

## **WIPO General Assembly**

**Fifty-Seventh (31<sup>st</sup> Extraordinary) Session**  
**Geneva, July 9 to 17, 2024**

DRAFT REPORT

*prepared by the Secretariat*

1. The WIPO General Assembly was concerned with the following items of the Consolidated Agenda (document [A/65/1](#)): 1, 2, 3, 4, 6, 8, 9, 10, 14, 17, 18, 21 and 22.
2. The reports on the said items, with the exception of items 8(i), 8(iii), 10, 14 and 17, are contained in the draft General Report (document [A/65/11 Prov.](#)).
3. The reports on items 8(i), 8(iii), 10, 14 and 17 are contained in the present document.
4. Ambassador Mr. Alfredo Suescum (Panama), Chair of the WIPO General Assembly, presided over the meeting.

## ITEM 8 OF THE CONSOLIDATED AGENDA

### REPORTS ON AUDIT AND OVERSIGHT

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

5. Discussions were based on documents [WO/GA/57/1](#) and [A/65/6](#).

6. The Chair of the World Intellectual Property (WIPO) IAOC, made the following statement:

“Thank you very much. Distinguished Chair, Excellencies, Delegates. I am the current Chair of the WIPO Independent Advisory Oversight Committee, or the IAOC. The Vice-Chair, Mr. David Kanja, is also next to me, and is present for this presentation.

“What follows is a very brief summary of the important activities of the IAOC, as contained in our Annual Report with reference WO/GA/57/1. It is a pleasure to report that the Committee was again functioning with seven members duly representing and elected from each Group. The Committee functioned effectively according to its Terms of Reference and provided briefings to Member States at the conclusion of each Session. The IAOC is a subsidiary body of this General Assembly and of the Program and Budget Committee. It serves these bodies in an independent expert advisory capacity. Our Terms of Reference include responsibilities regarding Financial Reporting, Risk Management and Internal Controls, External Audit, Internal Oversight and Ethics. I will now touch briefly on each item which is more fully discussed in our report.

“With regard to Internal Oversight, the Committee reviewed the implementation of last year’s Workplan and advised on and endorsed the 2024 Workplan. This included reviewing all internal audit reports, all evaluation reports, all investigation reports and other IOD Reports. The Committee followed up on all outstanding recommendations and was periodically updated on the status of the investigation cases. The Internal Oversight Division underwent a number of changes under the new Director, and the Committee welcomed in particular a better aligned workplan with the Medium-Term Strategic Plan. The number of vacancies is being addressed and last year’s Workplan was delivered despite these vacancies, using external resources, whenever, wherever necessary. Constructive discussions were held with IOD staff and the Director to streamline working methods, for instance in the handling of the investigations’ intake mechanisms and the introduction of a screening process to handle new allegations.

“With regard to External Audits, the Committee discussed with the representatives of the External Auditor the planning for, and interim results of, the Audit of 2023 WIPO Financial Statements. The Committee noted that the External Auditor reiterated that no issues had been identified in the process of completing their audit. While not covered by our current Annual Report, I would like to add that in our last Session which concluded in May, the Committee welcomed the unqualified opinion on the 2023 Financial Statements, and noted the comments and recommendations made in the Long-Form Report. The Committee also discussed the transition and hand-over provisions between the outgoing and incoming External Auditors. The Committee wants to express its appreciation for a constructive collaboration with the outgoing External Auditor (National Audit Office of the UK), and for the significant contribution the External Auditor has made to this institution. We also met with the incoming Auditor from Indonesia in an online meeting.

“With regard to Financial Reporting, the Committee took note of the financial position and the positive results as now reflected in the Financial Statements. The Committee had extensive discussions on the governance framework for managing investments, on the appropriateness of the actuarial assumptions being used to value the After-Service Health

Insurance (ASHI) Liability, on the outcome of the fee income, and on the use and appropriateness of new IPSAS accounting standards. The Committee noted that the Financial Statements were of a high quality and complied with all accounting and reporting standards. The Committee also discussed the options being explored to segregate ASHI assets and liabilities in a separate entity.

“With regard to Risk Management and Internal Controls, the Committee noted the progress in risk management. It welcomed its further development, which has now reached a well-developed stage. The Committee also reviewed the controls pertaining to Business Continuity, Cybersecurity, IT Security and Information Assurance. The Committee, in accordance with its updated Terms of Reference, also reviewed procurement activities with a particular emphasis on Anti-Fraud and Anti-Corruption measures and the prevention of financial malpractice.

“With regard to the Ethics Office, the Committee reviewed the implementation of the Workplan of the Ethics Office for 2023 and the significant number of new policies that were developed by the Office. The Committee reviewed the Policy to Protect against Retaliation for Reporting Suspected Wrongdoing and for Cooperation with Oversight Activities. Also new was the update of the Policy on Financial Disclosure and the Declaration of Interests. It was noted that the Ethics Office had made significant progress in providing ethics-advice, training, and outreach, in addition to developing policies and guidelines. The Committee discussed the functioning of the Office with the Interim Ethics Officer, following the resignation of the previous Ethics Officer, and advised on the candidates for filling the vacancy. I look forward to working with the newly appointed Ethics Officer.

“With regard to the Office of the Ombudsperson, the Committee met with the Interim Ombudsperson and received updates on her activities. The Committee also reviewed the draft Ombuds Annual Report during the last session in May 2024. It also discussed the various arrangements that are being considered for filling a vacant position and expressed its view that sufficient time would need to be devoted to the function in line with UN System benchmarks.

“With regard to the Implementation of Oversight Recommendations, the Committee followed up on the implementation status of recommendations from IOD, the External Auditor, the IAOC, as well as the Joint Inspection Unit. We welcomed the continuing emphasis and progress and the implementation of these recommendations. The Committee also reviewed WIPO’s periodic investment reports.

“Finally, Chair, on behalf of the Independent Advisory Oversight Committee, I would like to express my appreciation to the Director General and to the Secretariat staff – in particular Ms. Chitra Narayanaswamy, who is the Director, Program Planning and Finance, for her support to this Committee. I also want to thank my colleagues on this Committee, starting with the Vice-Chair, Mr. David Kanja, and the other members: Mr. Vikamsey, Mr. Danil Kerimi, Mr. Igors Ludboržs, Mr. Guan Jian, and Mr. German Deffit, for their dedication and commitment to the work of this Committee which, as you know, they perform on a *pro bono* basis. I also want to express thanks to Mr. Frederick Anthony Samuels, who assists us with all administrative matters.

“Thank you, Chair, and we are of course willing to answer any questions, should there be any.”

7. The Delegation of China thanked the IAOC for providing the annual report and commended the IAOC Chair for the presentations made to the WIPO General Assembly and to the recently concluded thirty-seventh session of the Program and Budget Committee (PBC).

The Delegation appreciated the Committee's hard work and achievements over the past year and was pleased to see that the IAOC had engaged closely with Mr. Daren Tang, Director General, the Secretariat, the Internal Oversight Division (IOD), and the External Auditor in providing extensive independent expert advice and facilitating the smooth completion of various internal and external audits of WIPO. Noting that the IAOC had made some recommendations after reviewing the report on WIPO's cybersecurity measures, the Delegation expressed its deep appreciation in that regard, hoping that the IAOC would play an even greater role in the crucial area of data security, which was vital for the operation and development of the Organization. The Delegation looked forward to continued cooperation with the IAOC, as it worked together to audit the implementation of recommendations and improved related governance mechanisms, to help the Organization achieve sound development.

8. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the IAOC for its report and expressed its gratitude to the Committee on the crucial role it played in the advisory oversight mechanism of the Organization. Group B valued the Committee's interaction with Member States, especially through the regularly held information meetings after each IAOC Session and expressed its appreciation and encouragement of the interaction between the Committee, the External Auditor, the Secretariat, and the Director General, on the issues discussed and reviewed, as they helped to improve the follow-up process on recommendations and to strengthen cooperation. Group B thanked the IAOC for its efforts and looked forward to continuing regular interaction in Geneva between the Committee and Member States.

9. The Delegation of the Republic of Moldova, speaking on behalf of the Central European and Baltic States (CEBS) Group, thanked the IAOC for its comprehensive report of 2023, and commended the work undertaken by the Committee. The CEBS Group welcomed the interaction between the IAOC and Member States, especially during the Information meetings held after each quarterly IAOC sessions and valued the close interaction between the IAOC and IOD, in view of the benefits it brought in terms of significantly improving the process of the implementation of issued recommendations. Recalling the statements made during the thirty-seventh session of the PBC, the CEBS Group welcomed the assessment made regarding the 2024 Oversight Annual Workplan which was well-elaborated and better aligned to the Medium-Term Strategic Plan (MTSP) 2022-2026 and noted that the results achieved in respect to the portfolio performance were in line with the approved investment performance benchmarks. The CEBS Group looked forward to the swift completion of the recruitment of the Chief Ethics Officer, to receive information on the actions identified to strengthen governance over investments, in respect of the operating income that had registered a marginal decrease caused by a reduction in filings in the Patent Cooperation Treaty (PCT) and Madrid Registrations Systems, and to learn more on the co-sharing arrangements of the Ombudsperson.

10. The IAOC Chair thanked the delegations for their positive comments, adding that the Committee welcomed the collaboration with the Secretariat as well as with Member States during the briefings. Addressing the points raised by the Delegation of the Republic of Moldova, on behalf of the CEBS Group, the Chair clarified that the recruitment process for a Chief Ethics Officer had been completed and referred the matter concerning the co-sharing agreement for the position of Ombudsperson to the Director, Human Resources Management Department (HRMD), who would provide a reply during the session of the WIPO Coordination Committee.

11. The WIPO General Assembly took note of the "Report by the WIPO Independent Advisory Oversight Committee (IAOC)" (document WO/GA/57/1).

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

12. Discussions were based on documents [WO/GA/57/2](#) and [A/65/6](#).

13. The Director, IOD, stated that in line with the Internal Oversight Charter, IOD's mission during the period was to provide independent and effective internal oversight for WIPO under the Charter's provision. The work was guided by the MTSP 2022-2026 and was supported by conducting engagements and making recommendations to achieve the Organization's strategic focus areas and assess various elements of its internal control environment. The oversight plan was prepared after considering several factors, including risk ratings, relevance, oversight cycle, feedback from WIPO management, Member States *via* Group Coordinators, and available resources. The draft Oversight Plan was submitted to the IAOC for review and advice before finalization. With regard to the report's issuance date, the 2023 oversight plan had been implemented, and the 2024 work plan was on track. During the reporting period, audits were conducted in key operational areas, including the Office of the Legal Counsel (OLC), the PCT Operations and Customer Relations, the WIPO Global Innovation Index, the After-Service Health Insurance (ASHI) claims data, the WIPO Singapore Office, the Madrid Registry, the implementation of WIPO data privacy and standards, and cloud management. The Director, IOD, indicated that based on a clarification sought on one of the recommendations of the PCT audit report and as illustrated in the audit report published in April 2023, it was confirmed that, three countries accounted for 64.7 per cent of the PCT filing volumes in 2021. It was recommended that the Patents and Technology Sector review and address the need to increase the diversification of filing sources, while continuing to enhance the services provided to its key customers. On evaluations, quality assurance was provided on evaluations commissioned by the Committee on Development and Intellectual Property (CDIP) on the Development Agenda (DA) project and intellectual property (IP) and socio-economic development. An evaluation was undertaken on the learnings from implementing WIPO initiatives to empower women entrepreneurs. Regarding investigations, the Director, IOD, reported that 37 new complaints were registered, a 16 per cent increase from 2022. In total, 31 complaints were closed following preliminary evaluations and 14 full investigations including a few from the prior year were concluded. As of December 31, 2023, 16 matters were pending. In 2023, five investigations resulted in substantiated allegations, while 40 allegations were not substantiated, and three management implication reports were issued. In addition to its planned oversight work, IOD provided advisory services for behavioral science intervention to improve inclusion and diversity in WIPO's recruitment process. Interactive dialogue with management was conducted to follow-up on implementing open recommendations. As of December 31, 2023, there were 59 open recommendations, including seven high-priority and 52 medium-priority recommendations. IOD's recommendations constituted of 81 per cent of all open recommendations, with the remaining 19 per cent were recommendations from the External Auditor. The Director, IOD, indicated that IOD attended all the sessions of the IAOC, reporting on the implementation of the internal oversight plan, discussing oversight results, and seeking advice. All the reports were shared with the External Auditor, who was also engaged in key audit matters and was provided with the necessary input. Regular meetings were held with the Ombudsperson and the Chief Ethics Officer to ensure coordination and complementary support. OLC and HRMD were also engaged as appropriate. The Director, IOD, underlined that WIPO colleagues were engaged through presentations during staff induction training, online training sessions and by presentations to Sector Leads and other managers as needed. Active collaboration and networking with other United Nations (UN) system organizations and entities, including the United Nations Evaluation Group (UNEG), the Heads of Internal Audit, the United Nations Representatives of Internal Audit Services (UNRIAS), the Conference of International Investigators (CII) and the UN Representatives of Investigative Services continued. During the reporting period, no instance or activity occurred that could be considered to jeopardize IOD's operational independence. The performance indicators continued to show a high acceptance of the relevance of IOD's work and the pertinence of recommendations made. Feedback on the quality of oversight work was continually sought from colleagues through client

satisfaction surveys after each engagement. In addition, when the Director, IOD, assumed office in October 2023, she specifically engaged with all WIPO Directors and senior management on ways of building on the strengths of and improving the oversight services provided by IOD. Those feedback were reflected in the 2024 planning and activities. It was detailed that to discharge its mandate, IOD's 2023 budget amounted to 2.97 million Swiss francs, representing 0.75 per cent of WIPO's budget for the same period. The human and financial resources were adequate to effectively cover the high-priority areas identified in the 2023 work plan. On average, each IOD staff member attended 10 training days in 2023. The published report included a section "Way Forward – 2024 and Beyond" and the Director, IOD, was pleased to share the following updates. Since January 2024, four audits were issued, including the audit of the cloud management, validation of ASHI claims, cybersecurity management, and the first quarter pilot testing of 59 per cent of the Organization's key controls design and operating effectiveness. Each report included an overall engagement conclusion. In addition, the report on the validation of the data on the WIPO Performance Report (WPR) by IOD was issued. The Internal Audit Manual was substantially updated to conform with the provisions of the new Global Internal Audit Standards issued on January 9, 2024. That was shared with internal stakeholders for their input, and initial comments were received. An additional post was allocated to IOD to backfill the absence of the Head, Internal Audit Section, who had been on long-term sick leave since mid-January 2024, and was fortunately on the recovery path. In the same Section, another position was opened to cover for an audit staff member confirmed in November 2023 and committed for secondment to another UN agency from April 2024. The recruitment processes for those positions were ongoing with a view to confirming appointees by the end of July 2024. Regarding the Investigation Section, the Director, IOD, stated that the investigation manual had been updated with the engagement and input from internal stakeholders. Following a detailed review and advise by the IAOC and input from Member State representatives, the final version and the related policy would be released by the end of July 2024. Good progress was being made in utilizing the internal justice system as a first option in addressing complaints received before opening formal investigations. As a result, 14 complaints had been satisfactorily resolved without formal investigations since January 2024. That allowed the Investigation Section to focus on key risk areas which should, over time, reduce the time utilized to close investigations. In respect to the time taken to close cases, as concerned stakeholders, including Member States, the Director, IOD, stated that following a competition in 2023, the Head, Investigation Section had been selected to join another UN agency and served three months' notice until March 2024. Recruitment for that position and for an Investigator was ongoing, following the end of the previous holder's two-year contract period in December 2023. Since October 2023, external consultants were employed to supplement the investigation team and a few investigations were contracted to an external firm. An additional budget was allocated to IOD in May 2024 to facilitate the hiring of external consultants as required. Regarding the Evaluation Section, the Director, IOD, reported that two reports had been issued. Those included the long outstanding evaluation component that was part II of the audit and evaluation of the PCT operations and customer relations which had since then been published on the WIPO website per IOD's publication policy. To ensure a focus on the Organization's key strategic programs in line with the MTSP 2022-2026, and to facilitate early learning and insight sharing with managers, pre-assessments were conducted before the commencement of full evaluations. The Director, IOD, indicated that IOD would continue to use the services of external consultants to undertake substantive evaluation work once identified. IOD was allocated an additional budget in May 2024 to facilitate that process and to ensure that the right subject matter and external resources to undertake substantive evaluation work when required. The evaluation manual would be updated as appropriate to reflect the Organization's evolving evaluation needs. The Director, IOD, stated that the UNEG peer review was scheduled for completion within 2024. The Director, IOD, concluded that, together with the IOD colleagues, she looked forward to working closely with the IAOC, the Director General, Sector Leads, and WIPO personnel to achieve the Organization's objectives and key results as set out in the MTSP 2022-2026 while continuing to strengthen the contribution to governance,

risk management, internal control processes, decision-making and oversight, reputation and credibility with stakeholders and the ability to serve public interest. The Director, IOD, thanked the delegations for their kind attention and stood ready to answer any questions or receive any comments.

14. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked IOD for the report contained in document WO/GA/57/2 and the work undertaken in an independent manner. The Delegation stated that as internal controls and WIPO's efficient and prudent use of resources were key to the Organization, its Group appreciated the strong effort of IOD in cooperation with the IAOC and the External Auditor. That report gave Members States a comprehensive overview of WIPO's functions and was considered a valuable source of information, as well as a point of reference throughout the year. Group B looked forward to the timely implementation of all IOD recommendations and encouraged the Secretariat to swiftly implement the open recommendations, especially those that were of high priority.

15. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, thanked IOD for its 2023 comprehensive report. The CEBS Group commended the work undertaken and believed that it contributed towards the continuous improvement of the effectiveness and transparency of the Organization. The Delegation recalled the CEBS Group statements delivered during the thirty-seventh session of the PBC, and welcomed, in particular, the diligent approach applied by IOD, the results of the evaluation, and the investigative activities carried out. The CEBS Group expressed concerns over a significant growth of complaints filed in 2023 and pointed out that the matter also required further consideration to mitigate the risks related to the financial impact on the Organization. The CEBS Group stated that further efforts were required to address the 59 recommendations that were still open.

16. The Director, IOD, expressed gratitude for the statements made by Group B and the CEBS Group. The Director, IOD, emphasized that the issue of addressing open recommendations had received IOD's very keen attention, and that IOD was working with the Office of the Controller to ensure that it was addressed in a timely manner, adding that positive statistics would be shared with Member States going forward. In terms of investigations, the Director, IOD, indicated that, as mentioned by the IAOC, IOD was looking at the intake process to ensure that all channels to address potential allegations or complaints were addressed before subjecting matters to a fully investigative process, and if they were subjected to an investigative process that it was done in a timely manner. The Director, IOD, concluded that IOD was planning to share better statistics with Member States at the next Assemblies.

17. The WIPO General Assembly took note of the "Annual Report by the Director of the Internal Oversight Division (IOD)" (document WO/GA/57/2)."

## ITEM 10 OF THE CONSOLIDATED AGENDA

### REPORTS FROM WIPO COMMITTEES

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

18. Discussions were based on document [WO/GA/57/3](#).

19. The Secretariat introduced document WO/GA/57/3, containing the Report on the Standing Committee on Copyright and Related Rights (SCCR) and presented a brief overview of the activities of the SCCR, emphasizing that the SCCR dealt with a record number of topics. Certain delegations noted that some topics were introduced more than 20 years ago, such as the draft broadcasting treaty and the question of exceptions and limitations to copyright. Another topic introduced recently was artificial intelligence (AI), which reflected major

technological advances exposing copyright to unprecedented opportunities and challenges. Since the pandemic, while the agenda expanded rapidly, the SCCR held one session annually, with an exceptional three-day session added in 2023. The structure of the SCCR for the past 20 years focused on two agenda items, on which the Committee spent most of its time deliberating. Other agenda items were squeezed into a half-day on the last day of each session. That structure did not facilitate fluid discussions, thus leaving room for a growing sense of frustration reinforced by the perception of missed opportunities. The Committee explored two new working methods to address the situation. First, Information Sessions were introduced to allow for discussions that were more proactive and open. Stakeholders and professionals could share without constraints, their experiences, their difficulties, and propose solutions they were working on. At the Committee's request, during the session in 2024, the Secretariat organized an Information Session on Generative AI and Copyright. Given the increased interest in the impact of emerging digital technologies on the creative industries, the Secretariat organized an Information Session on the Music Streaming Market in 2023. In 2022, the Secretariat responded to requests from the Committee to organize an Information Session on COVID--19. The Committee requested another Information Session for the following session in 2025, which indicated that the new format was meeting some expectations. The second new approach requested during the previous SCCR session was to better prepare the annual SCCR meetings by actively involving members of the Committee in a series of comments and exchanges throughout the year. For several years, the Chair of the SCCR worked actively with delegations on the broadcasting treaty texts throughout the year for the following session. In the same spirit, the Committee set up a process of consultations and exchanges to support the development of the draft implementation plan for the Work Program on Limitations and Exceptions, which would be presented among other examples at the following SCCR session. The two new working methods did not exempt the Committee from deeper reflection with a view to seeking ways and means to both maximize the time available to advance the Committee's work and obtain the most satisfactory results for everyone. Although the second half of the year would be busy with the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT), the Secretariat affirmed its willingness to contribute to the ongoing reflections on organizing the Committee's work. The time was ripe to be creative in planning the annual meetings in line with the global challenges facing the creative sector in the digital era, and the expectations of millions of players in the cultural world. Together with the Committee, the Secretariat had a responsibility to find the best and most appropriate vehicles to address issues deserving or even justifying international commitment, be it normative instruments such as treaties and soft law instruments such as recommendations, or simply toolkits.

20. The Delegation of Chile, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), thanked the Secretariat for its detailed report. The Delegation stated that GRULAC had an important role in the SCCR because of the cultural wealth in its region, as well as its active promotion of the creative industries, which ensured access to culture, including through the role of exceptions and limitations. GRULAC noted two main issues in the SCCR: (i) exceptions and limitations and (ii) broadcasting. It stated that the other matters – the digital environment, theatre directors' rights, and AI, needed to be discussed in more than one meeting a year. GRULAC emphasized that two annual sessions per year would be beneficial for all members and to the progress of work.

21. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for the report contained in document WO/GA/57/3. Group B highlighted its interest in the discussion of the broadcasting treaty, in particular the need for broadcasting organizations to be able to address the illegal use of program-carrying signals. Group B looked forward to discussing the draft treaty at the forty-sixth session of the SCCR, and it acknowledged the work on a draft implementation plan for the Work Program on Exceptions and Limitations that was adopted at the forty-third session. Group B looked forward to further contributing to that draft implementation plan at the following SCCR session. Additionally, Group B noted the excellent Information Session organized by the Secretariat at the forty-fifth



session on the opportunities and challenges raised by generative AI as related to copyright. Group B considered a discussion on related copyright issues in the SCCR to be highly topical and looked forward to the follow-up session.

22. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, expressed its gratitude to the Secretariat for its work over the previous year. The CEBS Group reiterated that its members were advocating for the convening of a diplomatic conference on broadcasting for a long time. The CEBS Group remained supportive of concluding the work on the topic of the protection of broadcasting organizations at a successful diplomatic conference resulting in a future-proof treaty that would reflect the digital environment, the current needs of broadcasting organizations, and rapidly evolving technologies. The CEBS Group welcomed the revised draft text of the treaty on the protection of broadcasting organizations presented at the previous two SCCR sessions, which accommodated various positions of Member States and streamlined the previous proposals. The CEBS Group acknowledged that some discussions and further clarifications of certain key issues were still needed and it hoped for further progress on developing a final draft text soon, which would lead to an adequate and effective legal instrument that would equally protect transmissions of broadcasting organizations over computer networks, and would fight against signal piracy. The CEBS Group looked forward to seeing further revisions of the draft text, which the incoming Chair of the SCCR would draft. With regard to the Committee's work on limitations and exceptions, the Group recognized the role played by libraries, museums, and educational and research institutions in society's social and cultural development. The CEBS Group stated that the copyright infrastructure should ensure success for persons with disabilities. The Group took note of deliberations on how to implement the agreed Work Program on Limitations and Exceptions and create implementation plans that would be acceptable to everyone. To set implementation steps, the CEBS Group believed that the appropriate guidance, assistance, and capacity building for Member States were necessary to craft relevant national policies with regard to exceptions and limitations. In its opinion, inspiration could be taken from the existing international legal framework related to limitations and exceptions, which already provided enough flexibility for adequate protection. Based on that, the CEBS Group stood ready to further explore steps that would complement the evidence-based approach by exchanging best practices, without working towards an internationally binding instrument. The CEBS Group also appreciated the organization of the Information Session on the opportunities and challenges raised by generative AI at the previous session of the SCCR. Such an exchange of ideas and sharing of information among interested delegations, observers, and industry professionals was deemed essential to assess the challenges brought by AI to copyright systems. The CEBS Group noted with pleasure that a follow-up Information Session on Generative AI was agreed upon and would take place at the following SCCR session. Furthermore, the CEBS Group reiterated its support for the inclusion of the resale right on the Committee's agenda as a standing item, as it firmly believed that such an important topic was highly relevant to the mandate of the SCCR. In conclusion, the CEBS Group stated that it was also examining the various proposals contained in the draft work program for copyright and the digital environment. The CEBS Group was committed to actively engaging to advance the work of the SCCR.

23. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Asia and the Pacific Group (APG), stated that APG continued to place great importance on the work of the SCCR, and it noted the Committee's work towards finalizing a fair and unbiased broadcasting treaty. APG expressed its support for the broadcasting treaty and hoped that the existing gaps would be narrowed and brought closer to implementing the 2007 WIPO General Assembly mandate, which included the circumstances needed for the convening of a diplomatic conference. APG reiterated its belief that determining whether and how intellectual property rights (IPRs) should apply with respect to broadcasting was a development issue that required a delicate balance. Based on the draft text of the broadcasting treaty, it might not have the legal standing and support behind it to bring together the divergent positions. APG encouraged all members to constructively engage in the discussions at the following session to narrow existing

gaps. With regard to the agenda item on limitations and exceptions, APG expressed that limitations and exceptions for libraries, archives, museums, educational and research institutions, and persons with disabilities were of critical importance to individuals and the collective development of society. On the workplan on limitations and exceptions, most members of the Group believed that appropriate limitations and exceptions should be applied and should have been reflected in the draft text, particularly in providing access to broadcast content for educational and cultural research purposes. With respect to copyright in the digital environment, APG looked forward to further discussions and learning from best practices on that agenda item in the following sessions. APG believed that the time allocated for the standing items should not be impacted by the new proposals that were presented during the discussions of the SCCR agenda.

24. The Delegation of China stated that since the previous year's WIPO General Assembly, the SCCR held its forty-fourth and forty-fifth sessions, whereby the Chair and the Secretariat made tremendous efforts. The Delegation noted that the Information Sessions made it possible to have a better understanding of the issues at stake, and progress was made in the areas concerned. The Delegation was supportive of the SCCR continuing its work on exceptions and limitations to conclude and reach a consensus on the substance of the issues as soon as possible, laying the foundation for convening a diplomatic conference. The Delegation noted that detailed research would need to be conducted on other issues, and that it stood ready to have further exchanges with other parties.

25. The Delegation of India expressed its appreciation to the Secretariat for preparing the report on the SCCR and noted that the SCCR met twice since the previous WIPO General Assembly. The Delegation commended the continuous efforts of the SCCR to address issues regarding copyright and related rights. The draft broadcasting organizations treaty text introduced in the forty-fifth session would need further consideration during the following session of the SCCR. The Delegation stated that it would actively engage in discussions on the revised text of the treaty and looked forward to advancing that agenda item. It underscored the importance of protecting broadcast signals to prevent piracy and called for flexibility to accommodate domestic laws. Furthermore, the Delegation stated that limitations and exceptions to IPRs were critical, and discussions and consultations on exceptions and limitations for educational and research institutions and persons with disabilities were always praiseworthy. The Delegation thanked the Secretariat for preparing and presenting the comments of the draft implementation plan for the Work Program on Limitations and Exceptions for Member States, and it looked forward to engaging with Group Coordinators and interested parties on the draft implementation plan. On copyright in the digital environment, the Delegation looked forward to engaging in comprehensive discussions on the draft work plan that would be presented during the forty-sixth session of the SCCR. The Delegation anticipated the inclusion of the issue of the newly emerging generative AI in the forthcoming sessions, adding that AI was a significant disruption in the creative world and it raised concerns regarding its impact on creators. The Delegation acknowledged the comprehensive WIPO Toolkit on Artist Resale Rights and called for further deliberations for developing national author's resale rights schemes as highlighted in the toolkit. The Delegation looked forward to continuing discussions on the topic of resale rights within the Committee. The Delegation welcomed the proposal made by a delegation during the forty-fourth session for a comprehensive study on the rights of audiovisual authors for the exploitation of their works, and it requested that the study also cover the rights of performers in audiovisual works for the exploitation of their performances.

26. The Delegation of Kenya, speaking on behalf of the African Group, expressed concern regarding the slow progress in advancing the issues on limitations and exceptions since the introduction of that topic into the agenda of the SCCR in 2004. The African Group reiterated the need for more efforts in implementing the Work Program on Limitations and Exceptions adopted at the forty-third session of the SCCR. The African Group also looked forward to further refining the draft implementation plan on the Work Program on Limitations and Exceptions contained in

document SCCR/45/10 Prov. Furthermore, the African Group hoped that the planned series of consultations with Group Coordinators and interested Member States would result in an improved version of the draft implementation plan for discussion at the forty-sixth session of the SCCR, and it stressed its readiness to work constructively to that end with other delegations and the Secretariat. With regard to the draft treaty on the protection of broadcasting organizations, the African Group welcomed the decision that the Chair should draft a new version of the text to allow the Committee to discuss the text and make a determination at the following session of the SCCR on whether to recommend that the WIPO General Assembly convene a diplomatic conference to finalize the instrument. Additionally, the Group supported the calls by a number of delegations to revert to holding two sessions of the SCCR per calendar year to adequately address the increased number of topics and workload of the Committee. The African Group called for the inclusion of the topic of resale rights as part of the substantive agenda of the SCCR and commended the Secretariat for organizing the Information Session on Generative AI and Copyright during the previous session of the SCCR. The African Group welcomed the discussions during that session between creators and other parties directly involved in matters involving AI and noted that more work needed to be done in that area. The African Group highlighted that normative action at the intersection between IP and AI would help to holistically address that subject matter.

27. The Delegation of the European Union stated that it remained committed to progress towards a worthwhile treaty for the protection of broadcasting organizations, which responded to the technological realities of the 21<sup>st</sup> century. The Delegation expressed its gratitude to the Chair, Vice-Chair and the facilitator of the SCCR and commended their work to advance discussions on the topic. Moreover, the Delegation announced its readiness to engage in further discussions on the text of the draft treaty to ensure meaningful and appropriate protection of broadcasting organizations. In that regard, the Delegation also noted that while further clarifications were needed on certain issues of the draft, that should not prevent progress towards convening a diplomatic conference and concluding a treaty that would help broadcasting organizations to fight against piracy of their signal at international level. The Delegation reiterated its commitment to engage constructively in the discussions on limitations and exceptions, on the basis of the work program agreed at the forty-third session of the SCCR. The Delegation noted that libraries, archives, and museums played a crucial role in the dissemination of knowledge, information and culture along with the preservation of history. The Delegation underscored that it attached importance to the support of educational and research institutions and people with disabilities. However, as consistently expressed in the past, the Delegation cautioned that it could not support work towards a legally binding instrument at the international level on those matters. The Delegation insisted that the focus should be on WIPO support and capacity building for WIPO Members and improving national legislations within the existing international copyright framework. The Delegation looked forward to the discussions on the implementation of the work program agreed at the forty-third session, and it noted that a gradual approach was needed in order to achieve tangible results. With respect to other agenda items, the Delegation indicated that, if the SCCR agenda were to be expanded to cover additional items in the future, it recommended including the topic of author's resale right in the permanent agenda of the SCCR. Finally, the Delegation stated that it was analyzing the proposal made under the agenda item for copyright in the digital environment.

28. The Delegation of the Republic of Korea stated that it was of the view that an enhanced and updated protection for broadcasting organizations should be achieved amid the rapid development of technologies. In the same context, the Delegation also noted that it was an opportune time for WIPO and its Member States to promptly adopt an international instrument that would provide adequate protection to broadcasting organizations in the fast-moving digital era. The Delegation reiterated its engagement and commitment to constructive discussions concerning that agenda item. It observed that SCCR was one of the most authoritative fora to host international discussions on copyright issues concerning generative AI, including but not limited to fair compensation for the use of copyrighted materials for the purpose of training AI

and copyrightability of AI generated materials. The Delegation looked forward to the exchange of ideas and policy developments during the upcoming AI Information Session and expressed its readiness to diligently and sincerely engage in discussions to come.

29. The Delegation of the United States of America stated that it aligned itself with the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B. With regard to the protection of broadcasting organizations in the digital age, the Delegation noted that it continued to support updating such protection under the terms of the 2006-2007 WIPO General Assembly mandate which called for a signal-based approach to provide protection for the activities of broadcasting organizations in the traditional sense. However, the Delegation highlighted that the text of the current draft on broadcasting organizations exceeded the WIPO General Assembly mandate with its inclusion of new exclusive rights of fixation and transmission of stored programs. The Delegation pointed out that, to remain consistent with that mandate, the scope of rights to be granted should be limited to providing traditional broadcasting organizations with a single exclusive right to authorize simultaneous retransmissions to the public of their linear broadcast signals. The Delegation stated that that single-right approach was the most prudent manner to address the core problem of signal piracy while still being able to achieve consensus at the international level. Additionally, each jurisdiction would remain free to provide additional, more specific rights in their laws as they saw fit. The Delegation also noted that it was not alone in its concern and that significant questions and concerns were raised at the forty-fifth session by several Member States and groups regarding the treaty's objectives, rights to be granted and scope of protection. The Delegation concluded that while much work remained on improving and focusing the text, it continued to support that work and looked forward to constructively engaging in the work of improving the text at the following SCCR session. Regarding limitations and exceptions, the Delegation was of the view that the current international framework for copyright exceptions and limitations provided sufficient flexibility, consistent with well-established international standards, for countries to adopt limitations and exceptions to advance their own national social, cultural and economic policies. The Delegation further noted that an informed discussion on exceptions and limitations within the SCCR would be useful to Member States that were interested in tailoring exceptions and limitations to their own needs and circumstances. The Delegation added that such an informed discussion could facilitate the development of high-level principles and objectives or best practices to assist Member States to craft and improve national copyright exceptions and limitations for libraries, archives, museums and educational and research institutions, as well as exceptions for persons with disabilities. Finally, on the topic of other matters related to copyright in the digital environment and in particular the focus on remuneration rights in the digital music and audiovisual streaming industry, the Delegation reiterated its view that the SCCR was not the proper forum to address marketplace issues or resolve matters relating to the relative bargaining power between private parties and competition-related considerations that might exist in the creative ecosystem.

30. The Delegation of Ukraine said that it associated itself with the statement made by the Delegation of the Republic of Moldova on behalf of the CEBS Group. The Delegation acknowledged the substantial work of the SCCR to achieve an enhanced and updated protection for broadcasting organizations and improved approaches relating to exceptions and limitations and other global copyright issues. The Delegation welcomed the discussions on generative AI as that technological development had the potential to reshape existing copyright paradigms. In that regard, the Delegation underscored the importance to recognize the prospect of a greater use of generative AI in various fields while simultaneously addressing potential risks and opportunities for creative industries. The Delegation stated that during the previous session of the SCCR, it shared its experiences on the introduction of *sui generis* rights for computer-generated objects. The Delegation added that, as a country that was currently harmonizing its national legislation with the European Union *acquis*, it looked forward to further discussions on harmonization of national and regional legislation. In addition, the Delegation sincerely welcomed further discussions on the issue of exceptions and limitations, in particular

new instruments for implementation of the Marrakesh Treaty as the issue of protection and support for people with disabilities was of high importance in Ukraine given the devastating consequences of the war of aggression of the Russian Federation against Ukraine. Accordingly, the Delegation invited the Secretariat and Member States to consider and further address those issues while ensuring a balance of interests. The Delegation expressed its sincere gratitude to WIPO for the invaluable assistance in terms of improving Ukrainian legislation on copyright and related rights as well as on collective management organizations (CMOs). The Delegation also expressed its gratitude to the Deputy Director General, Copyright and Creative Industries Sector and the Copyright Law Division for her assistance in that regard.

31. The Delegation of Japan expressed its gratitude to the Chair, the Vice-Chairs, the facilitators and the Secretariat of the SCCR for their efforts in advancing the discussions on each agenda item. The Delegation stated that it considered the protection of broadcasting organizations as an important and high priority agenda item. In that regard, the Delegation observed that the previous SCCR session had meaningful discussions among experts from various Member States and made some progress on the broadcasting organization treaty. The Delegation also stressed that the agenda item should remain a standing item and that sufficient time should be allocated for discussions to reach a consensus on the fundamental issues. Regarding the Information Session on Generative AI and Copyright, the Delegation expressed its gratitude to the Secretariat for planning and organizing the event. For the following session, the Delegation asked for the opportunity to exchange information between various Member States on AI and copyright, in addition to case studies by creators. The Delegation reiterated its commitment to contribute constructively to the discussions at the following SCCR sessions.

32. The Delegation of France said that it aligned itself with the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B and the Delegation of the European Union. The Delegation expressed its gratitude to the Chair and Vice-Chairs as well as to the Secretariat of the SCCR, for their continued efforts to successfully steer the work of the Committee. The Delegation also expressed its appreciation for the dynamic session on AI organized during the forty-fifth session. The Delegation took note of the report of the SCCR and requested that the SCCR continue its work. Moreover, the Delegation encouraged the Committee to continue working towards convening a diplomatic conference that would aim to conclude a treaty on the protection of broadcasting organizations. The Delegation further noted that it was high time to include the topic of resale right in the permanent agenda of the SCCR, and to examine where copyright and the digital environment could be inserted in the agenda of the SCCR.

33. The Delegation of the Russian Federation expressed its gratitude to the Deputy Director General, Copyright and Creative Industries Sector, and to the Secretariat for preparing the report on the work of the SCCR, document WO/GA/57/3. The Delegation expressed its appreciation for the results of the work of the Committee and reiterated its support for continuing the work on issues related to limitations and exceptions, the use of copyright in the digital environment and the protection of the rights of theatre directors. The Delegation underscored the importance of the work carried out in the framework of the Committee to research approaches to protect the rights of theatre directors at the international level. It also highlighted that theatre performances continued to often be used by third parties, without the consent of the theatre directors and without paying remuneration or royalties. The Delegation noted that such situations occurred because the legal mechanisms for the protection of IPRs of theatre directors under international and national legislation did not provide sufficient protection. The Delegation called for continuing the active work on the issue of protecting the rights of theatre directors, and hoped that the Secretariat would carry out, during the intersessional period, informal consultations with interested representatives of the industry, experts, and interested Member States with a view to preparing a survey on modalities for the protection of the rights of theatre directors in various jurisdictions, as well as with a view to developing framework

recommendations on contracts. Moreover, the Delegation of the Russian Federation noted the need to adapt the work of the Committee to new technologies, in the context of copyright and related rights, as well as the need to intensify work on the draft WIPO treaty on broadcasting organizations in a more meaningful manner with a view to accelerating the finalization of the text and convening a diplomatic conference to conclude that international legal document. The Delegation underscored that the treaty should seek to formulate the main areas of work and principles to protect the rights of broadcasting organizations.

34. The Delegation of Nigeria said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group, and expressed its appreciation to the Deputy Director General, Copyright and Creative Industries Sector, and to the Secretariat for the preparation of the report of the SCCR. The Delegation also thanked the Chair of the forty-fifth session for their leadership and efforts to ensure that engagement in some critical norm-setting topics on the agenda of WIPO was steadily progressing. Furthermore, the Delegation commended the Secretariat for organizing the Information Session on Generative AI and Copyright during the previous session. The Delegation noted that the Information Session was anchored in the need to enable the exchange of experiences and views between creators and other players directly involved in the development of generative AI, as well as its growing impact on creative industries and the challenges and opportunities it represented for creators and other stakeholders. The Delegation commended WIPO's exertion on the matter of generative AI but stressed that WIPO should further explore the broad spectrum of the crucial thematic subject of AI. In that regard, it suggested the Secretariat embark on a fact-finding study on the impact of generative AI on the IP laws of Member States, and the attendant risks posed to the rights of authors and researchers. To consolidate efforts towards the implementation of the Work Program on Limitations and Exceptions, adopted at the thirty-third session of the SCCR, the Delegation invited the Secretariat to focus on the principles and objectives of the work program. It noted that such approach would strengthen the Secretariat's efforts as it would prepare for consultations with Group Coordinators and interested Member States to revise the existing draft implementation plan for discussion at the forty-sixth session. The Delegation reiterated its insistence on greater flexibility in ongoing discussions in the SCCR, especially in those areas where technology was critical for expeditious progression and completion. Considering the high expectations of a wide variety of stakeholders that are directly and indirectly affected by the work of the SCCR, the Delegation affirmed its commitment to participate actively in ongoing treaty negotiations, to ensure that the outcomes would not be at variance with the interests of the Member States.

35. The Delegation of Brazil considered it essential that the WIPO General Assembly recommended to the WIPO Director General the prompt re-establishment of two annual sessions of the SCCR, as it was an established practice at WIPO until the pandemic. In the view of the Delegation, the debates on the digital environment and the development and impact of new frontier technologies on IP and the copyright area were of vital importance to all Member States. The rapid evolution of those technologies required a regular, continuous, and dynamic space for in-depth and updated discussions. The debate at WIPO, which should be one of the leading agencies in that matter, was limited by the time dedicated to the topic in terms of annual frequency, and by the very little time allocated to the SCCR agenda. The Delegation was committed to strengthening the SCCR in promoting debates that met the contemporary needs of copyright and related rights. Brazil affirmed its support for initiatives that aimed to advance and modernize IP policies. In that context, the Delegation highlighted the urgency of concluding the debate on broadcasting within the SCCR. That decision would allow the SCCR to dedicate more time and resources to significant and sensitive issues. The Delegation supported the Work Plan on Copyright in the Digital Environment, which was presented during the forty-fifth session of the SCCR. It was a natural evolution of the work developed by GRULAC, with the support of the Secretariat since 2015. At the thirty-first session, GRULAC presented a legal analysis that suggested the continuation of the debate in the Committee. Subsequent technical studies highlighted the need to deepen the discussions within the Committee. The Delegation

reiterated its position in favor of including the topic as a permanent item on the SCCR agenda. Furthermore, the Delegation reiterated its support for the African Group's proposal on the implementation of the Work Program on Limitations and Exceptions, as the proposal played a key role in promoting a fair balance between authors' rights and access to knowledge, especially in developing countries. The Delegation welcomed the Information Session on the challenges and opportunities for generative AI models. It was an extremely relevant topic that demanded continuous discussions at the SCCR. The debate on the effects of generative AI needed to include a development approach, and a perspective of reduction of asymmetries. In that context, the Delegation was grateful for the Portuguese interpretation provided during the Information Session.

36. The Delegation of Thailand expressed its appreciation for the ongoing efforts of the SCCR Chair, the Vice-Chairs, the Member States, as well as the Secretariat, to address critical issues that shaped the global copyright landscape. As a developing country, the Delegation wished to emphasize several points. First, on limitations and exceptions, it said that it aligned itself with the position of the Delegation of Iran (Islamic Republic of) on behalf of APG. The expansion of limitations and exceptions was vital for ensuring access to educational, research and cultural materials. The Delegation urged the SCCR to continue prioritizing that agenda item, building on the momentum arising from the African Group proposal and the draft implementation plan for the Work Program on Limitations and Exceptions prepared by the Secretariat for the forty-fifth session of the SCCR. The Delegation hoped that the Committee could make significant progress, enhancing access to knowledge and promoting transparency, through a balanced copyright framework. Second, on copyright in the digital environment, the Delegation stated that, with the advancement in AI and digital platforms, the copyright system needed to be re-evaluated to ensure fair payment for artists and creators. Finally, on other matters, the Delegation supported the GRULAC proposal to study copyright in the digital age as it was crucial for updating its copyright law to fit the new technologies. In addition, the discussions on public lending rights, resale rights, and theatre directors' rights could be helpful, provided they took into account the needs and abilities of the developing countries.

37. The Delegation of Serbia thanked the Secretariat for the report regarding the recent activities of the Committee and the results achieved so far, and was grateful to both the SCCR Chairs and Vice-Chairs for their work. The Delegation wished to associate itself with the statement made by the Delegation of the Republic of Moldova on behalf of the CEBS Group, which referred to the work of the SCCR. The Committee spread important and comprehensive knowledge on certain aspects of copyright protection. That knowledge proved to be vital in the practices of national IP offices, IP enforcement bodies, as well as national courts. The Delegation recently granted the license to its first collective management society that managed the economic rights of visual artists. The WIPO Toolkit on Artist's Resale Right (Part II) prepared by Professor Sam Ricketson was of great importance for the country. The study was comprehensive, well written and served as an overview of the world's best practices in that area of expertise. In particular, the study was of great importance for the practical work of offices that supervised the work of collective management societies, which was also a useful guide for the CMOs. The protection of IP, came down to the fact that someone had to pay for something, while people were not always ready to pay. In order to succeed in the intention to help authors and creative people, hard work and goodwill were not enough. Knowledge was also needed, and it was particularly relevant when it came to the topic of a resale right, a topic that was still obscure for most professionals and rights holders. The Delegation stated that nothing in the world of CMOs could be done without knowledge and excellent legal expertise, adding that sometimes the knowledge did not come easy and therefore the forum was important. Thousands of creative people would be left without their source of income if State officers stopped striving to consistently improve their professional capabilities. The Delegation emphasized that the Committee should never forget the importance of its work. In conclusion, the Delegation strongly supported the inclusion of the resale right topic as a standing item on the SCCR agenda.

38. The Delegation of the Philippines wished to align itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. The Delegation fully supported the continued inclusion of the proposed treaty on the protection of broadcasting organizations in the agenda of the SCCR. The proposed treaty on broadcasting organizations was on the agenda of the SCCR since 1998 and remained the longest item on the agenda of any WIPO Standing Committee. In light of the successful adoption of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (GRATK Treaty) two months ago, the Delegation was hopeful that, building on the momentum gained in the previous four sessions, Member States could also achieve considerable progress and success in the SCCR negotiations. The Delegation looked forward to the finalization of the draft implementation plan for the work program for exceptions and limitations in the forty-sixth session of the SCCR. The Delegation supported the inclusion of an Information Session on Generative AI and Copyright in the following session of the SCCR. The emergence of different frontier technologies and generative AI specifically posed an unprecedented set of challenges to humanity that would change lives. The Delegation believed that WIPO in general, and the SCCR in particular, played, and should play a role in the active promotion of the formulation of a guidance document reflective of normative standards that relate to generative AI and copyright and IP. The Delegation expressed its support for the continuing inclusion of the topics on resale rights and theatre directors' rights in the SCCR agenda, as well as the new topic on audiovisual authors' rights and remuneration. The topic of resale rights was of special interest in its jurisdiction as part of the growing body of jurisdictions with resale right provisions in copyright laws. The toolkit released during the forty-sixth session of the SCCR helped in navigating the practicalities attended to the implementation of an author's resale royalty right's (ARRR) scheme at the national level. The Delegation therefore expressed its gratitude for the SCCR's work in that area.

39. The Delegation of Qatar said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG. The Delegation reaffirmed its support for the work of the Committee and looked forward to continuing constructive achievements, especially regarding the topic of the protection of broadcasting organizations, which was a priority for Qatar. The Delegation looked favorably on the report of the forty-fifth session which set the focus on signal piracy and the provision of the necessary flexibility for the implementation of the obligations through appropriate and efficient legal mechanisms. The Delegation welcomed the progress achieved on the various topics, which would allow the Committee to narrow the gaps between different positions. The Delegation welcomed the fact that some Member States found the text to be ready for final negotiation in a diplomatic conference in 2025 and offered to host such a diplomatic conference to adopt the treaty when the WIPO General Assembly would decide to convene it. The Delegation also welcomed the discussions on limitations and exceptions related to libraries, archives, museums, education and research institutions, as well as to the rights of persons with other disabilities, in addition to the other subjects under negotiation, such as resale rights and the rights of theatre directors.

40. The Delegation of Botswana said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group and thanked the Secretariat for its report contained in document WO/GA/57/3. The Delegation noted with concern the slow progress in discussions on matters on the agenda of the Committee that mainly focused on the protection of broadcasting organizations and on limitations and exceptions, which were ongoing for more than a decade. The Delegation welcomed the draft implementation plan on the work program on limitation and exceptions and stood ready to contribute to the discussions of the work program. The Delegation believed that the inclusion of the artists' resale right on the substantive agenda of the SCCR was related to the overarching mandate of WIPO on copyright, which was to develop a balanced and effective international IP ecosystem. Delays in harmonizing the application of that principle disadvantaged the very creators they sought to protect. Therefore, the Delegation urged the SCCR to graduate the artists' resale right from other matters onto its main agenda. The Delegation also wished to echo the sentiments



expressed by several other delegations supporting a return to the holding of two sessions of the SCCR per year and remained committed to supporting the work of the Committee.

41. The Delegation of South Africa said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group and thanked the Committee for its diligent work and the Secretariat for preparing the report. The Delegation acknowledged the progress made by the SCCR and supported the continuation of the Committee's work. However, given the issues on the current SCCR agenda, the Delegation proposed that the SCCR revert to two sessions per year, to constructively negotiate core issues. The agenda was overburdened and, therefore, the Committee was unable to make the necessary progress on other core or emerging issues. The Delegation appreciated the SCCR's engagement with limitations and exceptions to copyright, particularly for libraries and archives, education and research institutions, and persons with disabilities. It encouraged the SCCR to expedite its work on those issues and reaffirmed its commitment to actively contribute to the discussions at future sessions. The Delegation stressed the importance of copyright limitations and exceptions as an integral part of the international copyright system for as long as it existed. Limitations and exceptions played an important role in balancing the rights of creators of works and the rights of the public to access those works. The WIPO General Assembly acknowledged in 2012 the desirability for norm setting work on limitations and exceptions, with special focus on limitations and exception for educational, teaching and research institutions and persons with other disabilities. However, except for the successful agreement on the Marrakesh Treaty in 2013, which was WIPO's fastest growing legal instrument, discussions at the SCCR did not yet yield satisfactory results on key issues such as exceptions for libraries, archives and museums, as well as for education and research institutions and people with other disabilities. The Delegation took note of the report and was hopeful that the SCCR would continue its work on all relevant issues. It remained committed to working towards a balanced international copyright framework that fostered creativity, inclusivity, innovation and access to knowledge for all.

42. The Delegation of Uganda stated that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. It noted the long-standing agenda items in the SCCR, particularly the draft treaty on broadcasting organizations and limitations and exceptions. With respect to the draft broadcasting organizations treaty, the Delegation recognized the efforts and the progress made towards an international instrument to protect broadcasting organizations. It looked forward to the updated version of the draft to provide its input, but stated that, as the country was reviewing its copyright laws, discussions on that matter were very insightful. Regarding limitations and exceptions, the Delegation supported the African Group's position on the matter. The issue was crucial for enabling access to knowledge and culture in Uganda. In regard to the Information Session held at the forty-fifth session, the Delegation reiterated what was highlighted in its opening statement, namely the need to address the issues concerning the intersection of IP and AI in a robust manner. It therefore welcomed discussions on that subject in the Committee without necessarily jeopardizing the time allocated to resolving other long-standing issues. The Delegation looked forward to continuing the discussions on that specific topic at the forty-sixth session. The Delegation was hopeful that the request for the Committee to hold two sessions per year, to adequately deal with the agenda items, would be considered.

43. The Delegation of Pakistan wished to align itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG and thanked the Secretariat for the preparation of the report on the Committee. The Delegation considered the work of the SCCR as vital to the public interest and to key development objectives. Improving access to educational and research content in institutions served as a driver for social inclusivity of marginalized segments of society and persons with disabilities. While the Delegation supported efforts for the conclusion of the broadcasting treaty, it considered thorough discussions on the principles of a balanced text for the broadcasting treaty to be an important preliminary step. Before the creation of a brand-new set of exclusive rights, it was necessary to have a clear

understanding of the impact of such rights on the public, educators and copyright holders, especially in the context of emerging technologies. The Delegation was keen to continue text-based negotiations on the broadcasting treaty on the Chair's draft text with a view to sufficiently narrowing divergences at the upcoming session of the SCCR. It consistently advocated for a sufficient broadening of the limitations and exceptions agenda as pivotal to the achievement of development goals. The Delegation reiterated its call for norm setting work on a binding international instrument to resolve the systemic issue of exceptions and limitations, which would capture technological advances, including digital use of copyrighted material. The Delegation remained supportive of the implementation of the Work Program on Exceptions and Limitations, presented by the African Group, as a vital modality for continuing the work in that area. The Delegation also gave its full support for the consultations on the revised draft implementation plan to be presented at the next session of the SCCR.

44. The Delegation of Namibia said that it supported the statement made by the Delegation of Kenya on behalf of the African Group. The Delegation expressed keen interest in the work of the Committee, in particular for its potential to impact youth development and reiterated the youthful status of the country, where about 71 per cent of the population was under the age of 35. That would require Namibia to be agile in its legal and policy framework, to translate the youthful energy, creativity, and optimism into intangible assets, which would generate income and contribute to youth development. The Delegation noted with concern the slow progress made by the Committee with issues of limitations and exceptions to copyright, which were on the agenda for over 20 years. Limitations and exceptions to copyright for libraries and archives, educational and research institutions, and persons with other disabilities were on the agenda of every session for the last eight years. The Delegation supported the call of Member States to revert to holding two sessions to expedite the finalization of the deliberations of the Committee, adding that it would facilitate a balanced framework for copyright, which protected private rights for public good objectives.

45. The Delegation of Eswatini said that it aligned itself with the statement delivered by the Delegation of Kenya on behalf of the African Group. The Delegation emphasized the need for more progress on the work on limitations and exceptions, as it would be a crucial pillar and an indispensable policy lever for a highly functional copyright system.

46. The Delegation of Colombia welcomed the work done in the SCCR on copyright and related rights and indicated that the protection of broadcasting organizations was a matter of interest for Colombia and hoped it would contribute to strengthening that area. The discussions on broadcasting organizations were being followed very closely. The Delegation reported that Colombia had a range of limitations and exceptions for libraries and joined the Marrakesh Treaty. Plans for the implementation of some of the Treaty's provisions were underway, and some provisions on limitations and exceptions were contained in article 12 of the law, which was adopted at the national level. On copyright and the digital environment, the Delegation pointed out that in the law enacted in 2018, Colombia tried to update the current legal framework for copyright in the digital environment. Colombia would continue to follow closely all issues discussed in the Committee.

47. The Delegation of Vanuatu wished to associate itself with the statement delivered by the Delegation of Iran (Islamic Republic of) on behalf of APG and thanked the Deputy Director General, Copyright and Creative Industries Sector, for the report. The Delegation appreciated the crucial importance of the SCCR and supported maintaining the issue of broadcasting organizations on the agenda. Regarding the issue of AI and the opportunities that it could provide, the Delegation recognized the emerging dangers created for the copyright system. The Delegation showed support for the creative industries and recognized that the resale rights topic should be considered on the main agenda, rather than in sub-discussions, and requested it to be placed on the main agenda, in recognition of the importance that it deserved.

48. The Delegation of Senegal wished to align itself with the statement made by the Delegation of Kenya on behalf of the African Group and thanked the Deputy Director General, Copyright and Creative Industries Sector, for the report. The Delegation recognized the efforts made by the Committee to promote copyright in the world and, at the same time, highlighted the slow progress, especially on limitations and exceptions. The Delegation observed that it was the same for resale rights, despite the adherence of a great number of countries, and indicated that it should be included in the agenda. The Delegation proposed that there should be equitable remuneration for all artists, which would enable them to maintain their activities and would help them enjoy the success of their products. The international legislative system for copyright should also include reciprocity that would enable audiovisual artists to fully enjoy fruits of their work. In the Delegation's view, that should be at the heart of the copyright system and should be more equal. The Delegation believed that there was a need to work more actively and engage in discussion on substantive issues, so that the most practical and appropriate solutions could be found, while taking into account the specific needs of each party.

49. The Representative of the Intellectual Property Latin American School (ELAPI) reiterated ELAPI's position on copyright as a human right. The Representative stated that the discussions linked to limitations and exceptions must always respect the three-step test and take the reality of the author as the sole arbiter of the destiny of their work as a starting point. The Representative expressed that an excessive extension of the system of limitations and exceptions would not only undermine cultural creativity and innovation but would affect the economic sustainability of creators. The Representative believed that there should be a standing item on the agenda on copyright in the digital environment. The Representative regretted the inequality that authors and artists would suffer through generative AI, which highlighted the need for a right to remuneration, particularly for musical works that used their image or voice. The Representative stated that ELAPI stood ready to offer its academic support to the Assembly.

50. The Representative of the Copyright Research and Information Center (CRIC) noted that the GRATK Treaty was adopted in May and that the DLT would also be adopted in November. The Representative welcomed those outcomes but observed that the protection of broadcasting organizations was discussed for almost a quarter of a century. The Representative regretted the various gaps the APG Coordinator identified between the positions of several Member States. The Representative underscored that the establishment of a broadcasting treaty was an urgent and critical issue, to be tackled to maintain the basic and the most important public social communication system. The Representative called on the SCCR to narrow the gaps and reach a final agreement on the fundamental issues, including specific scope, objectives, and object of protection. To reach a final agreement, a compromise would need to be made among Member States based on the spirit of harmonization. The Representative hoped that discussions could progress, and a recommendation could be made to convene a diplomatic conference.

51. The Representative of Knowledge Ecology International (KEI) opposed any further work on the broadcasting treaty, given confusion over the objectives of the treaty and proposals to provide perpetual rights to broadcasters for content that they did not create, own or license. In terms of the Committee's work on limitations and exceptions, the Representative requested that the Secretariat present at the SCCR a paper and a presentation on the experience of WIPO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) of developing model laws on copyright, including, for example, the 1976 Tunis Model Law on Copyright for Developing Countries. In terms of the development of model laws, the Representative found that it would be interesting to review the modalities for the development of various model laws including the role of Member States in the negotiation on the text and the adoption of such model laws, and the extent to which the model laws were used by governments in fashioning their own statutes. The Representative encouraged the Committee to include in its future work the topic of unfair contracts, particularly as related to article 40 of the the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), and the concerns

expressed by libraries, educators, journalists and performers. The Representative requested that the SCCR also focus on the management of metadata about copyrighted works, particularly as that would relate to the attribution and management of rights in the context of cross-border uses, as well as the topics of standards and interoperability of databases of metadata on works.

52. The Representative of *Corporación Innovarte* stated that the copyright and related rights legal framework should be kept under review permanently to enable it to respond to the needs of society and to note whether any changes were needed. Therefore, the Representative supported the analysis of the functioning of copyright in the digital environment, as initially formulated by the Delegation of Brazil. The analysis should be comprehensive and should include all issues relevant for the common good such as the remuneration of artists, exceptions, transparency and the effectiveness of intermediaries, including CMOs and digital platforms among others, without prejudicing remedial measures. On exceptions and limitations, the Representative supported the work program accepted by the Committee based on the proposal of the African Group, and underscored the importance of going forward with more protection for those provisions. The Representative believed that the issue of the resale right remuneration was covered enough at the international level and should not require a standing agenda item.

53. The Secretariat responded to the remarks on the SCCR Report, which demonstrated the commitment of SCCR Members to move the agenda forward and work together with the Secretariat. The comments and calls for action underscored the importance of correctly handling the agenda items that were pending for a long time, particularly the broadcasting treaty and the topic of limitations and exceptions. At the request of the Member States, the Secretariat would put more effort into supporting the consultation process to prepare for future sessions in advance, with documents available in sufficient time to ensure the efficient handling of the topics on broadcasting and limitations and exceptions. The Secretariat noted the comments that the two issues of the resale royalty right and copyright in the digital environment were on the sidelines for too long, perhaps due to the delay in resolving the two standing agenda items. Those two topics were often handled quickly near the end of the SCCR sessions. It was clear that there was fervent support to work on copyright in the digital environment, which was not just a standalone topic but permeated all agenda items. For example, limitations and exceptions were addressed as a standing agenda item but were also more broadly relevant within the context of copyright in the digital environment. The Committee would need to consider how to approach that issue, as well as that of the resale right, which were raised by several delegations. The Secretariat thanked the Delegation of Serbia for mentioning that the toolkits on resale right provided to the Member States were helpful. The toolkit work was undertaken by some of the best experts in the field and was then peer reviewed in consultation with additional experts and entities from academia, the professional world, and various creative industries. The goal was to provide Member States with a range of options to let them know what choices were available. The Secretariat was committed to supporting the work on the resale right and recalled the organization of a conference on the resale right eight years earlier, which provided an update on the state-of-the-art market and on the situation of visual artists at that time. Visual artists continued to request support for the resale right where it was not yet established. The right had a basis in the Berne Convention for the Protection of Literary and Artistic Works, the foundation of copyright, through an optional provision that Berne parties could choose to adopt. The Secretariat acknowledged the calls for the dissemination of the resale right throughout the world, especially given the evolution of the art market, which was more than ever both digital and international. From that perspective, the resale right was also linked to the topic of copyright in the digital environment. There were other issues, such as theatre directors' rights and more generally speaking, legal issues and legal questions that arose through the work of the Committee, linked to the recognition of rights of the interested parties and stakeholders and the value chain in the live arts world. The internationalization of that world placed many parties from the live arts sector in a vulnerable position, with their art not being fully recognized in the legal framework, and they were asking for protection and increased legal certainty. Audiovisual authors and stakeholders also

approached the Secretariat regarding questions about their situation in the value chain. They were seeking the best protection possible for their rights in the digital world. The Secretariat noted the concerns about the restrictions from having one SCCR session per year, and the recurrent requests for two SCCR sessions per year that were expressed by some groups and Member States. Those requests would be conveyed to the Director General and would be given fair consideration. The Secretariat thanked the Delegation of Qatar for its warm and friendly proposal to host, if necessary, a diplomatic conference on broadcasting, if a decision was taken by the SCCR in the following year. To help conclude the work on the draft treaty on broadcasting, the Secretariat was willing to participate in as many events as possible in Member States. The Secretariat was ready to work hard to address the concerns of Member States as well as to meet their aspirations.

54. The Chair read out the proposed decision paragraph as contained in document WO/GA/57/3 paragraph 30, which read as follows: “The WIPO General Assembly: (i) took note of the “Report of the Standing Committee on Copyright and Related Rights” (document WO/GA/57/3); and (ii) directed the SCCR to continue its work regarding issues reported on in document WO/GA/57/3.”

55. The Delegation of Chile, speaking on behalf of GRULAC, based on what several Member States said and the Group’s own position, proposed to insert the following point (iii) in the decision paragraph: “recommends the re-establishment of two annual sessions of the SCCR from 2025”. The Delegation explained that the proposal was a recommendation because under the WIPO Rules of Procedure, the Director General decided on the calendar and number of sessions.

56. The Delegation of Kenya, speaking on behalf of the African Group, expressed its support for the proposal by GRULAC and recommended the re-establishment of two annual sessions of the SCCR from 2025.

57. The Delegation of the United States of America stated that the Delegation was not in the position to support the proposal as it needed time to consider it. The Delegation was of the view that it would set a precedent for the WIPO General Assembly recommending the number of meetings for standing committees.

58. The Delegation of Iran (Islamic Republic of), speaking on behalf of APG, affirmed the Group’s support for GRULAC’s proposal.

59. The Delegation of the European Union requested further time to coordinate to give its position on the proposal from GRULAC.

60. The Delegation of Botswana affirmed its support for the proposal made by GRULAC to have two sessions per year. The Delegation requested further guidance on the issue of whether the WIPO General Assembly would make a recommendation to the SCCR or whether it would give directions.

61. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, requested more time to discuss the proposal.

62. The Legal Counsel thanked the Delegation of Botswana for the question and recalled that the WIPO General Rules of Procedure did indeed vest the authority of establishing the date and place of sessions in the Director General, who did so in consideration of the full WIPO calendar of meetings for any given year. Convocation letters of invitation were then sent out subject to the timeline provided in the WIPO General Rules of Procedures.

63. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, requested time for internal consultations to discuss the proposal.

64. The Chair suspended Agenda Item 10(i) to provide time for consultations, as requested by some Member States and Groups.

65. Re-opening the item, the Chair recalled that Agenda Item 10(i) was opened for consideration the previous week and suspended to hold informal consultations. It was understood that those consultations were successfully undertaken. Group Coordinators were invited to report to the Plenary on the outcome.

66. The Delegation of Chile, speaking on behalf of GRULAC, thanked the Chair and noted that Group Coordinators met to resolve the outstanding issues connected to the SCCR. They agreed on the language for the decision paragraph proposed by their group members, which was circulated. The Delegation requested the Secretariat to display the proposed decision paragraph on the screen. The Delegation stated that after deliberations with other regional groups, they arrived at a consensus on the decision paragraph of the SCCR report, which would add a third subparagraph. The request by the Delegation of Chile on behalf of GRULAC to have two sessions of the SCCR in 2025 was supported by all groups. It was noted that the proposal was without prejudice to the Director General's prerogative to establish the WIPO calendar of meetings.

67. The Chair thanked all Group Coordinators and delegations for their efforts. He also thanked the Delegation of Chile for the presentation, which was noted and would be reflected in the report of the meeting.

68. The WIPO General Assembly:

(i) took note of the "Report on the Standing Committee on Copyright and Related Rights" (document WO/GA/57/3);

(ii) directed the SCCR to continue its work regarding all issues reported on in document WO/GA/57/3; and

(iii) took note of the request by the Delegation of Chile on behalf of the Group of Latin American and Caribbean Countries (GRULAC) to have two sessions of the SCCR in 2025. This was supported by all groups. This is without prejudice to the Director General's prerogative to establish the WIPO calendar.

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

69. Discussions were based on document [WO/GA/57/4](#).

70. The Secretariat introduced document WO/GA/57/4, which contained a report on the work of the Standing Committee on the Law of Patents (SCP) and noted that the document described the progress of discussions at the thirty-fifth session of the SCP, which was held from October 16 to 20, 2023, in a hybrid format. The Secretariat stated that during that session, the Committee adopted the amendments to the Special Rules of Procedure of the SCP, changing the length of term of SCP officers from one year to two consecutive sessions and making the outgoing officers ineligible for immediate re-election. The Committee also agreed on the transitional arrangement for the election of officers. The adopted amendments were outlined in document SCP/35/10, paragraph 4. Furthermore, the Secretariat stated that during its thirty-fifth session, the SCP 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 participated proactively in the Committee's work by sharing information, making presentations, and engaging in discussions with a constructive spirit. The Secretariat reported that the efforts and contributions made by the participants led to the adoption of a full set of activities for the

future work of the SCP relating to all of the above five topics. The Secretariat informed the WIPO General Assembly that the thirty-sixth session of the SCP would be held from October 14 to 18, 2024, in a hybrid format. Finally, the Secretariat invited the WIPO General Assembly to take note of the information contained in document WO/GA/57/4.

71. The Delegation of India expressed its gratitude to the Secretariat for its meticulous work in preparing the Committee's documents, as well as its appreciation to the Member States for the Committee's progress in advancing the discussions on the topics in the agenda during the previous session. The Delegation further noted that India reached a significant milestone in the field of IP by granting 100,000 patents in the financial year 2023/2024, and the country modified its Patent (Amendment) Rules 2024, designed to streamline procedures, expedite the processing of patent applications, and reduce compliance burden. The Delegation welcomed the initiative to establish a dedicated webpage on the expedited examination programs implemented by the IP offices worldwide and acknowledged the importance of sharing best practices and experiences related to such programs. Moreover, several measures had been implemented to accelerate the patent examination process in India, one of them being the provision for certain categories of applicants to request expedited examination. The Delegation stated that due to the efforts made by the Government of India, the average time taken for examination had been reduced substantially. With respect to a study on various aspects of the unity of invention, including divisional applications to be submitted by the Secretariat to the thirty-sixth session of the SCP, the Delegation noted its utility for policy makers interested in related practices in different jurisdictions. In that respect, the Delegation informed the Member States that the Patent (Amendment) Rules 2024 also included provisions aimed at bringing greater clarity to the process of filing the divisional applications. The Delegation expressed its appreciation for the organization of a sharing session on the use of various tools, including AI, for effective patent examination procedures at the upcoming session of the SCP. Noting that AI was expected to have a profound impact on people's lives, the Delegation supported any learning and experience-sharing on the topic. Recognizing the importance of creating a balanced and equitable framework for the management of Standard-Essential Patents (SEPs) and the negotiation of Fair, Reasonable and Non-Discriminatory (FRAND) terms, the Delegation welcomed the organization of a sharing session on the topic at the thirty-sixth session of the SCP.

72. The Delegation of the Russian Federation expressed its gratitude to the Secretariat for preparing and presenting the report on the work of the SCP. The Delegation expressed its high appreciation to the work of the Committee concerning the most important aspects of patent law, which allowed for the analysis of the experiences of IP offices regarding issues of patent quality, including a further study on the sufficiency of disclosure (document SCP/35/5), as well as a document which compiled information relating to expedited examination programs of IP offices, including information on Prioritized Examination of COVID-19 related patent applications (document SCP/35/6). The Delegation emphasized that sharing relevant experiences allowed society to gain quicker access to developments in technical fields and to provide information to interested parties. The Delegation was pleased to note that the work of the Committee covered various exceptions and limitations to patent rights, including use of patented articles on foreign vessels, aircraft, and land vehicles (document SCP/35/4), as well as issues related to patents and public health, specifically, discussions concerning publicly accessible databases of patent status information concerning medicines and vaccines (document SCP/35/9). The Delegation expressed its hope for the continuation of constructive work on the topic of patent quality, including on the issue of reduction of timeline for processing and examination of patent applications, the use of AI and other advanced technologies for examination purposes, as well as ensuring access for examiners in IP offices to scientific and technical information for the effective conduct of prior art search. The Delegation emphasized that more than ever, the exchange of experience and information on the use of AI in the patent examination processes, as well as discussions regarding the patentability of AI-related inventions were crucial. It noted that such exchange allowed for the improvement of national regulations considering

international practices. For its part, the Russian Federation refined its legislation to expand the scope of patentable solutions. The expansion included solutions aimed at computing parameters of material objects or processes using computers based on natural laws identified by inventors, for example, solutions that applied to geological research using a computer. Additionally, in the Russian Federation, there had been the possibility to register solutions involving semantic processing of natural language text using computer algorithms including, for instance, a method for obtaining a numerical assessment of the relevance of results from a given search query. The Delegation noted that such innovation would serve as an additional stimulus for the development of the information technology (IT) sector, actively promoting the integration of IT solutions into everyday life and operational activities. Regarding future work, the Delegation expressed its support to the agreed Committee's work plan, which included continuing to receive updates on publicly accessible databases of patent status information concerning medicines and vaccines, as well as updating a document regarding current laws and practices related to the patentability of AI-related inventions. In conclusion, the Delegation expressed deep concern and strong condemnation of the European Union's actions regarding the registration and protection of patent rights of the Russian Federation applicants and right holders, which it viewed as contradictory to international IP norms. The Delegation highlighted that such discriminatory actions undermined national treatment provision under Article 2 of the Paris Convention.

73. The Delegation of Colombia expressed its gratitude to the Secretariat for the preparation of document WO/GA/57/4 and applauded the continuity within the Committee on topics of significant interest to Colombia, which had been included in their national development plan. The Delegation noted that those topics had allowed them to work towards a highly balanced industrial property system. The Delegation emphasized that the ongoing updating of the agenda based on recent experiences of Member States would provide a clearer insight into the realities that countries faced regarding the issues under discussion.

74. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for preparing the report contained in document WO/GA/57/4. The Delegation was pleased to note that the thirty-sixth session of the SCP would address several topical issues of importance to the international patent system including, among others, confidentiality of communications between clients and their patent advisors, as well as issues relating to AI. In relation to the latter, the Delegation noted that the Secretariat would update document SCP/30/5 by compiling current laws and practices relating to the patentability of AI-related inventions, based on the information received from Member States and regional patent offices. The Delegation further welcomed the decision of the SCP to invite experts to the upcoming session of the SCP to update the Committee on how AI technology had been used by researchers to generate new technical solutions and by users of the patent system in their Research and Development (R&D) process, which would undoubtedly contribute to a better understanding and clarification of the interaction between humans and AI and how AI might influence the role of humans in the inventive process. The Delegation concluded by stating that Group B would support the Committee that contributed to the developments of an effective patent system, supporting innovation for the benefit of all and would actively engage in the SCP discussions.

75. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, welcomed the work of the SCP and thanked its Chair, Mr. Tanyaradzwa Milne Manhombwe (Zimbabwe), for his role in the discussions. The CEBS Group also expressed its gratitude to the Secretariat for its work over the previous year, which had resulted in successful agreement on the Committee's future work, to be held from October 14 to 18, 2024. Additionally, the Delegation thanked the Member States for their important inputs on different topics, including countries from the CEBS Group, particularly Lithuania, which acted as Vice-Chair at the thirty-fifth session of the SCP. The CEBS Group noted with appreciation the work accomplished in relation to five topics discussed at the SCP and reiterated its willingness to continue their



promotion. The CEBS Group emphasized that, as in the past, the quality of patents, especially AI-related issues, and the confidentiality of communications between clients and their patent advisors, remained the main focus. The CEBS Group expressed its support for activities related to enhancing cooperation among Member States, as the exchange of knowledge and work-sharing could further improve patent granting processes and, in that regard, further noted that sharing experiences and exchanging information on the use of AI for patent examination was of special interest to its Group. It further underlined that high-quality patents were essential to ensure that the patent system incentivized innovation, facilitated knowledge transfer, and rewarded new developments. In addition, a well-functioning patent system facilitated the socio-economic development of countries and regions. Furthermore, the issue of patents and health was central to the CEBS Group's attention. In that respect, the CEBS Group commended WIPO for strengthening close cooperation with other UN Organizations, especially with the World Health Organization (WHO) and the World Trade Organization (WTO), in response to the pandemic. With respect to the topic of exceptions and limitations to the rights, the CEBS Group was of the view that future discussions were needed to achieve a proper balance between the interests of society and patent holders. It looked forward to the draft reference documents on the exception regarding extemporaneous preparation of medicines and regarding farmers' and/or breeders use of patented inventions, which the Secretariat would submit at the upcoming sessions of the SCP. In conclusion, the CEBS Group reiterated its expectations that the SCP would find more synergies and common lines by building upon the existing positions of Member States and move closer to discussions about harmonization of substantive patent law soon. The CEBS Group stood ready to enrich the future discussion of the SCP by addressing new and relevant topics related to patents, and perceived value in exploring, in particular, the economic aspects of patents from both the holders' and users' perspectives.

76. The Delegation of China expressed support for the agreed future work plan on the five topics. The Delegation expressed its appreciation to the Secretariat, the Committee, and countries for promoting SCP agenda items through research, information sharing, and communication. The Delegation attached great importance to the discussions at the SCP and would continue to actively participate in the work of the SCP in the future.

77. The Delegation of Iran (Islamic Republic of), speaking on behalf of APG, thanked the Secretariat for the excellent preparation of the report contained in document WO/GA/57/4. APG reiterated the important role of the Committee in creating a balance between the rights of patent holders and the larger public interests through the discussions and policy generation for future work. In that regard, and in view of the evolving situation, APG believed that the primacy should be given to the interface between IP, public health, and technology transfer to overcome the challenges of access to medical products and health technologies. APG thanked the Secretariat and Member States for contributing to the SCP electronic forum website and information sharing on national and regional patent laws. It looked forward to continuing discussions on exceptions and limitations to patent rights, which would provide Member States with an overview and comparative insights into the challenges of implementing international, regional, and national laws. With respect to the quality of patents, including opposition systems, APG looked forward to discussions on the mechanisms and measures employed by patent offices in the patent granting process, adapted to their respective legal and operational frameworks. Regarding the issues of AI and inventorship, as well as the patentability of inventions using AI and by AI, while APG acknowledged the importance of convening sharing sessions on the patentability of AI-related inventions, it emphasized the need for the Committee to consider the different levels, variations, and consequences of AI, particularly in developing countries, to ensure equitable sharing of benefits, including access to and transfer of relevant AI technologies. APG noted the importance of continuing efforts to increase and develop the understanding of AI and how it would impact work related to patents.

78. The Delegation of the Republic of Korea thanked the Secretariat for the preparation of document WO/GA/57/4. The Delegation recognized that the SCP had always been a forum encouraging substantive discussions between Member States on technical issues pertaining to patent law and international cooperation. The Delegation stated that, throughout the previous years, the SCP had provided Member States with an opportunity to exchange their views and experiences regarding important issues such as: (i) exceptions and limitations to patent rights; (ii) quality of patents; (iii) technology transfer; and (iv) innovations in the field of health and medicine. The Delegation noted that those discussions had been highly beneficial in enhancing the capacity of Member States to make the best use of the patent system. It expressed its support for the continued organization of sharing sessions on the topic of confidentiality of communications between clients and their patent advisors and on the positive contribution of the patent system to industrial development and its challenges. The Delegation looked forward to further discussions with Member States at the upcoming session of the SCP.

79. The Delegation of Iraq thanked the Secretariat for the preparation of document WO/GA/57/4, expressed gratitude to all Member States for their work on patents and health, and stated its concern about the constraints that developing countries faced in accessing and manufacturing medicines. In that respect, the Delegation noted that generic essential medicines remained unaffordable, in particular in the wake of the COVID-19 pandemic. It underscored the need not only to protect inventions but also to reconcile the patentability of those products with both the common good and public interest. In that light, the Delegation indicated that barriers needed to be overcome to gain more equitable access to vaccines and medical products and expressed hope that such issue would be considered in the future work of the SCP.

80. The Delegation of Hungary, speaking on behalf of the European Union and its member states, thanked the Chair, the Secretariat, and members of the SCP for their continuous efforts and progress made since the previous WIPO General Assembly. The European Union and its member states noted that there had been constructive discussions and development on all five main topics included in the report, namely: (i) exceptions and limitations to patent rights; (ii) the quality of patents, including opposition systems; (iii) patents and health; (iv) the confidentiality of communications between clients and their patent advisors; and (v) transfer of technology. Of those topics, it considered the topic of quality of patents, including opposition systems, to be of particular importance to the European Union and its member states. With regard to the quality of patents, the European Union and its member states remarked that high-quality patents could guarantee a proper balance between the interests of inventors, industry, and other stakeholders on the one hand, and society as a whole on the other hand. The European Union and its member states expressed its interest in advancing the Committee's work, especially with regard to the topic of AI, which would require discussions based around that topic, such as AI inventorship, AI-generated inventions and the use of AI for patent examination procedures. The European Union and its member states believe that, in addition to contributing to the technical quality of patents, the Committee should serve as a forum for discussions about the differences between existing patent law systems, as well as the harmonization of substantive patent law toward the future. It acknowledged the great importance of the confidentiality of communications between clients and their patent advisors and the European Union and its member states looked forward to receiving the updated compilation of court cases with respect to the confidentiality of communications between clients and their patent advisors at the thirty-sixth session of the SCP. Furthermore, the European Union and its member states considered technology transfer to be a useful tool that helped foster innovation and development and could create win-win situations in international economic relations. In that regard, the European Union and its member states expressed their desire to receive the updated information and study in that field and affirmed its desire to participate in the information-sharing sessions at the thirty-sixth session of the SCP on policy experiences regarding standard essential patents and fair, reasonable, and non-discriminatory licensing related issues. Concerning patents and health, the Delegation noted that, in recent years, the

European Union and its member states reached the conclusion that effective incentives offered to support researchers, in addition to patent licensing, as well as broad, affordable, and equitable global access to safe and effective vaccines, diagnostics and treatments had been all equally crucial in order to fight public health crises. In that regard, the European Union and its member states asserted that a solid, well-functioning, transparent and predictable system for intellectual property rights (IPRs), including its exceptions and flexibilities, had demonstrated its value in addressing public health crises. The European Union and its member states encouraged the work that the Secretariat has been carrying out alongside the WTO and the WHO, which proved to be essential in providing an integral representation of IP, and which related to public health and trade, including its relation to innovation in health technologies and access to affordable medicines. The Delegation highlighted that the European Union and its member states had a particular interest in extending regular updates on publicly accessible databases of patent status information concerning medicines and vaccines. The European Union and its member states thanked the other Member States that participated in the useful information exchange on practices involving the licensing of medical technologies for the diagnosis, prevention, and treatment of COVID-19.

81. The Delegation of Uganda expressed its thanks to the Secretariat for the preparation of document WO/GA/57/4 and reaffirmed its commitment to the work of the SCP, particularly the items on: (i) patents and health, (ii) technology transfer, and (iii) quality of patents. In respect to patents and health, the Delegation noted that it had recently implemented several interventions in support of life science innovation. The Delegation recalled that during the 55<sup>th</sup> session of the WIPO General Assembly, it reported that Uganda's exploitation of the TRIPS Agreement flexibilities contributed to the reduction in cost of antiretroviral drugs, which led directly to increased access to antiretroviral treatment from 23 per cent in 2011 to 85 per cent in 2021. The Delegation noted that in that time period, it also experienced a spike in innovation in the life sciences field, one marked by the progressive use of the national patent system in support of life sciences innovation. Furthermore, the Delegation noted that it held a regional seminar in support of life sciences with the support of the Build Back Fund and the Secretariat's technology transfer division, which received feedback reinforcing the importance of the work of the SCP. The Delegation noted the importance of the interplay between health, trade, and IP and stressed that that item should remain on the agenda of the SCP. With respect to technology transfer, the Delegation expressed its appreciation that the issue remained on the agenda of the SCP and noted that it had implemented a pilot technology transfer project locally with the support of the Secretariat in the use of patent information for the appropriation of technology to address pressing national challenges that impact development. In that light, the Delegation indicated that it intended to undertake more technology transfer projects and related initiatives in the future and would appreciate the support of the Secretariat in that regard. Additionally, the Delegation welcomed the deliberations on the topic of quality of patents and, in particular, the matter of the interaction between AI, the human inventive process, and the impact on the patent system. In concluding, the Delegation expressed its hope that the various SCP documents to be shared would shed light on that matter.

82. The Delegation of Ukraine indicated support for the statement made by the Delegation of the Republic of Moldova on behalf of the CEBS Group. The Delegation thanked the Secretariat, the Chair and the delegates for their work on the SCP and their contribution to important issues, including: (i) exceptions and limitations to patent rights, (ii) patent quality, (iii) patents and health, and (iv) the patentability of AI-related inventions. The Delegation acknowledged the work of the Secretariat and the SCP, and expressed an eagerness to receive the documents, updates and studies prepared by the Secretariat relating to the thirty-sixth session of the SCP. The Delegation welcomed the discussion on patents and health, in particular, on the use of flexibilities in the patent system to access affordable essential medicines for public health purposes as a result of the largest humanitarian crisis in Europe since World War II and associated monetary crisis in its country due to the Russian Federation's war of aggression. The Delegation indicated that, with the support of the Secretariat, it had revised its IP strategy

up to the year 2030. As a result of the devastating circumstances in its country, the Government of Ukraine had included as a main objective of the strategy, the strengthening of national security through the provision of support to the defense and health sectors. It stated that illegal actions by the Russian Federation could also be found on the Secretariat's platform. In particular, the Russian Federation had misused the Secretariat's resources to legitimize its military occupation including by providing false information about the addresses of applicants from the temporarily occupied territories of Ukraine through global IP services such as the PCT System. The Delegation demanded that its internationally recognized borders be fully acknowledged in all IP-related contexts, the Secretariat's registers, and global services. Additionally, the Delegation emphasized that its draft strategy and activities aimed at securing national interests and protecting the lives and health of its people were in consensus with international obligations under the European Union process and the TRIPS Agreement. In conclusion, the Delegation expressed its sincere gratitude to the Secretariat for the provision of professional assistance in improving its legislation on patents and utility models, in particular, for the comprehensive analysis of the implementation of the Bolar exception.

83. The Delegation of Spain indicated its agreement with the statements delivered by the Delegation of the Kingdom of the Netherlands on behalf of Group B and by the Delegation of Hungary on behalf of the European Union and its member states. The Delegation reiterated its commitment to participating actively in the Committee, contributing to its debates and recognizing its value as a multilateral forum for proposing and discussing solutions. With regard to exceptions and limitations to patent rights, the Delegation expressed its satisfaction with the topic of extemporaneous preparation of medicines which would be discussed in the thirty-sixth session of the SCP and the use of patented inventions by farmers and breeders which would be discussed at the thirty-seventh session. With respect to the work of the Secretariat pertaining to the quality of patents, the Delegation indicated the necessity of looking further into issues relating to AI and the patent system from the standpoint of patentability, inventorship of works created by AI and the work of IP Offices that use AI in search and examination. The Delegation believed that the issue of patents and health needed further study by the Secretariat, not only from the influence of patents on the production of medicines but also viewing patents as the main incentive for innovation in that sector. The Delegation noted that the patent system was linked to technology transfer and thus it welcomed the inclusion within the SCP's agenda of issues relating to inventorship and ownership stemming from research on collaboration including cross border collaboration. Noting the importance that patents represent to universities within its IP system, the Delegation expressed its interest in the study that the Secretariat would prepare as well as the sharing session that would take place on that topic.

84. The Delegation of Nigeria thanked the Secretariat for the preparation of document WO/GA/57/4. and expressed its appreciation for the progress of work relating to the intersection of patent law and AI. However, it noted that there was still ambiguity in the applicability of patent law in AI. The Delegation recalled that the SCP at its thirty-fifth session had presented a document on the patentability of inventions using AI in document SCP/35/8. In that regard, the Delegation expressed its continued concern regarding the issue of the patentability of autonomous AI, urging that the matter be treated with extreme caution and expressed its desire to have further discussions in that area. The Delegation stated that an adverse approach to the patentability of AI might lead to harmonization and deny the flexibilities of Member States, particularly developing countries, required in the international patent system. In its view, over the years, the scope of discussion in the SCP had been focused on issues related to patent law harmonization. The Delegation noted that during the thirty-fifth session of the SCP relating to that agenda item, it had pointed out the seeming difficulty in ascertaining the capability of the AI inventor when AI operates autonomously, the ambiguity around the utilization of data in the public domain and the need to safeguard infringement. The Delegation expressed its desire to broaden the discourse of the SCP to issues of more interest to developing countries, including technology transfer, competitive practices, and problems concerning standard essential patents. It further stated that more work should be included on the agenda item on exceptions and

limitations to patent rights. In conclusion, the Delegation requested that the SCP deliberations be conducted in accordance with the recommendations adopted by Member States on the WIPO DA with a view towards deepening the understanding of the impact of patent systems on development concerns, and the use and adequacy of existing flexibilities in the patent system to address these concerns.

85. The Delegation of Japan said that it aligned itself with the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B. The Delegation noted that various discussions on AI-related IP issues were ongoing in various countries, adding that it was important to show the latest trends and actual practices related to AI among IP offices. The Delegation observed that the SCP continued to share information among Member States on various AI topics, such as inventorship issues and the use of AI in patent examination practice. The Delegation indicated that the Japan Patent Office (JPO) had actively shared its latest initiatives on those topics, and expressed its belief that it was in the interest of many Member States to have more discussions at the SCP, especially taking into consideration the development of AI in the future. Lastly, the Delegation reaffirmed its willingness to continue contributing to the discussions at the SCP.

86. The Delegation of Sudan thanked the Director General, the Deputy Directors General, the Assistant Directors General, and the Secretariat for preparing the excellent documentation. The Delegation also expressed its gratitude with respect to the report on the SCP, and highlighted the SCP's importance as a vital Committee that allowed the discussion of very important issues such as exceptions and limitations, quality of patents, and patents and health. The Delegation emphasized that patents and health should continue to be a central issue, because developing countries also needed to be able to have access to affordable medicines. In closing, the Delegation mentioned that AI and examination systems were also issues on the agenda, which required continuous discussion and analysis.

87. The Delegation of Morocco thanked the Secretariat for preparing the documents on the SCP and had carefully studied the report and welcomed the efforts made in the context of the SCP, particularly on the quality of patents, exceptions and limitations to patent rights, patents and health and the transfer of technology. The Delegation hoped that the SCP would continue its discussions on the various agenda items and looked forward to pursuing activities on the exchange of experiences among Member States relating to the different issues addressed by the Committee. The Delegation expressed particular interest in the work that the Committee could do with regard to the use of AI, stating that it was convinced of the great potential for the development of innovation and creativity in that respect. The Delegation looked forward to providing its input to the future work of the SCP.

88. The Delegation of South Africa said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. The Delegation thanked the SCP for its diligent work and the Secretariat for its work on the report. Acknowledging the progress made by the SCP, the Delegation reaffirmed its support for the future activities of the Committee and expressed its support to the SCP in advancing its future work based on the agreement reached at its thirty-fifth session. The Delegation recalled that the SCP agreed that the non-exhaustive list of issues would remain open for further elaboration and discussion at the thirty-sixth session of the SCP. It understood that the non-exhaustive list of issues would now take into consideration the implications of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (GRATK Treaty). Furthermore, the Delegation encouraged the work that the Secretariat had committed to, that is, carrying out the preparation of a draft reference document on the exceptions and limitations to patent rights regarding impromptu preparation of medicines to be submitted to the thirty-sixth session of the SCP, as well as a draft reference document on the exception regarding farmers' and breeders' use of patented inventions to be submitted to the thirty-seventh session of the Committee. The Delegation looked forward to the publication of the study on the topic of quality of patents,

including opposition systems to draw lessons and leapfrog potential issues when implementing such systems in its own territory. Furthermore, the Delegation especially looked forward to the insights relating to various aspects of the unity of invention, including divisional applications, in different fields of technology and the dedicated webpage that would be created by the Secretariat on the expedited examination programs of IP offices. The Delegation took note and hoped that the SCP would continue its work to ensure that the new GRATK Treaty realized its main objective of enhancing the efficacy, transparency, and quality of the patent system while preventing patents from being granted erroneously for inventions that were not novel or inventive regarding genetic resources (GRs) and traditional knowledge (TK) associated with GRs. The Delegation expressed its willingness to work towards a patent system that could continue to incentivize innovation while evolving more inclusively, responding to the needs of all countries and their communities.

89. The Delegation of Brazil recognized the importance of the SCP and reaffirmed its engagement with the SCP's program of work. The Delegation stated that it had been active on the topic of exceptions and limitations to patent rights, noting that the Committee was in the last stage of the proposal that it made, which dealt with the elaboration of a reference document on exceptions and limitations to patent rights. Additionally, the Delegation recounted that during the thirty-fifth session of the SCP, it contributed to document SCP/35/4 on the exception regarding the use of articles on foreign vessels, aircraft, and land vehicles. The Delegation would remain committed to the work of the Committee, especially with respect to the proposals approved for the thirty-sixth and thirty-seventh sessions of the SCP, which covered exceptions in the areas of health and agriculture. It considered the topic of quality of patents and AI to be of the utmost importance and mentioned that it provided consistent contributions to the SCP on those topics thus far. The Delegation highlighted its proposal regarding a study on the sufficiency of disclosure, which had been co-sponsored by the Delegation of Spain, highlighting the fact that at the thirty-fifth session of the SCP, the Secretariat had presented part II of the study, which incorporated relevant information that it had contributed. Furthermore, the Delegation indicated that it proposed a study by the Secretariat on various aspects of the unity of invention, including divisional applications, in different fields of technology, and the continuation of the technical studies conducted under the agenda item regarding quality of patents. The Delegation was grateful that the proposal was included in the agenda of the next session of the SCP, and highlighted that AI was a prominent topic in the SCP agenda, stating that it engaged with the sharing session on the use of AI on patent examination procedures during the thirty-fifth session of the SCP. Besides, it had closely followed discussions on the patentability of AI-related inventions as well as AI as an inventor. The Delegation stated that gathering of AI experts and the collection of information concerning different regulations and cases would be relevant for Member States to better deal with the future of IP. On patents and health, the Delegation recognized the importance of discussions on that topic and supported the periodic updating of publicly accessible databases on the status of patents related to medicines and vaccines. It also emphasized the importance of updating document SCP/26/5 on constraints faced by developing countries and least-developed countries (LDCs) in making full use of patent flexibilities and their impact on access to affordable essential medicines for public health purposes in those countries. In view of the Member States' experiences relating to the COVID-19 pandemic, the Delegation fully supported the proposal from the African Group in that regard. With respect to transfer of technology, the Delegation underscored the importance of such a topic in relation to the promotion of sustainable development, when addressing inequalities. The Delegation affirmed that it hoped to witness the discussions that would take place during the thirty-sixth session of the SCP on new technologies, including a sharing session by Member States on policy experiences on standard essential patents and fair, reasonable, and non-discriminatory licensing-related issues, which it considered to be an important step towards advancing that topic. In addition, the Delegation aligned itself with the views raised by other Member States and regional organizations during the morning session, reaffirming that the SCP was the proper forum to foster cooperation on technology transfer considering that the SCP should devote greater efforts to that topic. The Delegation looked

forward to a robust and concrete collaboration to make the Committee more effective in that regard, and reaffirmed its commitment to strengthening the SCP work on promoting debates that met the contemporary needs.

90. The Delegation of Malaysia congratulated the Secretariat for its support to the commendable progress on the topics on the SCP agenda. It expressed the view that the Committee provided a very good platform for Member States regarding practical issues in implementing patent law in general and in sharing experiences on search and examination, expedited examination, opposition systems and other related topics. The Delegation found the sharing sessions on the patentability of inventions using AI and by AI, inventorship, and the use of AI for patent examination purposes very helpful in evaluating the potential and relevance of implementing AI in their work processes, especially with regard to its work concerning the patentability of AI-related inventions and the use of AI technology. The Delegation noted that the sharing session on the practices involving the licensing of medical technologies for the diagnosis, prevention, and treatment of COVID-19 had been greatly beneficial in helping it further understand the depth of those issues for the benefit of its stakeholders. The Delegation supported the sharing sessions on specific issues, such as the confidentiality of communications between clients and their patent advisors as well as technology transfer, which were beneficial in assisting Malaysia to strengthen its patent processes to align with those in other countries. The Delegation expressed its intention to closely follow all future discussions and sharing sessions of the SCP and looked forward to improving the effectiveness of the patent system in its country.

91. The Delegation of Eswatini expressed its appreciation to the work of the SCP in the report. The Delegation said that it aligned itself with the statement delivered by the Delegation of Kenya on behalf of the African Group. As a jurisdiction that had recently committed itself to a domestic substantive examination system, Eswatini keenly anticipated the Committee's future work on the quality of patents, including opposition systems. The SCP's work would be informative and instructive in how Eswatini could optimize its patent system. In closing, the Delegation commented on the substantial undertaking in the development of its country's domestic system and looked forward to the documents on patent law provisions that contributed to the effective transfer of technology, including sufficiency of disclosure, as it considered that to be the very premise of a modern patent system.

92. The Representative of ELAPI believed that the amendments to the Rules of Procedure of the SCP would facilitate the work of the Committee and would improve efficiency to address the established agenda items. With regard to exceptions and limitations to patent rights, the Representative emphasized the need to proceed cautiously and to maintain the fundamental goal of incentivizing new technical solutions and fostering technological innovation through the protection of inventors' rights. Regarding the matter of confidentiality of communications between clients and their patent advisors, the Representative stressed the importance of encouraging good practices among patent advisors and organizations, while continuing to work on the preservation of professional integrity. Additionally, the Representative emphasized the importance of sustainability as a criterion applied to the patent system and by patent advisors, also noting a relation between that concept, innovation and the development of new technologies. The Representative reiterated ELAPI's willingness to continue cooperating with the WIPO General Assembly, Member States and the Standing Committees.

93. The Representative of *Corporación Innovarte* observed that innovators from developing countries faced many barriers, such as high costs and other obstacles to patent their inventions abroad, particularly in developed countries. The Representative stated that those barriers limited the inventors' opportunities as well as their ability to take advantage of the benefits offered by the patent system. The Representative affirmed that it was crucial for the SCP to analyze those barriers and identify better practices and solutions to facilitate the patenting of innovations from developing countries and LDCs in the markets of the global north. The

Representative referred to what it considered to be a paradox regarding exceptions and limitations to patent rights, stating that while developed countries such as the United States of America and the European Union and its member states had implemented government use and limits to injunctions within their legislations, as permitted under Articles 31 and 44 of the TRIPS Agreement, that had not generally happened in the global south, particularly in Latin America. The Representative requested that the SCP identify the barriers faced by developing countries in implementing those flexibilities and elaborate recommendations and other instruments to overcome those challenges, especially when addressing challenges faced during pandemics and other health emergencies. Additionally, the Representative highlighted that voluntary and transparent licensing, supported by studies on the experiences of platforms like the Medicines Patent Pool (MPP) and the WHO's C-TAP, had shown that it could be an instrument to guarantee access to medical technologies, facilitate technology transfer and be commercially viable for pharmaceutical businesses. The Representative commented on the fact that despite the results of those studies and its successful use in practice, voluntary licensing was still not commonly used. The Representative thanked the Secretariat for its work on the topic, encouraged the Committee to look more closely at that matter with a view to providing recommendations and other tools for adopting incentives towards voluntary licensing, which needed to be non-exclusive and transparent. The Representative suggested that the incentives include expedited patent procedures or discounts for registration.

94. The Representative of Knowledge Ecology International, Inc. (KEI) recommended that the SCP invite WIPO's Chief Economist to examine four specific topics to further enhance its work on patents and health. The first topic referred to providing estimates of the costs and impact of the patent system on the prices of prescription drugs and access to medicines. The second topic involved reviewing proposals to delink the incentives to invest in research and development from the temporary monopoly, such as using the exclusive rights of patents on inventions through pre-approved research and development and to make claims on market entry rewards, or other relevant R&D incentives. The third topic addressed a question as to whether there were areas of innovation where the public would benefit from implementing patents as a license of right system, for example, in the area of standard-essential patents or patents on platform technologies like various gene therapy patents. The fourth topic focused on identifying incentives that could induce patent holders to voluntarily license inventions to expand access to medical inventions through programs such as the MPP or WHO's technology access pool, or various national license of rights options. Regarding the update of document SCP/26/5 entitled Constraints faced by Developing Countries and Least Developed Countries (LDCs) in making full use of Patent Flexibilities and their Impacts on Access to Affordable Especially Essential Medicines for Public Health Purposes in those Countries, the Representative requested that the Secretariat open up the process to afford observers the opportunity to provide comments, as had been the practice in 2017.

95. The WIPO General Assembly took note of the "Report on the Standing Committee on the Law of Patents (SCP)" (document WO/GA/57/4).

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

96. Discussions were based on document [WO/GA/57/5](#).

97. 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 two sessions, namely the Third Special Session, on October 2 and 3, 2023, chaired by Mr. Sergio Chuez Salazar (Peru), and the forty-seventh session, from March 18 to 20, 2024, chaired by Ms. Loreto Bresky (Chile). The Third Special Session had been held following a decision by the WIPO General Assembly to convene a Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT). The WIPO General Assembly decision had also directed the



SCT to meet in a special session for five days and to work on the Basic Proposal for the DLT, with a view to closing any existing gaps to a sufficient level. The Third Special Session had considered two documents containing draft Articles and draft Regulations on Industrial Design Law and Practice, as well as several proposals presented by delegations. The resulting text had been incorporated into the basic proposal for the diplomatic conference by a decision of the Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a DLT. The Preparatory Committee, which had met from October 9 to 11, 2023, had also considered and approved the administrative provisions and final clauses of the treaty, the draft Rules of Procedures, the list of invitees, the text of the draft invitations, as well as the draft Agenda for the diplomatic conference. Furthermore, the Preparatory Committee had decided on a proposal and approved that the diplomatic conference be hosted by the Government of the Kingdom of Saudi Arabia, in Riyadh, from November 11 to 22, 2024. Moving on to the second session covered by the report, namely the SCT forty-seventh session, the Secretariat indicated that the SCT 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, the Committee continued to work on the topic of nation brands and held a half-day information session on that topic. With respect to industrial designs, the Secretariat reported that the SCT considered an Updated Proposal for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUIs), as well as a Proposal for a Study on the Impact of Design Protection for Graphical User Interface (GUI) Designs on Innovation. The Committee also requested the Secretariat to organize a virtual information session on GUI design protection prior to the next session of the SCT. Finally, in the area of geographical indications, a half-day information session took place, in which the following topic was presented: “Trademarks and Geographical Indications: Prior Rights Grounds for Refusal”. Moreover, the SCT agreed to hold an information session on geographical indications in conjunction with the forty-eighth session of the SCT. The program for that Information Session would consist of the following topics: “The value of geographical indications around the world” and “Recognition of geographical indications as valid rights in domain name dispute resolution procedures”.

98. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, expressed its strong support to the SCT as an important forum to discuss issues, facilitate coordination, and provide guidance on the progressive development of IP law on trademarks, industrial designs, and geographical indications. Group B indicated that it remained open to the organization of information sessions in general, as it encouraged Member States to share new developments and found it most interesting and educational to hear about new legislation and experiences. Group B welcomed the organization of a virtual information session on (GUI) design protection prior to the next session of the SCT. Furthermore, Group B thanked WIPO for organizing the Third Special Session of the SCT and the Preparatory Committee that had taken place in October 2023. Recognizing that there were still several issues where Member States needed to find agreement, the Delegation indicated that Group B stood ready to discuss them and looked forward to the Diplomatic Conference to Conclude and Adopt a DLT. Group B expressed its constructive engagement in that important diplomatic conference, as well as in the fruitful discussions taking place in the SCT.

99. The Delegation of the European Union, speaking on behalf of the European Union and its member states, welcomed the continued progress of the discussion during the last session of the SCT and acknowledged the progress made during the special session of the Committee, despite the introduction of several new provisions that had not really made it possible to close the gaps and might not comply with the treaty’s objective of streamlining procedures. Nevertheless, the European Union and its member states expressed its commitment to continuing collaborative efforts with all WIPO Member States during the upcoming diplomatic conference, to ensure the successful adoption of the DLT, which would harmonize formalities and ultimately benefit all applicants globally. On the topic of GUI, icon and type face/type font designs, the European Union and its member states looked forward to continuing the

discussions on 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 and its member states for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (document [SCT/44/6 Rev.4](#)). The European Union and its member states held the view that the implementation of the proposed recommendations would establish a shared foundation for GUI protection, ultimately enhancing the modernization of design practices and safeguarding the IPRs of designers in the rapidly evolving technological landscape. With regard to the participation to the Digital Access Service (DAS), the European Union and its member states looked forward to continuing receiving updates on the experiences of DAS user countries, as the role played by the DAS in supporting protection for industrial designs fostered clear benefits for innovators around the world. Turning to the area of trademarks and the topic of country names, the European Union and its member states thanked the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and United Arab Emirates for revising their joint proposal in document [SCT/43/6 Rev.2](#) and stood ready to continue discussions on that proposal at the next session of the Committee. Concerning the nation brands, the European Union and its member states thanked all delegations that had participated in the Information Session on the Protection of Nation Brands, as well as Member States that had provided valuable insights on the functioning of their nation brand systems. With regard to the topic of trademark-related aspects of the Domain Name System (DNS), the European Union and its member states reiterated the importance of the protection of non-trademark identifiers, especially geographical indications, in the DNS. Finally, as to geographical indications, the European Union and its member states thanked the Secretariat and the delegations for their work in delivering the Information Session on Geographical Indications, and looked forward to the next information session where the Committee would have the opportunity to discuss the recognition of geographical indications as valid rights in domain name dispute resolution procedures, recent developments and prospects. The European Union and its member states concluded by stating that it remained actively engaged in continuing the work in all the three key areas of the SCT.

100. The Delegation of Kenya, speaking on behalf of the African Group, thanked the Secretariat for preparing and presenting the report on the work of the SCT, as contained in document WO/GA/57/5, and noted with appreciation the steady progress made towards the holding of a Diplomatic Conference to Conclude and Adopt a DLT, in conformity with the 2022 WIPO General Assembly decision. The African Group reiterated its position that the issues of technical assistance and mandatory disclosure requirements, aimed at forestalling the misappropriation of IP, should be adequately reflected in the DLT. Given the recent success of the Diplomatic Conference to Conclude a WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (GRATK Diplomatic Conference), where there was agreement to limit the mandatory disclosure requirement to patents only, the African Group held the view that the Diplomatic Conference of November would be the right occasion to enlarge the mandatory disclosure requirement to industrial designs. Indicating that, throughout the world, African TK, folklore, and GRs had been misappropriated and misused in the registration of industrial designs without the consent of right holders and their remuneration, the African Group believed that including a mandatory disclosure requirement in the DLT as a substantive article would be fair. The African Group also welcomed the commencement of the pre-conference engagements that would help bridge the existing divergences with a view to building consensus on outstanding issues. Turning to the work of the SCT, the African Group looked forward to making further progress at the next session on its proposal for a "Study on the Impact of Design Protection for Graphical User Interface (GUI) Designs on Innovation", as contained in document [SCT/46/5](#), and to the organization of the virtual Information Session on GUI design protection prior to the next session of the SCT. The African Group expressed the view that, while the information session would provide a better understanding of that matter, it could not provide the kind of empirical data needed by the Group and other developing countries to assess the impact of design protection for GUI designs on innovation. The African Group believed that the information session would be key in helping the Group to interrogate

the proposal for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUI), as contained in document SCT/44/6 Rev.4.

101. The Delegation of Chile, speaking on behalf of GRULAC, thanked the Secretariat for the preparation of the detailed report. GRULAC welcomed the convening of the Diplomatic Conference to Conclude and Adopt a DLT that would take place in November that year. It expressed its commitment to a constructive engagement and the search for consensus to successfully conclude the negotiation and adoption of a new treaty, which would be another milestone for multilateralism within the Organization. Despite several outstanding challenges, GRULAC remained optimistic in view of what had happened during the diplomatic conference held in May. In that regard, GRULAC announced that Peru would host the interregional preparatory conference, which would make an important contribution to the negotiations and help agree on positions. Regarding trademarks, GRULAC stressed the importance of moving forward with discussions on the protection of nation brands and country names. GRULAC concluded by stating its constructive engagement in the SCT.

102. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Asia and the Pacific Group, thanked the Secretariat for the preparation of the report and attached great importance to the work of the SCT. Looking forward to a cooperative, multilateral spirit in the upcoming Diplomatic Conference on the DLT to be held in Riyadh in November 2024, APG encouraged all Member States and regional groups to contribute constructively to the successful conclusion of the DLT. APG believed that the DLT would benefit the community of designers, whose work created economic and social benefits, improving their lives, the community, and the creative ecosystem. APG indicated that Member States' efforts were intended to support designers, who were at the heart of that treaty, and believed that any decision depended on the recognition of Member States' priorities, as well as on a constructive and positive approach by all. Several members of APG considered that technical assistance and capacity building remained important components of the instrument, aimed at encouraging and enhancing the capacity of members to fulfil the obligations arising from the treaty and at allowing offices of LDCs and developing countries to fully benefit from the implementation of the DLT. APG believed the instrument should provide Member States with the policy space to design eligibility criteria and components that were deemed important within their jurisdiction. Reiterating the need for an inclusive approach that took into account all parties' legitimate concerns, APG expressed its commitment to engage in a constructive discussion to overcome all remaining differences, prior and during the upcoming Diplomatic Conference, towards an effective treaty on the harmonization of industrial designs at the international level.

103. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, took note of the report on the SCT and thanked Mr. Sergio Chuez Salazar (Peru) for chairing the special session in October, Ms. Loreto Bresky (Chile) for chairing the forty-seventh session of the SCT, as well as the Secretariat for preparing the sessions, and the Member States who provided important input on different topics. The CEBS Group expressed appreciation for the discussions held at the last SCT session concerning the protection of country names and geographical names and, 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 discuss the issue. Regarding industrial designs, the CEBS Group acknowledged the progress made during the last sessions, with a view to achieving concrete results during the Diplomatic Conference to Conclude and Adopt a DLT. The CEBS Group stood ready to actively engage further in the discussions, with a view to narrowing existing gaps to a sufficient level, which should allow the conclusion of more than a decade of work on the DLT. On another note, the CEBS Group believed that the Joint Recommendation on Industrial Design Protection for GUI could serve as a basis for the modern protection of designs in interested jurisdictions, and for further identification of best practices. Noting that the proposal for a Joint Recommendation on GUIs had already gone through some revisions, the CEBS Group held the view that the time was ripe to finalize the discussions and find agreement on

how to close the topic. In that regard, the CEBS Group endorsed a dual approach: first, advancing efforts to agree and adopt the Joint Recommendation and, in parallel, working on the African Proposal on the GUI Design Protection Study. The CEBS Group remained committed to actively participating in the work on both proposals and contributing constructively to their progress. In relation to geographical indications, the Group took note of the valuable information provided during the information session on trademarks and geographical indications during the forty-seventh session of the SCT and looked forward to the information session to be held at the forty-eighth session, focusing on “The value of geographical indications around the world” and “Recognition of geographical indications as valid rights in domain name dispute resolution procedures”. Finally, the CEBS Group welcomed the valuable exchanges among delegations concerning different practices, efforts to clarify practical issues, as well as deliberations of various proposals, which were of important benefit to all Member States.

104. The Delegation of China, expressing its appreciation for the efforts made by the Committee and its Member States in advancing the issues covered by the Committee, attached great importance to the consultations on the DLT and indicated that it would constructively participate in the discussions and looked forward to agreeing on the treaty. Additionally, the Delegation valued the work of the SCT on the improvement of rules related to industrial designs, trademarks and geographical indications. The Delegation indicated that it would continue to participate actively in the work of the SCT and that it was willing to share its domestic experiences.

105. The Delegation of Colombia thanked the Secretariat for preparing document WO/GA/57/5 and expressed support for the statement made by the Delegation of Chile on behalf of GRULAC. The Delegation called upon Member States to continue discussing the Proposal Concerning Examination Guidelines for Trademarks Which Consist of or Contain Country Names or Geographical Names of National Significance, as well as the Revised Proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names, and to look carefully at those important proposals to produce documents in line with the legislation and practice of all Member States. Finally, the Delegation welcomed the continued work on the Questionnaire on Nation Brand Protection in Member States, as that information would certainly contribute to the evolution and positive development of nation brands in the future.

106. The Delegation of the Russian Federation, expressing its gratitude to the Secretariat and the Deputy Director General of the Brands and Designs Sector of WIPO for the presentation of the report on the work of the SCT, took note of the substantive discussion and the productive fine-tuning of the draft text of the DLT, which had taken place during the Third Special Session of the SCT and during the Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a DLT, for its further consideration and adoption at the Diplomatic Conference. The Delegation also expressed its appreciation for the organization of the negotiation process, as part of the efforts to prepare for the upcoming Diplomatic Conference. Additionally, the Delegation stressed the fact that the adoption of the treaty would enable Member States to harmonize approaches for the protection of industrial designs, in a manner similar to the Patent Law Treaty (PLT), which would reduce expenses for the examination and registration of applications, improve the quality of examination and reduce timelines. The Delegation noted the importance of a constructive dialogue during the Diplomatic Conference, aimed at seeking compromise and bringing WIPO Members' positions closer on unresolved issues. For the Delegation, the issues of particular significance were those pertaining to the requirements of the content of applications, the grace period for filing applications in case of disclosure, the timelines for suspending publications, as well as technical assistance and capacity building. The Delegation was confident that the outcome of the work of the Diplomatic Conference would be the adoption of the treaty, which would take its rightful place among international instruments that regulated issues pertaining to IP. Turning to the work of the SCT, the Delegation expressed its interest in continuing discussions and further identifying balanced approaches to

the issue of the protection of country names and nation brands. The Delegation pointed out that the recommendations developed within the Committee would be useful to all WIPO Member States. The Delegation reported that, in its country, a program entitled “The National Brand Made in Russia”, designed to promote high-quality production of Russian manufacturers, was being implemented. Moreover, with the view to promoting the best achievements of Russian manufacturers in different sectors, the Russian Federation had organized, from November 2023 to the beginning of July 2024, a large-scale international exhibition entitled “Russia”, whereby visitors were invited to participate in educational events and discussion clubs, on topics ranging from innovation in outer space and new types of plants to the handicrafts of the different peoples of the Russian Federation. More than 17 million participants from all regions of the Russian Federation had visited the exhibition. The Delegation noted that, as stated by the President of the Russian Federation in his opening of the exhibition, the Russian Federation was an open country with a unique civilization. The Delegation pointed out that there was no claim of any exceptionalism or supremacy and recalled that its country’s civilization had been handed down by its ancestors and had to be preserved and passed on to its descendants. The Delegation further reported that, during the exhibition, the Federal Service for Intellectual Property (ROSPATENT) had organized several events designed at promoting local brands and goods protected by geographical indications, appellations of origin and trademarks, which was of particular significance given the recent accession of the Russian Federation to the Lisbon System for the International Registration of Appellations of Origin and Geographical Indications. In that area, the Delegation believed that it was a good tradition to conduct thematic information sessions on different aspects of the protection of geographical indications. The Delegation expressed its support for further information sessions and research on the topic of the protection of GUI designs as industrial designs to promote innovation. The Delegation highlighted the importance of a regular exchange of opinions, approaches, and practices, as well as of compilations of information on Member States’ legislations. Expressing the view that it would be more advisable to discuss issues pertaining to geographical indications in the Working Group on the Development of the Lisbon System, the Delegation hoped for a continued constructive dialogue and exchange of views and practices in the further work carried out by the Committee. However, the Delegation was forced to express its deep concerns and to firmly condemn the destructive actions of the European Union against the registration and protection of the rights of Russian applicants and right holders of trademarks, industrial designs, and geographical indications, which ran counter to international law in the field of IP. In the Delegation’s viewpoint, those actions violated the provision on national treatment under Article 2 of the Paris Convention for the Protection of Industrial Property. The Delegation believed that such steps were unacceptable and unworthy of WIPO Member States.

107. The Delegation of Jamaica congratulated the Chair on his work, acknowledged the presence of the Deputy Director General of the Brands and Designs Sector and thanked the Secretariat for the report on the work of the SCT. Recalling that, within the SCT, it had continued its advocacy for the protection of country names, the Delegation underlined the fact that, as a small Caribbean Island renowned for a vibrant culture, rich history, and significant contributions in the field of sports and music, its country name was a pivotal and critical aspect of its national identity and brand. For the Delegation, the protection of its country name was therefore not merely a formality but a necessity to preserve the integrity and reputation on the global stage. The Delegation reported that Jamaica, like many other countries, had faced challenges with its country name, which had been misused or misrepresented. In the Delegation’s perspective, such misuse not only diluted the national brand, but also misled consumers and undermined the integrity of the IP system and the efforts of local businesses and cultural ambassadors who strived to maintain the authenticity and quality associated with the Jamaican name and products. It was for that reason that there was an immediate need for a coherent and consistent framework to guide IP offices, and other competent authorities and international traders, in their use of trademarks which consisted of, or contained, country names. The Delegation recalled that, at the last SCT session, it had welcomed the discussions and exchanges amongst SCT members on the protection of country names. As regards its

proposal, as contained in document [SCT/43/9](#), the Delegation reported that it continued to have bilateral reach and appreciated the constructive feedback received so far. The Delegation remained open for bilateral consultations with the aim to submit a revised proposal at the next SCT session. The Delegation concluded by stating that it looked forward to the convening of the Diplomatic Conference to Conclude and Adopt a DLT, scheduled to take place in November 2024 in Saudi Arabia.

108. The Delegation of Spain, paying tribute to the efforts and contributions of the delegations which had helped moving forward the various agenda items of the SCT, reiterated its commitment to participate actively in the work of the Committee. The Delegation trusted that the forthcoming Diplomatic Conference on the DLT, which would take place in Riyadh from November 11 to 22, would conclude successfully a DLT equivalent to the treaties on patents and trademarks. The Delegation expressed the hope that the DLT would be a tool enabling harmonization, facilitating and streamlining administrative procedures for users. Turning to the discussions on the protection of country names and geographical names of national significance in the DNS, the Delegation indicated that it welcomed the Information Session on Nation Brands and looked forward to the evolving discussions on those issues to identify concepts and share focus on the different legal and economic implications for nation brands. The Delegation believed that the proper protection of geographical indications and appellations of origin was key to guarantee the socio-economic development of countries and to facilitate tourism. It expressed the hope that the SCT would continue to discuss those issues and indicated that its country would play an active role because it would be working next year on the national implementation of the European Regulations in that area. Finally, the Delegation announced that it would continue to participate actively in the Committee's work and it expressed the hope that the SCT would continue to be a multilateral forum on trademarks and geographical indications.

109. The Delegation of Thailand congratulated the Chair on his election and work and the Deputy Director General of the Brands and Designs Sector and the Secretariat for the organization of the WIPO General Assembly. Pointing out that it fully shared the views expressed by the Delegation of Iran (Islamic Republic of) on behalf of APG, the Delegation indicated that trademarks, industrial designs, and geographical indications were very important to Thailand. The Delegation expressed its support for the upcoming Diplomatic Conference to Conclude and Adopt a DLT, which would be held in Riyadh, and appreciated the thorough discussions that had taken place within the Committee since 2005 and had led to that Conference. In the Delegation's view, the DLT would offer promising solutions for addressing global challenges in industrial design protection, especially concerning technical assistance and mandatory disclosure. The Delegation considered that those provisions were crucial for protecting the interests of developing countries and ensuring fairness under the treaty. Recalling that the point had already been made by the Delegation of Iran (Islamic Republic of) on behalf of the Asian and the Pacific Group, the Delegation believed that both technical assistance and mandatory disclosure should be included in the treaty to address all Member States' needs and concerns. The Delegation added that the SCT's discussions highlighted the need to promote innovation and safeguard TK within the framework of industrial design law, so that the Diplomatic Conference would be a key opportunity to finalize those discussions and achieve a consensus on a balanced DLT. Encouraging Member States to actively participate in the Diplomatic Conference in Riyadh, the Delegation hoped that, following the successful GRATK Diplomatic Conference, Member States would be able to work together to create an international agreement fostering innovation, while respecting the interests of all stakeholders.

110. The Delegation of Qatar thanked the Chair of the SCT, the Secretariat, and the WIPO Member States for their work, the efforts undertaken to achieve progress in the work of the Committee, and the preparation of the Diplomatic Conference to Conclude and Adopt a DLT, which would be hosted by the Government of the Kingdom of Saudi Arabia in November 2024. While supporting Saudi Arabia in hosting the event, the Delegation expressed the hope that the

negotiations, which started in 2005, would be as successful as the GRATK Diplomatic Conference, during which Member States demonstrated their ability to succeed and achieve consensus on complicated and long-term standing issues. The Delegation reported that its country gave a lot of importance to the easier and international protection of inventors' and innovators' works, as well as to the topics examined by the SCT regarding trademarks, industrial designs, and geographical indications. Finally, the Delegation expressed its support for the negotiations on the protection of country names and geographical names of national significance in the DNS and on the protection of nation brands.

111. The Delegation of Serbia, thanking the Secretary for the report under consideration and associating itself with the statement delivered by the Delegation of the Republic of Moldova, on behalf of the CEBS Group, expressed its appreciation for the work of the SCT. Strongly supporting the inclusion of geographical indications topics on the agenda of the SCT, the Delegation was pleased to see that, year after year, WIPO was paying increasing attention to that particular IP right. The Delegation reported that research had been carried out in Serbia regarding geographical indications to identify how many citizens recognized and understood the concept of geographical indications, to note how frequently customers found geographical indications products in the market, to determine if customers were ready to pay more for products with a protected origin, to discover the reasons why some authorized users of geographical indications in Serbia had abandoned the protection, and finally, to know more about the most important problems faced by authorized users of geographical indications in general. Since the research's findings had made the country realize that its approach to geographical indications policy needed to be improved, the Delegation considered that learning from other countries within the Committee about the questions addressed by the research would be an excellent opportunity. From the Delegation's point of view, traditional products were part of the national identity, side-by-side with the language, the national alphabet and folklore. The Delegation pointed out that, if a given product had survived hundreds of years, it probably had a quality and beauty that stood outside the ordinary. However, the mere fact that a given product was protected by a geographical indication would not automatically make it more attractive on the market. In the Delegation's opinion, such a product should be advertised just as any other product. In that sense, State's actions, in terms of financial support for the producers, promotion of geographical indications and fight against counterfeiting, were crucial for the success of the geographical indications concept. Referring to the opinion expressed by Mr. Jan Parandowski, a Polish writer, about pursuing money in writing, the Delegation observed that the same philosophy stood behind geographical indications, insofar as money was a bad adviser. The Delegation noted that geographical indications were not predominantly about mass production, but about preserving ancestral quality, on which a country did not have to compromise. From the Delegation's view, the fact that geographical indications could help producers to live a better life was sufficient argument for Member States to support the concept of geographical indications.

112. The Delegation of India expressed its gratitude to the Secretariat for the excellent documentation and support in organizing the SCT sessions and extended its best wishes to the Member States, especially to the host country Saudi Arabia, for their persistent efforts having resulted in the convening of the Diplomatic Conference to Conclude and Adopt a DLT. In that context, the Delegation supported the statement delivered by the Delegation of Iran (Islamic Republic of) on behalf of APG, and would work constructively with Member States during the diplomatic conference. Turning to trademarks, the Delegation believed that safeguarding country names was essential for maintaining the integrity and reputation of associated products or services. Additionally, such protection was crucial for preserving cultural heritage and affirming national identity. Consequently, the Delegation looked forward to a constructive engagement with Member States on the issue of country names, particularly concerning the revised proposal for a Joint Recommendation Concerning the Protection of Country Names, put forward by the Delegation of Jamaica. The Delegation expressed its sincere appreciation to the Committee for the organization of an Information Session on Nation

Brands. Turning to the area of designs, the Delegation appreciated the deliberations on the protection of graphical user interfaces, typefaces, type fonts, and icons, while noting that granting legal protection for GUI designs could incentivize creators. Since it was also essential to determine the scope and boundaries of such protection, given the substantive nature of the matter, the Delegation believed that harmonization should not be the object of those discussions at that stage. Finally, turning to geographical indications, the Delegation was pleased to announce that geographical indications registrations had increased in its country by 700 per cent from 2014 to 2024, adding that 160 geographical indications had been registered in the year 2023-2024 alone, reflecting the country's commitment to protecting and promoting unique regional products. The Delegation concluded by stating that it welcomed the Information Session on Geographical Indications, where speakers had discussed geographical indications and trademark applications in relation to prior rights.

113. The Delegation of the Republic of Korea, thanking the Secretariat for its hard work in preparing document WO/GA/57/5, was pleased to report that it had expanded the scope of design protection to include graphic image designs through the amendment of the Design Protection Act in 2021. The Delegation added that, as from 2022, the Republic of Korea had become a co-sponsor of the proposed Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUIs). The Delegation expressed the hope that, through that recommendation, more countries would implement GUIs designs protection at the recommended level, which would improve the convenience for applicants.

114. The Delegation of Brazil thanked the Secretariat for the presentation of the report under consideration and reiterated its commitment to work constructively towards the success of the Diplomatic Conference to Conclude and Adopt a DLT, in line with its engagement during the Third Special Session of the SCT and the Preparatory Committee that had been held in October 2023. As it looked forward to reach agreement, in particular on Article 3 of the DLT regarding the content of the application, the Delegation insisted on the importance of including the possibility for signatories to require the disclosure of the origin or source of traditional cultural expressions (TCEs), TK or GRs utilized or incorporated in the industrial design. Turning to the Joint Proposal Concerning the Protection of Country Names and Geographical Names of National Significance in the DNS, the Delegation acknowledged and welcomed Ecuador as additional co-sponsor of the proposal and stressed the need for a constructive dialogue with other Member States on the public-interest dimension of the matter, which would recommend the decision of the WIPO General Assembly to prohibit the registration of country names or geographical names of national significance as a top-level domain in the DNS. Finally, as regards the protection of GUI designs, the Delegation reported that the administrative procedures of the Brazilian IP Institute were already in line with the proposed Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUIs), as contained in document SCT/44/6 Rev.4. As it was mindful that other developing countries could benefit from additional information and a broader analysis of the topic, the Delegation lent its support to the proposed Study on the Impact of Design Protection for Graphical User Interface (GUI) Designs on Innovation, as contained in document SCT/46/5. The Delegation concluded by announcing that it would participate in the virtual information session on GUI design protection that would be organized by the Secretariat prior to the next session of the SCT.

115. The Delegation of the United Kingdom wished to associate itself with the statement made by the Delegation of the Kingdom of Netherlands on behalf of Group B and thanked the Secretariat for the preparation of document WO/GA/57/5. Welcoming the productive work done by the SCT over the last year on trademarks, industrial designs and geographical indications, the Delegation also welcomed plans for further information sessions on key topics, including geographical indications and design protection of GUIs. The Delegation congratulated WIPO on the organization of the Third Special Session of the SCT in October 2023 and the subsequent Preparatory Committee. Reporting that it welcomed the productive way in which



other delegations had engaged with the DLT draft text, the Delegation looked forward to a successful diplomatic conference in Riyadh in November 2024.

116. The Delegation of Vanuatu, thanking the Secretariat for the report under consideration, said that it associated itself with the statement delivered by the Delegation of Iran (Islamic Republic of) on behalf of APG. Expressing its appreciation for the report on the work of the SCT, the Delegation welcomed the progress on the DLT. Since the 2022 decision of the WIPO General Assembly to convene a Diplomatic Conference to Conclude and Adopt a DLT, to take place no later than 2024, the Delegation looked forward to the discussions on the DLT to be held in November 2024 in Riyadh, Saudi Arabia, and announced that it would positively contribute to those discussions. The Delegation said that technical assistance and capacity building were crucial to fulfil its obligations under a treaty such as the DLT. The Delegation hoped and expected policy space and eligibility criteria favorable to Vanuatu, as a small island developing State in the Pacific region and looked forward to the WIPO family in supporting its efforts. As regards geographical indications, the Delegation valued the work on geographical indications around the world and in Vanuatu. The Delegation acknowledged WIPO's work and the assistance provided to Vanuatu in that regard and looked forward to the work ahead.

117. The Delegation of Ukraine said that it aligned itself with the statement delivered by the Delegation of the Republic of Moldova on behalf of the CEBS Group, and shared appreciation to the Chair, the WIPO Secretariat and Member States for their efforts in the work of the SCT. The Delegation indicated that the Ukrainian national legislation on trademarks and industrial designs was being aligned with the European Union *acquis*. First, draft bylaws regulating trademark examination and granting of trademark certificates had been prepared in 2024, broadly aligned with the European Union best practices. Additionally, on May 1, 2024, the Ministry of the Economy of Ukraine had approved new rules on industrial designs, which implemented the provisions of the European Union *acquis* on filing industrial design applications and examination procedures. Considering that the agenda items on the Protection of Country Names and Geographical Names of National Significance were very interesting, the Delegation was glad to have had the opportunity to share its national practice during the insightful information session on Nation Brands in Member States. The Delegation reiterated its call to the Secretariat and Member States to consider and further discuss approaches to define the scope of protection of country names and State symbols, and indicated that it would be delighted to share its practice of the newly established Commission within the national IP Office, responsible for granting permission to use the official name and international country code of Ukraine and to include the imitation of the State emblem of Ukraine in trademarks. The Delegation invited Member States to further discuss the issue of Nation-Brand and country-name protection. Reiterating its strong objection against the continued misuse of WIPO resources by the Russian Federation, in an attempt to legitimize its military occupation, by providing false information about addresses of applicants from the occupied territories of Ukraine through global IP services such as the Madrid and Hague Systems, the Delegation stated that WIPO, as a UN specialized agency, had to comply with the UN Resolutions on the commitment to the territorial integrity of Ukraine within its internationally-recognized borders, and demanded that Ukraine's internationally-recognized borders be fully acknowledged in all IP-related contexts, WIPO registries and global services.

118. The Delegation of Poland said that it aligned itself with the statements delivered by the Delegation of the European Union and its member states and by the Delegation of the Republic of Moldova on behalf of the CEBS Group, and joined other delegations in expressing appreciation to the Secretariat, as well as to the Chair, for the work of the SCT with the view to making IP user-friendly and a useful tool in building economic growth and development. The Delegation attached great importance to the work on the DLT and looked forward to concrete outcomes of the Diplomatic Conference to be held that year. Since Poland was ranked sixth in terms of the number of designs filed globally, the Delegation indicated that the treaty was of

high significance to national designers. The Delegation urged the Secretariat to effectively address the matter of false and erroneous country of origin in registrations throughout various WIPO platforms, with regard to data concerning applications coming from the temporarily occupied territories of Ukraine, which stood in contradiction to the positions adopted within the UN framework, recognizing the territorial integrity and sovereignty of Ukraine, violated by the Russian Federation unjustified and unprovoked aggression. The Delegation considered important that WIPO reflected in a correct manner, in accordance with the UN decisions, the territorial scope of trademarks, industrial designs and geographical indications within the Organization's registration systems.

119. The Delegation of Botswana thanked the Secretariat for the work in preparing the report as contained in document WO/GA/57/5 and said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group. The Delegation noted the progress made towards the holding of a Diplomatic Conference to Conclude and Adopt a DLT and looked forward to cooperating with other Member States towards a successful diplomatic conference. The Delegation expressed the view that there was a need for mandatory disclosure requirements to be adequately reflected in the DLT.

120. The Delegation of Uganda thanked the Secretariat for the preparation of document WO/GA/57/5 and supported the statement made by the Delegation of Kenya on behalf of the African Group. Taking note of the preparation for the Diplomatic Conference to Conclude and Adopt a DLT, the Delegation looked forward to participating in the conference and committed to engage in a constructive manner on all outstanding issues for a successful conference. The Delegation further took note of the matters discussed during the forty-seventh session of the SCT and reiterated its support to the Committee in addressing the issues in the areas of safeguarding country names and geographic names of national significance, including in the DNS. The Delegation stated that the issues being discussed were vital for preserving cultural heritage, preventing misappropriation, and fostering fair competition, which were matters of interest to its country. With respect to geographical indications, the discussions on conflicts or intersections between geographical indications, trademarks and the DNS aimed at strengthening the rules on that subject. Finally, regarding industrial designs, the Delegation reiterated its support for the proposal made by the African Group to undertake a Study on the impact of GUI protection and development of the innovation ecosystem and held the view that that was a critical issue in addressing or understanding issues around IP and development, leaving no one behind.

121. The Delegation of Nigeria stated that it fully aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group and expressed appreciation for the documents under the agenda item. The Delegation welcomed the decision of the WIPO General Assembly at the Sixty-Third Series of Meetings of the Assemblies to convene a Diplomatic Conference to Conclude and Adopt a DLT and thanked the Secretariat for organizing the special session and the Preparatory Committee for the diplomatic conference. Expressing appreciation to Saudi Arabia for hosting that crucial event, the Delegation looked forward to joining other delegations to work together for a successful conference. Furthermore, the Delegation echoed the statement of the African Group on the need to ensure that issues of technical assistance and mandatory disclosure requirements were adequately reflected in the DLT and looked forward to a constructive engagement in the pre-conference activities, which would help bridge the existing divergences, with a view to building consensus on outstanding issues. The Delegation recognized the value of the protection of country names and geographical names of national significance against registration and use as trademarks without authorization, and reiterated the need to ensure that the discussion on that topic translated into concrete results that would put an end to attempts to monopolize the names of sovereign countries and the misleading use of those names by private entities.

122. The Delegation of Morocco thanked the Secretariat for the quality of the report on the SCT and the efforts undertaken as part of the work of that Committee. Highlighting the importance attached to the work undertaken in the three key areas of trademarks, industrial designs, and geographical indications, the Delegation commended WIPO for organizing preparatory meetings for the diplomatic conference and expressed its continued commitment to make progress in that important event. The Delegation held the view that the success of the Conference was important for establishing a harmonized and effective international legal framework for the protection of industrial designs, and expressed its active commitment to the discussions and to constructively contribute to the process to develop a treaty that would be of benefit to all.

123. The Delegation of Lithuania said that it fully aligned itself with the statements delivered by the Delegation of the European Union and its member states and by the Delegation of the Republic of Moldova on behalf of the CEBS Group and welcomed the continuous progress of the SCT work. The Delegation, expressing its support to the statement made by the Delegation of Ukraine, wished to reiterate, once again, its serious concerns regarding the operation of the Madrid System for the International Registration of Marks. Recalling Resolution 68/262 adopted by the UN General Assembly on March 27, 2014, on the territorial integrity of Ukraine, the Delegation noted that the Resolution underscored that the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on March 16, 2014, having no validity, could not form the basis for any alteration of the status of the Autonomous Republic of Crimea or the city of Sevastopol. Moreover, the Resolution called upon all States, international organizations, and specialized agencies not to recognize any change in their status based on that referendum and to refrain from actions that could be construed as such recognition. In that context, any attempt by the Russian Federation to legitimize the annexation should be addressed without delay. The Delegation considered that trademarks, or any other IPRs registered with WIPO, which bore the indication of the Russian Federation as country of origin where the proprietor's address was in the temporarily occupied territories of Ukraine should be corrected by the International Bureau *ex officio* to reflect Ukraine as the country of origin. The Delegation called WIPO to uphold Resolution 68/262 adopted by the UN General Assembly on March 27, 2014, on the territorial integrity of Ukraine. For the Delegation, the aggressive State should be deterred from exploring WIPO's resources and global IP services to justify and support the Russian Federation's military aggression against Ukraine. The Delegation said that, following the policy of non-recognition of the illegal annexation of Crimea and Sevastopol, all information in WIPO Registries, particularly in the Madrid Registry, pertaining to parties' address, should accurately reflect Ukraine's internationally recognized borders. The Delegation underlined that, since the Russian Federation had launched the war of aggression against Ukraine, it had been continuously weaponizing IP by modifying its legislation concerning IPRs, where amendments were meant to illegitimately steal critical know-how of European Union companies. The Delegation added that the Russian Federation's actions to complete legalization of IP of western companies in the Russian Federation was in violation of international agreements, including WIPO-administrative treaties to which the Russian Federation was a party. In the Delegation's opinion, failure to address serious IP right infringements in the Russian Federation jeopardized the credibility of the whole Organization.

124. The Delegation of Latvia expressed support for the statements delivered by the Delegation of the European Union and its member states, the Delegation of the Republic of Moldova on behalf of the CEBS Group, and the Delegations of Ukraine, Poland and Lithuania. The Delegation, thanking the Secretariat and the Chair for their work in the SCT, which aimed at making IP a helpful tool for innovation, development and economic growth, valued the work of the Committee and fully concurred with the view that the SCT should continue addressing the issues and topics previously mentioned. Looking forward to the upcoming Diplomatic Conference on the DLT in Riyadh in November 2024, the Delegation expressed the hope that it would result in a good and concrete outcome. Like other delegations, the Delegation reiterated its serious concerns about the issues related to the wrongful registration of the country of origin

in different WIPO platforms, for the data from occupied territories of Ukraine. The Delegation drew the attention of WIPO, as a specialized agency of the UN, to Resolution 68/262 adopted by the UN General Assembly on March 27, 2014, on the territorial integrity of Ukraine. The Delegation strongly advised WIPO to fully respect Ukraine's territorial integrity, sovereignty, and independence, with its internationally recognized borders, and not to recognize any alteration, which had occurred because of the unjustified attacks and war by the Russian Federation. The Delegation noted that Member States were no longer living in the Middle Ages, whereby, if someone took something, it was theirs. Member States had evolved since then. The Delegation believed that WIPO should adhere to the fundamental UN principles by adopting the policy on non-recognition of the illegal annexation of the territories of Ukraine. The Delegation added that attempts by the Russian Federation to legitimize the annexation should not be ignored and left unaddressed. For the Delegation, trademarks and other IPRs dealt with by WIPO, with the proprietary's address in the temporarily occupied territories of Ukraine, should be modified with the indication of Ukraine as country of origin. The Delegation concluded by asking the Secretariat whether there was any plan to address that issue, or whether it should report to its capital that there was no plan for WIPO to abide by the UN Charter and advise governments of like-minded States to see what actions should and could be taken.

125. The Delegation of the Russian Federation, taking the floor to exercise its right of reply, appealed to all Member States of WIPO to refrain from politicizing the work of the governing and expert bodies of WIPO and to refrain from baseless accusations against certain delegations. The Delegation said that the IP system in the Russian Federation functioned in strict compliance with all international obligations coming from international treaties administered by WIPO and the WTO. The Delegation added that it worked based on the principle that applicants themselves determined their national affiliation. That was in line with the current Constitution of the Russian Federation and the national legislation, which applied across the entire territory of the country without exception when it came to providing protection for international registrations. Moreover, the Delegation said that it was terrible to hear statements from countries of the European Union which, at the legislative level, had enshrined discrimination on national grounds. For the Delegation, it was absolutely unacceptable to have such discrimination, particularly against an organization of the UN and its specialized agencies. The Delegation concluded by appealing to all to respect the mandate of WIPO and to keep to the agenda.

126. The Delegation of South Africa said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group and acknowledged the vital work of the SCT. For the Delegation, the SCT played a pivotal role in shaping global policies that safeguarded the rights of creators, innovators, and consumers alike. The Delegation observed that, in the past year, the SCT had made significant strides in advancing discussions on key issues that impacted those critical IP areas. The Delegation noted that, from enhancing the protection and enforcement mechanisms for trademarks and industrial designs to fostering a balanced approach in the protection of geographical indications, the Committee's efforts had been instrumental in promoting a fair and transparent IP framework globally. Against that background, South Africa was looking forward to the planned Diplomatic Conference to Conclude and Adopt a DLT. As it also looked forward to a successful diplomatic conference in Riyadh, the Delegation was confident that the legal instrument would substantially impact the safeguarding of industrial design rights for all stakeholders and would consider the legitimate interests of all parties. The Delegation reaffirmed its support for the SCT, as it continued to navigate complex issues with diligence and foresight. The Delegation concluded by inviting Member States to uphold the principles of fairness, innovation, and inclusivity in the pursuit of a robust global IP regime.

127. The Chair, asking the Secretariat whether it wished to speak and respond to the question that had been raised, invited the Delegation of Latvia to repeat its question.

128. The Delegation of Latvia said that the question was fairly simple, based on the points raised by itself and the Delegations of Ukraine, Poland and Lithuania. The Delegation asked if there was any plan from WIPO to address the issue or if it was an issue that Member States would talk about and come back to next year.

129. The Secretariat observed that the question raised by the Delegation of Latvia was quite complicated because it had implications involving national laws, as well as international treaties and parties to international treaties. Therefore, given the complexity of the situation, the Secretariat intended to refer the question to the Legal Counsel. It was important to determine the angle from which to approach the issue, which had such a wide range of implications. With the Chair's permission, the Secretariat invited the Legal Counsel to provide information from a legal perspective.

130. The Legal Counsel underscored the statement made by the Secretariat and said that the International Bureau was the administrator of the treaties to which Member States were parties. The Legal Counsel pointed out that, when it came to international applications under WIPO's various systems, the International Bureau examined those applications to determine if they met the formal requirements, as prescribed by the relevant treaty or the regulations. Where the International Bureau did not have any discretion to act, it could not do so under the treaty. The Legal Counsel recalled that the information concerning the registration of a mark or an international application, provided in publications under the relevant systems or on WIPO's website, never implied the expression of any opinion whatsoever on the part of the International Bureau concerning the substance of the entitlement claim under the relevant treaty. The Legal Counsel added that those were decisions and interpretations for Contracting Parties and, in the case of given international IP systems, the office of origin. The Legal Counsel pointed out that the International Bureau was administering a system to which the Contracting Parties had established legally binding obligations.

131. The Delegation of Trinidad and Tobago, commending the diligent work of the SCT, underscored the continued success of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) in Trinidad and Tobago with Madrid designations accounting for 48 per cent of trademark filings. The Delegation observed that there had been a marked increase in trademark filings in Trinidad and Tobago as an Office of origin, revealing the growing trade throughout the country. Those filings had been facilitated effortlessly with the assistance of the new Madrid e-Filing online platform. The Delegation, expressing its unwavering commitment to ongoing participation at the Working Group on the Legal Development of the Madrid System for the International Registration of Marks, reported that it had recently participated in the Regional Madrid Meeting and Seminar held in Santiago, Chile, with a focus on assisting small and medium-sized enterprises (SMEs). The Delegation added that efforts for SMEs also continued through the Trinidad and Tobago Intellectual Property Office's (TTIPO), National Intellectual Property Training Centre (NIPTC). As regards geographical indications, the Delegation said that the TTIPO was pleased to note that, with the technical assistance of WIPO and the European Union Intellectual Property Office (EUIPO), through the CARIFORUM Intellectual Property Rights and Innovation (CARIPI) Project, over a sustained period of time, various geographical indications had been filed and/or were poised to be filed in the near future, celebrating Trinidad and Tobago's rich cultural heritage and natural resources. Finally, as regards industrial designs, the Delegation said that the TTIPO thanked WIPO for its assistance in the preparation of the draft legislation to facilitate its accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs ("1999 Act"). Additionally, the Delegation looked forward to the convening of the Diplomatic Conference to Conclude and Adopt a DLT, which would be incorporated into the proposed amendments to its industrial design legislation. The Delegation concluded by thanking the WIPO General Assembly for its ongoing efforts to assist Member States in pursuing their respective developmental paths.

132. The Representative of ELAPI wished to highlight the importance of protecting nation brands as a strategy to position and capitalize on the country's image in the international market, increasing the positive reputation of nations through tourism, foreign investment, exports, as well as a strategy to develop a symbol that identified the values, sense of belonging and essence of a country, as in the case of the nation brands of Peru and Costa Rica. With respect to industrial designs, the Representative considered that innovation, new technologies and AI played a fundamental role in the protection of designs for GUIs. The Representative expressed the view that the adoption of the DLT would be an incentive for developing countries to develop new ways of protecting and strengthening the emerging technology industry and other key sectors, such as the fashion industry. For the Representative, it was essential to highlight the prestige that geographical indications brought to goods from a given country, region or specific geographical area. ELAPI noted the efforts made to establish suitable analysis mechanisms for the determination of the grounds for refusal. The Representative concluded by offering ELAPI's full cooperation with the WIPO General Assembly, the standing committees and the Member States, in particular to GRULAC members.

133. The Secretariat thanked all Member States and delegates for their attention and support for the work of the SCT and noted the very encouraging words and confidence expressed by Member States for the forthcoming Diplomatic Conference to Conclude and Adopt a DLT in Saudi Arabia. The Secretariat reassured Member States that the Secretariat would make its utmost efforts to collaborate with them to ensure that the forthcoming diplomatic conference would be smooth, effective, and successful. The Secretariat was confident that, with the Member States' help and support, the goal could be reached. The Secretariat was inspired and touched by the attention given to, and the encouraging words expressed for, the work and future work of the SCT. All the points raised by Member States had been well noted and would be considered in planning the future work of the SCT, including the long-term issues on the agenda. Finally, the Secretariat reaffirmed that the SCT Secretariat would continue to provide its best efforts and to collaborate very closely, like a family, with the Member States, to make sure that the work would be beneficial to all of them.

134. The WIPO General Assembly took note of the "Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)" (document WO/GA/57/5).

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

135. Discussions were based on document [WO/GA/57/6](#).

136. The Secretariat introduced document WO/GA/57/6, entitled "Report of the Committee on Development and Intellectual Property (CDIP) and Review of the Implementation of the Development Agenda Recommendations". The Secretariat informed that the CDIP met twice, in a hybrid format, since the previous session of the WIPO General Assembly in July 2023. The thirty-first session of the CDIP was held from November 29 to December 1, 2023, and the thirty-second session from April 29 to May 3, 2024. As agreed by the Committee, document WO/GA/57/6 contained the summaries by the Chair of those two sessions. It also included the fourteenth annual Director General's Report on the Implementation of the DA for 2023, discussed by the Committee at its thirty-second session. The Secretariat highlighted that several noteworthy developments were achieved over the past year. In an intensive effort to mainstream the DA approach across the Organization and to build an inclusive and impact-oriented IP ecosystem, the Organization reached stakeholders at the grassroot levels, with a particular attention to women, youth, SMEs and local communities. As a generator of ideas, the Committee considered and approved six new project proposals, taking the total number of DA projects to 58. Under the agenda item on "IP and development", the Committee discussed the topics of "Addressing Climate Change and how IP can Help Achieve the Goals of

Carbon Peaking and Carbon Neutrality”, “Building the Capacity of Universities to Manage and Commercialize IP: Transferring IP and Technology”, and continued discussion on the topic of “Women and IP”. The Secretary announced that at its upcoming thirty-third session in December 2024, the Committee would discuss the topic of “AI Impacts for IP and Development”. The Committee further decided on the topic of the International Conference on IP and Development to be held in 2025, which would be “The role of IP and innovation in addressing global public health challenges: fostering technological transfer and collaborations”. The Committee also agreed on two topics for the Webinars of Technical Assistance. On the Organization’s commitment to the attainment of the Sustainable Development Goals (SDGs), the Secretariat would provide Member States with detailed analyses on challenges and opportunities to further the implementation of the SDGs through WIPO programs and disseminate information on possible areas of assistance available to support Member States’ efforts in achieving the SDGs. Those were just a few examples of the significant progress achieved during the past two CDIP sessions, due to the active participation and constructive engagement of Member States. That strong spirit of cooperation demonstrated that all were driven by the same goal to utilize IP for development.

137. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, thanked the Chair of the CDIP, Ambassador Ms. Pimchanok Pitfield, (Thailand), for guiding the thirty-second CDIP session, and the Deputy Chair, Ms. Diana Passinke (United Kingdom), for guiding the thirty-first CDIP session. The CEBS Group recognized the importance of the work of the CDIP for promoting sustainable development and economic growth. The CDIP served as an effective platform for discussing various issues related to sustainability, economic and social growth, with a mandate to explore how best to address and combat global challenges through innovation and creativity. The CEBS Group was ready to engage in the discussion on how to build on experience and further develop WIPO’s work on promoting development and economic growth. The CEBS Group further expressed its appreciation to the Secretariat for the report, which provided an extensive overview of WIPO’s activities. It took positive note of the mainstreamed and ongoing DA projects, and the approach adopted to link the DA Recommendations to the WIPO Expected Results in the report. The CEBS Group welcomed the WIPO Policy on Gender Equality and noted the results of the WIPO Young Experts Program (YEP) launched in 2022, which promoted geographical and generational diversity, fresh ideas and experiences. It encouraged the Secretariat to continue to build on those positive results. Describing the thematic discussions held in 2023 under the agenda item on IP and Development as immensely useful, the CEBS Group reiterated its interest in continuing the exchange of views and national experiences on various crucial topics, such as “Building the Capacity of Universities to Manage and Commercialize IP: Transferring IP and Technology”, “AI Impacts for IP and Development” and “IP and the Judiciary: Building Capacities and Expertise”. With the active involvement and support of CEBS countries, the CDIP approved the DA Project on Enhancing IP Education Capacities of Artistic and Creative Academic Institutions to Foster Creativity and the DA Project on Enhancing the Capacities of National IP Offices in Times of Crisis. The CEBS Group encouraged the active engagement of interested Member States in the implementation of those projects and commended the Regional Coordinators and Member States for their flexibility and constructive discussion towards building consensus on the CDIP agenda items. The CEBS Group reaffirmed its commitment to further the work of the CDIP.

138. The Delegation of Iran (Islamic Republic of), speaking on behalf of APG, thanked the Secretariat for the report. APG attached great importance to the work of the CDIP, which contributed to fulfilling WIPO’s mission on developing a balanced and effective IP system to promote innovation and creativity for the benefit of all. APG constructively engaged in the discussions on the CDIP’s work, and the contribution of relevant WIPO bodies to the implementation of the DA Recommendations. While emphasizing the need to strengthen the CDIP’s mandate, APG was of the view that increased discussions on technical assistance and technology transfer would enhance capacity building and support for achieving the SDGs, as

well as optimize existing processes and resource utilization for timely and efficient delivery of such assistance. Discussions on Women and IP provided a comprehensive view of the challenges and opportunities to close the gender gap in various sectors, and to support those women in developing countries. WIPO's support to achieve the SDGs and its ongoing cooperation with other UN agencies to address global challenges promoted an IP-centered approach to development, empowering developing countries and LDCs to effectively work towards their development goals through a national IP and innovation strategy and provision of specialized technical support. APG commended all Regional Coordinators and Member States for their contribution to IP and development-related initiatives and meaningful discussions on the use of IP for development, which supported the creation of an equitable IP system that fostered innovation and creativity and advanced economic development and growth for all.

139. The Delegation of Ukraine, supporting the statement made by the Delegation of the Republic of Moldova on behalf of the CEBS Group, appreciated the CDIP Chairs for their proactive approach and Member States for their project proposals during the work of the CDIP. The Delegation thanked the Secretariat for the report, and the activities undertaken during the reporting period. Having benefitted from many projects and activities, such as a long-standing training of trainers' program for the national Intellectual Property Training Institution (IPTI), a training initiative for the national judiciary, and the implementation of mechanisms for strengthening IP enforcement and national legislation under the WIPO Alert initiative, the Delegation stated that those contributed to the country's development despite the war of aggression of the Russian Federation against Ukraine. The CDIP served as an effective platform for discussion on IP and development with a mandate to explore ways for building and developing a common future through innovation and creativity. The Delegation called upon Member States and the Secretariat to utilize the CDIP mandate for promoting sustainable development through peace and justice, and further implementing the DA in WIPO's activities. In that regard, it was delighted to engage in the implementation of the Project on Enhancing the Capacities of National Intellectual Property Offices in Times of Crisis and the Project on Enhancing IP Education Capacities of Artistic and Creative Academic Institutions to Foster Creativity, which were approved by the CDIP at its thirty-second session. The Delegation thanked Member States for proposing and supporting those projects. It was confident that WIPO's work contributed to achieving the SDGs and to building a lasting and peaceful future.

140. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for the report and welcomed WIPO's continued support to the development of a balanced and effective international IP system that enabled innovation and creativity for all. The numerous projects implemented and mainstreamed in the work of the Organization in the past 15 years provided concrete practical benefits to many Member States and clearly showcased IP as an important tool for development. That project-based approach continued to be integral to the work of the CDIP. Group B appreciated the ongoing activities for the implementation of the DA Recommendations in the context of the post-COVID-19 recovery phases and other global challenges. It further commended the continuous flow of project proposals covering the full spectrum of the IP ecosystem, and the six new project proposals adopted at the last two CDIP sessions. Group B encouraged Member States to continue to bring forward concrete proposals consistent with WIPO's mandate. Group B also appreciated the interesting discussions held under the agenda item on IP and Development on "Addressing Climate Change and how IP can Help Achieve the Goals of Carbon Peaking and Carbon Neutrality", "Building the Capacity of Universities to Manage and Commercialize IP: Transferring IP and Technology" and "women and IP" and looked forward to future discussions.

141. The Delegation of China noted with appreciation that, over the last year, which marked the second year of the MTSP 2022-2026, WIPO made progress and realized achievements in the implementation of the DA and the mainstreaming of the DA Recommendations. With only six years away from achieving the 2030 Agenda for Sustainable Development, the Delegation cooperated with Member States to implement needs-driven projects. Through the China



Funds-in-Trust (FIT), it supported WIPO's work in supporting the attainment of the SDGs, the implementation of the DA and the mainstreaming of the DA Recommendations, which in turn contributed to the implementation of the MTSP.

142. The Delegation of Kenya, speaking on behalf of the African Group, appreciated the report and WIPO's efforts to mainstream the DA. The African Group attached great importance to WIPO's support in achieving the 2030 Agenda for Sustainable Development, and encouraged all WIPO bodies to adequately report on how their work and activities supported the implementation and mainstreaming of the DA Recommendations as per the existing WIPO General Assembly decisions. Such reporting was essential to ensure that development considerations formed an integral part of WIPO's work and substantive programs. In line with the opening statement delivered earlier, the African Group attached great importance in making IP relevant and accessible to SMEs, women, youth entrepreneurs and people with disabilities, and not only be reserved for IP experts and lawyers. It noted WIPO's significant efforts to build the capacity of women in IP in several developing and LDCs and called for the scaling up of such initiatives to expand reach and achieve impact. Initiatives aimed to help creators and innovators protect their ideas and innovations and benefit from their creations contributed to the economic and social development of their respective countries. The African Group appreciated the approval by the CDIP of the various project proposals at its last two sessions and looked forward to their successful implementation. Some African Member States also expressed interest in the Project on Enhancing the Capacities of National Intellectual Property Offices in Times of Crisis. The African Group called for the increase of funding for technology transfer and capacity building activities to foster innovation, promote R&D, facilitate technology and AI diffusion, as well as empower innovators, creators and entrepreneurs. In that regard, the African Group encouraged WIPO to continue engaging positively with national stakeholders, and proposed the development of a user-friendly platform that encompassed all existing programs, projects, tools, and experts for their effective delivery.

143. The Delegation of Chile, speaking on behalf of GRULAC, thanked the Secretariat for the report. GRULAC attached great importance to the work of the CDIP and the implementation of the DA Recommendations, which added value to WIPO's work and to multilateralism by creating opportunities for vulnerable groups such as SMEs, producers, women, and the youth to learn about and participate in the IP system. The promotion of sustainable development through the DA helped Member States to better participate in international trade and to respond to the social, environmental, and economic challenges. The adoption of the GRATK Treaty was extremely important to ensure that indigenous peoples and local communities could fully participate and benefit from the IP system. GRULAC thanked the Secretariat for the valuable cooperation and technical assistance programs, which had a positive impact for the users of the IP system and society at large. GRULAC was committed to actively participate in the future work of the CDIP.

144. The Delegation of Algeria, speaking on behalf of the Arab Group, thanked the Secretariat for the report and appreciated the work of and projects approved by the CDIP. Development played an integral role in WIPO's work on enhancing the IP system for the social and economic development of developing countries. The Arab Group called on WIPO to increase resources and the number of new projects for SMEs, women, and the youth in Arab countries, to support national IP Offices through skill building and to support Arab countries in achieving the SDGs in accordance with their national priorities, policies, and strategies. The Arab Group also called on the dissemination of success stories in that regard.

145. The Delegation of Hungary, speaking on behalf of the European Union and its member states, took note of the report and expressed its continued commitment and support to the important work of the CDIP and the mainstreaming of the DA Recommendations in WIPO's work. The CDIP held discussions on various IP and development-related issues and responded to the current development-related needs of Member States through its approval of six new DA

projects, bringing it to a total of 58 DA projects. The European Union and its member states also appreciated the wide range of technical assistance activities provided, which significantly contributed to enhancing the IP framework of the beneficiary countries. The Delegation further appreciated the report on Women and IP presented at the CDIP thirty-second session and noted that the two sharing sessions achieved a high level of engagement and positive feedback by the audience. Promoting gender equality was a high priority for the European Union and its member states as it benefitted the society at large in all countries. The Delegation recalled that the International Conference on IP and Development themed IP and Innovation for Sustainable Agriculture held on April 24, 2023, was well attended, and illustrated the importance of IP tools to support innovation and development in a changing world. The European Union and its member states looked forward to the next International Conference on IP and Development to be held in 2025 on the topic of the role of IP and innovation in addressing global public health challenges: fostering technological transfer and collaborations. In concluding, the European Union and its member states recognized the extensive and successful work of the CDIP and remained committed to contribute to its work and cooperate with Member States, with the view to promote and protect IP everywhere.

146. The Delegation of Nigeria, said that it aligned itself with the statement made by the Delegation of Kenya on behalf of the African Group, commended the Secretariat for the report and extended appreciation to Ambassador Ms. Pimchanok Pitfield (Thailand) for chairing the thirty-second session of the CDIP, and for her leadership and effort to ensure engagement and progress on some critical development issues. As a beneficiary of the DA Project on Development of Strategies and Tools to Address Online Copyright Piracy in the African Digital Market, the Delegation was committed to its successful implementation for securing a safe exploitation of copyright works in the digital market. It further welcomed the adoption of the Terms of Reference for an Independent External Review of WIPO's Technical Assistance in the Area of Cooperation for Development with a view to enhance the delivery of WIPO's technical assistance activities. Pursuant to the WIPO General Assembly decision mandating WIPO bodies to report on the implementation of the DA Recommendations through their activities and cognizant of the CDIP's role in establishing a coordination, monitoring, and reporting mechanism on the DA implementation in the work of these WIPO bodies, the Delegation called for appropriate steps to be taken to ensure such reporting by those WIPO bodies.

147. The Delegation of Tunisia, endorsing the statement made by the Delegation of Algeria on behalf of the Arab Group and the statement delivered by the Delegation of Kenya on behalf of the African Group, thanked the Secretariat for the report and appreciated the work done on the implementation of the DA Recommendations. As IP played an important role in boosting social, economic, and cultural development, it appreciated the successful implementation of the DA Project on the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue, which enabled the creation of a women producers' association to promote their local products such as essential oils and honey through the development of a collective mark. Through that DA Project, those women producers living in rural areas were also empowered to achieve greater autonomy and financial independence. The Delegation looked forward to the implementation of the Phase II Project on Sustaining and Strengthening the Role of Collective Marks as a Tool for Economic, Cultural, and Social Development through a Holistic Developmental Approach to continue supporting the women producers to market and earn an income from their products. Tunisia also participated in other projects, some of which were mentioned by the Director General in his opening statement. The Delegation was pleased with the tangible and visible impact of those projects, which demonstrated how IP could be used for local development and for creating jobs and wealth. The Delegation urged WIPO to continue supporting developing countries with the view to ensure that IP was accessible to everyone.

148. The Delegation of Colombia, endorsing the statement delivered by the Delegation of Chile on behalf of GRULAC, thanked WIPO and Member States for their active participation in the

CDIP, and their commitment to support the achievement of the SDGs, and the implementation of the DA. It welcomed the successful implementation of the DA Project on the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue, in Bolivia (Plurinational State of), Brazil, the Philippines and Tunisia. Through that Project, members of the producer associations gained knowledge on collective marks and the global IP system. The Government of Colombia was also implementing programs to better market food crops using collective marks, denominations of origin and other distinctive signs. It appreciated the support given to small scale producers in establishing a business association for protecting their intangible assets, which had a positive impact. The Delegation was committed to furthering the work of the Technology and Innovation Support Centers (TISCs) network and other programs, and called for the development of new initiatives and projects to promote and market goods domestically and internationally.

149. The Delegation of Indonesia said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG, adding that it was grateful to the Secretariat for the report and took note of its outstanding efforts to mainstream the 45 DA Recommendations across all of its activities, which was deemed imperative. Such an inclusive approach remained integral for promoting development and fostering equitable utilization of the IP system. The Delegation co-sponsored the DA Project on Promoting the Use of Intellectual Property in Developing Countries in Creative Industries in the Digital Era, which aimed to deliver tangible benefits to the national creative economy sector, including the music, video games, and mobile apps industries, through an enhanced IP framework and to empower local creators by ensuring recognition and protection of their contributions. The Delegation looked forward to participating in the DA Project on Sustaining and Strengthening the Role of Collective Marks as a Tool for Economic, Cultural, and Social Development through a Holistic Developmental Approach, for further enhancing the newly registered collective mark “unbalivable”, as a tool to promote Bali's vibrant creative industries, and ensure sustainable development and international recognition. The Delegation expressed interest in hosting the induction training for national focal points of DA projects, which aimed to share best practices, foster deeper understanding of the DA objectives, and enhance project implementation capacity. In that context of IP and development, the Delegation emphasized that the destruction of higher education institutions in Palestine by Israeli air strikes had a negative impact on development and innovation efforts and made it challenging for Palestinians to utilize IP for their future. Ensuring that every nation had an equal opportunity to develop and innovate for their better future without violation of that fundamental principle by any other nation was crucial. The Delegation affirmed its support to the mainstreaming of the DA Recommendations and looked forward to continued cooperation with WIPO and Member States on harnessing the power of IP for inclusive development and prosperity.

150. The Delegation of the Bahamas said that it aligned itself with the statement made by the Delegation of Chile on behalf of GRULAC, thanked the Secretariat for the comprehensive report and continued efforts to implementing the 45 DA Recommendations. A recent report on the SDGs launched earlier that year at the UN General Assembly indicated that only 17 per cent of the SDGs were met. This was a sobering reality for the Bahamas and other Small Island Developing States (SIDS) who were faced with capacity constraints. As the WIPO DA supported the achievement of the SDGs through IP, the Delegation recognized and appreciated the defined benefit of the DA and the impact of DA projects in SIDS, developing countries, landlocked developing countries (LLDCs) and LDCs to close the development gap. Given the impact of hurricane Beryl and hurricane Dorian in the Caribbean region, the Delegation looked forward to participating in the DA Project on Enhancing the Capacities of National Intellectual Property Offices in Times of Crisis. The Delegation also looked forward to supporting Member States and participating in the thirty-third session of the CDIP in December 2024 in its capacity as Vice-Chair.

151. The Delegation of the Russian Federation said that it was grateful to the Secretariat for the report and efforts made in implementing the DA projects. It reiterated the need to consolidate efforts for implementing the DA Recommendations, achieving the SDGs, and creating economic growth and sustainability in developing countries and LDCs, who were not receiving the assistance required due to attempts by some Member States to reallocate resources for purposes other than development. As sustainable development was both an important and topical issue for many Member States, WIPO should maintain an impartial, non-politicized approach to the provision of technical assistance. The Delegation emphasized the need for more active cooperation between WIPO and its Member States on the implementation of the DA Recommendations. IP and innovation played a key role in achieving the SDGs. As the issues related to digital transformation and overcoming the digital divide were reflected in the MTSP, those should equally be reflected in the work of the CDIP. The Delegation noted with satisfaction WIPO's work on establishing and developing TISCs, providing extensive access to and use of IP-related information by specialized organizations and society at large to encourage innovation and creativity. With 182 TISCs, the TISC network in the Russian Federation was one of the most developed and largest in the world, and work was underway to improve their qualitative development and expand their operations and functions. Work on a national development concept for the TISCs for 2019 and 2022/24 had resulted in six new agreements. ROSPATENT together with the TISCs, was carrying out comprehensive work to boost creative and innovative activities in various regions. The Delegation stood ready to share experiences with interested Member States. It further appreciated WIPO's work with SMEs, and highlighted the importance of IP education, and the need to continuously improve the material and format of seminars and webinars and expand the audience reach. The Delegation also called for better coordination efforts between WIPO's Divisions and External Offices.

152. The Delegation of the Republic of Korea said that it was grateful to the Secretariat for the report and recognized the importance of cooperation between WIPO and Member States in bridging the gap in the area of IP and development. Through the FIT Korea, which recently celebrated its 20<sup>th</sup> anniversary, the country had been implementing projects and would continue to consider new projects for promoting shared prosperity in the international community. With a view to bridging the development gap, the Republic of Korea would also work with WIPO to support IP initiatives for women, youth, SMEs, and local communities, as discussed in the context of the DA.

153. The Delegation of Egypt supported the statement delivered by the Delegation of Kenya on behalf of the African Group, and the statement made by Algeria on behalf of the Arab Group. It thanked the Secretariat for the report and noted the achievements made. The Delegation supported the establishment of an international IP regime that would raise the level of social and economic standards in the countries of the developing world. It also supported the implementation of the DA and the initiatives undertaken by the Organization. The Delegation further noted WIPO's support to Member States on the attainment of the SDGs, and in overcoming the challenges to promote the SDGs. The outstanding cooperation with WIPO over the past few years for the development of an IP regime in Egypt and the implementation of training programs for its technical staff were commendable. The Delegation thanked the Secretariat for the efforts to bring about those achievements and looked forward to furthering cooperation in that field.

154. The Delegation of India said that it was grateful to the Secretariat for the report, which facilitated constructive and informed discussions on highly significant issues raised in the context of the DA. It thanked the Committee for the opportunity to make a presentation on Building the Capacity of Universities to Manage and Commercialize IP: Transferring IP and Technology under the agenda item IP and Development at its thirty second session. India implemented numerous measures to accelerate patent prosecution and promote IP awareness, including the establishment of several TISCs, which had been instrumental for patent filings, IP

awareness programs, and IP commercialization. The TISC network had expanded significantly across the country. Additionally, the Technology Transfer Offices (TTOs) were actively working in numerous research institutions and universities to support IP commercialization, demonstrating a robust commitment to fostering innovation and IP management. The Delegation was pleased to note the approval by the CDIP at its thirty-first session of the project proposal on Intellectual Property and Unlocking the Potential of Non-Agricultural Geographical Indications for the Empowerment of Local Communities and Preservation or Revival of Local Arts and Traditions. It looked forward to the effective implementation of that project, recognizing the significant number of non-agricultural geographical indications in India and their potential to empower local communities, and preserving traditional arts and crafts. The Delegation also anticipated engagement and active participation in the 2025 International Conference on IP and Development themed “The role of IP and innovation in addressing global public health challenges: fostering technological transfer and collaborations”. The DA played a pivotal role in the use of IP for responding to various challenges, as the DA resembled a promise of nurturing progress, advancement, and inclusive benefit for all. The Delegation was committed to engage proactively with WIPO and Member States to effectively implement the DA.

155. The Delegation of Timor-Leste wished to align itself with the statement delivered by the Delegation of Iran (Islamic Republic of) on behalf of APG and was grateful to the Secretariat for the informative and comprehensive report, which provided valuable insights for all Member States. It also commended Ambassador Ms. Pimchanok Pitfield (Thailand) for her leadership and dedication as the Chair of the CDIP. The Delegation greatly appreciated WIPO’s ongoing support to developing countries and LDCs for IP development and promoting gender balance. WIPO’s assistance was instrumental for helping countries like Timor-Leste to build a robust IP system that fostered innovation, creativity, and economic growth. In particular, the Organization supported Member States to use IP for growth and development through the delivery of targeted training programs, skill building in various IP fields, awareness raising about the importance of IP, and assistance in the development of national IP strategies. Such a comprehensive approach was essential for creating a solid foundation for the country’s national IP infrastructure. The Delegation looked forward to engaging in future projects and initiatives to enhance the country’s IP policies and infrastructure. It was eager to participate in programs focusing on emerging areas of IP to further strengthening its national capabilities. WIPO’s continued support and collaboration was vital, as Timor-Leste strived to develop a strong and effective IP regime that would benefit the country and its people.

156. The Delegation of Lebanon said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG and the statement delivered by the Delegation of Algeria on behalf of the Arab Group and was grateful to the Secretariat for the report. The Delegation underscored that achieving sustainable development had become a global humanitarian objective, and that it had to be reflected in the activities of international organizations. Therefore, WIPO’s efforts and support to developing countries directly contributed to the attainment of the SDGs and implementation of the DA. The Delegation attached importance to the work of the CDIP and its projects, fostering development and growth for all, and responding to emerging challenges, such as environmental and social threats, the digital divide and impact of AI. For more than four years, Lebanon experienced an unprecedented economic and financial crisis, which led to the deterioration of social and living conditions of its people. The country also witnessed a displacement crisis due to the tension in the Middle East. Those negatively impacted the country’s sustainable, economic, and social development, including the development of IP in various sectors and fields. Despite those challenges, Lebanon continued to be a role model for incentivizing business and SMEs, invention and innovation, and other development and cultural initiatives. The Delegation looked forward to furthering cooperation with WIPO for the development and provision of training courses, academic programs, capacity building and technical assistance that would contribute to building the necessary IP infrastructure, strengthening the capacities of the national IP Office in times of crisis, and fostering private-public partnerships with stakeholders.

157. The Delegation of the Philippines said that it was grateful to the Secretariat for the comprehensive report, illustrating the concrete impact of development cooperation and the areas where such collaborative efforts could be strengthened. The invaluable work of the CDIP and the implementation of the DA could not be overemphasized. The resounding success of the DA Project on the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue empowered and uplifted the local communities who benefitted from the project. The Delegation thanked the Secretariat for its efficient support and coordination. In recognition of the positive impact on SMEs, the project proposal on Sustaining and Strengthening the Role of Collective Marks as a Tool for Economic, Cultural, and Social Development through a Holistic Developmental Approach, as a Phase II, was approved by the CDIP at its thirty-second session, and aimed to establish a systematic and holistic development approach for sustaining the impact of collective tools of local communities in Member States, which would in turn contribute to ensuring a balanced and inclusive IP system. The Delegation further hoped to start the implementation of the DA Project on IP and Innovation Collaboration as a Foundation for Technology Transfer and Bringing Research Output to Market, which was approved by the CDIP at its thirty-first session. In closing, it invited delegates to participate in the Assemblies side event and panel discussion on Collective Marks in Tourism and Creative Economies, organized jointly with the Delegation of Indonesia. The Delegation looked forward to the exchange of best practices, success stories and real studies to enhance knowledge on leveraging IP for growth.

158. The Delegation of Japan said that it aligned itself with the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B, and that it was grateful to the Secretariat for the report, and for working steadily towards the implementation of the DA Recommendations. It attached great importance to development-related initiatives, including technical assistance and capacity building. Through the FIT Japan IP Global, it provided technical assistance in the field of IP to developing countries. That year, WIPO and JPO agreed to strengthen cooperation for supporting SMEs, start-ups and entrepreneurs in developing countries through sharing JPO's experiences in IP start-ups support programs and FIT Japan IP Global funding. With the largest number of WIPO GREEN partners worldwide, the Delegation had high expectations for furthering development of the WIPO GREEN platform and promoting its utilization by creating and sharing best practices. The JPO supported WIPO GREEN initiatives and acceleration projects in Latin America through FIT Japan IP Global, with 19 matches recently established. In addition, the JPO supported WIPO GREEN financed initiatives encouraging connections between climate finance actors and entrepreneurs. The Delegation looked forward to continuing cooperation with WIPO, working with many partners and actively supporting projects with a view to establishing more future matches. It recognized the importance of conducting effective and efficient development-related activities to protect IP in line with WIPO's objectives. Going forward, the Government of Japan was committed to collaborating with WIPO to further improve its cooperation initiatives to ensure the effective and efficient use of FIT Japan IP Global.

159. The Delegation of Uganda said that it was grateful to the Secretariat for the report, and supported the statement made by the Delegation of Kenya on behalf of the African Group. It recognized the role of the CDIP in fostering a balanced and inclusive IP system, and utilizing IP as a tool for development and means of protection. Through the DA Project on Empowering Small Businesses Through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post-registration Period, over 3000 local farmers were benefitting from the geographical indication "Rwenzori Mountains of the Moon Coffee". The Delegation appreciated the effective implementation of the project and stated that work had commenced on the DA Project on Empowering Youth (K-12) to Innovate for a Better Future. It looked forward to its fruitful implementation in order to empower school children in Uganda to engage in education and in innovative activities, as over 50 per cent of the population fell in that category. The Delegation also looked forward to the Independent External Review of WIPO's Technical Assistance in the Area of Cooperation for Development, and emphasized the need for

meaningful mainstreaming of the DA Recommendations in the work of the Organization as decided by the WIPO General Assembly.

160. The Delegation of Jamaica said that it aligned itself with the statement made by the Delegation of Chile on behalf of GRULAC, and that it was grateful to the Secretariat for the report. The Delegation commended WIPO's commitment for implementing the 45 DA Recommendations, for empowering those at the grassroots, including SMEs, women and the youth, to utilize IP, and for supporting the achievement of the SDGs through the use of IP. That year's World IP Day themed IP and the SDGs: Building Our Common Future with Innovation and Creativity was timely and relevant for accelerating the achievement of the 2030 Agenda for Sustainable Development. The Jamaica Intellectual Property Office (JIPO) organized a series of events in celebration of the World IP Day, including a roundtable discussion on IP and the SDGs with particular emphasis on SDG 9. The roundtable showcased inventors and innovators who successfully obtained IP protection and highlighted the groundbreaking work of Dr. Patricia Yap on keloids treatment. The Delegation noted the reference made to the report series on Unlocking IP-backed Financing, Country Perspectives, which tracked the experiences of IP finance in Member States. In 2023, Jamaica was one of the four countries for which the report was finalized and presented. JIPO was working with its development partners and local financial institutions on a pilot to design and test an IP--backed financial instrument tailored to local conditions. In closing, the Delegation renewed its call for WIPO to continue its development work, bearing in mind the unique challenges of small developing countries like Jamaica.

161. The Delegation of Mexico took note of the report and said that it was grateful to the Secretariat for its work on addressing the issue of Women and IP, as raised by the Delegation in 2018 and adopted by the CDIP at its twenty-second session and renewed at its twenty-sixth session. It recognized the efforts made to raise awareness on the participation of women in the IP ecosystem, which resulted in six sharing sessions for bringing together women and entrepreneurs and exchanging experiences on how IP encouraged the participation of women in various sectors. The Delegation welcomed the various mentoring programs that supported women entrepreneurs worldwide, which contributed to the implementation of the DA Recommendations. It commended WIPO for integrating the gender perspective in the work of the Organization through internal strategies and guidance documents, such as the plan of action on IP and Gender and the human resources strategy. The Delegation urged WIPO to continue those efforts to overcome the gender gap and promote the equitable participation of women in the field of IP, and it stood ready to collaborate on projects supporting women in IP.

162. The Delegation of Spain said that it supported the statement delivered by the Delegation of Hungary on behalf of the European Union and its member states, as well as the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B. The Delegation recognized WIPO's support to achieve the SDGs and associated targets, which was vital to the promotion of social and economic development. The Delegation also welcomed the mainstreaming of the DA in the MTSP (2022-2026), which outlined WIPO's commitment to the development of an inclusive and fair IP system for everybody with a particular focus on SMEs, women and the youth. It further welcomed the incorporation of six new projects in the work of the CDIP and recognized the quality and quantity of technical assistance projects undertaken by the CDIP, which contributed to improving the IP system in beneficiary countries. The Delegation also expressed its appreciation for the successful exchanges of experiences on Women and IP. It thanked WIPO for its participation in the Ibero-American Meeting of Experts on Industrial Property, Innovation and Gender, held in Madrid on June 20 and 21, 2024, which provided a forum for discussion and for promoting best practices and innovative solutions to address and overcome challenges to narrow the gender gap and to achieve a more inclusive IP system. Such initiatives were a good starting point to deal with the gender gap issue, and to develop future activities in that regard. The Delegation reiterated its commitment to participate actively in the work of the CDIP and contribute to the discussions.

163. The Delegation of Malaysia said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG, and commended the progress made by WIPO in the implementation of the DA Recommendations. Member States benefitted from DA projects that covered various areas of the IP ecosystem, and were in accordance with their needs. The Delegation appreciated WIPO's support in the implementation of the Phase II DA Project on IP and Gastronomic Tourism in Peru and other Developing Countries: Promoting the Development of Gastronomic Tourism through IP for empowering the relevant stakeholders to use and manage their IP. It also looked forward to participating and implementing the DA project on Empowering Youth (K-12) to Innovate for a Better Future, for the development of a structured program for young generations and the promotion of creativity and innovation in line with the SDGs.

164. The Delegation of the United Kingdom said that it supported the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B and thanked the Secretariat for the report. The Delegation remained committed to accelerating progress on development matters, both in the United Kingdom and internationally. It welcomed the work done by WIPO in advancing the implementation of the DA. The Delegation welcomed the diverse range of activities undertaken by the CDIP, as it actively engaged in the work of the CDIP. In particular, it co-sponsored two projects at the thirty-second session of the CDIP, namely the DA Project on Enhancing IP Education Capacities of Artistic and Creative Academic Institutions to Foster Creativity and the DA Project on Enhancing the Capacities of National IP Offices in Times of Crisis. The Delegation appreciated the approval by the CDIP of those projects and looked forward to their implementation. It also looked forward to the continued valuable work of the CDIP in furthering the promotion of a balanced and sustainable IP system.

165. The Delegation of the United States of America said that it aligned itself with the statement delivered by the Delegation of the Kingdom of the Netherlands on behalf of Group B. Since its inception in 2007, the CDIP made progress in implementing the DA, primarily through its projects for the benefit of many Member States, and a number of the project outputs had been streamlined and were widely used. The Delegation believed that Member States' efforts in the work of the CDIP should continue to focus on DA projects having concrete and practical benefits, and interactive and sustainable domestic impact. It further recommended that continued efforts be made in promoting the positive role of IP for development, for example, by increasing access to patent information, supporting TISCs, SMEs and creative industries, and building capacity in areas of IP protection, management and commercialization in LDCs, developing countries and countries in transition. The Delegation was pleased with the approval by the CDIP of six DA projects at its last two sessions and looked forward to new project proposals at its future sessions. The Delegation appreciated the exceptional work done by the Secretariat, including in the implementation of the CDIP projects.

166. The Delegation of Algeria, speaking in its national capacity, said that it aligned itself with the statement it had delivered on behalf of the Arab Group and the statement delivered by the Delegation of Nigeria on behalf of the African Group. The Delegation thanked the Secretariat for the report, and the efforts made in the field of IP and Development. Development cooperation between WIPO and Algeria was exemplified by numerous projects and activities, such as the preparation of an IP strategy for economic and social development, a pioneering IP project for Arab countries, and other technical assistance and capacity building activities. In the context of the DA, it joined the IPTI network of the WIPO Academy, the aim of which is to establish training institutions to meet national IP priorities. The Delegation further benefitted from the DA Project on Empowering Small Businesses Through IP: Developing Strategies for Supporting Geographical Indications or Collective Marks in the Post--registration Period. Another example of support was the strengthening of the TISCs network comprising 131 TISCs, which contributed to the country's economic development. Through the WIPO Algeria Office, the implementation of numerous projects on copyright and related rights had a positive impact on SMEs and the emerging industries to include IP in their technological and commercial



policies. A series of studies on digitization and other topics raised awareness among stakeholders on IP. The Delegation appreciated WIPO's work on mainstreaming the 45 DA Recommendations and its support to developing countries for achieving the SDGs.

167. The Delegation of Cambodia said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG and was grateful to the Secretariat for the comprehensive report. It celebrated the successful conclusion of the GRATK Diplomatic Conference. The DA was a dynamic tool for providing solutions to the development of the IP system of Member States. The Delegation noted that development projects and activities covered a wide spectrum of the IP ecosystem, including innovation, geographical indications, copyright and SMEs, and that they contributed to the strengthening of the national IP system of Member States. For example, Cambodia benefited from the Cambodia Knits project, which aimed to empower women to use IP for business development. Those women received training on the importance of registering, protecting, using and managing trademarks for developing their business and competitiveness. Over 50 women were currently utilizing trademarks. As an LDC, the Delegation requested WIPO's technical assistance and support to promote the use of IP for socio-economic development. More specifically, it requested technical assistance for the registration and utilization of geographical indications by local communities to promote handicrafts and food security in agricultural products. It further sought support for the promotion of innovation, creativity and sustainable development of SMEs, and the promotion of technology transfer and sustainable development. Through the Memorandum of Understanding (MoU) signed by Cambodia and WIPO for the period of 2023 to 2028, activities were undertaken on the development of a national IP policy. The Delegation expressed interest in participating in a DA project on collective certification marks for protecting handicrafts and agricultural foods, as well as in developing activities for promoting IP in the Association of Southeast Asian Nations (ASEAN) region. The Delegation announced that it would be chairing the ASEAN Working Group on IP and was ready to work with WIPO on the ASEAN IPR Action Plan 2016-2025.

168. The Delegation of the Sudan said that it supported the statement delivered by the Delegation of Kenya on behalf of the African Group, and that it was grateful to the Secretariat for the report and took note of the progress made in the implementation of the DA. It valued WIPO's support in achieving the SDGs and in responding to the challenges of developing countries and those affected by wars and other crises. The Delegation called on WIPO's support to SMEs and technical assistance to rebuild its innovation sector and pioneering businesses, which were completely destroyed by the war that had negatively impacted the country and its people. It welcomed the approval by the CDIP of the DA Project on Enhancing the Capacities of National Intellectual Property Offices in Times of Crisis, and looked forward to participating in the project with other Member States that experienced a crisis.

169. The Delegation of Brazil said that it aligned itself with the statement delivered by the Delegation of Chile on behalf of GRULAC, and that it was grateful for the Secretariat's report and appreciated the Secretariat's work on and commitment to the DA, which were essential to ensure the translation of IP into tangible benefits for Member States. While remembering the successful implementation of the project on IP education for Quilombola women in Brazil, which was a project implemented outside the scope of the CDIP, the Delegation praised the part of the report on Women and IP, which outlined the discussions and activities undertaken to promote gender balance and to empower women to participate in the field of IP. It further appreciated WIPO's efforts to mainstream the DA into its work. The Delegation proposed that the WIPO General Assembly urge all WIPO bodies to report on their activities contributing to the implementation of the DA to encourage adequate follow up. It highlighted the commitment and the contribution made by the WIPO Brazil Office towards achieving the SDGs and DA implementation by strengthening the use of IP by minorities, facilitating access to innovation and the creativity ecosystem and disseminating knowledge on IP, which were fundamental to promoting sustainable and inclusive development. It hoped that the addition of six new DA

projects into the constructive work of the CDIP would encourage new ideas contributing to the evolution of the IP regime to promote innovation for the benefit of all, anywhere and for everyone. To reaffirm its commitment to share experiences, the Delegation highlighted projects that were recently completed in Brazil, which included the translation into Portuguese of studies on the digital environment produced in the context of a content distribution project. Further, drawing on experiences of the implementation of the DA Project on the Registration of the Collective Marks of Local Enterprises as a Cross-Cutting Economic Development Issue, the National Institute of Industrial Property (INPI) was considering expanding the training to other associations interested in registering collective marks. The Delegation looked forward to the implementation of Phase II of both projects, in addition to other initiatives currently under development. The Delegation reaffirmed its commitment to strengthening WIPO's work and to promoting a sustainable inclusive and innovative IP regime. It appreciated the opportunity to contribute to the discussions and reiterated its support for initiatives aimed at the collective advancement and sustainable development of all Member States.

170. The Delegation of Eswatini said that it supported the statement made by the Delegation of Kenya on behalf of the African Group and that it appreciated the work of the CDIP. The Delegation noted the importance of the progress made in advancing the Committee's mandate. It thanked the Secretariat for presenting the report and took note of the various projects and activities carried out in 2023, which encouraged scalability and long-term sustainability and served as an inspiring model for undertaking IP project in the national development context. The Delegation expressed the need to increase activities for supporting the achievement of the SDGs, and underscored the importance of the CDIP's mandate, which put development at the core of the generation, protection and utilization of IP for the socio-economic development of the people.

171. The Delegation of Morocco said that it was grateful to the Secretariat for the report and the work on the implementation of the DA Recommendations. The Delegation reiterated its commitment and commended on the progress made in the implementation of the Phase II DA Project on IP and Gastronomic Tourism in Peru and other Developing Countries: Promoting the Development of Gastronomic Tourism through IP. The project aimed to promote the local culinary traditions and the use of IP in the tourism sector for economic development. In conclusion, the Delegation called on redoubling the efforts to fully implement the DA Recommendations. It believed that a shared commitment for the implementation of the DA Recommendations would certainly contribute to building a more promising future for all.

172. The Delegation of Poland said that it supported the statement made by the Delegation of Hungary on behalf of the European Union and its member states, as well as the statement made by the Delegation of the Republic of Moldova on behalf of the CEBS Group. It recognized the important work of the CDIP that contributed to the attainment of the SDGs and economic growth. Poland belonged to a group of countries with a profound experience in economic transition. A lesson learnt from the economic transition was that in that globalized world, development had no national limits and IP was no longer a pure legal or technical matter. In fact, IP played an important role in ensuring the growth and prosperity of various stakeholders. The Delegation stood ready to share experiences and lessons learned with interested Member States. The WIPO Academy, as an important, globally recognized provider of IP education for many stakeholders, played a significant role. The Delegation appreciated the wide range of training and post-graduate programs allowing skill and expertise building of trademark and patent examiners as well as other IP professionals. It actively participated in the celebration of the World IP Day by organizing a dedicated event in Warsaw on the SDGs in the IP protection system. The Delegation recognized the importance of concrete and effective initiatives and

programs developed within the CDIP and looked forward to future meaningful DA projects for the benefit of creators, innovators and entrepreneurs worldwide.

173. The Representative of ELAPI reiterated its strong commitment to the work of the CDIP, which provided a valuable roadmap for harnessing the potential of IP as a tool for sustainable social development and social inclusion, allowing for the participation of women, young people and indigenous communities in Latin America. Through its wide network of IP experts, and extensive experience in IP training in the Latin American region, the Representative hoped that ELAPI could serve as a strategic channel for contributing to the implementation of the DA and the attainment of the SDGs. Through close cooperation with WIPO, governments, private sector and communities in the region, it aimed to build a solid IP ecosystem and promote development in the region.

174. The Representative of Palestine said that it aligned itself with the statements made by the Delegation of Algeria on behalf of the Arab Group and the Delegation of Iran (Islamic Republic of) on behalf of APG, and that it thanked the Secretariat for the report. The Delegation remained committed to continue working with Member States and relevant stakeholders to achieve the SDGs. The Occupied Palestinian Territory was faced with a catastrophic socio-economic and humanitarian situation perpetrated by Israel. As described by the UN Special Rapporteur, a horrific mass destruction of the Palestinian infrastructure and its economic sector was taking place in the Occupied Palestinian Territory. The Representative called upon the international community to assist the Palestinian people and SMEs. The Representative mentioned that the Palestinian IP laws and policies were developed in line with the international IP Treaties and agreements and work was ongoing to develop a national IP strategy and strengthen the legal framework. The Representative looked forward to further cooperation with the international community and called for strengthening WIPO's technical assistance to support socio-economic development and the achievement of the SDGs, while leaving no one behind.

175. The Delegation of El Salvador, echoing the statement delivered by the Delegation of Chile on behalf of GRULAC, recognized the important work of the CDIP and the implementation of the DA. The DA projects were vital to promoting innovation, economic growth and socio-economic development, and the Delegation welcomed the implementation of the DA 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, which facilitated the effective use of data on innovation for developing policies to promote a better use of IP for economic growth. The project implementation reached the phase of strengthening the capacity of government staff involved in the project, which included policymakers, decision-makers, economists, statisticians, and IT experts. The implementation of policies based on solid data and economic analyses would foster innovation, competitiveness and the achievement of the SDGs, as well as a wide range of opportunities for strengthening interaction between the public and private sectors. The Delegation was committed to continue cooperation with WIPO to achieve common objectives and hoped that the project would bring about significant, positive benefits.

176. The Delegation of Chile, speaking on behalf of GRULAC, proposed to add a second paragraph to the decision to reflect its position on the importance of the 45 DA Recommendations, and strengthen their implementation: "The WIPO General Assembly urges all WIPO committees to contribute to the preparation of the report on the review of the implementation of the WIPO Development agenda recommendations in order to better allow for the adequate follow-up on the implementation of the WIPO development agenda."

177. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, requested to receive the proposed text in writing, and to have some time for internal group coordination on that proposal.

178. The Delegation of Kenya, speaking on behalf of the African Group, said that it supported the proposal to urge WIPO bodies to report adequately on all activities as part of their work that supported the mainstreaming of the DA Recommendations. Such proposal complied with existing WIPO General Assembly decisions, including the one on the establishment of the CDIP. The African Group believed that it would provide an important link on how each WIPO body's work fed into the implementation of the DA.

179. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, said that it was grateful to the Delegation of Chile, speaking on behalf of GRULAC, for the proposal. It also thanked the Delegation of Kenya on behalf of the African Group for their explanation. The Delegation found the proposal interesting and requested time to consult it with other CEBS members.

180. The Delegation of Iran (Islamic Republic of), speaking on behalf of APG said that it was grateful to the Delegation of Chile, on behalf of GRULAC, for the proposal and requested time to coordinate with its members.

181. The Secretariat expressed its thanks and appreciation to all Member States for their continued support and contribution to the work of the CDIP. It took note of all inputs, observations and suggestions expressed by Member States with a view to improve the future work of the Committee. The Secretariat reassured that it would continue increasing its efforts to mainstream the DA in accordance with the suggestions, guidance and wishes of Member States.

182. The Chair observed that Member States needed time to coordinate with their respective groups for a possible consensus on the proposal. The Chair then suspended Agenda Item 10(iv).

183. Re-opening the item, the Chair recalled that Agenda Item 10(iv) was opened for consideration the previous week and suspended to hold informal consultations. It was understood that those consultations had been successfully undertaken, and Group Coordinators were invited to report to the Plenary on the outcome.

184. The Delegation of Chile stated that the informal consultations for that agenda item were held in a similar fashion as for the SCCR, that is, each Group was represented by its Group Coordinator plus three, and that they had agreed on the language for the decision paragraph under the agenda item. The agreed text for the decision paragraph was shared with the Secretariat, and the Delegation requested that it be displayed on the screen. In essence, it wished to re-establish a practice that was already followed in the Organization and interrupted due to the COVID-19 pandemic. The agreed text of the decision paragraph read as followed: "As agreed by all Groups, remind relevant WIPO bodies to report on the implementation of the Development Agenda Recommendations according to the Coordination Mechanism and Monitoring, Assessing and Reporting Modalities."

185. The Chair proposed that the WIPO General Assembly adopt the proposed paragraph, which had gathered consensus among Member States.

186. The WIPO General Assembly:

- (i) 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/57/6); and
- (ii) as agreed by all Groups, reminded relevant WIPO bodies to report on the implementation of the Development Agenda Recommendations according to the Coordination Mechanism and Monitoring, Assessing and Report Modalities.

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

187. Discussions were based on document [WO/GA/57/7](#).

188. The Secretariat recalled that the 2022 WIPO General Assembly had decided to convene, no later than in 2024, a Diplomatic Conference to Conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources (GRATK Diplomatic Conference) and had directed the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to meet in a special session for five days in the second half of 2023. Pursuant to that decision, the IGC had met in a special session from September 4 to September 8, 2023. Document WO/GA/57/7 reported on the IGC Special Session. The 2023 WIPO General Assembly had agreed to renew the mandate of the IGC for the 2024-2025 biennium. The forty-eighth session of the IGC would take place on November 29, 2024, and the forty-ninth session of the IGC would take place from December 2 to 6, 2024.

189. The Delegation of the European Union, speaking on behalf of the European Union and its member states, wished to exercise its right of reply and, in doing so, to address the multiple statements made by the Delegation of the Russian Federation during the past few days as regards the 14<sup>th</sup> package of sanctions against the Russian Federation adopted, on June 24, 2024, by the European Union. It reminded that the IPRs of the European Union citizens and companies had not been respected by the measures taken by the Russian Federation over the past years. The new package of sanctions was a response to the Russian Federation's unprovoked and unjustified war of aggression against Ukraine. The sanctions responded to the serious violations of international law committed by the Russian Federation, including the prohibition on the use of force and serious violations of human rights and other international laws. International norms did not prevent the members of the European Union from taking the actions that they considered necessary for the protection of their essential security interests in time of war or emergency in international relations or on public policy grounds. The European Union sanctions sought to bring about a change in the behavior of those responsible for the policies or actions leading to the imposition of sanctions. The sanctions were temporary and designed in a way that once the sanctions regime was lifted, it would be possible for the Russian entities to file again their applications. The IP offices would not issue formal refusal decisions or accept applications as long as the Russian Federation continued to wage war against Ukraine.

190. The Delegation of Iran (Islamic Republic of), speaking on behalf of APG, expressed its thanks to the Secretariat for its intensified efforts towards the preparation of the report contained in document WO/GA/57/7. The Delegation welcomed the successful conclusion of the GRATK Diplomatic in May 2024. It believed that the recently adopted Treaty marked a significant milestone in addressing the complexities surrounding Indigenous rights and GRs. The need to prioritize and finalize agreements relating to TK TCEs became increasingly evident. Despite the successful adoption of the GRATK Treaty, APG acknowledged that significant work was still ahead on the Draft Articles on the Protection of Traditional Knowledge and the Draft Articles on the Protection of Traditional Cultural Expressions. The Delegation reminded that those ongoing negotiations were vital for developing comprehensive solutions that safeguarded the rights of Indigenous Peoples and local communities and progressing towards the equitable sharing of benefits. APG eagerly anticipated continued cooperation and dialogue to tackle those challenges, aiming for tangible benefits for all stakeholders. By ensuring that those agreements were comprehensive, inclusive and respectful of the rights and contributions of Indigenous communities, Member States could strive towards a more equitable framework that valued and protected the cultural heritage and knowledge of all peoples and stakeholders involved.

191. The Delegation of Kenya, speaking on behalf of the African Group, thanked the Secretariat for the report on of the IGC contained in document WO/GA/57/7. It recalled the successful conclusion of the GRATK Diplomatic Conference held in May 2024 that had resulted in the adoption of the GRATK Treaty. That achievement was a testament to the collaborative efforts of all Member States and stakeholders. The African Group wished to also acknowledge the significant preparatory work undertaken during the Special Session of the IGC, as well as during the meeting of the Preparatory Committee of the Diplomatic Conference. Those sessions had provided an opportunity to have in-depth discussions, enabling Member States to edge closer to reaching consensus on the GRATK Treaty. The African Group appreciated the constructive spirit and the willingness to compromise demonstrated by all parties involved. It looked forward to the continued efforts to tackle other important aspects of the IGC's work that had not been captured in the adopted GRATK Treaty. It recognized that while the GRATK Treaty marked a significant milestone, there remained some critical issues that required sustained attention and collective action. The African Group sought a conclusion to the negotiations of the remaining texts as they were mature enough for a diplomatic conference. The swift conclusion of the outstanding texts would see an end to the misappropriation of TK, GRs and TCEs. Failure to narrow the existing gaps would be construed as both a lack of political will and bad faith. The African Group was committed to engaging constructively in the future IGC sessions to address those outstanding matters, while ensuring that its endeavors comprehensively reflected the diverse and evolving needs of Member States. Throughout the course of discussions of the IGC, the African Group had highlighted the importance of protecting and promoting the rights of Indigenous Peoples and local communities. The Delegation recalled that the collective commitment of the African Group to fostering a balanced IP system that respected the rights of Indigenous Peoples and local communities had been unwavering. It emphasized the need to acknowledge and value TK and TCEs as well as their critical role in sustainable development, biodiversity conservation, and the cultural heritage of humanity. Looking ahead, the African Group was eager to continue its active participation in the upcoming forty-eighth and forty-ninth sessions of the IGC. It remained committed to contribute to the ongoing efforts to enhance the implementation of the newly adopted Treaty, and to address any emerging challenges in Member States' journey toward sustainable development and equitable growth. It reiterated its appreciation for the collaborative and inclusive approach that had characterized the work within the IGC and looked forward to further fruitful discussions and continued progress in Member States' shared objectives.

192. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for preparing document WO/GA/57/7. The successful GRATK Diplomatic Conference had been the most noteworthy event that Group B would address in more detail under Agenda Item 17. With regards to TK and TCEs, which would be addressed at the forty-ninth session of the IGC, much more work still needed to be done to narrow gaps with a view of reaching a common understanding on core issues relating to those subject matters. The Delegation stressed the importance of applying an efficient, transparent, and inclusive working methodology that facilitated exchanges between IGC participants and allowed for all views to be expressed and captured. The Delegation indicated that Group B remained committed to contributing constructively to the IGC work under the current mandate.

193. The Delegation of Chile, speaking on behalf GRULAC, thanked the Secretariat for preparing the excellent and detailed report. It welcomed the historic outcome of the GRATK Diplomatic Conference in May 2024, which was concluded by the adoption of the GRATK Treaty, which GRULAC fully supported. It wished to underscore the rich array of issues addressed by the IGC, such as, in particular, IP, GRs and associated TK, which were fundamental pillars of the IGC's work. After the adoption of the GRATK Treaty, the issue of IP, GRs and associated TK became even more important for Member States, because the ratification and implementation of the GRATK Treaty would give rise to various efforts, in terms of data collection, technical knowledge, exchange of experience and discussions. The Delegation recalled the need to be aware of certain areas of interest for certain members of

GRULAC. For example, genetic sequencing had not been included in the GRATK Treaty. Those issues might need to be addressed in future IGC sessions. The issue of IP, GRs and associated TK should continue to be in the mandate of the IGC, which should be renewed in 2025. That issue required even more work, since the adoption of the Treaty enriched those discussions. Member States needed to move forward with the relevant discussions on TK and TCEs, with the view to creating the necessary consensus.

194. The Delegation of the Republic of Moldova, speaking on behalf of the CEBS Group, thanked the Secretariat for presenting on the outcome of the GRATK Diplomatic Conference. It expressed its appreciation for the outcome of the GRATK Diplomatic Conference. The CEBS Group perceived it as a great collective effort that not only contributed to enhancing the global IP system and allowing Member States to better address the needs of users, but also reassured the role of and the need for effective multilateralism. The CEBS Group extended its gratitude to the WIPO Secretariat for the exceptional work and dedication that had been part of that important achievement. As in the past, the CEBS Group remained ready to constructively engage in the future work of the IGC, starting with the two sessions that were planned later in 2024 and 2025, based on the agreed mandate. The CEBS Group would contribute to the ongoing work of the IGC which should allow for further progress in narrowing the existing gaps and building a common perception on the most important matters. The Delegation considered that further work based on a Member State driven process was needed to conclude the ongoing work in a way that would be acceptable for all. The CEBS Group emphasized the necessity of establishing an efficient and inclusive working methodology that facilitated the exchange of ideas among IGC participants. It recalled that the prospective international instrument on TK and TCEs should be non-binding and reflect a measures-based approach.

195. The Delegation of the European Union, speaking on behalf of the European Union and its member states, thanked the Secretariat for the work undertaken during the past year as reflected in the report. The European Union and its member states noted that organizing a diplomatic conference was not an easy task and that the Secretariat's commitment had been key for its successful conclusion. The conclusion of the GRATK Treaty underscored the vitality of multilateralism and inclusivity in the field of IP. On the future work to be undertaken by the IGC, the European Union and its member states reiterated their commitment to engage constructively in the work of the IGC. Finally, the European Union and its member states stood ready to actively participate in the IGC sessions that would take place by the end of 2024 as well as in the rest of the sessions foreseen under the current mandate for the 2024-2025 biennium, and to continue the substantive work in the IGC.

196. The Delegation of Samoa delivered its statement on behalf of the Pacific Group and said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) on behalf of APG. It welcomed the reports on the IGC and the outcome of the GRATK Diplomatic Conference. It reaffirmed that the work of the IGC was an area of long-standing interest to the Pacific countries, who had pioneered that work in the early 2000s with the adoption of two Pacific model laws on TK. It valued WIPO international treaties, which helped ensure international recognition for the important role played by TK as a source of innovation for investment, trade, technology and industrial development. The Delegation congratulated Member States for the successful adoption of the GRATK Treaty at the GRATK Diplomatic Conference. It thanked the Director General and the Traditional Knowledge Division for the excellent organization of the GRATK Diplomatic Conference, particularly for the support provided to the Pacific Member States. It encouraged Member States to ratify the GRATK Treaty, so that it could enter into force. The Delegation believed that the IGC should focus on advancing a second treaty on TK and TCEs. It recognized that more work was needed to progress and bridge positions, but it remained hopeful that another treaty was possible, as had been collectively demonstrated at the recent GRATK Diplomatic Conference. It looked forward to engaging constructively with other Member States when negotiations would be resumed at the forty-eighth and forty-ninth sessions of the IGC in 2024.

197. The Delegation of Jamaica said that it aligned itself with the statement made by the Delegation of Chile, on behalf of GRULAC. It celebrated the successful Diplomatic Conference that was held in May 2024, and had culminated in the adoption of the historic GRATK Treaty. As the Delegation had previously expressed in its opening statement, the successful outcome of the GRATK Diplomatic Conference was not only commendable but it also sent a message that multilateralism was alive and well. It also reaffirmed its appreciation for the commitment of WIPO to promote a balanced global IP ecosystem. The Delegation wished to put on record its commendation to Mr. Edward Kwakwa, Assistant Director General, Global Challenges and Partnerships Sector, Mr. Wend Wendland, Director, Traditional Knowledge Division, and the entire Traditional Knowledge Division for their work and leadership over the past decades. After two decades of negotiation, the outcome reflected what could be achieved through collective determination and collaboration among WIPO Member States. While celebrating the successful outcome, there was still work to be done. In that regard, the Delegation encouraged WIPO to ensure that the Traditional Knowledge Division had all the necessary resources to provide tangible support to Member States and to enable them to make the necessary legislative changes to ensure the timely implementation and ratification of the GRATK Treaty. The Delegation awaited the continued work of the IGC on the matters relating to TK and TCEs, and looked forward to the hosting of a diplomatic conference on that subject.

198. The Delegation of the Russian Federation expressed its gratitude to the Secretariat for preparing and presenting the report on the work of the IGC, which was presented in document WO/GA/57/7. It thanked the Director General, the Assistant Director General, Global Challenges and Partnerships Sector, Ambassador Mr. Patriota, President of the GRATK Diplomatic Conference, as well as all participants of the GRATK Diplomatic Conference for their constructive and professional interactions. The Delegation noted with satisfaction the successful conclusion of the work on the WIPO GRATK Treaty. It also noted that it was the continued and conscientious work within the framework of the IGC that had laid the foundation of the GRATK Treaty. The Delegation highlighted the substantive discussions and refinement of the Basic Proposal at the Special Session of the IGC, the Preparatory Committee, and informal meetings that had taken place in China and Namibia. All of those had enabled Member States to achieve positive results at the GRATK Diplomatic Conference in May 2024, and to adopt a truly historic Treaty. The final text of the GRATK Treaty was the result of the diligent work of all parties and great compromise which had been achieved during the multi-year negotiations. The Delegation wished to thank all Member States that had been committed to productive multilateral dialogue during the negotiation of the GRATK Treaty. It noted the significant contribution of the WIPO Office in the Russian Federation to raise awareness amongst the representatives of Indigenous Peoples and local communities of the Russian Federation regarding the existing mechanisms of the IP system. Over the last year, the Office held a series of in-person events on that issue in a number of regions of the country. In conclusion, it hoped to see further work by the IGC on the issues related to TK and TCEs, that were of particular importance for Indigenous Peoples and local communities in all WIPO Member States.

199. The Delegation of Indonesia said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. It expressed its gratitude to the Secretariat for the preparation of the report and particularly its tireless efforts in supporting the successful conclusion of the Diplomatic Conference to finalize the GRATK Treaty, which was a significant milestone and much-needed progress towards redressing the imbalance and existing gaps in the IP system. For that reason, as mentioned in its general statement, Indonesia had every intention to accelerate its ratification process for the early entry into force of the GRATK Treaty. The Delegation believed that it was of utmost importance to keep the positive momentum and continue the work in the IGC, particularly in advancing the text-based negotiations on TK and TCEs. The work on TK and TCEs was very much interlinked with GR issues, which should continue to be dealt with in a comprehensive way in the IGC in line with its



mandate. The Delegation looked forward to the upcoming IGC sessions and stood ready to engage and contribute constructively to the discussion.

200. The Delegation of Brazil thanked the Assistant Director General, Global Challenges and Partnerships Sector, and the Traditional Knowledge Division team for the preparation and presentation of the IGC report WO/GA/57/7. It said that it aligned itself with the statement delivered by the Delegation of Chile on behalf of GRULAC. It wished to reiterate that the work on the issue of GRs and associated TK was not yet completed even if Member States had reached consensus on the conclusion of an international instrument. On the contrary, the GRATK Treaty enriched and strengthened the work on GRs. With regard to the IGC's mandate, the Delegation supported the renewal beyond 2025, ensuring the continuity and necessary in-depth discussions on the very important and complex issues of the IGC. Underscoring the need to renew the mandate of the IGC, it expected to see swift progress in the discussions of TK and TCEs, so that similar results to the GRATK Treaty could be achieved.

201. The Delegation of Colombia thanked the Secretariat for the preparation of document WO/GA/57/7. It said that it supported the statement delivered by the Delegation of Chile, on behalf of GRULAC. It recognized the important work carried out by the IGC and its important contribution to the 25-year process which had culminated in the adoption of the GRATK Treaty in May 2024. Without doubt, that had been a historic breakthrough for WIPO and for the IP system. It was also very important for megadiverse countries like Colombia. Bearing that in mind and given the challenges regarding technological development and global productivity, much of those remained within the scope of the work of the IGC. It was important to continue to ensure that GR issues were on the substantive agenda of the IGC, and that Member States continued to enrich and pursue those discussions. The Delegation urged Member States to consider supporting its position.

202. The Delegation of India congratulated the WIPO Secretariat and all WIPO Member States for the successful conclusion of the GRATK Treaty. As a nation rich in TK and cultural heritage, it recognized the importance of protecting, preserving and promoting the rights of Indigenous communities over their TK and GRs. It believed in fostering a balanced and equitable IP system, which respected the rights of Indigenous Peoples and ensured their active participation in decision-making process concerning the use and commercialization of their TK, while recognizing the value of innovation and research. The Delegation emphasized the importance of finalizing the text on TK and TCEs and preparing a framework for the legal protection of *sui generis* rights. It stood ready to engage constructively with other Member States to advance discussions and develop effective policies that safeguarded the interests of Indigenous communities and promoted cultural diversity and sustainable development.

203. The Delegation of Pakistan said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. It thanked the Secretariat for the preparation of the report contained in document WO/GA/57/7. The Delegation expressed its sincere appreciation to the WIPO Secretariat for organizing and completing a successful Diplomatic Conference to finalize the GRATK Treaty. The conclusion of the GRATK Treaty was a historic milestone in the collective path towards recognizing the rights of Indigenous Peoples and local communities and the creation of a balanced IP regime. The Delegation believed that the conclusion of the historic GRATK Treaty was no small feat and was a testament to the value of multilateralism and solidarity among Member States. The work at the IGC had by no means ended. The formalization of the GRATK Treaty currently required continued engagement between Member States and the Secretariat, particularly towards capacity building and technical assistance endeavors allowing the parties to the Treaty to capitalize on the benefits envisaged under it. The Delegation viewed the continuation of WIPO's work for the protection of TK and TCEs as a key complementary agenda of the IGC's work. Member States' cooperation towards ensuring that adequate protection was accorded to TK and TCEs remained critical for the preservation of Indigenous identities and cultural heritage. It looked forward to

the continuation of negotiations on the safeguarding of rights of Indigenous Peoples and local communities, and the equitable sharing of benefits.

204. The Delegation of China expressed its thanks to the Secretariat for preparing the report on the IGC. The Special Session of the IGC in September 2023 was the last time when Member States had formally discussed the text before the GRATK Diplomatic Conference. That text then had become the Basic Proposal for an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, which paved the path for smooth convening of the GRATK Diplomatic Conference. The Delegation expressed its appreciation for the constructive attitude displayed by all parties during the IGC Special Session. That constructive spirit had been further extended to the GRATK Diplomatic Conference in May 2024. With the joint efforts of all parties, WIPO Member States finally agreed on the historic WIPO GRATK Treaty. That experience, as well as the cooperative spirit shown by all parties, needed to be cherished. According to the IGC's mandate approved by the 2023 WIPO General Assembly, the forty-eighth and fifty-first sessions of the IGC would take place from the end of 2024 to the first half of 2025. The Delegation would, as always, actively and constructively take part in the negotiations. It hoped that the IGC would maintain the momentum of the GRATK Diplomatic Conference and continue its efforts to promote the protection of TK and TCEs.

205. The Delegation of Thailand said that it aligned itself with the statement made by the Delegation of Iran (Islamic Republic of), on behalf of APG. It commended the hard work of the IGC in addressing the issues relating to TK, GRs and TCEs. It appreciated the recent milestone achieved with the adoption of the WIPO GRATK Treaty during the Diplomatic Conference in May 2024. It looked forward to taking stock of the progress made at the Diplomatic Conference during the forty-eighth session of the IGC in November. Looking ahead to the forty-ninth session of the IGC, the Delegation supported the IGC's focus on continuing discussions of the draft articles related to TCEs and TK. Those ongoing negotiations were crucial for finding comprehensive solutions that would help protect the rights of Indigenous Peoples and local communities and ensure the fair sharing of benefits. Moreover, under the mandate of the IGC, it particularly supported the focus on conducting and updating studies that covered national experiences and legislative examples. That approach would help identify best practices and gaps in the current protection mechanism for TK and TCEs. Additionally, the continuation of capacity building and technical assistance activities was crucial during the progress of the negotiation, especially for developing countries, and Indigenous and local communities. The Delegation was committed to actively participating in the future IGC sessions. It looked forward to constructive discussions and working with all Member States under the DA.

206. The Delegation of Uruguay said that it aligned itself with the statement made by the Delegation of Chile on behalf of GRULAC. It thanked the IGC Secretariat for the preparation of the report. The Delegation welcomed the recent adoption of the GRATK Treaty. Looking to the future, it was convinced that the issue of GRs and associated TK should not stop with the adoption of the Instrument. It was vital to continue to go further with discussions on those issues within the IGC, with a view to continuing to build consensus on the best way of promoting and protecting those resources. The Delegation believed that it was also vital to continue to develop effective discussion mechanisms to ensure that the benefits derived from the use of GRs and associated TK were shared in a fair and equitable way. The IGC's mandate should be renewed beyond 2025 and discussions on those key issues should be revitalized. The Delegation believed that dialogue and cooperation continued to be the best path of making significant strides forward on the issue of GRs and TK.

207. The Delegation of Mexico took note of document WO/GA/57/7 and said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC. It was thankful for all efforts made in the IGC Special Session and the Preparatory Committee for the Diplomatic Conference. The Delegation recalled that the work of the IGC was far from finished

and that was why it reiterated the importance of continuing efforts to seek mechanisms and measures to protect TK and TCEs of Indigenous Peoples in the framework of the IGC negotiations. The Delegation wished to move forward and ensure the effective participation of Indigenous Peoples in the drafting and negotiation of documents on the protection of TK and TCEs. It reiterated its commitment to find consensus and move the work of the IGC forward in the future sessions.

208. The Delegation of Trinidad and Tobago said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC, and recognized the historic nature of the outcome of the GRATK Diplomatic Conference. It was committed to working with other Contracting Parties to operationalize the GRATK Treaty. The Delegation anticipated future coordination from the Secretariat with respect to changes to the PCT and PLT regulations, the provision of legislative assistance such as the formulation of draft model provisions that would assist the respective drafters, and the establishment of information systems referred to in Article 6. The Delegation recommended to commence strengthening that system by looking at the Nagoya Protocol and having all the related pieces working together for the benefit of its local communities.

209. The Delegation of Botswana said that it aligned itself with the statement delivered by the Delegation of Kenya, on behalf of the African Group, and thanked the Secretariat for the preparation of the report on the IGC. It congratulated WIPO Member States for the successful GRATK Diplomatic Conference, which had adopted the GRATK Treaty. The Treaty demonstrated cooperation towards building an effective global IP system. That development was key for Botswana's IP ecosystem as it recognized the innovations that had sustained its people since the beginning of time. With WIPO's support, Botswana was implementing a project on traditional medicines, supporting the use of IP by a selected group of 25 traditional medicine practitioners in Botswana. The objective of the project was to train and mentor practitioners on branding, marketing, and commercialization strategies to boost the use of traditional medicine by modern consumers. The GRATK Treaty would allow TK holders and practitioners to contribute to and benefit from the IP system. The adoption of the GRATK Treaty was not the end in itself, but rather emphasized the need to demonstrate its tangible benefits to knowledge holders, research and development communities, and consumers. The Delegation urged the Secretariat to consider programs on technical assistance, capacity building, and related projects for Member States. It encouraged the IGC to progress its work on TK and TCEs towards a positive conclusion and thanked the IGC and the Secretariat for the many years of hard work which had led to the adoption of the GRATK Treaty.

210. The Delegation of South Africa expressed its gratitude for the successful GRATK Diplomatic Conference. The landmark GRATK Treaty illustrated the power of multilateralism and consensus. The outcome of the negotiations saw South Africa conceding in many areas of importance, including the inclusion of other IP domains in both the Preamble and the Objectives of the GRATK Treaty. It hoped that the same spirit would prevail in the future negotiations. The GRATK Treaty was a step towards promoting the efficacy, transparency, and quality of the patent system in relation to GRs and associated TK. It had supported the renewal of the IGC mandate for the 2024-2025 biennium as per the decision taken at the 2023 WIPO General Assembly. The IGC would expedite the remaining normative work on TK and TCEs. The Delegation reiterated the importance and urgency of bridging the gaps in the TK and TCEs draft texts to ensure that the texts could achieve consensus among WIPO Member States. However, it expressed great concern that after almost 23 years of deliberations in the IGC, there was still no agreement in sight for the TK and TCEs texts. That reflected poorly on Member States' commitment to a fair and equitable global IP system, which should be underpinned by a global innovation network where creativity and innovation were properly rewarded, and the fruits were fairly shared by all the peoples of the world. The Delegation believed that the two remaining texts were mature enough to be taken to a diplomatic conference. To that end, it urged WIPO Member States to continue negotiations with the same spirit of reaching consensus as

demonstrated during the GRATK Diplomatic Conference. The Delegation had consistently supported a normative policy approach based on the establishment of a disclosure regime at the IGC. It emphasized the importance of a mandatory disclosure requirement, stating that if enacted, it would end misappropriation, biopiracy, and unauthorized utilization of TK and TCEs. That would allow for fair and equitable sharing of benefits for Indigenous Peoples and local communities arising from the use of their TK and TCEs and would allow for the inclusivity of Indigenous Peoples in the IP system. The Delegation looked forward to robust negotiations during the forty-eighth and forty-ninth sessions of the IGC.

211. The Delegation of Iran (Islamic Republic of) said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG, and expressed its deep gratitude to the Director General and the Secretariat for their invaluable efforts in organizing the GRATK Diplomatic Conference. It extended special appreciation for the diligent work undertaken by the IGC and its Chairpersons over the 25 years of negotiations towards achieving the landmark GRATK Treaty. It viewed the GRATK Treaty as a pivotal first step for the IGC in establishing international norms and legislation for GRs and associated TK, which could serve as a basis for future treaties on TK and TCEs. The Delegation emphasized that continuing and finalizing negotiations on other documents within the IGC's agenda was of utmost importance. The GRATK Diplomatic Conference had highlighted the significant role played by many developing countries in the negotiations, underscoring the importance of the issues for many WIPO Member States, which could justify the IGC's permanent status. It reiterated that the IGC should evolve into a Standing Committee. The Delegation reaffirmed its commitment to continuing collaboration and participation in the negotiations.

212. The Delegation of Morocco thanked the Secretariat for the preparation of the report and for its leadership throughout the negotiations in the IGC. The Delegation welcomed the adoption of the historic GRATK Treaty, which was an important step forward towards a more balanced and effective IP system. It recognized the value of GRs and TK and had signed the Treaty. It reiterated its commitment to work with all stakeholders for its effective implementation. The Delegation emphasized that cooperation and dialogue were vital to rise to current challenges and take advantage of the opportunities linked to that new international legal framework.

213. The Delegation of Niger said that it associated itself with the statement delivered by the Delegation of Kenya, on behalf of the African Group, and thanked the Secretariat for preparing the report. It reiterated its satisfaction with the successful conclusion of the GRATK Diplomatic Conference. The collective success was the outcome of a joint effort and engagement after 25 years of negotiations. That was an exemplary demonstration of the power of multilateralism. It believed that discussions concerning TK and TCEs were also mature enough to envisage a diplomatic conference. The Delegation asserted that Member States could build on the momentum and use the collective experience to move forward with a subject that had been discussed for many years. It emphasized that, while those issues were being discussed, peoples and communities continued to be excluded from benefiting from their ancestral knowledge because it still had no international protection. The Delegation invited all stakeholders, Member States, and the Secretariat to be open-minded regarding the proposal of a diplomatic conference on TK and TCEs.

214. The Delegation of France said that it aligned itself with the statements delivered by the Delegation of the Kingdom of Netherlands, on behalf of Group B, and the Delegation of the European Union, on behalf of the European Union and its member states. The Delegation thanked the Secretariat for presenting the report and commended the Secretariat for the work that had led to the successful conclusion of the GRATK Treaty. It welcomed the balance that had been struck, thanks to all participants' commitment. Much work was still needed to arrive at acceptable texts on TK and TCEs before those issues would be ready for a diplomatic

conference. The Delegation looked forward to making an active contribution to the future work of the IGC.

215. The Delegation of Uganda thanked the Secretariat for the report on the IGC. It appreciated the milestones that led to the GRATK Diplomatic Conference which had concluded the negotiations and adopted the GRATK Treaty. The Delegation had engaged constructively during the GRATK Diplomatic Conference. The 2023 WIPO General Assembly had agreed to renew the mandate of the IGC for the 2024-2025 biennium. It believed that the mandate of the IGC for the 2024-2025 biennium would help in narrowing the existing gaps in the draft texts on TK and TCEs and possibly lead to another long-awaited diplomatic conference on those issues.

216. The Delegation of Sudan thanked the Secretariat for the preparation of the report on the IGC. The Delegation expressed its gratitude for all the efforts made for the conclusion of the GRATK Treaty and hoped that the negotiations would allow for the finalization of the pending issues. The Delegation supported the continued efforts by WIPO in that regard to preserve TK and TCEs, which were the heritage of Indigenous Peoples.

217. The Delegation of Cuba said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC, and recalled that WIPO Member States had achieved a historic breakthrough with the GRATK Treaty. It emphasized that it was the first WIPO Treaty to deal with the interface between IP, GRs and TK. Its effectiveness would depend on its swift implementation, which would lead to a more transparent and effective IP system. The Delegation believed it was important to continue the work of the IGC, given its interest in keeping alive the three pillars of the IGC: TK, TCEs and GRs.

218. The Delegation of Peru said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC. It commended the Secretariat for the work on the GRATK Diplomatic Conference. Peru was proud to have signed the GRATK Treaty on June 14, 2024, believing that it was a vital instrument in combating the misappropriation of resources and the ancestral knowledge of Indigenous Peoples. Peru had been carrying out necessary reforms and legal measures for the ratification, emphasizing that as a mega diverse and multicultural country, the GRATK Treaty represented an important step forward. The Delegation stressed that much work remained and underscored the need to continue discussions within the IGC, including those on GRs. The Delegation wished to build on the momentum created by the conclusion of the GRATK Treaty in addressing other pending issues such as TK and TCEs.

219. The Delegation of Bangladesh said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. It registered its sincere appreciation for the Secretariat's efforts in preparing for the GRATK Diplomatic Conference, which had successfully culminated in the adoption of the GRATK Treaty. The Delegation also thanked the Secretariat for preparing the report on the IGC. It firmly believed that the successful conclusion of the GRATK Treaty, after many years of negotiations, marked a notable leap forward in paving the way for introducing a disclosure requirement. It looked forward to the successful and expeditious operationalization of the GRATK Treaty and underscored the need for capacity building and technical assistance to developing countries and LDCs to advance the implementation process. Despite the successful conclusion of the GRATK Treaty, the Delegation highlighted that significant work lay ahead regarding the draft texts on the protection of TK and TCEs, which were vital for progressing towards the equitable sharing of benefits. It anticipated more substantive deliberations on those issues in the next IGC sessions.

220. The Representative of the Native American Rights Fund (NARF), speaking on behalf of NARF and the National Congress of American Indians, recalled that after over two decades of work within the IGC, Member States demonstrated that WIPO was a forum with the potential to achieve progress towards justice for Indigenous Peoples. However, much work remained. The

Representative urged WIPO Member States to build on the momentum from the recent GRATK Diplomatic Conference and conclude negotiations within the IGC on one or more legal instruments for the protection of Indigenous Peoples' TK and TCEs. The Representative urged Member States to accelerate the negotiations, while ensuring the full and effective participation of Indigenous Peoples -- to establish binding, enforceable legal protections consistent with Member States' commitments under the UN Declaration on the Rights of Indigenous Peoples.

221. The WIPO General Assembly took note of the "Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)" (document WO/GA/57/7).

(vi) The Committee on WIPO Standards (CWS)

222. Discussions were based on document [WO/GA/57/8](#).

223. The Secretariat presented the outcomes from the eleventh session of the Committee on WIPO Standards (CWS), held in December 2023, in a hybrid format. Firstly, the Secretariat noted that the CWS had discussed the following: development and implementation of WIPO Standards, policies and activities relating to IP data, information system and information services, and Offices' practices and plan on technical collaboration and support. The Secretariat indicated that the CWS reviewed its work program with 24 Tasks and agreed that 21 Tasks remain in the work program. In addition, the CWS approved revisions to three WIPO Standards: WIPO ST.26, ST.61 and ST.88. The Secretariat stated that the CWS Members also shared their strategies and policies on the Information Communication Technologies (ICT) and digital transformation. The CWS noted the progress report on the project of global identifier for natural persons and legal entities and considered the importance of this initiative. The Secretariat shared that the International Bureau planned to launch the second phase of the project soon. The CWS considered two proposals regarding IP data exchange framework and platform and announced that it would discuss a consolidated proposal at its twelfth session. The CWS discussed the development of common digital solutions for use by IP offices and noted several cooperative IT projects. The CWS also noted the report on activities of the International Bureau for the provision of technical advice and assistance for capacity building to IP offices undertaken during 2022. The Secretariat noted that the CWS would consider a final proposal for a set of recommendations on ICT and IP administration at its twelfth session. The Secretariat also noted that the Application Programming Interface (API) catalog for IP portal had been launched on July 3, 2024. The API catalog portal provided a single point of access to APIs by IP Offices. At the time of launch, around 170 APIs from seven IP offices were available in the catalog. Finally, the Secretariat announced that all IP offices would be invited to participate in the portal by providing links to their APIs.

224. The Delegation of the Russian Federation thanked the Secretariat for the report and for the work of the CWS. The Delegation noted the productive nature of that Committee and its Task Forces, in particular the work of the XML4IP Task Force. It highlighted the significance of the work in producing international standards which facilitated effective and coordinated work between IP offices when dealing with information and documents relating to IP. The Delegation underscored its role in leading the 3D and Blockchain Task Forces and committed to continuing to support efforts to implement cutting-edge technologies in the operations of IP offices. It made note of the increased interest in the use of 3D formats as well as blockchain technologies by IP offices, for example as part of the global identification project previously mentioned. The Delegation complimented the work of the Secretariat in improving the dissemination of IP information. The Delegation said that it was grateful to the International Bureau for its packet of services to support the transition of WIPO Standard ST.25 to ST.26, and was also supportive of the update to Part 6 of the WIPO Handbook. The Delegation hoped to see the continued constructive and fruitful discussions among Member States on a broad variety of technical issues, under the framework of the Committee.

225. The Delegation of Saudi Arabia said that it was grateful to the Secretariat for the preparation of the report as well as the Committee for its work and the development of WIPO Standards. The Delegation reported that it had implemented an IP data exchange platform which made use of the WIPO Standards, with the support of other Member States.

226. The Delegation of Japan conveyed its sincere thanks to the Secretariat for its contribution to the CWS work. In the previous session of the Committee, the Delegation proposed the establishment of a new Task Force responsible for developing a new WIPO standard on IP data exchange. The Delegation believed that securing access to global data, including IP data exchange, would generate innovation and support future development in countries and across the world. The Delegation was committed to continuing with its active engagement in the Committee.

227. The Delegation of China said that it was grateful to the Secretariat for the report, and for its efforts in the development and promotion of WIPO Standards. The Delegation was committed to actively participate in WIPO Standards related work.

228. The Delegation of the Republic of Korea stated that it was grateful to the Secretariat for preparing the report. The Delegation noted the importance of preparing global standards in light of the different circumstances of Member States and appreciated the efforts of the Committee in that regard. Regarding the global identifier project, the Delegation already had an applicant code system in place but looked forward to streamlining the administration with the new global identifier.

229. The Delegation of India thanked the Secretariat for the report, took note of the revisions to WIPO Standards ST.26, ST.61 and ST.88 and supported the further study into improving copyright metadata in WIPO Standard ST.96. The Delegation complimented the Secretariat for the provision of technical assistance to Member States including the training of IP institutions on WIPO Standards. The Delegation said that it was committed to contributing positively to the work of the Committee and would actively engage in future discussions at the next sessions.

230. The WIPO General Assembly took note of the "Report on the Committee on WIPO Standards" (document WO/GA/57/8).

(vii) The Advisory Committee on Enforcement (ACE)

231. Discussions were based on document [WO/GA/57/9](#).

232. The Secretariat introduced document WO/GA/57/9, reporting on the work of the sixteenth session of the Advisory Committee on Enforcement (ACE or Committee) that was chaired by Ms. Amanda Lothering (South Africa), and which was held from January 31 to February 2, 2024. Member States and Observers had exchanged information and experiences through 30 expert presentations, three panel discussions and two Secretariat presentations. The Secretariat reported on its recent activities in the field of IP enforcement and respect for IP. The Secretariat drew attention to the Committee's decision to recommend to the WIPO General Assembly to repeal the special rule of procedure of the ACE as set out in paragraphs 6 and 8 of document WIPO/ACE/16/18, which was reproduced in the document under consideration. The Secretariat explained that, if the WIPO General Assembly accepted the recommendation and repealed the special rule of procedure of the ACE, Rule 9 of the General Rules of Procedure of WIPO would apply, with the practical consequence that ACE officers would hold office for one ACE session, including the time leading up to that session, regardless of the duration between sessions. Finally, the document provided information on the agreement by the Committee to continue at its seventeenth session with the current work program.

233. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for the Report on the Advisory Committee on Enforcement as contained

in document WO/GA/57/9. The Report gave an overview of the 35 expert, panel and Secretariat presentations, during which national experiences related to the work program had been shared. Group B expressed its continued commitment to the ACE and was looking forward to further shaping the work program for the following year's session on topics that would be consistent with the Committee's mandate. The Group could not stress enough the importance of the enforcement of IPRs, which helped to ensure that creators and innovators were incentivized to create and innovate, by enabling their holders to obtain protection and financial benefits for their invention or creation. However, without appropriate and proportionate enforcement mechanisms, IPRs could not fulfil their objectives. Group B was of the view that enforcement was not only important for right holders, but also for consumers and the economy at all stages of development, adding that it remained crucial for the well-functioning of the global IP system.

234. The Delegation of Saudi Arabia thanked the Secretariat for the preparation of the report and for the efforts and work of the ACE. In that regard, the Delegation drew the WIPO General Assembly's attention to the importance of strengthening enforcement efforts as well as IPRs. The Delegation reported that its national authority actively participated in that work in order to fully enjoy the enforcement of IPRs and made sure that they were respected in the Kingdom. That was achieved in coordination with international authorities, partners and all stakeholders, including the private sector and rights holders.

235. The Republic of Moldova, speaking on behalf of the CEBS Group, extended its thanks to the Chair and Vice-Chairs of the ACE, for their efforts, commitment and leadership, including Ms. Borana Ajazi (Albania). The CEBS Group equally thanked the Secretariat for preparing the relevant documents and for its dedication to the work of the Committee. The CEBS Group welcomed the discussion on best practices and experiences shared by Member States, international organizations and stakeholders on topics related to building respect for IP among the public, especially for the youth; institutional arrangements concerning IP enforcement policies and regimes, including mechanisms to resolve IP disputes; challenges and solutions for SMEs in IP enforcement; addressing online IP infringement; and AI and IP enforcement. Considering the comments made by delegations on the future work of the Committee, the CEBS Group looked forward to receiving a proposal and considering all views during the first consultation meeting in preparation for the seventeenth session.

236. The Delegation of Serbia thanked the Secretariat for the report presented, all Chairs and Vice-Chairs of the ACE for their hard work, as well as the Secretariat for the excellent documents that had been prepared for that meeting. The Delegation associated itself with the statement delivered by the Delegation of the Republic of Moldova on behalf of the CEBS Group. The Delegation wished to say a few words about the recent Serbian experience in the area of IP enforcement. In the course of 2024, Serbia had conducted a few promotional campaigns aimed at raising awareness of the dangers of counterfeit products. A further promotional campaign was conducted for Valentine's Day, on the dangers of selling counterfeit products online. A campaign against piracy and counterfeiting in sports had also been conducted, covering issues from the illegal broadcast of sports events to the purchase of counterfeit sports goods. The Delegation reported that in April 2024 the market inspection authority had conducted a large-scale seizure of counterfeit goods, resulting in a large number of confectionery products and household chemical products being seized. In the area of capacity building, a special unit within the IP Office of Serbia had been established, with exclusive competence for enforcement issues. A coordination body for efficient IP protection had been established by the Government of Serbia, with a mandate to monitor trends in counterfeiting and piracy, to collect relevant data, and to propose action in that regard to the Government. The Delegation highly appreciated the activities of the Committee, and that it regularly followed its work and was fully committed to its goals. The Delegation was of the view that the exchange of the best practices within that forum, as well as expert studies that deal with counterfeiting and piracy, represented an excellent guide for every IP professional, wherever he or she lived. The Delegation noted that some of the



studies were not just ordinary legal writings. They also contained sociological and psychological research that dealt with human nature: “Why do we consciously buy counterfeit goods?”; “Why are we indifferent in respect of copyright piracy?”; and “How does an average person see and understand IPRs?” The Delegation observed that the answers to such questions painted the broader picture and helped to understand the morality and logic behind the issues, as well as the strength and weaknesses of the IP system. All that was necessary for the development of a fair, meaningful, balanced and productive review of IPRs. The Delegation recalled a line from a court judgment from the beginning of the 20<sup>th</sup> century, which it considered should always be kept in mind “If it is worth copying, it is worth protecting.”

237. The Delegation of Brazil thanked the Secretariat for the report on the work of the Committee and the Assistant Director General for presenting the report. The Delegation recalled that at the sixteenth session of the ACE, GRULAC had proposed that biopiracy was included as a topic on the agenda of the next session of the ACE to be held in 2025. The Delegation reiterated Brazil's commitment to combating IP piracy in all its forms and in all variations of that crime. It stated that, like any form of piracy, patent and trademark piracy also harmed rights holders, and reduced incentives for partnerships that could lead to innovations. The Delegation considered that biopiracy was more serious than piracy that was carried out against individual rights holders who maintained the right to their assets even after counterfeiting, as it took away from communities, whether the general public in the case of natural biological resources or traditional communities when it comes to GRs derived from their knowledge and the right to use techniques and names that had always been under their control. The Delegation was of the view that, as in the case of piracy against copyright and other assets, the fight against biopiracy could only be effective with adequate measures taken by each Member State to maintain enforcement policies against that type of misappropriation. That was the reason why the Delegation of Brazil reiterated GRULAC's call to include the dimension of combating biopiracy on the agenda of the ACE, and believed that, without that, the Committee's mandate would be out of sync with the comprehensive treatment of IP and the IP regime. The Delegation hoped that it could count on the support of other Groups when that issue would be addressed during the consultations in preparation for the seventeenth session of the ACE, as had been agreed by the Committee and reported in document WO/GA/57/9.

238. The Delegation of the United Kingdom thanked the Secretariat for preparing document WO/GA/57/9 and took note of the work highlighted in the report. It also thanked WIPO for its efforts and success in organizing the sixteenth session of the Committee. The Delegation stated that addressing IP crime was a top priority for the Intellectual Property Office of the United Kingdom (IPO) and that it was working hard to implement its counter-infringement strategy. At the last ACE session, it was delighted to present its tick box project, a partnership among government agencies, the self-storage industry and others, aimed at preventing the use of self-storage facilities for storing IP infringing goods. It noted that, looking ahead, collaboration, particularly in a multilateral setting, remained a key focus of its efforts. The Delegation was particularly pleased that its Head of IP Enforcement Policy had been elected to chair the ACE in 2025, and it looked forward to a productive discussion. The Delegation firmly believed that ACE was a valuable forum for sharing ideas and discussing best practices in the mission to reduce piracy and counterfeiting, to counter their harmful impacts on economies and communities around the world.

239. The Delegation of Spain thanked the Secretariat for preparing the document and sessions of the Committee, as well as Member States for their participation. The Delegation was convinced that the Committee was an international forum that could deal with the different challenges relating to the enforcement of IP. It noted that there was constructive dialogue in the Committee between different stakeholder sectors, as well as identification of innovative solutions. The Delegation believed that the challenges needed to be looked at holistically and in line with Recommendation 45 of the WIPO DA. It viewed the different exchanges regarding awareness raising, measures to combat infringement, and support offered to SMEs very

positively. The Delegation underscored the discussion on the use of AI in IP enforcement that had taken place that year, as well as the emphasis placed on incorporating the sustainability angle into the Committee's work. It reiterated its commitment to actively take part in that Committee, and to contribute to the discussions that would take place.

240. The Delegation of Iran (Islamic Republic of), speaking in its national capacity, thanked the Secretariat for the preparation of the report contained in document WO/GA/57/9. The Delegation attached great importance to the work of the Committee, as it provided a valuable platform for Member States to share their successful experiences and best practices in relation to awareness raising, capacity building and legislative existence. It expressed its shared commitment to improving the enforcement of IP and fostering respect for IPRs in a balanced manner, as a guiding principle for the protection and enforcement of those rights. The Delegation considered that an effective enforcement system should enable the legitimate protection of IPRs without restricting the dissemination of knowledge, and concurred with the understanding that one of the main purposes of the enforcement of IP rights was to promote the transfer and dissemination of technological innovation, to the mutual advantage of producers and users of technological knowledge, and in a manner conducive to social and economic welfare, and to a balance of rights and obligations, as enshrined in Article 7 of the TRIPS Agreement. Finally, the Delegation was of the view that the technical assistance provided by WIPO on IP enforcement should constantly be in accordance with the spirit of the DA Recommendations, which called upon WIPO to address IP enforcement in the context of broader societal interests, and especially development-oriented concerns. The Delegation expressed its continuous commitment to further engagement with other Member States to move those discussions forward in the next session of the ACE.

241. The Delegation of Trinidad and Tobago thanked the Secretariat for the report contained in document WO/GA/57/9 and for its tireless efforts to date. It also extended its sincere gratitude to the Building Respect for IP Division (BRIP Division) for its continued support in empowering Trinidad and Tobago to strengthen its capability to enforce IPRs and to promote IP awareness. With respect to the exchange of information and national experiences, the Delegation was pleased to indicate that the WIPO IP enforcement manual, entitled "Investigating and Prosecuting IP Crime in Trinidad and Tobago", and the Building Respect for IP Division's study on Copyright Infringement and the Availability of Licensed Audiovisual Content in the English-speaking Caribbean, helped to inform the work of its Anti Illicit Trade Task Force (AITTF). With respect to future work, the Delegation applauded the BRIP Division for beginning the development of the seeds of an IPAS Customs Recordation and Information System (CRIS), which would benefit countries globally. It was also pleased to indicate that the Anticounterfeiting and Piracy Charter that had been drafted with the technical assistance of WIPO had been circulated to members of the AITTF and to the private sector and Chamber of Commerce. The Delegation looked forward to the continuing exchange of success stories and strategies employed by Member States in the enforcement of IPRs and, of course, to the link between that work and the DA Recommendations. Finally, the Delegation commended the work of the Committee in furthering the IP ecosystems in the Caribbean region and across the world.

242. The Delegation of the United States of America supported the statement delivered by the Delegation of the Kingdom of the Netherlands on behalf of Group B and thanked the Secretariat for the report and for organizing a productive meeting of the sixteenth session of the ACE earlier that year. It reported that experts from its enforcement agencies, such as the Department of Justice and Customs and Border Protection, had found the discussion interesting and useful. The Delegation highlighted that the current work program had resulted in productive and highly informative agendas throughout the years. As a result, Member States had been able to successfully engage in useful technical discussions focused on IP enforcement. The Delegation looked forward to constructively engage in, and further shape, the work program for the following session.

243. The Delegation of Ukraine said that it aligned itself with the statement made by the Delegation of the Republic of Moldova on behalf of the CEBS Group. It thanked the Secretariat for the preparation of an advanced report on the ACE and underlined the importance of the Committee's work towards consolidating efforts to combat counterfeiting and piracy, the development of national and regional training programs, and sharing experiences and best practices in providing appropriate institutional arrangements for IPR policies in a balanced and effective manner. The Delegation welcomed the discussion and exchange of national strategies and experiences on effective ways to combat counterfeiting, in response to current challenges such as the digital transformation, AI, the Metaverse, digital piracy etc. With that in mind, the National Intellectual Property Authority State Organization Ukrainian National Office for Intellectual Property and Innovations (UANIPPIO), within the framework of the IP Mediation Center, had developed a comprehensive digitalization strategy aimed at integrating modern technologies and digital tools, including the creation of an online platform similar to the WIPO e-ADR platform for the automation of the alternative dispute resolution (ADR) process. The Delegation firmly believed that the use of this mechanism would significantly improve the effectiveness of ADR, which was largely confirmed by WIPO's experience. The Delegation further reported that, as part of the adoption of the European Union's best practices, the IPR Monitoring Center had been established within UANIPPIO, to serve as a specialized platform to bring together a wide range of stakeholders, experts, government, law enforcement and custom authorities, businesses and non-governmental organizations (NGOs). The Center's work focused on the exchange of experience, training of law enforcement and custom authorities, working in expert groups for analyzing legislation and court practice. On the topic of awareness raising and research activities, the Delegation shared the example of the recent report on statistics of the investigation and determination of IP cases for 2019-2023, which provided valuable insights into the judicial system's activities and IP demands, as well as changes and trends in the enforcement of IPRs. In conclusion, the Delegation thanked the Secretariat and all WIPO Member States who were continuously promoting cooperation and exchange of experiences of IP enforcement, and it looked forward to further discussions at future ACE sessions.

244. The Delegation of India expressed its appreciation to the Committee and for its work during its last session and extended its congratulations to the newly elected Chair and Vice-Chairs of the Committee. The Delegation recognized the importance of building awareness of IP and noted that India had demonstrated strong commitment to expanding its outreach efforts. The Delegation reported that, through the National IP Awareness Mission (NIPAM), awareness of IP had been disseminated across more than 7,000 educational institutions. Over the past two years, the NIPAM mission had successfully imparted basic IPR awareness training to over 2 million students across India. Further, in 2023, India had launched a series of public discussions *via* video conferencing aimed at fostering respect for IP. This initiative had enabled stakeholders to actively participate in discussions, thereby enhancing engagement and understanding of IP issues. The Delegation further noted that the TISC program offered high-quality technology information and services to innovators. The Cell for IPR Promotion & Management (CIPAM) of the Department for Promotion of Industry and Internal Trade, as a nodal point, had established multiple TISCs and organized online sessions on IP commercialization to support university students and young entrepreneurs, and IP awareness initiatives coordinated by CIPAM had successfully reached over two million students across 4,600 academic institutions, conducting extensive sessions on IP commercialization. Additionally, CIPAM was collaborating with micro, small and medium enterprises (MSMEs), law enforcement agencies and international counterparts to enhance IPR enforcement and promote global best practices through various training programs and webinars. The Delegation reported that, to bolster IP enforcement, India had instituted extensive training and capacity building programs. Recently, the National Law University, Delhi had introduced a Master's program in Intellectual Property Law and Management, developed in collaboration with WIPO and the Office of the Controller General of Patents, Designs and Trade Marks of India, under the WIPO India Action Plan 2023. That advanced legal education program aimed to cultivate a new

generation of legal experts with specialized knowledge in IPR, thereby strengthening the overall capacity of the legal system to handle complex IP issues. In closing, the Delegation remarked that India had established effective mechanisms to ensure the enforcement of IPRs, and specialized IP benches in the High Court had been instituted to provide a robust judicial framework for resolving IP-related issues.

245. The Delegation of Uganda expressed its appreciation for the report of the ACE as contained in document WO/GA/57/9. Uganda was honored to have been elected as Vice-Chair of the Committee and had also had the opportunity to share experiences on coordinating IP enforcement under item B of the work program. The Delegation reported that collaboration continued between the national IP office, namely the Uganda Registration Services Bureau (URSB), and other key government agencies such as the Uganda Police on Enforcement Actions, the Uganda Communications Commission with respect to online infringement, the Customs Department of the Uganda Revenue Authority for cross-border measures, and the Uganda National Bureau of Standards for surveillance of IP-infringing goods. The Delegation noted that, by leveraging on the infrastructure and resources of those and other government agencies, Uganda had been able to give effect to those who protect IP in Uganda. Finally, the Delegation supported the proposal by GRULAC with respect to future work by including the topic of biopiracy in discussions of the coming session of the ACE.

246. The Delegation of Japan said that it aligned itself with the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B. It also expressed its appreciation to the Secretariat for its efforts for the ACE, as well as for preparing document WO/GA/57/9. The Delegation stated that the promotion of education and awareness of respect for IP and the establishment and implementation of an appropriate IP enforcement system was important not only to protect the legitimate interests of IPRs holders, but also to protect consumers from health and safety risks caused by substandard counterfeit products. To date, the ACE had served as a forum for exchanging information and strengthening cooperation among Member States on such critical issues. The Delegation stated that the JPO supported the ACE's activities in accordance with its current mandate as adopted by the 28<sup>th</sup> session of the WIPO General Assembly and expressed its wish to continue to contribute to the development of the human resources of government offices in other countries in that area.

247. The Delegation of the Republic of Korea recognized the important role of IP enforcement in the global IP ecosystem and warmly welcomed the initiative of the ACE to study IP enforcement cases. The Delegation reported that the Korea Intellectual Property Office (KIPO), as one of the government agencies in charge of IP enforcement, had expanded the investigative scope of its special judicial police to cover all aspects of trade secret infringement and strengthened penalties for IP infringement. The Republic of Korea was also in the process of introducing a system for evidence collection that was suitable to its domestic situation. Finally, the Delegation appreciated WIPO's efforts in building the IP enforcement systems and raising awareness and would continue to work with WIPO to promote IP awareness around the world.

248. The Delegation of South Africa thanked the Secretariat for preparing the documents and congratulated the newly elected Chair and the Vice-Chairs of the Committee. The Delegation stated that since 2006, South Africa had been an active member of the ACE, sharing its experiences on enforcement work happening within the country. The Delegation recalled that in January 2024, South Africa, serving as Vice-Chair of the 2023 ACE, chaired the 2024 meeting. During that meeting, South Africa presented a paper on an innovative green solution for dealing with confiscated counterfeited goods. The solution emphasized upcycling and recycling, particularly of clothing items. The Delegation was optimistic about the exceptional results that that initiative would yield, including the growth of SMEs and the creation of new job opportunities. Additionally, the Delegation was honored that South Africa had been chosen to participate in a study on digital piracy on the African continent and believed that the opportunity

would enable further understanding and development of effective strategies to combat digital piracy. The Delegation looked forward to continued collaboration and to the positive outcomes those initiatives would bring.

249. The Secretariat thanked all delegations for their very useful comments and observations, and particularly those who had shared their national experiences in building respect for IP. The Secretariat appreciated all the information. The Secretariat acknowledged that there had been a couple of requests relating to the inclusion of additional items on the next ACE agenda and confirmed that it would hold consultations with Group Coordinators and Member States in the following months, with the view to agreeing on specific agenda items that would be on the next ACE agenda. Finally, the Secretariat stated that all the interventions would be taken into account.

250. The WIPO General Assembly:

- (i) took note of the “Report on the Advisory Committee on Enforcement (ACE)” (document WO/GA/57/9); and
- (ii) repealed the special rule of procedure, as recommended by the ACE, as set out in paragraphs 6 and 8 of document WIPO/ACE/16/18 (reproduced in the Annex).”

#### ITEM 14 OF THE CONSOLIDATED AGENDA

##### WIPO ARBITRATION AND MEDIATION CENTER, INCLUDING DOMAIN NAMES

251. Discussions were based on document [WO/GA/57/10](#).

252. The Secretariat introduced Agenda Item 14 on the WIPO Arbitration and Mediation Center (Center), Including Domain Names. The Secretariat noted that the document provided an update on the Center’s activities as an international resource for time- and cost-efficient alternatives to court litigation of IP disputes. The Secretariat affirmed that the Center administered cases and provided legal and organizational expertise in alternative dispute resolution (ADR), including domain name disputes. Where requested, that included assistance to Member States’ IP Offices in their establishment of optional ADR frameworks. The Secretariat added that the Center continued to experience record growth in mediation and arbitration cases, including cases co-administered with Member State Copyright authorities. In 2023, the Center experienced a 24 per cent increase in its mediation and arbitration caseload compared to 2022, the majority were conducted online. The Center also administered cases concerning Standard Essential Patents (SEPs), including complex international disputes. As part of WIPO’s COVID-19 initiative, the Center administered international mediations and arbitrations, including certain disputes regarding vaccines and other pharmaceutical products. Among other focus areas, the Center offered services and held training activities tailored to the specific needs of SMEs. Since the previous Assemblies, the Center entered into new ADR collaborations with IP Offices and judicial authorities in 12 Member States. The Secretariat noted that the document also provided an update on the domain name-related activities of WIPO. It covered the Center’s administration of domain name disputes, especially under the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP), including dispute resolution support to country code Top-Level Domains. Furthermore, it covered policy developments, including the planned 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 6,192 cases, 2023 was another record year in WIPO domain name case filings. To further streamline processing efficiency, the Center introduced an optional

eFiling facility appreciated by its users. WIPO domain name dispute resolution now involved parties from a total of 185 countries and had covered almost 130,000 domain names. With the addition since the last Assemblies of the national domain of Gabon, the Center provided services for over 80 country code Top-Level Domains. The Center organized a side event on that topic during the Assemblies, which was well attended by both Member States and observers.

253. The Delegation of India recognized the critical role of the Center in offering an effective mechanism for parties to resolve their domestic and cross-border commercial IP disputes through ADR. The Delegation stated that the Center played a pivotal role as an international resource for time- and cost-effective alternatives to court litigation of IP disputes and commended the Center's initiatives to streamline the administration of ADR proceedings. The Delegation acknowledged the Center's substantial contributions to dispute resolution in the field of life sciences, green technology, and sustainability. The Delegation noted that the Center endeavored to facilitate expeditious and efficacious resolution of disputes within the digital milieu, upholding the integrity of online content sharing platforms, and safeguarding the rights of both content creators and users. The Delegation acknowledged the effectiveness of domain name dispute resolution procedures in the context of increasing abusive registrations and other forms of fraud impacting e-commerce, adding that ADR served as a cost-effective and expedient mechanism for resolving disputes without sole reliance on the judicial system. The Delegation affirmed that future collaborations with Member States regarding ADR options available to litigants would enhance awareness among stakeholders and contribute to the resolution of an increasing number of IP disputes globally.

254. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, attached great importance to WIPO's ADR services, as they constitute time- and cost-efficient alternatives to court litigation of IP disputes. Group B noted with satisfaction the 24 per cent increase in the Center's mediation and arbitration caseload in 2023, and the 280 per cent increase in the past five years, which illustrated the key and effective role played by the Center, and the realization by users of the benefits of ADR to address IP disputes. Group B was pleased to note that the Center entered into 12 new collaborations with Member States' IP Offices and judicial authorities since the 2023 Assemblies. Group B also noted the Center's good performance in other areas, in particular, the constantly growing number of users of domain name dispute resolution services under the UDRP. Group B particularly supported the development of tailored Center services to facilitate contract negotiations and management of disputes in long term life sciences collaborations and in SEP disputes, thus delivering additional assurance on top of the confidence provided by the IP system in such collaborative partnerships. Group B stated that the growing number of cases administered by the Center demonstrated the constructive role that IPRs could play in facilitating partnerships and voluntary technology transfers and thanked the Center for its efforts in that regard.

255. The Delegation of Spain supported the statement made by the Delegation of the Kingdom of the Netherlands on behalf of Group B and underscored the important role played by the Center and reaffirmed its commitment. The Delegation stated that having an ADR system was key to ensure better protection of industrial property and IPRs and, that data provided by the Center demonstrated the positive impact of ADR for society. The Delegation appreciated the Center's focus on SMEs that represented more than 95 per cent of all trade in Spain.

256. The Delegation of Ukraine underlined the importance of the Center and the positive impact of its activities on the global IP community and national economies, adding that it served as an example of high-quality IP enforcement services and as a Center of competence and cooperation. The Delegation noted the growing interest in the use of ADR in Ukraine, as a fast, reliable, and affordable way to protect IPRs. In response to that interest, the Delegation continued to develop the IP Mediation Centre at the Ukrainian IP Office under the umbrella of the WIPO-Ukraine MoU on ADR, using best practices and guidelines developed by WIPO. The

IP Mediation Centre provided IP mediation services, including organization of training events and technical support, and already worked with nine top IP and business mediators. The IP Mediation Centre also organized educational activities aimed at uniting the professional community and consolidating efforts of partners to develop IP mediation. So far, the IP Mediation Centre had organized 12 educational events. Ukraine also established the IP Mediation Centre Discussion Club to bring together the professional community and discuss current issues and challenges of IP mediation in Ukraine. The Discussion Club currently included 40 leading mediators, attorneys, lawyers and patent attorneys of Ukraine. The Delegation emphasized the importance of WIPO's assistance to develop effective and tailored national laws and enforcement practices and expressed interest in pursuing close cooperation with the Center.

257. The Delegation of Uganda commended WIPO for the growth in the use of Center services. The Delegation indicated that the Center's ADR services importantly contributed to the resolution of commercial disputes, thereby relieving courts of the burden of those disputes. The Delegation highlighted that it had initiated cooperation with the Center through an MoU, under which the parties would notably cooperate on capacity building for the relevant judicial and quasi-judicial bodies. The Delegation looked forward to enhancing its partnership with the Center to fully take advantage of the Center's resources and expertise in supporting commercial dispute resolution in Uganda.

258. The Secretariat was pleased to note the positive comments shared by the delegations and took note of certain elements of the direction expressed.

259. The WIPO General Assembly took note of the document "WIPO Arbitration and Mediation Center, Including Domain Names" (document WO/GA/57/10).

## ITEM 17 OF THE CONSOLIDATED AGENDA

### REPORT ON THE OUTCOME OF THE DIPLOMATIC CONFERENCE TO CONCLUDE AN INTERNATIONAL LEGAL INSTRUMENT RELATING TO INTELLECTUAL PROPERTY, GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES

260. Discussions were based on document [WO/GA/57/11](#).

261. The Secretariat stated that the 2022 WIPO General Assembly had decided to convene, no later than in 2024, a GRATK Diplomatic Conference. Following the preparations carried out by the Preparatory Committee and WIPO, the GRATK Diplomatic Conference had been convened by WIPO and held in Geneva, from May 13 to 24, 2024. On May 24, 2024, the GRATK Diplomatic Conference had adopted by consensus GRATK Treaty, and had adopted a Final Act, which had been signed by 141 delegations. Document WO/GA/57/11 reported on the GRATK Diplomatic Conference. In accordance with Article 16 of the GRATK Treaty, the GRATK Treaty should remain open for signature at the headquarters of WIPO for one year after its adoption, that is, until May 23, 2025. An opportunity for additional Member States of WIPO to sign the Treaty was available during the 2024 WIPO Assemblies. As of May 28, 2024, 31 States had signed the GRATK Treaty. An additional five States had signed since then. Therefore, 36 States had signed the GRATK Treaty as of July 16, 2024.

262. The President of the GRATK Diplomatic Conference, Ambassador Guilherme de Aguiar Patriota (Brazil) stated that the WIPO GRATK Treaty embodied the spirit of consensus building, legitimacy and inclusiveness. It represented more than two decades of negotiations and was the collective effort of 192 countries to craft a workable legal intersection between GRs, TK and the global patent system. As a staunch advocate for the protection of GRs and associated TK,

the GRATK Treaty was recognized as a breakthrough result which symbolized the shared commitment of all Member States to ethical considerations, transparency and international cooperation. The GRATK Treaty mandated the disclosure of origin of GRs and TK in patent applications, with the aim of preventing the granting of erroneous patents, ensuring that Indigenous Peoples and local communities received rightful and due recognition, and enabling them to reap the benefits of their contributions to innovations. The President highlighted three key factors underlining the successful negotiation of the GRATK Treaty. The first one was consensus-building. The path to the GRATK Treaty underscored the power of dialogue and negotiation. Despite historical divisions, all Member States had bridged gaps between biodiversity-rich and technology-rich nations and, to a great extent, between developing and developed countries. The global south converged voices together with those of other countries that also included Indigenous Peoples as well as local and traditional communities and that had been instrumental in shaping the final text, particularly regarding the trigger of disclosure requirement, the sanctions, and the review process. The consensus was a testament to the collective will to address global challenges through cooperative frameworks. The second element he wished to highlight was the legitimacy of the GRATK Treaty. Its adoption by consensus reaffirmed the legitimacy of multilateralism in addressing complex global issues. It reflected the mutual recognition of the intrinsic value of GRs and TK and the shared responsibility to protect them. The GRATK Treaty aligned with other international agreements, ensuring a coherent and supportive legal framework that respected national sovereignty while promoting global standards. The third element was inclusiveness. The success of the GRATK Treaty hinged on inclusivity. It was crucial to involve all stakeholders including Indigenous Peoples and local communities, NGOs, intergovernmental organizations (IGOs), and industry representatives. Such inclusivity ensured that the benefits of GRs and TK were equitably shared under an appropriate regime, and that the knowledge holders were duly recognized and became active participants in the global innovation ecosystem. The President, speaking on behalf of the Delegation of Brazil, wished to reaffirm its full commitment to the principles and objectives of the WIPO GRATK Treaty. It stood ready to work with all Member States to ensure its successful implementation, fostering an environment of mutual respect, transparency and cooperation. Everyone should seize the opportunity for a future where innovation and biodiversity conservation went hand in hand. As the President of the GRATK Diplomatic Conference, he wished to highlight, on a personal note, that it had been his honor to be in a position to make such a contribution to the IP system, to WIPO, to the international community, and to multilateralism. He believed that everyone deserved a round of applause because it had been a collective endeavor. He had been particularly grateful to see the Group Coordinators bringing forward the essence and concerns and the flexibility from their respective groups in a manner that had produced a wonderful outcome - clearly a breakthrough in terms of Geneva treaty-making. The timeframe had been quite short and challenging, in particular in a period in history where treaties were hard to come by. He believed that WIPO and its membership deserved all the recognition, because it had been capable of overcoming difficult positions and achieving a consensus, which was very positive. He thanked WIPO Member States, WIPO leadership, and the great team that had helped that outcome to come through.

263. The Director General stated that it had not seemed long ago since the early hours of the morning of May 24, 2024, when the WIPO Conference Hall had been full of people applauding as the President of the GRATK Diplomatic Conference had announced the successful conclusion of 25 years of negotiations. The Director General thought that it had been a touching moment to be able to usher in the new 27<sup>th</sup> Treaty of WIPO, which was historic for several reasons. First, it was quite extraordinary that an IP treaty dealt with GRs and TK, because for a long time the two worlds were far apart. He praised the work of WIPO, WIPO Member States and everyone involved, who had simultaneously showed pro--innovation and pro--inclusivity. It was extraordinary, and reinforced the sense that WIPO was looking to calibrate the IP system so that it served and supported all. Those who had been skeptical had been won over by the fact that a global balanced and effective IP system could not be built or exist if substantial stakeholders felt excluded from it. Therefore, the achievement was not just



about the treaty text or the negotiations, but also its symbolic significance. It had sent a strong signal that the old stereotypes about IP could be rethought, rejigged, reformed, and evolve in a way that was more inclusive. For him, that had been quite an extraordinary achievement. Another aftermath had been that many had felt that the achievement had been uplifting for multilateralism in general, beyond WIPO. It had been difficult to find consensus in Geneva for various reasons. Therefore, to find a process where everyone could agree by consensus on a difficult topic, which had been emotionally wrought and had taken 25 years to arrive at the decision to convene the GRATK Diplomatic Conference, had been a testament to the power of multilateralism. He recalled some images that would never leave him. In the second week of the negotiations, the Director General had seen a piece of text on a table and around 30 or 40 negotiators huddled over the piece of text. North, south, east, west, jackets off, sleeves rolled up, those negotiators had been trying to solve a difficult textual problem. It had not seemed that they had thought of themselves as Member States. They had just wanted to come together as a collective community to try and address the problems, find a way through and thread the needle. That had been an amazing affirmation of multilateralism, and showed that, when coming together, something extraordinary could be achieved. The Director General recalled the two-year journey, starting with the decision in 2022 that involved many countries, and the regional meetings in Uruguay, Indonesia and Algeria and cross-regional meetings in China and Namibia, where an open and frank spirit had been created that helped the process. He also highlighted inclusivity. It had been special to see that the Indigenous Caucus had been actively involved, which was uncommon in such processes. All these elements had helped to build an atmosphere of trust that had allowed negotiators to put aside whether they came from the East, West, North or South to just try and solve problems. He thanked the Group Coordinators, with whom it had been magnificent to work. Despite the amount of stress and exhaustion due to lack of sleep, they had had the creativity and the perseverance to push through. He also thanked the President and the Steering Committee. The President had been magisterial in the leadership, intervening at critical moments in the negotiations, supporting the Presidents of Main Committees I and II to find the right breakthroughs, and speaking from his heart about his journey at WIPO. Ambassador Patriota had encouraged many to move beyond the positions held to find new spaces where everyone could come together as one community. The Director General thanked all Member States, some of whom had come into the negotiations expecting the worst and hoping for the best. As it had turned out, what had been quite difficult had been achieved. He applauded all of their efforts to try to find the right compromises and the right solutions, which had led to the new GRATK Treaty. Regarding any questions as to what WIPO was doing next, Mr. Kwakwa, Assistant Director General, Global Challenges and Partnerships Sector, Mr. Wendland, Director, Traditional Knowledge Division and Ms. Fei Jiao, Program Officer, Traditional Knowledge Division could answer them as they were starting work on the next chapter of WIPO's work in that area. In conclusion, the Secretariat had been very grateful that, together with all Member States, WIPO had made and witnessed history, which had been a big inspiration to the way WIPO would work. The Director General had previously discussed the idea of bringing IP to the grassroots, but noted that, sometimes, IP needed to be addressed and engaged at the global strategic level through international norms and standards that were a part and parcel of any UN agency. He hoped that the GRATK Treaty would reinforce and complement the work WIPO was doing on the ground, and then together, both in the sky and on the ground, the IP system could evolve.

264. The Delegation of Saudi Arabia thanked the Secretariat for preparing document WO/GA/57/11. It commended the successful conclusion of the GRATK Diplomatic Conference in May 2024, the result of which was the GRATK Treaty. That would have been impossible without the active participation of all Member States. It expected to see the same work from the Secretariat and the Member States at the next diplomatic conference which would take place in Riyadh in November 2024.

265. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for the report on the outcome of the GRATK Diplomatic Conference.

The Delegation stated that the members of Group B commended the positive spirit in which the negotiations on the GRATK Treaty had taken place and the flexibility shown by all delegations to arrive at a consensual outcome. The new Treaty struck a balance in providing enhanced transparency in the patent system regarding GRs and associated TK, particularly for Indigenous Peoples and local communities, without undermining the patent system's incentives for innovations and long record of success. Group B congratulated the Officers of the GRATK Diplomatic Conference for their key contribution to the success of the GRATK Diplomatic Conference. It also thanked WIPO for having been an excellent host of the GRATK Diplomatic Conference.

266. The Delegation of Iran (Islamic Republic of), speaking on behalf of APG, expressed its sincere gratitude and appreciation to the Director General, Mr. Kwakwa, Mr. Wendland, Ms. Jiao and the entire Traditional Knowledge Division as well as the Legal Counsel and her capable team for the excellent preparation and organization of the GRATK Diplomatic Conference in May 2024. APG was also grateful for the presentation and preparation of the report as contained in document WO/GA/57/11. APG firmly believed that the successful conclusion of the GRATK Treaty after many years of negotiations had marked a significant breakthrough paving the way for introducing a disclosure requirement into the IP system. The GRATK Diplomatic Conference had made progress in narrowing existing gaps and building a common understanding on core issues related to GRs and associated TK. Such an achievement at a critical juncture reminded everyone of the significance of multilateralism and solidarity among nations. Despite many differences and diversities, all Member States had been able to demonstrate their commitment to the world and to future generations. APG had actively participated in the deliberations leading up to such a significant juncture for more than 25 years and had tried to continue to build a common understanding regarding issues related to IP, GRs and associated TK with a view to achieving a successful outcome. APG looked forward to further engagement with other regional groups as well as the Secretariat with a particular focus on capacity building and technical assistance to developing countries and LDCs in order to advance the process of implementation of the GRATK Treaty amongst Contracting Parties in the future. Despite successfully concluding the GRATK Treaty, APG acknowledged that significant work still remained regarding the protection of TK and TCEs. APG urged for continued cooperation and dialogue to tackle remaining issues and challenges, aiming for tangible benefits for all stakeholders. APG remained committed to working with all regional groups and Member States regarding the Draft Articles on the Protection of Traditional Knowledge and Draft Articles on the Protection of Traditional Cultural Expressions, and assured its constructive engagement in the future IGC sessions.

267. The Delegation of Chile, speaking on behalf GRULAC, expressed its great satisfaction and joy for the historic and extraordinary results of the GRATK Diplomatic Conference that had concluded with the adoption of the GRATK Treaty. Work on the relationship between IP, GRs and associated TK dated back to the early 1990s, when different Member States in various international fora had begun to question the role that the IP system should play in achieving public policy objectives as varied as free and fair trade, climate change, sustainable development and food security. GRULAC indicated that during the 1990s, advances in the biological sciences and biotechnology had showed the economic potential of GRs and associated TK as an important component of inventions and patents. It had been in that context that different actors of the international community, academia and civil society had begun to wonder what the IP system and, in particular the patent system, could do to prevent and remedy the misappropriation of GRs and associated TK, and to ensure and guarantee a fair sharing of the benefits obtained. In that way, the issue of GRs and associated TK had arrived, at the end of the 1990s, to the agenda of the SCP. Soon after, and due to their importance, GRs and associated TK had moved from the SCP agenda to their own space for deliberation in the newly established IGC, where GRs and associated TK had been considered "common heritage of mankind" worthy of protection by the IP system, and intangible assets of developing countries and their Indigenous Peoples and local communities. Since the establishment of the IGC in

2000, the history was impressive: Twenty-four long years of profound deliberations; generations of delegates, Ambassadors, representatives of civil society, Indigenous Peoples and local communities; generations of Chairpersons, Vice-Chairpersons and members of the Secretariat; countless proposals, counter-proposals and deliberations; and immeasurable efforts by all. All that history had ended with the adoption of the GRATK Treaty on May 24, 2024, a day of achievements for WIPO and for the multilateral system, which had received the breath of air from everyone's hand. That also demonstrated that all Member States could rise to the huge global challenges both now and in the future. GRULAC wished to end by expressing its special thanks to Mr. Daren Tang, Director General, Mr. Kwakwa, Mr. Wendland, Ms. Jiao and the entire WIPO team, who had for years contributed with their tireless efforts to make the GRATK Treaty a reality. The international community undoubtedly owed them a well-deserved acknowledgement. GRULAC also thanked Ambassador Patriota for his wisdom, leadership and firmness in conducting the deliberations, and all the authorities who had courageously offered to take part in the GRATK Diplomatic Conference. Finally, GRULAC thanked the Chair for having had the opportunity to be part of the process and the adoption of the GRATK Treaty, which was probably the most important milestone of his brief stay in Geneva.

268. The Delegation of China commended the success of the GRATK Diplomatic Conference and the conclusion of the GRATK Treaty. The Delegation stated that such an important outcome was thanks to the efforts of all Member States over the past 25 years, and was of great significance for the improvement of the patent system and for the protection of GRs and associated TK. The Delegation thanked the President of the GRATK Diplomatic Conference, Ambassador Patriota, for his leadership. It also appreciated the support of the Secretariat led by the Director General. The Delegation highly appreciated the flexibility and the constructive spirit of all parties shown during the negotiations. The Delegation had paid great attention to the negotiations and had participated in all the consultations and exchanges before and during the GRATK Diplomatic Conference in a professional, open and constructive manner. With the support of the WIPO FIT China, a virtual international symposium on IP, TK and GRs had been organized in November 2022, and an informal cross-regional technical meeting with the representation of all seven regions had been organized in Beijing in July 2023. Both had laid a sound foundation for the success of the GRATK Diplomatic Conference. The Delegation hoped that with the collective efforts of all parties, the GRATK Treaty would enter into force as early as possible to better protect GRs and associated TK in the world. It also hoped that the momentum would be kept and that the DLT Diplomatic Conference would achieve similar results.

269. The Delegation of Kenya, speaking on behalf of the African Group, thanked the Secretariat for preparing the report, and recalled its remarks delivered at the opening session as well as the statement delivered on the IGC report, which detailed the African Group's sentiments. The adoption of the WIPO GRATK Treaty had been a momentous occasion in the history of WIPO. It had concluded over two decades of negotiations. The resulting success had been worth all the time and effort that had been invested and was testament that multilateralism could still deliver even in the face of the difficult global geopolitical environment. Most importantly, it had been a clear affirmation that WIPO Member States were committed to protecting IP, GRs and associated TK that were part and parcel of Indigenous Peoples and local communities. It would also contribute to preventing the misappropriation of those resources. The African Group commended the President of the Diplomatic Conference, Ambassador Patriota, the Vice Presidents and other Officers of the GRATK Diplomatic Conference for their efforts that had steered to a successful outcome. The African Group's gratitude also went to the Director General and the Secretariat for their tireless efforts in organizing the GRATK Diplomatic Conference. Their dedication, hard work and professionalism had been truly admirable. The African Group also thanked other delegations for their dedication, commitment and flexibility leading to the successful adoption of the GRATK Treaty. The next step as Member States was to demonstrate a commitment to the ratification/accession

process of the GRATK Treaty and its implementation at international and national levels. That was the only way to ensure that the efforts expanded towards the enactment of the instrument would lead to tangible benefits for all. It encouraged all Member States not to negate the gains that had been achieved so far and to strive to continue the spirit of collaboration and partnership to see the GRATK Treaty work. The African Group reiterated its appreciation to all those who had worked towards the successful organization of the GRATK Diplomatic Conference.

270. The Delegation of the Russian Federation commended the historic decision to convene the GRATK Diplomatic Conference and expressed its gratitude to the Secretariat for preparing and presenting the report on the outcome of the GRATK Diplomatic Conference. It thanked the Director General, the President of the Diplomatic Conference, as well as the participants of the GRATK Diplomatic Conference for the constructive and professional cooperation in the work of the Diplomatic Conference. It noted with satisfaction the successful conclusion of the work on the WIPO GRATK Treaty text. It thanked the Governments of China and Namibia for organizing and holding cross regional meetings, which had facilitated bringing all Member States' positions closer. The Delegation believed that the final text of the GRATK Treaty was the result of the conscientious work of all parties and great compromise which had been achieved during the multiyear negotiations. The adoption of the GRATK Treaty was truly historic. The Delegation wholeheartedly shared the joy of the positive and consensual conclusion after 25-year long journey. Despite the distinct difficulties during the negotiations, it was pleased to note that the spirit of constructive cooperation had prevailed amongst the participants, and all Member States had been able to agree on a balanced international treaty aiming to facilitate multilateral innovation development and ensure future development and growth. To preserve biodiversity and TK, the Delegation supported the idea that the IP system should function in the interests of everyone in the world. Considering the natural and ethnocultural wealth of the Russian Federation, the GRATK Treaty represented value and importance. The Delegation wished to thank all involved for their contribution to the meticulous collective work, commended the historic adoption of the WIPO GRATK Treaty, and wished to see a similar constructive approach at the next diplomatic conference in Riyadh.

271. The Delegation of Jamaica said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC, and thanked the Secretariat for preparing document WO/GA/57/11. It expressed excitement about the achievement of the GRATK Treaty. It offered sincere congratulations to the Director General, Mr. Kwakwa, Mr. Wendland, and Ms. Jiao, along with the entire Traditional Knowledge Division, for their dedicated work over the years. It recalled the long journey since the beginning of the process and the personal significance of witnessing the adoption of the GRATK Treaty, which held special importance for Indigenous Peoples and local communities in the Caribbean region. The Delegation highlighted the significance of the GRATK Treaty in preserving IP for Indigenous Peoples, referencing the revised Treaty of Chaguaramas that also spoke to the IP preserved by Indigenous Peoples. It placed on record its thanks to the Legal Counsel and Conference Services, acknowledging the exciting and challenging two weeks of negotiations. The Delegation also extended personal thanks to the members of the Drafting Committee, noting the involvement of the Director General in one of the meetings. The Delegation emphasized the importance of the GRATK Treaty not only as a theoretical legal exercise but as something that tangibly affected lives on a --day-to-day basis. The Delegation looked forward to the full implementation of the GRATK Treaty, seeing it as a significant step forward for the IP system and the benefit of Indigenous Peoples and local communities.

272. The Delegation of Indonesia said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. The Delegation expressed its utmost appreciation to the Secretariat for their unwavering commitment and diligent efforts in organizing the GRATK Diplomatic Conference. It highlighted their dedication in facilitating discussions around the clock, which had been pivotal in ensuring a fruitful outcome. The achievement underscored the culmination of more than two decades of negotiations within the framework of

the IGC, marking a significant milestone in the field of IP and GRs. As the Like-Minded Countries (LMCs) coordinators since 2009, the Delegation valued the spirit of collaboration and multilateralism shown by Member States throughout the negotiation process. It recognized and commended the flexibility and willingness to compromise demonstrated by all parties, which had been instrumental in reaching a consensus that respected diverse interests and perspectives. As one of the most biodiverse countries, the Delegation proudly announced that Indonesia had signed the GRATK Treaty in the previous week, reaffirming its commitment to protecting and fairly utilizing GRs and associated TK on the global stage. It eagerly anticipated the upcoming DLT Diplomatic Conference scheduled to take place in Riyadh in November 2024. It expressed its support for a similarly open and inclusive negotiation process, which would be essential for trust-building and ensuring the outcome reflected all interests. The Delegation looked forward to continued engagement in advancing global IP frameworks for the benefit of present and future generations, including the early entry into force of the GRATK Treaty.

273. The Delegation of Peru said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC, and that the consensus-based adoption of the GRATK Treaty, after 20 years of negotiations, was truly historic. The Delegation expressed its gratitude to all those who had guided the long journey, in particular WIPO, led by the Director General, and Ambassador Patriota, who had been there every step of the way. The Delegation believed that the disclosure requirement of GRs and associated TK in the patent system would contribute to the fight against the misappropriation of the resources and ancestral knowledge of Indigenous Peoples. The topic was of particular relevance to Peru, considering its huge biodiversity. As a mega-diverse and multicultural country with 55 Indigenous Peoples who held knowledge and lived in the most diverse areas, the Delegation recognized its unique responsibility due to its history and characteristics. Unfortunately, Peru remained a victim of biopiracy. It had signed the GRATK Treaty on June 14, 2024, and was in the process of ratification of the Treaty. The adoption of the GRATK Treaty by consensus had strengthened multilateralism and had shown that it was possible to offer global solutions to global challenges, such as the crisis of biodiversity loss. In conclusion, the Delegation welcomed the success and expressed hope for a more sustainable and fairer world.

274. The Delegation of Namibia said that it aligned itself with the statement delivered by the Delegation of Kenya, on behalf of the African Group. It welcomed the report on the IGC and thanked the Secretariat for the preparation of the document. It commended the WIPO community for successfully holding the GRATK Diplomatic Conference in May 2024, which had culminated in the consensual adoption of a groundbreaking international instrument. The Delegation noted that the milestone in IP was a beacon of progress for both global and developing nations, opening doors to economic development, cultural preservation, and environmental sustainability. The Delegation proudly supported that monumental effort, as it had demonstrated it by a swift signing of the GRATK Treaty. That commitment underscored its dedication to protecting and preserving its natural resources. The Delegation eagerly anticipated the implementation of the GRATK Treaty. The Delegation commended WIPO's efforts towards fostering a balanced and inclusive IP system and thanked the Secretariat for their work before, during, and after the successful GRATK Diplomatic Conference. It noted that the GRATK Diplomatic Conference had stood on the shoulders of giants, and acknowledged those who had previously contributed but could not be present to celebrate the success. The Delegation called on all Member States to build on the foundation established by the GRATK Treaty, especially as the focus moved towards the conclusion of the DLT. It believed that the lessons learned, and experience gained could be an opportunity to extend the value of IP to forms of intellectual assets, including TK and TCEs. In conclusion, the Delegation looked forward to the mandate of the IGC to expedite and finalize the basic text for the protection of TKs and TCEs.

275. The Delegation of Australia said that it was greatly pleased about the success of the GRATK Diplomatic Conference and that a new and historic GRATK Treaty was agreed upon in

WIPO. The outcome was significant for the better respect and recognition of Indigenous Peoples, including for the role of their TK in innovations. The Delegation emphasized that the outcome demonstrated the possibility of bridging differences and that a consensus-based process could achieve measured and workable results. It expressed its thanks and acknowledged the important contributions of the Indigenous Caucus, including Australian First Nations representatives, in achieving the momentous outcome. The Delegation strongly encouraged all Member States to build on the positive momentum from the GRATK Diplomatic Conference and to see how the IGC could address Indigenous Peoples' concerns about the protection and recognition of TK and TCEs beyond the patent system. The Delegation highlighted that those were important issues for Australia's First Nations peoples. It expressed eagerness to work with all WIPO Member States at the future IGC sessions.

276. The Delegation of Colombia said that it aligned itself with the statement delivered by the Delegation of Chile, on behalf of GRULAC. It noted that the GRATK Treaty was an initiative presented by Colombia 25 years ago. Colombia, along with other Andean Community members, had been working on the GRATK Treaty. The Delegation emphasized that the GRATK Treaty would strengthen Colombia's legal framework and protect the GRs of its country, as well as the rights of Afro-American, Andean, and Indigenous Peoples. The GRATK Treaty represented a starting point for protecting and appreciating Colombia's GRs and associated TK.

277. The Delegation of Canada welcomed the historic milestone of the adoption by WIPO Member States of the new GRATK Treaty. The Delegation noted its commitment to reconciliation with Indigenous Peoples and welcomed the acknowledgement enshrined in the GRATK Treaty of the importance of including Indigenous Peoples and local communities, as applicable, in the patenting of inventions based on GRs and associated TK. It thanked the Secretariat for their ongoing work towards ensuring that all six language versions of the GRATK Treaty were consistent with and fully reflected the negotiated outcome of the GRATK Diplomatic Conference, as detailed in the English version of the final text. The Delegation stated that the outcome achieved at WIPO would foster innovation and enhance transparency in the patent system regarding GRs and associated TK, and most importantly, ensure the effective participation of Indigenous Peoples and local communities in the ongoing work of the newly created Assembly. It welcomed the participation of the Indigenous Caucus in the entire process and greatly valued that the GRATK Treaty had been achieved through consensus. The Delegation appreciated the flexibility shown by all delegations throughout the negotiation process.

278. The Delegation of Uganda said that it aligned itself with the statement delivered by the Delegation of Kenya, on behalf of the African Group, and thanked the Secretariat for preparing document WO/GA/57/11. The Delegation congratulated the Director General and his team, the Officers of the GRATK Diplomatic Conference, including Uganda's Registrar General, who had served as one of the Vice-Presidents of the GRATK Diplomatic Conference, the 176 delegations representing the Member States of WIPO, the Special Delegation, the 15 IGOs, and 72 NGOs that had taken part in the GRATK Diplomatic Conference. The Delegation appreciated the funding of 132 delegates of WIPO Member States and particularly of the 11 representatives of Indigenous Peoples and local communities, which had allowed them to participate in and support the GRATK Diplomatic Conference. It expressed its appreciation that the historic GRATK Treaty had been agreed upon by consensus. The GRATK Treaty was an acknowledgment of the importance of all knowledge systems in innovation and creativity for a shared human development. It pledged to sign and subsequently ratify the GRATK Treaty as soon as possible.

279. The Delegation of Thailand said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG, and expressed its sincere appreciation to the Secretariat for preparing the report. The GRATK Diplomatic Conference in May 2024 marked the conclusion of 25 years of discussions and negotiations. The agreement

reached after the two-week-long deliberation was truly significant. All WIPO Member States should be proud as the GRATK Treaty would not only safeguard and protect biodiversity, but also increase transparency in the patent system and strengthen innovation. The Delegation acknowledged the leadership of the President and the Vice--Presidents of the GRATK Diplomatic Conference, and the collaborative efforts of all Member States, stakeholders, and the Secretariat, whose dedication and hard work had made the achievement possible. It looked forward to the GRATK Treaty entering into force soon. The Delegation affirmed that it was committed to expediting its domestic processes to be a Party to the GRATK Treaty in the future. Such processes involved amending its existing legal framework to enforce disclosure of origin obligations for patent applicants, which it believed would contribute to a sustainable future. It noted that despite the success in concluding the GRATK Treaty, important work remained concerning the draft articles on the protection of TK and TCEs. The Delegation looked forward to continued cooperation and dialogue to address challenges and ensure that collective efforts would bring tangible benefits to all.

280. The Delegation of Pakistan said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. The Delegation conveyed its sincere appreciation to the Secretariat, the elected Officers, and the participants whose diligence and dedication had resulted in the conclusion of the historic GRATK Diplomatic Conference, which had led to the adoption of the GRATK Treaty. As a reservoir of natural resources and rich in cultural heritage, the Delegation viewed the GRATK Treaty as a historic milestone in the collective journey towards the creation of a balanced IP regime. Drawing from the Director General's words, the symbolic significance of the GRATK Treaty rested in the manner in which it had restored faith in the efficacy of multilateralism in challenging times. WIPO's continued support remained pivotal for ensuring the protection and preservation of Indigenous and local cultural heritage and enabling an equitable sharing of benefits. The formalization of the GRATK Treaty required continued engagement between interested Member States and the Secretariat, particularly towards capacity building and technical assistance endeavors, allowing prospective Parties to the GRATK Treaty to capitalize on the benefits envisaged under it. The Delegation explained that authorities in its capital had commenced in-house consultations on the final text of the GRATK Treaty to determine its suitability for the national context. In that regard, the Delegation looked forward to expanding its long-standing collaboration with WIPO.

281. The Delegation of Vanuatu said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. The Delegation acknowledged a milestone achievement in the successful conclusion of the GRATK Diplomatic Conference that had resulted in the adoption of the GRATK Treaty. After more than two decades of dedicated effort and negotiation, the adoption of the GRATK Treaty represented a historic accomplishment. It underscored the international community's commitment to recognizing and protecting the rights of those who had safeguarded and nurtured GRs and TK for generations. The achievement was a testament to the collective determination to create a fair and equitable framework for the use and protection of those invaluable resources. For Vanuatu, the significance of the GRATK Treaty could not be overstated. The Delegation explained that its nation, rich in biodiversity and cultural heritage, had long relied on the wisdom and practices of its ancestors. The protection of GRs and TK was integral to Vanuatu's identity, sustainability, and development. The GRATK Treaty provided a robust mechanism to ensure that its resources and knowledge would be used in a manner that respected its heritage and benefited its people. The Delegation commended the collaborative spirit and hard work of all delegations, NGOs, IGOs, and Indigenous representatives that had contributed to the outcome. It was proud to be part of such a global initiative and looked forward to ratifying the GRATK Treaty, thus contributing to its swift entry into force. In conclusion, the Delegation expressed its profound gratitude to WIPO and all stakeholders for their unwavering dedication. The achievement marked a new chapter in the protection of GRs and TK and the Delegation expressed confidence that it would pave the way for a more inclusive and respectful international IP system.

282. The Delegation of Algeria supported the statement made by the Delegation of Kenya, on behalf of the African Group. The Delegation thanked Ambassador Patriota for his enlightened leadership as well as the Secretariat for the report on the GRATK Diplomatic Conference. GRs and associated TK were issues that were very important for WIPO. After more than two decades, Member States had been able to establish a system that was more inclusive and flexible. The Delegation heralded that as a success that Member States should be proud of, adding that Member States could also be proud of the efforts that they had deployed and that had led to the successful conclusion of the GRATK Diplomatic Conference. The Delegation observed that all Member States had been open and more flexible, which had allowed them to reconcile different points of view and to achieve the GRATK Treaty. The Delegation thanked all Member States and stakeholders that had taken part in the success, as well as the WIPO Director General and the staff of WIPO, together with countries that had hosted the cross regional meetings. The Delegation recalled that Algeria had hosted one of the preparatory meetings organized for the African Group. The GRATK Treaty was important to promote and protect creativity that had a direct or indirect influence on GRs and associated TK. The GRATK Treaty would be working in favor of local communities and would provide legal certainty and serve the interests of businesses. All of those would support creativity and the quality of inventions. The Delegation recalled that Algeria had been one of the first countries to sign the GRATK Treaty. Algeria was in the process of ratifying the GRATK Treaty and it wished for the Treaty to enter into force as soon as possible. The Delegation reemphasized that the GRATK Treaty was an historic step that would strengthen the IP system for the benefit of everyone.

283. The Delegation of Egypt supported the statement made by the Delegation of Kenya, on behalf of the African Group. The Delegation thanked the Secretariat for the report on the outcome of the GRATK Diplomatic Conference. It congratulated the Director General and Mr. Kwakwa and the Secretariat as a whole. It expressed high appreciation for all the efforts deployed to convene the GRATK Diplomatic Conference and organize a series of preparatory meetings which had allowed Member States to hold a successful diplomatic conference. The Delegation thanked Ambassador Patriota for his efforts and leadership throughout the GRATK Diplomatic Conference. The Delegation thanked all Member States and stakeholders for their openness and flexibility, which had opened the way toward a consensus-based text after lengthy and arduous negotiations of more than two decades. The Delegation recalled that negotiations would continue within the IGC on TK and TCEs. The Delegation was pleased that Egypt would take part in the DLT Diplomatic Conference taking place in Riyadh.

284. The Delegation of the Republic of Korea thanked the Director General for his leadership and the Secretariat for its dedication to the adoption of the GRATK Treaty. The Delegation recalled that consensus was crucial in multilateral treaties and, therefore, thanked all Member States, the Secretariat, and the President of the GRATK Diplomatic Conference for their efforts to achieve consensus. It considered the GRATK Treaty as a balanced treaty that enhanced procedure transparency for the protection of GRs and associated TK, without undermining the principles of the patent system. The Delegation would actively participate in the relevant discussions moving forward.

285. The Delegation of Togo supported the statement made by the Delegation of Kenya, on behalf of the African Group. The Delegation stated that GRATK Diplomatic Conference had been a major turning point for IP. Togo was a country enriched with TK and GRs, and at that very moment, TK was currently being created under the auspices and responsibilities of the President of the Togolese Republic. Echoing what the American astronaut had said when he had set his first footstep on the moon, the Delegation stated that the GRATK Treaty was a small step for the world of IP, but a huge step for humanity.

286. The Delegation of Mexico said that it aligned itself with the statement made by the Delegation of Chile on behalf of GRULAC. The Delegation congratulated WIPO, the President of the GRATK Diplomatic Conference and WIPO Member States for the exemplary work carried



out to hold the GRATK Diplomatic Conference. The Delegation thanked WIPO for the financial support provided to ensure the participation of delegations coming from developing countries, including the representatives of Indigenous Peoples and local communities. That support had showed WIPO's commitment to ensure that the discussions were inclusive, allowing exchanges between the different stakeholders. The Delegation acknowledged the historic moment constituted by the adoption of the GRATK Treaty, which established the disclosure requirement and epitomized the arduous work that had been done to try and reduce the current imbalances of the IP system.

287. The Delegation of Malaysia said that it aligned itself with the statement delivered by the Delegation of Iran (Islamic Republic of), on behalf of APG. The consensual adoption of the GRATK Treaty marked a historic milestone in WIPO's collective journey towards the protection of GRs and associated TK. The Delegation extended its heartfelt gratitude to all delegations and the WIPO Secretariat for their unwavering dedication and commitment throughout the GRATK Diplomatic Conference. It extended special thanks to the Director General, Ambassador Patriota, Ms. Jodie McAlister (Australia), Ms. Vivienne Katjuonga (Namibia), and other elected Officers for their exemplary leadership and guidance. Their efforts and dedication had been instrumental in navigating the complexities of those negotiations and achieving a consensus that respected the diverse interests of all stakeholders. The GRATK Treaty was the culmination of 25 years of dedicated negotiations reflecting the global recognition of the need to protect and preserve the invaluable GRs and TK. Malaysia was comprehensively reviewing the GRATK Treaty and was looking forward to signing it in the near future. The Delegation invited Member States to continue to protect the invaluable heritage of GRs and associated TK for the benefit of present and future generations.

288. The Delegation of Samoa supported the report on the outcome of the GRATK Diplomatic Conference. The Delegation thanked WIPO for the funding that had enabled its representative to travel from its capital to take part in that important negotiation, as well as the Traditional Knowledge Division and all elected Officers for all the preparation and the successful execution of the GRATK Diplomatic Conference. The Delegation congratulated all delegations for the successful conclusion of the revolutionary GRATK Treaty.

289. The Representative of NARF, speaking on behalf of NARF and the National Congress of American Indians, stated that the recently adopted GRATK Treaty marked a truly historic outcome as WIPO's first treaty with provisions that included Indigenous Peoples. While limited in its scope, the Treaty was a positive step forward toward addressing centuries of misappropriation and misuse of Indigenous Peoples' GRs and associated TK. Article 31 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) provided that States should, in conjunction with Indigenous Peoples, take effective measures to recognize and protect the exercise of Indigenous Peoples' rights in their GRs, TK, and TCEs. The new Treaty held out the promise that Member States in that incremental but significant way would live up to some of the commitments of the UNDRIP. However, to achieve that progress, the GRATK Treaty had to be ratified widely and put into force by Member States. The GRATK Treaty could only be considered a true success once it was in force and operationalized at the national level. It was essential that the ongoing negotiations in the IGC on legal protections for Indigenous Peoples' TK and TCEs would be brought to a successful conclusion, with the outcome being binding, and enforceable to ensure legal protection.

290. The Representative of *Maloca Internazionale* was pleased to see that a decade after the Marrakesh Treaty, there had been an achievement regarding the governance of IP on GRs and associated TK. The disclosure requirement was still being rejected by some countries that were resisting signing the GRATK Treaty, not to mention ratifying it. Consensus had been reached around non-retroactivity for patents granted before the entry into force of the GRATK Treaty. The question as to when information regarding GRs was accessed to remained hanging over. Member States would agree that two different times could be envisaged, namely the moment

when the patent was granted and the moment when the GRs were accessed, noting that there was the possibility of partial retroactivity for case law to sort out. In the Representative's view, a way to acknowledge the debt owed by those countries who had benefitted from unauthorized access to GRs was to cancel the debt of the countries where those GRs came from. That would enable the Global South to have a larger margin of maneuvering to deal with climate change caused by those countries which had historically benefitted from unauthorized access to GRs from the south.

291. The Representative of the International Committee for the Indigenous Peoples of the Americas (*Incomindios*) congratulated WIPO for adopting the GRATK Treaty. The Representative argued that the GRATK Diplomatic Conference had not applied the 1974 WIPO agreement with the UN General Assembly to protect the rights of peoples as recognized under Article 1.2 and other relevant provisions of the UN Charter. In the Representative's view, the relevant Articles of that agreement, *inter alia*, Chapters 5 and 11, were not in conformity with the protection of rights of peoples under human rights law and the Declaration of Non-Self-Governing Territories in Chapter XI of the UN Charter. Thus, the Declaration on the Granting of Independence to Colonial Countries and Peoples, which were recognized as subjects of international law, was not complied with. The Representative objected to Article 5 of the GRATK Treaty. The relevant provisions of the Vienna Convention on the Law of Treaties on the rights of peoples had not been considered to ensure the rights of peoples against abuses in that international instrument. WIPO had agreed with the term "obligation" and with the phrase "in cooperation" in the 1974 agreement with the UN General Assembly. The rights of peoples included a higher standard to protect the property rights of the peoples, their resources, their rights to development and ability to maintain their own dignity and peoples. "National law" did not protect against such abuses. Alaska, Hawaii, Indian Council of South America (CISA) and any peoples reserved the right to be protected against the abuses of colonizing and foreign occupying States through the progressive development of the Law of Nations and international law. CISA, Alaska, Hawaii and other peoples could not accept the protection gaps in the GRATK Treaty. As appointed Ambassador of Alaska, the Representative diplomatically protested against the provisions of that WIPO document that created an unlawful "legal standard" by granting immunity and impunity to States that took the peoples' property due to the non-recognition of their international legal and political status and to the discriminating doctrines and colonial and foreign occupation laws. That included TK, GRs, territory, resource, or any other form of property belonging to colonized or foreign occupied peoples. Alaska, Hawaii, and other peoples, Indigenous or not, had not had the right to participate equally to claim and protect their own heritage and resources emanating from their own territories and free political institutions. Many State laws violated their own Constitutions and international law. By their own admission, it was unlawful, but "legal". The 1493 Papal Bulls, transformed in "domestic law" of States, enacted doctrines of superiority in law that infringed upon and did not respect the rights of peoples. Many Indigenous Peoples had not participated or consented to the general principle that the Indigenous Caucus spoke for or represented them. That WIPO document, by virtue of the Papal Bulls of 1493 issued by the Pope, the Vatican or the Holy See was the foundation of discriminating law and policy, denying equality of peoples and their sovereignty.

292. The Secretariat thanked the delegations for the very comprehensive discussion, and useful feedback. It had taken good note of those who had indicated their intention to amend their domestic legal frameworks, and who had pledged to sign and ratify, or accede to, the

GRATK Treaty in the near future. The Secretariat indicated its availability and readiness to work with the delegations who would request technical assistance, capacity building or any other support they might need.

293. The WIPO General Assembly took note of the “Report on the Outcome of the Diplomatic Conference to Conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources” (document WO/GA/57/11).

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