discussed for a long time in WIPO and were now at a similar level of maturity, the Group was of the view that its proposal constituted a practical solution to the deadlock faced by Member States in concluding the issues at stake. The Group added that it could not overstate the value of both subjects to the facilitation of socio-economic development for resources and origins of GRs, TK and TCEs, as well as the contribution of designs to that objective. The Group believed that the conclusion of the negotiations on both subjects would not only facilitate and respect the moral and economic rights of local communities, but would also strategically align WIPO with other treaty bodies that had implemented international instruments for socio-economic protection of owners of such rights, without hampering innovation and creativity worldwide. Therefore, the Group looked forward to the good faith and engagement of Member States in considering the proposal and, more importantly, to a positive demonstration of the political will required to enable progress on the WIPO normative agenda.

198. The Chair, thanking the Delegation of Algeria for its statement delivered on behalf of the African Group, invited delegations to continue the discussions to have a constructive and consensus-based approach at the next reopening of the agenda item at a later stage during the present WIPO General Assembly. The Chair suspended the agenda item for further informal consultations.

199. Reverting to Agenda Items 9(iv) and 9(vi), the Chair recalled that a proposal, as contained in document WO/GA/55/11, had been submitted by the African Group.

200. The Delegation of Nigeria, expressing its appreciation to the Secretariat, lent its full support to the proposal made by the African Group to advance the WIPO normative agenda on IP, GRs associated with TK and the DLT. The Delegation believed that the proposal contained

fair and practical solutions considering the stalemate on those subjects. The Delegation expressed the view that Member States faced an auspicious moment to recognize the rights of IPLCs who had served for generations as the bedrock of modern innovations and advancement. The conclusion of both instruments would push in a new law and level of informed, transparent collaboration, innovation and creativity that would enhance the incentives from exploitation of GRs, TK and TCEs. Expressing the hope that Member States would seize the momentum and opportunity to put WIPO at path with other international organizations with respect to the protection and preservation of local and indigenous communities, the Delegation stood ready to engage in good faith and counted on the same approach by all Member States.

201. The Delegation of South Africa, aligning itself with the statement made by the Delegation of Algeria on behalf of the African Group, believed that the proposal to advance the WIPO normative agenda should be supported by all, as it provided a way out of an impasse that had existed for years. Noting the aspiration to find a constructive and balanced way forward, the Delegation said that it attached great importance to both instruments and that it was convinced that their adoption would positively contribute to the enrichment of the IP system. In particular, it would increase innovation in developing countries and would provide a just and inclusive IP system that provides for the rights of all and, especially, of IPLCs. The Delegation urged the WIPO General Assembly not to miss the opportunity to move forward towards a common goal and proceed to negotiations on those issues. The Delegation believed that convening a diplomatic conference would provide a real possibility to reach that goal – an urgent issue that could not be delayed any longer.

202. The Delegation of the United States of America, inquiring as to a procedural issue, believed that the proposal concerned two agenda items in a single paper, and proposed to discuss both issues sequentially, consistent with the handling of other previous items.

203. The Chair, noting that the proposal concerned two sub-items of Agenda Item 9, said that the delegations could comment on one or both agenda items.

204. The Delegation of Zimbabwe, aligning itself with the statement made by the Delegation of Algeria on behalf of the African Group, supported the proposal to advance the WIPO normative agenda on the subject of IP, GRs associated with TK and the DLT. Placing high priority on the protection of GRs, the Delegation believed that the text of the Chair of the IGC presented a unique opportunity for the finalization of the negotiations on the protection of GRs. Recalling that the negotiation process had taken more than 20 years, the Delegation believed that it was opportune that Member States conclude the work through the convening of a diplomatic conference for an instrument on GRs protection in 2023. The Delegation also expressed its support for the proposal to convene a diplomatic conference to conclude the DLT. In conclusion, the Delegation said that the political will on the part of the African Group and the LMCs on a constructive engagement would lead to a balanced treaty, which would serve the interests of all Member States.

205. The Delegation of Indonesia, speaking on behalf of the LMCs, said that it would welcome a positive decision to advance the WIPO normative agenda, particularly on the subject of GRs, TK and the DLT. Considering that significant progress and convergence on the subject matter, the LMCs believed that the time had come for the WIPO General Assembly to direct the IGC to expedite its work and fulfill its mandate in that regard. Aligning with the proposal made by the African Group and aiming to advance the work in the IGC, the LMCs remained committed in engaging constructively to achieve a mutually acceptable outcome for all Member States.

206. The Delegation of Tunisia expressed its support for the statement made by the Delegation of Algeria on behalf of the African Group.

207. The Delegation of Uganda, expressing its full support for the statement made by the Delegation of Algeria on behalf of the African Group, believed that the two matters contained in the proposal had languished for decades while local communities and indigenous peoples continued to suffer the loss and misappropriation of their knowledge. The Delegation expressed the hope to conclude these matters urgently in order to move forward and protect the people.

208. The Delegation of Ghana lent its full support to the statement made by the African Group.

209. The Delegation of Namibia aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group, and encouraged other delegations to endorse the proposal.

210. The Delegation of Germany thanked the African Group for its proposal. It informed the WIPO General Assembly that internal consultations within Group B were underway, and requested some time to carry on those discussions.

211. The Delegation of Ethiopia expressed support for the statement made by the Delegation of Algeria on behalf of the African Group, and called on other delegations to do the same.

212. The Delegation of Malawi supported the proposal presented by the African Group and urged other Member States to equally endorse it.

213. The Delegation of Iran (Islamic Republic of) joined other Member States in strongly supporting the proposal made by the African Group to advance the WIPO normative agenda on GRs associated with TK, with a view to finalizing, during a diplomatic conference, an international legal instrument to protect those resources.

214. The Delegation of Slovakia, speaking on behalf of the CEBS Group, thanked the African Group for its efforts in preparing a complex proposal on the DLT and the IGC agenda items. Recognizing that those topics had been on the agenda of the WIPO General Assembly for a long time and the subject of various discussions for almost 10 years, the CEBS Group considered that there was a clear need to move forward with those issues. However, the CEBS Group held the view that both agenda items should be treated separately, building on existing work, including text-based negotiations, in order to keep a constructive spirit. The CEBS Group called for the narrowing of existing gaps and stood ready to work on reaching a common understanding on core issues of the IGC and the outstanding two articles of the DLT, to advance and expedite the work as much as possible. Finally, the CEBS Group requested more time to analyze the new proposal, with a view to studying the flexibilities and consulting with other regional groups, finding compromise solutions acceptable to all, engaging in good faith and achieving a meaningful outcome.

215. The Delegation of the European Union, speaking on behalf of the European Union and its member states, echoed the statements delivered by Group B and the CEBS Group in thanking the African Group for its proposal. The Delegation also requested more time to coordinate before getting back to the plenary and expressed the hope to find a mutually acceptable outcome.

216. The Delegation of China, supporting the proposal, stated that that it attached great importance to the WIPO normative work and supported the organization's leading role in IP norm setting. The Delegation recalled that, according to WIPO's MTSP, the Organization's mission was to lead the development of a balanced global IP ecosystem accommodating all parties' interests. The Delegation lent its support to the adoption of the DLT and to the efforts made within the IGC to adopting a legally-binding instrument. Considering that all parties' interests should be fully considered, the Delegation stressed that coordination should be strengthened in order to advance the process in a more balanced way. The Delegation stated that the WIPO General Assembly had a precious opportunity to advance the work.

217. The Delegation of India, speaking in its national capacity, said that it attached high importance to an early conclusion of the two key treaties, the DLT and the IGC, which had been under negotiation for years. Stressing the need to expedite the adoption of those treaties and recalling its constructive engagement to bridge existing gaps, the Delegation welcomed the proposal made by the African Group regarding the need to reach an early decision. The Delegation expressed its support to the consolidated text as a basis for negotiations on the IGC, as well as to all efforts aimed at reaching consensus on the proposal presented by the African Group. Concerning the timelines for the various meetings, including the preparatory committees and diplomatic conferences, the Delegation considered that the proposed schedule was too ambitious and called for a revision thereof, to allow adequate time for the effective participation of delegations. As regards the venues for the diplomatic conferences, the Delegation believed that the decision could be left to the preparatory committees, taking into account the expressions of interest from Member States.

218. The Delegation of Cameroon aligned itself with the declaration made by the Delegation of Algeria on behalf of the African Group, pointing out that the time had come to give more relevance to IPRs relating to GRs, TK and folklore. The Delegation considered that the opportunity to give greater credibility to TK and GRs must not be missed and that this was an important decision for the international community to make. In addition, the Delegation supported the convening of a diplomatic conference for the adoption of the DLT.

219. The Delegation of Cabo Verde welcomed the work of the African Group during the WIPO General Assembly and expressed its support to its proposal to advance the work on GRs and TK, as well as on the DLT.

220. The Delegation of Kenya strongly supported the proposal made by the African Group as presented by the Delegation of Algeria, and urged other Member States to endorse it.

221. The Delegation of Egypt, aligning itself with the statement delivered by the Delegation of Algeria on behalf of the African Group, expressed its full support for the proposal, which would enrich the IP system and advance the WIPO normative agenda. The Delegation encouraged all delegations to lend their support to the proposal.

222. The Delegation of Niger, supporting the interesting and relevant proposal made by the African Group in the interest of all, believed that it was time to seize this opportunity to advance the normative work through the convening of a diplomatic conference. The Delegation called on other Member States to align themselves with the proposal.

223. The Delegation of Brazil supported concrete steps to move forward with the negotiating processes on the two substantive issues referred to in the proposal made by the African Group, namely GRs and the DLT. Both issues, as the pillar of the normative agenda of the Organization, reflected aspirations that had been expressed for many years by a large number of delegations. The Delegation thus believed that the WIPO normative agenda should duly reflect the vital importance attached to the issue of GRs, in order to conclude an international legal instrument on this issue, and that the WIPO General Assembly should move forward to overcome differences and facilitate consensus among delegations.

224. The Delegation of the Gambia aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group and urged all Member States to make progress on that normative agenda.

225. The Delegation of Zambia, supporting the proposal made by the Delegation of Algeria on behalf of the African Group, called on all Member States to rally behind the proposal in order to make progress on those two agenda items, which had been on the agenda for a long time.

226. The Delegation of Saudi Arabia believed there was a need to advance towards the convening of a diplomatic conference to adopt a legal instrument on the DLT, as well as on the issue of GRs. Expressing its support to the proposal tabled by the African Group, the Delegation indicated that some slight amendments were necessary to gather support from more Member States. In addition, it concurred with other delegations that had requested more time to conduct internal consultations to address the issues.

227. The Delegation of Chile thanked the African Group for its proposal, which in its view was an attempt to advance the normative agenda of the Organization on two long-standing issues. Recognizing the good spirit of the proposal, which dealt with two very important topics for the membership, the Delegation held the view that it was comprehensive and should be addressed as a whole, as it had been proposed. The Delegation supported the proposal and expressed the hope that other Members States would support it to establish a clear roadmap and timetable for progressing on those two issues.

228. The Delegation of Mauritius aligned itself with the statement made by the Delegation of Algeria on behalf of the African Group.

229. The Delegation of Mauritania supported the proposal made by the African Group and encouraged all Member States to endorse it as well. The Delegation considered that the proposal would be extremely useful in supporting the economies of African countries in particular.

230. The Delegation of the Syrian Arab Republic thanked the African Group and expressed support for its proposal. The Delegation encouraged other Members States to do so as well, as this would strengthen the normative work of the Organization.

231. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, thanked the African Group for the proposal and reiterated its support to the normative agenda of the Organization. Expressing its gratitude to the Coordinator of the African Group for the clarifications provided during a previous meeting, the Delegation indicated that GRULAC was still reviewing the document for further analysis.

232. The Delegation of Sudan, pointing out that it strongly supported both aspects of the proposal, encouraged Member States to finally conclude those negotiations, which had been going on for so long. The Delegation believed that it was time to take a decision.

233. The Delegation of Australia, thanking the African Group for its efforts to take the debates forward, expressed its willingness to discuss further the proposal with other Member States to find a mutually acceptable landing zone. The Delegation added that the twenty-year delay in the discussions was disappointing for all Members States.

234. The Delegation of Iraq, expressing its support for the statement delivered by the Delegation of Algeria on behalf of the African Group, encouraged Member States to step up their work to advance the WIPO normative agenda, as the matter was also contained in WIPO's MTSP 2022-2026.

235. The Delegation of Guinea, aligning itself with the proposal by the African Group, declared that it supported the said proposal without any reservation.

236. The Delegation of Sierra Leone, expressing support for the proposal presented by the Delegation of Algeria on behalf of the African Group, called on other delegations to also support it. From the Delegation's point of view, there was a clear need to move forward the discussion on the agenda item, with a view to finding a common landing zone and to finalizing the agreement on an international legal instrument that would ensure a balanced and effective protection of GRs, TK and TCEs.

237. The Delegation of the Congo expressed its support for the African Group's proposal, as presented by the Delegation of Algeria on behalf of the Group, and fully encouraged other delegations to do so as well.

238. The Delegation of the Republic of Moldova, subscribing to the statement delivered by the Delegation of Slovakia on behalf of the CEBS Group and to the statements made by other delegations, appreciated the efforts of the African Group and the Delegation of Algeria, as the Group's Coordinator, for the proposal submitted under Agenda Item 9(iv). In addition, the Delegation addressed its appreciation to Member States for the constructive manner in dealing with DLT issues in the past, which led to a comprehensive text on which they could work and, hopefully, agree upon in a reasonable timeframe. Recognizing that design-based industries were registering a growing number of designs in its country, the Delegation observed that the tendency seemed also valid in a vast number of developing countries and countries in transition. From the Delegation's point of view, concluding the DLT would be a good sign to send to national applicants that WIPO and its Member States were supportive of those growing industries and stood ready to provide those applicants with a useful and long-expected international tool. As already pointed out by many delegations, the text of the DLT had been discussed for many years. Noting that the agreed text could be finalized with some flexibility from all Member States, the Delegation was of the opinion that the proposal tabled by the African Group constituted a good point to continue the discussion. However, the Delegation considered that the proposal required further examination by the Delegation itself, the CEBS Group and a number of other delegations, as reflection was needed on certain issues to find the best solution.

239. The Delegation of Togo expressed support to the proposal made by the Delegation of Algeria on behalf of the African Group. The Delegation believed that the proposal would enable WIPO and its Member States to become more inclusive in setting norms as to the protection of IPRs. As already mentioned in its opening statement, the Delegation recalled that putting in place a system for protecting industrial designs, GRs and TK would allow WIPO to be more generalist in order not to forget certain aspects of IP. As more than 20 years of negotiations had taken place, the Delegation believed that it was now time to take a decision in that regard.

240. The Delegation of Lesotho, aligning itself with the statement made by the Delegation of Algeria on behalf of the African Group, expressed its strong support for the proposal made by the African Group and urged Member States to support the proposal as well.

241. The Delegation of Libya lent its support to the statement made by the Delegation of Algeria on behalf of the African Group and to the African Group's proposal. From the Delegation's point of view, the proposal was an attempt to strengthen the IP system. For that reason, the Delegation urged Member States to support it.

242. The Delegation of Bolivia (Plurinational State of) thanked the African Group for its relevant proposal, which, in its opinion, could give momentum to move forward with the WIPO normative agenda. For the Delegation, GRs and associated TK were very important. It was therefore vital to show the necessary commitment to conclude negotiations on the matter and to better protect people. As regards the DLT, the Delegation believed that there was no need to continue delaying the convening of a diplomatic conference. The Delegation expressed the hope that the impetus shown on other issues could be the same to move forward with the WIPO normative agenda and reiterated its commitment to conclude the negotiations on both issues, which had been on the agenda for many years.

243. The Delegation of Panama, after thanking the African Group for its proposal, stated that it constituted a positive step forward in WIPO's normative agenda, which had been outstanding for many years.

244. The Delegation of Burkina Faso lent its support to the proposal made by the Delegation of Algeria on behalf of the African Group and urged Member States to do likewise.

245. The Delegation of the Russian Federation, expressing its appreciation for the efforts of the African Group and, in particular, the Delegation of Algeria as the Group's Coordinator, stated that it was in favor of progressing WIPO's work on those aspects which were of interest to the majority of developing countries. The Delegation lent its support to the proposal, pointing out that it would allow Member States to strengthen WIPO's normative work.

246. The Delegation of Paraguay thanked the African Group and its efforts in drawing up and submitting its proposal on such important and cross-cutting issues for the development of innovation ecosystems. For the Delegation, the proposal set the basis for a compromise among Member States, which would help the WIPO General Assembly to advance the WIPO normative agenda.

247. The Delegation of Guinea-Bissau, stating that it was time to find a consensus-based solution on those issues, which had been discussed for more than 20 years, expressed its full support for the proposal of the African Group and the statement made by the Delegation of Algeria on behalf of the African Group.

248. The Delegation of the United Republic of Tanzania, expressing its support for the proposal, as presented by the Delegation of Algeria on behalf of the African Group, urged other Member States to support the said proposal in order to attain a balanced IP normative system.

249. The Delegation of Guatemala thanked the African Group for its proposal, which suggested a way forward to advance the WIPO normative agenda. The Delegation considered that it would be useful to discuss the proposal to try to find convergence and move forward in completing those long-standing negotiations with WIPO.

250. The Delegation of Côte d'Ivoire associated itself with other African delegations and other delegations, and lent support to the African Group's proposal, as presented by the Delegation of Algeria. The Delegation urged other delegations to help the matter move forward as discussions had taken place during 20 years.

251. The Delegation of Poland aligned itself with the statements made by the Delegation of Slovakia, on behalf of the CEBS Group, and by the Delegation of the European Union and its member states. While appreciating the proposal presented by the African Group, the Delegation believed that further discussions were needed and that more time for consultations would be valuable.

252. The Delegation of Botswana supported the proposal made by the Delegation of Algeria on behalf of the African Group. Considering that it was time to progress the work in that regard, the Delegation urged other Member States to support the proposal.

253. The Delegation of Hungary, expressing its support for the respective statements of the Delegation of Slovakia, on behalf of the CEBS Group, and the Delegation of the European Union and its member states, requested more consultations on the proposal.

254. The Delegation of Lithuania joined the Delegation of Slovakia, on behalf of the CEBS Group, the Delegation of the European Union and its member states, and other delegations in thanking the African Group for its proposal. However, stressing the need for more consultations, the Delegation also requested additional time to consider the proposal.

255. The Delegation of Vanuatu expressed support for the proposal made by the Delegation of Algeria on behalf of the African Group. Referring to the statements made by some delegations asking for further discussions, the Delegation considered that all delegations should add their

efforts on the negotiations on the issue relating to Agenda Item 9(vi). As it sought the advancement of the work on the matter, the Delegation requested all States members of WIPO to find convergence and complete the process as soon as possible. As stated by many delegations, the agenda item had been on the table for far too long so that there was a need to complete it as soon as possible.

256. The Delegation of Algeria, speaking on behalf of the African Group, said that industrial designs and TK were at the very heart of WIPO's mandate and that Member States had been delaying the implementation of a large portion of that mandate for more than two decades. Pointing out to the expectations of nations and peoples, the Delegation stated that any further delay prevented them from exercising their rights and participating in a development effort. From the Delegation's point of view, the question was not only about the need to regulate an activity, but also about doing justice to the people and entrepreneurs seeking to innovate and create. Considering that this was a historic day, the Delegation urged the WIPO General Assembly to show its commitment and take action. Observing that a large majority of delegations was in favor of taking action to adopt, by consensus, the text proposed by the African Group, the Delegation urged the WIPO General Assembly to adopt such proposal, which was no longer just an African Group proposal, but a cross-regional proposal, which had gained support from numerous other parties. Finally, the Delegation called upon the Chair's experience, skills and talent to do whatever was necessary to ensure that today was set in stone and satisfied the aspirations of all peoples and nations.

257. The Chair, thanking the Delegation of Algeria for its appreciation, observed that quite a number of delegations had taken the floor during the present third round of discussions on the agenda item. This was a very good sign, showing the interest and importance accorded to the subject by everyone. The Chair also noted that the statements made were different, but not divergent, and that there was no objection to the overall scope of the African Group's proposal. However, noting that some delegations had requested further consultations or a few adjustments to the proposal, the Chair invited delegations to clarify and put forward their specific comments, if any. Considering that there was a real potential for a consensus on the subject, the Chair encouraged delegations having comments on the text to discuss them with the African Group.

258. The Delegation of Algeria, speaking on behalf of the African Group, restated that it was time for action. From the Group's point of view, after 20 years spent discussing the issue, Member States were still at a critical point. Announcing that the Group and other delegations supporting the African Group's proposal were open to discussions and consultations, the Group also indicated that it did not wish to spend the whole day consulting, as some delegates were about to catch their planes or had other engagements. Hence, the Delegation considered that it was necessary to take action that day. Indicating that consultations on the proposed text or amendments to the timing would be welcome, the Delegation said that Member States would lose their time if they sought to go back to the substance and send the text back to another review for another deadline. The Delegation reaffirmed the determination of the Group and associated delegations to reach a decision on the text during the day. In conclusion, the Group, noting that there had been broad support to the text from a large majority of delegations, called for a decision by consensus on the two normative instruments.

259. Confirming that the consultations would relate to the proposal presented and the decisions to be adopted on Agenda Items 9(iv) and 9(vi), the Chair invited delegations welcoming the proposal, but wishing to see some adjustments in it, to clarify those aspects.

260. The Delegation of Zimbabwe echoed the statement made by the Delegation of Algeria, on behalf of the African Group, as regards the finalization of the matter during the day.

261. The Chair confirmed that the intention was to finalize the agenda items during the day. Consequently, the Chair suspended the meeting for further consultations.

262. Reverting to the agenda items, the Chair reported that, during the discussions, some delegations had addressed questions on procedural and organizational matters regarding the preparation and organization of a diplomatic conference. For that reason, the Chair invited the Secretariat to provide Member States with a few clarifications.

263. The Secretariat said that it would provide preliminary comments on some of the questions raised regarding the logistical challenges and issues to be resolved before convening a diplomatic conference or diplomatic conferences and that it stood ready to address any more detailed questions of delegations. Underscoring that the comments should not be taken as the view of the Secretariat on the merits of the proposal, which was entirely a question for Member States, the Secretariat indicated that the answer to some of those questions depended on the shape of the decision agreed upon by Member States. Hence, the Secretariat said that it would limit its comments to purely logistical arrangements. The first of those logistical arrangements would be the organizing of a preparatory conference, or preparatory conferences, held at least six months before the convening of the diplomatic conference. The Secretariat explained that there would ordinarily be a need for a substantive period between decision on a location and the organization of the conference because of the necessity to agree on a number of logistical and other arrangements. The Secretariat's team would typically visit the proposed site for a conference to evaluate, for example, the physical facilities, the logistics, the ability to travel, the proximity to airports, the size of conference rooms, etc. A number of practical considerations would need to be evaluated and certain arrangements would need to be made. There would also be the need to put into place and agree on the necessary legal arrangements with the host State to be clear on the expectations. Without commenting on the proposal and speaking in general terms, the Secretariat stated that, if Member States were to agree to convene two separate diplomatic conferences, then the Secretariat's team would work as hard as possible. As the conferences could be organized in tandem or in parallel, the Secretariat would do its absolute best in such a case. The amount of work that would be required depended on the extensive nature of the arrangements and considerations about, for example, the proximity of the two conferences, both in terms of timing and geographical proximity. The Secretariat concluded by stating that it stood ready to provide additional information, if needed.

264. The Delegation of Germany, speaking on behalf of Group B, informed Member States that the Group had had intensive discussions and was fully committed to find a consensual solution. However, as there were different views and approaches to the proposal within the Group, the Group had not ended its consultations.

265. The Delegation of Algeria, speaking on behalf of the African Group, wished to reassure Member States about the manner in which the procedures would unfold before the diplomatic conference. Noting that there were remaining issues and concerns, the Delegation indicated that there would be the opportunity to have an extraordinary session of the IGC, as well as a preparatory committee, to debate all of the issues that were still subject to divergences. Noting that the proposed text was not a final point, but a point of departure, the Delegation recalled that the drafts were not set in stone and that, in a negotiation process, anything could be negotiated. The Group wished to reassure all delegations that the process, once launched, would be open under the stewardship of the host country. From the Group's point of view, Member States would be able to advance on a text during the negotiations that would take place. Pointing out that some minor changes to the document had been made, which would be submitted to the WIPO General Assembly, and the Group was expecting further reactions from Member States, the Delegation suggested suspending the session and coming back to the plenary subsequently.

266. The Delegation of the European Union and its member states, thanking all delegations for their patience, indicated that it had also been discussing very intensely. The Delegation was pleased to report that it had been able to reach a common position within its Member States and that it looked forward to further discussing with other Groups and engaging in trying to find a consensual, compromise solution for any decision.

267. The Delegation of Slovakia, speaking on behalf of the CEBS Group, informed Member States that consultations within the CEBS Group were still ongoing and declared that it stood ready to find a consensual approach. The CEBS Group asked the Chair whether there would be a plenary session later in the afternoon.

268. The Chair, underlining the intention to finalize the debates on the agenda item during the day, announced that a plenary session would be held in the afternoon.

269. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, highlighted the usefulness of the consultations and reported that the Group had reached a consensus to support the African Group's proposal with a slight amendment, which had been communicated to the African Group. The Delegation said that its Group looked forward to hearing the presentation of the proposal with those slight amendments.

270. The Chair congratulated all delegations for their efforts and was pleased to hear that, after the debates, many delegations had made progress, some had managed to advance consultations within their respective groups and others had even managed to reach consensus within their groups. From the Chair's point of view, that was a huge step ahead. Based on those positive dynamics, the Chair appreciated that there was a real possibility to have a consensus approach. The Chair requested delegations that had worked out proposals or positions to discuss them, not only inside their own group, but also with all the other delegations and, in particular, with the African Group. The Chair offered delegations a last chance to resolve the remaining details pertaining to the agenda item, so as come back to the plenary session at a later stage with a consensus decision that could be presented to the WIPO General Assembly.

271. The Delegation of Vanuatu suggested that delegations come together and that the Chair guide the discussions to try to reach convergence.

272. The Chair suspended the meeting for further informal consultations.

273. Reverting to the agenda items, the Chair invited the delegations that had requested further informal consultations to share any comments or information.

274. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Chair for allowing more time for the delegations to look at the text together and try to improve it. It was pleased to announce that a number of the concerns that had been raised in the morning had been responded to by the African Group. It had sent a revised version of the text to the Secretariat, taking into account some technical changes and some more substantive amendments, which had been discussed within the African Group and with other groups. The willingness to cooperate, and the flexibility and openness to listen to the African Group was very telling. It believed that that was helpful to lead to a consensus. The Delegation requested the Secretariat to put the revised text on the screen, so that all delegations could read and hopefully adopt it in the next few minutes.

275. The Delegation of the United States of America thanked the African Group for its proposal, and for all the delegations for their constructive dialogue. It recognized that the amendment was not very long, but it would certainly be helpful if a little more time would be allowed to look at the text. It appreciated the frank observations, and wished to be clear that the Delegation still had concerns with the proposal on a number of fronts regarding process, substance and impact.

It appreciated the proposal and the work of the African Group in providing the proposal. It was a very positive development towards discussions on both fronts. On both areas, particularly on the DLT but also in the IGC context, discussions had paused, and a number of delegations had reflected the frustrations. This proposal was a good sign for the path forward. However, the Delegation had concerns on both fronts. There were discussions of the IGC text and convening a diplomatic conference. As indicated in its earlier intervention no consensus was reached at IGC 43 on which text to take discussions forward. While delegations might have varying views, the fact remained that delegations had not been able to work that out at the IGC that was most familiar with those discussions. So, the Delegation would very much like to respect the work of the IGC and let the IGC continue to work on the issue. It wished to find agreeable solutions and reach consensus. What that demonstrated was that if it was difficult to even come to a consensus on the text to start from, obviously, there still existed a number of substantive issues where there had been strong feelings amongst Member States. In that regard, putting the pressure of a diplomatic conference was not going to ease the enthusiasm of those positions, rather, they would probably enhance them in seeking consensus. That might be going in the opposite direction in which the IGC should go. With respect to the DLT, Member States had essentially been stalled in a back and forth on the forum in which that should be discussed, and only talking at the WIPO General Assembly. Often, no real discussions took place at the WIPO General Assembly. Regarding the proposal presented during the WIPO General Assembly, of course if Member States could reach consensus that would be great. But having more time was a typical process, as Member States sought to reach consensus. The Delegation was not sure that a proposal presented in the midst of the WIPO General Assembly gave the full opportunity to seek consensus. Further, again from a substantive perspective on both topics, there seemed to be passionate and strong views, but they remained divergent. The Delegation had significant concerns in forcing outcomes without resolving those issues, of which not everyone was supportive. Finally, on impact, WIPO sought to be a pillar of international collaboration in the space of IP and related issues. The Delegation had concerns on establishing a process in which Member States developed normative instruments or sought to finalize normative instruments when good numbers of delegations expressed concerns and were not ready to move forward. One had to wonder what impact and outcome such an instrument, even if one was reached, would have in the terms of pushing the global IP and related systems forward. For those reasons, the Delegation continued to have concerns. It believed through more time to discuss and negotiate, there could be further progress towards convergence. It would be a shame to prematurely halt that progress, especially since the Delegation just reinvigorated that discussion maybe a day or two ago.

276. The Delegation of Japan expressed its appreciation to the Chair and all Member States for the effort in moving the discussion forward, including the amended proposal by the African Group. The Delegation aligned itself with the statement made by the Delegation of the United States of America. Regarding the proposal of convening a diplomatic conference in relation to GRs and associated TK, it could not support such a proposal, while it appreciated the former Chair's initiative in preparing the Chair's Text. It was of the view that that text was drafted in the former Chair's personal capacity, and did not reflect the views of all Member States. In addition, the content of the Chair's Text had never been formally discussed at the IGC. That was its observation of the present situation.

277. The Delegation of Canada noted with appreciation the active engagement from Member States on these very important issues. The positions it heard spoke volumes to the importance of those matters to be covered under those two treaties. However, it noted that the positions expressed were positions entrenched. Convening a diplomatic conference with those entrenched positions would limit the chances for success of any related diplomatic conferences under the timeframe proposed. The Delegation valued the legitimacy placed on the WIPO treaties that were progressed through consensus. It saw tremendous value in placing its confidence in the committees whose technical expertise Member States relied on, namely the SCT and the IGC in that instance. It valued engaging in meaningful discussions in those

committees on those outstanding issues and finding a path that could result in a higher likelihood of success in doing so in a manner that reflected the interest of all Member States. It hoped that the 2022 WIPO General Assembly could provide Member States with additional time to consider the proposal and engage in meaningful dialogue before making a decision.

278. The Delegation of Algeria, speaking on behalf of the African Group, apologized for taking the floor again. It had just received a proposal from a regional group that had wished to amend the text. It believed that would increase further the number of countries supporting the draft. It requested the Chair to have a 15-minute break, so it would be able to integrate the suggestion.

279. The Delegation of the Republic of Korea expressed its appreciation to the African Group for the proposal. It echoed the statements made by the Delegations of the United States of America, Japan and Canada. It recalled that during the IGC session in 2022, there had been no consensus on convening a diplomatic conference. It believed that Member States should consider all aspects of the proposal, such as opinions of users, and perspective of and potential consequences on industry, before convening a diplomatic conference.

280. The Delegation of the European Union, speaking on behalf of the European Union and its Member States, thanked the proponents for taking on board some requested elements. It was very much appreciative of the process, and was in dialogue with the proponents. It was hopeful that Member States would be able to find a mutually acceptable solution.

281. The Chair stated that there seemed to be no consensus on the initial proposal. At the same time, the proponents were having additional amendments or changes to the proposal. The Chair decided to give the requested 15 minutes for further consultation.

282. Reverting to the agenda items, the Chair invited Member States to inform the plenary about the outcomes of informal discussion.

283. The Delegation of Pakistan strongly supported the proposal of the African Group. It could have gone along with the original proposal and was also fine with the proposal as amended before the break. The Delegation put on record its entire support for the proposal.

284. The Delegation of Algeria, speaking on behalf of the African Group, stated that the consultations had taken a little bit longer than expected, with a view to trying to get as many countries as possible to support the draft. It had taken into account almost all of the recommendations made to the African Group. It was currently working on a text that it was about to send to the Secretariat so the text could be shown on the screen. The African Group urged all delegations to show responsibility. Member States had a choice whether or not to advance WIPO's normative agenda, to be responsible to the founders of this Organization, and indeed the responsibility to innovation and creativity. The African Group and other supporters urged all Member States to support the text so that it could be adopted by consensus.

285. The Chair requested the Secretariat to put the text on the screen as she wished to check with the Delegation of Algeria, on behalf of the African Group, whether her understanding was right that the amendment done from the previous text was the one at the point 9(iv), paragraph (f).

286. The Delegation of Algeria, on behalf of the African Group, confirmed the Chair's understanding. It hoped that the amended text could be adopted by consensus.

287. The Chair invited delegations for any additional comments.

288. The Delegation of the United Kingdom welcomed the efforts put into those two files, both in the long term and recently. It echoed the views expressed by the Delegations of the United States of America, Japan, Canada and the republic of Korea. It recalled the decisions by

the WIPO General Assembly as well as the IGC, and wished to continue working on the basis of consensus in line with the previous decisions. The proposal of the African Group was provided just three days before, and had been made available on the WIPO website only on that day. It knew that the proposal suggested overhauling previous decisions taken by consensus. It did not believe that the Chair's Text had been put to proper scrutiny by Member States. Therefore, the Delegation welcomed maintaining the discussions undertaken by the IGC, as well as the continued consideration of the Consolidated Document, which should form part of the basis for further work. The Delegation would like to ensure that the IGC process was successful. To that end, it committed to working in good faith, supported efficient progress in the remainder of the current IGC's mandate with a view to convening a diplomatic conference on this important file. It was ready to work towards a diplomatic conference on the DLT. The Delegation reiterated its commitment to consensus in this Organization. Taking the floor under the current agenda item, its commitment was particularly pertinent to the normative agenda. Given the normative cycle of international treaties, including negotiations, agreements, signing, ratification and implementation, it believed that consensus in the early stages of the cycle was of high importance to the success and real world impact of the normative instruments themselves.

289. The Chair stated that it was clear there was no consensus. She had mentioned that consensus did not mean unanimity. The Chair invited those delegations that did not support the proposal to consider disassociating from such a decision.

290. The Delegation of Algeria, speaking on behalf of the African Group, stated that those were the same arguments that it had been hearing for many years. That was why the African Group had taken the initiative with the support of others to submit this proposal. It requested the Chair to consider the text on the basis of Article 35 of the WIPO General Rules of Procedure, which was to have a vote by a simple majority.

291. The Delegation of the United States of America did not think that it had the latest version of the proposal. It asked for some time to be able to look at the most recent changes and to discuss further. It was not sure if any views would change, but it would be worth taking the time. Member States had negotiated the texts for 20 years. Adding a few extra minutes might be helpful just to look at the changes and have some further discussions.

292. The Delegation of the European Union, speaking on behalf of the European Union and its Member States, requested a few minutes to be able to have a final coordination with its member states.

293. The Delegation of Switzerland wished to request a bit of time. It wondered whether it would be possible to circulate the new text to the Group Coordinators.

294. The Delegation of the United Kingdom echoed the requests made by the Delegations of the European Union and Switzerland.

295. The Delegation of Nigeria welcomed the call for breaks to have more discussions. It hoped for a consensus. Otherwise, it seconded the request for a vote made by the Delegation of Algeria, on behalf of the African Group, if there was no consensus.

296. The Chair agreed to suspend the plenary for further consultation. If there were no changes to the position, she would proceed with the request put forward by the Delegation of Algeria, on behalf of the African Group, seconded by the Delegation of Nigeria, for a vote.

297. Reverting to the agenda items, the Chair welcomed all delegations back to the room, and invited delegations to make any comments regarding the results of their consultations.

298. The Delegation of the United States of America appreciated the additional time for consultation. As it had stated numerous times during the week, it placed immense importance

on the consensus-based manner in which this body worked with regard to normative outcomes. The Delegation would therefore not break or block consensus regarding the proposal, but it was taking the floor to register its profound disappointment with the approach to advancing WIPO's normative agenda. Its first concern was that the proposal, in dealing simultaneously with two different draft instruments, created artificial linkages between those texts. That was an unfortunate and unhealthy approach to the work. That proposal conflated two subject matters unnecessarily. The Delegation regretted that that decision seemed to demonstrate that in order to advance two of WIPO's normative agenda items, they had to be packaged as a deal as opposed to treating each item separately on its own merits. It held little hope that working in that manner would lead to impactful progress in the global IP system to which this body should aspire. Another serious concern was that neither of the technical WIPO committees, the IGC and the SCT, had the opportunity to review, discuss or give input on that proposal. Neither of those texts were ripe for diplomatic conferences. There were long-standing issues and a need to bridge gaps in both texts before proceeding to diplomatic conferences. The Secretariat had cautioned on the logistical challenges of simultaneously pursuing two diplomatic conferences. Some had suggested at least one common conference. If that was truly the case, one diplomatic conference should be held at a time for an optimum outcome. The Delegation did not support the methodology of forcing diplomatic conferences on the entire WIPO membership, when a number of delegations had expressed concerns, especially when multiple rounds of informal discussions showed promise on amending the proposal, such that it would be acceptable by all. In light of those concerns, the Delegation disassociated from the decision if there had been consensus.

299. The Delegation of the European Union, speaking on behalf of the European Union and its member states, had revisited the text of the proposal as amended by the proponents. It wished to thank the proponents for considering its concerns, and the attempts at trying to achieve a compromise solution acceptable for all. The Delegation could accept the text. It had one comment relating to the part of the DLT, where the text referred to point (f). It understood that the text made reference to paragraph 151 of the report of the 2019 WIPO General Assembly. The Delegation again thanked the Chair and the proponents for providing some additional time for it to consider the amendments.

300. The Delegation of the United Kingdom reiterated its frustration with the process. To name only a few issues, the time to consider such a major proposal had not been sufficient. As it had said, this proposal overhauled previous decisions taken by consensus. Further, the proposal suggested that the Chair's Text was agreed by all. It firmly believed that was not the case. It expected that going forward, all delegations would engage in good faith, and allow for all views, proposals and documents to be considered, so the true consensus could be achieved on norm setting by the Organization. The Delegation could not overstate the great value that was placed in the system of decisions taken by consensus. That had served WIPO well throughout. Under the condition that all delegations would join in good faith in finding a consensual outcome for the two instruments to be considered and welcoming the changes made to the original proposal of the African Group, the Delegation was willing to join consensus.

301. The Delegation of Japan would not block the consensus. It disassociated from consensus.

302. The Delegation of Canada would not break consensus as it continued to regard consensus as a foundational feature of the collective work. However, it added its voice to those who had expressed concerns with the means that had brought delegations to that point. Continued discussions among technical experts within the IGC and the SCT, including on the basis of information on the concrete administrative and judicial practices of and from Member States implementing the measures under consideration, would add clarity on issues over which the path forward was not clear. Such discussions would have provided the time for meaningful exchanges on the domestic systems. None of those exercises had the time to take place.

Diplomatic conferences were not the forum for bridging long-standing differences. Without the benefit of time, the ability of any resulting treaty to attract new parties was also not known and took the WIPO membership down an unclear path. It regretted that Member States had not been offered the reasonable opportunity to review and consider a substantial proposal on normative issues tabled two days before and with substantive edits made during the plenary.

303. The Delegation of Switzerland thanked the African Group for its proposal. Both of those issues in the proposal were highly important for the work of WIPO, but of course also for all those that might benefit or have an additional obligation resulting from those instruments. At the same time, Member States needed to be aware that the issues addressed by the IGC were also technically highly complex. The Delegation is convinced that progress could only be achieved if those instruments were elaborated carefully with sufficient technical expertise and with a constructive engagement of all delegations. The Delegation had been constructively engaged in the IGC for many years, in order to find solutions which were working in practice and which provided sufficient legal certainty for all stakeholders. Pushing for a diplomatic conference without having a text that would be technically sufficiently elaborated would not provide legal certainty and would not facilitate the work of the IGC. Moreover, the Delegation sees WIPO as a rules-based Organization. Decisions taken by the specific committees, such as the ones taken by IGC 43 as well as its ongoing mandate, should also be respected by the WIPO General Assembly. The Delegation will join the consensus.

304. The Delegation of the Republic of Korea believed that the protection of GRs was a separate issue. Thus, it did not agree with the convening of a diplomatic conference. It wished to mention that even though amended proposals had said that the diplomatic conference would consider not only the Chair's Text but also any other contributions, the Chair's Text had not yet been thoroughly reviewed and discussed among Member States, compared to the Consolidated Document. The Chair's Text did not fully incorporate some countries' opinions on how to protect GRs in the patent system. It hoped that new international law would be made on the basis of consensus.

305. The Delegation of India appreciated the flexibility shown by the African Group in taking on board its concerns, as it had stated that it still remained in favor of the Consolidated Document to be the basis of future deliberations. In its considered view, it felt that the proposal made by the African Group should not have preferred one particular text over another, thereby providing opportunity in the future to provide consensus. However, in view of its constant support for and efforts to making progress towards the conclusion of an international legal instrument relating to IP, GRs and TK associated with GRs, it joined the consensus with the understanding that the decision that Member States were taking should not exclude consideration of any contribution to be made in the future by a Member State to the Chair's Text.

306. The Delegation of Slovakia, speaking on behalf of the CEBS Group, stated that it was showing enormous flexibility. In order to keep that spirit, the Group could accept the proposal. It supported also the explanatory statement delivered by the Delegation of the European Union, on behalf of the European Union and its member states, that the addition in paragraph (f) of the proposal referring to the 2019 proposal should mean paragraph 151 of document WO/GA/51/18 Prov.

307. The Delegation of France aligned itself with the statement delivered by the Delegation of the European Union, on behalf of the European Union and its member states. It wished to thank the African Group for its proposal designed to advance the normative agenda at WIPO. It believed that the Chair's Text could constitute the textual basis for pursuing negotiations relating to GRs and associated TK. It welcomed the fact that the African Group had shown some flexibility with regard to the date of convening diplomatic conferences on the two topics covered by the proposal. It believed that it would be appropriate to convene the diplomatic conferences

in 2024, so that Member States had enough time to prepare for them. It was committed to advancing normative work on the basis of consensus.

308. The Chair praised the African Group for making the effort to come together with the proposal and advancement on the normative agenda of WIPO. She expressed gratitude to all delegations for ensuring and showing dedication to WIPO. Delegations had proved that consensus, one of the core principles and fundamentals of the Organization, was something that all delegations cared about. The Chair moved ahead with the adoption of the proposal as stated.

The Intergovernmental Committee on Intellectual Property and Genetic Resources,
Traditional Knowledge and Folklore (IGC)

309. The WIPO General Assembly, at its Fifty-Fourth (25th Ordinary) Session in October 2021, agreed on the mandate for the IGC for the 2022/2023 biennium, as set out in document WO/GA/54/10, to expedite its work, building on existing work carried out by the Committee, to narrow existing gaps and reach common understanding on core issues, with the objective of finalising an agreement on an international legal instrument(s) which will ensure the balanced and effective protection of Genetic Resources (GRs), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs).

At its forty-second and forty-third sessions held in 2022, the IGC completed its designated sessions on GRs and associated TKs for the 2022/2023 biennium. Both sessions made considerable progress and achieved significant convergence around document WIPO/GRTKF/IC/43/5 (the Chair's text on a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources*) as a focused, effective, and balanced basis for further engagement. On this basis, the WIPO General Assembly:

- a) decided to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, based on document WIPO/GRTKF/IC/43/5 and any other contributions by Member States pursuant to paragraph (d) below, to be held no later than 2024;
- b) decided to convene a Preparatory Committee in the second half of 2023, to establish the necessary modalities of the Diplomatic Conference. The Preparatory Committee will consider at this time, the draft Rules of Procedure to be presented for adoption to the Diplomatic Conference, the list of invitees to participate in the conference, and the text of the draft letters of invitation, as well as any other document or organizational question relating to the Diplomatic Conference. The Preparatory Committee will also approve the Basic Proposal for the administrative and final provisions of the Treaty;
- c) welcomed with gratitude the offer of South Africa to host the Diplomatic Conference no later than 2024;
- d) directed the IGC to meet in a special session for five days in the second half of 2023, preceding the Preparatory Committee, to further close any existing gaps to a sufficient level. It is understood that the Preparatory Committee will invite Observer Delegations and Observers;
- e) agreed that document WIPO/GRTKF/IC/43/5, the Chair's text of a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources* will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference. The Preparatory Committee shall incorporate in the Basic Proposal such further agreements of the IGC as are reached pursuant to paragraph (d) above, with the understanding that any Member State and the

Special Delegation of the European Union may make proposals at the Diplomatic Conference;

- f) agreed to convene an extraordinary session of the WIPO General Assembly (Hybrid), if required, to adopt the decisions and preparatory works leading to the Diplomatic Conference in the second half of 2023, and to direct the secretariat to make the resulting document as the Basic Proposal for the substantive provisions to be considered at the Diplomatic Conference.

Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT)

The General Assembly:

- a) considered the contents of document WO/GA/55/4;
- b) decided to convene a Diplomatic Conference to conclude and adopt a Design Law Treaty to take place no later than 2024;
- c) decided to convene a Preparatory Committee in the second half of 2023, to establish the necessary modalities of the Diplomatic Conference. The Preparatory Committee will consider at this time, the draft Rules of Procedure to be presented for adoption to the Diplomatic Conference, the list of invitees to participate in the conference, and the text of the draft letters of invitation, as well as any other document or organizational question relating to the Diplomatic Conference. The Preparatory Committee will also approve the Basic Proposal for the administrative and final provisions of the Treaty;
- d) welcomed with gratitude the offer by some Member States to host the Diplomatic Conference no later than 2024;
- e) directed the SCT to meet in a special session for five days in the second half of 2023, preceding the Preparatory Committee, to further close any existing gaps to a sufficient level. It is understood that the Preparatory Committee will invite Observer Delegations and Observers;
- f) agreed that documents SCT/35/2 and SCT/35/3 as well as the 2019 proposal considered by the WIPO General Assembly, on draft Articles and Regulations on Industrial Design Law and Practice, will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference. The Preparatory Committee shall incorporate in the Basic Proposal such further agreements of the SCT as are reached pursuant to paragraph (e) above, with the understanding that any Member State and the Special Delegation of the European Union may make proposals at the Diplomatic Conference.

The WIPO General Assembly decided to convene Diplomatic Conferences to conclude and adopt international legal instruments relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, and the Design Law Treaty, no later than 2024.

310. The Delegation of Algeria, speaking on behalf of the African Group, thanked the Chair and all of those who had helped contribute to this successful conclusion, for having given WIPO greater visibility, giving Member States a roadmap for years to come, and putting innovation and research at the very heart of WIPO's mandate.

311. The Delegation of Mexico stressed the priority of the issues that were dealt with in the IGC on GRs, TK and TCEs. Given the wealth of resources Mexico had, it was very important to have legal provisions to avoid the misappropriation of those resources. It supported any efforts designed to lead to a diplomatic conference that could help to adopt a legal instrument in that regard. However, it regretted that the proponents had overlooked the decision that had been adopted by the IGC to ensure that the negotiating text be the Consolidated Document. It

believed that it was detrimental to fulfilling the agreements made within the Organization on the basis of consensus. It hoped that the process that Member States were beginning on that day would take into account the principles of transparency and inclusiveness, and the proposals that would be submitted by Member States with a view to bringing positions closer together and reaching an agreement. With regard to the DLT, it welcomed the political will of those who, despite the efforts of various facilitators had avoided convening a diplomatic conference for more than six years. It congratulated them on their change of position.

312. The Delegation of Uganda congratulated the Chair and all delegations for the efforts, flexibility and constructive engagement that had brought Member States that far. That was a small step for the WIPO General Assembly in 20 years, but a giant step for the marginalized societies who now had an opportunity to effectively participate in the knowledge economy. As the Chair had reiterated on many occasions, consensus was not unanimity. It was persuaded that the future of WIPO would continue to contribute to serving the interests of all in a balanced manner.

313. The Delegation of Nigeria was overly ecstatic to speak on the subject matter. It felt a bit emotional at the moment. It wished to speak for many of the delegates that were not in the room, but had represented the region in negotiations. It thanked all the experts who might be watching in their capitals, because they had led the process that far. They had provided the expertise needed by the African Group to advance the subject. It thanked all of the delegations that supported the proposal to reach consensus, and to move forward to renew faith in the trust that delegations had in themselves as humans and as Member States engaging together in a multilateral space. It thanked the Delegation of Algeria in coordinating the African Group and leading the Group to the solution achieved today. It thanked all of the groups and everyone who played a role, and the Secretariat that had supported the IGC for many years. Member States had come to a solution so it was a testament to their work. The Delegation was very happy with the result, and it looked forward to the actual conclusion, which was a diplomatic conference.

314. The Delegation of the Dominican Republic, speaking on behalf of GRULAC, thanked the leadership of the African Group for submitting the proposal, which was a very important conclusion for its region. The IGC and the DLT were very important and it thanked the other delegations and groups who had shown flexibility in helping to reach consensus. It hoped that the diplomatic conferences could be a success as well.

315. The Director General believed that there was no better time than the present to express the reality of the moment. It was also very emotional for him. When he first attended the WIPO General Assembly in 2013, the issues of the IGC and the DLT and other outstanding issues were very much on the agenda. That was nine years ago. The Director General understood why some delegations felt that that was a very wrought or heavy moment for them. It was a tough job for the Secretariat to play the role, as a neutral, professional Secretariat, of facilitating and helping. At the same time, he wanted to see the agenda of WIPO progress. The Director General hoped that Member States understood that the Secretariat had tried its best to not get in the way of a Member State driven process and yet be as helpful and professional as it could. While the Secretariat maintained this neutrality, and that was really what it had to do, it was, to him, a triumph of multilateralism and a triumph of the WIPO General Assembly moving together as a community to make a difference to the people of the world. Of course, this was just the start of the journey. There would be disagreements and there would be divergences. That was just the beginning of a whole new set of conversations that would lead everyone to 2024, but that was an important step. The Director General pledged his full support to all Member States to be on that journey. It was going to be a challenging journey. The process needed careful consideration. All he asked was that Member States work with the Secretariat and that Member States gave their full attention and care, because in the end, those treaties were not mere words on paper, they really had an impact on people. As the Director General said in his

opening speech, when working well together, WIPO and Member States could change the lives of millions of people. And stood ready to work with Member States to change the millions of lives of people out there. That was the power of the WIPO General Assembly.

316. The Chair recalled that consensus was not unanimity, but that was what all Member States should aim for. The current agreement was only the start of another process that did not seem less complicated than the current one. Member States should make sure that in the next stages, Member States work in good faith, unanimity be the goal, and all voices be taken into consideration.

ITEM 10 OF THE CONSOLIDATED AGENDA

REPORTS ON AUDIT AND OVERSIGHT

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

317. Discussions were based on documents WO/GA/55/8 and A/63/7.

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

“Thank you very much, Madam Chair. Dear distinguished Delegates, Ambassadors, Ladies and Gentlemen, my name is Bert Keuppens, and I am the current elected Chair of the Independent Advisory Oversight Committee (or “the Committee”). I am accompanied by the Vice-Chair, Mr. Igor Ludboržs. We held four quarterly sessions during the last year, from July 10, 2021, to May 20, 2022, all of which were in a virtual format, as had been the case during the past two and a half years, and we delivered our report to the Program and Budget Committee (the PBC). We also had internal consultations by e-mail and other platforms, to enable us to provide expert advice, as and when needed.

“I shall now give you a brief summary of the important activities of the Committee, as contained in our Annual Report, document WO/GA/55/8.

“With regard to Internal Oversight, the Committee reviewed and provided comments on the draft Oversight Strategy for the period 2022 to 2026. The Committee also reviewed the implementation of the 2021 and 2022 Workplans of the Internal Oversight Division. This included reviewing ten reports, which consisted of two consulting engagements, three audit reports, one validation report, and four evaluation reports. The Committee was apprised of the status of investigation cases and caseload trends, complaints received, and complaints substantiated. One complaint was handled directly by the Committee during the past year.

“With regard to External Audit, the Committee discussed with the representatives of the External Auditor, the National Audit Office, the results of the audit of the Financial Statements for the year 2021, as well as their performance audits. The Committee noted the unqualified and keen opinions of the External Auditor, and the External Auditor's comments regarding the adequate internal control and sound financial reporting processes and practices.

“With regard to Financial Reporting, the Committee found WIPO's Financial Statements to be comprehensive and detailed, with adequate disclosures in the accompanying notes. The Committee took particular note of the change in the methodology to determine the medical claims cost that had significant impact on the After Service Health Insurance liability, or ASHI. The Committee advised the Secretariat to closely monitor the assumptions used to determine this liability, due to the overwhelming financial impact.

“With regard to Risk Management and Internal Controls, the Committee reviewed the early draft revisions to the Financial Regulations and Rules, as well as the Risk Appetite Statement. It was agreed that the Secretariat would continue to monitor developments relating to sustainability reporting for inclusion into the Financial Regulations and Rules at the appropriate time. On the Risk Appetite Statement, the Committee welcomed its linkage to WIPO’s Medium-Term Strategic Plan. The Committee took particular note of the Organization’s overall risk appetite, which was appropriately set at “medium”.

“With regards to the Ethics Office, the Committee reviewed the Ethics Office Annual Report for 2021, the Workplan for 2022, and the implementation thereof. The Committee noted the high number of cases relating to outside activity, and advised that the reasons behind increasing trends be determined and analysed. The Committee noted the general compliance to WIPO’s Financial Disclosure and Declaration of Interest Policy.

“With regard to the Office of the Ombudsperson, the Committee discussed with the Ombudsperson the Activity Report for 2020, and took note of the recommendations that were being reiterated in 2020. The Committee noted that the Ombudsperson’s Activity Report is now publicly available.

“Lastly, the Committee discussed the implementation of Oversight Recommendations, including Recommendations of the Joint Inspection Unit, as well as other matters such as the WIPO Investment Reports and the Proposed Amendments to the IAOC’s Terms of Reference. With regard to the latter, the Committee considered the initial comments and feedback from Regional Groups and Member States, and concluded that it would serve the Members better to postpone the discussion.

“To conclude, I would like to inform Member States that the so-called fiduciary mechanisms discussed above are functioning as intended, and continue to be monitored by ourselves on behalf of Member States. While some recommendations and suggestions were made to further strengthen and fine-tune these mechanisms, the overall condition is judged adequate and reliable.

“Finally, on behalf of the Committee, I would like to express my appreciation to the Member States for the opportunity to brief them after each session. We would also like to thank the Director General and the staff of the Secretariat, and in particular Mr. Fred Anthony Samuels, for their effective support. We also appreciated the interaction with the External Auditor, for their availability, clarity, and openness with the Committee.

“Thank you very much, Madam Chair.”

319. The Delegation of the Russian Federation expressed its gratitude to the Committee for its report and for its active work, which demonstrated that, despite restrictions placed on it because of the COVID-19 pandemic, the Committee had worked very productively in discharging its responsibilities during the reporting period. The Delegation supported the comments of the Committee regarding the need for a detailed follow-up and implementation by the WIPO Secretariat of recommendations from the Joint Inspection Unit (JIU). The Delegation welcomed the fact that a new colleague from Turkmenistan, of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), would soon become a member of the Committee, and expressed its hope that his multifaceted training and wide-ranging international work experience, both in the public and private sectors, would enable him to make some substantial contribution to the Committee’s work.

320. The Delegation of Germany, speaking on behalf of Group B, thanked the IAOC for its report, and thanked the Chair for his presentation. The Group expressed its gratitude to the IAOC for its essential role in the audit and oversight mechanism of WIPO to maintain the

effectiveness, efficiency and relevance of management and activities of the Organization. The Group appreciated the IAOC's interaction with Member States through the regularly held information meetings, and looked forward to interacting again in person during the regular meetings in Geneva. Regarding substantive comments, the Group recalled the statement, which had been delivered to the 34th session of the Program and Budget Committee (PBC).

321. The Delegation of Algeria, speaking on behalf of the African Group, thanked the IAOC for its report, and noted that the Committee managed to fulfill its mandate as well as could be expected, in spite of the impact of the virtual environment imposed by the COVID-19 pandemic on the functioning of the IAOC. The Delegation welcomed the fruitful exchanges between the IAOC and the various WIPO representatives responsible for management, oversight and audit, the Group shared the Committee's view on the importance of monitoring WIPO's engagements *vis-à-vis* its After-Service Health Insurance (ASHI) liabilities, which had risen to 121 million Swiss francs, as it had become urgent to continue the efforts of containing the ASHI expenditure in the long-term to preserve and protect WIPO's financial sustainability in the medium and long-term. The Group supported the IAOC's proposal that a mechanism should be put in place to follow up the Ombudsperson's recommendations in the report of 2016 to 2019, and welcomed the fact that the report was made available to the public. Notwithstanding, the Group expressed its concern in the delay in implementing certain high-priority recommendations, including those of the IOD, the IAOC and the External Auditor, underscoring the importance and urgency of establishing a specific time frame to implement all of the open recommendations, as well as all revised recommendations, in order to ensure smooth follow-up by the IAOC. The Group further underscored the importance of the role of the Ethics Office in promoting a workplace free of intimidation, harassment and preventing reprisals, and encouraged the Office accelerate organizing regular training and awareness-raising sessions on ethics and integrity for WIPO's staff of all grades. Noting that the IAOC had highlighted the lack of human resources made available to the Ethics Office, the Group encouraged the Secretariat to strengthen human resources in that regard so that the Office could fulfill its mission effectively, given the increasing workload on that Office. In closing, the Group thanked the members of the IAOC for their dedication, sacrifice and professionalism.

322. The Delegation of Spain, speaking in its national capacity, supported the statement made by the Delegation of Germany on behalf of Group B, and thanked the IAOC for its work in contributing to the gradual improvement of processes and the functioning of the Organization. The Delegation felt that the work of the IAOC was extremely important for the internal control and oversight work of the Member States in those bodies, reiterated a view shared in previous sessions of the WIPO General Assembly or the PBC, and emphasized the excellent collaboration that it had witnessed in the reports between the IAOC and the various bodies and staff of the Secretariat. In closing, the Delegation encouraged the IAOC to continue working in such a manner in the future, as the greatest added value of the Committee was its independence.

323. The IAOC Chair took the opportunity to express his appreciation for the support, which was expressed in the different interventions, adding that the Committee was looking forward to continued interaction in the future with Member States.

324. The WIPO General Assembly took note of the "Report by the WIPO Independent Advisory Oversight Committee (IAOC)" (document WO/GA/55/8).

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

325. Discussions were based on documents WO/GA/55/9 and A/63/7.

326. The Director, IOD, stated that in line with the Internal Oversight Charter, IOD was pleased to present an overview of oversight activities undertaken by IOD, during the reporting period

January 1, 2021, through December 31, 2021. The Director, IOD, mentioned that the annual report was included in document WO/GA/55/9. On the implementation of oversight plans, at the reporting date, IOD had fully implemented the 2021 oversight plan and the implementation of 2022 work plan was on track. During the reporting period, IOD audits, evaluations and investigations, covered eight areas and issued two management implication reports. IOD mainstreamed gender issues in all its audit and evaluation engagements, to the extent relevant. On investigations, during the reporting period, 25 new cases were registered, which constituted a 19 per cent increase over 2020, and 23 cases were closed. As of December 31, 2021, 13 cases were pending including two at the preliminary evaluation stage, eight at the full investigation stage and three on-hold pending action by another entity. On follow-up of open oversight recommendations, IOD continued to follow up on open recommendations using TeamMate + system. At the date of the present report, there were 125 open recommendations, including 40 of high and 85 of medium priorities. IOD recommendations constituted 82 per cent of all open oversight recommendations. On consultative and advisory services, in addition to its planned oversight work, IOD continued to provide professional advice as requested on policy documents, evaluations and business processes. IOD regularly attended the sessions of the IAOC and maintained good working relations with the External Auditor and with the Ombudsperson and the Chief Ethics Officer, to ensure good coordination and complimentary support. IOD continued to reach out to colleagues within WIPO through presentations given to new staff in the induction training, the IOD newsletter and the IOD dashboard. On satisfaction surveys, IOD continued to seek feedback from colleagues on the quality of its oversight work through client satisfaction surveys after each assignment. On networking, during the reporting period, IOD continued its active and useful collaboration and networking with other UN System organizations and entities. On the operational independence of IOD, the Director, IOD, could confirm that during the reporting period, no instance or activity occurred that could be considered as jeopardizing the operational independence of IOD. On oversight resources, to discharge its mandate, IOD was provided with a biennial budget after transfers of 5.270 million Swiss Francs, which represents 0.69 per cent of WIPO's budget for the 2020/2021 biennium. On training, for continued professional development, IOD staff attended various training activities and, on average, each staff received 10 days of training. In conclusion, since the Director, IOD, would be completing his six year term in January of the following year, he took the opportunity to thank the distinguished delegates from all the Member States for their support and keen interest in the work of IOD; the Chairs of the WIPO Coordination Committee and the WIPO General Assembly for their support, guidance and cooperation; the IAOC for their expert guidance, support and valuable advice; the External Auditors for their strong collaboration; the previous and the present Directors General, senior management and all WIPO colleagues for the excellent cooperation and support in all oversight engagements. A very big thank you to the IOD colleagues, IOD team, for their outstanding contribution, collaboration and teamwork, without which it would not have been possible to deliver on the mandate of IOD. Having concluded its remarks, the Director, IOD, thanked the delegations for their kind attention and was happy to receive any comments or answer any questions.

327. The Delegation of Algeria, speaking on behalf of African Group, thanked the Director, IOD, for his report contained in document WO/GA/55/9 covering the internal oversight activities in 2021. The Group underscored the vital role of IOD as an independent body ensuring the strategic risk management, internal oversight and governance functions consistent with international professional practices. The Group welcomed the quality of the work delivered by IOD in 2021, to help WIPO to integrate principles of accountability, transparency, learning within its programs, its planning processes and management systems for quality in accordance with international standards. The Group welcomed the fact that IOD undertook a number of initiatives to expand the delivery of its advisory and consultation services, its data analysis, permanent audit using new technologies to make its oversight and management recommendations more effective. The Group noted the fact that given the limited resources available, establishing an oversight work program must be supported by an effective risk management system to enable it to recognize the weak points and provide the necessary

changes. The work of WIPO's oversight bodies should not prevent IOD from carrying out its functions effectively in accordance with its mandate. Welcoming the integration of gender equality issues in its work program, the Group believed that a specific attention be accorded to diversity within the WIPO staff according to the principle of equal-geographic distribution and good practices within the UN System. Given IOD's comments on the virtual format of meetings, during the COVID-19 pandemic, the Group believed that given the persistence of the digital divide, it needed to expand the use of new technologies for the provision of technical assistance to developing countries and LDCs, and Member States should be consulted as to the best modalities for allowing active participation in the work of WIPO given their national circumstances and constraints. The African Group expressed its gratitude to the Director, IOD, and his team for their professionalism and wished him every success for the future.

328. The Delegation of India, speaking on behalf of the Asia and the Pacific Group, thanked the Director, IOD, for a comprehensive report. The report gave a thorough overview of the Organization's functions. The Group considered the report as a valuable source of information and reference for the overall oversight functions of the Organization. The Group extended its appreciation for IOD's continued efforts in ensuring effective internal controls and efficient use of resources by the Organization. The important work of IOD contributed to transparent management of finances and governance at WIPO, which was reassuring for Member States. The Group looked forward to the Secretariat implementing open IOD recommendations, especially the high priority ones, expeditiously. The Group welcomed the fact that various activities were undertaken by IOD in a positive and independent manner. The Group was confident that IOD would continue to engage in cross-section activities involving auditors together with investigation and evaluation professionals to provide an in-depth and complete review of WIPO Programs. The Asia and the Pacific Group conveyed its appreciation to the Director, IOD for the excellent work carried out with total professionalism and competence during his tenure at WIPO.

329. The Delegation of the Russian Federation was grateful to the Director, IOD, for the report prepared and presented, and for the work done during his term in office. The Delegation appreciated the role played by IOD in enhancing accountability, transparency, and professional training among the staff of the Organization. The Delegation also noted WIPO's experience and the conclusions of the Office in minimizing the effect of the coronavirus pandemic on the work of the Organization. In the context of WIPO's crisis management, during the pandemic, the Delegation was of the view that physical working is the most effective to ensure a productive dialogue between Member States and from the point of view of adoption of decisions. The Delegation valued the conclusions in the report about the need to ensure cybersecurity and the security of personal data. At the same time, the Delegation would call upon the leadership of the WIPO Secretariat to take whatever measures were necessary to deal with the vulnerabilities that were picked up by the internal office in as short a time as possible.

330. The Delegation of Germany, speaking on behalf of Group B, thanked IOD for its annual report and the Director, IOD, for his service. As stated before, a well-functioning oversight system is essential to maintaining the effectiveness and efficiency of the Organization. In that regard, the Group appreciated the continuous efforts of IOD, in cooperation with the IAOC and the External Auditor to achieve its crucial role of ensuring effective internal controls and an efficient use of resources in WIPO.

331. The Delegation of Slovakia, speaking on behalf of the CEBS Group, delivered a statement on both the IAOC and IOD reports together. The CEBS Group commended the work undertaken by the IAOC and IOD and thanked them for their comprehensive reports. The CEBS Group welcomed the interaction between the IAOC and IOD. As such, close cooperation is not only crucial for ensuring sound oversight and management of the Organization, but also significantly improved the process of implementation of the issued recommendations. The CEBS Group appreciated that the IAOC studied direct linkages of the various activities to the

MTSP, suggested a mapping exercise of risk and paid attention to the risk management and financial reporting. The CEBS Group also highly valued the work of IOD, and believed that it contributed towards the continuous improvement of the effectiveness and transparency of the Organization. Moreover, IOD played an important role by supporting WIPO in strengthening controls, accountability, transparency and learning, and in introducing innovative and fit for purpose tools and practices that enabled WIPO to move forward with the highest standards in risk management and program delivery. Therefore, the CEBS Group welcomed the results of evaluation and investigative activities carried out by IOD. The CEBS Group also recognized that recommendations of internal oversight bodies were elaborated with the endeavor to improve the effectiveness and efficiency of the Organization, and thus the CEBS Group encouraged the Secretariat to continue working on their sound implementation.

332. The Delegation of Spain endorsed the statement delivered by the Delegation of Germany, on behalf of Group B, and believed that the annual report was very important from an operational planning point of view. Similarly, the Delegation wished to encourage the Secretariat to implement the recommendations of the internal auditor. As mentioned in the 34th session of the PBC, the Delegation wished to draw attention to the importance of this item on performance management and staff development. The Delegation recognized the importance, the value of the staff within and for the Organization and thought, it was vital to deal with the problems that were identified in internal oversight, including those linked to a lack of trust and absence of a continuous feedback culture, and the need for managers to enhance the performance management skills. The Delegation agreed with the conclusion reached in the report on the need to have adequate change management and ensure a consolidated, mature performance management culture. For the Delegation, it was very important that performance management models were based on the principles of objectivity, simplicity, flexibility and where the middle management takes leadership of the change of culture within the Organization in terms of performance management. Finally, the Delegation hoped that IOD effectively performs its self-evaluation during the 2021/22 biennium during 2023, and looked forward to receiving those results. The Delegation was also grateful for the report made on the past work and efforts of the Director, IOD, over the past six years and wished him every success in his future professional endeavors.

333. The Delegation of Nigeria joined the statement delivered by the African Group and appreciated the Director of IOD for presenting that comprehensive report. The Delegation acknowledged the effort of the Division in supporting the Director General in his management responsibilities and assisting Program Managers in attaining WIPO objectives. The Delegation appreciated the activities of IOD in promoting good governance and professionalism through timely audit, evaluations and investigations. Lastly, the Delegation valued the Director, IOD, for his excellent service in the Division, and wished him well in his future endeavors.

334. The Secretariat, on behalf of the Director General, added its voice to the chorus of gratitude and extended its thanks to the Director, IOD, for his distinguished six-year term at WIPO. The Director, IOD, continued to modernize, to strengthen all three areas of the work of his team: audits, investigations and evaluations. The Secretariat commended the way in which the Director, IOD, embraced his oversight role with integrity, professionalism and grace.

335. The WIPO General Assembly took note of the “Annual Report by the Director of the Internal Oversight Division (IOD)” (document WO/GA/55/9).

ITEM 14 OF THE CONSOLIDATED AGENDA

WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

336. Discussions were based on document WO/GA/55/10.

337. The Secretariat noted that the document provides 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 affirmed that the Center administers cases and provides legal and organizational expertise in alternative dispute resolution (ADR). Where requested, this includes assistance to Member States' IP Offices in their establishment of optional ADR frameworks. The Secretariat added that the Center continues to experience record growth in mediation and arbitration cases, including cases co-administered with IP Offices. The Center also administered cases concerning Standard Essential Patents (SEPs) and worked with Standard Setting Organizations. As part of WIPO's COVID-19 initiative, the Center developed procedures tailored to life sciences disputes, and it processed cases in this field. Among other focus areas, the Center offered services and held webinars tailored to SMEs. Since the last Assemblies, the Center entered into new collaborations with the IP Offices of Botswana, Bulgaria, Nigeria, Slovakia, and Thailand, for a total now of 63 such collaborations. The Secretariat noted that the document also provides an update on the domain name-related activities of WIPO. It covers the Center's administration of disputes especially under the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP), including dispute resolution support to country code Top-Level Domains. It furthermore covers 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. The Secretariat shared that with over 5,000 cases, 2021 was another record year in WIPO domain name case filing. Since then, the caseload over the first five months of 2022 is up by another 14 per cent. This WIPO system has now involved parties from a total of 183 countries and has covered over 100,000 domain names. With the addition since the last Assemblies of the national domains of Bahrain and Senegal, the Center now services over 80 country code Top-Level Domains. In addition, to help preserve trademark protection in the DNS, the Center submitted observations on a Report published by ICANN in the review that it has started of the UDRP.

338. The Delegation of Germany, speaking on behalf of Group B, attached great importance to WIPO's ADR services such as mediation and arbitration, as they constitute time- and cost-efficient alternatives to court litigation for IP disputes. The Delegation was pleased to learn about the significant increase in the Center's caseload, which bodes well for the Center and ADR in general. The Delegation noted with interest that 15 per cent of cases filed related to life sciences and appreciated that the Center developed new ADR options specifically for that field. Noting also the special position of SMEs, the Delegation welcomed the Center's continued promotion of ADR options for IP disputes, notably by entering into new collaborations with IP authorities and Member States since the 2021 Assemblies. The Delegation also was pleased to observe the Center's continued performance in other areas, noting in particular the growing number of users of domain name dispute resolution services under the UDRP.

339. The Delegation of Singapore appreciated the critical role played by the Center in Singapore to support regional ADR activities since 2011. The Delegation noted that the Center combines WIPO's IP expertise with the benefits of Singapore's reputed infrastructure, ADR professionals, and impartiality and integrity to offer businesses a high-quality round-the-clock forum for ADR. The Delegation added that the Center allows disputing parties to resolve international cross-border IP and technology disputes efficiently at a lower cost than traditional litigation, while preserving business relationships. The Delegation noted that enforcement of arbitral awards and mediation settlements is possible under the New York Convention and the Singapore Convention on Mediation, respectively. The Delegation emphasized that Singapore

is committed to supporting ADR as a choice option for businesses, including SMEs and entrepreneurs. By covering certain mediation-related fees, the Revised Enhanced Mediation Promotion Scheme offers parties incentives to settle disputes pending before the Intellectual Property Office of Singapore (IPOS), with the Center already having administered a number of such cases. The Delegation added that IPOS will continue to work with the Center on ADR outreach to future innovators and entrepreneurs, including through the Young IP Mediator Initiative, which has also yielded participation in WIPO ADR Young. The Delegation emphasized that the Center's case record indicates that ADR is increasingly favored for resolving IP and technology disputes. The Delegation stated that IPOS looks forward to working more closely with the Center in enhancing programs and services to cater to the needs of global businesses, and especially SMEs and entrepreneurs, in the IP ecosystem.

340. The Delegation of Spain aligned itself with the statement delivered by the Delegation of Germany on behalf of Group B. The Delegation welcomed the availability of ADR to settle disputes without resorting to court litigation and congratulated the Center for its work, noting the increasing use of the system. The Delegation supported the Center's focus on specific user needs, such as in the area of life sciences. The Delegation furthermore encouraged the Center to continue identifying other areas of special ADR relevance and widening its impact through cooperation with national IP Offices and other authorities, including with the European Union Intellectual Property Office (EUIPO) in the area of mediation.

341. The Representative of ELAPI thanked the Secretariat for its support of IP development in the region. The Representative highlighted the work carried out by the Center and agreed that both arbitration and mediation are highly effective ways of resolving IP conflicts. The Representative stated that ELAPI is part of the organizations supporting WIPO ADR Young and the WIPO Mediation Pledge, and noted Center activities carried out with ELAPI's support. The Representative underlined the need for united efforts to promote the use of ADR and ELAPI's continued availability to national and regional authorities to this end. The Representative further mentioned that, especially since 2020, for all of its economic and consumer benefits, electronic commerce has also attracted various forms of fraud and trademark abuse on the Internet. The Representative thus emphasized the importance of rights enforcement options, including domain name policies. The Representative expressed ELAPI's readiness to work with the Assemblies, its committees and Member States, and GRULAC.

342. The Delegation of Saudi Arabia welcomed the efforts undertaken by the Center. The Delegation stated that the communication and technologies authority responsible for domain names in Saudi Arabia has chosen the Center as a benchmark for its work.

343. The Delegation of Algeria highlighted its cooperation with the Center, which has enabled implementation of a series of steps in Algeria to raise awareness of ADR for IP disputes. The Delegation mentioned that it organized, with the support of the Center, an online seminar on IP disputes for SMEs, with further WIPO events to be held. The Delegation encouraged the Center to continue its efforts in promoting the use of ADR systems.

344. The Delegation of the Republic of Korea noted that developments in technology and IP have led to an increase in the scale, frequency and complexity of national and international IP-related disputes. The Delegation emphasized the significance of ADR as a less costly and more expedient means of resolving such disputes without relying only on the judicial system. The Delegation thus acknowledged the importance of arbitration and mediation and expressed its support for the Center's promotion of ADR. The Delegation noted that in November 2018, the Ministry of Culture, Sports and Tourism of the Republic of Korea (MCST) signed a Memorandum of Understanding (MoU) with WIPO establishing Korea's FIT for the promotion of ADR. On this basis, the MCST and the Center have collaborated in implementing projects and activities such as the WIPO-MCST promotion scheme and capacity-building events in the area of mediation. The Delegation added that in November 2021, the MCST and the Center

presented the results of a MCST-funded and Center-produced survey titled "Alternative Dispute Resolution Mechanisms for Business-to-Business (B2B) Digital Copyright- and Content-Related Disputes". Noting that most survey respondents were legal professionals in the copyright and content ecosystem internationally, the Delegation highlighted that the survey results may serve as expert data to identify solutions for content-related disputes. The Delegation stated that the MCST would continue its active cooperation with the Center.

345. The WIPO General Assembly took note of the document WIPO Arbitration and Mediation Center, Including Domain Names (document WO/GA/55/10).

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